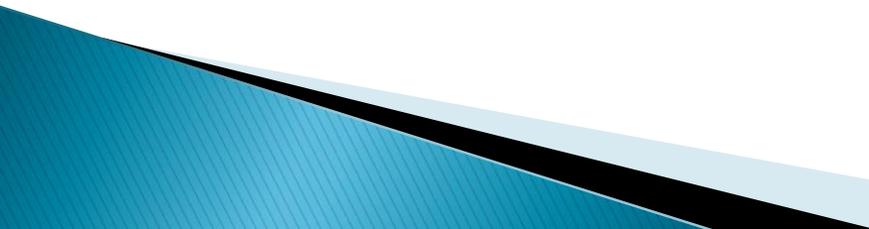


Overview of JOM Regulations and Obligations

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25 CFR 273, CHAPTER 1

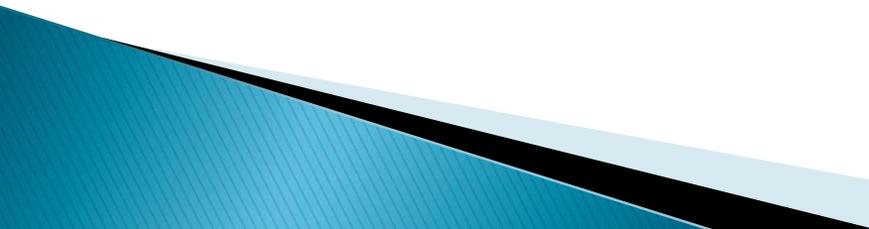
EDUCATION CONTRACTS UNDER JOHNSON-O'MALLEY ACT

- ▶ This Act has 6 sections
 - ▶ SUBPART A — General Provisions (§§ 273.1 – 273.4)
 - ▶ SUBPART B — Application Process (§§ 273.11 – 273.29)
 - ▶ SUBPART C — Funding Provisions (§§ 273.31 – 273.38)
 - ▶ SUBPART D — General Contract Requirements (§§ 273.41 – 273.54)
 - ▶ SUBPART E — Contract Revision or Cancellation (§§ 273.61 – 273.62)
 - ▶ SUBPART F — Appeals (§§ 273.71 – 273.73)
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SUBPART A — General Provisions (§273.1 – 273.4)

- ▶ 273.1 — Purpose and scope.
- ▶ 273.2 — Definitions.
(lists 23 different definitions such as Indian Education Committee, Indian, Secretary, etc.)
- ▶ 273.3 — Revision or amendment of regulations.
- ▶ 273.4 — Policy of maximum Indian participation.
- ▶

SUBPART A — General Provisions (§273.1 – 273.4)

- ▶ 273.1 — Purpose and scope.
 - ▶ The purpose for this regulation is to provide guidance for the application and approval process (Subpart B) for JOM education contracts.
 - ▶ Purpose is to financially assisting efforts that are designed to **meet the specialized and unique educational needs of eligible Indian students.**
 - ▶ Funds are to be used to supplement the regular school program, not supplant.
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SUBPART A — General Provisions (§273.1 – 273.4)

- ▶ 273.1 — Purpose and scope.
- ▶ The application and approval process in this part applies specifically to contracts with a State, school district, or Indian corporation.
- ▶ Contracts with tribal organizations for JOM funds will be initiated only if the Indian tribe requests the funds, but the contract will use the provisions of PART 900—CONTRACTS UNDER THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.
 - Modifying, diminishing, or impairing the tribal sovereignty.
 - Termination of any existing trust responsibility of the United States with respect to the Indian people;
 - Reduce services to Indian people as a result of this part.
 - Indian tribe are not mandated to contract. Such requests are strictly voluntary.

SUBPART A — General Provisions (§273.1 – 273.4)

- ▶ 273.3 — Revision or amendment of regulations.
- ▶ Any substantive revision or amendments to regulations in this part,
 - The Secretary must:
 - (a) Consult with Indian tribes about the need for revision or amendment and consider their views in preparing the proposed revision or amendment.
 - (b) Publish the proposed revisions or amendments in the **Federal Register** and provide adequate notice to, and receive comments from, all interested parties.
 - (c) After consideration of all comments received, publish the regulations in the **Federal Register** in final form not less than 30 days before the date they are made effective.
 - (d) Annually consult with Indian tribes and national and regional Indian organizations about the need for revision or amendment, and consider their views in preparing the revision or amendment.

SUBPART A — General Provisions (§273.1 – 273.4)

- ▶ 273.4 — Policy of maximum Indian participation.
- ▶ Meaningful participation
 - Meaningful participation is necessary for a successful JOM program.
 - It involves all aspects of the educational program, from start to finish; from the development, implementation to evaluation.
- ▶ Enhances program responsiveness to the needs of those served
- ▶ Provides participants the opportunity to determine and affect the desired level of educational achievement and satisfaction.
- ▶ Meaningful participation is required.

