



MAJOR ELEMENTARY AND SECONDARY FEDERAL EDUCATION PROGRAMS SERVING TRIBAL STUDENTS:

WHAT ARE THEY AND WHAT ARE THE ROLES OF SEAs, LEAs, AND INDIAN TRIBES?



PREPARED FOR
THE COUNCIL OF CHIEF STATE SCHOOL OFFICERS

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The Council of Chief State School Officers (CCSSO) is a nonpartisan, nationwide, nonprofit organization of public officials who head departments of elementary and secondary education in the states, the District of Columbia, the Department of Defense Education Activity, and five U.S. extra-state jurisdictions. CCSSO provides leadership, advocacy, and technical assistance on major educational issues. The Council seeks member consensus on major educational issues and expresses their views to civic and professional organizations, federal agencies, Congress, and the public.

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The Native American Rights Fund (NARF) is the national legal defense fund for American Indian and Alaska Native tribes and Native American individuals. Founded in 1970, NARF enforces and advocates for Native American legal rights in international, federal, state, and tribal forums. NARF concentrates on precedent-setting legal matters in areas of tribal sovereignty, protection of tribal natural resources, promotion of Native American human rights, the accountability of governments to Native Americans, and the development of Indian law. NARF's recent work in advancing Native American rights, policies, and partnerships in education has been funded by the Carnegie Corporation, the W.K. Kellogg Foundation, the Administration for Native Americans, and the U.S. Department of Education. The information provided by NARF and contained in this document is not specific legal advice.

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MAJOR ELEMENTARY AND SECONDARY FEDERAL EDUCATION PROGRAMS SERVING TRIBAL STUDENTS:

WHAT ARE THEY AND WHAT ARE THE ROLES OF SEAS, LEAS, AND INDIAN TRIBES?

A. INTRODUCTION

Presently there are about 500,000 elementary and secondary Native American (“tribal”) students nationwide. About ninety percent (90%) attend state public schools (“LEAs”), even on or near Indian reservations or other tribal territory. Less than ten percent (10%) attend “Bureau of Indian Affairs (BIA) funded schools”—schools operated by the BIA (which is within the U.S. Department of the Interior) or operated by tribes pursuant to contracts or grants from the BIA.

Most tribal students and / or their schools are served by a number of different federal education programs. Perhaps the largest five are: Title I Improving Basic Programs; Title III English Language Acquisition; Title VII Indian Education Act Grants; Title VIII Impact Aid; and BIA programs such as Johnson O’Malley. Some of these programs are “specific” to tribal students and some are not.

Nationwide, federal funding generally amounts to less than ten percent (10%) of all funding for elementary and secondary education. Federal funding for tribal students is a fraction of that ten percent. Nevertheless, for some LEAs, certain federal funding, such as Impact Aid, constitutes a significant portion of their annual budgets. In any event, federal programs and their funding typically are important to states, tribes, school districts, parents, and students. They also may raise questions and/or generate concerns, especially if they are misunderstood or inaccurately depicted.

The purpose of this paper is to set forth the *congressional purposes* of the five major federal education programs serving tribal students, and the various *rights and roles* established by Congress in the programs for the primary non-federal stakeholders in Indian education: states, tribes, school districts or schools, and parents—including their rights, if any, as eligible grantees for the program funding.

To understand the congressional provisions in these programs regarding the BIA funded schools, brief descriptions of those schools are set forth as well.

B. DESCRIPTIONS OF FIVE MAJOR FEDERAL EDUCATION PROGRAMS THAT SERVE TRIBAL STUDENTS

The five major programs identified above are listed below chronologically—in order of their years of origination. Brief descriptions of each program, including context and relevant amendments, are provided.

Most of the five programs are contained within various Titles of the Elementary and Secondary Education Act (ESEA) as that Act has been reauthorized by Congress. Thus, where appropriate, the current Title and Section location of the programs within the most recent ESEA reauthorization (also known as the No Child Left Behind (NCLB) Act) is noted.

1. Johnson O'Malley / Indian Education Assistance to Schools (1934)

a. Origin and Context

The Johnson O'Malley (JOM) Program was originally authorized by the Act of April 16, 1934, Public Law No. 73-107, 48 Stat. 596 (1934). It is currently codified at 25 U.S.C. Secs. 452-458.

The JOM Act was part of the “Indian New Deal” in the 1930s. The Indian New Deal was a major shift in federal Indian policy from the previous policies of allotment of Indian land, sales to non-Indians of “surplus” Indian land, and forced assimilation of Indians. The Indian Reorganization Act of 1934 halted the Indian land allotment process and provided for general recognition of tribal governments. The JOM Act was part of the intended comprehensive reversal of the devastating effects on Indians produced by the allotment and assimilation policies of the previous sixty years.

b. Purpose

The JOM Act authorizes funding through the BIA for contracts with states, political subdivisions of the states (including LEAs), private entities, and Indian tribes for certain health, education, and social services formerly provided by the government specifically to Indians.

Until the 1970s most JOM education contracts went to states and LEAs. *In the Indian Self-Determination and Education Assistance Act of 1975, Public Law No. 93-638, 88 Stat. 2203 (1975), Congress clarified that JOM education contracts are intended to be first and foremost with eligible and interested Indian tribes.*

Where the school boards of LEAs receiving JOM contracts are not majority Indian, the parents of tribal students must elect an Indian Parent Committee. The Committee has authority to approve or disapprove JOM programs.

c. Funding Type and Uses

JOM funding is by formula grant and, since 1994, may be subject to an amount prioritized by individual tribes.¹ JOM funds must be used only for supplemental

¹ Under the Indian Self-Determination and Education Assistance Act of 1975, Pub. L. No. 93-638, 88 Stat. 2203, codified at 25 U.S.C. Secs. 450 - 450n, eligible tribes can combine funds from various BIA programs, including Johnson O'Malley, into a single consolidated contract. Specific program amounts are set by tribes through participation in the BIA Tribal Priority Allocation budget formulation process.

educational programs, services, and activities to meet the unique educational needs of eligible Indian students. These supplemental programs, services, and activities may include academic support, teacher support, tutoring, home school coordinators, preschool programs, gifted programs, summer school classes, cultural enrichment, field trips, transportation, and school supplies.

The current JOM regulations clarify, among other things, that JOM funds: 1) must be used only for the benefit of eligible Indian students; 2) must supplement, not supplant, other federal, state, and local education funds; 3) generally may not be used for payment of capital outlay or debt retirement expenses; 4) may be subcontracted; and 5) may be used for programs and activities occurring outside of schools. See 25 C.F.R. Secs. 273.1 - 273.73.

