

MOU: district, tribes look to fund new W.S. school

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The MOU should be completed by the end of the year, he said.

A NEW CAMPUS

Buildings and other educational facilities were included in the old MOU and will be part of the new one. It might be handled differently, however.

The Warm Springs Elementary School campus is the oldest in the district. Its oldest buildings hark back to the 1930s. A fire nine years ago during winter break destroyed the gym. Its replacement was the most recent major construction work on the campus.

And 25 years ago the campus "was inadequate," he said. "We need to ask 'How do we construct a new school for Warm Springs?' It's long past due."

It has reached a point of the campus being "inefficient." Moving the children from one room to another for certain subjects gets harder over time as a building ages and requires increased maintenance. And in some instances, children aren't that close to bathrooms.

It's an overall condition that keeps them from doing what they're supposed to be doing: getting schooled. The extra time spent on mundane things in an inefficient way "adds up and takes time away from the school day," he said.

"We've done the best with what we have."

A tribal referendum sought years ago is a highly specialized concept that doesn't match the current plan. The district also worked to obtain a grant last year. That plan, however, hasn't come to fruition.

Molitor said the district and tribe is going to look to the BIA for a new building. The BIA owns the current campus but the district takes care of it.

In the 1985 MOU, long-term plans for construction and management of facilities are jointly planned and cooperatively financed "to the greatest extent possible."

A new campus might serve a wider range of students—kindergarteners through 8th graders. The district would like to see this option available to families who prefer their young teenaged children be educated closer to home.

"It's something we're going to explore," he said.

There will be positive and negative aspects to having the middle school age students on a reservation campus.

Less time spent on traveling back and forth to school likely will be welcome by students and parents. And there will be an opportunity for more tribal members to be involved in presenting school-based Native American cultural activities because they won't have to travel

as far, either.

Fewer extra-curricular activities targeting the middle-school age students likely would be unavailable because there wouldn't be as many students to service. And the opportunity to socialize with people who are different is always invaluable for young people, Molitor said of potential drawbacks.

Studies indicate that young people who understand their own culture are more likely to do well in college and better connect with others in general.

"One size fits all doesn't work," he emphasized.

Cost of a new campus for elementary and middle school students on the reservation: an estimated \$18.3 million. It could be slightly less if the real estate industry still is slow when the project reaches bidding.

"Without all of the parties at the table we won't get it done," Molitor said. "A new building is going to send a positive message."

CONTROVERSY

Money for the construction of a new campus isn't related to the School Improvement Grant that was discussed at last month's school board meeting where numerous tribal members and employees spoke in defense of Dawn Smith.

Under one scenario of the SIG funding, Smith would have to be replaced as principal if the

district were to pursue and, eventually, receive that money for academic improvement.

SIGs aren't tied to construction or physical improvements of a campus.

An effective school administrator who is respected among community members is hard to find, let alone replace, said Molitor, adding that the district wants to see Smith stay in the position where she helps all of the students at the elementary school succeed.

The students have made many strides at the elementary school. Some improvements, however, haven't been coming quickly enough for all the vari-

ous standards schools must use to measure progress, Molitor said.

If necessary, something could be worked out similar to the arrangement at Madras High School. It received a grant requiring that the principal step aside. A new principal will be named and the out-going administrator will run an integral program at the school, he said.

At Warm Springs Elementary School, Smith could take a new title, such as administrative director, in order for the school to qualify for the grant. Or no change in title may be necessary (see related story on page 1).

WSE

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A girl makes 20 cookies but five of them don't turn out. How many cookies does she have?

The student knows that 20 minus 5 is 15, but isn't familiar with cookies "not turning out," and so answers incorrectly. There are many examples of this on the standardized tests, said Smith.

SIG grant money, she said, would help in addressing this kind of problem. The district can apply for up to \$2 million per year in SIG money for up to three years.

Notification in \$3.4 billion trust settlement

The Court-ordered process of notifying individual Indians of their right to participate in the historic \$3.4 billion class action settlement, *Cobell v. Salazar*, is underway.

The settlement resolves claims related to Individual Indian Money (or IIM) accounts and land held in trust by the federal government for the benefit of individual Indians.

Class members all over the country are receiving detailed information about their legal rights and options via U.S. mail.

