



Education Plan Requirements

- The JOM Education Director has primary management responsibility for development of JOM Education Plan.
 - IEC has oversight responsibility for development of JOM Education Plan.
 - The following Regulations state the requirements for the Education Plan.
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273.14 Preparing the education plan

A prospective contractor in consultation with its Indian Education Committee(s) shall formulate an education plan and submit it to the appropriate Area Director as part of the application to contract required by S273.20. Such plan shall become a part of any contract awarded. The education plan shall contain:

- a) The education programs approved by the Indian Education Committee as required in S273.18.
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273.15 Establishment of Indian Education Committee

- (a) When a school district to be affected by a contract(s) for the education of Indians pursuant to this part has a local school board not composed of a majority of Indians and the tribal governing body of the Indian tribes affected by a contract under this part shall specify one of the following entities to serve as the Indian Education Committee for the purpose of this part:
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273.15 Establishment of Indian Education Committee

- (1) An Indian Education committee to be elected from among the parents (including persons acting *in loco parentis* except school administrators or officials) of eligible Indian students enrolled in the school(s) affected by a contract(s) under this part; or
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273.15 Establishment of Indian Education Committee

- (2) A local Indian Committee established pursuant to section 305(b)(2)(B)(ii) of the Act of January 23, 1972 (86 Stat. 235) and existing prior to January 4, 1975; or
 - (3) An Indian advisory school board or Indian Education Committee established pursuant to the Johnson-O'Malley Act and existing prior to January 4, 1975.
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273.15 Establishment of Indian Education Committee

- (b) When the local school board is not composed of a majority of Indians and the tribal governing body(s) of the Indian tribe(s) affected by a contract(s) under this part determine which of the entities provided for in paragraph (a) of this section is to serve as the Indian Education Committee for the purpose of this part, ..
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273.15 Establishment of Indian Education Committee

- (b)(Cont'd)
 - ..it shall notify the Area Director of such determination by January 15 preceding the school year for which the contract will be let.
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273.15 Establishment of Indian Education Committee

- C) The Indian Education Committee established under paragraph (a) of this section and its members shall establish procedures under which the Committee shall serve. Such procedures shall be set forth in the Committee's organizational documents and by-laws. Each Committee shall file a copy of its organizational documents and by-laws with the appropriate Area Director, together with a list of its officers and members as soon...
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273.15 Establishment of Indian Education Committee

- (c)
 - ...as practicable after the committee is organized.
 - (d) The existence of an Indian Education Committee shall not limit the continued participation of the rest of the Indian community in all aspects of programs contracted under this part.
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273.18 Powers and duties of Indian Education Committee

- (a) Consistent with the purpose of the Indian Education Committee, each such Committee shall be vested with the authority to:
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273.18 Powers and duties of Indian Education Committee

- A) (1) Participate fully in the planning, development, implementation, and evaluation of all programs, including both supplemental and operational support, conducted under a contract or contracts pursuant to this part. Such participation shall include further authority to:
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273.18 Powers and duties of Indian Education Committee

- A) (1) (i) Recommend curricula, including texts, materials, and teaching methods to be used in the contracted program or programs.
 - (ii) Approve budget preparation and execution.
 - (iii) Recommend criteria for employment in the program
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273.18 Powers and duties of Indian Education Committee

- A) (1) (Continued)
 - (iv) Nominate a reasonable number of qualified prospective educational programmatic staff members from which the contractor would be required to select.
 - (v) Evaluate staff performance and program results and recommend appropriate action to the contractor.
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273.18 Powers and duties of Indian Education Committee

- A) (Continued)
 - (2) Approve and disapprove all programs to be contracted under this part. All programs contracted pursuant to this part shall require the prior approval of the appropriate Indian Education Committee.
 - (3) Secure a copy of the negotiated contract(s) which include the programs approved by the LIEC.
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273.18 Powers and duties of Indian Education Committee

- A) (Continued)
 - (4) Recommend to the Commissioner through the appropriate Bureau contracting officer cancellation or suspension of a contract which contains the program approved by the LIEC if the contractor fails to permit such Committee to exercise its powers and duties as specified by this section.
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273.18 Powers and duties of Indian Education Committee

- B) The organizational papers and by-laws of the Indian Education Committee may include additional powers and duties which would permit the Committee to:
 - (1) Participate in negotiations concerning all contracts under this part.
 - (2) Make an annual assessment of the learning needs of Indian children in the community affected.
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273.18 Powers and duties of Indian Education Committee

□ B) (Continued)

- (3) Have access to all reports, evaluations surveys, and other program and budget related documents determined necessary by the Committee to carry out its responsibilities, subject only to the provisions of 273.49
 - (4) Request periodic reports and evaluations regarding the Indian education program.
 - (5) Hear grievances related to programs in the education plan.
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273.18 Powers and duties of Indian Education Committee

□ B) (Continued)

- (6) Meet regularly with the professional staff serving Indian children and with the local education agency.
 - (7) Hold committee meetings on a regular basis which are open to the public.
 - (8) Have such additional powers as are consistent with these regulations.
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273.17 Programs approved by Indian Education Committee

- (a) All programs contracted under this part shall:
 - (1) Be developed and approved in full compliance with the powers and duties of the Indian Education Committee as set out in S273.16 and as may be contained in the Committee's organizational documents and by-laws.
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273.17 Programs approved by Indian Education Committee

- (2) Be included as part of the education plan provided for in 273.14.
 - (b) No program contracted pursuant to this part shall be changed from the time of its original approval by the Indian Education Committee to the end of the contract period without prior approval, in writing, of the Committee.
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273.17 Programs approved by Indian Education Committee