2. Impact Aid, NCLB Title VIII, Sections 801 - 805 (1950)

a. Origin and Context

Impact Aid was originally authorized by the Act of September 30, 1950, Public Law No. 81-874, 64 Stat. 1100 (1950) (basic support grants), and the Act of September 23, 1950, Public Law No. 81-815, 64 Stat. 967 (1950) (school construction fund grants).

Impact Aid was the first large-scale federal subsidy program for public schools. Along with *Brown v. Board of Education*, 347 U.S. 483 (1954), it signified the beginning of federal involvement in public schools generally, notwithstanding the role of the states.

b. Purpose

The Impact Aid program authorizes federal funding through the U.S. Department of Education to compensate LEAs for large amounts of non-taxable federal land within their districts, including military reservations and Indian land.

c. Funding Type and Uses

Impact Aid basic support funding to grantees is calculated by statutory formula grant. Impact Aid school construction funding to grantees is calculated in part (40%) by formula grant and in part (60%) by competitive discretionary grant.

Impact Aid funds must be used by LEAs for basic support / general operating expenses, and school construction. Of course, state laws govern the general operating fund accounts of LEAs.

d. Special Provisions for Indian Tribes and Parents

In the 1978 reauthorization of the ESEA, Congress added to the Impact Aid program serving children residing on Indian lands the so-called “Indian Policies and Procedures” (IPP) provisions. These provisions require LEAs receiving Impact Aid funds to ensure increased participation of Indian tribes and parents in the planning and operation of education programs that they offer. A statutory administrative complaint (or grievance) process allows eligible Indian tribes and parents to attempt to enforce the IPP provisions.

3. Title I LEA Grants (Improving Basic Programs), NCLB Title I, Sections 1111 - 1127 (1965)

a. Origin and Context

Title I LEA Grants for Improving Basic Programs were originally authorized by the Elementary and Secondary Education Act of 1965, Public Law No. 89-10, 79 Stat. 27 (1965).

Title I generally was part of the Johnson Administration's "Great Society," "Equal Opportunity," and "War on Poverty" social and economic reform legislation of the 1960s. To help close the reported achievement gap between poorer and more affluent students, in the landmark ESEA of 1965, Public Law No. 89-10, 79 Stat. 27 (1965), the federal government agreed to provide funding to states and LEAs for remedial reading and math education for disadvantaged students.

In exchange for federal funding, states and LEAs must comply with various federal directives and requirements. Since at least 1994, these directives have been largely "standards-based." This is a major shift from the original Title I, which expressly precluded federal intervention in public school curricula, programs, or methods of instruction.

Title I is the single largest and most well-known federal education program. All states have received or are receiving Title I funding, and Title I funds are widely distributed. Well over half of the LEAs nationwide today receive Title I funds.

b. Purpose

The NCLB Title I program authorizes funding to SEAs and LEAs for improving basic education programs to help low-achieving students meet challenging state academic achievement standards.

c. Funding Type and Uses

Under NCLB, SEAs are eligible for Title I Improving Basic Programs (IBP) grants if they have submitted proper plans addressing academic standards, assessments, and accountability; teaching and learning support; parental involvement; and reporting.

Under NCLB Title I, LEAs can get subgrants to operate either schoolwide programs or targeted assistance programs. LEAs with at least a forty percent (40%) poverty rate may choose schoolwide programs that allow Title I funds to be combined with other funds to upgrade their overall programs. Title I targeted assistance programs provide supplemental remedial instruction specifically to low achieving students. Under either version, LEAs have to submit proper plans to their SEAs for approval. Title I LEA subgrants are based on statutory formulas that in turn primarily are based on U.S. Census Bureau estimates of numbers of children from low income families.

d. Special Provisions for BIA-funded schools

Under Title I, the U.S. Department of the Interior serves as a "fifty-first (51st) state," from which BIA funded schools may get their subgrants similar to LEAs. There is a set-aside of annual appropriations for Interior (combined with that of the "Outlying areas").

BIA funded schools have special provisions under Title I for adequate yearly progress (AYP); accountability; school improvement; corrective action; and annual reports.

BIA funded schools also have special provisions under Title I for assessments, depending on whether their accreditation is by state, regional accrediting organization, or tribal accrediting agency or tribal department of education.

4. Limited English Proficient and Immigrant Students/English Language Acquisition Grants, NCLB Title III, Sections 3001 - 3304 (1968)

a. Origin and Context

What is now Title III of NCLB was originally authorized by the Bilingual Education Act (BEA) of 1968, Public Law No. 90-247, 81 Stat. 783, 816 (1968). It is currently codified at 20 U.S.C. Secs. 6801-7014.

The original BEA was premised on a perceived need to remedy historical civil rights violations and economic inequities. In recognition of the unique educational needs of Limited English Proficient (LEP) students it endorsed instruction in their native language along with “English as a Second Language” programs. In 1974 Congress amended the BEA to show a clear preference for bilingual education programs. Under both versions the BEA became a source of ethnic pride, particularly with respect to new immigrant groups.

But the BEA came under increasing attack from the societal majority, and in 1978 Congress eliminated most of the native language programs and made clear that even Bilingual education programs were intended to be transitional to the goal of fluency in English. The erosion of bilingual education programs and funding continued through the 1980s.

b. Purpose

The primary goal of Title III English Language Acquisition (ELA) and Language Enhancement grants under NCLB is to help LEP students learn and be proficient in English so that they can meet challenging state academic content and achievement standards.

*In light of the unique status of Native American languages under federal law, see the Native American Languages Act of 1990, Public Law No. 101-477, 104 Stat. 1153 (1990) and the Native American Languages Act of 1992, Public Law No. 102-524, 106 Stat. 3434 (1992), there are certain modifications to this Title III goal for tribal students with respect to the preservation and use of their tribal languages.*²

c. Funding Type and Uses

The original BEA programs were discretionary, competitive, project-based grants to LEAs. NCLB Title III authorizes Formula Grants *and* discretionary, competitive Project Grants.

² See also Executive Order No. 13336, “American Indian and Alaska Native Education,” signed by President Bush on April 30, 2004, which provides that the Order will assist tribal students in meeting the challenging student academic standards of NCLB “*in a manner that is consistent with tribal traditions, languages, and cultures.*” 69 Fed. Reg. 25,295 (May 5, 2004).

- i. **FORMULA GRANTS.** Under NCLB, SEAs may get Title III ELA Formula Grants based on their numbers of LEP and immigrant students if they have submitted approved plans. The plans must describe the standards for improving LEP students’ English speaking, reading, writing, and listening proficiency, and must verify alignment of the standards with Title I requirements. The plans must also describe a Formula Grants subgrant allotment process and a process for holding LEAs accountable for LEP and immigrant students making AYP.

