

**Bureau of Indian Education  
Johnson-O'Malley Modernization Act  
2019 Preliminary Report**

***Introduction***

The supplemental educational Johnson-O'Malley (JOM) Program is authorized by the Johnson-O'Malley Act of 1934 and the implementing regulations are provided in 25 CFR Part 273. As amended, this Act authorizes the Secretary of the Interior to enter into contracts with States, schools, and private nonsectarian organizations, and to expend appropriated funds in support of eligible Indian students under such contracts. Federally recognized Indian tribes and tribal organizations are also eligible to apply for JOM contracts. A local JOM program operates under a BIE approved individual educational plan. The JOM educational plans include objectives designed to address the educational needs of eligible American Indian and Alaska Native students, which offers them various opportunities. It may include cultural enrichment, tribal language support, academic assistance, and dropout prevention programs. The JOM assistance grants provide these students with resources to meet their unique and specialized educational needs to help them stay in school and increase their chance of success, and afford parents the opportunity to become and remain involved in their child's education.

The Johnson-O'Malley Supplemental Indian Education Program Modernization Act (JOM Modernization Act) became Public Law 115-404 on December 31, 2018. The Act outlines several requirements for BIE. The major requirements include:

- Update the current count of Indian students eligible for the JOM Program
- Conduct consultation on the most applicable and accurate data examining multiple data sources from the U.S. Census Bureau, U.S. Department of Education/National Center for Education Statistics (NCES) and data from current grantees
- Conduct consultation in the interest of expanding the JOM program, e.g., adding more contractors
- Publish a Preliminary Report that includes the number of eligible students receiving JOM services or potentially served by each eligible entity, based on feedback from Consultation
- Conduct Rulemaking to determine how the regulatory definition of 'eligible Indian student' may be revised, and how the funding formula may be clarified and revised
- Publish a Final Report on the initial determination of the number of eligible Indian students served or potentially served by each eligible entity, and
- Publish an Annual Report that includes the number of eligible students receiving JOM services, recommendations on appropriate funding levels, assessment of the contracts.

Among the requirements presented by the JOM Modernization Act is the publication of a Preliminary Report. The Preliminary Report comprises the number of eligible students receiving JOM services or potentially served by each eligible entity, based on feedback from Consultation. The Preliminary Report reflects an initial determination regarding the eligible Indian student count for the purposes of calculating formula allocations for programs under the JOM Act of 1934, as amended by the JOM Modernization Act enacted in 2018.

The BIE conducted Consultation with eligible entities on June 21, 2019, to obtain oral and written comments to determine which of the three sources: the U.S. Census Bureau, the National Center for Education Statistics/U.S. Department of Education, or current contractor data, can provide the most applicable and accurate data. The recommendation is included in this Preliminary Report describing the number of eligible Indian students served or potentially served by entities eligible for participation in a JOM Supplemental Indian Education Program. A summary of the Consultation is presented in a later section of this document. The following section presents information on data sources that were presented in Consultation and considered to inform a current student count.

### ***Data Sources***

The JOM Modernization Act requires the BIE to present various data sources to eligible entities to gain feedback on which data sources are the most applicable. The three data sources presented are: U.S. Census Bureau, National Center for Education Statistics (U.S. Department of Education), and current contractor data. The following paragraphs will discuss the three data sources in greater detail.

#### **U.S. Census Bureau**

Each year, the U.S. Census Bureau administers the American Community Survey (ACS) and provides single year and multi-year estimates based on the sample. Single year or one-year estimates are calculated based on one calendar year (12 months) of data collection whereas, 5-year estimates include survey data collected over five calendar years (60 months). The ACS questionnaire includes items in several main topic areas including age, ancestry, employment status, educational attainment, and more for the respondent and individuals living in their respective household. The ACS is considered a self-reported instrument, meaning that responses to each question are provided by the respondent without any additional method to verify the accuracy of the information provided. The U.S. Census Bureau provides information on their website related to margins of error for their respective estimates (single-year and multi-year), as well as response rates and associated error related to sampling method. Multi-year and single-year estimates each have important considerations. For example, using a multi-year estimate (e.g. 5-year estimate) instead of a single year estimate may be advantageous because a multi-year estimate is considered more accurate and to have more statistical reliability due to a smaller margin of error in the estimate. Conversely, a single year estimate is considered to be more “current” and will reflect fluctuations from year to year as compared to a multi-year estimate but, in exchange, will have a larger margin of error in the estimate.

