

INDIAN AFFAIRS DIRECTIVES TRANSMITTAL SHEET


(modified DI-416)

DOCUMENT IDENTIFICATION NUMBER 30 IAM 3	SUBJECT School Contingency Funds	RELEASE NUMBER #08-36
FOR FURTHER INFORMATION Bureau of Indian Education		DATE 5/16/08

EXPLANATION OF MATERIAL TRANSMITTED:

The purpose of this chapter is to establish the Bureau of Indian Education (BIE) process for the distribution of ISEP (Indian School Equalization Program) Contingency Funds to BIE funded schools.

This chapter supersedes National Policy Memoranda NPM-EDUC-6A1, School Contingency Funds Policy. The policy was converted in its entirety; no changes have been made to the text.


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 Acting Director, Bureau of Indian Education

FILING INSTRUCTIONS:

Remove: None

Insert: 30 IAM 3

INDIAN AFFAIRS MANUAL

Part 30
Chapter 3

Education (Management)
School Contingency Funds

Page 1

1.1 Purpose. To establish the Bureau of Indian Education (BIE) process for the distribution of ISEP (Indian School Equalization Program) Contingency Funds to BIE funded schools. This process is in accordance with the Public Law 107-110 (No Child Left Behind), which allows the Director to establish a contingency fund to meet the emergency and unforeseen contingencies affecting the school educational programs with one percent of the ISEP appropriation.

1.2 Scope. This policy applies to all BIE-funded schools and school properties.

1.3 Policy.

For the purpose of this policy, an emergency or unforeseen contingency is an event that meets ALL of the following criteria:

- (1) It could not be planned for;
- (2) It is not a result of mismanagement, malfeasance or willful neglect;
- (3) It is not covered by insurance policy in force at the time of the event;
- (4) The Assistant Secretary determines that the BIE cannot reimburse the school for the cost of the emergency from the facilities emergency repair fund; and
- (5) It could not have been prevented by prudent action by officials responsible for the education program.

Schools requesting contingency funds must submit to the Education Line Officer (ELO) a written request, signed by the school supervisor. The written request must identify the need, actions taken to meet the need with supporting documentation, and the program ramifications if the need is not funded with contingency funds. The request is to be clearly marked as a Request for Contingency Funds and may be faxed or mailed to the Education Line Officer.

Upon the receipt of the written request, the ELO has forty-eight (48) hours to submit the request to the Director, BIE. The Director will then respond to the request as soon as possible, but no later than 30 days from receipt of the request from the ELO.

To implement the 25 CFR Part 39 - The Indian School Equalization Program, Subpart E - Contingency Fund, Part 39.500 – 39.505 provision:

1. The Director shall establish a standing committee consisting of a minimum of three BIE staff to review all contingency fund requests and to make recommendations on the acceptability of those requests. The committee shall review all requests within five business days of receipt by the Director. The committee may submit a request for additional information to the ELO, the Office of Planning and Policy Analysis (OPPA) or the OFECCR (Office of Facilities, Environmental, and Cultural Resources).
 - a. For those requests involving program needs, the Director may request assistance from OPPA to provide recommendations.

INDIAN AFFAIRS MANUAL

Part 30
Chapter 3

Education (Management)
School Contingency Funds

Page 2

- b. For those requests involving facilities, the Director may request assistance from BIE's Facilities Management staff and the OFECR.
2. The committee shall provide a written recommendation within ten business days from receipt of the request for contingency funds, for approval with the dollar amount of the approval - if approved; or disapproval with an explanation why the request should be disapproved.
3. If the Request for Contingency Funds is approved, the Director shall authorize issuance of a Fund Distribution Document (FDD) to the school within five business days.
4. If the Request for Contingency Funds is disapproved, the Director shall notify the Deputy Director and the ELO.

1.4 Authority.

- A. 25 CFR Subpart E - Part 39.500 – 39.505, Contingency Funds
- B. Public Law 107-110 No Child Left Behind Act

1.5 Review and Reporting

- A. The Director will review the contingency balance biannually, each January and June, to determine if a percentage of the contingency balance should be distributed to all schools on a per Weighted Student Unit (WSU) basis.
- B. At the end of each fiscal year, BIE shall send an annual report to Congress detailing how the contingency funds were used during the previous fiscal year.
- C. By October 1, of each year, the BIE must send a letter to each school and each tribe operating a school listing the allotments from the contingency fund.

1.6 Responsibilities.

- A. Director, Bureau of Indian Education (BIE) The Director, BIE is responsible for final approval of all policy, consistent with the delegated authority identified in 230 DM 1, and is responsible for distribution of final policy to the Deputy Director, BIE.
- B. Deputy Director, BIE The Deputy Director, BIE is responsible for ensuring the policy is distributed, and adhered to by the Education Line Officers.
- C. Education Line Officer The Education Line Officer is responsible for ensuring the policy and procedures are in place at the schools.
- D. School Supervisor The school supervisor is responsible for adherence to the policy.