SEAs must allot ninety-five percent (95%) of their Title III ELA Formula Grants as subgrants to LEAs. LEAs must submit proper Title III plans. LEAs may choose their ELA programs—English language immersion, Bilingual education, and native language instruction programs all are permitted. But, LEAs must annually assess the English proficiency of LEP and immigrant students and show their AYP in acquiring English language skills. LEP and immigrant students’ academic achievement will be measured in English.

Indian tribes, Tribally Sanctioned Educational Authorities (TSEAs), BIA funded schools, and Native Hawaiian or Native American Pacific Islander native language educational organizations are eligible to receive Title III ELA Formula Grants directly, or they can choose to receive within-state Formula Grant subgrants as LEAs.

- ii. **PROJECT GRANTS.** Title III competitive discretionary Project Grants are available for “Language Instruction Educational” (LIE) programs for Native American LEP students who are learning their Native languages *and* who need to increase fluency in English as a second language.

Indian tribes, TSEAs, BIA funded schools, and Native Hawaiian or Native American Pacific Islander native language education organization are eligible for LIE Project Grants. Recipients of Project Grants, however, cannot also get within-state Formula Grant subgrants.

5. Indian Education Act Grants, NCLB Title VII, Sections 7101 - 7152 (1972)

a. Origin and Context

The Indian Education Act (IEA) was originally enacted by the Act of June 23, 1972, Public Law No. 92-318, 86 Stat. 235 (1972). It is currently codified at 20 U.S.C. Secs. 7401 - 7546.

The IEA was Congress’ response to a study by a Special Senate Subcommittee on Indian Education entitled, “*Indian Education: A National Tragedy—A National Challenge* (also known as “*The Kennedy Report*”)” (1969). *The Kennedy Report* expressed grave concern over the low quality of virtually every aspect of Indian education in both BIA schools and public schools: inadequate facilities, irrelevant curricula and teaching materials; and indifferent or hostile attitudes of teachers and administrators. With respect to public schools, *The Kennedy Report* denounced them for preventing Indians from getting on their local school boards and from participating in their JOM programs. The overall recommendation of *The Kennedy Report* was “increased Indian participation and control over their own education programs.”

b. Purpose

The original IEA was premised on Congress' recognition of "*the special educational needs of Indian students.*"

Six years later, Congress broadened this phrase to state "*the special educational and culturally related academic needs of Indian students.*" Act of November 1, 1978, Public Law No. 95-561, 92 Stat. 2143 (1978).

NCLB further strengthens the IEA statutory policy provisions, by providing that

It is the policy of the United States to fulfill the federal government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children, and the federal government will continue to work with the public school districts, Indian tribes and organizations, post-secondary institutions, and other entities toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children.

Public Law No. 107-110, 115 Stat. 1907 (2001).

Hence, the current purpose of the IEA is to provide funding to help schools meet the unique educational and culturally relevant academic needs of eligible Indian students and help Indian students meet the schools' challenging academic content and achievement standards.

c. Funding Types and Uses

The original IEA authorized three supplemental programs: 1) a Formula Grants program for the special educational needs of Indians; 2) a discretionary grants program for a broad range of educational improvement opportunities; and 3) special Indian adult education and literacy grants.

Under NCLB these programs are now categorized as follows: 1) the Formula Grants program; 2) the discretionary educational opportunities improvement grants program; and 3) national activities.

- i. **FORMULA GRANTS.** The major feature of the IEA is the Formula Grants program. Funding to eligible grantees is calculated by statutory formula.

Originally, Formula Grants were available only to eligible LEAs that openly consulted with Indian parents and established Indian parent advisory committees. At present, LEA grant applications must have written approval of elected Indian parent committees. LEAs must also submit their Formula Grant applications to their SEAs for comment.

In the 1994 reauthorization of the ESEA, Public Law No. 103-382, 108 Stat. 3518 (1994) (also known as "the Improving America's Schools Act"), Congress amended the Formula Grants program to provide that, *where LEAs do not establish elected Indian parent committees and tribes represent more than fifty percent (50%) of the eligible Indian students, tribes may have LEA status for the Formula Grants program.* This provision is retained in NCLB.

There is a Formula Grants program set-aside for the U.S. Department of the Interior and BIA funded schools may have LEA status for Formula Grants from that set-aside.

Formula Grant program funds must be used for the establishment, maintenance, and operation of supplemental comprehensive programs that are specifically designed to meet the needs of Indian students, including language and culture needs, and to assist Indian students in meeting state content and academic performance standards.

Programs, projects, and activities may include culturally related activities, early childhood and family programs for school readiness, enrichment programs that directly support the attainment of state academic content and achievement standards, career preparation activities, substance abuse prevention activities, culturally responsive teaching activities, and tribal curricula.

Not more than five percent (5%) of the Formula Grants program funds may be used for administrative purposes.

- ii. **DISCRETIONARY GRANTS FOR EDUCATIONAL OPPORTUNITIES IMPROVEMENT.** Under NCLB, IEA Discretionary Grants (also known as “Special Programs” and “Demonstration Grants”) are available to SEAs, LEAs, Indian tribes, and BIA funded schools for scientifically based and culturally appropriate programs and projects to develop, test, and show the effectiveness of services and programs to improve educational opportunities for and achievement of Indian children.

Discretionary Grants programs, projects, and activities may include innovative programs for educationally disadvantaged students, core academic subject remedial instruction, bilingual and bicultural programs, health and nutrition services, high school entrance, retention, and graduation rate programs, comprehensive guidance, counseling, and testing services, transition from secondary to postsecondary programs, school to work programs, postsecondary preparation programs, family literacy services, and tribal elders as teachers programs.

*By regulation, the U.S. Department of Education has indicated that under NCLB it will focus funding under this program for **projects and activities that emphasize school readiness skills of preschoolers, and high school graduation and transition to post secondary education.** 70 Fed. Reg. 4822-02 (Jan. 31, 2005).*

In FY 2005, Congress funded this program at about \$2.5 million. 70 Fed. Reg. 4822-02 (Jan. 31, 2005)

Professional development may be a part of any Discretionary Grants program. In addition, under the Title VII Discretionary Grants program, there are separate specific Professional Development Grants for training — by inservice or preservice programs, symposia, workshops, conferences, and direct financial support—of Indian teachers, administrators, teachers aides, social workers, and other education professionals and personnel. SEAs,

LEAs, and Indian tribes in consortium with higher education institutions are eligible for these Discretionary Professional Development Grants. Individuals who receive training under the Discretionary Professional Development Grants are required to work in schools serving tribal students or repay their assistance received.

*By regulation, the U.S. Department of Education has indicated that under NCLB it will focus funding under this program for **projects and activities that emphasize pre-service training for Indian teachers and administrators.** 70 Fed. Reg. 4826-01 (Jan. 31, 2005).*

In FY 2005, Congress funded this program at about \$3.7 million. 70 Fed. Reg. 4826-01 (Jan. 31, 2005).

