

Updating the BIE Count of Students Eligible for Johnson-O'Malley Program Funding

Background

According to 25 CFR 273.1 the purpose of the Johnson-O'Malley (JOM) program is to meet specialized and unique educational needs of Indian children attending public and some Tribal schools through the use of supplemental education programs. Such supplemental programs are designed at the local level under the purview of a local Indian Education Committee. Eligible JOM contract applicants are states, school districts, tribes, tribal organizations and previously private schools.

In 1995, the BIA conducted the last JOM student count for purposes of a final distribution of the JOM program funds. The final 1995 JOM student count listed 271,884 students. Both the House and Senate directed the BIA to determine each tribe/contractor's recurring base funding level (via a formula in consultation with Tribes) and transfer the JOM funds from the Other Recurring Programs budget category into each tribe/contractor's base funding within the Tribal Priority Allocations (TPA) budget category. House Report 103-551 and Senate Report 103-294 contain the specific language regarding the transfer of the JOM program. With the transfer of the JOM base funding level to each tribe/contractor in 1995, there was no further need for an annual JOM student count for purposes of distributing the JOM funds. Each year, the JOM funds are transmitted to the tribes as part of their base funding to the Tribal JOM contractors through their Public Law 93-638 contracts, Self-Governance compacts or Public Law 102-477 Consolidated Tribal Grant Program (CTGP) grants. JOM funds for public school contractors are distributed to the appropriate Education Line Office (ELO) to place in the state/school district's JOM contract. Funding for public school contractors and the transfer of JOM funds between public schools, TPA, Office of Self-Governance tribes and CTGP tribes is based on the 1995 JOM student count.

Since all JOM funds have been distributed since 1996 to all JOM contractors/providers based on the 1995 JOM student count, no new JOM contractors/providers have been approved since 1995.

Current Consultation Issue

In House Report 112-151 accompanying the Department of the Interior FY 2012 appropriations, the following direction on the JOM student count was provided:

“The Committee directs the Bureau, in coordination with the Department of Education, and in consultation with the Tribes, to update its count of students eligible for the Johnson-O'Malley Program funding and to report the results to this Committee within 180 days of enactment of this Act. In addition, the Committee directs the Bureau to reestablish the full-time permanent Johnson-O'Malley coordinator position that was terminated in 2005.”

In 2012, the JOM program funds are found in Self-governance compacts, PL 93-638 contracts with Tribes, states, public school districts, PL 102-477 Consolidated Tribal Grant Program grants with Tribes and PL 100-297 grants with some previously private schools.

Consultation Questions

1. How Should the JOM Student Count be Updated in 2012?

Prior to 1995, the respective Education Line Officers (ELOs) would collect the names of the JOM contractors, the names and birthdates of the JOM students to be served and a certification statement from the contractor that the students listed met the JOM eligibility requirements. The contractors and number of eligible students to be served by a JOM program would be sent to BIE Central Office and a national JOM student count listing would be created. The JOM funding would be disbursed based on the national student count listing. Should this same process be used in completing the 2012 update for current and potential new JOM contractors? Should the 2011-12 school year be used as the JOM count year?

2. What is an eligible JOM student?

Per 25 CFR 273.12, eligible students are age 3 through grade 12 enrolled in public schools, except those enrolled in Bureau of sectarian operated schools. Such students must be (1) a member of a Tribe or (2) at least ¼ or more degree of Indian blood and recognized by the Secretary of the Interior as eligible for BIE services.

3. Should the BIE reestablish the full-time permanent JOM coordinator position that was terminated in 2005? Where should this position be located?