- (c) Programs developed or approved by the Indian Education Committee pursuant to this part may, at the option of such Committee, include funds for the performance of Committee duties, including the following:
 - (1) Members attendance at regular and special meetings, workshops and training sessions, as the Committee deems appropriate.
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273.17 Programs approved by Indian Education Committee

- (c) (Cont'd)
 - (2) Such other reasonable expenses incurred by the Committee in performing its primary duties, including the planning, development, implementation and evaluation of the program.
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273.18 Additional Requirements for education plan

- In addition to incorporating the programs approved by the Indian Education Committee(s) as required by 273.14(a), the education plan prepared by the prospective contractor shall:
 - (a) Contain educational goals and objectives which adequately address the educational needs of the Indian students to be served by the contract.
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273.18 Additional Requirements for education plan

- (b) Incorporate the program or programs developed and approved by the Indian Education Committee(s). As provided in S273.17(b), changes in such programs must have prior written approval of the Indian Education Committee(s).
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273.18 Additional Requirements for education plan

- (c) Contain procedures for hearing grievances from Indian students, parents, community members, and tribal representatives relating to the program(s) contracted under this part. Such procedures shall provide for adequate advance notice of the hearing.
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273.18 Additional Requirements for education plan

- (d) Identify established State standards and requirements which shall be maintained in operating programs and services contracted under this part.
 - (e) Describe how the State standards and requirements will be maintained.
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273.18 Additional Requirements for education plan

- (f) Provide that the contractor shall comply in full with the requirements concerning meaningful participation by the Indian Education Committee as required by s273.4.
 - (g) Provide that education facilities receiving funds shall be open to visits and consultations by the Indian Education Committee(s), tribal representatives, Indian parents in the community, and by duly authorized representatives of the Federal and State Governments.
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273.18 Additional Requirements for education plan

- (h) Outline procedures of administrative and fiscal management to be used by the contractor.
 - (l) Contain justification for requesting funds for operational support. The public school district must establish in its justification that it meets the requirements given in S273.13(b). The information given should include records of receipt of local, State, and Federal funds.
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273.18 Additional Requirements for education plan

- (j) Include budget estimates and financial information needed to determine program costs to contract for services. This includes, but is not limited to, the following:
 - (1) State and District average operational cost per pupil.
 - (2) Other sources of Federal funding the applicant is receiving, the amount received from each, the programs being funded, and the number of eligible Indian students served by such funding.
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273.18 Additional Requirements for education plan

- (3) Administrative costs involved, total number of employees, and total number of Indian employees.
 - (4) Costs which parents normally are expected to pay for each school.
 - (5) Supplemental and operational funds outlined in a separate budget, by line item, to facilitate accountability.
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273.18 Additional Requirements for education plan

- (6) Total number of employees for each special program and number of Indian employees for that program.
 - (k) State the total enrollment of school or district, by age and grade level.
 - (l) State the eligible Indian enrollment-total and classification by tribal affiliation(s) and by age and grade level.
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273.18 Additional Requirements for education plan

- (m) State the total number of school board members and the number of Indian school board members.
 - (n) List Government equipment needed to carry out the contract.
 - (o) State the period of the contract term requested.
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273.18 Additional Requirements for education plan

- (p) Include the signature of the authorized representative of applicant.
 - (q) Provide written information regarding:
 - **(1) Program goals and objectives related to the learning needs of the potential target students.**
 - **(2) Procedures and methods to be used in achieving program objectives, including ways whereby parents, students and communities have been involved in determining needs and priorities.**
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273.18 Additional Requirements for education plan

□ (q) (Cont'd)

- (3) Overall program implementation including staffing practices, parental and community involvement, evaluation of program results, and dissemination thereof.
 - (4) Determination of staff and program effectiveness in meeting the stated needs of targeted students.
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Interpretation of JOM Regs: IEC duties and responsibilities

- On May 16, 2000, Dr. Atencio received an interpretation by the Office of the Solicitor, Dorie Richards, Attorney-Advisor:
 - “This memorandum is in response to your request for guidance in interpreting two regulatory provisions implementing the Johnson-O’Malley Act. Specifically, you have inquired as to the scope of certain requirements in 25 C.F.R. 273.16, Subsections 273.16(a)(l)(v) and 273.16(a)94)(b)(3).
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Interpretation of JOM Regs: IEC duties and responsibilities

- First, your memorandum requests an interpretation of the phrase “evaluate staff performance” contained in section 273.16(a)(l)(v). Taken at face value, this phrase does not specify whether evaluation is formal or informal. A regulatory phrase, however, cannot be read or interpreted out of context.
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Interpretation of JOM Regs: IEC duties and responsibilities

- The entire provision, relevant to the vested authority of Indian Education Committees, states, 'Evaluate staff performance and program results and recommend appropriate action to the contractor.' Section 273.16(a)(1) provides that Committees '[p]articipate fully in the planning development, implementation, and evaluation of all programs, including
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Interpretation of JOM Regs: IEC duties and responsibilities

- ..both supplemental and operational support, conducted under a contract or contracts pursuant to this part. Such participation shall include further authority.’ Subsection 273(a)(1)(v) authority is merely one authority generally provided for in the provision. Consistent with the overall regulation, then a Committee has the vested authority to ‘participate fully.’ If formal..
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Interpretation of JOM Regs: IEC duties and responsibilities

- ..evaluations are the means employed by the school, the Committee has the right to ‘participate fully’ in the formal evaluation process of staff.
 - Your second inquiry requests clarification of the phrase ‘have access to all reports, evaluations..’ contained in 25 C.F.R. 273.16(a)(4)
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