- iii. **NATIONAL ACTIVITIES.** Under NCLB, IEA National Activities include Research; Inservice Teacher Training; Graduate Fellowships; Gifted and Talented Programs; Adult Education; and Grants to Tribes for Tribal Education Departments.

Since the IEA was first enacted, congressional funding for these programs has been minimal. In FY 1996, Congress simply eliminated funding for these programs. Since FY 2004, only one program, National Research Activities, has been funded at about \$ 4 to 5 million annually.

Funds under the National Research Activities program may be used directly by the U.S. Department of Education, or the Department may do grants or contracts with SEAs, LEAs, Indian tribes, higher education institutions, and other public and private agencies and institutions, if these entities consult with the Institute of Education Sciences authorized activities include research, program evaluation, data collection and analysis.

C. BIA FUNDED SCHOOLS, NCLB TITLE X, SECTIONS 1041-1045

Although schools are not “programs” such as those described above, very brief descriptions of the various types of BIA funded elementary and secondary schools are provided here to enhance an understanding of the congressional provisions in the programs for BIA funded schools.

There are presently one hundred eighty-five (185) “BIA funded schools” or “BIA supported schools” as they are sometimes now called, and they are of three types: 1) BIA operated schools, 2) Tribal Contract schools, and 3) Tribal Grant schools.

In addition, some BIA funded schools are boarding schools and some are day schools. Some are K-12 and some are K-8 or other variations of grade levels. Most, but not all, BIA funded schools are located on Indian land.

1. BIA Operated Schools

These schools are operated directly by the BIA with an elected local Indian school board.

2. Tribal Contract Schools

The Indian Self-Determination and Education Assistance Act (ISDEA) of 1975 authorizes the Secretary of the Interior to contract with eligible tribes for the operation and administration of schools formerly operated by the BIA

3. Tribal Grant Schools

The authorization for Tribal Grant schools was among the amendments in the 1988 reauthorization of the ESEA. Eligible tribes may operate former BIA operated, Contract, or other tribally controlled schools as Grant schools. In general, Grant schools receive annual grants, rather than quarterly payments under the ISDEA for Contract schools, and they may invest their grant funds and use the interest earnings for school operations, support services, and education improvement.

Statutory provisions govern the accreditation of and standards for all BIA funded schools. In general, BIA funded schools must be accredited by a state or regional accreditation agency; they may be accredited by a tribal accrediting body if the tribal accrediting body's accreditation has been “acknowledged by a generally recognized state certification of regional accrediting agency.”

BIA funded schools must meet either BIA or state basic education standards; they may meet tribal education standards if the tribal standards have been approved by a state or federally recognized regional accreditation agency.

APPENDIX A

Tables of the Eligibility as Grantees of SEAs, LEAs, and Indian Tribes under the Five Major Programs and other Respective Rights and Roles of SEAs, LEAs, and Indian Tribes (including Indian parents and BIA funded schools)

The information in the following Tables was derived from:

The statutes establishing and the regulations (if any) implementing the programs and published in the Code of Federal Regulations or the Federal Register;

1. The online General Services Administration's Catalog of Federal Domestic Assistance, <http://12.46.245.173/cfda/cfda.html>; and
2. Statements by Victoria Vasques, Director of the Office of Indian Education, U.S. Department of Education on the Fiscal Years 2006 and 2004 Budget Requests for the Department of Education Programs Serving Indians, Alaska Natives, and Native Hawaiians, delivered before the U.S. Senate Committee on Indian Affairs (Mar. 5, 2003) and (Feb. 17, 2005).

Johnson O'Malley

Administering Agency: U.S. Department of the Interior, Bureau of Indian Affairs

Current level of appropriations (FY 2005): @ \$15 million

Current service population (FY 2003): @ 272,000 students in thirty-three (33) states

Johnson O'Malley	Eligible Grantees?	Other Rights and Roles
SEAs	Yes, but have no priority among eligible grantees	
LEAs	Yes, but have no priority among eligible grantees	
Indian Tribes	Yes, and have priority among eligible grantees	Regardless of who is grantee, Indian parents may elect parent committee if LEA school board is majority non-Indian

Impact Aid Basic Support—Indian Lands Part

Administering Agency: U.S. Department of Education, Office of Elementary and Secondary Education
 Current level of appropriations (FY 2005): @ \$500 million
 Current service population (FY 2003): @ 123,500 students

Impact Aid Basic Support	Eligible Grantees?	Other Rights and Roles
SEAs	No	Receive copy of LEA applications Upon request, may advise LEAs State law governs LEAs' general operating fund accounts
LEAs	Yes	Must establish Indian Policies and Procedures
Indian Tribes	No	Indian children equal participation Indian tribes and parents consultation Indian tribes and parents have administrative complaint, hearing, and remedies process

Title I Grants to LEAs

Administering Agency: U.S. Department of Education, Office of Elementary and Secondary Education
 Current level of appropriations (FY 2005): @ \$13.3 billion
 Current service population (FY 2003): @ 15 million students; @ 14,000 LEAs

Title I Grants to LEAs	Eligible Grantees?	Other Rights and Roles
SEAs	Yes, with ED approved plan; must subgrant to eligible LEAs	Standards, assessments, accountability, teaching and learning support, parental involvement, and reporting
LEAs	Yes, for subgrants with SEA approved plan	Standards, assessments, accountability, teaching and learning support, parental involvement, and reporting
Indian Tribes	U.S. DOI receives set-aside from which BIA funded schools receive subgrants	BIA funded schools have special provisions for AYP, assessments, accountability, school improvement, corrective action, and reporting

Title III English Language Acquisition Formula Grants and Project Grants

Administering Agency: U.S. Department of Education, Office of Elementary and Secondary Education
 Current level of appropriations (FY 2005): @ \$636 million
 Current service population (FY 2003): All 50 SEAs for Formula Grants; and @ 138 Project Grants

Title III ELA Formula and Project Grants	Eligible Grantees?	Other Rights and Roles
SEAs	Yes, for Formula Grants with ED approved plan; must subgrant 95% to eligible LEAs No, for Project Grants	Standards, reporting
LEAs	Yes, for Formula Grant subgrants with SEA approved plan No, for Project Grants	Assessments, AYP, reporting
Indian Tribes	Tribes and BIA funded schools are eligible for direct Formula Grants from a US DOI / BIA set-aside; <i>or</i> they can opt for within state Formula Grant subgrants as LEAs Yes, Tribes and BIA funded schools are eligible for Project Grants	Goal of proficiency in English is somewhat modified to take into account unique status of preservation and use of Native American Languages under federal law

Title VII Indian Education Act Formula Grants

Administering Agency: U.S. Department of Education, Office of Under Secretary of Education
 Current level of appropriations (FY 2005): @ \$96 million
 Current service population (FY 2003): @ 470,338 Indian students; 1,076 LEAs, 107 BIA funded schools

