

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(School Contracting: Access to Bureau of Indian Affairs
Information and Pre-application Technical Assistance)

RES. NO. 21-88

1 WHEREAS, 25 C.F.R. Parts 271.16 and 271.17 require the Bureau of
2 Indian Affairs to provide upon request of the Tohono
3 O'odham Nation information and technical assistance
4 respecting P.L. 93-638 school contracting; and

5 WHEREAS, on December 4, 1987 the San Simo:n School Board, by
6 resolution, asked the Chairman and the Human Resources
7 Development Committee to enact legislation exercising
8 the Nation's right to obtain from the BIA information
9 needed to consider school contracting; and

10 WHEREAS, in addition to San Simo:n, other school boards have
11 taken actions indicating a need for the Nation to assess
12 thoroughly school contracting. In the late 1970's, the
13 board of Santa Rosa Ranch School resolved to contract
14 its school and took concrete steps toward achieving
15 that goal. On December 8, 1986 the Tohono O'odham High
16 School Board, by unanimous resolution, established the
17 goal of contracting the new high school.

18 WHEREAS, on September 29, 1987, in testimony before the U.S.
19 Senate Select Committee on Indian Affairs, Chairman Enos
20 J. Francisco, Jr. requested that pending federal law
21 changes relating to Indian education be clarified so as
22 to give the Nation the option of establishing a unified
23 contract school system which would encompass the four
24 school sites and the offices of the Agency
25 Superintendent for Education; and

26 WHEREAS, the Comprehensive Education Plan for the O'odham Tribe,
27 adopted by the Tribal Council in 1983, calls for
28 feasibility studies and negotiations for contracting
29 federal schools serving the Tohono O'odham Nation.

30 NOW, THEREFORE, BE IT RESOLVED in this resolution, the term
31 "school contracting" means either P.L. 93-638
32 arrangements which contract as a single unit the four
Tohono O'odham school sites and the offices of the Sells

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1 Agency Superintendent for Education, or any variation
2 of such arrangements. The term "Bureau of Indian
3 Affairs" means the Sells Agency Superintendent, Sells
4 Agency Superintendent for Education, the Phoenix Area
5 Director, and such other Bureau of Indian Affairs
officials and employees as may be applicable.

6 BE IT FURTHER RESOLVED pursuant to 25 C.F.R. Part 271.16, the
7 Tohono O'odham Nation request the Bureau of Indian
8 Affairs to make available information pertaining to
9 school contracting. The Nation's request for
10 information:

11 a) encompasses all information authorized under
12 25 C.F.R. Part 271.16;

13 b) includes information needed to determine the
14 degree to which the Tohono O'odham federal schools
15 are in compliance with the minimum standards for
education and dormitories as published on September
9, 1985 at 25 C.F.R. Part 36;

16 c) extends to information located at any of the four
Tohono O'odham school sites.

17 BE IT FURTHER RESOLVED the Tohono O'odham Nation requests the
18 Bureau of Indian Affairs to make available pre-
19 application technical assistance regarding school
20 contracting to the full extent authorized under 25
21 C.F.R. Part 271.17.

22 BE IT FURTHER RESOLVED the Tohono O'odham Nation authorizes
23 Chairman Enos J. Francisco, Jr., or persons designated
24 by him, to obtain from the Bureau of Indian Affairs
25 information and technical assistance as provided in
26 this resolution.

27 BE IT FURTHER RESOLVED this does not authorize school contracting
28 by the Nation or any of its subdivisions, including the
29 governing boards of the BIA schools and Sells Agency
30 Board.

31 The foregoing resolution was passed by the Tohono O'odham
32 Council on the 1st day of February, 1988, at a meeting at which
a quorum was present with a vote of 1,524.5 for; -0- against;
115.5 not voting; and 02 absent; pursuant to the powers vested in

1 the Council by Section 1 (c)(2) of Article VI of the Constitution
2 of the Tohono O'odham Nation on January 18, 1986, and approved by
3 the Acting Deputy Assistant Secretary - Indian Affairs
4 (Operations) on March 6, 1986, pursuant to Section 16 of the Act
5 of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

6 Harriet Toro
7 Harriet Toro, Legislative Chairperson
8 9th day of February, 1988.

ATTEST:

9 Teresa M. Choyguha
10 Teresa M. Choyguha, Legislative Secretary
11 9th day of February, 1988.

12 Said Resolution was submitted for approval to the office of the
13 Chairman of the Tohono O'odham Nation on the 9th day of
14 February, 1988, at 3:56 o'clock, P..M.,
15 pursuant to the provisions of Section 5 of Article VII of the
16 Constitution and will become effective upon his approval or upon
17 his failure to either approve or disapprove it within 48 hours of
18 submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

19 Harriet Toro
20 Harriet Toro, Legislative Chairperson

21 [] APPROVED) on the 11 day of February,
22 [] DISAPPROVED) 1988, at 2:55 o'clock, P..M.

23 for Enos J. Francisco Jr.
24 ENOS J. FRANCISCO, JR., Chairman
25 TOHONO O'ODHAM NATION

26 Returned to Legislative Secretary on the 11th day of
27 February, 1988, at 4:04 o'clock, P..M.

28 Teresa M. Choyguha
29 Teresa M. Choyguha
30 Legislative Secretary
31
32

MOVED: ROSITA RUIZ

SUBJECT: SCHOOL CONTRACTING: ACCESS TO BUREAU

SECOND: HENRY RAMON

OF INDIAN AFFAIRS INFORMATION AND
PRE-APPLICATION TECHNICAL ASSISTANCE

DATE: FEBRUARY 01, 1988

RESOLUTION ~~XXXXXXXXXX~~ # 21-88

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 138.0	1. Nicholas Jose (Letitia Garcia) 2. Willard Juan, Sr. (Melissa Gregorio)	69.0 69.0	X X			
SELLS 257.0	1. Andrew Patricio (Daniel Lopez) 2. Fred Stevens ()	128.5 128.5	X X			X
SCHUK TOAK 105.0	1. Julia Carrillo (JoAnn Francisco) 2. Joseph Juan (Frances Francisco)	52.5 52.5	X		X	
SAN XAVIER 126.0	1. Eugene Enis (Michael Rios) 2. Tony Felix (Carmelita Mattias)	63.0 63.0	X		X	
BABOQUIVARI 241.0	1. Kenneth Chico, Sr. () 2. Joann Garcia (Frances Miguel)	120.5 120.5	X X			X
GU ACHI 158.0	1. Percy Lopez () 2. Fernando Joaquin ()	79.0 79.0	X X			
PISINEMO 116.0	1. Johnson Jose () 2. Edward Manuel (Alex Antone)	58.0 58.0	X X			
SAN LUCY 85.0	1. XXXXXXXXXX (Dewey Ortega) 2. John Reno ()	42.5 42.5	X X			
GU VO 117.0	1. Virgil Lewis (Roy Montana) 2. Cross Antone (Juan Joe Cipriano)	58.5 58.5	X X			
HICKIWAN 128.0	1. Henry Ramon (Billy Manuel) 2. Lloyd Francisco (Eleanor Santos)	64.0 64.0	X X			
CHUKUT KUK 169.0	1. Rosita Ruiz (Rosemary Lopez) 2. Harriet Toro ()	84.5 84.5	X X			
	TOTALS	1640.0	1,524.5	-0-	115.5	02