



MANDAN, HIDATSA, & ARIKARA NATION
Three Affiliated Tribes, Fort Berthold Indian Reservation
404 Frontage Road, New Town, North Dakota 58763-9402

HEALTH & HUMAN RESOURCES COMMITTEE
FEBRUARY 04, 2003
12:00 p. m.

1. **CALL TO ORDER:**

Meeting was called to order at 12:05 p. m.

2. **ROLL CALL:**

Members Present: Chairman Phelan, Councilman Wells and Member Packineau.

3. **APPROVAL OF AGENDA**

Motion made by Councilman Member Wells to approve of agenda as amended.
Seconded by Councilman Phelan.

Vote: 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

4. **APPROVAL OF MINUTES:**

Motion made by Councilman Wells to approve of Minutes dated May 29, 2002.
Seconded by Councilman Packineau.

Vote: 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

5. **DELVIN FOOTE -CLOSED SESSION:**

Mr. Foote has informed the Committee he is on the agenda for the Regular Business Council Meeting February 13, 2003 and asked to be taken off this agenda.

6. **DRUG & ALCOHOL POLICY - HUMAN RESOURCES:**

Employee Relations Specialist Georgia Fox has concerns with the Drug & Alcohol Policy. 225 tribal employees where in highly sensitive positions and currently 139 are listed as highly sensitive employees who are being tested and randomly selected more than once. The Drug & Alcohol Policy was passed effective May 1st, 2001. Program Directors and Supervisors are not following through with disciplinary action, only a few directors have followed proper procedure, evaluations and after care is important. The 139 highly sensitive employees are tested repeatedly and recommended changes in the policy need to be implemented. Directors and Managers should be allowed to test within their department. Incidents have occurred when employees have entered the workplace under the influence.

- The Human Resources Department will attend LBE & Associated Drug & Alcohol Training February 17-18, 2003 to test employees on site with a breath tester. 3 Employees of the HR Department will also test to become certified for drug urine testing.
- Random tests will be given this month.
- LBE and Associates are contracted with the Mandaree School and the Four Bears Casino & Lodge, which makes pre-employment testing accessible to the Three Affiliated Tribes.
- Discussion of recent incident where supervisor attempted to begin the process of testing staff and the Administrator stopped the process. The Drug and Alcohol policy states supervisors, managers and directors of Tribal Programs are required to use and apply all aspects of the policy and subject to disciplinary action including termination if they do not adhere to the policy.
- Due to budget restraints the random drug testing was limited to safety sensitive and highly sensitive employees.

Programs Manager Hugh Baker will meet with the Administrators & Directors under his supervision to implement and abide by the policy.

Motion made by Councilman Wells to test all required for highly sensitive and safety sensitive employees listed in Section 5 page 9 of the Drug & Alcohol Policy. Seconded by Councilman Packineau.

Discussion: The motion is amended to include with pre-employment drug testing background checks to be done. Highly sensitive and safety sensitive employees will receive a memorandum of the action made by the Health & Human Resources Committee.

Vote: 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

Alcohol & Drug related incidents are not reported to the Human Resources Department. Policies & Procedures are not followed through. Programs Manager, Hugh Baker and the CEO Rich Mayer oversee all Tribal Programs and would like the opportunity to review, correct and bring back recommendations to the Health & Human Resources Committee.

Motion made by Councilman Wells to support the recommendation for CEO Rich Mayer and Programs Manager Hugh Baker to review the Drug and Alcohol Policy and holding the supervisors, directors and managers of Tribal Programs accountable for their supervisory roles. Seconded by Councilman Packineau.

Discussion: All policies and procedures will be reviewed and resolved through chain of command and consequences of insubordination

Vote: 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

T. A. T. Law Library:

Motion made by Councilman Wells allow the Human Resources Department to utilized the T. A. T. Law Library to conduct grievance hearings and alcohol and drug testing and given priority. Seconded by Councilman Packineau.

Discussion: The Human Resources Department should be allowed to move the Law Library resources to the Fort Berthold Community College. Program Manager Hugh Baker will discuss the law library with Legal Council, Tom Disselhourst. The Law Library will be available for any other programs for meetings.

Vote: 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

7. 477 PROGRAM - LEO CUMMINGS:

A Narrative Update Report is submitted to the Committee outlining the structure of the Employment Training Department also submitted to the lead agency Bureau of Indian Affairs and the Programs Manager. The update includes goals, eligibility and services that are prioritized and limited due to lack of resources. Non-reservation services have stopped due to budget restraints.

