

RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION

- WHEREAS, the White Mountain Apache Tribe contracted the Johnson O'Malley Program from BIA in 1977; and
- WHEREAS, since then the White Mountain Apache Tribe through the Tribal Education Department and the Indian Education Committee has administered the JOM Program in accordance with its intent, its policies and procedures, and its regulations; and
- WHEREAS, congressional bill language in 1985 seemingly limited JOM Programs to "educational-service only" programs (rather than recreational) and said language resulted in BIA's allegations that the Tribal JOM Program
1. Is supplanting rather than supplementing funding and
  2. Inequitably distributed funds in 1987-88 and 1988-89; and
- WHEREAS, the Tribal JOM Program refuted these alleged charges by the BIA in 1987-88 by 1) conducting a cost study, indicating no evidence of supplanting; 2) designing a better Evaluation Plan for the JOM Program's work study program; 3) reducing student employment from 5 weeks to 3 weeks; and 4) obtaining a ruling by Dr. Ken Ross of the BIA Field Office allowing the Tribal JOM Program to continue as is; and
- WHEREAS, most of the rebuttals were made conditional provisions in the FY 87-88 contract and were acceptable to the BIA at that time as is evidenced by the successful closeout of the contract in December 1988; and
- WHEREAS, despite the Tribe's successful administration of the JOM Program since 1977, and adequate repudiation of the previous non-compliance allegations made regarding the Tribal JOM Program, said allegations continue in 1989; and
- WHEREAS, it is the concensus of the BIA and the Tribe as represented by Indian Education Committee that a request for a waiver of the federal regulations for the work study program is appropriate and that the program should be contracted this year and thereafter; and

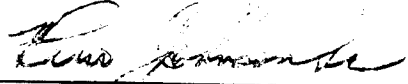
WHEREAS, if such a request for waiver is granted in accordance with 25 C.F.R. §273.51 and 41 C.F.R. Part 14 H-70 the Tribal JOM Program will be recognized as a legitimate component of the program equivalent to the parental cost methodology used by other Indian Tribes; and

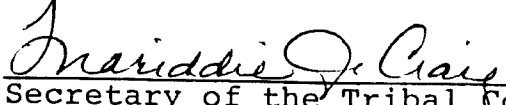
WHEREAS, the program understands that request of waiver if granted will result in continued monitoring by the BIA, as well as the requirement that the program stress that the educational process be integrated into the work study program.

THEREFORE BE IT RESOLVED that the Tribal Council of the White Mountain Apache Tribe respectfully requests of the Commissioner through and jointly with the Contracting Officer, Bobby Thompson, who is also the Fort Apache BIA Agency Superintendent for Education, that a waiver of the federal regulations cited above for the JOM Program's work study program be granted so that the program can continue operation in 1989 and thereafter as a legitimate educational program.

BE IT FURTHER RESOLVED that the Tribal Council of the White Mountain Apache Tribe, the White Mountain Apache Tribal Education Department and Indian Education Committee vehemently deny the BIA's charges.

The foregoing resolution was on May 24, 1989, duly adopted by a vote of SIX for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

  
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Chairman of the Tribal Council

  
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Secretary of the Tribal Council