For the purposes of this report, both single year and multi-year estimates were utilized using the U.S. Census Bureau’s online tool, American FactFinder.

Table A below is a 2017 One Year Estimate (surveys collected January 2017-December 2017) of the number of American Indian and Alaska Native students enrolled from preschool to grade 12 in any type of school in the country. For this report, estimates and respective margins of error were provided for each state. Estimates for each state were aggregated by BIE staff to create the overall estimate for 2017.

Table A. U.S. Census Bureau 1 Year Estimate 2017

Data Source	2017 American Community Survey
Data Table Description	Provides estimates and margins of error for the number of students (American Indian and Alaska Native) enrolled from preschool to grade 12 by each state.
Years of Estimate	1 Year Estimate 2017
Estimate	581,241

Table B below includes information for a 5-year estimate from data collected from years 2013-2017 of the ACS. The data table from this report included an estimate for each grade level, pre-school to Grade 12, of number of enrolled American Indian and Alaska Native students (3 years and over) for the entire United States geographic area. The estimates for each grade were aggregated to produce a total estimate and is provided in Table B.

Table B. U.S. Census Bureau 5 Year Estimate 2013-2017

Data Source	2013-2017 American Community Survey 5-Year Estimates
Data Table Description	Provides estimates and margins of error for the number of students enrolled in grades preschool to grade 12 in the United States.
Years of Estimate	5 Year Estimate 2013-2017
Estimate	600,217

National Center for Education Statistics (U.S. Department of Education)

Table C below, includes data collected from the National Center of Educational Statistics (NCES) including the Common Core of Data (CCD). Data tables were exported using the online Elementary/Secondary Information System (EISi) hosted by NCES. The most recent data available was from school year 2016-2017. The dataset includes numbers of enrolled students grades preschool to Grade 12 in public schools that were identified as American Indian/Alaska Native. Determinations for students considered “American Indian” or “Alaska Native” are made at the school level.

Table C. U.S. Department of Education, National Center for Education Statistics, Common Core Data, Students with Tribal Affiliation, School Year 2016-2017

Data Source	U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), "Public Elementary/Secondary School Universe Survey," 2016-2017, volume1a.
Data Table Description	The number of students having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition as reported by each school. (school-age)
Years of Estimate	School Year 2016-2017
Estimate	502,152

Data included in Table D below was exported from the online tool, Education Demographic and Geographic Estimates (EDGE) hosted by the National Center for Education Statistics. The datasets included in this resource includes Education Tabulations from the ACS (ACS-ED). All the data included in this tool are based on ACS five-year period estimates. The most current 5-year estimate available on this site was from 2012-2016. The data table included one total estimate for all American Indian and Alaska Native children enrolled in school (including public and private schools).

Table D. National Center for Education Statistics, American Indian and Alaska Native Children Enrolled in School, 5 Year Estimate 2012-2016

Data Source	ACS 2012-2016 Profile
Data Table Description	Provides an estimate for the number of children categorized as "One race: American Indian and Alaska Native" (enrolled in public and private schools)
Years of Estimate	5 Year Estimate 2012-2016
Estimate	570,825

### Current Grantee Data

The BIE has reached out to JOM contractors during various years for an updated JOM Student Count for 1995, 2014 and 2019. The method for data collection has been sending a form, such as an Excel file to contractors to fill out and return to BIE via email. The BIE has not received a 100 percent response from contractors, therefore, the numbers may not represent the total number of students served by JOM programs.