SUBPART A — General Provisions (§273.1 – 273.4)

- ▶ 273.1 — Purpose and scope.
 - ▶ 273.2 — Definitions.
 - ▶ 273.3 — Revision or amendment of regulations.
 - ▶ 273.4 — Policy of maximum Indian participation.
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Subpart B—Application Process

- ▶ There are 19 parts to Subpart B
- ▶ Cover the first 8 parts
- ▶ Section 273.11 – Eligible applicants.
- ▶ Section 273.12 – Eligible students.
- ▶ Section 273.13 – Proposals eligible for contracts.
- ▶ Section 273.14 – Preparing the education plan.

Subpart B—Application Process

- ▶ Section 273.15 – Establishment of Indian Education Committee
 - ▶ Section 273.16 – Powers and duties of Indian Education Committee.
 - ▶ Section 273.17 – Programs approved by Indian Education Committee.
 - ▶ Section 273.18 – Additional requirements for education plan.
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Subpart B—Application Process

▶ 273.11 Eligible applicants.

Any State, school district, tribal organization or Indian corporation is eligible to apply for a JOM contract

Previously private schools are considered tribal organizations.

Subpart B—Application Process

273.12 Eligible students.

Indian students, from age 3 years through grade(s) 12, except those who are enrolled in Bureau or sectarian operated schools, shall be eligible for benefits provided by a contract pursuant to this part if they are 1/4 or more degree Indian blood and recognized by the Secretary as being eligible for Bureau services. Priority shall be given to contracts (a) which would serve Indian students on or near reservations and (b) where a majority of such Indian students will be members of the tribe(s) of such reservations (as defined in § 273.2(o)).

Subpart B—Application Process

273.13 Proposals eligible for contracts.

Any proposal to contract for funding a JOM program, which meets the definition of a supplemental program, will be considered an eligible proposal

Subpart B—Application Process

273.14 Preparing the education plan.

The prospective contractor is required to consult with the Indian Education Committee(s) to formulate an **Education Plan**.

The Plan will contain the education programs approved by the IEC.

(b) Other requirements in § 273.18

Additional Requirements for Education Plan – There a minimum of 17 items involved.

Subpart B—Application Process

273.15 Establishment of Indian Education Committee.

(a) When a school district to be affected by a JOM contract for the education of Indians has a **local school board not composed of a majority of Indians**, then

1) An IEC members will be elected from parents of eligible Indian students enrolled in the school(s) (including persons acting *in loco parentis* except school administrators or officials affected by a contract.

Subpart B—Application Process

273.16 Powers and duties of Indian Education Committee.

The IEC has the vested authority (1) Fully participate fully in the planning, development, implementation, and evaluation of the entire JOM programs.

- ▶ Recommend curricula, including texts, materials, and teaching methods to be used in the contracted program or programs.
- ▶ Approve budget preparation and execution.
- ▶ Recommend criteria for employment in the program.
- ▶ Nominate a reasonable number of qualified prospective educational programmatic staff members from which the contractor would be required to select.

Subpart B—Application Process

273.16 Powers and duties of Indian Education Committee.

- ▶ Evaluate staff performance, program results and recommend appropriate action to the contractor.
- ▶ Approve and disapprove all programs to be contracted under this part.
- ▶ All programs within the JOM contract require the prior approval of the Indian Education Committee.
- ▶ Have a copy of the negotiated contract(s) which include the program(s) approved by the IEC.

Subpart B—Application Process

273.16 Powers and duties of Indian Education Committee.

- ▶ Cancel or suspend their JOM contract if the contractor fails to permit such IEC to exercise its powers and duties.
- ▶ If stated in the IEC organizational papers & by-laws they can
 - 1) Participate in negotiations of the JOM contracts
 - (2) Implement 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 IEC to carry out its responsibilities.

Subpart B—Application Process

273.16 Powers and duties of Indian Education Committee.

- ▶ 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.

Subpart B—Application Process

273.18 Additional requirements for the Education Plan.

- ▶ Contain educational goals and objectives which adequately address the educational needs of the Indian students to be served by the contract.
- ▶ The Plan must have IEC approved program(s)
- ▶ Any changes to the programs must have prior written approval of the IEC
- ▶ Provide procedures for hearing grievances from Indian students, parents, community members, and tribal representatives relating to the JOM program.
- ▶ Provide procedures for adequate advance notice of the hearing.

Subpart B—Application Process

273.18 Additional requirements for the Education Plan.

- ▶ Identify the State standards that will be used to operate the JOM programs and services.
- ▶ Describe how the State standards and requirements will be maintained.
- ▶ Ensure IEC will have meaningful participation with the JOM program.
- ▶ Ensure education facilities receiving JOM funds will be open to visits and consultations by the IEC, tribal representatives, Indian parents in the community, and authorized representatives of the Federal and State Governments.
- ▶ Outline procedures of administrative and fiscal management to be used by the contractor.

