



# SQUAXIN ISLAND TRIBE

## RESOLUTION NO. 13-39

of the

### SQUAXIN ISLAND TRIBAL COUNCIL

**WHEREAS**, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by the authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

**WHEREAS**, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources and rights of the Tribe; and

**WHEREAS**, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; and

**WHEREAS**, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and


**WHEREAS**, the Squaxin Island Tribal Council finds that education of tribal members and the Tribal Community is essential to the health and welfare of the Squaxin Island Tribe and its members.

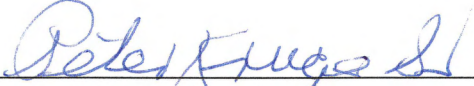
**WHEREAS**, the Squaxin Island Tribal Council finds that consistent school attendance is essential to quality education;

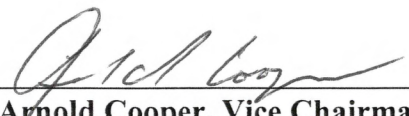
**NOW THEREFORE BE IT RESOLVED**, that the Squaxin Island Tribal Council hereby adopts the following amendments to the Youth Code, Chapter 10.24, Truancy Policy and Procedures (copy attached hereto).

**CERTIFICATION**

The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 11<sup>th</sup> day of April, 2013, at which time a quorum was present and was passed by a vote of 6 for and 0 against, with 0 abstentions.

  
\_\_\_\_\_  
David Lopeman, Chairman

Attested by:   
\_\_\_\_\_  
Peter Kruger, Sr., Secretary

  
\_\_\_\_\_  
Arnold Cooper, Vice Chairman

## Chapter 10.24

### TRUANCY POLICY AND PROCEDURES

#### Sections:

- 10.24.010 Title.
- 10.24.020 Statement of policy and purpose.
- 10.24.030 Jurisdiction.
- 10.24.040 Authority of the Tribal Council.
- 10.24.050 Enforcement.
- 10.24.060 Severability.
- 10.24.070 Violations.
- 10.24.080 Attendance requirement.
- 10.24.090 Procedures for intervention in matters of truancy.
- 10.24.100 Failure to attend school.
- 10.24.105 When Tardies are Considered Absences
- 10.24.110 Contributing to the delinquency of a minor.

#### 10.24.010 Title.

This chapter shall be known as the Squaxin Island Truancy Code.  
(Res. 00-76 (part))

#### 10.24.020 Statement of policy and purpose.

It is the policy of the Squaxin Island Tribe of Indians to maximize the attendance of school by minor children in the Tribal Community by prohibiting unexcused absences and excessive excused absences from school and by invoking progressive civil penalties against repeatedly truant students and, where appropriate, against their parent(s) or guardian(s).  
(Res. 00-76 (part))

#### 10.24.030 Jurisdiction.

A. The provisions of this Truancy Code apply to all person aged five (5) years or older and to their parent(s) or guardian(s) as necessary to enforce the provisions of this Truancy Code.

B. This Truancy Code applies to the full extent of the sovereign jurisdiction of the Squaxin Island Tribe. This specifically includes, without limitation, all enrolled members of the Squaxin Island Tribe and their descendants wherever domiciled; all persons domiciled on the lands of the Squaxin Island Tribe and to any person who participates in or receives assistance from any program operated by the Squaxin Island Tribe or its departments.  
(Res. 00-76 (part))

#### 10.24.040 Authority of the Tribal Council.

A. The Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe of Indians by the Authority of the Constitution and Bylaws of the Squaxin Island Tribe as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965.



B. The Squaxin Island Tribal Council has been entrusted to provide for the social, health, and economic well being of its members.

C. Except as may be otherwise provided by tribal law, all authority to regulate the school attendance of enrolled tribal members and to carry out and enforce the provisions of this Code and the regulations adopted hereunder, shall be vested in the Tribal Council, which may delegate its authority to the Tu Ha'Buts Learning Center and/or Public Safety & Justice.  
(Res. 00-76 (part))

#### **10.24.050 Enforcement.**

Public Safety and Justice officers are authorized to investigate and enforce suspected violations of this Code.  
(Res. 00-76 (part))

#### **10.24.060 Severability.**

Should any of the provisions of this Code, or its application to any person or circumstance, be held or ruled invalid or unconstitutional, the remainder and its application to other people and circumstances shall not be affected.  
(Res. 00-76 (part))

#### **10.24.070 Violations.**

It shall be considered a truancy violation to fail to comply with any provision of this Code that is worded in terms "no person shall," "no one may," "a person must," "it is unlawful to" or other similar language.  
(Res. 00-76 (part))

#### **10.24.080 Attendance requirement.**

Every child under eighteen (18) years of age must be enrolled in the public school of the district in which the child resides, a private school, or an approved home school program, and must comply with the attendance requirements of that school or home school program, unless the child is exempted from attendance requirements under applicable law. Regardless of the attendance requirements of the appropriate school or home school program, the determination that a student is truant shall be made in accordance with the terms of this Code.

- A. Each day in which a child fails to enroll as required by this section shall constitute an unexcused absence.
- B. A failure to attend which is excused by the particular school shall be considered an excused absence under this Code.
- C. A failure to attend which is not excused by the particular school shall be

considered an unexcused absence under this Code.