Title VII Formula Grants	Eligible Grantees?	Other Rights and Roles
SEAs	No	May comment on LEA applications Must certify fiscal efforts to provide free public education
LEAs	Yes; must submit application to SEAs for comment and must get written approval of Indian Parent Committees	
Indian Tribes	Yes, where LEA does not establish Indian Parent Committee and tribe has >50% of eligible students U.S. Department of the Interior receives set-aside from which BIA funded schools receive grants as LEAs	Indian parent consultation Indian Parent Committees must approve LEA applications

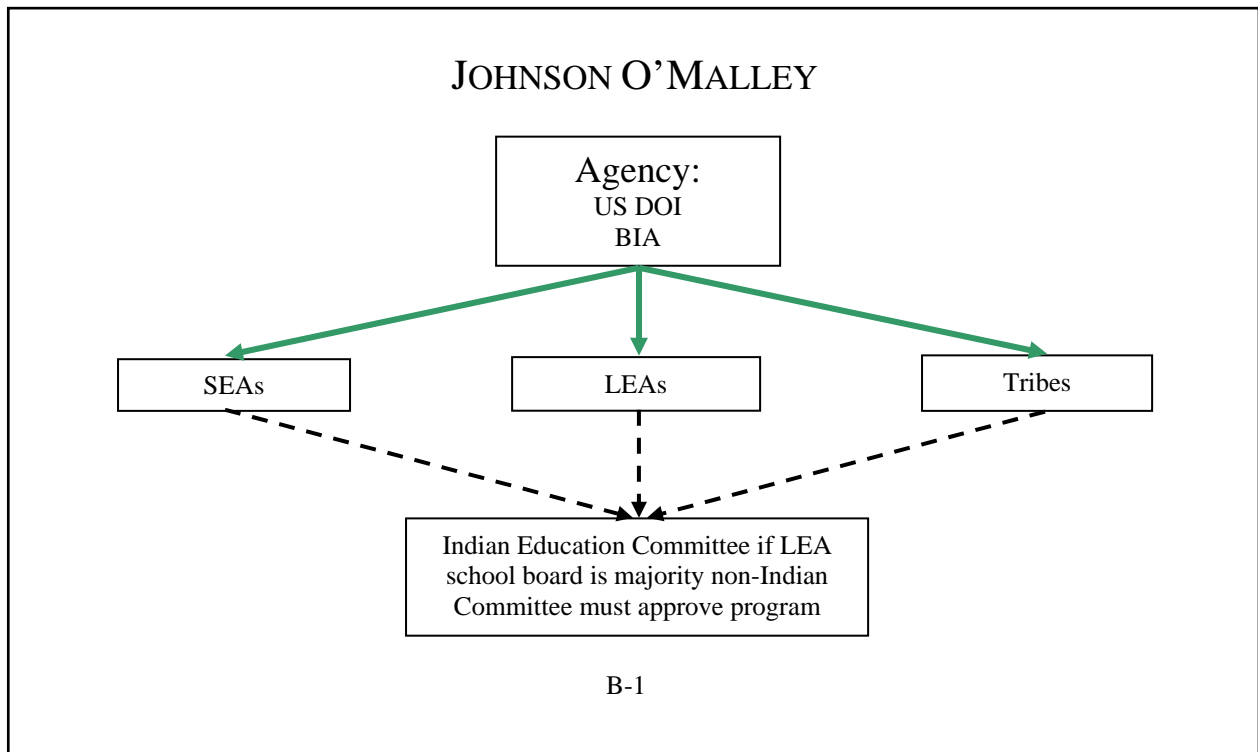
APPENDIX B

Flow Charts of Funding among SEAs, LEAs, and Indian Tribes for the Five Major Programs

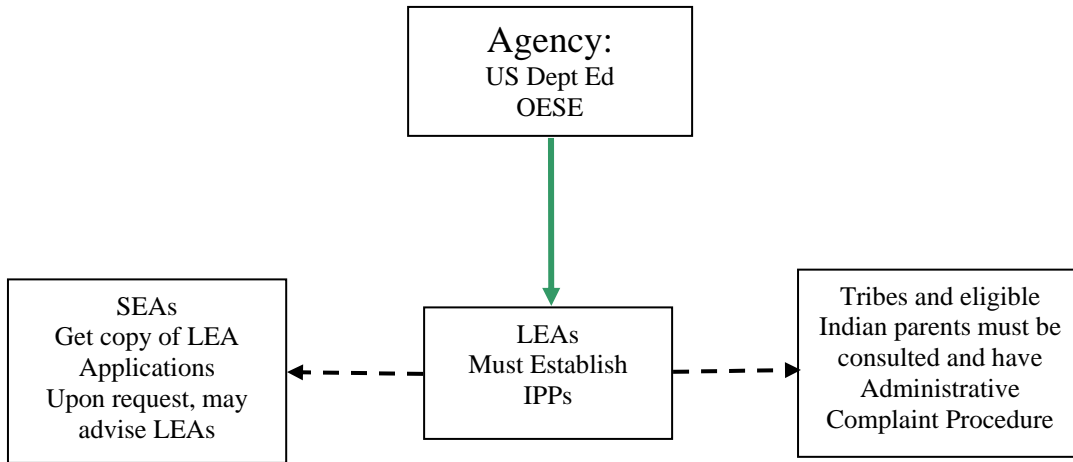
The information in the following Flow Charts was derived from:

1. The statutes establishing and the regulations (if any) implementing the programs and published in the Code of Federal Regulations or the Federal Register; and
2. The online General Services Administration's Catalog of Federal Domestic Assistance, <http://12.46.245.173/cfda/cfda.html> .

In these Flow Charts, the Solid Green Arrows represent the flow of federal program funding to eligible grantees. The Dashed Black Arrows represent other rights and roles under the programs.

