

RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION

- WHEREAS, Indian tribes with just cause have historically reacted negatively to initiatives proposed by federal agencies; and
- WHEREAS, the Bureau of Indian Affairs (BIA) recently presented a plan which would reorganize the Bureau of Indian Affairs by elevating Indian education to a Bureau of Indian Affairs Education within the Department of Interior; and
- WHEREAS, many Indian tribes have opposed this plan because it appears to create an additional layer of bureaucracy without making enough changes to make any real improvement; and
- WHEREAS, most Indian tribes recognize the need for changing the BIA to improve the education programs it operates; and
- WHEREAS, there are certain aspects of the BIA's reorganization plan which can potentially improve its ability to operate Indian education programs; and
- WHEREAS, a modified reorganization of the BIA would have higher probability of improving its education programs.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it recommends the BIA seriously consider the merits of the plan outlined in attachment A to this resolution in lieu of its original reorganization plan.

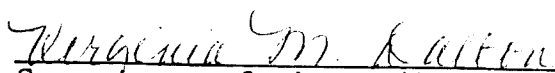
The foregoing resolution was on November 9, 1990, duly adopted by a vote of eight for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

**RECEIVED**

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FORT APACHE INDIAN AGENCY  
WHITERIVER, ARIZONA

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council

A COUNTER-PROPOSAL IN RESPONSE TO THE  
BUREAU OF INDIAN AFFAIRS REORGANIZATION PLAN  
AND  
THE ESTABLISHMENT OF THE BUREAU OF INDIAN EDUCATION  
BY  
Robert Chiago

INTRODUCTION

The recommendations to reorganize the Bureau of Indian Affairs Office of Indian Education is nothing new. In testimony submitted in response to the hearings on a bill, the Comprehensive Indian Education Act, S. 2724, which was held March 1, 6, and 7, 1972, at which time I served as the Director of the Navajo Division of Education, I made a recommendation to establish a separate Bureau of Indian Education much like the 1990 BIA Reorganization Plan. In my testimony, I also recommended that BIA education have it's own line authority. P.L. 95-561 established a separate line authority for BIA education, but did not include many important functions needed to effectively operate schools. I have been examining the BIA and particularly it's education programs for the past twenty (20) years, and strongly believe that major changes are needed as soon as possible. I am writing these recommendations, not as the Director of Education for the Salt River Pima-Maricopa Indian Community, nor as the First Vice Chairman of the Presidentially appointed National Advisory Council on Indian Education, but rather as an interested individual who would like to see some improvement in Indian education.

A. PROPOSED ACTION

I concur with the recommendation to establish a Bureau of Indian Education. This elevates Indian education within the Department of Interior. For many years, NACIE has recommended that the Office of Indian Education Programs be elevated in the Department of Education. Apparently, there is some benefit to elevating programs. In my Bureau of Indian Education plan, grants and contracts administration would be centralized and separate from school operations. The numerous education field offices would be eliminated and replaced with not more than four (4) BIA school districts which would have no responsibilities other than school operations. Though left flexible, more authority for various aspects of school operations could be delegated to local school boards and principals.

It is herein recommended that the Office of Indian Education Programs (OIEP) be elevated to bureau status to serve as a state education agency (SEA), and that the thirty three (33) field education offices be replaced by not more than four (4) local Indian education agencies (LEAs) or BIA School Districts which together will be responsible for the administration of the 105 or so BIA operated schools, and that the Central BIA Education Office be reorganized to assume responsibility for administrating or monitoring all grants and contracts to include adult education, higher education, JOM,

Chapter 1, Indian controlled schools, and any and all other programs not directly effecting operation of BIA schools. It is also recommended that the school districts have the prerogative to delegate more authority to BIA operated school principals, and to local school boards, and that such authority may include procurement, and facilities management, and whatever else might be necessary for them to operate with a minimal amount of "red tape". By delegating more responsibility to the principal and to the school board, you would have a near contract situation without the necessity of a formal contract.

## **B. TIMING/STATUS**

In San Diego, Ed Parisian, Deputy Assistant Secretary for Indian Education on October 17, 1990 made the statement during consultation hearings with Southern California Indian Tribes that the Element 10 decision has already been made. On the previous day, during a General Assembly of the National Indian Education Association Annual Convention, Dr. Eddie Brown, Assistant Secretary for Indian Affairs stated that the "window of opportunity to make changes will not be open much longer". He indicated that further delays would most probably indefinitely delay, if not jeopardize BIA reorganization initiatives. I expect that changes will be very difficult to make if a plan is not endorsed by the end of this calendar year.