- Services provide: Classroom training, work based learning, support services including health services, and child support services that are collaborated with the state for funding.
- Welfare Reform has affect the Tribe by the maximum lifetime limits of 60 months effective July 1, 2002 and negative ramification have affected clients.
- TANF recipients exhausted their 60 months with a 48% jobless rate and entering the General Assistance program.
- The Three Affiliated Tribes has tribal welfare reform in place and continues to assist TANF and General Assistance recipients to meet responsibilities and provide 100% opportunity for employment education.
- A resolution in place that passed in the summer of 2002 requesting integration of General Assistance into the 477 Program but disapproved by the State and should be reviewed once again by the Tribe.
- Work Force Development Committee needs to expand to assist tribal members and reach goals.
- 477 would like to host a job fair. The Superintendents will collaborate with the 477 Program with career fair for senior high school students.
- North West Ventures: Invitation leaders and programs directors. \$15-20 Million can come into the tribe. 4-5 Community are bidding for 2-3 projects. Council members did not attend. The Thee Affiliated Tribes need representation at these meetings. North West Ventures are hosting a there next meeting February 12, 2003 at the International Inn.
- Fort Berthold Unity Riders traveled to Stanley, ND with 20-25 children. The Unity Riders rented the Mountrail County Fair Building. Can the Roping Arena be utilized for the Unity Riders? The request is made for the Human Resources Committee review to see if the Unity Riders can use the arena. A proposal will be drafted to renovate the building and presented to the Four Bears Representative.

- Reconsidering budget and giving a funding to the Fort Berthold Unity Riders.
- White Shield has the only School to Work Program, school administrator; Kelly Syvertson has made that possible. All students had to be classified as economically disadvantaged. \$5,000.00 can be approved for White Shield per school year. The Department of Labor would not sign the waiver.
- Deloris White Bear is coordinated for the community for 23 G. A. and TANIF recipients. TANIF and School to Work Programs are not set up to subsidize on-site work site supervisors. Transfer policies of youth need to be reviewed. The youth and education will be prioritized for long-term benefits.
- The White Shield Community has asked for Management Lease Proposals from the community to run the C-Store. The school has submitted a Management Lease Agreement to Councilman Gillette. If the school receives the lease students will manage the store along with community college students. All proceeds will go into the school general fund and student activity fund. Proposals will be accepted until February 14, 2003 and will be reviewed. 477 Program could assist productively with the project operating dollars.

8. PARSHALL SCHOOL SUPERINTENDENT:

- Enrollment Report indicates a total of 60% Native American students for grades K-12.
- Parshall Public Schools were not targeted for improvement in 2001-2002.
- First funding purchase with money received by the Tribe was a phonics program for the elementary school, a science curriculum for grades 1-6 a step ahead of the mandated Terra Nova testing system.
- 2004-05 will be implementing the science program for K-6 Elementary students.
- Impact Aid Association have reviewed President Bush's budget and is proposing a \$115 million dollar cut for Impact Aid which both New Town and Parshall benefit from. Our legislators are working very hard to not let this happen.

9. TWIN BUTTES SUPERINTENDENT:

- Enrollment Report indicates 56 students for K-8 grade
- Attendance for all grades ranges at 90-94%.
- Math Achievement for grades k-8 indicates 64% of the students are in the proficient area for the past five years. OIEP goals have been reached of 70%.
- Terra Nova scores are provided for grades 3-8.
- The eight-grader goals are for students to graduate with the ability to attend any high school selected.
- All students are tested regardless of status of learning abilities.
- Learning records are part of the academic program that tells the instructor where a student needs improvement. Records will track what teach is teaching and how well they are teaching.
- Light span will assist teachers develop assessments using the state standards in the testing system.
- Mentor Program will provide one teacher per 2-3 students.
- We have had a turn over rate was high but in the last 2 years have stabilized. Making progress in program improvement.

- The Baby FACE Program has been implemented. Baby FACE provides a team of two parent educators, “Born to Learn” Curriculum and support parents in their role as their child’s first and most influential teacher.

9. MANDAREE SCHOOL SUPERINTENDENT:

- Anna Aruba is attending training in on the “No Child Left Behind Act in Anaheim, CA.
- Brief report on improvement plan. Targeting the Reading area, Math has also low scores. Accelerated programs are assisting the students.
- Areas of discipline and parent involvement are necessary. Education in schools must be a shared experience.
- Mandatory attendance in the school needs enforcement and needs assistance.
- The tribal funds are appreciated and were earmarked for the expansion loan.
- New gym and elementary wing and designs are now in the process. May is targeted for start of construction.
- One source of school funding through ADA (Average Daily Attendance) from the foundation aid payments through the State. The students must attend school in order to receive funds.
- Baby FACE Program has also been implemented with a \$95,000.00 grant.
- Terra Nova assessment is also used. Mandated by the state to 4-8-12 grades but are now testing all grades.
- Education Summit is planned for February 18, 2003 at the Civic Center in New Town. Wayne White Eagle and Bernadine Young Bird are helping coordinate the meeting.
- School Expansion has been in the process since 1993, all are welcome for the groundbreaking ceremony.
- Total enrollment is 196 students for grades K-12 with 100% Native American students.
- With the new superintendent in place and the school board will set direction. Teacher assessments will target what is working and what needs improvement.

