

RESOLUTION OF THE PAPAGO TRIBAL COUNCIL

Impact Aid

RES. NO. 58-83

1 WHEREAS, Indian Oasis-Baboquivari Unified School District No. 40 is the main  
2 public school serving the Papago Reservation and large numbers of  
3 Papago children attend other public schools in non-Indian communities  
4 surrounding the Papago reservation; and

4 WHEREAS, the State of Arizona has imposed a limit on the amount of impact aid  
5 the school districts serving Papago children may spend for operations  
6 and such limit is determined without regard to the school districts'  
7 higher fixed operating costs or the federal Indian self-determination  
8 policy as it is expressed in the impact aid program; and

8 WHEREAS, on March 24, 1983, the State of Arizona received initial permission  
9 from the U.S. Department of Education to equalize impact aid for the  
10 fiscal year ending October 31, 1983, with the result that, unless  
11 the Department's decision is reversed on appeal, Arizona will with-  
12 hold approximately \$960,000.00 in state assistance which would  
13 otherwise be paid to Indian Oasis-Baboquivari for operating expenses  
14 this school year and will continue to withhold comparable amounts  
15 in future years; and

14 WHEREAS, the decision to allow the State of Arizona to equalize impact aid  
15 had the dual effect of, first, taking from Indian Oasis-Baboquivari  
16 revenue needed to meet its higher fixed operating costs and, second,  
17 nullifying the federal Indian self-determination policy as it is  
18 expressed in the impact aid program; and

18 WHEREAS, the effect of Arizona's school district spending limit and the  
19 federal decision to allow equalization of impact aid is to deny  
20 equal educational opportunity to Papago children and make it  
21 impossible for the Papago Tribe to implement the Federal Indian  
22 self-determination policy in the public schools serving our  
23 children; and

22 WHEREAS, there have been proposed certain draft amendments to the federal  
23 impact aid law (hereafter referred to as proposed impact aid amend-  
24 ments) which would, first, enable reservation school districts to  
25 spend a portion of their impact aid without regard to Arizona's  
26 expenditure limitations, and second, prevent a portion of impact  
27 aid from being equalized, and third, empower tribal governments to  
28 play a greater role in the impact aid program; and

28 WHEREAS, the proposed impact aid amendments are described in a document  
29 entitled "Summary of 3/7/83 Draft Impact Aid Amendments" which is  
30 attached hereto and incorporated herein by reference; and

30 WHEREAS, on March 17, 1983, the Papago Education Committee reviewed the  
31 proposed impact aid amendments and gave their support for the  
32 concepts expressed therein and further requested the assistance of  
the Papago Education Department, the Papago Tribe, and other

1 appropriate entities and individuals in securing enactment into  
2 law of said concepts; and

3 WHEREAS, on March 22, 1983, the Board of Trustees of Indian Oasis-Baboquivari  
4 Unified School District No. 40 gave its support for the concepts  
5 expressed in the proposed impact aid amendments and requested the  
6 assistance of the Papago Tribe, other Indian tribes and school  
7 districts, the Inter-Tribal Council of Arizona, the National  
8 Congress of American Indians, the Center for Law and Education, and  
9 other appropriate entities and individuals in securing enactment  
10 into law of said concepts; and

11 WHEREAS, the Civil Rights Division of the United States Department of Justice  
12 is currently considering whether it will take measures to address  
13 the impact aid problems described here so as to protect the civil  
14 rights of Arizona's Indian people and prevent state law from blocking  
15 implementation of the federal Indian self-determination policy.

16 NOW, THEREFORE, BE IT RESOLVED that:


- 17 1. The Papago Tribal Council endorses the concepts expressed  
18 in the proposed impact aid amendments and respectfully  
19 requests the U.S. Congress and the President of the United  
20 States to amend the law accordingly.
- 21 2. The Papago Tribal Council authorizes and directs the Papago  
22 Education Department, together with the officers, tribal  
23 attorneys, lobbyists and other agents of the Papago Tribe,  
24 to take whatever actions may be necessary to secure enact-  
25 ment into law of the concepts expressed in the proposed  
26 impact aid amendments. Such actions may include but shall  
27 not be limited to working with other tribal governments  
28 and Indian school districts, the Inter-Tribal Council of  
29 Arizona, the National Congress of American Indians, the  
30 Center for Law and Education, and other appropriate  
31 entities and individuals to develop and execute a plan for  
32 the adoption of amendments.
3. The Papago Education Department is further authorized to  
assist in the organizing of an Indian impact aid meeting  
in the near future to address the impact aid issues  
described herein and develop an appropriate legislative  
strategy regarding impact aid amendments.
4. The Papago Tribal Council requests the Civil Rights Division  
of the U.S. Department of Justice to use its resources to  
oppose by all available means Arizona's spending limit as  
it applies to impact aid.
5. The Papago Education Department is directed to prepare a

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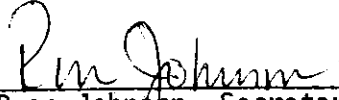
report for review by the Education Committee and the Papago Council 1) describing what steps may be taken to implement the federal Indian self-determination policy as it is expressed in the impact aid program and the effect of such implementation on the overall educational system serving Papago students, and 2) regarding the need for funding a Washington-based lobbyist for impact aid amendments and the feasibility of funding such a lobbyist through contributions by the affected tribes and school districts or through other means.

The foregoing Resolution was duly enacted by the Papago Council on the 11th day of April, 1983, at a meeting at which a quorum was present with a vote of 1060.5 for; 0 against; 87.5 not voting; and 1 absent, pursuant to the authority vested in the Papago Council by Section 2 (a), (d) and (h) of Article V of the Constitution and By-laws of the Papago Tribe of Arizona as amended, ratified by the Papago Tribe on December 12, 1936, and approved by the Secretary of the Interior on January 6, 1937, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984). Said Resolution is not subject to review by the Secretary of the Interior and is effective as of its enactment by the Papago Council.

THE PAPAGO COUNCIL

  
Max H. Norris, Chairman  
Vice-Chairman

ATTEST:

  
Rose Johnson, Secretary

Moved: Alvin Virgil Lewis

RESOLUTION- Impact Aid

Second: Angelo J. Joaquin, Sr.

Date: 04/11/83

Resolution  
or  
Ordinance # 58-83

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 <i>Fred Adams, Jr.</i>	1. Angelo J. Joaquin, Sr. (Joseph Pete Ramon) 2. <del>Cipriano Manuel</del> ( <del>Fernando Joaquin</del> )	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. <del>Henry A. Ramon</del> (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 (Carmelita Mattias)	53.5 53.5	X X			
SCHUK TOAK 83	1. <del>Alex Juan</del> (Francisco Jose, Jr.) 2. Jo Ann Francisco (Priscilla G. Domingo)	41.5 41.5	X 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	1060.5	0	87.5	1