



NATIONAL INDIAN EDUCATION ASSOCIATION

110 Maryland Avenue, N.E., Suite 104, Washington, DC 20002
(202) 544-7290 (Phone) (202) 544-7293 (Fax) NIEA@niea.org (E-mail) www.NIEA.org

NIEA RESOLUTION 2012-6

Title: In Support of the Great Plains Tribal Chairman's Association Resolution on Consultation with the Bureau of Indian Education (# 21-5-3-12)

Great Plains Tribal Chairman's Association (GPTCA)

TO ENFORCE THE REQUIREMENTS OF 25 U.S.C. §2011 WHICH REQUIRE THE FEDERAL GOVERNMENT TO ENGAGE IN PRE-DECISIONAL GOVERNMENT-TO-GOVERNMENT CONSULTATION WITH TRIBAL GOVERNMENTS PRIOR TO IMPLEMENTING ANY PROPOSED RE-ORGANIZATION OF THE BUREAU OF INDIAN EDUCATION.

WHEREAS, the Great Plains (formerly Aberdeen Area) Tribal Chairman's Association (GPTCA) is composed of the elected Chairs and Presidents of the 16 Sovereign Indian Tribes and Nations recognized by Treaties with the United States that are within the Great Plains Region of the Bureau of Indian Affairs; and

WHEREAS, the GPTCA was formed to promote the common interests of the Sovereign Tribes and Nations and their members of the Great Plains Region which comprises the states of North Dakota, South Dakota, Nebraska; and

WHEREAS, through its treaties, statues, Constitution, international law and well-articulated policies, the United States assumed a legal responsibility to protect Indian Tribes; provide them with certain goods and services, guarantee the right of Tribal self-government, guarantee the protection and safety of tribal members, guarantee the right of children to education that is culturally appropriate, and promote the viability of Indian reservations and lands as permanent homelands for tribes; and

WHEREAS, the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE) were established to implement these core trust and treaty obligations of the United States, and

WHEREAS, the BIE has not provided Tribal Nations with the information necessary to engage in government to government consultation on reorganization of the BIE; and

WHEREAS, the BIE has provided conflicting, incomplete, and inaccurate information on the purposes of reorganization, the details of what positions and offices will be eliminated, the amount of cost savings from such actions, the amount of cost savings needed, and information supporting the rationale for elimination of Education Line Offices only in North and South Dakota on Reservations; and

WHEREAS, funds for education allocated by Congress and services are not provided by the BIA or the United States as gratuitous grants, they are instead entitlements which the Tribes of the Great Plains Region negotiated for in Treaties for the direct exchange of the land and other rights they were forced to give up in their Treaties; and



WHEREAS, this separates these BIA and BIE programs and services from the other federally funded programs and services which are currently included in the discretionary budget of the United States; and

WHEREAS, 25 U.S.C. §2011 requires government-to-government pre-decisional consultation before enactment of policies, or operational changes that directly affect tribes and tribal schools; and

WHEREAS, the BIE has not met its statutory obligations to consult on a government-to-government basis with respect to any proposed reorganization by failing to provide accurate and timely information that is sufficient for tribes to make informed decisions, and has not responded to the GPTCA Tribal Position paper submitted in January 2012 with respect to a proposed MOU with the Department of Education with rationale why none of the recommendations of the GPTCA tribes were acted upon or included in the MOU or in the proposed reorganizational plan; and

WHEREAS, Tribal Nations most affected are the Large Tribes who operate large governments, much like states with large populations numerous Communities, extensive land base, and 1/3 of all BIE funded and operated schools in the United States; now

THEREFORE BE IT RESOLVED, that the Tribes of the GPTCA call upon the Obama Administration and the Congress of the United States to cease this unfounded reorganization which targets only the services provided to the Tribes of North and South Dakota, cease efforts to approve a MOU with the Department of Education prior to justifying the rejection of every recommendation of the Great Plains Tribes without any explanation or rationale, and begin the process of engaging in the statutorily required government – to-government consultation with tribal nations of the Great Plains in the next 30 days from this resolution ; and

BE IT FURTHER RESOLVED, that the GPTCA calls upon its congressional delegations to intervene in these illegal and unfounded changes that will result in immediate and irreparable harm to tribal schools and the students they serve, and will permanently and irreversibly result in further decline in achievement for tribal students served by tribal schools; and

BE IT FURTHER RESOLVED, that the Great Plains Tribes call upon the BIE and the Obama Administration to provide the information requested by the Cheyenne River Sioux Tribe and the Oglala Sioux Tribe forthwith so that Great Plains Tribes can evaluate the BIE proposed reorganization and engage in their statutorily guaranteed right to due process; and

NOW THEREFORE BE IT FINALLY RESOLVED that this resolution shall be the policy of the Great Plains Tribal Chairman's Association until otherwise amended or rescinded.

NOW THEREFORE BE IT RESOLVED THAT THE NATIONAL INDIAN EDUCATION ASSOCIATION fully supports the Great Plains Tribal Chairman's Association above resolution.

Dr. Heather Shotton
President