

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


5/13/86

- WHEREAS,** the White Mountain Apache Tribe, through its elected Tribal Council, has the sovereign right to control education within the Fort Apache Indian Reservation; and
- WHEREAS,** the Tribal Council recognizes the need to improve the educational program and facilities at the Theodore Roosevelt Boarding School (TRS); and
- WHEREAS,** the Bureau of Indian Affairs (BIA), since 1923, has been fully responsible for, and has exercised complete control over, the educational programs at TRS, the buildings used for TRS and the other buildings and grounds comprising Fort Apache; and
- WHEREAS,** Public Law 100-297, Section 5203, Declaration of Policy (25 U.S.C. § 2502(a)) states: "The Congress recognizes the obligation of the United States to respond to the strong expression of the Indian People for self-determination by assuring maximum Indian participation in the direction of educational services so as to render such services more responsive to the needs and desires of those communities."; and
- WHEREAS,** in Public Law 100-297, Section 5202, (25 U.S.C. § 2501(4)) Congress finds that "true self-determination in any society of people is dependent upon an educational process which will ensure the development of qualified people to fulfill meaningful leadership roles;" and
- WHEREAS,** Public Law 100-297, Section 5203, (25 U.S.C. § 2502(c)) states: "The Congress declares that a major national goal of the United States is to provide the resources, processes, and structures which will enable tribes and local communities to effect the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being."; and
- WHEREAS,** the complexity of the present education system does not provide optimal education opportunities to our students, nor does it adequately address the social, emotional, cultural, physical and academic needs of our students; and
- WHEREAS,** the TRS School Board has identified the shortcomings of the present BIA operated school system, especially in relation to financing, staffing, paperwork, reporting and safety, adequacy, repair and maintenance of facilities; and

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WHEREAS, the TRS School Board has, by resolution, recommended to the Tribal Council that the Bureau operated school be converted to a Public Law 100-297, Part B Grant School; and

WHEREAS, the Tribal Council has determined that the following programs be included in the grant:

Indian School Equalization Program (All Programs)
American Schools Act (BIA)
American Schools Act (DOE)
Title I (Formerly Chapter I)
Title II (Staff Development)
Title IV (Drug Free School)
Title V (Cultural Enrichment)
Administrative Cost Funds; and

WHEREAS, the Tribal Council understands that the employment opportunities of Tribal members may be impacted by conversion of TRS to a grant school, and understands that the the grant process will be followed in such a way as to minimize such impact; and

WHEREAS, the Tribal Council, by this Resolution, designates a school board to have responsibility authority over TRS, including authority to receive all education funds under the Grant; and

WHEREAS, the BIA's Area Facilities Manager has on this day acknowledged to the Tribal Council that the BIA has the obligation to maintain the buildings under BIA control at TRS as well as the other buildings and grounds comprising Fort Apache, and that such obligation would continue after the conversion of TRS, as proposed, to a grant school; and

WHEREAS, the Tribal Council has repeatedly informed the BIA and the Secretary of Interior of the desperate need for repairs and improvements to the buildings under BIA control at TRS and the remainder of Fort Apache; and

WHEREAS, the Tribal Council notifies the BIA that conversion of TRS to a grant school shall be limited to educational programs, that responsibility for facilities at TRS and the remainder of Fort Apache shall remain with the BIA, and that the Tribe, by its approval of the conversion to a grant school, does not waive the BIA's trust and other obligations to have maintained in the past, and to continue to maintain and rehabilitate, the buildings and grounds at TRS and the remainder of Fort Apache; and

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WHEREAS, the Tribal Council remains supportive of procuring portable classrooms for TRS in accordance with Resolution No. 11-95-344, yet the Council understands that the BIA has not yet followed the requirements of the National Environmental Policy Act which requires the BIA to prepare an Environmental Assessment, and possibly an Environmental Impact Statement, before installing the portable classrooms at TRS.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in recognition of the benefits and opportunities under Public Law 100-297, and based on the qualifications, conditions and understandings set forth above, it hereby supports the conversion of the present Bureau operated 6-8th grade Theodore Roosevelt Boarding School to a locally managed education system under Public Law 100-297, Part B, Grant School, effective no later than July 1, 1996.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it designates the current Theodore Roosevelt Boarding School Board, previously established under Public Law 95-561, as the Tribally controlled school board under Public Law 100-297, Part B Grant school system and that this board is authorized to receive all current non-facilities management funds and any other funds allocated for educational programs at TRS.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the school board will have the responsibility to cause for the development of an operation system, policies and procedures involving finances, budget, personnel, procurement, salary schedules and fringe benefits packages and all other procedures necessary to operate a Public Law 100-297, Part B Grant School.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the approval of the conversion of TRS to a grant school is limited to educational programs only, and that the past, present and future facilities maintenance and repair responsibilities at TRS and elsewhere at Fort Apache shall remain with the BIA unless and until the buildings and grounds at TRS and elsewhere at Fort Apache have been improved by BIA to the satisfaction of the Tribal Council.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that nothing in this Resolution shall be deemed to waive the trust obligations and other legal obligations of the BIA for the past, present and future maintenance and rehabilitation of the buildings and grounds at TRS and the remainder of Fort Apache, or any Tribal claims against the BIA or Department of Interior for negligence, breach of trust obligations and other applicable statutory claims arising from the BIA or Department of Interior control of TRS and the remainder of Fort Apache.

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BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby repeats its demand made upon the BIA to fulfill the Agency's trust and other legal responsibilities to the Tribe and improve and repair all buildings under BIA control at Fort Apache.


BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it desires to affect this conversion, consistent with this Resolution and directs that the Tribal Legal Department assist in and review the preparation of documents necessary to implement the conversion to a Public Law 100-297, Part B Grant school system.

The foregoing resolution was on April 30, 1996, duly adopted by a vote of six for and one against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (b), (c), (h), (j), (s), (t), (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council

MAY 16 1996



Secretary of the Tribal Council