- D. When a child has been charged with failure to attend school (see Section 10.24.100), or has failed to meet any Court-ordered penalties and/or conditions pursuant to such a charge, during any rolling two-year period, all subsequent absences shall be deemed unexcused unless accompanied by a note from a licensed physician or other health care provider. Absences as a result of a death in the child's immediate family, sickness of a dependent, or other emergency situations may also be deemed excused with appropriate written documentation.
- E. Any student who has either five unexcused or excused absences, in any calendar month, or ten (10) unexcused or twenty (20) excused absences accumulated throughout the school year, whichever comes first, shall be considered truant under this Code.

(Res. 00-76 (part))

#### **10.24.090 Procedures for intervention in matters of truancy.**

A. The Tu Ha'Buts Learning Center ("Learning Center") and the Public Safety & Justice Department ("department") shall implement procedures, as adopted by the Tribal Council, for intervention in matters of truancy.

B. The Learning Center and the department shall, from time to time, suggest appropriate revisions or amendments to the procedures for consideration by the Tribal Council.

C. Any student who is truant under this Code, and the parent(s) or guardian(s) of such student, shall be subject to the intervention procedures through which the Learning Center and the department implement this Code.

(Res. 00-76 (part))

#### **10.24.100 Failure to attend school.**

Any student who is truant under this Code may be charged with "Failure to Attend School" upon his or her fifth excused or unexcused absence in any calendar month, or upon his or her tenth (10th) unexcused or twentieth (20th) excused absence in any one school year. After being charged with failure to attend school under this section, a student may be charged separately under this section upon each subsequent absence.

- A. Upon a charge of failure to attend school, a citation shall be issued and both the truant child and his/her parent(s) or guardian(s) shall be called into Court.
  - 1. In the case of any child under the age of twelve (12) years, a citation shall be issued to the parent(s) or guardian(s). At the discretion of the department, a citation may also be issued to the child.
  - 2. In the case of any child age twelve (12) years or older, the citation will be

issued to both the child and the parent(s) or guardian(s).

3. The department shall have discretion to issue a citation calling into Court only the parent(s) or guardian(s) of a child charged with failure to attend school where either the department or the Learning Center determines that attending Court would be harmful to the child.

B. Penalties and Conditions.

1. Every charge of failure to attend school, and every failure to meet conditions set by the Court pursuant to a charge of failure to attend school, shall result in mandatory penalties and/or conditions. Penalties and conditions should be progressive, so that subsequent charges or failures to meet conditions within any rolling two-year period result in penalties more severe than prior charges for the same period.
2. The Tribal Court shall have the flexibility to assign penalties and conditions consistent with the enforcement abilities of the Tribe and the circumstances of the child, parent, and/or guardian. These penalties and conditions include, but are not limited to, any one or more of the following:

a. Penalties Administered by the Learning Center.

- i. Mandatory tutoring;
- ii. Weekly and/or daily school progress reports with copies to parent(s) or guardian(s) and Learning Center;
- iii. Mandatory parent/guardian conference(s) with the school;
- iv. Mandatory counseling as appropriate for the parent(s), guardian(s) and/or student;
- v. Monthly and/or weekly contact with the Squaxin Island Tribe's school counselor;

b. Penalties Administered by the Department.

- i. Fines;
- ii. Community service;
- iii. House arrest;
- iv. Electronic monitoring;



v. Juvenile detention.

(Res. 00-76 (part))

#### **10.24.105 When Tardies are Considered Absences**

A. For the purposes of this code, any three tardies of one half hour or more shall be considered as one absence.

#### **10.24.110 Contributing to the delinquency of a minor.**

A. The parent(s) or guardian(s) of any student who is charged with failure to attend school under this Code shall be charged with contributing to the delinquency of a minor.

Upon a charge of contributing to the delinquency of a minor, a citation shall issue and the truant child's parent(s) or guardian(s) shall be called into Court.

B. Penalties and Conditions.

1. Every charge of contributing to the delinquency of a minor, and every failure to meet conditions set by the Court pursuant to a charge of contributing to the delinquency of a minor, shall result in mandatory penalties and/or conditions. Penalties and conditions should be progressive, so that subsequent charges, related to the truancy of one or more children, or failures to meet conditions, within any rolling two-year period result in penalties and/or conditions more severe than prior charges for the same period.
2. The Tribal Court shall have the flexibility to assign penalties and conditions consistent with the enforcement abilities of the Tribe and the circumstances of the child, parent, and/or guardian. These penalties include, but are not limited to, the following:
  - a. Penalties Administered by the Learning Center.
    - i. Participation in the child's Court-ordered tutoring;
    - ii. Mandatory parent/guardian conference(s) with the school;
    - iii. Mandatory counseling as appropriate;
    - iv. Review and sign progress reports from the school;
    - v. Monthly and/or weekly contact with the Squaxin Island Tribe's school counselor;
    - vi. Provide other support for child's compliance with all Court orders

related to truancy as appropriate;

b. Penalties Administered by the Department.

- i. Fines;
- ii. Community service;
- iii. House arrest;
- iv. Electronic monitoring;
- v. Detention.

(Res. 00-76 (part))