

Cherokee Nation Code Annotated

Title 70: Schools and Education

Chapter 1: General Provisions

§ 1. Neglect or refusal to compel child to attend school

Cite as: 70 CNCA § 1

A. It shall be unlawful for a parent, guardian, custodian or other person having control of a child who is over the age of five (5) years, unless such child has been screened by the Cherokee Nation, or an educational or behavioral health expert and such child is determined not to be ready for kindergarten, and under the age of eighteen (18) years, to neglect or refuse to cause or compel such child to attend and comply with the rules of some public, private or other school including home school, unless other means of education are provided for the full term the schools of the district are in session. One-half (1/2) day of kindergarten shall be required of all children five (5) years of age or older as appropriately provided, or as otherwise excepted from same by this section. A kindergarten program shall be directed toward developmentally appropriate objectives for such children. The program shall require that any teacher employed on program within the public school system shall be certified in early childhood education.

B. It shall be unlawful for any child who is over the age of sixteen (16) years and under the age of eighteen (18) years, and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of some public, private or other school including home school, or receive an education by other means for the full term the schools of the district are in session.

Provided, that this section shall not apply:

1. If any such child is prevented from attending school by reason of mental or physical disability, to be determined by the board of education of the district upon a certificate of the school physician or public health physician, or, if no such physician is available, a duly licensed and practicing physician.
2. If any such child is excused from attendance a school, due to an emergency, by the principal teacher of the school in which such child is enrolled, at the request of the parent, guardian, custodian or other person having control of such child.
3. If any such child who has attained his or her sixteenth birthday is excused from attending school by written, joint agreement between:
 - a. The school administrator of the school district where the child attends school, and

b. The parent, guardian or custodian of the child. Provided, further, that no child shall be excused from attending school by such joint agreement between a school administrator and the parent, guardian or custodian of the child unless and until it has been determined that such action is for the best interest of the child and/or the community, and that said child shall thereafter be under the supervision of the parent, guardian or custodian until the child has reached the age of eighteen (18) years; or

4. If any such child is excused pursuant to subsection (C) of this section.

C. A school shall excuse a student from attending school for the purpose of observing religious days if before the absence, the parent, guardian, or person having custody or control of the student submits a written request for the excused absence. The district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the days.

D. It shall be the duty of the juvenile and law enforcement officers to enforce the provisions of this section. Any parent, guardian, custodian, child or other person violating any of the provisions of this section shall be guilty of a crime, and upon conviction thereof shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Twenty-five Dollars (\$25.00) for the first offense, not less than Ten Dollars (\$10.00) nor more Fifty Dollars (\$50.00) for the second offense, and not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each subsequent offense. Each day the child remains out of school after the written warning has been given or the child ordered to school by the juvenile court may constitute a separate offense. At the trial of any person charged with violating the provisions of this section, the attendance records of the child or ward may be presented in court by any authorized employee of the school district.