



**RESOLUTION OF THE GOVERNING BODY  
OF THE THREE AFFILIATED TRIBES  
OF THE FORT BERTHOLD INDIAN RESERVATION**

*A Resolution entitled, "Request For ISEP Funds for the High School Students from the Twin Buttes Community and a Waiver on the Moratorium on Adding School Grade Levels."*

**WHEREAS,** the Three Affiliated Tribes of the Fort Berthold Reservation are organized under the Indian Reorganization Act of 1934 (IRA) and have adopted an IRA tribal constitution and bylaws, which were approved on June 29, 1936 by the Secretary of the Interior; and

**WHEREAS,** the Tribal Business Council has been specifically empowered as the governing body of the Three Affiliated Tribes under Article III, Section 1 of the Tribal Constitution Bylaws and is generally authorized to engage in activities on behalf of and in the interest of the welfare and benefit of the tribes and of the enrolled members thereof; and

**WHEREAS,** via Tribal Resolution No. 89-94-TL, the Tribal Council formally authorized the Twin Buttes Elementary School, located on tribal trust land within the Reservation, to operate as a tribal grant school as provided by the Tribally Controlled Schools Act of 1988, codified at 25 U.S.C. § 2501-2511; and

**WHEREAS,** the Tribal Business Council has received a Resolution of request from the Twin Buttes School Board that the Indian students graduating from the 8<sup>th</sup> grade at Twin Buttes K-8 Grant School be funded for ISEP funds for the tuition costs charged by the public high schools near the Twin Buttes Elementary School pursuant to the Tribally Controlled Schools Act of 1988 referenced above; and

**WHEREAS,** the Twin Buttes School Board has requested that the Tribal Business Council request a waiver to the moratorium for the addition of grade levels to schools within the Bureau of Indian Affairs school system, said moratorium being authorized in the Consolidated Appropriations Act, 2005, Public Law 108-447, 118 Stat. 2809 (2004) and subsequent appropriation acts; and

**WHEREAS,** the Tribal Business Council has determined that it is in the best interest of the high school students that have attended Twin Buttes Elementary School to have a secondary education that strives for educational excellence and is culturally relevant, in that the students are educated in the schools in the community in which they live and educated by administrators and faculty that have the best interests of the Indian students at heart.

**NOW THEREFORE, BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes hereby requests that the director of the office of Indian education programs fund the high school students graduating from the Twin Buttes K-8 Grant School who attend public schools off Reservation at a tuition rate of \$24,100.00 which is the highest tuition authorized by law in the State of North Dakota for high school students in schools of less than 75 students; and



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**WHEREAS,** the Tribal Business Council has determined that it is in the best interest of the high school students that have attended Twin Buttes Elementary School to have a secondary education that strives for educational excellence and is culturally relevant, in that the students are educated in the schools in the community in which they live and educated by administrators and faculty that have the best interests of the Indian students at heart.

**[Letter from Chairman Hall to ND Congressional Delegation]**

**[MHA Nation Letterhead]**

January 18, 2006

U.S. Senator Byron L. Dorgan  
312 Federal Building  
PO Box 2579  
Bismarck, ND 58502

Congressman Earl Pomeroy  
Room 328, Federal Building  
220 East Rosser Avenue  
Bismarck, ND 58501

Senator Kent Conrad  
U.S. Federal Building, Room 228  
220 East Rosser Avenue  
Bismarck, ND 58501

Re: Request for Waiver of Moratorium on Adding Grade Levels within the BIA  
School System

Messrs Honorable Senator Dorgan, Honorable Senator Conrad, and Honorable  
Congressman Pomeroy:

The MHA Nation, through its governing body, the Tribal Business Council, has passed the enclosed Resolution No. 06-\_\_\_\_\_-NH which authorizes me as Chairman to seek your collective assistance in assisting one of the schools of the MHA Nation in Twin Buttes to obtain a high school for the education of the high school students that graduate from the K-8 Grant School located in the southern portion of the Fort Berthold Reservation. Because of the Garrison Dam and Reservoir, and the lack of a bridge connecting the Reservation to the Twin Buttes community, the southern portion of the Fort Berthold Reservation has become extremely isolated. As a result of this isolation, the secondary students that graduate from the primary school at Twin Buttes have to be educated in the off reservation border towns of Golden Valley and Halliday public schools. The result of sending our children to an off reservation community for secondary education has not been good. The drop-out rate of our students has reached as high as 70% in recent years. The Twin Buttes community has in the past produced some of the most productive citizens of our Nation and a great number of them have gone on to post-secondary and even obtained graduate degrees.

The MHA Nation is a Nation that prides itself on providing educational excellence for all of its citizens. Therefore, as Chairman of the MHA Nation, I am extremely concerned about the secondary education that the students at Twin Buttes are receiving. When you have a drop-out rate of 70%, something is wrong. As best as we can tell, the problem stems from having to bus our children to off reservation public schools that have different value systems and the educational goals and objectives do

Senator Byron L. Dorgan  
Senator Kent Conrad  
Congressman Earl Pomeroy  
January 18, 2006  
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not have any culturally relevant materials to make our students feel a part of the community. As a result, our students are not performing and eventually are dropping out without obtaining the secondary education.

