



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

January 12, 2016

Memorandum

To: <<School Name>>

From: Darrell LaRoche
Director, Office of Facilities, Property, and Safety Management

Subject: Notice of Invitation

The Office of Indian Affairs' Division of Facilities, Maintenance and Construction (DFMC) is pleased to inform you that the National Review Committee (NRC) identified your Bureau of Indian Education (BIE)-funded school as one of the final 10 applicants invited to proceed to the final phase of the application process used to develop a new school replacement priority list. DFMC is inviting you to present before the NRC at a public meeting on February 2-4 at The National Indian Program Training Center, located at 1011 Indian School Road NW, Albuquerque, New Mexico, Room 271.

These presentations provide an opportunity to present information to the NRC in order to reach a final determination about the schools to be replaced during this application cycle. This process, mandated by the No Child Left Behind Act of 2001 (NCLB), was established by a Negotiated Rulemaking Committee (Committee) in December 2011. The Committee included 22 tribal representatives and four federal representatives.

After the public meeting, the NRC will establish a final ranking of schools for replacement and submit the list to the Acting Assistant Secretary-Indian Affairs for review and approval in accordance with the negotiated rule established by the Committee. The NRC will recommend a minimum of five schools to place on the priority list for school replacement to the acting Assistant Secretary-Indian Affairs for approval. All schools that do not make the final approved school replacement priority list are still eligible for deferred maintenance funding and may reapply during the next cycle of applications.

For your reference, attached are the results of your school's scoring based on the final ranking criteria (Attachment 1). The NRC carefully reviewed each eligible application package received to determine the scores for each of the graded criteria. Also attached you will find a set of Frequently Asked Questions (Attachment 2) and a Public Meeting Guide (Attachment 3) that includes information for this final phase of the application process.

If you have questions about your school's score, your presentation or you need additional information about the public meeting, please contact Emerson Eskeets, Division Chief, DFMC, (emerson.eskeets@bia.gov), telephone: (505)-563-5140.

We appreciate your commitment to improving BIE schools for students. The Department understands the urgency in improving all of our school facilities. We are moving forward as expeditiously as resources will allow.

Attachments:

1. Individual School Score
2. Frequently Asked Questions
3. Public Meeting Guide

Results of the National Review Committee Application Review

Below are the results of your schools scoring based on the published New School Replacement and Renovation Criteria.¹ The National Review Committee carefully reviewed each eligible application package received to determine the scores for each of the graded criteria.

Summary of Score for:		
Description of Graded Criteria	Maximum Points	School's Points
Condition of Facilities and Educational Space Deficiencies	65	
Crowding	5	
Declining or Constrained Enrollment Associated with Poor Facilities	5	
Inappropriate Educational Space	5	
Accreditation Risk	5	
School Age	10	
Cultural Space Needs	5	
Total ²	100	

¹ The new school replacement and renovation formula and criteria is published along with the application and review process in chapter 3 of the NCLB report, *“Broken Promises, Broken Schools: Report of the No Child Left Behind School Facilities and Construction Negotiated Rulemaking Committee, December 2011.”* The formula and description of criteria can be found on pages 38-41.

² Total sum may not be exact due to round-off error.

**Bureau of Indian Education (BIE) School Replacement Program³
Public Meeting for Final School Replacement Candidates**

BACKGROUND

The No Child Left Behind Act of 2001 (NCLB or the Act) includes provisions to improve the education of Native American children. One of those provisions directed the Secretary of the Interior to employ the mechanisms delineated by the Federal Advisory Committee Act and the Negotiated Rulemaking Act to assemble a committee for the specific purpose of preparing a report to Congress and the Secretary of the Interior. Specifically, NCLB directed the committee to prepare and submit to the Secretary: (1) a catalog of school facilities; (2) a report on the school replacement and new construction needs of Bureau of Indian Education (BIE)-funded schools, and a formula for the equitable distribution of funds to address those needs; (3) a report on the major and minor renovation needs of BIE-funded schools, and a formula for the equitable distribution of funds to address such needs; and (4) revised national standards for heating, lighting, and cooling in home-living (dormitory) situations.

