

**FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA**

**SCHOOL ATTENDANCE REQUIREMENTS  
AND HOME SCHOOLING STANDARDS**

**ORDINANCE #03/00, AMENDED**

**Adopted by Resolution #1257/00 of the Fond du Lac Reservation  
Business Committee on August 15, 2000.  
Amended by Resolution #1347/02 of the Fond du Lac Reservation  
Business Committee on December 5, 2002.**

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**CHAPTER 1**

**AUTHORITY, PURPOSE AND SCOPE**

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**Section 101     Authority**

This Ordinance is enacted pursuant to the inherent sovereign authority of the Fond du Lac Reservation Business Committee, as the governing body of the Fond du Lac Band of Lake Superior Chippewa, as granted by Article VI of the Revised Constitution of the Minnesota Chippewa Tribe, and as recognized under Section 16 of the Indian Reorganization Act, 25 U.S.C. § 476.

**Section 102     Purpose**

The purpose of this Ordinance is to promote school attendance by, and to establish minimum alternative standards of home-based education for, children who are enrolled in the Fond du Lac Band and who reside within the boundaries of the Fond du Lac Reservation through the establishment of standards for parental supervision, family support, and enforcement for habitual non-compliance through the institutions and processes of the Fond du Lac Band.

**Section 103     Scope**

The requirements and standards established by this Ordinance apply to all children who are enrolled in the Fond du Lac Band and who reside within the Fond du Lac Reservation, and to all parents or persons having custody or parental responsibility over those children.

**Section 104      Reservation of Rights**

The Reservation Business Committee reserves the right to amend or repeal all or any part of this Ordinance at any time. There shall be no vested private right of any kind created by this Ordinance. All the rights, privileges, or immunities conferred by this Ordinance or by acts done pursuant thereto shall exist subject to the power of the Reservation Business Committee. Nothing in this Ordinance shall be construed to constitute a waiver of the sovereign immunity of the Fond du Lac Band or a consent to jurisdiction by any government or forum not expressly authorized to exercise jurisdiction under this Ordinance.

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**CHAPTER 2**

**DEFINITIONS AND INTERPRETATION**

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**Section 201      General Definitions**

- a.    **"Child"** shall mean any enrolled member of the Fond du Lac Band who is age 7-16 years of age residing within the Fond du Lac Reservation, unless such child is married, emancipated or in military service.
- b.    **"Fond du Lac Band"** shall mean the Fond du Lac Band of Lake Superior Chippewa.
- c.    **"Fond du Lac Reservation"** shall mean all land within the boundaries of the Fond du Lac Reservation, regardless of the fee status of such land.
- d.    **"Reservation Business Committee"** shall mean the governing body of the Fond du Lac Band.
- e.    **"Residence"** shall mean a person's permanent place of abode, and a child's residence shall mean the residence of the parent or custodian of the child.
- f.    **"School"** shall mean any public, private or tribal school which is legally accredited to provide educational services and in which a child is enrolled.

- g. "Truancy Officer" shall mean any duly-authorized law enforcement officer of the Fond du Lac Band, or other individual who is authorized by resolution of the Reservation Business Committee to enforce the provisions of this Ordinance.

**Section 202      Interpretation**

The provisions of this Ordinance shall be interpreted and administered in a manner which is intended to encourage parental supervision of school attendance by minor children and to assist families in the orientation of their children towards regular school attendance or the provision of minimum standards of home based education.

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**CHAPTER 3**

**RESPONSIBILITIES OF PARENTS AND CUSTODIANS**

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**Section 301      Attendance Requirements**

Except as provided under Section 302, it is the responsibility of each parent or custodian of a child age 7-16 to insure that the child is enrolled in a legally accredited public, private or tribal school, and that the child regularly attends such school in accordance with that school's attendance policy.

**Section 302      Home Schooling Option**

A parent or custodian may elect to provide home-based education to a child, subject to the following requirements:

- a. If the child is enrolled in a public or private school, the parent or custodian shall comply with the home schooling requirements applicable at that school.

