



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Recommending that All Reservation Schools Provide an Online Option for Students)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation (“Constitution”) provides, at Article IV, Section 1(a) that the Tribal Council (“Council”) shall exercise the power “[t]o represent the tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this constitution”; and
- WHEREAS,** The Tribe made an Emergency Declaration on March 12, 2020 in response to the COVID-19 worldwide pandemic and has been responding to this public health emergency since through various Stay-at-Home Orders, Lock Downs, and other precautionary measures; and
- WHEREAS,** On May 17, 2021, the Tribe entered the “Modified Normal Phase” of its Reopening Plan after meeting previously designated benchmarks, but subsequently moved back down into Phase Three on July 25, 2021 as the Tribe’s positivity rate for COVID-19 began to increase; and
- WHEREAS,** Most schools on the Fort Apache Indian Reservation (“Reservation”) have returned to in-person learning in accordance with their own academic year calendars; and
- WHEREAS,** The Tribe’s Emergency Operations Center (“EOC”) and the Whiteriver Indian Health Service (“IHS”) continue to work with all Reservation schools to update their infectious disease control plans to adequately address the COVID-19 pandemic within their schools; and
- WHEREAS,** The EOC and IHS continue to monitor an uptick in COVID-19 cases on the Reservation in part due to an increase in the prevalence of COVID-19 variants including the delta variant, which is a more contagious variant than the alpha strain; and
- WHEREAS,** The EOC and IHS are alarmed at the increase of COVID-19 cases on the Reservation, and the fact that schools have started again and flu season is fast approaching; and
- WHEREAS,** The EOC reached out to the Arizona Department of Education on August 9, 2021 regarding potential exemptions to current passed or enacted State laws concerning in-person instruction for state school districts located on the Reservation and was informed of the following:

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- The Arizona state legislature passed HB2862 which gives local school districts flexibility to offer remote learning without having to get an approved Arizona Online Instruction;
- State school districts can offer up to 50% of their students a remote learning option; and
- Any percentage beyond this will be subject to a 5% cut in average daily membership, the per pupil state aid based on enrollment and attendance; and

WHEREAS, The EOC, this day, urges the Council to adopt the following recommendations for all Reservations schools:

1. Provide students with an online option not to exceed 30% of their student population, at least while the Tribe experiences an increase in COVID-19 cases, nad preferably for the entire school year; and
2. Continue to require a facemask to all students in accordance with recommendations from the American Academy of Pediatrics and the Centers for Disease and Control Prevention.

WHEREAS, the Tribal Council has considered these recommendations and concludes that making them to the Reservations schools is in the best interests of the Tribe and its members.

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby makes the following recommendations to all schools on the Fort Apache Indian Reservation:

1. Provide their students with an online option not to exceed 30% of their student population, at least while the Tribe experiences an increase in COVID-19 cases, but preferably for the entire academic year; and
2. Continue to require facemasks for all students in accordance with recommendations from the American Academy of Pediatrics and the Centers for Disease and Control Prevention.


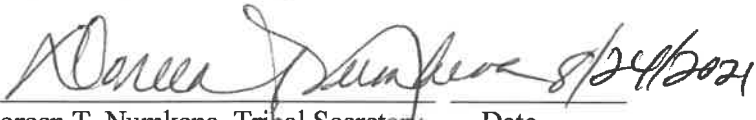
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairwoman, or in her absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

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The foregoing resolution was on AUGUST 16 , 2021 duly adopted by a vote of EIGHT for, ZERO against, and ONE abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

	<u>8.24.21</u>		<u>8/24/2021</u>
Gwendena Lee-Gatewood, Chairwoman	Date	Doreen T. Numkena, Tribal Secretary	Date