

THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
TRIBAL CHAMBERS

Education Committee Meeting  
February 6, 1991

PRESENT: Theodore Lone Fight, III., Acting Chairman; Roger Bird Bear, Treasurer; Austin Gillette, Councilmember; Titus Hall and LaVerne Brady, Recording Secretary.

ABSENT: Wilbur D. Wilkinson, Chairman; John J. Rabbithead, Jr., Secretary and Jim Mossett, Councilmember.

OTHERS: Bernadine Young Bird, Education Specialist, Lonnie Burr, Grants Specialist and Marliene Gillette, Acting Education Administrator

ITEM 01: CALL TO ORDER:  
Meeting called to order at 3:08 PM.

ITEM 02: DISCUSSION:  
The meeting of Education started with Marliene discussing school administrative cost grant of \$75,000.00. Education had drafted a resolution identifying the amount that each school would submit to this department. Mandaree has submitted \$12,863.00 leaving a balance of \$23,887.00. Twin Buttes has a balance of \$9,350.00 and White Shield, a balance of \$28,500.00. This is only the contract support money from the Bureau. They also want us to include that the submission of this money would be required from them only one time. In 1991, if we don't get an adequate Education funding level out of Element 10 and we don't get money from the schools, then what do we do? We need some input from the Council Education Committee.

Bernadine explained further that is this the stand that this Tribal Administration wants to take and are we going to also cut off other resources? We have a contracts person that's going to be writing some stats for different projects. In this resolution, there is a statement that says that there will be support for the Tribal Education Department so we could access to date on achievements to draft a narrative for grants and proposals that Lonnie will be working on to get more money. I see that this really effectively covers just the school boards interest but what about us as a tribe and Education Meeting the Tribal Education Department? Our question was are we going to be short term/are we going to be done in one year or are we going to be directed to every way possible to continue our Tribal Education Department beyond 1991. If we are, what kind of commitment can we get from the tribe? Are there going to be tribal funds to cover certain costs? Should the proposals that Lonnie submits do not cover all costs for the department next year and we're saying the schools are not going to give us any money. We had some direction there. Are we looking at something long term?

DISCUSSION (CON'T):

Shall we start looking for other employment or what other options are there?

Councilman Lone Fight questioned if Paige had put out the original plan to establish the Education Department and to develop the Tribal Education Code. What kind of a plan was it as to how many years did it go and how was it going to be refunded?

Marliene explained the contract was to be funded by element 10. The initial intent for the Tribe to contract \$154,400.00 from the Bureau in addition, the schools would submit \$75,000.00 to the Education Department. That was the first year. The second year, as it turned out, after the contract had been processed, the funding had been doled out by the office of Indian Education Programs. The solicitor's opinion wasn't specific at all so the Bureau still doesn't know what is contractable regarding element 10. We have contracted \$71,000.00 although you have the money, we still can't contract those Bureau functions to the Department. This year, we do have some element 10 funding but we do not have any office line functions.

Bernadine added that there was a Contracts Specialist whose responsibility was to generate funding through other sources. That's the position that Lonnie was selected as a temporary appointment for November and December, so that would be another source once the proposal starts going in. This and the element 10 are the only sources but a 3rd option would be tribal funds.

Councilman Lone Fight stated that another option that the tribe has is grant monies to be taken right off the top.

Councilman Gillette stated on December 7, we passed that tax and in there, we could give \$100,000.00 to the Education or give it back to BIA.

It was stated if you give it back to the BIA what all tribes are fighting for across the nation because of the reorganization plan is to retain their Agency Superintendent of Education because that individual is the direct contact from the local agency to DC and we have lost that. If you establish an ASC office, you would have line office representation. The hiring grant program, in lieu of Public Law 638, you can contract your scholarship money-you direct service money but you cannot contract administrative cost to cover the administration of that program. The new regulation state that you can use up to 30% of your direct service money to cover your administrative cost. That means it could take up to \$70,000.00 right out of the student grant money and put it into administration. If you retrocede that back to the BIA, you can't touch that money. Some

DISCUSSION (CON'T):

barriers right now is the restructuring of Agency Officer is on hold. There is a task force made up of Jandreau, Harold Salway and Charlie Murphy to address element 10 and finally to address the organization to try to retain agency offices. The retrosession won't be in effect until next January. We had to start corresponding with these three individuals and get our concerns on that task force address and to find out if we establish an agency office cause that means we are going to have a line office representation here at the local agency. We need to get these answers. This \$100,000.00 will be a steady commitment. Let's stay away from the retrosession.