- b. If the child is enrolled at the Fond du Lac Ojibwe Schools:
1. The parent or custodian shall file an affidavit of home schooling with the Fond du Lac Superintendent of Education which shall declare the following:
    - (A) That it is the parent or custodian's intent to provide home schooling to the child in accordance with the Ojibwe School curriculum;
    - (B) That, in providing home schooling to the child, the parent or custodian shall utilize the materials provided by the Ojibwe School for that child;
    - (C) That the parent or custodian shall insure that the child appears for assessment testing, as notified by the Superintendent, at the end of grades 3, 5 and 8; and
    - (D) That the parent or custodian acknowledges that a degree will only be issued by the Ojibwe Schools to that child if that child satisfies the minimum standards of learning established for graduation by the Fond du Lac Band for the Ojibwe Schools.
  2. Failure or refusal of a parent or custodian to comply with the conditions to home schooling set forth in this section shall disqualify the child from eligibility for home schooling in subsequent school years.
  3. If a parent or custodian of a child believes that the Superintendent of Education is not providing reasonable accommodation to the home schooling needs of the child, the parent or custodian may appeal that matter to the Fond du Lac Ojibwe School Board within 30 days of such dispute. The School Board shall decide such matter in accordance with this Ordinance and shall issue its decision within 15 days. No action shall be taken under Section 303 of this Ordinance while an appeal is pending under this subsection.

- c. If a parent or custodian does not comply with the requirements for home schooling established under this section, the child shall be subject to the mandatory attendance requirements established under Section 301.

**Section 303      Truancy**

- a. Violations. The parent or custodian of a child who neither attends school or receives home schooling in accordance with this Chapter shall be in violation of this Ordinance and subject to the provisions of this section.
- b. Enforcement. The attendance requirements of Section 301 may be enforced by any truancy officer who is authorized by resolution of the Fond du Lac Reservation Business Committee.
- c. Corrective action; penalties. Any parent or custodian who is in violation of Section 301 shall be subject to the following corrective action and/or penalty:
1. Prevention Plan. A student who has three (3) unexcused absences in a quarter will be referred to the Home School Division for a home visit. The purpose of the visit will be to establish a truancy prevention plan.
  2. Attendance Contract. A student who has five (5) unexcused absences in a quarter will be referred to the School/Student/Family Advocate for a meeting between the parent or custodian, the student, and appropriate school personnel for the purpose of structuring an attendance contract and/or an adequate education plan for the student.
  3. Citation to Court. A student who has been truant for ten (10) school days or more in a quarter or who has not complied with an attendance contract or education plan shall be cited along with his/her parent(s) or custodian to appear before the Tribal Court. If the Tribal Court finds that the parent or custodian has violated the attendance requirements of Section 301, the Court may impose a fine of \$50.00 or equivalent community service. Upon failure to appear in response to a citation, the Tribal Court may in its discretion order a

referral to appropriate social services for intervention in accordance with applicable law.

4. Referral. If The Tribal Court has found a parent or guardian In violation as provided in subsection 3, and the student continues to be absent without excuse, the parent or custodian shall be considered to be in neglect of the child and the matter shall be referred by the Superintendent of Education to the appropriate social services agency for intervention in accordance with applicable law.

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**CHAPTER 4**

**AMENDMENT OR REPEAL**

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**Section 401**                      Amendment or Repeal

This Ordinance, and any provision herein, may be amended or repealed by resolution of the Reservation Business Committee.

**CERTIFICATION**

We do hereby certify that the foregoing Ordinance #03/00 was duly presented and adopted by Resolution #1257/00 by a vote of 3 for, 0 against, 0 silent, with a quorum of 4 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on August 15, 2000 on the Fond du Lac Reservation, and as subsequently amended by Resolution #1347/02 on December 5, 2002.

  
Robert B. Peacock, Chairman

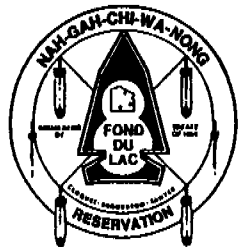
  
Kevin R. Dupuis, Sr., Sec./Treas.