In 2008, the Bureau of Indian Affairs (BIA) issued a Notice of Intent to Form a Negotiated Rulemaking Committee and to request nominations for tribal representatives on the committee. As required by the Act, the Secretary of the Interior was directed to select representatives of Indian tribes for the committee from among individuals nominated by tribes whose children attend BIE-funded schools. The Department of the Interior (the Department) received 57 letters nominating 40 tribal representatives and 14 letters nominating 12 tribal alternates. Nominees were vetted and selected by the Department, and then approved by the White House. The Department selected, according to the criteria noted above, 22 tribal representatives and nine tribal alternates, and appointed four federal representatives and alternates.

The Secretary of the Interior chartered the NCLB School Facilities and Construction Negotiated Rulemaking Committee in January 2010. Once convened, the Committee held seven multi-day meetings, during which they visited five BIE-funded schools and received public comments from 12 tribal and school officials. The Committee also conducted five regional consultation sessions around the country, which were attended by more than 200 participants, and 16 tribes, schools, or tribal organizations submitted written comments. The Committee reviewed extensive data from federal agencies, and also submitted two data calls to BIE-funded schools. The Committee submitted its report and the process for developing the list for the Department's School Replacement Program to the Secretary of the Interior in December 2011.

³ The Department's School Replacement Program focuses on construction projects that replace a majority of the facilities on a school campus, or in the event that the existing site could not be used, the entire campus. This announcement is unrelated to the Department's Replacement Facility Program which focuses on construction projects that replace a single facility on a school campus.

The notice for the public meeting described below for the 2016 School Replacement Program complies with the process created by the Committee.

FREQUENTLY ASKED QUESTIONS

SCHOOL REPLACEMENT PRIORITY LIST

Question: The Bureau of Indian Education (BIE) invited our school to attend a public meeting in Albuquerque regarding our application for the school replacement construction priority list. What does this mean and what are the next steps?

Answer: The public meeting notice your school received is intended to inform you that the National Review Committee (NRC) has selected your school's application as one of ten schools to present additional information needed to establish a final ranking for the new priority list for the School Replacement Program. The public meeting will be held February 2-6, 2016, in Albuquerque, New Mexico. At that meeting, each school will provide information about their school replacement project.

After the public meeting, the NRC will establish a final ranking of schools and submit the list to the Acting Assistant Secretary - Indian Affairs for review and final approval. The final priority list will include a minimum of five projects for replacement based on available construction funds. BIE will publish the names of the final selected schools in the Federal Register.

Question: My school was not invited to the public meeting. What does that mean and what are the next steps?

Answer: If your school was not invited to the public meeting, your school did not receive enough points to be rated among the top ten candidates for replacement as determined by the criteria established by the Negotiated Rulemaking Committee. Schools not invited to the public meeting remain eligible to receive deferred maintenance funding. In order to be eligible school replacement funding, your school would have to reapply during the next cycle of applications. Schools will be notified if they are eligible to apply for replacement when the process to develop the next replacement cycle begins.

Question: How should we prepare for the presentations at the public meeting? What information do we need to provide?

Answer: The purpose of this meeting is to obtain more detailed information about the school replacement project, the requirements and scope and impact of the project, and execution readiness of the project. These presentations will help the NRC reach a final determination. Presentations should focus on items that were not addressed in the application and on areas that schools believe need to be considered in a final determination. These areas could include photos that illustrate and support the request for a new school. Examples might include:

- Photos of overcrowded classrooms
- Structural elements (e.g., roof deterioration, cracks in walls, stresses at joints, etc.)
- Inadequate program space
- Inadequate support facilities

Each school has up to 30 minutes to present to the NRC on the impact of the school replacement project. This presentation will be followed by a 20-minute question and answer period with the NRC. Each school presentation teams are limited to a maximum of **5** members. Team members should be able to address questions about the educational program, facility issues, the impact of the facility issues on the educational program, scope of the project, construction site preparation issues, project execution plans, and any other construction planning and execution issues and challenges. Presentations can include photographs, video, powerpoint and graphics that illustrate and demonstrate impact of your new school project. Equipment will be provided.