Subpart B—Application Process

273.18 Additional requirements for the Education Plan.

- ▶ Include budget estimates and financial information needed to determine program costs to contract for services.
 - ▶ Provide the total school/district enrollment.
 - ▶ Provide the eligible Indian enrollment
 - ▶ Provide the total number of school board members and number of Indian school board members
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Subpart B—Application Process

273.18 Additional requirements for the Education Plan.

Provide written program goals and objectives related to the learning needs of potential target students.

Provide the procedures and methods to be used in achieving program objectives,

Include information as to how parents, students & communities have been involved in determining needs and priorities.

Provide information on the overall program implementation including staffing practices, parental/community involvement, evaluation of program results and how the results are dissemination and to who.

Determine staff and program effectiveness is occurring where its meeting the stated needs of the target students.

Subpart B—Application Process

- ▶ Section 273.11 – Eligible applicants.
- ▶ Section 273.12 – Eligible students.
- ▶ Section 273.13 – Proposals eligible for contracts.
- ▶ Section 273.14 – Preparing the education plan.
- ▶ Section 273.15 – Establishment of Indian Education Committee
- ▶ Section 273.16 – Powers and duties of Indian Education Committee.
- ▶ Section 273.17 – Programs approved by Indian Education Committee.
- ▶ Section 273.18 – Additional requirements for education plan.

Subpart D—General Contract Requirements

- ▶ 273.41 Special program provisions to be included in contract.
 - ▶ All contracts will have an education plan that has been approved by the Indian Education Committee.
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Subpart D—General Contract Requirements

- ▶ **273.42 Civil Rights Act Violations.**
 - ▶ There will no discrimination against Indians or schools enrolling Indians.
 - ▶ If it does occur this is a violation of the Civil Rights Act of 1964 exists within a State school district receiving funds under this part,
 - ▶ The Department of the Interior will be notified; and an investigation will be conducted.
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Subpart D—General Contract Requirements

- ▶ **273.43 Advance payments.**
- ▶ Advance payments to States, school districts and Indian corporations will be made in accordance with the applicable provisions of 41 CFR part 1

Subpart D—General Contract Requirements

- ▶ **273.44 Use and transfer of Government property.**
 - ▶ If available and not needed for Government activities, the use of Government-owned facilities for school purposes may be authorized.
 - ▶ The rest of this section provides detailed information describes the use and transfer process.
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Subpart D—General Contract Requirements

- ▶ 273.451 Indian preference.
 - ▶ Any JOM contract made by the Bureau with a State, school district or Indian corporation shall provide that the contractor shall, to the greatest extent feasible, **give preference in and opportunities for employment and training to Indians.**
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Subpart D—General Contract Requirements

- ▶ **273.46 Liability and motor vehicle insurance.**
 - ▶ **Public liability insurance** is required, however if the Bureau contracting officer determines that the risk of death, personal injury or property damage small and that the time and cost of procuring the insurance is great in relation to the risk, the contractor may be exempted from this requirement
 - ▶ **motor vehicle insurance** is a must regardless of how small the risk.
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Subpart D—General Contract Requirements

- ▶ **273.47 Recordkeeping**
- ▶ A contractor is required to maintain a recordkeeping system for all:
 - ▶ financial transactions which will provide accurate, current and complete disclosure of financial status
 - ▶ Provide maintenance and safeguarding of records
 - ▶ Provide for the orderly retirement of permanent records in accordance with General Records Schedules and the Bureau Records Control Schedule, IF there is no established system set up by the State, school district, or Indian corporation.

Subpart D—General Contract Requirements

- ▶ **273.48 Audit and inspection.**
 - ▶ During the JOM contract term and for 3 years after the project is completed, the Comptroller General and the Secretary, or any of their duly authorized representatives, shall have access, for audit and examination purposes, to any of the contractor's books, documents, papers, and records related to the contract.
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Subpart D—General Contract Requirements

▶ 273.51 Penalties

- ▶ If any officer, director, agent, or employee of, or connected with, any contractor or subcontractor under this part embezzles, willfully misapplies, steals, or obtains by fraud any of the funds or property connected with the contract or subcontract, shall be penalized:
 - If the amount involved does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.
 - If the amount involved exceeds \$100, he shall be fined not more than \$10,000 or imprisoned for not more than two years, or both.

Subpart D—General Contract Requirements

Privacy Act requirements

- ▶ The contractor will comply with the Privacy Act (5 U.S.C. 552a).
- ▶ Examples of the contractor's responsibilities are:
- ▶ Make records available to individuals involved.
- ▶ If disclosing an individual's record to third parties permission will be obtained from the individual to whom the record pertains.
- ▶ Provide safeguards for the protection of the records.