

The background features a dark blue gradient with a glowing, tunnel-like effect on the right side, composed of many thin, curved lines that create a sense of depth and movement.

# Department of the Interior, Bureau of Indian Education

TRIBALLY CONTROLLED SCHOOL (TCS) PROGRAM REVIEW

# Authority 2 CFR part 200

BIE grant assurance reviews and single audits are governed by the Office of Management and Budget's *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*



## PURPOSE 25 CFR part 63.1

The purpose of these regulations is to prescribe minimum standards of character and suitability for employment for individuals whose duties and responsibilities allow them regular contact with or control over Indian children, and to establish the method for distribution of funds to support tribally operated programs to protect Indian children and reduce the incidents of family violence in Indian country as authorized by the Indian Child Protection and Family Violence Prevention Act of 1990, Pub. L. 101-630, 104 Stat. 4544, 25 U.S.C. 3201-3211.



## POLICY 25 CFR part 63.2

In enacting the Indian Child Protection and Family Violence Prevention Act, the Congress recognized there is no resource more vital to the continued existence and integrity of Indian tribes than their children and that the United States has a direct interest, as trustee, in protecting Indian children who are members of, or are eligible for membership in, an Indian tribe. The minimum standards of character and suitability of employment for individuals ensure that Indian children are protected, and the Indian child protection and family violence prevention programs will emphasize the unique values of Indian culture and community involvement in the prevention and treatment of child abuse, child neglect and family violence.

# PERSON RESPONSIBLE FOR A CHILD'S WELFARE 25 CFR part 63.3

Person responsible for a child's welfare is any person who has legal or other recognized duty for the care and safety of a child, and may include any employee or volunteer of a children's residential facility, and any person providing out-of-home care, education, or services to children.



# SUITABILITY 25 CFR part 63.11

- Determinations of suitability measure the fitness or eligibility of an applicant, volunteer, or employee for a particular position. It requires that the employer investigate the background of each applicant, volunteer, and employee to:
- Determine the degree of risk the applicant, volunteer, or employee brings to the position; and
- Certify that the applicant's, volunteer's, or employee's past conduct would not interfere with his/her performance of duties, nor would it create an immediate or long-term risk for any Indian child.

# SUITABILITY 25 CFR part 63.11

- Efficiency of service is the employer's verification that the applicant or employee is able to perform the duties and responsibilities of the position, and his/her presence on the job will not inhibit other employees or the agency from performing their functions.



# MINIMUM STANDARDS OF CONDUCT

## 25 CFR part 63.12

Minimum standards of character ensure that no applicant, volunteer, or employee will be placed in a position with regular contact with or control over Indian children if he/she has been found guilty of or entered a plea of nolo contendere or guilty to any felonious offense, or any two or more misdemeanor offenses under Federal, state, or tribal law involving crimes of violence, sexual assault, sexual molestation, sexual exploitation, sexual contact or prostitution, or crimes against persons; or offenses committed against children.





# WHAT IS REQUIRED 25 CFR part 63.13

- The Bureau of Indian Affairs must compile a list of all authorized positions which involve regular contact with or control over Indian children; investigate the character of each individual who is employed, or is being considered for employment; and, prescribe minimum standards of character which each individual must meet to be appointed to such positions.
- All Indian tribes or tribal organizations receiving funds under the authority of the Indian Self-Determination and Education Assistance Act or the Tribally Controlled Schools Act of 1988 must conduct a background investigation for individuals whose duties and responsibilities would allow them regular contact with or control over Indian children, and employ only individuals who meet standards of character that are no less stringent than those prescribed for the Bureau of Indian Affairs.

# PROGRAM REVIEW

- Tribally Controlled School Program Review Checklist
- Employee, Volunteer, Contractor, and School Board Workbook
- Internal policies, guides, and standard operating procedures
- Personnel Security Case File Reviews
  - All board members
  - 5 Contractors
  - 5 Volunteers
  - 50% of all employees but no more than 50 total employee cases, selected by BIE
  - Any TCS self-identified case files they wish to have reviewed
  - Scanned and uploaded into the NP2 library folder

# PROGRAM REVIEW

- Provide the following information for review:
  - Copies of internal policies related to personnel security
  - Copies of any standard operating procedures
  - Three vacancy announcements
  - Identify adjudicator(s) and provide their adjudications training certificate(s)
- Provide the following as part of the personnel security case file reviews
  - Job application
  - Completed I-9
  - Reference checks
  - Education transcripts
  - Military DD 214

# QUESTIONS?

