

Akiak IRA Council reverses Alaska Area Director

The IRA village of Akiak has succeeded in reversing the Alaska Area Director of the BIA's elementary school. In the first IRA contract appeal ever to the commissioner of Indian Affairs in Washington, D.C., the Commissioner agreed with Akiak and recently told the Acting Area Director to proceed to negotiate a contract with the Akiak IRA Council.

The former Area Director of the BIA, Clay Antioquia, on October 11, 1979, decided that the Akiak bid to operate its own BIA Elementary school under the Indian Self-Determination Act should be rejected, because, in his opinion, (1)

the services rendered would not be satisfactory, and (2) the BIA School Facility due to disrepair was no longer suitable to house the program.

The Akiak IRA Council, represented by Alaska Legal Services, and attorney Bert Hirsch, appealed to the Commissioner of Indian Affairs in Washington, D.C. In its appeal, beside several legal arguments, Akiak outlined the history of its school and its efforts to contract for the Commissioner. The BIA Elementary School Program had operated in Akiak for more than 40 years.

Only after (1) the village sought to contract for the oper-

ation of the school under the Indian Self-Determination Act, and (2) the State Department of Education requested the BIA to stop the operation of its elementary school program in Akiak so that the state could take over the program, did the former Area Director decide to shut down the Akiak BIA school. Akiak IRA Council members felt that the BIA had shown more concern for the state than for people in their village.

In a Memorandum this month from the Commissioner to the acting Area Director of the BIA,

the Commissioner rejected the reasons set forth for the denial and directed the acting Area Director to proceed to negotiate a contract with Akiak for the operation of its BIA Elementary School.

The Commissioner stated that he could find "no evidence that the services to be delivered will be unsatisfactory." The Commissioner also noted that the Akiak IRA Council "has agreed to make a building available for the school program which Doctor Earl Barlow [the Director of Education for the BIA] has inspected personally and found it to be suitable after slight modifications are made."

While Akiak will get to keep its BIA Elementary School Program and will get to contract to operate that program, a related question is whether that program, in some way, can make use of the new state school facility in Akiak.

Although representatives of Akiak and the Lower Kuskokwim School District have discussed the possibility of a sub-contract, whereby LKSD would operate the program in the state school facility, the State Department of Education opposes

such an agreement. Alaska Legal Services Corporation on behalf of the Akiak IRA Council, has recently filed suit in the Bethel Superior Court to remove the state's opposition to such an agreement. In the meantime, the effect of this more recent decision by the Commissioner of Indian Affairs is that Akiak will retain and get to operate its BIA Elementary School Program regardless of the outcome of the lawsuit.

"The former Area Director went to unusual lengths to oppose the Akiak contract," said Bruce Twomley, one of the attorneys representing the Akiak IRA Council in its contracting efforts. "The Commissioner's decision makes absolutely clear that the former Area Director was wrong and that there now will be a contract. I am very pleased that the people of Akiak will now have the opportunity to retain their BIA Elementary School Program in order to try to make the Indian Self-Determination Act work for them. I would, of course, be even happier, if they had the cooperation and support of the State Department of Education in their efforts."