On December 21, 2010, U.S. Senior District Judge Thomas F. Hogan granted preliminary approval of the settlement, setting in motion a process through which hundreds of thousands of individual Indians who have or had government-managed IIM accounts or trust lands may receive some of the \$3.4 billion settlement fund.

The judge's approval came after Congress passed and the President signed legislation approving the settlement. Current estimates project that most class members will receive about \$1,800, with some class members receiving much more depending on the level of activity in their IIM accounts.

The \$3.4 billion settlement was reached between the Department of the Interior and Treasury and the individual Indian plaintiffs in December 2009. The settlement resolves the government's failure to provide an historical accounting for IIM accounts and also resolves claims that the government mismanaged funds and other trust assets, includ-

ing royalties owed to individual Indians for oil, gas, grazing, and other leases of individual Indian lands, mostly in the West.

The settlement provides a \$1.5 billion fund to compensate an estimated 500,000 affected individual Indian trust beneficiaries who have or had IIM accounts or own trust land. The settlement creates two groups of class members eligible to receive money from the fund—the Historical Accounting Class and the Trust Administration Class.

• The Historical Accounting Class comprises individual Indians who were alive on September 30, 2009, who had an open IIM account anytime between October 25, 1994 and September 30, 2009, and whose account had at least one cash transaction.

• The Trust Administration Class comprises individual Indians alive on September 30, 2009, who had an IIM Account at any time from 1985 through September 30, 2009, recorded in currently available electronic data in federal government systems, as well as individual Indians who, as of September 30, 2009, had a recorded or demonstrable interest in land held in trust or restricted status.

• The estates of deceased class members will also receive a settlement distribution if the deceased beneficiary's account was open as of September 30, 2009, or their land interest was open in probate as of that date. Other eligibility conditions and requirements for each Class are detailed in the settlement agreement.

Under the settlement agreement, \$1.9 billion will fund a Department of the Interior program to buy fractionated interests in trust or restricted land from willing sellers to benefit

tribal communities and aid in land consolidation. Depending on the level of participation in the land consolidation program, up to \$60 million will be set aside to provide scholarships for higher education for American Indian and Alaska Native youth.

Information about the settlement and legal rights is available to all American Indians and Alaska Natives.

The website: www.IndianTrust.com
And toll-free number 1-800-961-6109 are available to provide more information about the settlement and the legal rights of class members. Individuals who are unsure whether they are included in the settlement should visit the website or call the toll-free number for more information.

Class members who receive a formal notice in the mail about the Settlement and who are currently receiving IIM account statements do not have to do anything to receive payment. Individuals who believe they should be part of the settlement but do not receive a notice in the mail or are not receiving IIM account statements need to fill out a claim form as soon as possible, available at the Indian Trust website or by calling the toll-free number.

Individuals wishing to keep their right to sue the federal government over mismanagement claims covered by the settlement must exclude themselves from the Settlement by April 20, 2011. Class members can also submit written comments or objections about any Settlement terms that concern them by April 20, 2011.

Cobell: most will receive at least \$1,500

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The settlement resolves the government's failure to provide an historical accounting for IIM accounts. It also resolves claims that the government mismanaged funds and other trust assets, including royalties owed to individual Indians for oil, gas, grazing, and other leases of non-tribal Indian lands.

The settlement establishes funds worth approximately \$1.5 billion to pay individual Indian trust beneficiaries for past accounting problems and resolve historical asset mismanagement claims. Congress has passed legislation authorizing the settlement and provided funding. The President signed the legislation into law.

A majority of class members are estimated to receive payments of at least \$1,500. Some class members may receive more, depending on the level of activity in their IIM accounts.

According to Tyler Tullis, ac-

count assistant, \$1.9 billion of the settlement money will be used by the Department of the Interior to buy small interests in trust or restricted lands from Native Americans willing to sell their fractionated land for return to tribal use.

Up to \$60 million of that \$1.9 billion will be made available to provide higher education scholarships for Native American youth.

"There are two classes eligible to receive money from the settlement," Tullis said. "The first is the historical accounting class, who had at least one cash transaction in an open IIM account between October 25, 1994 and September 30, 2009. The second is the trust administration class, who owned trust land as of September 30, 2009 or had an IIM account at any point in time between 1985 and September 30, 2009."

