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December 6, 2024

TO: Howard Paden, Executive Director of Language
FR: Chuck Hoskin, Jr.,
Principal Chief
CC: Bryan Warner, Deputy Chief
Cabinet, Sub-Cabinet
Sammy Eagle, Manager of Speaker Services

ADMINISTRATION MEMORANDUM ON IMPROVING CHEROKEE NATION LANGUAGE DEPARTMENT'S SPEAKER SERVICES PROGRAM

The purpose of this Administration Memorandum is to provide direction on reforming the Speaker Services program and realign it with my Administration's expectations for that program three years after it launched via my memorandum of January 7, 2022. A response from the Executive Director is requested by **December 23, 2024**.

I. Background

In my "Memorandum Setting Expectations For Cherokee Nation Language Department Speaker Services Unit," of January 7, 2022, I outlined the need for a new program that would "...engage directly with fluent Cherokee Speakers on a one-on-one basis as close to their homes and communities as possible, assess their needs and work to improve their quality of life by utilizing the resources of the Cherokee Nation." In response the Language Department launched the "Speaker Services" program with a relatively modest budget, focused primarily on making housing repairs to the homes of fluent speakers.

Thereafter the budget, staffing and aspirations of Speaker Services grew. In three years, the program has spent \$34 million across 1,700 unique housing projects as well as a number of non-housing related services. By those measures, and based on various other observations, Speaker Services has been a success. Speaker Services, both in symbol and substance, has lifted up fluent speakers in need and, more broadly, our entire community of first language fluent speakers.

In the time since Speaker Services' January 2022 inception much has changed. We now have the benefit of three years of experience administering the program. Other programs and services have expanded or improved. All of this helps inform how Speaker Services best moves forward.

By the time Speaker Services launched in January 2022, my Administration had come to experience a level of frustration on the larger issue of housing¹. But, that frustration has yielded to encouragement and optimism because, beginning in January 2023 we had new leadership at the Housing Authority of the Cherokee Nation². We have seen at HACN exponential increases in productivity and we have secured more stable funding under the Housing, Jobs and Sustainable Communities Act. The Administration's confidence in our efforts to improve housing conditions for the Cherokee people has dramatically increased since 2022.³

Speaker Services and the basic idea that we will prioritize improving the quality of lives of fluent speakers has become better internalized across departments and has penetrated deeper into the public consciousness over the course of three years. This means the directive in the memorandum of January 7, 2022, "...that all departments and entities should consider a referral or inquiry from Speaker Services to be of the highest priority for my office..." is better embraced now than it was three years ago.

Notably, funding and funding sources have changed over the past three years. What began as a program seeded with a relatively modest amount of general revenue funds quickly ballooned into a robust ARPA funded program under our Respond, Recover and Rebuild Plan. As we transition away from ARPA funds the program will transition substantially to general revenue funds⁴. The program has been formally embedded in Cherokee law under the [Durbin Feeling Language Preservation Act](#)⁵ and the [Housing, Jobs and Sustainable Communities Act](#)⁶.

Creating and operating Speaker Services required a steep learning curve. The Language Department had to quickly orient itself to, for the first time in its existence, be a provider of direct services. Speaker Services has largely administered housing rehabilitation services which are particularly challenging to deliver. To say the Language Department accomplished an impressive feat in standing up a new direct services program is an understatement. To say it encountered obstacles and learning opportunities along the way is also an understatement. I credit the ambition, optimism and hard work of Department leadership and staff with what has been a successful three years.

¹ For example, implementation of the Housing, Jobs and Sustainable Communities Act of 2019 was slow, though this was in part due to the impact of the COVID-19 pandemic.

² In addition to moving from an interim to a permanent director in 2022, the leader of HACN became a direct report to the Principal Chief and a member of the sub-cabinet, rather than an effectively independent executive accountable only to the HACN board of commissioners.