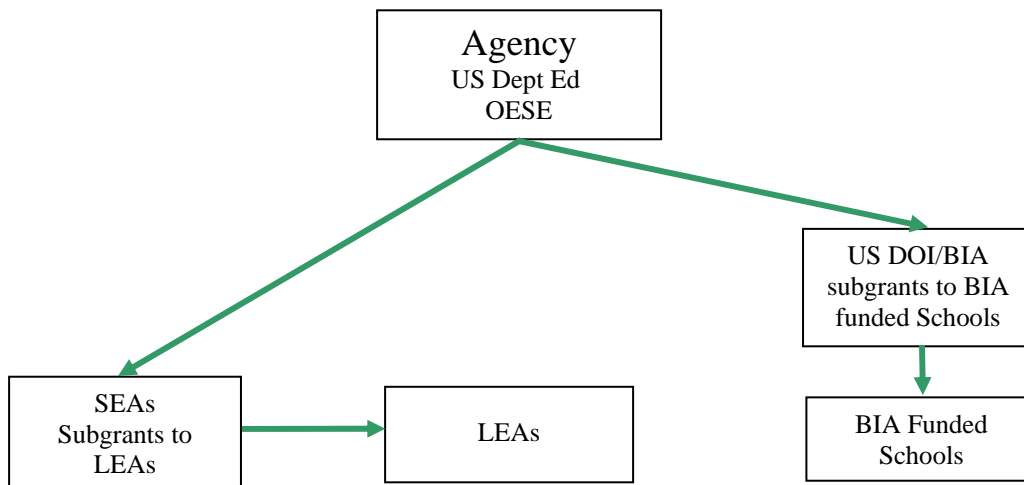


IMPACT AID BASIC SUPPORT



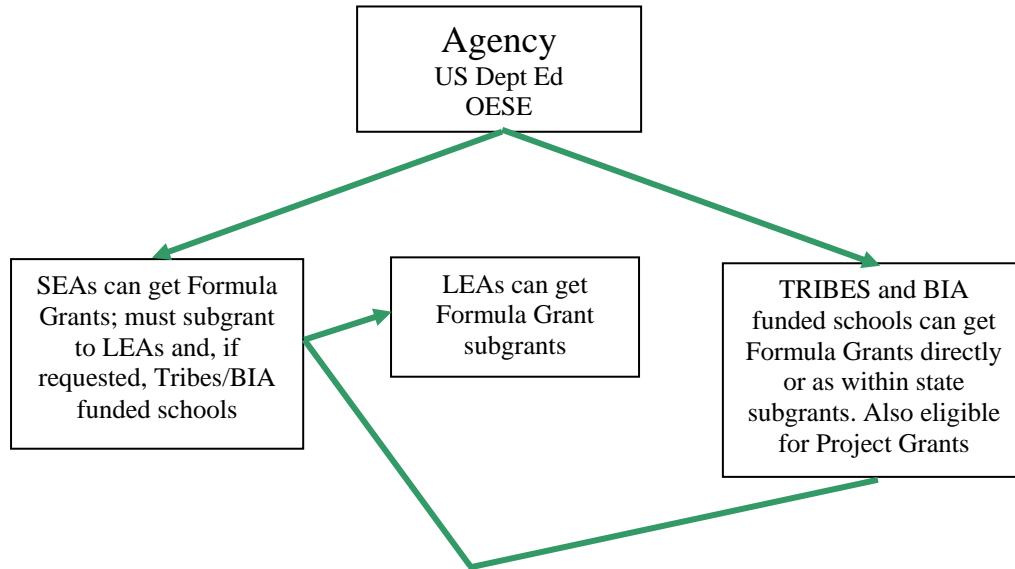
B-2

TITLE I GRANTS TO LEAS



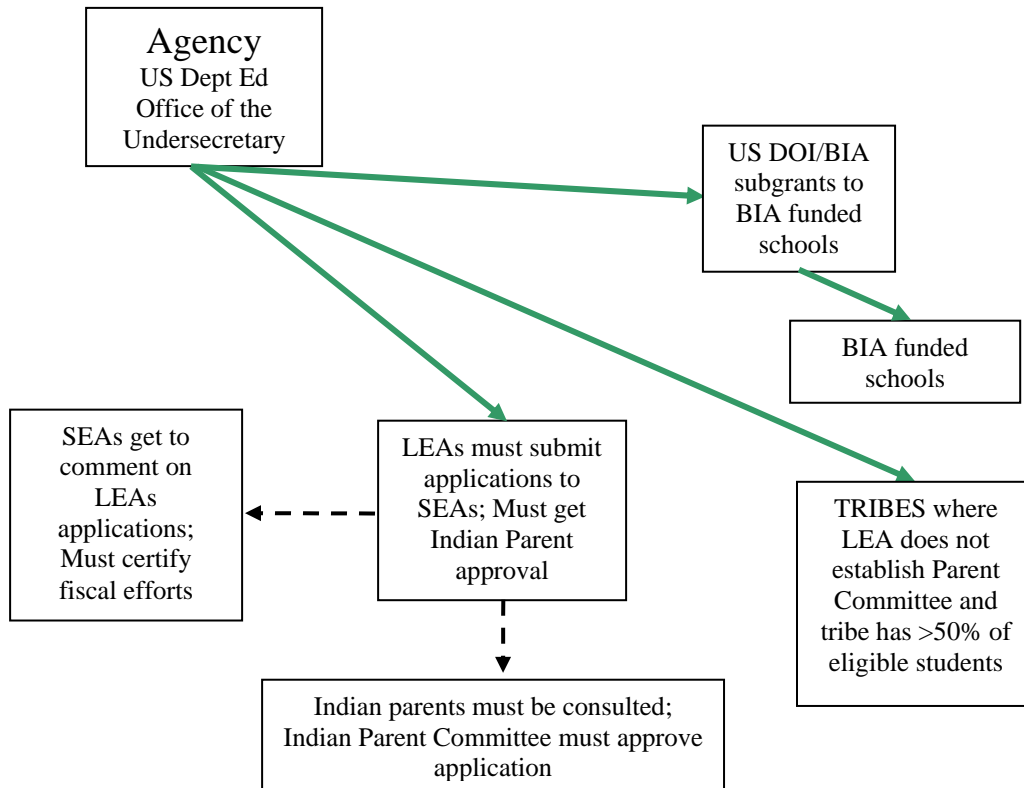
B-3

TITLE III ELA FORMULA AND PROJECT GRANTS



B-4

TITLE VII IEA FORMULA GRANTS



B-5

APPENDIX C

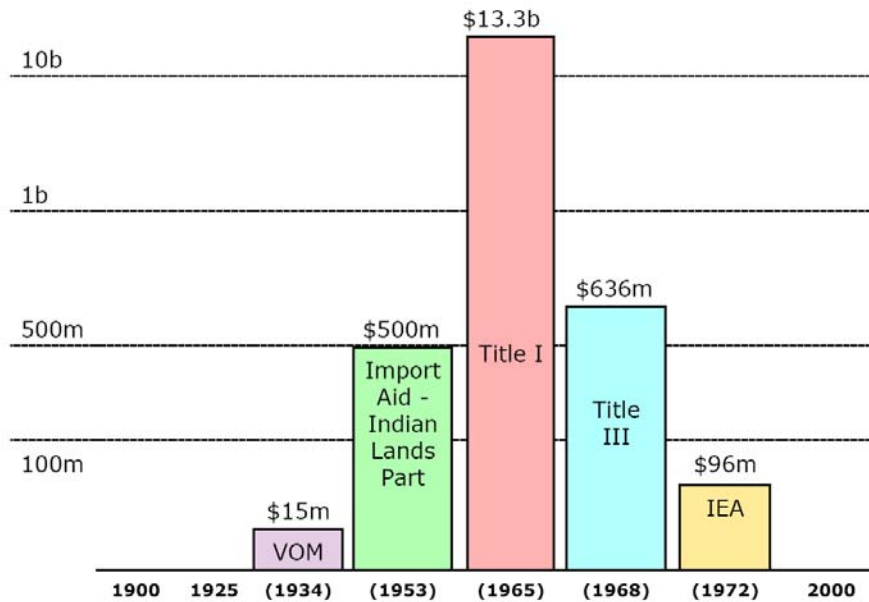
Bar Graph of Program Appropriation Levels for FY 2005

