

RESOLUTION OF THE PAPAGO TRIBAL COUNCIL

(Concerning Adequate Funding for)
(Papago Early Childhood Education)

RES. NO. 68-81

- 1 WHEREAS, securing adequate funding for Papago Early Childhood Education in
2 fiscal year 1982 and thereafter is a priority concern of the Papago
3 Tribe because the program has proven that it increases substantially
4 the cognitive skill levels of Papago pre-schoolers; and
- 5 WHEREAS, the Indian Education Amendments of 1978 and final regulations adopted
6 thereunder in 1979 required the Bureau of Indian Affairs to a)
7 determine appropriate weight factors for formula funding of early
8 childhood education, b) include pre-kindergarten programs like
9 Papago Early Childhood Education in its education appropriations
10 request for fiscal year 1982, c) aggressively seek appropriations
11 from Congress for early childhood education for fiscal year 1982,
12 and d) consult with affected Tribes prior to modifying its policies
13 regarding early childhood education and the fiscal year 1982 funding
14 thereof; and
- 15 WHEREAS, the Papago Tribe, relying on these laws and regulations, agreed to
16 contribute \$150,000.00 of its limited general revenues to partially
17 finance Papago Early Childhood Education in fiscal year 1980 and
18 again in fiscal year 1981; and
- 19 WHEREAS, the Papago Tribe would not have made these contributions without the
20 funding assurances expressed in federal law and regulations because
21 it was clear at the time that tribal revenues would be needed in
22 other critical areas starting in fiscal year 1982; and
- 23 WHEREAS, from the date of adoption of the Indian Education Amendments of 1978
24 to May 26, 1981, during which time the Papago Tribe made repeated
25 contacts with the Bureau of Indian Affairs Office of Indian Education
26 Programs on the subject, the Bureau of Indian Affairs followed a
27 course of conduct indicating that it was complying with the appli-
28 cable federal laws and regulations respecting early childhood
29 education funding in fiscal year 1982; and
- 30 WHEREAS, following the Indian Education Amendments of 1978 the Papago Tribe,
31 in reasonable reliance on the law and the Bureau's course of conduct,
32 committed, effective fiscal year 1982, its early childhood

1 contribution to other critical operations; and

2 WHEREAS, the Papago Tribe was first notified by the Bureau of Indian Affairs
3 Office of Indian Education Programs on May 26, 1981, that the
4 Bureau of Indian Affairs had failed completely to fulfill its
5 obligations under the law and regulations and that, therefore, no
6 appropriations request for fiscal year 1982 had been made and Papago
7 Early Childhood Education would not receive any fiscal year 1982
8 financing pursuant to the Indian Education Amendments of 1978; and

9 WHEREAS, when taken together with the loss of other federal funds and the
10 loss of the tribal contribution, the denial of funding under the
11 Indian Education Amendments of 1978 will cut the Papago Early
12 Childhood Education operating budget from its 1981 level of
13 \$371,192.00 to \$75,800.00 (a crippling 80% cut); and

14 WHEREAS, the Bureau of Indian Affairs' failure to follow federal law and its
15 failure to notify the Papago Tribe of same threaten the very survival
16 of early childhood education on this reservation and have caused,
17 and will continue to cause, substantial monetary losses for the
18 Papago Tribe and Papago Early Childhood Education; and

19 WHEREAS, it appears that there are a number of alternative means for securing
20 sufficient operating revenues for Papago Early Childhood Education,

21 NOW, THEREFORE, BE IT RESOLVED that the Papago Tribal Council places top
22 priority on the task of securing adequate operating revenues for
23 Papago Early Childhood Education in fiscal year 1982 and thereafter;
24 and

25 BE IT FURTHER RESOLVED that the Papago Tribal Council does herewith request
26 its legal counsel to prepare an opinion regarding possible litigation
27 against the Bureau of Indian Affairs to obtain money damages and
28 compel immediate compliance with the Indian Education Amendments
29 of 1978 and the regulations promulgated thereunder; and

30 BE IT FURTHER RESOLVED that the Papago Tribal Council requests the assistance
31 of Arizona's Congressional delegation, Interior Secretary James Watt,
32 the Assistant Secretary for Indian Affairs, and appropriate

1 individuals in the Bureau of Indian Affairs Office of Indian
2 Education Programs in order to secure adequate operating revenues
3 for Papago Early Childhood Education in fiscal year 1982 and
4 thereafter; and

