



**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution Entitled: “Waiver of Bureau of Indian Education Assessment for School Years 2023-2024 and 2024-2025 – Mandaree.”

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, The Constitution of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies; and

WHEREAS, In 1986, the Tribal Business Council of the Three Affiliated Tribes approved and adopted Resolution No. 86-117-C, which states in part that the Tribal Business Council “hereby authorizes the Mandaree Public School Board to carry out their school programs according to their local school board policy manuals and NDSCS...” and that Mandaree School administer daily operation of all Bureau-funded Education Programs...”; and

WHEREAS, The Tribal Business Council truly supports the education of all students in the School Districts within the Segments of New Town/Four Bears, Mandaree, White Shield, Twin Buttes and Parshall of the Fort Berthold Indian Reservation; and

WHEREAS, The Mandaree School District has a comprehensive assessment plan that includes multiple measures of standardized assessments and the Bureau of Indian Education (or “BIE”) assessments are a duplication of effort and place an undue burden on students and results in additional loss of direct instructional time; and

WHEREAS, The BIE-funded school listed above is recognized by the North Dakota Department of Public Instruction as either a public school or a cooperative school; and



WHEREAS, The BIE-funded school listed above has been using the North Dakota Content Standards, the North Dakota State Assessment (NDSA), and the North Dakota Alternate Assessment (NDAA) since the adoption of No Child Left Behind in 2001 and the Every Student Succeeds Act in 2015; and

WHEREAS, The BIE, as well as the North Dakota Department of Instruction, will be provided with assessment data from administration of the North Dakota State Assessments/Alternate Assessments for English Language Arts, Mathematics, and Science in grades 3-8 and 10, and the BIE-funded schools listed above will meet the requirements of ESEA section 1111 (20 U.S.C. Section 6311). The BIE-funded school listed above will continue to follow the North Dakota requirements for graduation and will continue to be accredited through Cognia; and

WHEREAS, This will be an annual request as required by the Bureau of Indian Education and pertains to the 2023-2024 through the 2024-2025 school years only; and

WHEREAS, The Mandaree School District has a comprehensive assessment schedule that includes progress monitoring three (3) times per year and an annual assessment, which is the North Dakota State Assessment, to determine student progress in relation to the School Board’s Student Outcome Goals that identify achievement levels for all students in reading and math and Choice Ready goals for high school students.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby requests a formal waiver from the BIE Standards and Assessment program for the Mandaree School District for SY2023-2024 through SY2024-2025 so that students may participate in the following North Dakota State Assessments/Alternate Assessments:

(NDSA/NDAA) in the subjects and grades listed below:

- NDSA English Language Arts (Grades 3-8, and 10)
- NDSA Mathematics (Grades 3-8, and 10)
- NDSA Science (Grades 4, 8, and 10)
- NDAA English Language Arts (Grades 3-8, and 10)
- NDAA Mathematics (Grades 3-8, and 10)
- NDAA Science (Grades 4, 8, and 10); and

BE IT FURTHER RESOLVED, that the Tribal Business Council hereby finds that the Mandaree School District has sufficient standardized assessments in place to determine student achievement in relation to Student Outcome Goals identified by the Mandaree School Board and the Bureau of Indian Education assessments are a duplication of efforts and impose an undue burden on students and take away from direct instruction; and

BE IT FINALLY RESOLVED, that the Tribal Business Council hereby authorizes Tribal



Chairman Mark N. Fox to take such action as is necessary to effectuate the intent of this Resolution.


CERTIFICATION


I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 10th day of January, 2024, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [X] Voting. [] Not Voting.

Dated this 10th day of January, 2024.

ATTEST:


Tribal Secretary, Fred W. Fox
Tribal Business Council
Three Affiliated Tribes


Chairman, Mark N. Fox
Tribal Business Council
Three Affiliated Tribes