



National Johnson-O'Malley Association

9524 East 81st Street, Suite B-1581
Tulsa, OK 74133

RESOLUTION NUMBER: NJOMA 2021-01

TITLE: A RESOLUTION OF THE NATIONAL JOHNSON-O'MALLEY ASSOCIATION SUPPORTING THE CLARIFICATION OF THE DEFINITION OF AN ELIGIBLE NATIVE AMERICAN/ALASKAN NATIVE STUDENT

WHEREAS: The National JOM Association is the collective voice of over 1.2 million Native American students and their parents/guardians nationwide who are currently eligible to receive Johnson-O'Malley services; and

WHEREAS: The National JOM Association declares that the academic, mental, social, spiritual and physical well-being of our JOM students and parents/guardians are our highest priority; and

WHEREAS: Our JOM students will one day be our tribal leaders and must be given maximum opportunity to bring about positive change; and

WHEREAS: The National JOM Association supports the clarification of the 25 CFR 273.12 Eligible Students as required in the Johnson-O'Malley Supplemental Education Modernization Act (P.L. 115-404); and

WHEREAS: The 1986 Ninth Circuit Federal District Court's ruling in Diane Zarr vs. Earl Barlow, 800 F.2d 1484 (9th Cir. 1986) the Bureau of Indian Affairs in 1986, 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 are recognized by the Secretary as being eligible for Bureau services."; and

BE IT RESOLVED: The National Johnson-O'Malley Association will support efforts to update 25 CFR 273.12 that clarify program guidance and Regulations as assigned by the Johnson-O'Malley Supplemental Education Modernization Act (P.L. 115-404); and

WHEREAS: The undercounting does a serious disservice to AIAN students and the programs designed to help them succeed.

BE IT FINALLY RESOLVED: The National Johnson-O'Malley Association membership fully supports the definition of Eligible Student to be codified in 25 CFR 273.12 that defines an eligible student as one who is enrolled in a Federally Recognized Tribe, or can show or prove descendancy or lineage from an eligible individual and/or a Certified Degree of Indian Blood (CDIB) card.

ATTEST: THE NATIONAL JOHNSON-O'MALLEY ASSOCIATION

Mark Vance, President
Board of Directors
National Johnson-O'Malley Association

Sandy Bair, Secretary
Board of Directors
National Johnson-O'Malley Association

CERTIFICATION:

I HEREBY CERTIFY: the foregoing Tribal Organization Resolution was adopted by the Board of Directors of the National Johnson-O'Malley Association during the 2021 National Johnson-O'Malley Association annual conference, in a duly called, noticed, and convened, General Assembly of the NJOMA membership, assembled for business the 28th day of September 2021, with a majority of the membership present to constitute a quorum, and by vote of all for except six (6) to oppose.

Sandy Bair, Secretary
Board of Directors
National Johnson-O'Malley Association