



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing Theodore Roosevelt School to Obtain Assistance from the Arizona Department of Public Safety and Federal Bureau of Investigations for Criminal Background Checks for Staff and Board Members)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(s) that the Tribal Council (“Council”) shall exercise the power, “...to regulate subordinate organizations for economic and other purposes”; and
- WHEREAS,** Theodore Roosevelt School is a tribally-controlled school of the Tribe that operates under Bureau of Indian Education compliance standards; and
- WHEREAS,** As a condition of its funding and operational standards for the protection of children, the School must conduct complete criminal background checks of all school employees, applicants for employment, volunteers, contract workers who have regular contact with students, and members of the School Board; and
- WHEREAS,** As a tribally-controlled school, the School has been advised to request approval and authorization from the governing body of the Tribe to obtain criminal background records from the national Federal Bureau of Investigations (“FBI”) data base through the Arizona Department of Public Safety (“DPS”); and
- WHEREAS,** The information provided through the national database will greatly enhance the criminal background information available to the School; and
- WHEREAS,** The Council is advised that if it authorizes a direct request to, and agreement with, Arizona DPS for assistance with criminal background records, Arizona DPS would facilitate access to National Crime Information Center database to obtain criminal history backgrounds, subject to the conditions listed below; and
- WHEREAS,** The Council finds that authorizing Theodore Roosevelt School to obtain criminal history records through the assistance of Arizona DPS for all staff members, applicants for employment, volunteers, contract workers who have regular contact with students, and members of the governing board of Theodore Roosevelt School, will allow the school to maintain compliance with applicable BIE standards, and is in the best interests of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby requests that Theodore Roosevelt School, as the designated agency for the purpose of this Resolution, be permitted to obtain criminal history records through the assistance of Arizona DPS for all staff members, applicants for employment, volunteers, contract workers who have regular contact with students, and members of the governing board of Theodore Roosevelt School.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that as a condition of receiving the requested criminal history records the following conditions are authorized:

1. All Theodore Roosevelt staff members, applicants for employment, volunteers, contract workers who have regular contact with students, and members of the School governing board shall be required to submit a full set of fingerprints;
2. Theodore Roosevelt School shall submit the fingerprints to the Arizona DPS for the purpose of obtaining a state and federal criminal records check pursuant to A.R.S. Sec. 41-1750 and P.L. 92-544;
3. DPS shall be authorized to exchange the fingerprint data with the Federal Bureau of Investigation; and
4. The Federal Bureau of Investigation records shall be used to screen all persons for whom fingerprint records are submitted.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the execution of an agreement between Theodore Roosevelt School and Arizona DPS as necessary to implement the terms and intent of this Resolution.

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 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.

The foregoing resolution was on APRIL 14, 2022 duly adopted by a vote of ELEVEN for, ZERO against, and ZERO 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).

 4.21.22  4.21.2022
Gwendena Lee-Gatewood, Chairwoman Date Doreen T. Numkena, Tribal Secretary Date