Councilman Bird Bear questioned why the \$75,000.00 was never paid? Response was the school boards won't pay it. There may be times when we will need other resources. We might have to ask for some Title 5 funds to develop curriculum. It was understood that it would be one time as they negotiated with the last administration. We just want to make sure that this administration agrees with that and however we need to leave it open or access somehow with other funds but we could do so in an emergency otherwise that takes care of our money.

It was stated like we're just concerned if you want us to be long term/have long term plans for the Tribal Education Dept. We need to look ahead and I'm concerned not to shut doors right now. On the other hand, we want to maintain good relationship with them. They are under the assumption it is a one time deal and however, they may agree if we said we have some very extreme circumstances. Would you be able to assist us in some other ways with some other resources? My other concern is they're operating separately from the Education Department. We're not an entity, right now as it appears, they're not giving us the due recognition primarily because we haven't been fully staffed. We haven't done anything developing any codes or policies just yet. This next year, hopefully, that will happen so our credibility's in question-this past year and I think they'll deal with us a little more seriously this year. In the second page of the resolution, we tried to maintain some connection between the schools and the tribe by stating "each grant school shall provide to the Tribal Education Department all budgets before approval for review by the Tribal Education Committee and or the Tribal Business Council." We did that, we felt even if the Council didn't meet to review, they would still be required to communicate on a monthly basis with Tribal Education Department. Maybe, you want to change that to quarterly and want to include other things besides budgets. Right now, we don't have any school board minutes or regular reports from the schools. I guess we have to have the schools see us as a viable entity. Any information that I have, I have to get myself but there is

DISCUSSION (CON'T):

no two-way communication. It's not just the schools, it's the BIA also and the Area Office. We've really been struggling this past year.

Lonnie stated I want to go back to Councilman Bird Bear's question. I know when we talk about grants and administrative costs I came in late on this whole process but last fall, the way this whole thing was set up, was short term. All tribes, and it can be checked out nationally, when the administrative costs came in the tribes received them and the school boards had to negotiate to try to get the money into their departments/administration. This is the only tribe, I know of, that the schools get it all and the tribe seems to be unnoticed. I don't understand that process but evidently it's happened. That's something that needs to be looked at. The point may be, why pay the \$75,000.00 as they are not going to pay these administrative cost. One of the options that were out on the table is these schools receive the administrative costs or that the tribe would receive it. We thought that the tribe would receive that and establish the Education Department and the Tribe opted to have it go to the schools.

Bernadine stated I thought the concept would be that the Education Department was instead of having an Administrative Superintendent at Mandaree, White Shield and Twin Buttes and with the Education Department over here with one administrator, the three schools would use that money from the administrator. The administrator would be the Superintendent and we still have the Principals in each of the schools. That and the idea of having a reservation wide school board was discussed. That is how it fragmented out. That is the option for the tribe to do but it will cause a lot of political flack cause the school boards have united more to and all Indian School Board. Fort Berthold Indian School Board Association, which the Education Department is a part of and we have met with them on a monthly basis and I'll get the reports out to you in regard to the networking, we have developed. In addition to that, Lonnie and I have met on a regular basis with the school administration and are compiling reports so it's not like nothings being done. We need direction from the Council or a commitment from the Council saying yes, we will meet with you on a regular basis. We will share information with you and become involved in the establishment of the department. Okay, you talk about Reservation Superintendent, was this \$75,000.00 to pay this individual?

Response was no, that was one of the options. The administrative cost grant would go to finance. A portion could go out to the schools to cover their administrative costs and a large portion could be retained here at the tribal level within the Education

DISCUSSION (CON'T):

Department. You would have a Superintendent of Schools. Second, the money would go to schools so they took that option. The big issue was the dollars that would have been lost on the initial administrative cost grant. If each school would have received theirs in total, it would have come to \$487,000.00. If the tribe would have taken it it would have been \$345,000.00 so there was a difference but the major difference now is the tribe only gets \$75,000.00 one time. They could have received \$345,000.00 but still I don't feel it would have affected the schools because they do receive district monies so they could have handled their administration. It's one of the first recognized by the BIA and the Interior as the first Tribal Department in Education. Actually the tribe could have taken that \$345,000 and administrated the program. This funded a Grants Specialist and a Secretary.

It was recommended to change wording to payments or installments. It was suggested to present this to the Tribal Business Council.

Regarding Element 10, why can't we recontract the next year. Response was we can, but not all of it. There is a letter that states that Fort Berthold will generate \$59,100.00 utilizing the element 10 formula for one year. Only 1991, an additional \$50,000.00 will be an added making a total of \$109,000.00 as the base for which we can negotiate. You would assume that \$59,100 will be available beyond 1991. It isn't really clarified next year. They won't add a base amount of \$50,000.00 but that is what we need to get clarified. What would be the most simplest, most effective structure that we could operate from without being too bureaucratic. What would you guys recommend because we have to take what you guys want and sort it out and hopefully do the right thing. Because all the schools operate on resolutions passed by the Council, at any time, we could take them back.

