

LUMBEE TRIBE OF NORTH CAROLINA

CLLR-2023-1026-01

DATE: OCTOBER 26, 2023

"TRIBAL CONSULTATION ON INDIAN EDUCATION MANDATE"

WHEREAS, The Lumbee Tribe of North Carolina ("Lumbee Tribe") is a recognized American Indian Tribe of the State of North Carolina, subject to the Constitution of the Lumbee Tribe of North Carolina ("Tribal Constitution") and its inherent sovereign powers and right to self-government; and,

WHEREAS, The Lumbee Constitution was adopted to preserve for all time the Lumbee way of life and community, promoting the educational, cultural, social, and economic well-being of Lumbee people, and securing justice and freedom for the Lumbee people; and,

WHEREAS, The Lumbee Tribal Government has the authority and responsibility to protect the quality of life of the Lumbee people; and,

WHEREAS, Article VII, Section 1 of the Tribal Constitution delegates all legislative authority to the Tribal Council of the Lumbee Tribe of North Carolina ("Tribal Council"); and,

WHEREAS, Article VIII, Section 1(e) of the Tribal Constitution states that the Tribal Chairman represents the Lumbee Tribe of North Carolina before all other governments and tribunals, including the United States, the State of North Carolina and all federal and state agencies; and,

WHEREAS, Just as our ancestors did, the members of the Lumbee Tribe occupy their ancestral lands and are the original people of these lands; and,

WHEREAS, Any project, carried out at the behest of, with funding provided by, or with approval of the federal, state, and local governments is of interest for the Lumbee, and to the educational, environmental, and cultural resources of the Lumbee Tribe and its ability to ensure a quality education and a safe, livable homeland for its members and residents; and,

WHEREAS, The United States, and all other sub-divisions of the federal government and other entities carrying out federal functions, have a duty to consult with the Lumbee Tribe of NC on any educational and governmental discussion or decisions that occur within the traditional lands of the Lumbee Tribe; and,

WHEREAS, Any federal, state or local agency shall notify the Lumbee Tribal Council and the Tribal Administration at the first consideration of a project or proposal that may have any effect on those Lumbee traditional lands, as well as the Lumbee people, and shall initiate a government-to-government consultation with the Lumbee Tribal Government; and,

WHEREAS, Any federal, state, or local agency, so obligated, shall consult with the Lumbee Tribe of North Carolina, and any such consultation with the Tribe shall be done in a meaningful, timely, active, and an ongoing basis; and,

WHEREAS, Any meaningful consultation requires consultation with both the Tribal Administration and the Tribal Council, and any other such designee as proposed at the discretion of the Lumbee Tribe; and,

WHEREAS, The lack of true government-to-government consultation with the Lumbee Tribe, has resulted in negative impacts to the Lumbee People and deprives the Lumbee Tribe information that is necessary to ensure its responsibilities to its citizens; and,

WHEREAS, The lack of Tribal Consultation, with regard to Title I through Title VI under ESSA grant, by the Public Schools of Robeson County, Cumberland County Schools, Hoke County Schools, Scotland County Schools, and any Charter School or any other Local Education Authority (LEA), is a cause of concern for the Lumbee Tribe; and,

WHEREAS, The Lumbee Tribe, a sovereign Tribal Nation, intends to ensure that all Federal, State, and local entities have clear and precise rules for consultations that will satisfy meaningful consultation requirements of the Federal Government; and,

WHEREAS, A tribal consultation with the Lumbee Tribe shall require a timely, written, request to the Tribal Chairman, the Speaker of the Lumbee Tribal Council, and the Chairperson of the relevant Tribal Council Committee; and,

WHEREAS, Timely requests shall be issued not less than thirty (30) days prior to any expected consultation date; and,

WHEREAS, The Every Student Succeeds Act (ESSA) mandates that meaningful tribal consultation by a Local Education Authority (LEA) administering a Title I through Title VI Indian education grant shall be meaningful in that it is timely, active, and on-going; and,

WHEREAS, The, Cumberland County Schools, Hoke County Schools, Public Schools of Robeson County, Scotland County, and any Charter School or any other Local Education Authority (LEA) that receives a Title I through Title VI grant under ESSA and the Lumbee Tribe of North Carolina is the Indian Tribe within the service areas of each of the systems and therefore shall be consulted on any Title I through Title VI grant and any program administered thereunder; and,

