

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

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes generally 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 3 of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to exercise all necessary sovereign authority - legislative and judicial - for the purpose of asserting the jurisdiction granted in Article I of the Constitution; and
- WHEREAS,** Certain officers of the Fort Berthold Tribal Court have informed the Tribal Business Council that an implicit conflict exists between Subsections (a) and (c) of Section 6 of Chapter 13 and Subsection (c) of Section 36 of Chapter 4 of the Code of Laws of the Three Affiliated Tribes, which conflicting provisions prescribe two distinct age ranges for compulsory school attendance by Indian children resident within the exterior boundaries of the Fort Berthold Reservation; and
- WHEREAS,** Such officers of the Tribal Court have further informed the Tribal Business Council that a patent conflict exists between Subsection (c) of Section 6 of Chapter 13 and Subsection (a) of Section 36 of Chapter 4 of the Code of Laws, which conflicting provisions prescribe the elements of and sentencing limitations for the criminal offense known as Failure to Send Children to School; and
- WHEREAS,** Such officers of the Tribal Court have recommended to the Tribal Business Council that the Council develop and adopt appropriate amendments to Section 6 of Chapter 13 and to Section 36 of Chapter 4 of the Code of Laws for the purpose of resolving the identified conflicts; and
- WHEREAS,** Upon the basis of its consideration of certain information and recommendations submitted by representatives of the Tribal Court, the Tribal Legal Department, the Tribal Social Services Program, and the Casey Family Program, it is the

considered judgment of the Tribal Business Council that it should formally adopt the proposed amendments to the identified provisions of the Code of Laws, as developed by the Council in conjunction with the representatives of above-identified entities;

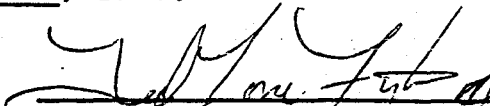
**NOW, THEREFORE, BE IT RESOLVED,** That the Tribal Business Council, pursuant to its Constitutional authority, hereby formally approves and adopts the attached amendments to Section 6 of Chapter 13 and to Section 36 of Chapter 4 of the Code of Laws of the Three Affiliated Tribes.

**BE IT FURTHER RESOLVED,** That said legislative amendments shall become effective immediately.

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 25th day of August, 1988; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated the 25th day of August, 1988.

  
Secretary, Tribal Business Council

**ATTEST:**

  
Chairman, Tribal Business Council

(CHAPTER 13)

SECTION 6

SCHOOL ATTENDANCE

(a) Compulsory-school-attendance--generally:

Education in the Fort Berthold schools shall be compulsory as to children between the ages of 6 and 18, or until graduation from high school.

Attendance in a public school shall be compulsory for each educable Indian child resident within the exterior boundaries of the Fort Berthold Reservation who is of an age from six (6) years to eighteen (18) years, or until such time as the child has graduated from high school, if such graduation should occur prior to the child's having attained the age of eighteen (18) years.

(b) Plans-and-procedure-for-enforcement:

1. The health and education committee of the Tribal Council shall develop such plans and procedures in conjunction with the Bureau of Indian Affairs for the enforcement of the compulsory school attendance laws among the Fort Berthold Tribe, including, but not limited to, provision for bringing action against responsible parents in the Tribal Courts and shall submit such plans and procedure to the Tribal Council for adoption or consideration before enactment.
2. The Health and Education Committee shall designate areas where such plans and procedures shall be implemented.

(c) Failure-to-send-children-to-school.

Any Indian who shall, without good cause, neglect or refuse to send any child who is more than 6 years of age and less than 18 years of age under his care, or not a graduate from high school shall be deemed guilty of an offense, and upon conviction thereof shall be sentenced to labor for a period not to exceed ten days or to a fine not to exceed \$20.00, or to both such imprisonment and fine with costs, for the first offense, and the court may double the fine for such additional offense. After the second offense, the minor child shall be subject to the delinquency provisions of the juvenile code of Title 9.

(CHAPTER 4)

Section 36. Failure to Send Children to School:

(a) Any Indian who shall, without good cause, neglect or refuse to send his children, or any children under his care, to school shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed ten (10) days for the first offense. If such offender shall be an habitual offender, meaning two or more offenses within a one (1) year period he shall, upon conviction be sentenced to a period of labor not to exceed sixty (60) days or to a fine of not to exceed \$120 or to both such fine and/or imprisonment. Any individual Indian (whether a natural parent, legal guardian or custodian, foster parent, or other individual), who has control over a child living in his or her residence and who, without good cause, shall fail to send such child to a public school during the entire time such school is in session, shall be deemed guilty of an offense, provided that the attendance of such child in a public school is compulsory, as provided in subsection (b) hereinbelow.

Upon conviction of the offense herein, the individual shall be sentenced to a fine in the maximum amount of Five Hundred and 00/100 Dollars (\$500.00) and/or to incarceration for a maximum period of six (6) months.

(b) It shall be the duty of the Reservation Principal, to report such failure to send children to school to the Agency Special Officer, who shall cause an investigation to be made to determine if an offense has been committed. If such investigation reveals cause for filing of a

complaint under this Section, such complaint shall be filed and a report of the investigation filed with the court to be used in determining the matter. As prescribed by Chapter 13, Section 6 of this Code of Laws, attendance in a public school shall be compulsory for each educable Indian child resident within the exterior boundaries of the Fort Berthold Reservation who is of an age from six (6) years to eighteen (18) years, or until such time as the child has graduated from high school, if such graduation should occur prior to the child's having attained the age of eighteen (18) years.

(c) The age for school attendance shall be that as prescribed by the laws of the State of North Dakota.