

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Opposing BIA School Privatization Proposal)**

RESOLUTION NO. 02-321

1 **WHEREAS, sovereign Indian tribes, including the Tohono O'odham Nation, share a unique trust**
2 **relationship with the United States of America, which is embodied in the Constitution**
3 **of the United States, numerous court opinions, statutes, executive orders, and federal**
4 **agency policies; and**

5 **WHEREAS, by its passage and implementation of the Indian Self-Determination and Education**
6 **Assistance Act (25 U.S.C. § 450 et seq.) and similar legislation, the United States of**
7 **America has recognized the need to work with Indian tribes on a government-to-**
8 **government basis and to support Indian tribal self-determination and self-**
9 **governance; and**

10 **WHEREAS, Executive Order 13175, "Consultation and Coordination with Indian Tribal**
11 **Governments" ("Consultation Order"), mandates that Executive Branch agencies**
12 **work with tribes when formulating and implementing policies or taking other actions**
13 **that have a substantial direct effect on any Indian tribe; and**

14 **WHEREAS, the Consultation Order and earlier executive orders and memoranda require that all**
15 **Executive agencies ensure there is "meaningful" and "timely" tribal input when**
16 **formulating policies that have tribal implications; and**

17 **WHEREAS, in violation of the Consultation Order and the principles of self-determination, the**
18 **BIA Office of Indian Education Programs has already begun implementing plans to**
19 **privatize all sixty-four BIA-operated school by the end of FY 2007; and**

20 **WHEREAS, although the Bush Administration has withdrawn its request to fund this proposal in**
21 **FY 2003, the OIEP still plans to move forward with privatization in the future as part**
22 **of its implementation of the No Child Left Behind Act (P.L. 107-110, January 8, 2002,**
23 **115 Stat. 1425); and**

24 **WHEREAS, under the proposal, which has been developed and implemented without**
25 **consultation, tribes would be forced to either assume the administration and**
26 **management of BIA-operated schools or face the threatened takeover of these**
27 **schools by private school management consultants, none of which has experience**
28 **working with Indian tribes; and**

29 **WHEREAS, as private contractors, these consultants will not be subject to the government-to-**
30 **government relationship, Indian preference, or other fundamental principles that**

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Indian tribes have worked hard to enforce within the existing BIA.

NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council strongly opposes the involuntary privatization of BIA-operated schools as an attempt to ignore or diminish the federal government's trust obligation to educate Indian children.

BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council urges that, in the absence of meaningful tribal consultation, the privatization plan be withdrawn.

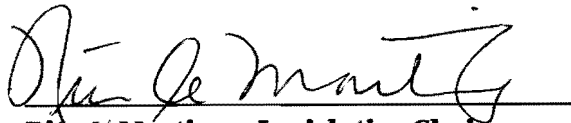
BE IT FURTHER RESOLVED that Legislative Council urges the Bureau of Indian Affairs to work with a task force of tribal leaders and tribal representatives who are chosen by Indian tribes to (1) develop alternatives to privatization and (2) work toward funding BIA schools at their true level of need.

BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council hereby adopts the attached "Tohono O'odham Nation BIA School Privatization Principles," which are incorporated by this reference, as the Nation's official privatization position.

BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council hereby urges other Indian tribes who oppose the privatization proposal to contact their respective Congressional representatives and express their opposition to officials in the Department of the Interior.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15TH. Day of JULY, 2002 at a meeting at which a quorum was present with a vote of 2,417.5 FOR; -0- AGAINST; -0- NOT VOTING; and [07] ABSENT, pursuant to the powers vested in the Council by Section 1 (f) & (c)(2) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Rita A. Martinez, Legislative Chairwoman

17th day of July, 20 02

ATTEST:


Juhanna Saraficio, Acting Legislative Secretary

15th day of July, 20 02

1 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham
2 Nation on the 17th day of July, 20 02 at 4:56 o'clock, P.M.,
3 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
4 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
5 submittal.

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7 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**


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11 **Rita A. Martinez, Legislative Chairwoman**

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16 **APPROVED**

on the 18th day of July, 20 02

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18 **DISAPPROVED**

at 11:28 o'clock, A.M.

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22 **EDWARD D. MANUEL, Chairman**
23 **TOHONO O'ODHAM NATION**

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28 Returned to the Legislative Secretary on the 18th day of

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30 July, 20 02, at 2:02 o'clock, P.M.

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34 **Julianna Saraficio, Acting Legislative Secretary**

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ACTION: OPPOSING BIA SCHOOL PRIVATIZATION PROPOSAL

MOVED: COUNCILWOMAN FERN SALCIDO

SECOND: COUNCILMAN DAVID GARCIA

DATE: JULY 15, 2002

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			X
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			X
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			
	2. ALEX J. RAMON (Jerome Joaquin)	115.35	X			X
GU VO 188.3	1. FERN SALCIDO ()	94.15	X			
	2. EMILIO LEWIS (Michael Flores)	94.15	X			
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65	X			X
	2. SANDRA ORTEGA ()	83.65	X			
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35	X			
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
SAN LUCY 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			X
	2. GLORIA RAMIREZ ()	80.35	X			
SAN XAVIER 184.7	1. (VACANT) ()	92.35	X			
	2. DENNIS RAMON ()	92.35	X			
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25	X			
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			X
SELLS 416.1	1. DENNIS E. JOSE ()	208.05	X			X
	2. EVELYN JUAN ()	208.05	X			
SIF OIDAK 184.7	1. ISIDRO LOPEZ ()	92.35	X			
	2. RITA MARTINEZ (Nicholas Jose)	92.35	X			
TOTAL		2,417.5	2,417.5	-0-	-0-	[07]

**PASSED VOTES