



# NATIONAL INDIAN EDUCATION ASSOCIATION

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## NIEA Resolution 2014-18

**TITLE: SUPPORT OF TRIBALLY-OPERATED SCHOOLS AND CULTURALLY-APPROPRIATE EDUCATION OPPORTUNITIES FOR AMERICAN INDIAN AND ALASKA NATIVE YOUTH BY ALLOWING AND ACKNOWLEDGING THE RESPONSIBILITY OF THE BUREAU OF INDIAN EDUCATION TO CONTRACT WITH TRIBES, INCLUDING THOSE IN ALASKA**

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, American Indian and Alaska Native tribes and communities have strong interests in improving the education opportunities for Native youth; and

WHEREAS, the United States has recognized the expression of "Indians" to include Alaska Natives for self-determination purposes in legislation as well as declaring its commitment to the maintenance of the federal government's unique and continuing trust responsibility to Indian tribes through the establishment of the Indian Self-Determination Policy and the Indian Self-Determination and Education Assistance Act (Public Law 93-638), assuring the maximum tribal participation in the direction of educational services to render those services more responsive to the needs and desires of those communities; and

WHEREAS, tribes that operate tribal schools in the State of Alaska have sought to enter into Indian Self-Determination and Education Assistance Act agreements with the Bureau of Indian Education (BIE) in order to carry out educational programs that meet the needs and desires of their tribal communities, but have been administratively denied based upon outdated U.S. governmental and termination era policies despite the federal trust responsibility to all Native peoples for education; and

WHEREAS, the executive and legislative branches of the United States government have continued to carry-forward proposed, enacted, and implemented appropriations legislation based upon prior policy that needs to be updated so it does not prevent BIE funding from being used for tribal schools in the State of Alaska, specifically in the appropriations language which is proposed to be continued under the FY 2014 budget proposal; and

WHEREAS, this places limitations on which schools are eligible for BIE funds and prevents BIE funding from being used for tribal schools in Alaska. The language states:

“Notwithstanding any other provision of law, no funds available to the Bureau [of Indian Education], other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq. [Johnson O'Malley], shall be available to support the operation of any elementary or secondary school in the State of Alaska.”  
(FY14 Indian Affairs Budget Justification, pages IA-PROV-1 and IA-PROV-2)

WHEREAS, this is a discriminatory practice based upon the long-gone Era of Termination of tribes and effectively denies American Indians and Alaska Natives that reside in the State of Alaska the equitable opportunity to carry out tribally-directed education programs that are authorized in the rest of America and is contrary to the trust responsibility of the United States to all its Indigenous peoples;

NOW THEREFORE BE IT RESOLVED, the National Indian Education Association urges the Obama Administration in conjunction with the United States Congress to take action to ensure that BIE funding is made available to all American Indian and Alaska Native tribes, as well as tribal organizations, on the same terms it is made available in the rest of the United States; and

BE IT FURTHER RESOLVED, the National Indian Education Association also urges additional funding be allocated for meeting the trust responsibility of education in Alaska and nationally.

#### CERTIFICATION

I do hereby certify that the following resolution was duly considered and passed by the National Indian Education Association on October 18, 2014 at which a quorum of the membership was present.



Melvin Monette  
President