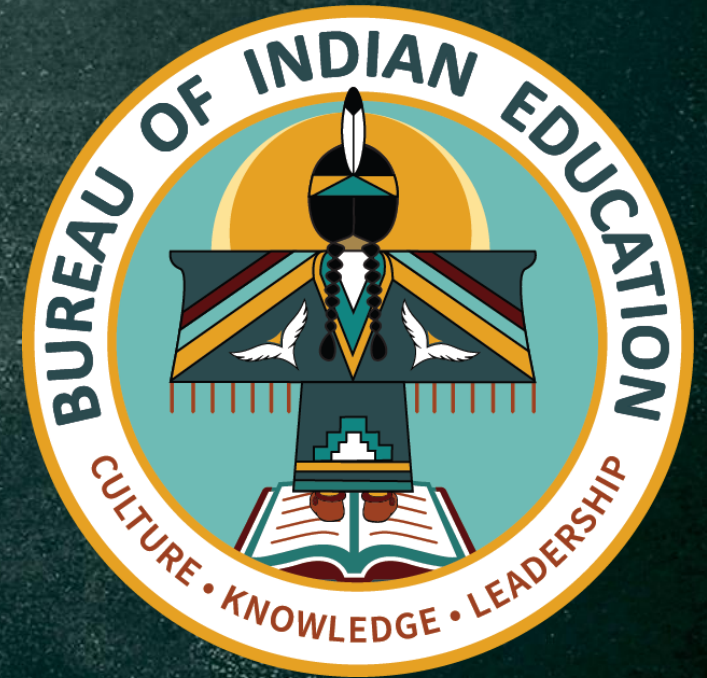




U.S. Department of the Interior  
**Bureau of Indian Education**

# UNDERSTANDING JOHNSON O'MALLEY

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# PURPOSE OF THIS SESSION

- The Bureau of Indian Education is conducting this session to provide the latest Johnson O'Malley update to Tribal, school and Indian Education committee officials.
- BIE encourages participants to ask questions related to JOM and their JOM program during the session.





## Understanding Johnson O'Malley

Under the Johnson O'Malley Act, the BIE uses contracts and grants to assist Indian students attending public schools and nonsectarian private schools. The JOM Supplemental Indian Education Program Modernization Act (JOM Modernization Act) requires BIE to clarify the eligibility requirements for Indian students to receive the benefits of a JOM contract, clarify the funding formula and process to ensure full participation of contracting parties, and to otherwise reconcile and modernize the regulations to comport with the activities of contracting parties under the JOM Modernization Act.



# ISSUES

- **IMPORTANT-** Update on Implementation of a distribution methodology based on the annual JOM student count
- SY 2023-2024 Student Count information
- Clarification of JOM student eligibility criteria in 25 CFR 273.112.
- Discussion of allowable costs/expenditures of JOM funding in 25 CFR 273.113.
- JOM Indian Education Committee (IEC) information
- Documents needed for annual award of funds (budget, student count report, etc.)



# IMPORTANT – Update on Implementation of distribution methodology based upon JOM Student Count

Due to extenuating circumstances, full implementation of the new JOM distribution methodology will NOT occur until FY25/SY 2024-25. Therefore, the distribution for the upcoming FY24/SY 2023-2024 will be conducted as follows:

1. All existing JOM contractors (schools/Tribes) will receive a FY24/SY 2023-2024 JOM distribution – even if the contractor fails to submit a SY 2022-2023 JOM student count report.
2. JOM contractors who fail to submit a SY 2022-2023 JOM student count report prior to the regulatory Sept. 15, 2023, deadline, will receive the same amount as their FY23/SY 2022-2023 amount – an amount based on the historical JOM student count number.
3. JOM contractors who submit their SY 2022-2023 JOM student count reports prior to Sept. 15, 2023, will receive a FY24/SY 2023-2024 JOM distribution based upon that actual student count number.

# SCHOOL YEAR 2023-24

## JOHNSON O'MALLEY STUDENT COUNT

- Although BIE instructed JOM contractors to utilize any week during the month of October 2022 as the count period for the SY 2022-2023 JOM student count, that guidance is being rescinded. For the SY 2023-2024 JOM student count report, JOM contractors may use a week of their choice in SY 2023-2024 to conduct their JOM student count. BIE will utilize the SY 2023-2024 JOM student count report as the basis for the FY25/SY 2024-2025.
- Since the BIE is now using the annual student count to determine the following school year's JOM distribution, all Tribal JOM contractors are encouraged to count all JOM eligible students attending public schools in their service area, while all school district JOM contractors are equally encouraged to count all JOM eligible students attending their district schools.
- THE REGULATORY DEADLINE DATE FOR SUBMISSION OF THE 2023-2024 STUDENT COUNT REPORT IS SEPT. 15, 2024. As provided in the JOM Modernization Act, any JOM contractor who fails to submit a SY 2023-2024 JOM student count report prior to the deadline will not receive JOM funding in FY25/SY 2024-2025.
- All JOM contractors are encouraged to submit their 2023-2024 JOM student count reports as early as possible to ensure the reports are received well in advance of the Sept. 15, 2024, deadline and BIE has ample opportunity to work with contractors on missing and /or incorrect reports.