Adding to this problem, is the fact that the off reservation public schools are losing enrollment and are therefore scrambling to obtain the highest amount of tuition allowable under North Dakota law. As you can see from the Resolution that is enclosed, Twin Buttes is being requested to pay \$24,100.00 for tuition for students attending the Halliday public school. In the past, Twin Buttes has had on average 15 to 20 students in high school. With tuition at the rate of \$24,100.00, you can see that we would be paying up to \$480,000 to the Halliday public school to educate our high school students.

The MHA Nation feels that it would be better to spend this money for a high school at Twin Buttes. Our secondary students would then have an educational opportunity that is provided within its community that strives for educational excellence and is culturally relevant. The staff and faculty as well as the administrators would be primarily of Indian descent. The educational opportunities for the secondary students would be an environment that would be more conducive to success for these high school students.

It is for these reasons that I as Chairman of the MHA Nation and the Tribal Business Council have supported Twin Buttes School Board in their efforts to obtain a new elementary school and utilize the existing school to try and obtain a high school for the secondary students at Twin Buttes. The Tribal Business Council and I as Chairman would therefore request your support in getting a waiver of the moratorium on adding grade levels to the school through the existing BIA school system for the purpose of changing Twin Buttes Grant School from a K-8 to a K-12 educational institution. We would also request that they be made ISEP eligible so that the funding and the O&M for the existing facilities as well as the new facility would be included on a yearly basis as a cost of Indian education.

As always, I look forward to working with you on this important matter that affects the youth of our Nation. Thanks for your help.

Respectfully,

Tex G. Hall, Chairman  
MHA Nation



**NOW THEREFORE, BE IT RESOLVED**, that the Tribal Business Council of the Three Affiliated Tribes hereby requests that the director of the office of Indian education programs fund the high school students graduating from the Twin Buttes K-8 Grant School who attend public schools off Reservation at a tuition rate of \$24,100.00 which is the highest tuition authorized by law in the State of North Dakota for high school students in schools of less than 75 students; and

**BE IT FURTHER RESOLVED** that the Tribal Business Council request that the moratorium on adding grade levels within the Bureau's school system be waived for the Twin Buttes School District in order that the high school students from Twin Buttes K-8 Grant School can be educated in a high school within their community that provides culturally relevant education, strives for educational excellence and promotes the general welfare of the Indian student by having faculty that are supportive of Indian education and Indian values, and the school is administered by administrative staff that have the best interest of the Indian student at heart; and

**BE IT FURTHER RESOLVED** that the Tribal Business Council hereby authorizes its Chairman to seek the support of the Congressional delegation from our State of North Dakota for the purpose of obtaining a waiver of the moratorium on adding grade levels in the Bureau of Indian Affairs' school systems; and

**BE IT FINALLY RESOLVED** that the Chairman and the Council delegate from Twin Buttes are hereby authorized to do everything and anything in their power to cause the purpose and intent of this Resolution to be consummated.

**CERTIFICATION**

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Forth Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the ~~February 10~~ <sup>March 28</sup>, 2006; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman  Voting.  Not voting.

Dated this 28<sup>th</sup> day of March, 2006.

ATTEST:

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**Resolution No. 06\_\_NH**



ry, Nathan Hale

Tribal Chairman, Tex G. Hall



**BE IT FURTHER RESOLVED** that the Tribal Business Council request that the moratorium on adding grade levels within the Bureau's school system be waived for the Twin Buttes School District in order that the high school students from Twin Buttes K-8 Grant School can be educated in a high school within their community that provides culturally relevant education, strives for educational excellence and promotes the general welfare of the Indian student by having faculty that are supportive of Indian education and Indian values, and the school is administered by administrative staff that have the best interest of the Indian student at heart and in such a way that meets the academic requirements of the State of North Dakota; and

**BE IT FURTHER RESOLVED** that the Tribal Business Council hereby authorizes its Chairman to seek the support of the Congressional delegation from our State of North Dakota for the purpose of obtaining a waiver of the moratorium on adding grade levels in the Bureau of Indian Affairs' school systems; and

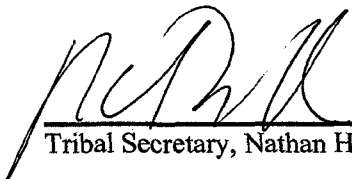
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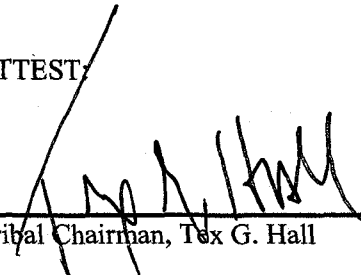
**CERTIFICATION**

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on March 20, 2006; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman  Voting. [ ] Not voting.

Dated this 20<sup>th</sup> day of March, 2006.

  
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Tribal Secretary, Nathan Hale

ATTEST:  
  
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Tribal Chairman, Tex G. Hall