Question: Will BIE rank schools in order on the final approved priority list?

Answer: The top tier schools (at least five schools) among the 10 finalists will be pooled together. Of those schools, those that demonstrate they are the most “shovel ready” will be prioritized for construction. The Administration will request construction funding in its FY 2017 budget request.

Question: What happens if my school is selected to be on the final approved priority list? What are next steps?

Answer: The FY 2016 Omnibus Appropriations Act provided \$8 million for planning and design for schools on new priority list. BIE will award a contract to work with selected schools on planning and design for construction. The number of schools receiving planning and design funding in FY 2016 will be based on the final approved priority list.

Question: When will selected schools on the final approved priority list receive funding for construction?

Answer: The Department will begin requesting funding in Fiscal Year 2017 for the replacement of schools on the final approved priority list. As Congress appropriates funding for these schools, those schools that are the most “shovel ready” will be prioritized for construction. The final approved priority list will remain valid until all schools on the List are funded for replacement which may take several years.

NATIONAL REVIEW COMMITTEE SELECTION PROCESS

Question: What criteria did the National Review Committee use to prioritize the schools selected to present at the public meeting?

Answer: The No Child Left Behind Act (NCLB) School Facilities and Construction Negotiated Rulemaking Committee determined the school selection process. The NRC developed the process and formula for prioritizing schools for replacement with stakeholder input, including from tribes with BIE school facilities.

Eligibility for the initial list for the School Replacement Program was determined by meeting one or both of the following factors: BIE school facilities that have an overall Facility Condition Index (FCI) of “poor,” and/or are both 50 years or older and educating 75 percent or more of the students in portables. Based on these criteria, 78 BIE-funded schools met one or more of these criteria. Schools meeting these eligibility requirements were invited to submit an application to be reviewed and scored by the NRC with representatives from each of the BIE Regions with eligible schools. Of the 78 eligible schools, 53 submitted an application.

The NRC scored each application based upon the following established criteria and identified the top ten schools for further consideration:

- Condition of Facilities and Educational Space Deficiencies;
- Crowding;
- Declining or Constrained Enrollment Associated with Poor Facilities;
- Inappropriate Educational Space;
- Accreditation Risk;
- School Age; and
- Cultural Space Needs

The top ten schools will make a presentation in a public forum to the NRC panel to discuss their needs and ability to execute their school replacement project. The NRC panel asks follow-up questions. The NRC will make a recommendation to the Acting Assistant Secretary -- Indian Affairs of the top priority schools for approval.

You can learn more about the process the Negotiated Rulemaking Committee established [here](http://www.cbuilding.org/sites/default/files/NRC_BIA_Schools_Const_Rpt_0.pdf) (http://www.cbuilding.org/sites/default/files/NRC_BIA_Schools_Const_Rpt_0.pdf).

Question: Please explain the process used to create the final approved priority list.

Answer: An overview of the process as published in the NCLB School Facilities and Construction Negotiated Rulemaking Committee is as follows.

- Eligibility for the initial list for the School Replacement Program was based on meeting one or both of the following factors: BIE school facilities have an overall (FCI of “poor,” and/or are both 50 years or older and educating 75 percent or more of the students in portables. Based on these criteria, 78 BIE-funded schools met one or both of these criteria.
- Schools meeting these eligibility requirements were invited to submit an application to be reviewed and scored by the NRC with representatives from each of the BIE Regions with eligible schools. Of the 78 eligible schools, 53 submitted an application.

- The NRC scored each application based upon the established criteria and identified the top ten schools for further consideration. The established criteria includes the following:

- Condition of Facilities and Education Space Deficiencies;
- Crowding;
- Declining or Constrained Enrollment Associated with Poor Facilities;
- Inappropriate Educational Space;
- Accreditation Risk;
- School Age; and
- Cultural Space Needs.

- The top ten schools were invited to make a presentation in a public forum to the NRC panel to discuss their needs and ability to execute their school replacement project. This meeting will occur on February 2-4, 2016, in Albuquerque, NM.

