

JANUARY 2005 CROW TRIBAL LEGISLATURE

BILL NO. CLB05-06

INTRODUCED BY CARL E. VENNE, CHAIRMAN
CROW TRIBAL EXECUTIVE BRANCH

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE CROW LAW AND ORDER CODE TO ADDRESS TRUANCY"

Whereas, the high school graduation rate for American Indian children in Montana is less than 48%, compared to a rate of more than 80% for non-Indian children; and

Whereas, there is a significant problem with truancy of children residing on the Crow Reservation; and

Whereas, the school attendance officers at the public schools have the duty to enforce school attendance whether pupils reside on or off the Crow Reservation; and

Whereas, the Crow Nation wishes to provide an alternative under Crow Law to enforcement of compulsory school attendance under state law; and

Whereas, the amount of funding for schools depends, in part, on the number of students in attendance and, therefore, truancy hurts all students enrolled in public schools, their families, and the Crow Nation; and

Whereas, parents, guardians and others responsible for the care of children residing on the Crow Reservation bear the ultimate obligation to ensure that children attend school; and

Whereas, it is essential to the present and future well being of the Crow Tribe that the children and youth of the Tribe be educated and prepared to take on adult responsibilities at the appropriate time; and

WHEREAS, the interests of the Crow Nation will be served by adoption of the following amendments to the Crow Law and Order Code;

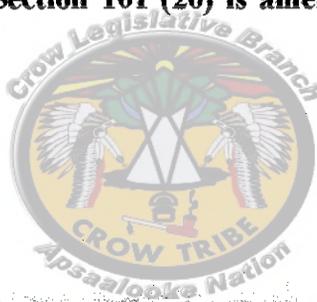
NOW, THEREFORE, BE IT ENACTED BY THE CROW TRIBAL LEGISLATURE:

Section 1. The Crow Law and Order Code is amended as follows:

Title 9, Chapter __, Part 7, Section 101 (20) is amended to clarify the role of the "juvenile officer":

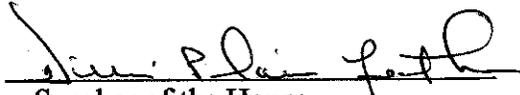
01.21.05
ADOPTED

Bill to Address Truancy
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CERTIFICATION

I hereby certify that this Bill: "AN ACT TO AMEND THE CROW LAW AND ORDER CODE TO ADDRESS TRUANCY" was duly enacted by the Crow Tribal Legislature with a vote of 13 in favor, 1 opposed, and 0 abstained and that a quorum was present on this 21st day of January, 2005.


Speaker of the House
Crow Tribal Legislature

ATTEST:


Secretary, Crow Tribal Legislature

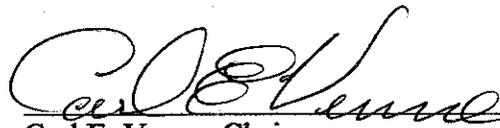
EXECUTIVE ACTION

I hereby

approve

veto

this Bill pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians, on this 31st day of January, 2005.


Carl E. Venne, Chairman
Crow Tribal Executive Branch

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Bill #8

Address Truancy

Bill or Resolution Number CLB05-00 Introduced by: Executive Date of Vote 1-21-05
Representative

	Yes	No	Abstain
B. Cloud	<u>X</u>	<u> </u>	<u> </u>
C. Goes Ahead	<u>X</u>	<u> </u>	<u> </u>
O. Costa	<u> </u>	<u> </u>	<u> </u>
V. Crooked Arm	<u>X</u>	<u> </u>	<u> </u>
R. Iron	<u> </u>	<u>X</u>	<u> </u>
J. Stewart	<u>X</u>	<u> </u>	<u> </u>
E. Fighter	<u> </u>	<u> </u>	<u> </u>
L. Costa	<u>X</u>	<u> </u>	<u> </u>
L. Hogan	<u>X</u>	<u> </u>	<u> </u>
D. Old Elk	<u>X</u>	<u> </u>	<u> </u>
K. Real Bird	<u> </u>	<u> </u>	<u> </u>
E. Pease	<u>X</u>	<u> </u>	<u> </u>
S. Medicine Horse	<u>X</u>	<u> </u>	<u> </u>
L. Not Afraid	<u>X</u>	<u> </u>	<u> </u>
P. Real Bird	<u>X</u>	<u> </u>	<u> </u>
D. Wilson	<u> </u>	<u> </u>	<u> </u>
J. Stone	<u>X</u>	<u> </u>	<u> </u>
<i>Secretary of the House</i>			
W. Plain Feather	<u>X</u>	<u> </u>	<u> </u>
<i>Speaker of the House</i>			
Totals:	<u>13</u>	<u>1</u>	<u>0</u>

