



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Opposing Single School Grant System and Demanding the BIA Fulfill its Federal Trust Obligations On Behalf of the White Mountain Apache people and Native Peoples Pursuant to the Code of Federal Regulations)

WHEREAS, Tribal member parents of the White Mountain Apache Tribe (“WMAT”) recently met with the Tribal Council, the WMAT Attorney General, and JFK School Board members at a community event in Cedar Creek. The purpose of the meeting was primarily to discuss outstanding issues concerning local schools, Tribal member students, and addressing problems that directly impact the White Mountain Apache people; and

WHEREAS, it is a well-known fact that the success of schools at all levels of education is highly correlated with financial and technical support that is often granted or withheld at the whim of Federal and State Agency officials. The Tribal Council is cognizant of the fact that the Tribe’s children represent hope for the people and they symbolize not only our Tribe’s future, but overall progress for all Apache Tribal members, thus, making it impossible to ignore a recent Secretarial Order that outlines a plan to migrate Bureau of Indian Education (“BIE”) school management from Federal oversight to a centralized Tribal regulatory and administrative process; and

WHEREAS, as a result of a growing public concern over our inadequately funded Tribal Education system and the Federal Government’s apparent attempt to ignore or undermine its Federal Trust responsibilities, the Tribal Council deems it necessary to take action and has met with Principals and School Board Representatives of the Dischii’bikoh Community School, Theodore Roosevelt School, and John F. Kennedy School, with the goal of identifying key issues that negatively impact Tribal Education, and to determine the direction of the Tribe as it pertains to funding in the future; and

WHEREAS, in identifying the overall educational needs of the White Mountain Apache Tribe, the Council hopes that Federal Agency Officials, Congressional Leaders, and other relevant parties would be better positioned to provide much needed emergency assistance in order to adequately fund local schools for the benefit of all White Mountain Apache people; and

WHEREAS, among the numerous concerns raised by administrators, public officials, and attorneys alike, were the following:

1. Centralizing educational funds would subject them to political conflicts and interference and could result in the misappropriation or misallocation of funds.
2. Funds are limited and schools are hurting. It is not feasible to experiment, nor is it reasonable to take risks that may negatively impact education.
3. Underperforming schools require special attention, not only from the Tribe, but from the Federal government that was responsible for the schools at the time they were classified as underperforming. To consolidate an educational grant for all schools, turn over maintenance of buildings as-is that are in serious states of disrepair, and to force Tribes of limited means to correct problems that manifested during Federal Administration of the programs would set Tribally administered programs up for failure.

4. Federal administrators need only turn to Tribal Law Enforcement, Tribal Social Services, and the Tribal Court system to see that when the Federal Government is hands off, when it invests inadequate minimal funding and forces the Tribe to administer and “fix” underperforming programs, the programs inevitably fail. Tribal Education is a program that the Tribe can ill afford to mismanage and with inadequate funding and minimal Federal involvement, it is highly unlikely that schools would prosper.
5. BIE schools are not perfect, but the Tribe is not in a position to take over administration of hundreds of staff as currently the Tribe is viewed as “High Risk” by the Bureau of Indian Affairs. The designation makes it impossible for the Tribe to return to its glory days, because reimbursements are contingent upon extraordinary levels of bureaucracy and the Tribe does not have the resources to continue subsidizing programs as it awaits reimbursement from the BIA.
6. The needs of Cibecue are vastly different from those of Whiteriver or Cedar Creek and because many Tribal positions are politically appointed, needs of the communities might be overlooked or ignored altogether in favor of the politically appointed official’s preferred community.
7. The Navajo Nation’s attempt to implement this grant have been unsuccessful and divisive, previously unqualified employees that were terminated have been politically appointed to oversight positions, complicating the various schools’ ability to improve their situation.
8. The Bureau has a trust obligation pursuant to the Code of Federal Regulations and to allow the Federal Government to ignore or transfer its trust responsibility would result in catastrophic results for Tribal members.
9. BIE School students are underperforming, but that is not a problem that is created by Tribal members alone. Instead of walking away from the problem, the Tribe should challenge the U.S. Government to fix problem areas first, and then “transfer to promote Tribal Sovereignty” second.

