

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Submission of Comments Opposing Bureau of Indian Affairs Office
of Indian Education Programs Restructuring)

RESOLUTION NO. 05-503

- 1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to provide**
2 **resolutions "to promote, protect and provide for public health, peace, morals,**
3 **education and general welfare of the Tohono O'odham Nation and its members" and**
4 **to consult with appropriate federal agencies regarding federal activities that affect**
5 **the Tohono O'odham Nation (Constitution of the Tohono O'odham Nation, Article VI,**
6 **Section 1(c)(2) and (f)); and**
- 7 **WHEREAS, as a Bureau of Indian Affairs program, the Office of Indian Education Programs**
8 **("OIEP") is required by law to actively consult with tribes when taking any action**
9 **under the Indian Education Act of 1978, as amended (25 U.S.C. § 2011(b)(1)); and**
- 10 **WHEREAS, the OIEP has accordingly held a series of consultation meetings with Indian tribes**
11 **concerning proposals to (1) enter a memorandum of agreement with the United**
12 **States Department of the Education governing the distribution of educational funds,**
13 **(2) restructure the OIEP in a manner that would increase the number of**
14 **management-level OIEP employees while reducing the number of Education Line**
15 **Officer ("ELO") positions, and (3) revise policies governing high-risk construction**
16 **grants; and**
- 17 **WHEREAS, while the OIEP has stated that the proposed restructuring will assist poorly**
18 **performing Bureau-operated schools in making Adequate Yearly Progress ("AYP"),**
19 **the restructuring will actually reduce the local control that is essential to making AYP**
20 **by requiring school employees, parents, and other individuals to communicate with**
21 **OIEP staff at often-distant BIA Regional Offices; and**
- 22 **WHEREAS, consolidating ELO positions within the BIA Regional Offices is also contrary to the**
23 **requirement that the Secretary of the Interior support and reinforce "the specific**
24 **cultural heritage of each tribe" when setting minimum academic standards, as the**
25 **ELOs will be more remote from the tribes in each region and less likely to consider the**
26 **great diversity of tribal cultures in that region (25 U.S.C. § 2001(c)(2)); and**
- 27 **WHEREAS, in addition, numerous tribes, Indian school boards, and Indian education**
28 **organizations oppose the restructuring as it fails to recognize the central role of**

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1 tribal education departments in improving student achievement and thereby
2 achieving AYP; and

3 WHEREAS, it is in the Nation's best interest to submit comments opposing the proposed OIEP
4 restructuring before the September 30, 2005 submission deadline.

5 NOW, THEREFORE, BE IT RESOLVED that the Chairwoman of the Tohono O'odham Nation,
6 on behalf of the Nation and in consultation with the Human Resources Development
7 Committee, is hereby authorized to submit comments in substantially the form
8 attached hereto opposing the proposed OIEP restructuring.

9 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15TH Day
10 of SEPTEMBER, 2005 at a meeting at which a quorum was present with a vote of 2,440.80 FOR; -0-
11 AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by
12 Section 1 (c)(2) and (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by
13 the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
14 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
15 18, 1934 (48 Stat. 984).

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17 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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21 Evelyn B. Juan Manuel, Legislative Chairwoman

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23 20 day of September, 2005

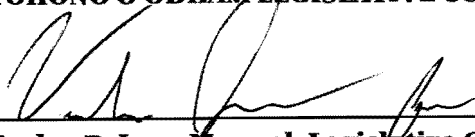
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25 ATTEST:

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28 Lucille Lopez, Acting Legislative Secretary

29 19th day of September, 2005.

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32 Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono
33 O'Odham Nation on the 20 day of September, 2005 at 12:00 o'clock,
34 P..M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
35 effective upon her approval or upon her failure to either approve or disapprove it within 48 hours
36 of submittal.

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38 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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42 Evelyn B. Juan Manuel, Legislative Chairwoman

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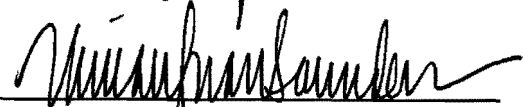
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APPROVED

on the 21 day of September, 2005

DISAPPROVED

at 12:15 o'clock, P.M.


VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 21ST day of

September, 2005, at 1:22 o'clock, P.M.


Lucille Lopez, Acting Legislative Secretary

ACTION: AUTHORIZING SUBMISSION OF COMMENTS OPPOSING BUREAU OF INDIAN AFFAIRS OFFICE OF INDIAN EDUCATION PROGRAMS RESTRUCTURING

MOVED: COUNCILWOMAN CYNTHIA MANUEL

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: SEPTEMBER 15, 2005

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL ()	155.40	X			X
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
GU VO 193.1	1. RAYMOND VICTOR ()	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			X
	2. SANDRA ORTEGA ()	83.70	X			
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ** ()	84.50	X			
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON ()	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. DENNIS E. JOSE ()	210.50	X			
	2. EVELYN B. JUAN MANUEL ()	210.50	X			X
SIF OIDAK 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Martinez)	93.35	X			
TOTAL		2,440.80	2,440.80	-0-	-0-	[03]

**PASSED VOTES