- The NRC will make a recommendation to the Acting Assistant Secretary - Indian Affairs of the top priority schools.

- The Acting Assistant Secretary - Indian Affairs will approve the final list of top priority schools.

Question: Were all eligible schools considered for the school replacement selection process?

Answer: Yes. All eligible schools that submitted an application were considered for replacement. Of the 78 eligible schools, 53 schools submitted an application.

SCHOOL FACILITIES REPLACEMENT

Question: My school applied to replace a single school facility; why was it not considered?

Answer: The Department's School Replacement Program focuses on construction projects that replace a **majority of the facilities on a school campus or, in the event that the existing site could not be used, the entire campus.** This announcement is unrelated to the Department's Replacement Facility Program which focuses on construction projects that replace a single facility on a school campus.

Question: Will there be a separate application process for the Replacement Facility Program?

Answer: The FY 2016 Omnibus Appropriations Act provides \$11.9 million for replacement facility construction. Congress directed the Department to develop a comprehensive plan to work with tribes to repair and replace all substandard educational facilities, especially facilities being used for purposes other than those for which they were built. Information about facility replacement will be made available separately.

Question: Will the NCLB School Facilities and Construction Negotiated Rulemaking Committee new formula and process be reviewed to identify opportunities for improvement?

Answer: Yes. Once the process has been completed, the Department will assess the process and implementation of the school construction replacement program. This assessment will be critical as we continue to maximize resources to improve BIE-funded school facilities.

QUESTIONS FOR BACKGROUND

Question: Why are there so many schools from the Navajo Region invited to the public meeting?

Answer: The Navajo Region has the most number of BIE-funded schools, with 65 schools in the region. These schools are among BIE's worst condition schools, i.e., have the highest FCI. Of the 78 eligible schools, 33 (42 percent) are Navajo schools. Of the 53 schools that applied for replacement, 25 (47 percent) are Navajo schools. Of the schools that made the top ten list, seven are Navajo schools. The other three schools on the top ten list are located in the Southwest, Western, and Northwest Regions.

Question: What is the approximate timeline to replace all BIE-funded schools currently in "poor" condition?

Answer: At the requested FY 2016 level of funding per year for school construction, it would take more than 23 years to bring all of the schools in "poor" condition into fair or good condition.

The FY 2016 budget represents a \$64 million increase over FY 2015 funding for school construction. The FY 2015 budget represented a \$20 million dollar increase over FY 2014 for school construction. Recent action by Congress allows the Department to complete construction of the remaining schools from the 2004 list and begin the planning and design of several other schools. It is the Department's goal to get all BIE school facilities in good condition.

Question: Would students be better served at another school in the area if buildings cannot be improved due to budget constraints?

Answer: BIE-funded schools tend to be geographically isolated and not in close proximity to other schools. Students would need to travel long distances to and from their homes to attend the next closest school. This additional travel could significantly impact the readiness of students for learning and their ability to participate in extra and co-curricular activities.

Importantly, the Federal Government has a unique trust responsibility to the tribes which must be honored. In some cases the Federal Government has treaty responsibility to provide educational services to Native youth and to support the tribes' efforts to educate children on their tribal lands.

Question: How can we be sure the facilities data used to determine who would be invited to the public meeting was accurate?

Answer: Data about the condition and maintenance of a school facility are obtained, coded and verified in the Facilities Management Information System (FMIS) in three ways:

- The principals or their facility specialists report and code facilities deferred maintenance needs into FMIS.
- Every three years, an independent engineering contacting firm completes a facility condition assessment of all the schools and data from these assessments are reported and coded into FMIS.
- BIE-facility staff report and code data into FMIS based on on-site visits, inspection reports, and other authoritative reviews, such as yearly Real Property Inventory Audits and Safety Inspections.

In addition, the Department conducted technical assistance sessions and on-site visits at schools to ensure that school administrators understood how to code data into FMIS and to assist in entering any outstanding facilities data. To validate student enrollment data, the Department also used the Native American Student Information System (NASIS).