Councilman Gillette made a motion for Bernadine, Lonnie and Marliene to come up with a recommendation for an organizational structure and most efficient, most effective to provide adequate education for tribal members-K through 12, keeping in mind, the tax revenue, seconded by Councilman Bird Bear.

Discussion: What we do is go back to slot 1, prior to contracting the ASC office. Even if it takes a month or so, if we can contract the Indian School Board Coalition. Do you want us to list the options that are available? A resolution on how this thing is going to work, where the money is coming from. There's so much money coming from element 10, contracts and school boards. Tribes cost share will match what the program is going to provide.

DISCUSSION (CON'T):

Councilman Gillette stated, we started all kinds of things from scratch like TERO, Natural Resources Program and all these departments and they fairly work well. A court system has been established and it's been there for 40-50 years. We should make sure we understand it.

As far as this year is concerned, we're still going to go after that \$75,000 we'll do all the stuff made in the motion but that will be for 1992. Do you want us to include school board minutes as approved by the Education Committee.

Regarding travel, we should limit when we renew the grants. Many of those workshops could be held here as they have a united school board.

How much authority do you feel the Council has over their district monies? Response was it's a legal point as they are on the reservation and they are our schools and our constitution reads: "We have jurisdiction over all people and all lands" in certain cases where people sue, it goes to State courts. If it was a grant school, it will go back to the tribe. It's a unique deal. They are calling themselves Indian School Board but they are State. The facilities are yours. The last administration wanted to retain the state.

Vote: 4 for, 0 opposed. Motion Carried.

ITEM 03: SPECIAL EDUCATION:

Bernadine reported on orientation. Part H--that is an application that was submitted on December 3 by other reservations as well as ours to apply for preschool funding and we don't have any kind of status report that gets approved. I have 2 more positions to operate and follow up the tracking system under Part H funding.

Austin stated let's do a separate resolution. When that tax is finally here, we would commit \$100,000.00 to the Education Department from the funds.

Marliene questioned do you feel comfortable with putting the requirement of one time only.

Discussion on element 10 and administrative cost grant.

Regarding the informational letter on the State Health Conference for Indian Education. Bernadine stated we plan to put this newsrelease on the MHA Times. It shows the tribes commitment to Education. If you could endorse our Tribal Education Dept to expend some of our resources and our time to get this local

DISCUSSION (CON'T):

public meeting by the 20th set up. At this time, all 5 administrators on the reservation have received this information. They also received follow up information on minutes and issues we want people to take a look at. These are some of the issues that had been raised at the planning meeting two weeks ago. We will be trying to get input in and as representatives of your communities and we encourage you to get feedback from your communities. The school boards have us on the agenda also on the 16th and 17th, in Bismarck so we are going to get input from the school boards. Chairman Wilkinson in at 3:50. Ted explained to Wilbur what all was discussed.

Councilman Gillette made a motion to approve the newsrelease, seconded by Councilman Hall.

Vote: 5 for, 0 opposed. Motion Carried.

Bernadine stated she would like to get it by tommorrow.

BIA Administrative Procedures passed out. Bernadine stated we are not dealt with like a viable entity of responsible educators but just there. Keener Kobb had respect for us. He has respect for the Tribe. Jim Davis is our new Line Officer. Marliene has not had regular information from them. Harry Eagle Bull has informed her that what we need we have to put in writing from the Chairman. They need to make some changes and they are not willing to make changes unless we demand it.

It was questioned if it would help if we had a meeting with Mr. Eagle Bull and Mr. Davis. Mr. Eagle Bull never did nothing to help us but he just saved his office through our dealings. It was mentioned that he will be leaving by March 4 and transfers will be made for all element 10 personnel. The Education office will stay in Aberdeen.

Questioned was if we got the 70 grand from the schools as that was what the reso is about?

Bernadine expressed her concerns to Chairman Wilkinson stating we've got a tribal code drafted for Education. I don't mind showing some initiative, that decision rests with the Tribe. I feel that once we throw it on the table, Council will look at it and if they are in agreement with whatever is contingent, we will apply that criteria to the schools, if it includes this school board organization, we're all coming from the same direction.

It was questioned if it would be helpful if we wrote them a letter asking what their functions are? Response was we have been asking them for the past two months. They have a meeting planned

DISCUSSION (CON'T):

on February 16 at Bismarck. The Fort Berthold Indian School Board. If we write a letter with the Chairman's signature and present it to them at that time and request that they respond at any given period, I think it would be effective.