WHEREAS, The Lumbee Tribe of North Carolina deems the meaningful tribal consultation requirement of the ESSA to have been met only when the Lumbee Tribe has been consulted pursuant to the Lumbee Tribe of North Carolina Ordinance **CLLO-2023-1026-01**; and,

WHEREAS, The Lumbee Tribe of North Carolina has determined that meaningful, timely, on-going, and active consultation requires the Tribe to be consulted no less than three times a year, in January, April, and September of each year; and,

WHEREAS, The Lumbee Tribe so designates the following persons as those persons required for any such meaningful consultation, or their approved designee, The Tribal Chairman, the Speaker of the Tribal Council, Education Committee Chair, Finance Committee Chair, Ethics Committee Chair, and one member from the council on an ad hoc basis; and,

WHEREAS, Any failure to consult with the Lumbee Tribal Council and Lumbee Tribal Administration will be deemed a basis for the Lumbee Tribal Government to proceed to seek any and all judicial and administrative remedies to immediately stop the project(s) until such consultation takes place; and,

THEREFORE BE IT RESOLVED, Meaningful consultation with the Lumbee Tribe must be undertaken for any action contemplated by the Cumberland County Schools, Hoke County Schools, Public Schools of Robeson County, and Scotland County Schools, and any charter school or any other Local Education Authority (LEA), related to any grant under Title I through Title VI of the ESSA; and,

BE IT FURTHER RESOLVED, That consultation must be initiated by the Cumberland County Schools, Hoke County Schools, Public Schools of Robeson County, Scotland County Schools, and any Charter School or any other Local Education Authority (LEA), and scheduled to occur in January, April, and September of each year and that the Tribal Administration of the Lumbee Tribe work with the Local School Boards to ensure that meaningful, timely, active, and on-going consultation occurs and begins with an introductory consultation no later than November 2023 to establish the plan for on-going consultation.

THEREFORE, BE IT FINALLY RESOLVED, The Tribal Council and Tribal Administration of the Lumbee Tribe of North Carolina does require of the Cumberland County Schools, Hoke County Schools, Public Schools of Robeson County, Scotland County Schools, and any Charter School or any other Local Education Authority (LEA), consult with the Lumbee Tribe of North Carolina and that the respective school systems make consultation with the Lumbee Tribe of North Carolina a high priority for any employee of the school system with responsibility for any Grant under Title I through Title VI of the ESSA.

CERTIFICATION

THIS **CLLR-2023-1026-01** "TRIBAL CONSULTATION ON INDIAN EDUCATION MANDATE" ADOPTED AT A MEETING OF THE TWENTY- ONE (21) MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 17 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 26TH DAY OF OCTOBER, 2023 BY A VOTE OF 15 YES, 0 NO, AND 0 ABSTENTION(S), 2 RECUSE(S).

Sharon Hunt 10/26/23
ATTEST: SHARON HUNT DATE
Speaker, Lumbee Tribal Council of the Lumbee Tribe of North Carolina

Nanci Locklear 10/26/23
ATTEST: NANCI LOCKLEAR DATE
Secretary, Lumbee Tribal Council of the Lumbee Tribe of North Carolina

ROLL CALL VOTE RESULTS TO ADOPT

CLLR-2023-1026-01 “TRIBAL CONSULTATION ON INDIAN EDUCATION
MANDATE”

15 FOR, 0 AGAINST, 0 ABSTENTION(S) 2 RECUSE(S)

District 1:	Billy Oxendine	YES
District 2:	Sharon Hunt	YES
	Gerald Goolsby	ABSENT
District 3:	Harold Smith	YES
	Pam Hunt	YES
District 4:	Jody Bullard	RECUSE
District 5:	Wendy Moore	YES
	Carrington Locklear	YES
District 6:	Kristie Hunt	YES
	Richard Jones	RECUSE
District 7:	Nanci Locklear	YES
	Yvonne Dial	YES
	Rudy Locklear	YES
District 8:	Kathy Hunt	YES
District 9:	Dewey J McNeill	YES
District 10:	Bobby Emanuel	ABSENT
District 11:	Chocajuana Oxendine	ABSENT
District 12:	Josephine Doss	YES
	Annie Taylor	ABSENT
District 13:	Alex Baker	YES
District 14:	Homer Fields	YES