



**MENOMINEE NATION
THE MENOMINEE TRIBAL LEGISLATURE
TRIBAL ORDINANCE 24-19
AMENDMENT IN PART TO THE CODE OF MENOMINEE
INDIAN TRIBE OF WISCONSIN
CHAPTER 395 – “Language and Culture Code”**

FINAL APPROVAL:

BE IT ORDAINED BY THE LEGISLATURE OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN:

Tribal Ordinance 24-19 is hereby enacted. Tribal Ordinance 24-19 hereby amends in part Chapter 395, “Language and Culture Code” of the Code of the Menominee Indian Tribe of Wisconsin, as follows:

Add “and first- and second-degree Menominee descendants” at the end of the sentence in § 395-4A.

Add “or first- and second-degree Menominee descendant” in the second sentence after “by enrolled Menominee” in § 395-8B.

Add “enrolled Menominee” before the word Individuals, and after add “or first- and second-degree Menominee descendants” in § 395-10A.

CERTIFICATION

We, the undersigned Officers of the Menominee Tribal Legislature, do hereby certify that the foregoing amendment to Menominee Indian Tribe of Wisconsin General Code, “Chapter 395, “Language and Culture Code” was **duly adopted** at a regular meeting of the Tribal Legislature held May 16, 2024, at which a quorum was present, by a vote of **7** for, **0** opposed, **0** abstentions, and **1** absent.

The undersigned also certify that the foregoing amended chapter to the Code of the Menominee Indian Tribe of Wisconsin has been posted in accordance with the Menominee Constitution and Bylaws.

A handwritten signature in black ink, appearing to read "Gena Kakkak", is written over a horizontal line.

**GENA KAKKAK, CHAIRPERSON
MENOMINEE INDIAN TRIBE OF WISCONSIN**

A handwritten signature in black ink, appearing to read "Spencer F. Gauthier", is written over a horizontal line.

**SPENCER F. GAUTHIER, SECRETARY
MENOMINEE INDIAN TRIBE OF WISCONSIN**

DATE: MAY 16, 2024



MEMORANDUM

To: Menominee Tribal Legislature

From: Lynelle R. John (Lyn), Paralegal II – Legislation and Policy Emphasis and Toni Caldwell, Legal Division Director

Date: May 10, 2024

Re: Final Approval Ordinance 24-19 Amendment to Chapter 395 Language and Culture Code

Attached for your review are the documents for final approval of Ordinance 24-19 amending Chapter 395 Language and Culture Code of the Menominee Indian Tribe of Wisconsin.

The recommended amendment of Chapter 395 was first discussed at the March 12, 2024, meeting of the Menominee Language and Culture Commission. The amendment was approved by the Governmental Affairs Committee on March 25, 2024. A motion to send the changes and additions to Chapter 395 to the Menominee Tribal Legislature was carried in the April 9, 2024, meeting of the Menominee Language and Culture Commission.

The recommended amendment seeks to do the following:

- Allow first and second line Menominee descendants to be licensed to teach the Menominee Language

Please note that the term used in Chapter 46 Enrollment is "first- or second-**degree** descendant", therefore, that term is used in this Amendment, not "first and second **line** Menominee descendants".

If you have any questions or concerns, or would like to discuss the proposed amendments to the above referenced ordinance, please do not hesitate to contact me at lrjohn@mitw.org or at (715) 799-5256 or Toni Caldwell at tcaldwell@mitw.org or at (715) 799-5194.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 395

Language and Culture Code

[HISTORY: Adopted by the Legislature of the Menominee Indian Tribe 11-13-1996 by Ord. No. 96-22; amended in its entirety 10-12-2006. Subsequent amendments noted where applicable.]

§ 395-4 **General application.**

- A. In light of these doctrines, Supreme Court decisions and laws, the reciprocities inherent in the Indian Nations and United States government-to-government relationship and the good will and integrity of the State of Wisconsin and other states, we declare that this Language and Culture Code of the Menominee Nation shall apply to all enrolled Menominee members and first- and second-degree Menominee descendants.
- B. We further declare that the Menominee Nation shall exercise "self-determination and control in all aspects of the education process, pertaining to planning, priority setting, development, management, operation, staffing, and evaluation" as guaranteed in Public Law 100-297 (Section. 5106).