The information in the following Bar Graph was derived from:

1. The online General Services Administration's Catalog of Federal Domestic Assistance, <http://12.46.245.173/cfda/cfda.html> ; and
2. Statements by Victoria Vasques, Director of the Office of Indian Education, U.S. Department of Education on the Fiscal Years 2006 and 2004 Budget Requests for the Department of Education Programs Serving Indians, Alaska Natives, and Native Hawaiians, Delivered before the U.S. Senate Committee on Indian Affairs (Mar. 5, 2003) and (Feb. 17, 2005).

FIVE MAJOR FEDERAL EDUCATION PROGRAMS

FY2005
Appropriations



() = year program originated

APPENDIX D

Contact Information for the Five Major Programs

JOHNSON O'MALLEY PROGRAM

Chief, Division of Education
Office of Indian Education Programs
Bureau of Indian Affairs
U.S. Department of the Interior
1849 C St., NW
Washington, DC 20240
Telephone: (202) 208-3478
www.oiep.bia.edu.jom.html

TITLE VIII IMPACT AID

Impact Aid Programs
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave., SW
RM 3E103
Washington, DC 20202-6244
Telephone: (202) 260-3858
impact.aid@ed.gov

www.ed.gov/about/offices/list/oese/impactaid/index.html

TITLE I LEA FORMULA GRANTS

Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202-6132
Telephone: (202) 260-0826
susan.wilhelm@ed.gov

www.ed.gov/programs/titleiparta/index.html

TITLE III ELA GRANTS

Office of English Language Acquisition
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202-6510
Telephone: (202) 205-9808
harpreet.sandhu@ed.gov

www.ed.gov/programs/sfgp/nrgcomp.html

TITLE VII IEA GRANTS

Office of Indian Education
U.S. Department of Education
400 Maryland Ave., SW
Rm 5C152
Washington, DC 20202-6335
Telephone: (202) 260-3774
oiagrant@ed.gov

www.ed.gov/about/offices/list/ous/oie/index.html

APPENDIX E

List of Other Federal Programs Serving Tribal Students and Indian Youth

The following is a non-comprehensive list of other Federal Programs serving Tribal Students and Indian Youth, organized by Federal Agency. Contact information and the Catalog of Domestic Federal Assistance numbers are provided. SEAs, LEAs, and Indian Tribes *may* be among the eligible grantees for these programs.

U.S. DEPARTMENT OF EDUCATION

Alaska Native Educational Programs
Office of Elementary and Secondary
Education
School Improvement Programs
400 Maryland Ave., SW, Rm 3C126, FB-6
Washington, DC 20202-6140
(202) 260-1541
lynn.thomas@ed.gov
www.ed.gov/programs/alaskanative/index.html
CFDA No. 84.356

Native Hawaiian Education
Office of Elementary and Secondary
Education
Academic Improvement and Teacher
Quality Programs
400 Maryland Ave., SW, Rm 3C126, FB-6
Washington, DC 20202-6140
(202) 260-1541
lynn.thomas@ed.gov
www.ed.gov/programs/nathawaiian/index.html
CFDA No. 84.362

Comprehensive Regional Assistance Centers
Office of Elementary and Secondary
Education
School Support and Technology Programs
400 Maryland Ave., SW
Washington, DC 20202
(202) 205-9198
joyce.murphy@ed.gov
www.ed.gov/about/contracts/gen/othersites/compcenters.html
CFDA No. 84.283

**Twenty-First Century Community Learning
Centers**
Office of Elementary and Secondary
Education
21st-Century Community Learning Centers
400 Maryland Ave., SW
Washington, DC 20202
(202) 260-0982
carol.mitchell@ed.gov
www.ed.gov/programs/21stccclc/index.html
CFDA No. 84.287

State Grants for Innovative Programs
Office of Elementary and Secondary
Education
School Support and Technology Programs
400 Maryland Ave., SW
Washington, DC 20202
(202) 260-2551
zulla.toney@ed.gov
www.ed.gov/programs/innovative/index.html
CFDA No. 84.298

Education Technology State Grants
Office of Elementary and Secondary
Education
School Support and Technology Programs
400 Maryland Ave., SW, Rm 3E241, FB-6
Washington, DC 20202
(202) 401-0039
jenelle.leonard@ed.gov
www.ed.gov/programs/edtech/index.html
CFDA No. 84.318

Capacity Building for Traditionally Underserved Populations
Office of Special Education and Rehabilitative Services
Rehabilitative Services Administration
400 Maryland Ave., SW
Washington, DC 20202
(202) 205-9481
ellen.chesley@ed.gov
www.ed.gov/about/offices/list/osers/rsa/index.html
CFDA No. 84.315

Gaining Early Awareness and Readiness for Undergraduate Programs
Office of Postsecondary Education
GEAR-UP
400 Maryland Ave., SW
Washington, DC 20202
(202) 502-7676
gearup@ed.gov
www.ed.gov/programs/gearup
CFDA No. 84-334

Teacher Quality Enhancement Grants
Office of Postsecondary Education
Teacher Quality Programs
400 Maryland Ave., SW
Washington, DC 20202
(202) 502-7878
teacherquality@ed.gov
www.ed.gov/programs/heatqp
CFDA No. 84-336

Reading First State Grants
Office of Elementary and Secondary Education
400 Maryland Ave., SW, Rm 3W311, FB-6
Washington, DC 20202
(202) 401-4877
reading.first@ed.gov
www.ed.gov/programs/readingfirst/index.html
CFDA No. 84.357

Even Start - Indian Tribes and Tribal Organizations
Office of Elementary and Secondary Education
400 Maryland Ave., SW
Washington, DC 20202
(202) 260-0999
doris.sligh@ed.gov
www.ed.gov/programs/evenstartindian/index.html
CFDA No. 84.258

Early Reading First
Office of Elementary and Secondary Education
Early Reading First Program
400 Maryland Ave., SW, Rm 3W106, FB-6
Washington, DC 20202
(202)260-4555
erf@ed.gov
www.ed.gov/programs/earlyreading/index.html
CFDA No. 84-359