Table E. JOM Contractor Data

Year	JOM Student Count
1995	271,884
2014	341,126
2019	200,000 (incomplete)

### *Consultation Summary*

The JOM Modernization Act requires the BIE to consult on the specified data sources outlined in the Act which include U.S. Census Bureau, U.S. Department of Education, and the National Center for Educational Statistics, to gain feedback from eligible entities. The Bureau of Indian Education will take into consideration feedback from the Consultation on data sources in preparing the final report due at the end of 2019.

On June 21, 2019, the BIE engaged in Consultation with tribes and other eligible entities through a teleconference. Eligible entities include existing JOM contractors, potential JOM contractors, JOM Indian Education Committee members, Tribal organizations, employees of public schools serving American Indian students, urban Indian communities, the BIE's previously private schools, Indian school boards, parents, student organizations and other interested parties.

Comments on data sources from the June 21 JOM Consultation include the BIE providing information on tribal membership of school-age children from various tribal databases. Another suggestion from the Consultation was to utilize a combination of presented data sources. A third recommendation was to look at averages between the higher count and the lower count data sources.

In reviewing the data sources specified by the JOM Modernization Act, the range of student counts, whether served by JOM or self-reported through a U.S. Census Bureau survey, are approximately 200,000 – 600,00. See table below. The average of all the student counts from various data sources is 438,206, including current incomplete BIE current contractor data. The median student count number is 502,152.

Table F. Summary of JOM Student Counts from Various Data Sources

Source	Year(s)	Estimate
U.S. Census	2013-17 (5 years)	600,217
U.S. Census	2017	581,241
ED-NCES	2012-16 (5 years)	570,825
ED-NCES	2016-17 (School Year)	502,152
BIE	1995	271,884
BIE	2014	341,126
BIE	2019	200,000*

\*2019 BIE JOM student count is incomplete. The BIE will continue to update the 2019 JOM student count through the reconciliation phase between now and the Final Report due December 2019.

### ***Recommendations***

The diversity of data sources and their associated methods for estimating numbers of American Indian and Alaska Native students introduces a great deal of complexity when considering combining or using multiple data sources together. For example, due to a shorter data collection period (one calendar year) the U.S. Census Bureau 1-year estimates inherently have a larger margin of error (or uncertainty) associated with the estimate. Therefore, an advantage of using a multi-year estimate is greater reliability compared to a single-year estimate (U.S. Census Bureau, 2018). Combining or averaging across estimates is not recommended due to the potential overlap in data based on the time period of data collection. For instance, a five-year estimate that used data collected from 2012-2016 would include the same data as a single-year estimate from 2016.

Similarly, combining or averaging across different data sources is not recommended due to differences in their time periods of data collection, data collection approach, and data analysis methods. Unlike estimates provided by the U.S. Census Bureau which uses samples to generate estimates, data from NCES is based on actual reported numbers or student counts from schools across the nation. The reported numbers from NCES are also based on a school year rather than a calendar year that the U.S. Census Bureau uses.

The BIE recommends utilizing the most recent U.S. Department of Education-National Center for Education Statistics, 5-year estimate data, 570,825 (2012-2016). The U.S. Department of Education-National Center for Education Statistics is based on actual reported numbers from schools across the nation. The data table from the 5-year estimate report includes an estimate for each grade level, preschool to Grade 12, of the number of enrolled American Indian and Alaska Native students (3 years and over) for the entire United States geographic area. The Bureau of Indian Education believes the number of eligible Indian students is much higher than current contractor data due to low response rates from contractors in the field and the short turnaround time for reporting. Estimates from the U.S. Census Bureau data have a higher uncertainty rate due to estimations based on self-reported data.

### *Next Steps*

There will be a 60-day comment period following the publication of the Preliminary Report. The following email address was set up to receive comments on the Preliminary Report: [JOMcomments@bie.edu](mailto:JOMcomments@bie.edu). The BIE will explore tribal membership data as suggested by a participant in the JOM Consultation. A Final Report including a summary of the comments received and a baseline student count for 2019 will be complete by December 30, 2019.