10. WHITE SHIELD SUPERINTENDENT:

- The school superintendent would like to thank the tribe for the funding it received and included an itemized packet of how the money will be utilized
- “No Child Left Behind” report included cover story for USA Today.
- Enrollment report indicates a total of 144 students K-12 with an attendance rate of 92%. The graduation rate is at 90% with a dropout rate of 4.44%.
- Language Arts, Reading and Math Achievement test scores are at the proficient level are scores are an improvement over the previous year.
- Incident Reports have risen in substance abuse and violence. Assistance is needed for the drug & alcohol issues. Very concerned with the truancy problem is not supported and addressed by Tribal Court.

Judicial Meeting: Juvenile Justice-Separate Court System. Placed on the next Judicial Meeting on Agenda.

Discussion on a Juvenile Justice System and the pros and cons of the system. Will the parent be held accountable of the child? Court system has ample room for improvement. A Detention Center would allow the police pick them up the child and drop them off at school. Enforcement issues are part of the problem.

- Family and Community involvement has increased through parent organizations to increase school and home interaction. Literacy programs are comparable to the baby FACE Program. A drug and alcohol counselor communicates with the parents and an Advisory Committee for Drug and Alcohol was formed.

Each of the School Districts should work with the Community College to create a Teacher Programs and to assist the students to excel.

- The support staff is encouraged to pursue the 4-year degree and becoming apart of the full time staff.
- In conclusion the school wide budget and the school reform plan.
- Copies of the White Shield School Mid year report will be distributed to the Tribal Business Council.

11. NEW TOWN PUBLIC SCHOOL SUPERINTENDENT:

- Summary was presented to the School Board
- 35% of North Dakota children are pro proficient.
- Components of the “No Child Left Behind” include qualified elementary educators, only one out of ten teachers has a major in their secondary certificate at Edwin Low.
- High School teaching staff 4 will not met criteria and 9 middle school educators will not meet the criteria. Options are to achieve the majors, take an exam or submit a portfolio. The teaching staff would rather take early retirement. Some components of the “No Child Left Behind” are unrealistic.
- Comparison of 2001 3rd grade students and 2002 4th Grade students are made because the focus has been put on the 4th grade. Percentage of students in grade 4 are in the proficient area, but in mathematics the scores are very low and high in novice and partially proficient. 11% of eighth grade students are proficient while 46% are partially proficient. 29% of the 12th grade students are proficient and 29% are partially proficient.
- Each year the tests change and for the past 4 years New Town has been targeted. School improvement surveys have been sent with good results. Indian students are to have low self-esteem, but the survey indicated high self-esteem. Improvements are academic attitude, peer respect and public image of the school.
- 22 Schools in the State are substandard including New Town and hurts the morale of the school staff. Teachers will not teach with the low academic status. Is it due to poverty and it has played a role in the status of the school. The Federal Government needs to increase funding.

Discussion: Target area to focus on should be mathematics. Parshall is not one of the targeted school and we can learn from them. In 1993 New Town’s history was higher standard and raised the bar. Students will measure up if told. Set expectation. The State Activity Association allows students in extra curricular activities to be failing 2 classes. New

Town School tested the students that are wrestlers and not basketball students. Inquire of what transpired. Singled out because they are not. Address the situation: Continue to keep a close eye written report on the incident. Wrestling incident happened. Brash things has been strongly addressed. In written form of what discipline class. Evaluation file state of N. D. can be requested to see. Folder look at the folder it is confidential.

12. EDUCATION DEPARTMENT - BERNIDINE YOUNG BIRD:

- 12th Annual Education Week will commence February 10-14, 2003. Opening ceremony will began February 10, 2003 the Councilman or Chairman is requested to speak. The theme is "Journey to Rebuild the Languages and Cultures of the Three Affiliated Tribes".
- Update on Education Summit of 2002. Mid year meeting for participants is scheduled for Wednesday February 12, 2003.
- Native American Rights recommended a community meeting on the Tribal Education Codes. Drafts where developed in 1992, 1994, and 1999. Community Meetings where held but was accomplished. Michelle Mitchell is the new attorney for NAR and has concerned with the process for the next couple of years.
- Doris Mc Grady was hired by the Tribe as a consultant to assistant in seeking the Kellogg Grant.