# Clarification of JOM student eligibility criteria in 25 CFR 273.112

An Indian student is eligible for benefits provided by a JOM contract if the student is:

- A) From age three (3) years through grade(s) twelve (12);
- B) Not enrolled in a Bureau-funded school or sectarian school (except the student is eligible if enrolled in a previously private school controlled by an Indian Tribe or Tribal organization); and
- C) Is either:
  1. At least one-fourth (1/4) degree Indian blood descendant of a member of an Indian Tribe as defined in § 273.106 (Key terms); or
  2. A member of an Indian Tribe as defined in 273.106.



# Discussion of allowable costs/expenditures of JOM funding in 25 CFR 273.113

An eligible entity may use the funds available under the contract to provide educational benefits to eligible Indian students to:

- A) Establish and carry out programs or expand programs in existence before the contract period that provide:
1. Remedial instruction, career, academic, and college-readiness counseling, and cultural programs;
  2. Selected courses related to the academic and professional disciplines; or
  3. Important needs, such as school supplies and items that enable recipients to participate in curricular and extra-curricular programs; and
- B) Purchase equipment to facilitate training for professional trade skills and intensified college preparation programs.

(NOTE – JOM Allowable Cost Guidance was issued on 7/11/22)





# Indian Education Committee

## Who determines the unique educational needs of eligible Indian students? 25 CFR 273.115

A) When a school district to be affected by a contract(s) for the education of Indians has a local school board composed of a majority of Indians, the local school board may act as the Indian Education Committee; otherwise, the parents of Indian children may elect an Indian Education Committee from among their number or a Tribal governing body(ies) of the Indian Tribe(s) affected by the contract(s) may specify one of the following entities to serve as the Indian Education Committee:

1. A Local Indian Committee or Committees; or
2. An Indian Advisory School Board or Boards.

B) The Tribal governing body(ies) of the Indian Tribe(s) affected by the contract(s) may specify one of the entities in paragraph (a)(1) or (a)(2) of this section at its discretion if the Indian Education Committee was established prior to Jan. 4, 1975.



# Indian Education Committee cont.

## Does an Indian Education Committee need to establish procedures and report to the BIE Director? 25 CFR 273.116

The Indian Education Committee and its members must establish procedures under which the committee serves. Such procedures must be set forth in the committee's organizational documents and by-laws.

1. Each committee must file a copy of its organizational documents and by-laws with the BIE Director, together with a list of its officers and members.
2. The existence of an Indian Education Committee may not limit the continuing participation of the rest of the Indian community in all aspects of programs contracted under this part.



# Documents needed for annual award of JOM funds – TRIBAL CONTRACTORS ONLY

- Contractors are required to submit to their JOM Program Specialist the annual student count report form. Since the JOM Modernization Act requires BIE to utilize the annual JOM student count report to determine the JOM distribution for the following school year, IT IS IMPERATIVE JOM CONTRACTORS SUBMIT THEIR JOM STUDENT COUNT REPORTS PRIOR TO THE DEADLINE EVERY YEAR.
- In addition, contractors may be required to submit additional contract documents to their BIA, 477 or OSG Awarding Official (AO) or Grants Management Specialist to ensure their contract/grant funding is awarded each year.
- The process for new/initial contracts is outlined in 25 CFR 900.8
- The process for the renewal of an expiring contract is outlined in 25 CFR 900.12.



# Other JOM Updates

- The JOM Modernization Act requires BIE to submit a report to Congress on the implementation of the distribution methodology and to determine the number of eligible and potentially eligible JOM students. This report was delivered to Congress, on June 16, 2022, and is available on the BIE website ([bie.edu](http://bie.edu)).
- The BIE utilized the most recent U.S. Department of Education-National Center for Education Statistics, five (5)-year (2014-2018) estimated data of 578,070 students as an initial determination of students eligible or potentially eligible to receive JOM services.
- The 578,070 figure is based on actual reported school enrollment numbers from public schools across the nation during this reporting period and includes an estimate for each grade level, preschool to grade twelve (12), of the number of American Indian and Alaska Native students (three (3) years and over) for the entire United States geographic area.



# Other JOM Updates

A tribal JOM contractor may include on their student count report form any student who:

- Is an enrolled member of their Tribe attending a public school outside of their service area, and
- Is not currently receiving JOM services from that school or any other JOM contractor.