³ It is noteworthy that HACN's leader, Todd Enlow, holds the title of Executive Director of Housing Programs, not Executive Director of HACN. This was purposeful to reflect his role overseeing and advising on all matters impacting housing. Executive Director Enlow also holds the title of Senior Advisor to the Principal Chief. Under the recently enacted HJSCA he is responsible for drafting a three year housing plan. HJSCA contemplates some level of funding for Speaker Service. In view of all of this, Executive Director Enlow's input into reforming Speaker Services is not only vital, but expressly anticipated.

⁴ For FY 2025 Speaker Services budget was regrettably proposed and enacted at around \$500,000, putting the program on an early fiscal year budget cliff that must be remedied in a manner consistent with this memo. Additionally, as with all departments of this government, Language must seek federal grant funding where available.

⁵ Durbin Feeling Act, 4.2.a.7

⁶ HJSCA, 5.2.a.g

All of this experience presents us with opportunities to reaffirm the expectations for the program and realign the program with those expectations. The core of Speaker Services' mission, though, remains and it bears repeating:

...engage directly with fluent Cherokee Speakers on a one-on-one basis as close to their homes and communities as possible, assess their needs and work to improve their quality of life by utilizing the resources of the Cherokee Nation...

So long as we place that idea at the center of what we do, we should be able and willing to adjust as it relates to various processes, budgets, priorities and policies in order to achieve the purposes of the program in view of the ever changing social, administrative and resource landscape in which we operate.

II. Opportunities to Improve Speaker Services; Directives to the Executive Director of Language

Our experience helps inform how to improve Speaker Services and make it sustainable and more effective. Opportunities for improvement, including:

1. Clearer expectations as to type and volume of services
2. Addressing the applicant backlog
3. Stable budget and revenue source
4. Adequate staffing, staff capacity
5. Better interdepartmental coordination
6. Comprehensive and transparent policies and procedures
7. Efficient and transparent data management.

1. Clearer expectations as to type and volume of services; addressing applicant backlog

The memorandum of January 7, 2022, identified four areas of focus for Speaker Services:

- Housing
- Water and Sanitation
- Healthcare
- Human Services

The memorandum contemplated a relatively modest administration of housing and water infrastructure services, with the balance of assistance taking the form of “assessing... needs” and coordinating with relevant departments.

Since its inception, the depth and breadth of Speaker Services programs has grown, driven largely by the related factors of need and budget. The expectations of Speaker Services to deliver direct services grew over its three-year life. Relatedly, as discussed below, a backlog of applicants for services has grown. All of this presents concerns over the sustainability of the program and the public perception of the program.

Speaker Services should maintain a primary focus on the four areas identified above, but with a focus on sustainability. In that regard, **Speaker Services must identify a reasonable menu of direct services and set realistic annual caps on the volume of those services.** The program should also place renewed focus on the original mission of Speaker Services as a program that primarily observes the needs of speakers and coordinates with departments to meet those needs. Speaker Services policies and practices must carefully require that other departments, on a priority basis, serve the needs of fluent speakers.

Speaker Services should also prioritize need. The original aim of Speaker Services was decidedly not focused, as is the case with most Cherokee Nation safety net programs, on financial need. Our experience with the program suggests that factors such as financial need or elder status may be useful priorities. The program can adopt these factors as “preferences,” rather than strict mandates. The department, to the extent it uses general revenue funds, could adopt its own method of determining income eligibility. For example, it could prioritize elders over the age of 62 and / or individuals who self report under 150% of national median income, deferring other applicants until the priority applicants are served. Whatever approach it adopts, prioritizing elders and lower income fluent speakers can help make the program sustainable.

Directives to the Executive Director of Language: The Executive Director must provide an outline of service areas and volume of services for each area for a hypothetical fiscal year, aligned with the observations and expectations set forth in this memorandum along with an adequate fiscal year budget, with funding sources identified.

2. Addressing the applicant backlog

Speaker Services present backlog is considerable. The backlog was borne of, as noted, from the discovery of the huge unmet need for services and a short-term ballooning of the budget driven by ARPA. The present backlog includes 327 applications for housing rehabilitation, which depending on the mix of projects could reach up to \$13 million.