# Fond du Lac Reservation

## Business Committee

1720 Big Lake Rd.  
Cloquet, MN 55720  
Phone (218) 879-4593  
Fax (218) 879-4146

RESOLUTION # 1257/00



Chairman  
Robert B. Peacock

Secretary/Treasurer  
Peter J. Defoe

Dist. I Councilman  
Clifton Rabideaux

Dist. II Councilman  
V.R. "Butch" Martineau

Dist. III Councilman  
George Dupuis

Executive Director  
I. Jean Mulder

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the permanent home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of self government; and

WHEREAS, the Reservation Business Committee recognizes that the children of the Fond du Lac Band are its most important resource, and that the provision of quality education to those children is essential to their success in the world; and

WHEREAS, towards the purpose of promoting the education and well-being of Band children, the Reservation Business Committee has determined it to be necessary and in the best interests of the Fond du Lac Band to establish school attendance requirements and home-based educational standards for children ages 6-16 who are enrolled members of the Band residing within the Fond du Lac Reservation, and that it is necessary in establishing such standards to place the primary responsibility for insuring such attendance or home schooling upon the parent or custodian of each child;

RESOLUTION # 1257/00  
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NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt and enact Fond du Lac Ordinance # 03/00, entitled "School Attendance Requirements and Home schooling Standards," to become the law of the Fond du Lac Band, to become effective sixty (60) days from this enactment.

CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 2 for, 0 against, 0 silent, with a quorum of 3 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on August 15, 2000 on the Fond du Lac Reservation.

Robert B. Peacock  
Robert B. Peacock, Chairman

Peter J. Defoe  
Peter J. Defoe, Sec./Treas.

12R0209

# Fond du Lac Reservation

## Business Committee

1720 Big Lake Rd.  
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George Dupuis

Executive Director  
I. Jean Mulder

### RESOLUTION #1347/02

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the permanent home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of self government; and

WHEREAS, the Reservation Business Committee enacted Fond du Lac Ordinance #03/00, entitled the "School Attendance Requirements and Home Schooling Standards," on August 15, 2000, to promote school attendance by, and to establish minimum alternative standards of home-based education for, children who are enrolled in the Fond du Lac Band and who reside within the boundaries of the Fond du Lac Reservation; and

WHEREAS, the Reservation Business Committee has determined it to be in the best interests of the Fond du Lac Band to amend Ordinance #03/00, Section 303(c) to clarify the corrective actions and penalties for violation of said Ordinance by replacing Sections 303(c)(1-3) with the following new sections 303(c)(1-4):

1. Prevention Plan. A student who has three (3) unexcused absences in a quarter will be referred to the Home School Division for a home visit. The purpose of the visit will be to establish a truancy prevention plan.
2. Attendance Contract. A student who has five (5) unexcused absences in a quarter will be referred to the School/Student/Family Advocate for a meeting between the parent or custodian, the student, and appropriate school personnel for the purpose of structuring an attendance contract and/or an adequate education plan for the student.


3. Citation to Court. A student who has been truant for ten (10) school days or more in a quarter or who has not complied with an attendance contract or education plan shall be cited along with his/her parent(s) or custodian to appear before the Tribal Court. If the Tribal Court finds that the parent or custodian has violated the attendance requirements of Section 301, the Court may impose a fine of \$50.00 or equivalent community service. Upon failure to appear in response to a citation, the Tribal Court may in its discretion order a referral to appropriate social services for intervention in accordance with applicable law.
  
4. Referral. If the Tribal Court has found a parent or guardian in violation as provided in subsection 3, and the student continues to be absent without excuse, the parent or custodian shall be considered to be in neglect of the child and the matter shall be referred by the Superintendent of Education to the appropriate social services agency for intervention in accordance with applicable law.

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt the foregoing amendments to Fond du Lac Ordinance #03/00, entitled the "School Attendance Requirements and Home Schooling Standards," and hereby directs said amendments to be incorporated into Ordinance #03/00, to become effective this day.

**CERTIFICATION**

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 2 for, 0 against, 0 silent, with a quorum of 3 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on December 5, 2002 on the Fond du Lac Reservation.

  
Robert B. Peacock, Chairman

  
Kevin R. Dupuis, Jr., Sec./Treas.