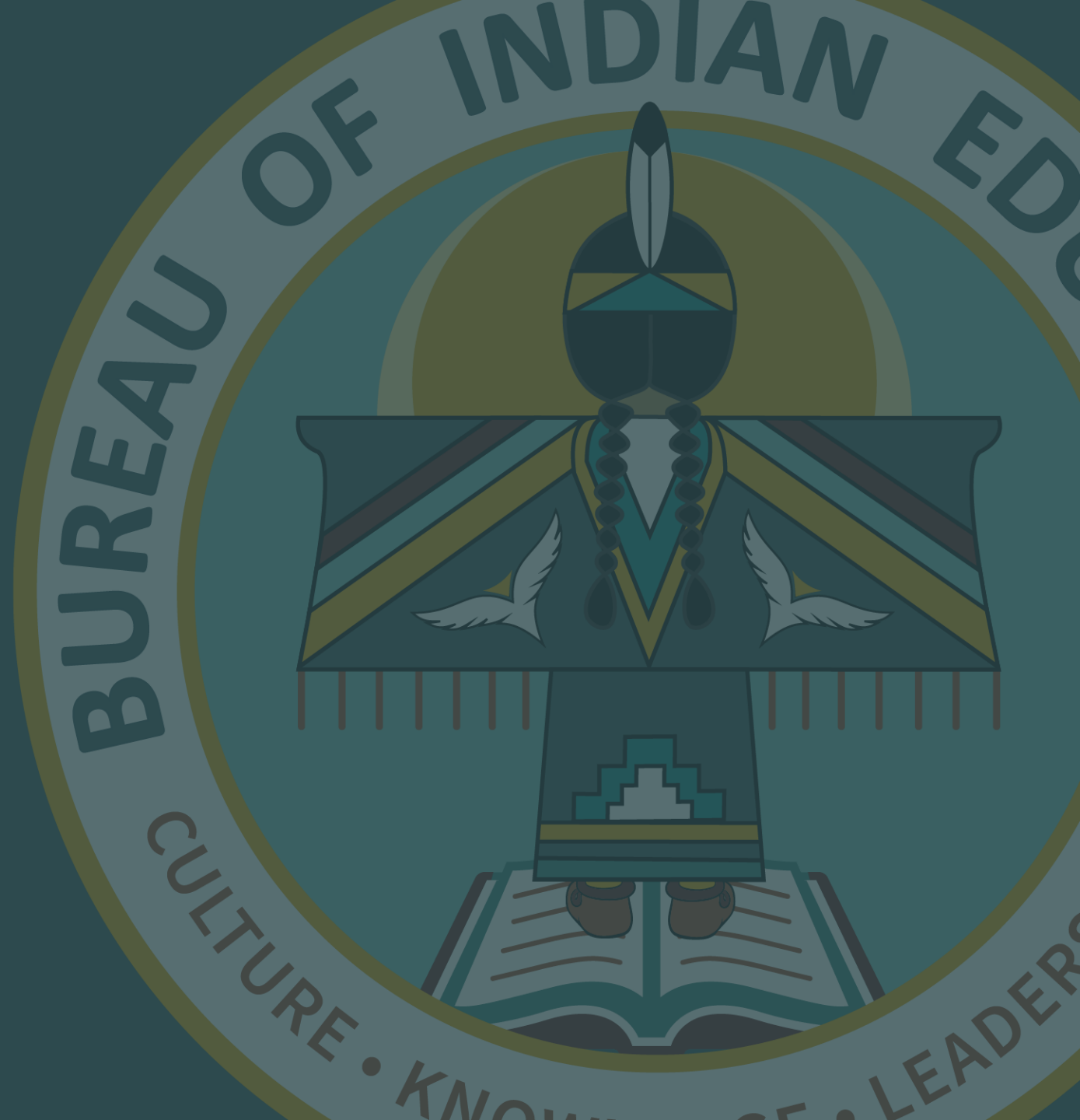
It is vitally important for JOM contractors to notify their JOM Program Specialist of any changes to their local, Tribal JOM Point of Contact (POC). In many instances, Tribes' neglect to notify BIE of these personnel changes, which results in communication "challenges" between the Tribes and BIE.



# BIE JOM PROGRAM SPECIALISTS ASSIGNED REGIONS

- Angela Barnett – [angela.barnett@bie.edu](mailto:angela.barnett@bie.edu)
  - Alaska
- Carmen VanderVenter – [carmenr.vanderverter@bie.edu](mailto:carmenr.vanderverter@bie.edu)
  - Midwest, Great Plains, Rocky Mountain and Northwest (Washington and Idaho)
- Kemberlee Beckwith – [kemberlee.beckwith@bie.edu](mailto:kemberlee.beckwith@bie.edu)
  - Navajo, Western, Pacific and Northwest (Oregon)
- Kelly Moore – [kelly.moore@bie.edu](mailto:kelly.moore@bie.edu)
  - Eastern, Eastern Oklahoma, Southern Plains and Southwest

**QUESTIONS?**





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