WHEREAS, after considerable deliberation regarding the various issues impacting local schools and enrolled students, members of the Tribe’s governing body are convinced that a one-size fits all approach to managing the Tribe’s community schools could result in negative and unintended consequences that could further set the Tribe and its children back for generations to come; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe finds it in the best interest of the White Mountain Apache people to oppose the Federal Government’s move to centralize school funds and turn over Federal administration of schools to the Tribe, regardless of lacking infrastructure or funds; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe further finds that it cannot support the Federal Government’s apparent attempt to absolve itself of Federal trust responsibilities. The consequences of a failed educational system would significantly impact the Tribe and because the Tribe is of limited means and designated “high risk”, Tribal oversight over educational affairs would essentially be set up for failure and this is a risk that the White Mountain Apache people are not in a position to take.

Resolution No. 11-2014-194

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby concurs that the following are numerous concerns raised by administrators, public officials, and attorneys alike:

1. Centralizing educational funds would subject them to political conflicts and interference and could result in the misappropriation or misallocation of funds.
2. Funds are limited and schools are hurting. It is not feasible to experiment, nor is it reasonable to take risks that may negatively impact education.
3. Underperforming schools require special attention, not only from the Tribe, but from the Federal government that was responsible for the schools at the time they were classified as underperforming. To consolidate an educational grant for all schools, turn over maintenance of buildings as-is that are in serious states of disrepair, and to force Tribes of limited means to correct problems that manifested during Federal Administration of the programs would set Tribally administered programs up for failure.
4. Federal administrators need only turn to Tribal Law Enforcement, Tribal Social Services, and the Tribal Court system to see that when the Federal Government is hands off, when it invests inadequate minimal funding and forces the Tribe to administer and "fix" underperforming programs, the programs inevitably fail. Tribal Education is a program that the Tribe can ill afford to mismanage and with inadequate funding and minimal Federal involvement, it is highly unlikely that schools would prosper.
5. BIE schools are not perfect, but the Tribe is not in a position to take over administration of hundreds of staff as currently the Tribe is viewed as "High Risk" by the Bureau of Indian Affairs. The designation makes it impossible for the Tribe to return to its glory days, because reimbursements are contingent upon extraordinary levels of bureaucracy and the Tribe does not have the resources to continue subsidizing programs as it awaits reimbursement from the BIA.
6. The needs of Cibecue are vastly different from those of Whiteriver or Cedar Creek and because many Tribal positions are politically appointed, needs of the communities might be overlooked or ignored altogether in favor of the politically appointed official's preferred community.
7. The Navajo Nation's attempt to implement this grant have been unsuccessful and divisive, previously unqualified employees that were terminated have been politically appointed to oversight positions, complicating the various schools' ability to improve their situation.
8. The Bureau has a trust obligation pursuant to the Code of Federal Regulations and to allow the Federal Government to ignore or transfer its trust responsibility would result in catastrophic results for Tribal members.
9. BIE School students are underperforming, but that is not a problem that is created by Tribal members alone. Instead of walking away from the problem, the Tribe should challenge the U.S. Government to fix problem areas first, and then "transfer to promote Tribal Sovereignty" second.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby publicly opposes the Federal Government move to centralize educational funding for all Tribal schools under a single grant. The Council further demands that the Federal Government uphold its trust responsibility to the White Mountain Apache people and that adequate funding should be allocated to ensure that all White Mountain Apaches are able to secure a quality education and to enjoy facilities that teachers and students alike could be proud of.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby requests federal consideration of the overall low performance of BIE schools and that Congressional Representatives and U.S. Senators would best serve native peoples by addressing underperforming BIE schools

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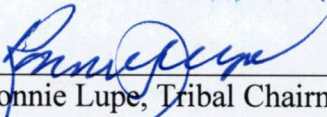
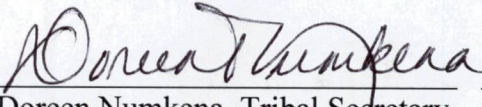
by providing adequate funding for reasonable facilities and to promote quality education in otherwise failing schools.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **NOVEMBER 26, 2014** duly adopted by a vote of **NINE** for and **ZERO** against with **ONE** abstaining by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

 _____ Ronnie Lupe, Tribal Chairman	<u>11/26/14</u> Date	 _____ Doreen Numkena, Tribal Secretary	<u>11-26-2014</u> Date
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