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THE NATIONAL CONGRESS OF  
AMERICAN INDIANS

RESOLUTION #SD-02-055

Title: **Eliminate Johnson O'Malley Baseline Student Count Funding Cap**

**WHEREAS**, we, the members of the National Congress of American 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 the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people and their way of life, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, a student cap mandate and the elimination of the BIA/OIEP/JOM student certification process was instituted in 1995, which placed a budget freeze on the JOM Program, this methodology does not allow for any growth, expansion, or flexibility to add new JOM programs or to accommodate the increase for eligible Indian student populations; and

**WHEREAS**, continuance of the Method B Fixed Base Funding Formula for the Johnson O'Malley program has not provided any offset funding increases in Congressional appropriations since 1995; and

**WHEREAS**, Indian student populations have been increasing since the Method B Fixed Based Funding Formula was imposed on the JOM Program beginning with FY 95; and

**WHEREAS**, the JOM Programs nationwide have been forced to provide services for an ever-increasing number of eligible JOM students, which results in diminished services to its intended population; and

**WHEREAS**, there is no possibility of additional school programs to be added on for services that were not counted in the October 1994 student count; and

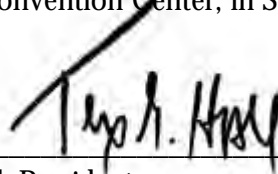
**WHEREAS**, the National JOM Association is aware that there are rural schools that would be adversely affected by an accurate student count, but propose a solution that would be equitable for all students.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby request the BIA/OIE programs to include the "Method B Fixed Base Funding Formula" topic in a Tribal Consultation and request the Congressional delegation to require the BIA to collect student count information and lift the 1995 student cap mandate to restore an equitable level of funds for the JOM Program; and request constituent organizations/tribes to seek concurrent resolutions to eliminate baseline student count cap; and request congressional delegation to exempt, by placing a hold harmless clause within the legislation for those rural schools with a low JOM eligible student count from suffering a downward budget revision of their 1994 student count in the process; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

#### CERTIFICATION

The foregoing resolution was adopted at the 2002 Annual Session of the National Congress of American Indians, held at the Town and Country Convention Center, in San Diego, California on November 10-15, 2002 with a quorum present.



\_\_\_\_\_  
Tex Hall, President

**ATTEST:**

  
\_\_\_\_\_  
Juana Majel, Recording Secretary

Adopted by the General Assembly during the 2002 Annual Session of the National Congress of American Indians, held at the Town and Country Convention Center, in San Diego, California on November 10-15, 2002.