## **C. BACKGROUND AND PREMISE**

The process of consultation often times becomes more of an issue than the purpose of the consultation. More responsibility for the process should be assumed by Indian tribes and organizations. If we are not sure what is going on now in terms of BIA structure and functions, it would be impossible to evaluate the proposed changes. When you are served dinner, you don't expect someone else to chew your food and digest it for you. The same principal would seem to apply to consultation. If Indian tribes are not sure what is going on or do not understand, they should try to find out. Taking action without being fully aware of the implications both pro and con is a disservice to all concerned. BIA officials do not have the resources to visit every single Indian tribe and make sure they understand what is being proposed and how it differs from what is going on. It is conceivable that many relatively high level BIA officials don't really know what is going on. Indian tribes or the BIA should propose regulations which would clearly define the consultation process. These should eventually be in the form of proposed regulations and published in the Federal Register, and after the comment period, taking into consideration the comments submitted by all concerned, finalized.

The Bureau of Indian Affairs currently operates 105 schools, and funds 78 schools via contracts or grants. The thirty three (33) field education offices include two (2) which are BIA operated post secondary schools. Each of these field education offices are under the direction and supervision of an Agency Superintendent for Education or Area

Education Administrator, depending on the situation, who provides line direction and supervision over the operation of all Office of Indian Education Program functions within the designated geographical area of responsibility.

The Field Education Offices have line authority for the operation of BIA schools, and have administrative responsibility for other BIA funded education programs for the tribes within their geographic area of operations. These may include higher education grants, adult education programs, monitoring schools operated under contract or grant, monitoring JOM or exceptional education programs, student counts, etc.

According to the packet sent out by the BIA prior to the May consultation hearings, the total number of staff authorized for the Education Field Offices is 431.05 FTE. In addition, there are an additional 63 education staff authorized for the Central Office. The total BIA authorized administrative staff in both the field education offices and the Central office is 494.05 FTE. On the other hand, the U.S. Department of Education's Office of Indian Education Programs which processes in excess of 1500 applications per year, and which in FY'89 was responsible for 10 different programs, amounting to \$71,553,000 has a staff of 45. The following chart illustrates the disparity in staffing via comparisons:

### STAFFING COMPARISONS

<u>US Dept. Education</u> <u>Office of Indian Educ. Programs</u>	<u>Bureau of Indian Affairs</u> <u>Office of Indian Educ. Programs</u>
Central Office staff 45	Central Office staff 63
Field Office staff 0	Field Office Staff 431.05
Total Admin. staff 45	Total Admin Staff 494.05

Considering the above, it appears that the BIA's budget has not been effectively used. Instead of being used where it can benefit students, it is being squandered in ineffective administration. Not reflected or factored into the above staff comparison is the additional administrative staffing requirements being absorbed by the non-educational area and agency budgets including the administrative staffing for facilities management, procurement, and personnel management.

Current technology such as satellite technology, computers, modems, fax

machines, and telephones virtually eliminates the need for management based on geographic vicinity. An example could be establishing an 800 number at the Central Higher Education Grants Office for students needing assistance in applying for higher education grants. It would probably be more cost effective while at the same time more convenient for students. Each BIA school could be used as a dissemination or collection point for applications otherwise applications could be mailed in. The use of technology can be used for other purposes including keeping track of enrollment and attendance via computer modems. The information could simply be called in to a data processing center. Fax machines could be used to make requests and document administrative approval.

The proposed structure of the Office of Indian Education Programs would be modified to eliminate the field offices and replace them with not more than 4 BIA School Districts.

A Contracts Administration Division (CAD) and a Grants Administration Division (GAD) be established under a new Office of Grants and Contracts and incorporated into the proposed Office of Indian Education Programs structure. This office would be responsible for all BIA education grants and contracts. The Field Education Offices would be eliminated and replaced with School District Offices. The remaining offices such as the Office of Administration, the Office of Education Programs, and the Office of Planning and Evaluation will be shared between the school districts and the Central Office otherwise known as the Bureau of Indian Education. Attached is a organizational chart of the reorganization plan which I propose.

Doing nothing would be the worst case scenario. It would provide further justification to abolish the BIA. Attached is an Arizona Republic editorial dated Saturday, September 29, 1990. As in the past, the Arizona Republic continues to appear to be a proponent of termination. Senator DeConcini who is a very influential member of the Senate Select Committee on Indian Affairs is influenced if not pressured by the Arizona Republic. According to the editorial, Senator DeConcini wants to abolish the BIA, and shift the money directly to tribal governments. Instead of splitting the BIA into a few smaller pieces, Senator DeConcini's proposal would essentially split it into as many pieces as there are federally recognized tribes. This is not feasible for small tribes unless they receive a minimum base rate for administration. Imagine a tribe needing to establish a scholarship office with only ten (10) or twenty (20) college students. The amount it would need to pay its staff will probably be several times more than the amount of money needed for grants. If this is multiplied using the number of tribes including small tribes and Alaska Native villages times the number of education programs requiring specialized administration including a base amount for tribes and villages, the results could be disastrous. Much more money would be needed for the tribal bureaucracies. On the surface, the idea of providing money to tribes rather than services to people sounds good, but how many small tribes have enough students to establish and run their own BIA funded schools? What happens if Indian tribes which are large enough to do so opt not to run their own school(s)? Where would the money go?

PROPOSED STRUCTURE BUREAU OF INDIAN EDUCATION

