

NEEDS ASSESSMENT RATIONALE

273.18 Additional requirements for education plan.

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 a part of the application to contract required by S 273.20. 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(s) as required in 273.17.
- (b) Other requirements for the education plan given in 273.18.

273.15 Establishment of an 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 comprised of a majority of Indians, the tribal governing body(s) of the Indian tribe(s) affected by the contract(s) under this part shall specify one of the following entities to serve as the Indian Education Committee for the purpose of this part:
 - (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
 - (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.
- (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, it shall notify the Area Director of such determination by January 15 preceding the school year for which the contract will be let.
- (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 as practicable after the Committee is organized.
- (d) The existence of an Indian Education Committee shall not limit the continuing participation of the rest of the Indian community in all aspects of programs contracted under this part.

273.16 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:
- (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:
 - 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.
 - 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.
 - (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 program(s) approved by the Indian Education Committee.
 - (4) Recommend to the Commissioner through the appropriate Bureau contracting officer cancellation or suspension of a contract(s) which contains the program(s) approved by the Indian Education Committee if the contractor fails to permit such Committee to exercise its powers and duties as specified by this section.
- (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.
 - (3) Have access to all reports, evaluations, surveys, and other program and budget related documents determined necessary by the Committee to carry out responsibilities, subject only to the provisions of Sections 273.49.
 - (4) Request periodic reports and evaluations regarding the Indian education program
 - (5) Hear grievances related to programs in the education plan
 - (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.

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 Sections 273.16 and as may be contained in the Committee's organizational documents and by-laws.
 - (2) Be included as a part of the education plan provided for in Section 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 the prior approval, in writing, of the 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) Member's attendance at regular and special meetings, workshops and training sessions, as the Committee deems appropriate.
 - (2) Such other reasonable expenses incurred by the Committee in performing its primary duties, including the planning, development, implementation and evaluation of the program.

273.18 Additional requirements for education plan

In addition to incorporating the programs approved by the Indian Education Committee(s) as required by Sections 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.
- (b) Incorporate the program or programs developed and approved by the Indian Education Committee(s). As provided in Sections 273.17(b), changes in such programs must have prior written approval of the Indian Education Committee(s).
- (c) Contain procedures for hearing grievances from Indian students, parents, community members, and tribal representatives relating to the programs contracted under this part. Such procedures shall provide for adequate advance notice of the hearing.
- (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.
- (f) Provide that the contractor shall comply in full with the requirements concerning meaningful participation by the Indian Education Committee as required by Section 273.4.
- (g) Provide that educational 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.
- (h) Outline procedures of administrative and fiscal management to be used by the contractor.

- (i) Contain justifications for requesting funds for operational support. The public school district must establish in its justification that it meets the requirements given in Section 273.13(b). The information given should include records of receipt of local, State, and Federal funds.
- (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.
 - (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.
 - (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.
- (m) State the total number of school board members and number of Indian school board members.
- (n) List Government equipment needed to carry out the contract.
- (o) State the period of contract term requested.
- (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 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.
 - (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 target students.

273.19 Obtaining application forms

Application forms, instructions, and related application materials are available from Agency Superintendents, Area Directors and the Commissioner. Use of standard application forms will facilitate processing of applications. However, they are not required if the information required by Section 273.2- is given in the application to contract.

273.20 Content of application to contract

An application for a contract under this part shall be in writing and shall contain the following:

- (a) Name, address, and telephone number of the proposed contractor.
- (b) Name, address, and telephone number of the tribe(s) to be served by the contract.
- (c) Descriptive narrative of the contract proposal.
- (d) The education plan required by Section 273.14.
- (e) A separate budget outlining the Johnson-O'Malley funds for operational support and/or supplemental programs, by line item, to facilitate accountability.
- (f) A clear identification of what educational needs the Johnson-O'Malley funds requested for operational support will address.
- (g) Documentation of the requirements for operational support in 273.13(b)(1).

Needs Assessments - is a process designed to gather information about the specialized and unique educational and culturally related needs of eligible Indian students. It provides direction for the development of programs to meet specific needs. The results for the survey will be used to develop the goals and objectives for the JOM tribal program.

A needs assessment is a determination of what the actual needs are of an organization, a group or individual. A need is defined as a “condition or discrepancy” from the norm. It can be based on either subjective or objective information. Clearly, objective, quantifiable data is preferable in determining need.

When conducting a needs assessment sufficient time and effort should be devoted to it to ensure accurate results. It does not have to be a complicated process. Needs are developed from a study of current existing data or from collected information which is specific to determining whether a particular “condition or discrepancy” truly does exist within the district. From this information a clear, concise, credible list of district needs can be objectively determined.

The following steps are guidelines for developing a survey instrument:

- A. Determine what questions you will ask.
Involve parents, students, teachers and administrators in order to identify as many students specialized and unique educational and culturally related needs as possible.
- B. Decide how the survey will be designed.

1. Needs will be ranked from high to low.
 2. Yes or No type questions
 3. Written comments
- C. Determine how the survey will be distributed
1. Mail
 2. Telephone
 3. Door-to-door
 4. Face-to-face
 5. Newspaper questionnaires
 6. Delivered through students
 7. Group meetings/piggy-back on other meetings
- D. Collect the answers
Organize the answers in a cumulative form in order to determine the areas with highest responses
- E. Obtain objective information to document the existence of the needs identified.
1. Dropout rates
 2. Academic achievement levels
 3. Standardized test scores
 4. Attendance records
 5. Number of students participating in school activities (e.g. band, athletics)
 6. School grades
- F. Rank those needs on a priority basis.
1. Look at the total cost, the amount of time it will take and how much space is available to meet those needs.
 2. Examine other programs in order to coordinate service under the JOM Program with local, state or Federal programs. JOM funds should be used to supplement existing programs and to meet the as many students specialized and unique educational and culturally related needs. *SUPPLANTING IS ILLEGAL.*

Each Indian Education Committee should design a survey to gather information about the specialized and unique educational and cultural related needs of the students in the community. Each IEC should also determine the distribution of the survey and the content.