



NATIONAL INDIAN EDUCATION ASSOCIATION

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NIEA Resolution 2013-04

TITLE: SUPPORT EQUITABLE ACCESS TO FEDERAL EMPLOYEE HEALTH BENEFITS FOR EDUCATORS IN TRIBALLY CONTROLLED SCHOOLS

WHEREAS, the National Indian Education Association (NIEA) was established in 1970 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 Indian, 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 Natives, and Native Hawaiians, residing on and off their reserved or non-reserved homelands; and

WHEREAS, under Title I of the "Indian Self-Determination and Education Assistance Act of 1975" (Public Law 93-638), the statute authorizes Indian tribes and organizations the full opportunity to develop the ability to self-govern by contracting and operating federal service programs within the Indian Health Service and the Bureau of Indian Affairs, which includes Bureau of Indian Education (BIE) schools; and

WHEREAS, under the "Tribally Controlled Schools Act of 1988" (Public Law 100-297), the statute maintains that the United States will provide the resources, processes, and structures that will enable tribes and local communities to obtain the quantity and quality of educational services by allowing such tribes to operate contract schools under Title XI of the Education Amendments of 1978 [25 U.S.C. 2000 et seq.], other tribally controlled schools eligible for assistance, and Bureau-funded schools to permit Indian children to compete and excel; and

WHEREAS, the Federal Employees Health Benefits (FEHB) Program was created by the "Federal Employees Health Benefits Act of 1959" (Public Law 86-382) over 50 years ago to provide private health insurance coverage to federal employees, annuitants, and their dependents; and

WHEREAS, On March 23, 2010, President Barack Obama signed the Patient Protection and Affordable Care Act which included section 10221 and incorporated §409 to the Indian Health Care Improvement Act (IHCIA); and

WHEREAS, IHCIA §409 (now codified at 25 U.S.C. §1647b) allows eligible Indian tribes, tribal organizations, and urban Indian organizations to purchase FEHB and Federal Employees' Group Life Insurance coverage, rights, and benefits for their employees to provide them additional options for insurance coverage; and

WHEREAS, while the FEHB provides options for insurance for employees working in tribally-contracted schools under P.L. 93-638, the U.S. Office of Personnel Management (OPM) utilizes requirements that prohibits tribes contracting schools under P.L. 100-297 from providing employees the ability to participate in the same benefits package; and

WHEREAS, there is no language in the IHCIA that stipulates that a P.L. 100-297 contract school should be excluded from participating in FEHB; and

WHEREAS, tribes contracting institutions under P.L. 100-297 are still operating under P.L. 93-638 and do not abrogate their eligibility to provide employee benefits under FEHB; and

NOW THEREFORE BE IT RESOLVED, that the NIEA opposes inequitable conditions between school systems serving Native students and that teachers of Native children, whether they serve in traditional public, BIE, charter or tribally-contracted schools, should have equal access to benefit packages and services; and

BE IT FURTHER RESOLVED, that NIEA will work with OPM and BIE to ensure that P.L. 100-297 schools have the same ability to access FEHB as those employees serving in institutions operating under P.L. 93-638 contracts and other federal school systems, so they can access services that help them provide Native students the best education available.

CERTIFICATION

I do hereby certify that the following resolution was duly considered and passed by the National Indian Education Association on November 2, 2013 at which a quorum of the membership was present.

A handwritten signature in black ink, appearing to read 'Pam Agoyo', with a stylized flourish at the end.

Pam Agoyo
President