Results of Vote: Passed Not Passed Tabled Veto Override

Signature of Officer: W. Plain Feather Date: 1-21-05



(20) "Juvenile Officer" means the youth probation officer, who shall also serve as the Truancy Officer for the Crow Tribe. The juvenile officer works under the direction of the Tribal Prosecutor. When performing duties related to truancy, the Juvenile Officer shall coordinate and cooperate with the Home School Coordinator or other appropriate official at each school where a substantial percentage of students are children of Crow tribal members. Under appropriate circumstances, upon motion and good cause being shown, the Court may designate the Home School Coordinator, other appropriate official, or his or her named designee, to serve as an Ad Hoc Truancy Officer for the Crow Tribe.

Title 8B, Chapter 5, Part 6, Offenses Against the Family, Section 8B-5-608, Endangering the Welfare of Children, is amended as follows:

- (1) A parent, guardian, or other person supervising the welfare of a child less than 18 years old commits the offense of endangering the welfare of children if he/she knowingly endangers the child's welfare by violating a duty of care, protection, or support or if he/she knowingly fails to cause a child less than 18 years old to regularly attend school without legal justification.
- (2) A parent or guardian of any person who is 18 years of age or older, whether or not he/she is supervising the welfare of the child, commits the offense of endangering the welfare of children if he/she knowingly contributes to the delinquency of a child less than 18 years old by:
 - (a) supplying or encouraging the use of intoxicating substances by the child; or
 - (b) assisting, promoting, or encouraging the child to:
 - (i) abandon his place of residence without the consent of his parents or guardian;
 - (ii) enter a place of prostitution; or
 - (iii) engage in sexual conduct.
- (3) On the issue of whether there has been a violation of the duty of care, protection, and support, the following in addition to all other admissible evidence, is admissible: cruel treatment; abuse, infliction of unnecessary and cruel punishment; abandonment; neglect; lack of proper medical care, clothing, shelter, and food; and evidence of past bodily injury.
- (4) Endangering the welfare of children is a Class C offense for which the offender shall be imprisoned in the Crow Tribal Jail for any term not to exceed 6 months or be fined an amount not to exceed ~~\$2500.00~~ \$1000.00 payable to the Crow Tribal Court, or both except that the Court may imprison the offender for one day or may impose a fine of up to \$100 for each day an

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offender has failed to cause a child less than 18 years old to attend school without legal justification, or both, not to exceed \$1000 or 6 months.

- (5) In lieu of a fine or imprisonment, and upon a showing of intention to comply with the law requiring compulsory school attendance, the Court may order the defendant to perform community service at the child's school under the supervision of the school's Home School Coordinator or other appropriate official, or may impose other community service. The judge may also impose a requirement for parents to enroll in Crow traditional counseling or a certified parenting program or the juvenile officer may enter into an informal adjustment agreement with the parents and juvenile as provided in Title 9.
- (6) Any parent, guardian, or other person who is responsible for the care of any child residing on or near the Crow Reservation who is of kindergarten enrollment age or older prior to the first day of school in any academic year shall cause the child to attend the school in which he or she is enrolled for the school term and each day school is open during the term until the child has either reached the age of eighteen (18) or completed the work of the twelfth (12th) grade. Legal justification for failure to cause the child's attendance include (a) illness of the child; (b) death of a family member; (c) the funeral or feast in remembrance of a family member; (d) legal holidays of the Crow Tribe as defined in Title 5, Rule 28; (e) completion of the GED program; or (f) legal emancipation.
- (7) The Juvenile Officer shall develop a Memorandum of Agreement with the Superintendents of schools located within the boundaries of the Crow Reservation and schools in which a substantial percentage of students are children of Crow tribal members to provide for enforcement of compulsory school attendance under the Crow Law and Order Code.

Section 2. Upon enactment of this Bill by the Crow Tribal Legislature and approval of the Chairman of the Executive Branch, the foregoing amendments are hereby adopted, with an immediate effective date.

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