

The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES

A Resolution Supporting the Clarification of the Definition of an Eligible Native American Student for Johnson O'Malley Funds

Resolution No. 24-16



Chuck Hoskin Jr.
Principal Chief

WHEREAS, the Inter-Tribal Council of the Five Civilized Tribes (ITC) is an organization that unites the tribal governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek) and Seminole Nation, representing approximately 815,000 Indian people throughout the United States; and



Bill Anoatubby
Governor

WHEREAS, the Johnson-O'Malley (JOM) Program is a federally funded program authorized by the Johnson-O'Malley Act of 1934 to ensure American Indian children receive educational opportunities that would not otherwise be provided through the public school system; and



Gary Batton
Chief

WHEREAS, the Inter-Tribal Council of the Five Civilized Tribes (ITC) supports the clarification of the 25 CFR 273.112 Eligible Students as required in the Johnson-O'Malley Supplemental Education Modernization Act (P.L. 115-404); and



David W. Hill
Principal Chief

WHEREAS, the Ninth Circuit Federal District Court's ruling in *Zarr v. Barlow*, 800 F.2d 1484 (9th Cir. 1986), the Bureau of Indian Affairs issued a program guidance memorandum, which remains in force today, directing contractors to use "Indian students are eligible for benefits of a JOM Contract if they are of ¼ or more degree of Indian blood or recognized by the Secretary as being eligible for Bureau service" as the eligibility criteria; and



Lewis J. Johnson
Chief

WHEREAS, the National Johnson-O'Malley Association, the collective voice of over 1.2 million Native American students and their parents/guardians nationwide who are currently eligible to receive JOM services, approved Resolution Number NJOMA 2022-01 to support efforts to update 25 CFR 273.112.

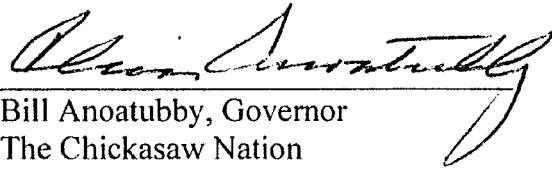
NOW THEREFORE LET IT BE RESOLVED THAT, the Inter-Tribal Council of the Five Civilized Tribes fully supports the definition of Eligible Student to be codified in 25 CFR 273.112 that defines an eligible student as:

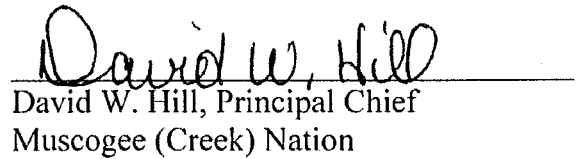
- 1.) one who is enrolled, or a member, of a Federally Recognized Tribe,
- 2.) can show or prove descendancy or lineage from an eligible individual (at least one parent or grandparent, living or deceased) and/or a Certified Degree of Indian Blood (CDIB) card from a Federally Recognized Tribe, or

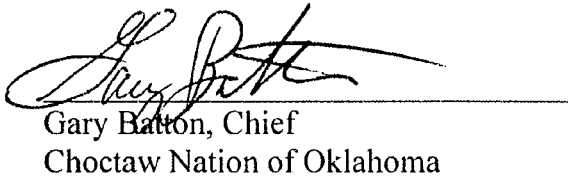
The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES

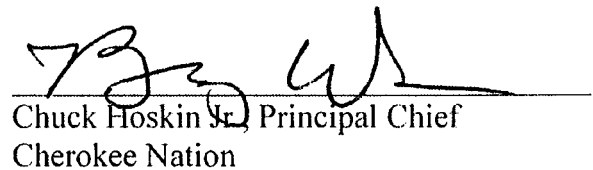
CERTIFICATION

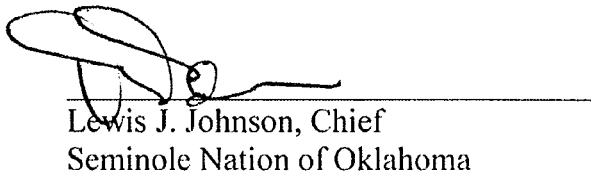
The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Catoosa, Oklahoma on this 12th day of July, 2024, by a vote of 19 for 0 against and 3 abstentions.


Bill Anoatubby, Governor
The Chickasaw Nation


David W. Hill, Principal Chief
Muscogee (Creek) Nation


Gary Batton, Chief
Choctaw Nation of Oklahoma


Chuck Hoskin Jr., Principal Chief
Cherokee Nation


Lewis J. Johnson, Chief
Seminole Nation of Oklahoma