

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

- WHEREAS,** the Theodore Roosevelt School Board previously appointed by the Tribal Council of the White Mountain Apache Tribe has come before the Tribal Council this date in response to a Council directive to appear and explain to the Tribal Council reports of irregular activities and problems at the Theodore Roosevelt School, as well as information received by the Council that the School Board had become incorporated under state law and had become a State Charter School pursuant to a sponsor contract with a State School in Window Rock on the Navajo Reservation without prior Tribal Council authorization; and
- WHEREAS,** the School Board has appeared this date and has advised the Tribal Council that it was not its intention to negatively impact the Tribe's sovereignty, tribal control of education, or to violate Resolution No. 04-96-090, adopted by the Tribal Council on April 30, 1996, which authorized the Theodore Roosevelt School Board to convert the BIA Theodore Roosevelt School to grant school status under the Federal Indian Self-Determination Act; and
- WHEREAS,** the School Board acknowledges to the Tribal Council that prior Tribal Council approval was required before the School Board could enter into a Charter School contract with the Window Rock School or to become incorporated under Arizona law as a non-profit school board; and
- WHEREAS,** the School Board explains that its prior school administrator-superintendent, Carrie Watahomigie, and the school's outside attorney, Steve Smith, did not explain to the Board about the negative impact on tribal sovereignty and tribal control of education that might result from incorporation under state law or by becoming a State Charter school and that neither Ms. Watahomigie nor the Board's attorney notified the Tribal Chairman, Tribal Council or Tribal Legal Department of their decision to persuade the Board to incorporate under state law and to become a State Charter School; and
- WHEREAS,** the School Board further details to the Tribal Council other budget and expenditure irregularities it has discovered due to the misadministration of the Theodore Roosevelt School Board budget and explains to the Tribal Council that it has terminated the school administrator, Carrie Watahomigie, its contract with outside counsel Steve Smith, and has employed a new administrative team; and

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WHEREAS, the School Board is advised by the Tribal Council that in the Council's view, the acts of the School Board becoming incorporated under state law as an Arizona non-profit corporation, the School Board's application to become a State Charter school and the School Board's contract with Window Rock as the sponsoring school for charter status were without Tribal Council authority and, therefore, null and void, and it is the Council's intention to dissolve the Board's Arizona corporation, State Charter status and contract with Window Rock; and

WHEREAS, the Tribal Council recognizes that the Theodore Roosevelt School Board's incorporation under state law and the Board's application to become a state charter school by contract with a state school in Window Rock, the Capitol of the Navajo Nation, constitutes a serious affront and disrespect to the Tribal Council of the White Mountain Apache Tribe, which is the only legitimate and constitutional governing body of the Tribe authorized to approve such agreements and actions, and represents a radical departure from well established and acceptable standards of operation, care and conduct expected by the Council of its subordinate and appointed Boards, School Boards, Departments, and Enterprises; and

WHEREAS, the Theodore Roosevelt School Board concurs with the Tribal Council's directive and advises the Tribal Council that it was ill-advised to have incorporated under state law or to have become a State Charter school without Council approval and that in its view, it did not receive complete information from its former chief school administrator, Carrie Watahomigie, or outside legal counsel; and

WHEREAS, after considerable discussion between the Tribal Council and the School Board, the Tribal Council concludes that the Tribal Legal Department should be directed to assist the Theodore Roosevelt School Board to implement Resolution No. 04-96-090 and to dissolve the state corporation status, State Charter School status, and contract with Window Rock School and to take what other steps are necessary to protect the Tribe's sovereignty and goals of tribal control over education at Theodore Roosevelt School.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby declares the Theodore Roosevelt School Board's incorporation under Arizona state law, State Charter status, and contract with Window Rock State School to be null and void.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs the Theodore Roosevelt School Board, with the assistance of the Tribal Legal Department, to take immediate steps to dissolve the Board's state corporation status, to revoke State Charter School status, and to rescind any contract with the Window Rock School as a State Charter School sponsor.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs the Theodore Roosevelt School administration and School Board to conduct an audit of all expenses and report on certain activities at the Theodore Roosevelt School, including but not limited to: (1) an accounting of all monies paid to the Window Rock School; (2) an inventory of all existing insurance coverage at the Theodore Roosevelt School; (3) legal fees paid to outside counsel; (4) an audit of all policy procedures; (5) textbook purchases; (6) curriculum; (7) staff pay scale; and (8) a State of the School Report to the Tribal Council within forty-five (45) days to include information on monthly enrollment of tribal and non-tribal member students at the Theodore Roosevelt School, the number of teachers and staff, test results and/or grade equivalency level of students, completed background checks for school faculty, staff, and school administrators, and a list of all certified and non-certified teachers.

BE IT FURTHER RESOLVED by the Tribal Council that it does not in any way acknowledge or concede that the Theodore Roosevelt School Board had the power or authority to incorporate as non-profit school board under Arizona law or to enter into a State School charter contract without prior Tribal Council approval and any directives in this Resolution to dissolve said corporation or State Charter School status shall not be construed to be an express or implied Council acknowledgment of the legality of said incorporation, state charter or charter contract with Window Rock School.


The foregoing resolution was on November 27, 1996 duly adopted by a vote of nine for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (f), (i), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

RECEIVED

DEC 19 1996

**WHITE MOUNTAIN APACHE INDIAN AGENCY
WHITERIVER, ARIZONA**


Chairman of the Tribal Council


Secretary of the Tribal Council