



2010 Mid-Year Conference Grand Ronde, Oregon

RESOLUTION #10 - 34

“DEMAND FOR TRIBAL CONSULTATION ON THE DEPARTMENT OF EDUCATION’S NEW RACE AND ETHNICITY GUIDANCE FOR THE COLLECTION OF FEDERAL EDUCATION DATA”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaskan Natives in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of ATNI; and

WHEREAS, education of our generations rising is vital to our cultural and language preservation, future economic development, health, legal, social and political endeavors; through all of these avenues we carry our culture and actualize our sovereignty every day; and

WHEREAS, on November 5, 2009, President Obama issued a Memorandum on Tribal Consultation (Memorandum) to agency heads regarding consultation with Indian Tribes and tribal officials pursuant to Executive Order 13175; and

WHEREAS, in response to Executive Order 13175, the U.S. Department of Education developed and published a "Plan of Actions for Implementing Executive Order 13175: Consultation and Coordination with Indian Tribal Governments" which details the steps that they will follow as they determine the most appropriate process for providing meaningful consultation and strengthening the government-to government relationship with Indian Tribes; and

WHEREAS, the overarching goal of the U.S. Department of Education in this regard is to implement a consistent and comprehensive Department-wide consultation policy and process that complies with the letter and spirit of Executive Order 13175, and upon which American Indians and Alaska Natives can rely; and

WHEREAS, the U.S. Department of Education has announced New Race and Ethnicity Guidance for the Collection of Federal Education Data; and

WHEREAS, in accordance with these standards, the U.S. Department of Education published final guidance in the Federal Register on October 19, 2007 (72 Fed. Reg. 59267) on the collection and reporting of racial and ethnic data by educational institutions and other grantees; and

WHEREAS, National Center for Education Statistics, Institute of Education Sciences, and U.S. Department of Education collaborated to publish "Managing an Identity Crisis: Forum Guide to Implementing New Federal Race and Ethnicity Categories (NFES 2008-802)"; and

WHEREAS, in this Guide there was a change in the definition of American Indian/Alaskan Native stating that an: *American Indian/Alaskan Native is a person having origins in any of the original peoples of North and South America (including Central America), and who maintains a tribal affiliation or community attachment*-which drastically modifies the legal definition of American Indian/Alaskan Native as upheld by Congress and the United States Supreme Court; and

WHEREAS, in this Guide there are also gross inaccuracies in reference to the definition of Tribes, Tribal Nations and Alaskan Natives; and

WHEREAS, in the final guidance by the U.S. Department of Education in the Federal Register 59267, the process of data collection and reporting **INACCURATELY REPORTS THE ACTUAL NUMBER OF TRIBAL CITIZENS AND DESCENDANTS** by listing any Tribal Citizen who reports another race other than **ONLY** American Indian/Alaskan Native as **ONLY** multiracial, thereby **DECREASING** the actual number of American Indian/Alaskan Native citizens and descendants attending Public Schools and, thereby decreasing the Title VII funding available to school districts and/or Tribes; now

THEREFORE BE IT RESOLVED, that ATNI does hereby demand that the U.S. Department of Education immediately assess the negative impact of the implementation and continued use of their current Federal Race and Ethnicity Guidelines upon Tribes and Tribal people in *full compliance with Executive Order 13175 and their own Department-wide consultation policy and process to conduct consultation with Indian Tribes and Alaska Natives*; and

BE IT FURTHER RESOLVED, that ATNI does hereby demand the U.S. Department of Education reassess and modify their policy and implementation processes of the New Federal Race and Ethnicity Categories in *full compliance with Executive Order 13175 and their own Department-wide consultation policy and process to conduct consultation with Indian Tribes and Alaska Natives*.

CERTIFICATION

The foregoing resolution was adopted at the 2010 Mid-Year Conference of the Affiliated Tribes of Northwest Indians, held at the Spirit Mountain Casino in Grand Ronde, Oregon, May 17-20, 2010 with a quorum present.

Brian Cladoosby, President

Norma Jean Louie, Secretary