PHASE II SCHOOL REPLACEMENT APPLICATION PROCESS PUBLIC MEETING GUIDE

Presentations for the top ten projects are scheduled for the week of February 1, 2016

Location: National Indian Programs Training Center, 1011 Indian School RD, NW,
Albuquerque, NM, Room 271

Point of Contact: Emerson Eskeets
Division Chief, Division of Facilities Management and Construction
505-563-5140
emerson.eskeets@bia.gov

SCHEDULE FOR PRESENTATIONS

Tuesday, February 2, 2016	8:00-9:00 AM:	Closed Committee Meeting
	9:00-9:30 AM:	First presentation
	9:30-9:50 AM:	Question and Answer Session
	10:30-11:30 AM:	Second Presentation
	11:30-11:50 AM:	Question and Answer Session
	11:50-1:00 PM:	Lunch
	1:00-1:30 PM:	Third Presentation
	1:30-1:50 PM:	Question and Answer Session
	2:30-3:00 PM:	Fourth Presentation
	3:00-3:20 PM:	Question and Answer Session
Wednesday, February 3, 2016	3:20-5:00 PM:	Closed Committee Session
	9:00-9:30 AM:	Fifth presentation
	9:30 -9:50 AM:	Question and Answer Session
	10:30-11:30 AM:	Sixth Presentation
	11:30-11:50 AM:	Question and Answer Session
	11:50-1:00 PM:	Lunch
	1:00-1:30 PM:	Seventh Presentation
	1:30-1:50 PM:	Question and Answer Session
	2:30-3:00 PM:	Eighth Presentation
	3:00-3:20 PM:	Question and Answer Session
3:20-5:00 PM:	Closed Committee Session	



Thursday, February 4, 2016	8:30-9:00 AM:	Ninth presentation
	9:00-9:20 AM:	Question and Answer Session
	10:00-10:30 AM:	Tenth Presentation
	10:30-10:50 AM:	Question and Answer Session
	11:00-1:00 PM:	Lunch
	1:00-5:00 PM:	Closed Committee Session
Friday, February 5, 2016	8:30 AM-12:00 PM:	Final Deliberations by the National Review Committee

PRESENTATION FORMAT

ALL PRESENTATIONS MUST BE SUBMITTED BY 8 AM, February 1, 2016 TO EMERSON ESKEETS.

Ten schools will present projects in the following format:

- Presentations will be scheduled for 30 minutes to be followed by a 20 minute question and answer session with the National Review Committee.
- Schools will be assigned, in alphabetical order, to a presentation time.
- The presentation teams are limited to a maximum of **5** members. Team members should be able to address questions about the educational program and facility issues.
- Format can be video, power point, graphics, etc. Equipment will be provided.

Presentations should focus on items that were not addressed in the application and that schools feel need to be considered in a final determination. These items could include photos that illustrate and support the request for a new school. Examples might include:

- Photos of overcrowded classrooms
- Structural elements
- Inadequate program space
- Inadequate support facilities

QUESTION AND ANSWER SESSION

The National Review Committee will require responses to the following 3 questions:

- Can you meet the post award requirements for Planning within the 18 month time frame? These requirements include: land availability; utilities availability; geotechnical surveys can be completed; NEPA review can be completed.
- How does your school support the mission of BIE (Title 25 CFR Part 32.3) to manifest consideration of the whole person, taking into account the spiritual, mental, physical, and cultural aspects of the individual?
- How does the current condition affect your ability to run a day to day education program? Items to address include: power outages; lack of internet access; adequate water; adequate utility systems.

SCORING OF PHASE II OF THE APPLICATION PROCESS:

- | | |
|---------------------------|---------------------|
| • 30 minute presentation | 1 to 25 Points |
| • 3 questions | 1 to 25 Points each |
|
TOTAL Possible Points |
100 |

FINAL LISTING OF REPLACEMENT SCHOOL PROJECTS

After deliberation, the National Review Committee will select a minimum of **five** schools for the funding pool for a five-year period. This listing will be forwarded to the Assistant Secretary-Indian Affairs for review and final approval. If any of the selected schools on this listing are not funded in the next five years, they will be “grandfathered” into the next ranking of schools for the next application cycle.