The claim form asks for specific information including tribal

membership number, land parcel number, social security number, and IIM account number.

The vital statistics department keeps records for all tribal members, including enrollment numbers. The IIM desk at the administration building will provide account numbers when presented with ID.

Estates of deceased class members may also be eligible to receive a share.

The court still has to decide whether to approve the settlement. Once approved, payments will be made after any appeals are resolved.

Judge Thomas F. Hogan, of the United States District Court is currently overseeing this case. Class members are represented by Dennis Gingold and Keith Harper.

Full details of the settlement can be found at:

www.IndianTrust.com.

INDIAN TRUST SETTLEMENT – TRIBAL COURT PROBATE NO JURISDICTION

Tribal Court Probate has received Notice About Indian Trust Settlement regarding the proposed Settlement of *Cobell v. Salazar*, a class action lawsuit.

The United States District Court for The District of Columbia have determined there has been a violation of trust duties by the federal government pertaining to individual Indian land, Individual Indian Money (IIM) and other assets held in trust.

Excerpt from United States District Court for The District of Columbia:

You may be part of this Settlement with certain rights in this Settlement if you are an:

• Individual Indian Money ("IIM") account holder (even if the account currently is not active or open).

• Individual Indian who has

an ownership interest in land held in trust or in restricted status,

• Heir to a deceased IIM account holder or individual landowner.

Below is a listing of decedent's that Tribal Court Probate has received mailings for this class action lawsuit. Please review the list to determine if you should make a claim; and be advised that this list may not be a full accurate list of decedents who qualify for this settlement.

Aguilar, Ella
Holiday, Sherman
Kirk, Mavis
Allen, Jesslyn K.
Jim Sr., Frank
Spino, Nellie
Arthur, Alvita

Kalama, Judy
Squiemphen-Yazzie,*Priscilla
Barney, Julia
Katchia, Cyrus
St. Germaine, Jerry C.
Begay, Fern
Lamb, Esther
Strong, Venus
Blodgett Sr., Freddie
McKinley, Ivan
Stwyer, Lucinda
Boise-Montiel, Leah L.
Mckinley, Teresa
Stwyer, Martina
Brown, Patricia
Meanus, Mary Ann
Suppah, Frankie
Bruno, Sandra
Meanus Sr., Marvin
Suppah, Mckie A.
Chee, Christopher J.
Miller, Robert
Suppah, Franklin
Chee Sr., Charlie
Mitchell, Virginia

Tewee, Ruth
Colwash, Thane
Moran, Robert C.
Thompson, Ruth
Culps, Christopher O.
Oscar, Lucy
Thompson III, Roscoe
Danzuka, Mary
Polk, Joshua D.
Thompson Sr., Leland
Davis, Ellen
Queahpama, Calvin
Tiamakmak-Mitchell,
Virginia
Frank, Mariel
Raboin, Serena
Tohet, Ina
Gilbert Sr., Allen
Roba, Colleen
Torres, Caroline W.
Govenor, Mervin
Saludo, Rose
Waheneka, Emily
Heath, Laurence L.
Scott, William

Wallulatum, Nelson
Heath, Cheryl
Simtustus, Dorothy
Wallulatum, Merris
Heath, Roberta
Smith, Iris
Walsey, Delia
Holliday, Donald
Smith Sr., Alvis
Walsey, Lillian
Williams, Nathan A.

Tribal Court Probate does not have jurisdiction to manage trust assets according to Tribal Code 320. Ms. Sherry Johnson manages the BIA DOI Probate matters regarding trust assets. You may contact her at 503-872-2795.

Important Dates
• Deadline to Object or Comment on the Settlement: April 20, 2011
• Fairness Hearing: June 20,

2011 at 10 a.m. United States District Court for the District of Columbia, 333 Constitution Avenue NW, Washington, DC

• Deadline to File a Claim/Register to Participate: Due with 45 days of the Court's Final Approval of the Settlement (or a later date set by the Court).

To enquire about this class action lawsuit please call: 1-800-961-6109

To file a claim electronically or to print a claim form to mail you may visit: www.indiantrust.com.

If you have any questions regarding probate matters that are not trust assets you may contact Stevie Hicks, Probate Assistant or Maria Godines, Public Administrator at 541-553-1649.