

NATIONAL CAUCUS OF NATIVE AMERICAN STATE LEGISLATORS

RESOLUTION IN SUPPORT OF THE ARIZONA STATE IMPACT AID ASSOCIATION'S ADVOCACY WORK AS IT RELATES TO FUNDING IMPACT AID SCHOOLS AND SCHOOL DISTRICTS

The National Caucus of Native American State Legislators (NCNASL) is made up of American Indian, Alaska Native and Native Hawaiian State Legislators from 18 states and is organized to provide a forum for discussion, education and increased communication. Additionally, the NCNASL identifies and proposes legislation and administrative actions to eliminate barriers to achievement of a better quality of life for Native people

WHEREAS the National Caucus of Native American State Legislators works closely with the Arizona State Impact Aid Association (ASIAA) in promoting Impact Aid policy at federal, tribal and state levels to protect and promote Impact Aid funding for federally-connected children, including those living on Indian lands, military children, low rent housing projects and parents that are civilians but work on federal property, and

WHEREAS ASIAA is an Arizona non-profit corporation comprised of public schools and school districts that receive federal Impact Aid funds under P.L. 103-382, and

WHEREAS Impact Aid funds replaces the property tax where school districts are not able to assess due to the federal properties located within their school district boundaries, and

WHEREAS in Arizona, 84 schools receive federal Impact Aid for 41,384 federally-connected students with 29,995 (72.5 percent) living on Indian Lands, and

WHEREAS Arizona is the largest recipient of federal Impact Aid funds and where 32 school districts have the highest concentration of federally-connected students (100 percent LOTS) with 31 located on Indian reservations and receiving 76 percent of the total Impact Aid funding in the state, and

WHEREAS the State of Arizona faced an estimated budget deficit of \$3 billion in FY 2009, and

WHEREAS the Arizona State Legislature passed House Bill 2029 during the 49th Legislature – First Regular Session that uses a formula to calculate the repayment of school districts' deferred May 15, 2009 apportionment (1/12th) of state aid using a portion of school districts' excess cash balance, and

WHEREAS the Arizona Department of Education would distribute on October 15, 2009 an amount to school districts that reflects what they would have received on May 15, 2009 minus their ending cash balances, adjusted for an allowable 4 percent budget balance carry forwards and impact aid revenues, and

WHEREAS the State of Arizona requires impact aid school districts to maintain a cash balance at end of year to pay for bond election overrides according to the Arizona Revised Statute 15-481, and

WHEREAS it is ASIAA's position that Impact Aid revenues constitute ending cash balances for Impact Aid School Districts and making them vulnerable to state practices of sweeping cash balance back into their general fund balances.

THEREFORE BE IT RESOLVED BY THE NATIONAL CAUCUS OF NATIVE AMERICAN STATE LEGISLATORS, that the inherent sovereignty of Tribes as recognized through historical treaties and legal relationships that exist between Tribal Nations and the United States of America is undeniable; and

BE IT FURTHER RESOLVED the National Caucus of Native American State Legislators asks our respective Congressional delegations, state and tribal governments to work to achieve the efforts by the following ASIAA Resolutions as follow:

1. The National Caucus of Native American State Legislators works closely with local Impact Aid Associations in support of favorable federal legislation as recommended by the National Association of Federally Impacted Schools, under Section 8009 of P.L. 103-382 as the Reauthorization of the Act moves forward.
2. By supporting Impact Aid policy at federal, tribal and state levels to protect and promote Impact Aid for federally-connected children, including those living on Indian lands, military children, low rent housing projects and parents are civilians but work on federal property.
3. Support of Impact Aid funds to continue to replace the property tax revenues where school districts are not able to collect taxes due to the federal properties located within their school district boundaries.
4. Support Impact Aid School Districts with implementing efficient internal accounting measures that ensure greater accountability that State Aid and M&O are spent first, leaving impact aid funds protected from further potential sweeps.
5. Require that all districts provide a separate accounting of Impact Aid revenues and expenses.
6. Request from the State of Arizona for temporary budget capacity that is equal to the January 2009 level so that Arizona Impact Aid School Districts can use their Impact Aid revenues to backfill budget cuts.
7. Request for good faith discussions with the Governor of Arizona and the Arizona State Legislature that will further protect and promote quality education programs for Impact Aid School Districts.

BE IT FINALLY RESOLVED the National Caucus of Native American State Legislators and the Arizona State Impact Aid Association (ASIAA) protect and advocate the interests of Native children across the United States.

Improve the Indian education system as a priority for students on Indian lands. Tribal groups are committed to ensuring that our Indian children receive every opportunity that is available to children nationwide.

To support the Self-determination and Education Assistance Act of 1975 regarding American Indian people and to encourage the educational hierarchy to be responsive to the needs and direction of Indian people.

Sponsored by: Sen. Carol Juneau (MT) Education Committee Chair

Approved date is: September 25, 2009

Committee of Jurisdiction: Education

Certified by Committee Chair: Sen. Carol Juneau (MT)

Certified by Caucus Chair: Rep. John McCoy (WA)

Ratified certified by: The NCNASL, September 25, 2009

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