Discussion on the lack on communication regarding the education issues pertaining to meetings. The Education Department would like to made aware of Committee Meetings that involve education.

- Report for the request of carry over funds for the Exceptional Education Office and the Early Childhood Program. The request has been denied. The funds have accumulated since 1997 in the amount of \$400,000 in 2001. A letter was drafted for Chairman Hall to proceed with the request for a waiver from Bill Mehojah, Director, O. I. E. P and the B. I. A. to construct a facility.
- The Education Administrator needs direction from the Tribal Business Council and make this a priority. The role of the Education Department has deteriorated. Programs have been eliminated. The programs that are available are the BABY FACE Program, Parent as Teachers, and Pre-natal home visits. There is no data on teen pregnancy.
- The Education Department operates under the Three Affiliated Tribes and provided the role of the department and the goals. The Education Department developed an ongoing reservation wide network with all education service providers on the Fort Berthold Education Reservation and meets quarterly with the entities.
- Under 638 Contract, in 1989 the Tribe took the responsibility of education away from the Bureau of Indian Affairs. The Education Code that has been in the process since 1989 can be brought through committee to the Full Council. We can develop a code but are we ready. We cannot accomplish very much now. Standing Rock Sioux Tribe passed their code but it is not implemented and floundering. We need to review all aspects and make recommendations.
- For your information over \$15,000.00 in bills have not been paid for our program.

- Management concerns regarding communication, budgeting and personnel issues. Proceeding with my civil rights concerns with the past administration due to new supervisor and new Personnel Director.
- Support for the funding for the new Head Start Facilities
- Information only: Excellent opportunity for Technology Training and Language and Culture Training. The resources are available to implement the excellent training course. New Town and Parshall did not receive information.
- Original request for annual leave in November, but the Health & Human Resources Committee did meet at the time. Justification is presented for 100 annual leave hours. Hugh Baker will review the request and make recommendations. Leave is available to the employees to use during the time it is available. Extenuating circumstances are subject to interpretation and will be reviewed.

Next Health and Human Committee Meeting will be on February 18, 2003 at 11:00.

13. CHR PROGRAM - CONNIE FOX:

- Annual Report is based on the work-scope with I. H. S. and health care.
- Working with community entities such as CPR training and first aide for head start daycare, Casey Program law enforcements and powwows.
- With health promotion includes health awareness & activities. Lisa Tiger, guest speaker in on AIDS awareness spoke in all the segments.
- A Youth Culture Camp in Sanish spoke on disease preventions, there where also screening in communities and health fairs.
- CHR's received health education and training throughout the year some of which included nutrition information, infection & safety control, defensive drivers course and CPR training with the Minot Red Cross.
- Elders and handicap are the priority total spent on mileage cost was \$56,098.74 but has been decreased to \$25,000.00. Discussion on how the Elders Organization should be paying for services provided by the CHR Program in transportation miles.
- A total of 1,327 elders where served for the year and a total of 3,084.03 manpower hours where spent with the elders in services.

RAVERTA CHAPIN - EDUCATIONAL LEAVE:

Motion made by Member Wells to approve of 12 credit hours education leave. Seconded by Member Wolf.

Discussion: Not to exceed 40 hours.

Vote: 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

SUB - COMMITTEES:

Committee Members have informal discussion on implementing sub-committees for the Education and TERO Departments. Department Heads would trouble shoot issues. Recommendations will be brought back for the next Health & Human Resources Committee Meeting February 18, 2003 by Programs Manager Hugh Baker.

CERTIFICATION OF MINUTES

The undersigned, as Committee Chairman of the Health & Human Resources Committee of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Health & Human Committee is composed of three (3) members, of whom three (3) constitute a quorum. 3 members were present at a Natural Resources Committee meeting thereof duly called, noticed, convened and held on the 26 day of August, 2003 whereupon the Three Affiliated Tribes Committee Secretary presented the foregoing minutes for approval.

Said minutes of Feb 4, 2003 were duly approved by the affirmative vote of 3 members, 0 members opposed, 0 members abstaining, 0 members not voting.

Submitted by: Connie Fox
Connie Fox/Committee Secretary

8/24/03
Date

Concurred by: Randy Phelan
Randy Phelan/Chairman of the
Natural Resources Committee

8-26-03
Date

ATTEST:

Randy Phelan
Randy Phelan, Executive Secretary,
Tribal Business Council of the
Three Affiliated Tribes

8-26-03
Date