To address the present backlog, speaker services must apply its new approach to sustainability to pending applicants, not merely making prospective changes as to new applicants. It will also need to take a case-by-case examination of those pending applications to determine need and priority.⁷ The failure to address the backlog, even if it means making some Deitrick’s decisions as to priority of applicants and scope of service, will erode internal and external confidence in the program, threaten its long-term sustainability and undermine overall progress on language preservation efforts.

Directives to the Executive Director of Language: The Executive Director must develop a detailed plan for addressing the present backlog of Speaker Services applicants.

⁷ One approach Speaker Services may take is to work with HACN to essentially give “time of application” credit to pending applicants who qualify for HACN services so that those applicants have not lost time in a shift from one program to the other. Such “credit” does not solve the underlying problem we face: more demand for housing rehab than presently available resources. But, it could ease the management of the backlog.

3. Stable budget and revenue source

As noted, Speaker Services has operated on a mix of ARPA and general revenue funds. As ARPA sunsets, it is critical that the program operate on sustainable and predictable funding sources.

The Language Department operates on a budget of over \$20 million, across numerous programs. The department must evaluate its budget and determine how best to reflect the priority of Speaker Services within its larger budget footprint. At present Speaker Services is budgeted at \$500,000, a wholly inadequate funding level.

As noted, Speaker Services is an authorized program under the Durbin Feeling Language Preservation Act and the Housing, Jobs and Sustainable Communities Act. Under HJSCA Speaker Services is a mandatory program and must be funded under each three-year housing plan at some level. Thus, the forthcoming housing plan must include some level of funding for Speaker Services.

Speaker Services is also eligible for funding under the [Public Health and Wellness Fund Act](#), and a planned amendment could open up more funding under that law. Speaker Services is presently eligible for funding under the Behavioral Health Capital Fund⁸ and for funding under the “7%” third party funds for behavioral health⁹. Later in FY 2025 I plan to propose a change to PHWFA to make Speaker Services eligible for other funds available under the Act¹⁰. Accordingly, PHWFA could provide some during for Speaker Services as it seeks to address behavioral health and drug addiction challenges among fluent speakers.

As with all Cherokee Nation departments, the Language Department should aggressively pursue federal grants to help fund speaker services.

Directive to the ED of Language: This directive is subsumed within the directive under No. 1, above.

4. Adequate staffing, staff capacity

Speaker services must be adequately staff and its staff adequately trained. Speaker Services began with a single employee, its director. The director has done what few employees have done: stand up an entirely new direct services program. The director’s capacity has grown exponentially. It is critical that the director have a team that is right sized, motivated to assist on the mission and well trained. The number and capacity of Speaker Services staff seems to have

⁸ The Behavioral Health Capital Fund is primarily for the construction of drug treatment facilities but could be used for capital projects in Language with a nexus to behavioral health, such as transitional housing.

⁹ The Language Program could tap the “7%” fund for ongoing programs relating to public health or behavioral health, such as transportation to behavioral health appointments, field operations for behavioral health or transitional housing.

¹⁰ The act presently provides Career Services and Behavioral Health with funding for a period of years for addressing economic barriers to recovery and innovative recovery programs, respectively. A simple amendment could expand either or both of those funds to Speaker Services.

ebbed and flowed since the inception of the program. Anecdotally, there appears to be a degree of frustration among applicants and council members regarding feedback on the status of an application and the responsiveness of staff. Speaker Services cannot succeed without an objective review of its staff and staff capacity building needs.

Directive to the ED of Language: The Executive Director must establish staffing and staff training goals for FY 25 and FY 26, which should include a budget and potential funding sources as warranted.