Councilman Hall made a motion to do a letter to the School Board on functions, purpose and a general statement on what they are all about, seconded by Chairman Wilkinson.

Discussion: Bernadine is on the agenda regarding the State. It was stated that there's got to be a meeting ground here as we are putting out a lot of effort and not getting any credit.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 04: TRAVEL APPROVAL:

Regarding Education Staff to attend the Indian School Board Mtg.

Chairman Wilkinson made a motion to approve travel for Education Administrator, Marliene Gillette; Grants Specialist, Lonnie Burr and Special Education Coordinator, Bernadine Young Bird, seconded by Councilman Hall.

Chairman Wilkinson stated this meeting that these ones attended and being prepared to keep us abreast of what's happening. These three are not easy to deal with because they have a one track mind. It's their way or nothing. They did a real good job last time.

Motion to include Councilman Hall and Gillette to travel to the School Board Meeting.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 05: DISCUSSION:

Regarding the Indian Affairs Commission, Bernadine stated she was going to present this on January 11 but it was handled already. Testimony was provided where the budget reflected a \$200,000.00 scholarship, inkind contribution from the State and free tuition. Also testimony on the ND Economic Development. There was some concerns on the NDEIA but most of it's passed.

She also stated we're going to have meetings at the communities for their input regarding State House Conferences, 2 bureau schools and the 2 public schools. All 5 administrators have been notified. It relies on the leadership of the school administrators and you, as public officials to determine what kind of input we get. FBCC and Headstart have been given the same information.



DISCUSSION (CON'T):

Councilman Gillette made a motion to authorize/pursue setting up public forums along with issues, seconded by Chairman Wilkinson.

Marliene and Bernadine to be the contact person and in their absence, it would be Lonnie.

Vote: 5 for, 0 opposed. Motion Carried.

It was stated that when Ed Lone Fight gave the State of the Tribal Perspective '88, '89, we all cotiqued his speech. We could bring it back to committee. The Chairman will present the final testimony. Regarding the format for the Public Hearing the Chairman or a representative will be in a panel with at least four people. We want to show what the background of this effort is. We want to show a Tribal Perspective. This will be presented to the National White House Conference after the public hearing is completed.

Final question was how long is the Administrator position being advertised and when is it going to be selected. When can we plan on hiring a Director? Response was on friday's Executive Meeting

Definition of an Indian to be put in Resolution format.

Regarding the Interagency Meeting: Bernadine stated she was on the Child Protection Team. They've had two meetings so far and we've had some difficulty on seeing some structures. There are some problems in the structure. A number of agencies that have to have collaboration efforts to meet together. People are not really sure as to what they are to be doing. We are not doing a very good job in a way that we would like to. The two meetings we've held have been good. We may be approaching the two committees, the Judicial and Human Resources to make some changes.

Question about set procedures. Response was that we wish to have and set up a reservation wide delivery system. We adopted a handbook in September. Question regarding is it too late to introduce anything in legislature? We could get it endorsed again at the legislature and it will help our effort on JTAC.

Discussion on Indian Affairs, JTAC, Technical Assistance, Job description and billing for requests.

Councilman Gillette made a motion for any request for Technical Assistance beyond the job descriptions of the Education Department be in writing. They be informed, they will be billed accordingly for these services, seconded by Chairman Wilkinson.

SPECIAL EDUCATION (CON'T):

Bernadine stated the BIA required that I do some things for them that the Area Office should have done at the spur of the moment and I used my own budget for travel.

It was suggested that anytime the BIA asks us to do something, we should bill them.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 06: EDUCATION MEETINGS:

It was stated by the staff that education is really important and if education could have two meetings every month.

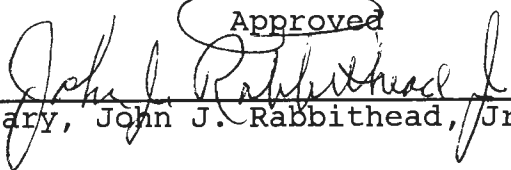
Bernadine stated I like the opportunity to show you what I do, as I work with preschool and K through 12.

Chairman Wilkinson made a motion that Education Committee Meetings be scheduled twice a month, seconded by Councilman Hall.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 07: ADJOURNMENT:

Meeting adjourned at 4:38 PM.

Approved  
  
Secretary, John J. Rabbithead, Jr.

Disapproved  
3/14/91  
Date

ATTEST

Wilbur D. Wilkinson  
Chairman, Wilbur D. Wilkinson

2/14/91  
Date