§ 395-8 **Menominee language to be an integral part of all school curricula.**

- A. Pertinent to the laws cited in § 395-3 of this chapter, it shall be the policy of the Menominee Nation to vigorously advocate for the utilization of the Menominee language as a medium of instruction for Menominee tribal members who are students at off-Reservation boarding schools. It is a policy of the Menominee Nation that best efforts shall be made to advocate for such instruction within our jurisdiction at all levels beginning in preschool through college. At all levels, beginning with preschool, a minimum of one hour or one class period per day of basic conversational use of the Menominee language should be provided. Video, radio programs, etc., should be utilized to implement this regulation.
- B. Menominee stories, music, dance, culture, and history should be integrated into all curricula as defined in § 395-9 of this chapter. Such a policy would include the design and implementation of the Menominee language and culture curricula by enrolled Menominee or first- and second-degree Menominee descendant educators for all subjects in all schools and institutions within the exterior boundaries of the Menominee Nation. In the Fiscal Year 97-98 school year, the short-term curricula would be developed to include a preschool to fifth grade emphasis. Our long-range plan includes the following elements:
 - (1) In Fiscal Year 98-99, the Menominee language and culture curricula would be implemented for grades six through eight.
 - (2) In Fiscal Year 99-2000, Menominee language and culture curricula would be implemented for grades nine through 10.
 - (3) In Fiscal Year 2000-2001, the Menominee language and culture curricula would be implemented for grades 11 through 12.
 - (4) In Fiscal Year 97-98, the two postsecondary institutions, Native American Education Services (NAES)

and the College of the Menominee Nation would offer instruction in beginning Menominee.

- (5) In Fiscal Year 99-2000, the two postsecondary institutions would offer classes in instructional strategies and methodologies for teachers of the Menominee language and culture.
 - (6) In Fiscal Year 97-98, Menominee Language Program planning would begin and in the fall of 1998 a full Menominee Language Program would begin in the day-care and head start program for the entire school year.
- C. Staff in-service training in the Menominee language shall be an ongoing process.

§ 395-10 Certification for language instruction teachers and teacher aides.

- A. The Menominee Language and Culture Commission and/or Director, through the auspices of the Menominee Nation, shall grant certification for Menominee language and cultural education instruction to enrolled Menominee individuals or first- or second-degree Menominee descendants who present satisfactory evidence that they:
- (1) Possess competence in the Menominee language by passing the verbal test referred to in § 395-9B above;
 - (2) Possess a broad understanding of Menominee history, values, and culture by passing a test on said topics administered by the Menominee Language and Culture Commission. The Menominee Language and Culture Commission shall provide each prospective teacher with study materials regarding what knowledge of Menominee history, values, and culture teachers should possess;
 - (3) Attend each classroom on the Menominee Indian Reservation where the Menominee language is taught by a teacher certified under this chapter at least one time per month for a period of one year;
 - (4) Attend meetings with Menominee Elders fluent in the Menominee language as scheduled by the Menominee Language and Culture Commission; and
 - (5) Attended a class on classroom management.
- B. Certification issued under this chapter shall be valid for a period of one year. Certifications may be renewed in one-year increments, provided that teachers pass the grammar and verbal tests referred to in § 395-9B at the expiration of their certification period, and teachers will be notified of the need to pass the grammar, history and culture, and verbal tests described in § 395-9B to renew their certification. Teachers must receive a score of 65 or better to pass the grammar test and must receive a score of 90% or better to pass the verbal test.
- C. Any time the Menominee Language and Culture Commission contemplates revoking a certification issued under this chapter, it shall provide notice to the teacher whose certification is to be revoked. Said notice shall list the reasons for revocation and inform the affected teacher of his or her opportunity to respond and be heard by the Menominee Language and Culture Commission. Upon receipt of said notice, the affected teacher shall have 10 business days to deliver a response to the Menominee Language and Culture Commission. The affected teacher may also request a hearing with the Menominee Language and Culture Commission in his or her response. If the hearing is requested, it must be scheduled within 30 days of receipt by the Menominee Language and Culture Commission. The hearing may occur at a regularly scheduled meeting of the Menominee Language and Culture Commission. The Menominee Language and Culture Commission must act to either revoke or not revoke the affected teacher's certification within 10 business days of said hearing and must notify the affected teacher via certified mail. The decision reached by the Menominee Language and Culture

Commission regarding revocation of a certification issued under this chapter shall be final and may not be appealed to any other body, including but not limited to the Menominee Tribal Legislature or the Menominee Tribal Court. This evidence shall be submitted with a letter of application for certification to the Menominee Language and Culture Commission. The Menominee Language and Culture Commission will test and review competencies which shall include at minimum those described in Subsections **A** and **B**.

- (1) Compensation. A Menominee language teacher holding a certificate under this section shall be compensated according to a salary schedule which is equivalent to a teacher holding a Wisconsin Department of Public Instruction (DPI) license and working within the exterior boundaries of the Menominee Reservation.
 - (2) Hiring. In hiring Menominee language and culture instructors, the Menominee Language and Culture Commission may assist school administrators in designing procedures for the recruitment, certification, screening, and selection of applicants. Indian preference and Menominee tribal preference, Chapter **170**, Article **I** of this Code, shall prevail.
- D. Provisional certificate. A provisional certificate may be given a person who is fluent in the Menominee language but does not possess sufficient knowledge of grammar or other qualities of the language, culture, or history for full certification. This provisional certificate shall allow the person to act as a substitute teacher for a certified Menominee language teacher, provided that the provisionally certified teacher can pass the required background check for teachers. Such provisional certificate shall be good for a period of one year from the date of issuance, during which period the person so certified works to become fully certified. A provisional certificate shall be issued only once to any applicant and is not renewable.

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