5. Better interdepartmental coordination

Speaker Services and other departments must work together to achieve the purposes of the program. This requires coordination and communication. This means Speaker Services and the assisting departments have obligations. Those include:

- Each assisting department must have a designated point of contact for Speaker Services..
- Each assisting department must adjust their policies and practices to coordinate with Speaker Services and to prioritize fluent speakers consistent with Administration's expectations, within any federally imposed limits of program rules.
- Speaker Services staff must be trained in relevant assisting department programs.
- Speaker Services and the assisting departments should develop a single "Speaker Services Application," used by Speaker Services staff, which captures sufficient *threshold* information to evaluate eligibility with any given assisting department¹¹. The assisting department should not ordinarily require a separate application. Speaker Services should not ordinarily make a mere referral to the assisting department.¹²
- Speaker Services and the assisting department must take care to avoid inadvertently segregating fluent speakers into a class of citizens who are only served by Speaker Services. Fluent speakers are eligible for all Cherokee Nation services, Speaker Services direct services and assistance from Speaker Services in accessing all services.

Directive to the ED of Language: The Executive Director shall provide an "interdepartmental coordination plan," aligned with the observation and expectations discussed herein, including a draft "Speaker Services Application."

6. Comprehensive and Transparent Policies and Procedures

Closely related to sustainability is the need of the Department to maintain a comprehensive set of policies and procedures covering every aspect Speaker Services. The nature of the program, based on a newly declared policy priority in a department unaccustomed to direct service

¹¹ Assisting departments must be willing to dispense with using its standard application unless the requirements of the funding agency inflexibly require a prescribed application and supporting documentation.

¹² A troubling, albeit short lived, practice of the program in early FY 2025 was requiring fluent speakers to bear the burden of obtaining a denial from another program before accessing Speaker Services resources. This practice is wholly at odds with the entire purpose of Speaker Services. The practice appears to have been borne of short term budget concerns rather than a shift in philosophy.

delivery and with evolving goals, made policymaking a challenge during the programs infancy.¹³ In this new era of the program, sound, consistent and transparent policy making is absolutely vital.

One policy that should be reviewed and perhaps refined is the threshold test as to who is a “first language fluent speaker.” That test is the most consequential for not only Speaker Services, but the entire department. For Speaker services, though, the “first language fluent speaker” determination triggers benefits and other assistance that has tremendous impact for the individual applicant. It is therefor indispensable that the Department maintain a policy for determining first language fluent speaker status that is objective, understandable and transparent.

Directive to the ED of Language: The Executive Director shall provide a draft comprehensive policies and procedures for Speaker Services¹⁴.

7. Efficient and transparent data management.

Speaker Services interacts with a large volume of fluent Cherokee speakers seeking assistance, submitting applications and receiving services directly and indirectly from other departments. At the project level, the department interacts with contractors and manages projects from simply handicap ramps to full housing rehabs to replacement homes, all involving the purchase of materials and the engagement of contractors. There does not appear to be, however, adequate use of technology to manage a database of fluent speaker “applicants” or the attendant projects or delivery of services.

Directive to the ED of Language: The Executive Director of Language must ensure Speaker Services must maintain an electronic database to manage applicants, analyze success and to issue reports. The Executive Director must maintain a standardized schedule of reports to issue to Administration. The Executive director must also utilize appropriate software to manage housing projects.

Executive Director’s Deadline: A response to this memorandum is due from the Executive Director by December 23, 2024.

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Chuck Hoskin Jr., *Principal Chief*

¹³ A lack of comprehensive policies tends to create a void where other departments may enter. Thus, Finance maintains polices and practices which tend to impact the Language Department beyond its budget I to areas which impact priorities and program development decisions. Administration’s expectation is that policies that go to the substances or a program and departmental priorities be driven by the department. For this to happen, the Language Department must maintain a comprehensive set of policies across programs.

¹⁴ A critical policy that impacts the entire Language Department and is consequential for the Nation’s language revitalization efforts: The Speaker roll. The Speaker roll is not only of importance symbolism to the Nation’s language revitalization efforts, but of consequential substance. Speaker Services makes this clear: Inclusion on the Speaker roll is prerequisite to accessing services. The Department should carefully review the Speaker roll policy in view of the consequential nature of the policy as it relates to Speaker Services.