



## **National Indian Education Association**

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### **NIEA RESOLUTION #06-02**

**Title: DIRECTING NIEA TO EXAMINE AND MAKE RECOMMENDATIONS FOR ANY NEEDED CHANGES REGARDING THE REQUIREMENTS AND ACCOUNTABILITY FOR STUDENT ELIGIBILITY FOR THE INDIAN EDUCATION ACT FORMULA GRANT PROBLEM (NCLB TITLE VII)**

**WHEREAS**, the National Indian Education Association (NIEA) was established in 1969 for the purpose of advocating, planning, and promoting the unique and special educational needs of American Indians, Alaska Natives, and Native Hawaiians; and

**WHEREAS**, NIEA as the largest national Indian organization of American Indians, Alaska Native, and Native Hawaiian educators, administrators, parents, and students in the United States, provides a forum to discuss and act upon issues affecting the education of Indian and Native people; and

**WHEREAS**, through its unique relationship with Indian nations and tribes, the federal government has established programs and resources to meet the educational needs of American Indians, Alaska Native, and Native Hawaiians, residing on and off their reserved or non-reserved homelands; and

**WHEREAS**, the Indian Education Act Formula Grant program, established by the U.S. Congress in 1972, currently administered by the U.S. Department of Education's Office of Indian Education, and most recently reauthorized by the Title VII of the No Child Left Behind Act, is presently an over ninety-million dollar (\$90 million) nationwide program that is intended to help local educational agencies (LEAs), Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, and

**WHEREAS**, The Office of Indian Education is currently under investigation for awarding the Fiscal Years 2002 – 2005 over two million dollars (\$2 million) in Formula Grant program funding to over twenty-five (25) LEAs based on false information provided by them and an alleged Indian tribe on the Student Eligibility "506" forms that did not and does not comply with the statutory requirements for Formulas Grant program funding student eligibility, and

**WHEREAS**, Although this particular incident happened in Arkansas, the law and administrative management and enforcement systems under which it happened are national and there is every reason to expect that it could happen or is happening elsewhere in the country; moreover, when and incident like this happens it in fact affects all Indian students legitimately eligible for Formula Grant funding nationwide by

diverting funds from an already fixed annual appropriations amount, and the law expressly provides that the LEAs are liable to repay only funds from erroneously awarded grants that they “have not expanded” already;

**NOW THEREFORE BE IT RESOLVED**, that NIEA shall examine the statutory provisions for establishing and accounting for student eligibility for the Indian Education Act Formula Grant program, and shall make any necessary or advisable recommendations for changes in the law, administration, and enforcement of the program to the U.S. Department of Education and the U.S. Congress.

### **CERTIFICATION**

I do hereby certify that the following resolution was dully considered and passed by the NIEA Board of Directors on November 30, 2006 at which a quorum was present.

*Verlie Ann Malina Wright*

Dr. Verlie Ann Malina Wright, President (2006-07)  
National Indian Education Association