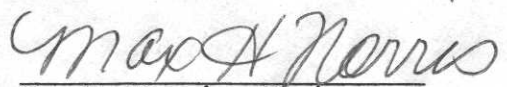
5 BE IT FURTHER RESOLVED that the Papago Tribal Council requests that all
6 possible funding sources be considered, including the use of any
7 available set-aside funds, the Papago Indian Moneys, Proceeds of
8 Labor (IMPL) account, or any other funds under the control of the
9 Department of Interior with the exception of Papago Agency funds
10 which would affect other services to the Papago people; and

11 BE IT FURTHER RESOLVED that the Papago Tribal Council does herewith adopt
12 the position that use of Papago IMPL funds for the purposes described
13 herein is appropriate, and the Papago Tribal Council requests that
14 the Secretary of the Interior and his agents at all levels of the
15 Department of Interior, including but not limited to the Papago
16 Agency in Sells, Arizona, take all necessary measures to insure that
17 Papago IMPL funds are reserved for such purposes pending resolution
18 of the Papago Early Childhood Education funding issue; and


19 BE IT FURTHER RESOLVED that the officers of the Papago Tribal Council, the
20 Papago Education Department, and the attorneys or other agents of
21 the Papago Tribe are authorized and directed to accomplish the
22 purposes of this resolution.

23 The foregoing Resolution was duly enacted by the Papago Council on the 17th
24 day of June, 1981, at a meeting at which a quorum was present with a vote of
25 1148.0 for; 0 against; 0 not voting; and 0 absent, pursuant to
26 the authority vested in the Papago Council by Section 2 (m) of Article V of
27 the Constitution and By-laws of the Papago Tribe of Arizona as amended,
28 ratified by the Papago Tribe on December 12, 1936, and approved by the
29 Secretary of the Interior on January 6, 1937, pursuant to Section 16 of the
30 Act of June 18, 1934 (48 Stat. 984). Said Resolution is not subject to review
31 by the Secretary of the Interior and is effective as of the date of its
32 enactment by the Papago Council.

THE PAPAGO COUNCIL


Max H. Norris, Chairman

ATTEST:


Rose Johnson, Secretary

Moved: Rosemary Lopez

Seconded: John Narcho

Date: 06 - 17 - 81

RESOLUTION- Adequate Funding for

Early Childhood Education

Resolution
or
Ordinance #

68 - 81

Districts	Representatives	No of Votes	For	Against	Not Voting	Absent
BABOQUIVARI 175	1. Edward N. Kisto (Joann Garcia) 2. Kenneth Chico, Sr. (Donald Harvey)	87.5 87.5	X X			
CHUKUT KUK 117	1. Rosemary Lopez (2. Harriet Toro (Lawrence Jose)	58.5 58.5	X X			
GU ACHI 123	1. Angelo J. Joaquin, Sr. (Joseph Pete Ramon) 2. Cipriano Manuel (Fernando Joaquin)	61.5 61.5	X X			
GU VO 54	1. Cross Antone (Juan Joe Cipriano) 2. Alvin Virgil Lewis (Henry F. Manuel)	27.0 27.0	X X			
HICKIWAN 79	1. Henry A. Ramon (James Angea) 2. Delma Garcia (Archie Pilone)	39.5 39.5	X X			
PISINEMO 82	1. Lamando Francisco (Herman Lopez) 2. Johnson Jose (Frank Garcia)	41.0 41.0	X X			
SAN LUCY 44	1. Max P. Jose (Garfield Lenzo) 2. Albert Gomez (Jeannie Morris)	22.0 22.0	X X			
SAN XAVIER 107	1. John B. Narcho (Simon Mamake) 2. John Lewis (Carmalita Mattias)	53.5 53.5	X X			
SCHUK TOAK 83	1. Alex Juan (Francisco Jose, Jr.) 2. Jo Ann Francisco (Priscilla G. Domingo)	41.5 41.5	X X			
SELLS 168	1. Andrew M. Patricio (Larry Garcia) 2. Fred Stevens (Dennis Jose)	84.0 84.0	X X			
SIF OIDAK 116	1. Elliot Lewis (Eugene Jose) 2. Nicklos Jose (Alice Norris)	58.0 58.0	X X			
TOTALS		1148.0	1148.0	0	0	0