Literacy Through School Libraries
Office of Elementary and Secondary Education
Academic Improvement and Teacher Quality Programs
400 Maryland Ave., SW, Rm 2W104
Washington, DC 20202
(202) 401-3751
irene.harwarth@ed.gov
www.ed.gov/programs/lsl/index.html
CFDA No. 84.364

Improving Teacher Quality State Grants
Office of Elementary and Secondary Education
400 Maryland Ave., SW
Washington, DC
(202) 260-9737
robert.stonehill@ed.gov
www.ed.gov/programs/teacherqual/index.html
CFDA No. 84.367

Grants for State Assessments and Related Activities

Office of Elementary and Secondary Education

Compensatory Education Programs

400 Maryland Ave., SW

Washington, DC 20202

(202) 260-0931

sue.rigney@ed.gov

www.ed.gov/offices/OESE

CFDA No. 84.369

Star Schools

Office of Innovation and Improvement

Technology in Education Programs

555 New Jersey Ave., NW

Washington, DC 20208

(202) 219-2267

cherly.garnette@ed.gov

www.ed.gov/programs/starschools/index.html

CFDA No. 84.203

Safe and Drug-Free Schools and Communities

Office of Safe and Drug-Free Schools

400 Maryland Ave., NW, Rm 3E314

Washington, DC 20202

(202) 401-3354

Robert.Alexander@ed.gov

www.ed.gov/about/offices/list/osdfs/programs.html#state

CFDA No. 84-186

Education for Homeless Children and Youth

Office of Elementary and Secondary Education

Education

400 Maryland Ave., SW

Washington, DC 20202

(202) 260-4412

www.ed.gov/programs/homeless/index.html

CDFA No. 84.196

Javits Gifted and Talented Students Education Grant Program

Office of Elementary and Secondary Education

Jacob K. Javits Gifted and Talented Students Education

400 Maryland Ave., SW

Washington, DC

(202) 260-1541

lynn.thomas@ed.gov

www.ed.gov/programs/javits/index.html

CFDA No. 84.206

Special Education - Grants to States

Division of Monitoring and State

Improvement Planning

Office of Special Education and

Rehabilitative Services

400 Maryland Ave., SW

Washington, DC 20202

(202) 205-5547

Ruth.Ryer@ed.gov

www.ed.gov/about/offices/list/osers/osep/index/html

CFDA No. 84.027

Special Education - Grants for Infants and Families with Disabilities

Office of Special Education Programs

400 Maryland Ave. SW, Rm 3609, MES

Washington, DC 20202

(202) 205-5547

Ruth.Ryer@ed.gov

www.ed.gov/about/offices/list/osers/osep/index/html

CFDA No. 84.181

Special Education --Research and Innovation to Improve Services and Results for Children

Office of Special Education and

Rehabilitative Services

Office of Special Education Programs

400 Maryland Ave., SW

Washington, DC 20202

(202) 245-7329

barbara.edelen@ed.gov

www.ed.gov/offices/OSERS/OSEP

CFDA No. 84.324

Special Education - Personnel Preparation to Improve Services and Results for Children
Office of Special Education
and Rehabilitative Services
Office of Special Education Programs
400 Maryland Ave., SW
Washington, DC 20202
(202) 401-7659
patricia.wright@ed.gov
www.ed.gov/about/offices/list/osers/osep/index.html
CFDA No. 84.325

Special Education - Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities
Office of Special Education
and Rehabilitative Services
Office of Special Education Programs
400 Maryland Ave., SW
Washington, DC 20202
(202) 205-9864
claudette.carey@ed.gov
www.ed.gov/about/offices/list/osers/osep/index.html
CFDA No. 84.326

Special Education - Technology and Media Services for Individuals with Disabilities
Office of Special Education
and Rehabilitative Services
Office of Special Education Programs
400 Maryland Ave., SW
Washington, DC 20202
(202) 205-8883
jeffrey.payne@ed.gov
www.ed.gov/about/offices/list/osers/osep/index.html
CFDA No. 84.327

Special Education - Studies and Evaluations
Office of Special Education
and Rehabilitative Services
Office of Special Education Programs
400 Maryland Ave., SW
Washington, DC 20202
(202) 205-8883
jeffrey.payne@ed.gov
www.ed.gov/about/offices/list/osers/osep/index.html
CFDA No. 84.329

U.S. DEPARTMENT OF THE INTERIOR

Aid to Tribal Governments
Chief, Division of Tribal Government
Services
Bureau of Indian Affairs
1849 C St., NW, MS 4660 MIB
Washington, DC 20240
(202) 208-5097
CFDA No. 15.020

Consolidated Tribal Government Program
Chief, Division of Tribal Government
Services
Bureau of Indian Affairs
1849 C St., NW, MS 4660 MIB
Washington, DC 20240
(202) 208-5097
CFDA No. 15.021

Indian Self-Determination Contract Support
Division of Self-Determination Services
Bureau of Indian Affairs
1849 C St., NW, MS 4660 MIB
Washington, DC 20240
(202) 208-5727
CFDA No. 15.024

Indian School Equalization Program
Office of Indian Education Programs
Bureau of Indian Affairs
MS 3512 MIB
1849 C St., NW
Washington, DC 20240
(202) 208-7658
www.oiep.bia.edu
CFDA No. 15.042

Indian Schools - Student Transportation
Office of Indian Education Programs
Bureau of Indian Affairs
MS 3512 MIB
1849 C St., NW
Washington, DC 20240
(202) 208-7658
www.oiep.bia.edu
CFDA No. 15.044

**Administrative Costs Grants
for Indian Schools**
Office of Indian Education Programs
Bureau of Indian Affairs
MS 3512 MIB
1849 C St., NW
Washington, DC 20240
(202) 208-7658
www.oiep.bia.edu
CFDA No. 15.046

**Indian Education Facilities, Operation, and
Maintenance**
Office of Indian Education Programs
Bureau of Indian Affairs
201 Third St., NW, Ste. 510
Albuquerque, NM 87102
(505) 346-6545
www.oiep.bia.edu
CFDA No. 15.047

Replacement and Repair of Indian Schools
Office of Indian Education Programs
Bureau of Indian Affairs
201 Third St., NW, Ste. 500
Albuquerque, NM 87102
(505) 346-6522
www.oiep.bia.edu
CFDA No. 15.062

Indian Child and Family Education
Office of Indian Education Programs
Bureau of Indian Affairs
201 Third St., NW, Ste. 510
Albuquerque, NM 87102
(505) 346-6544
www.oiep.bia.edu
CFDA No. 15.043

Indian Adult Education
Office of Indian Education Programs
Bureau of Indian Affairs, MS 3512 MIB
1849 C St., NW
Washington, DC 20240
(202) 208-3478
www.oiep.bia.edu
CFDA No. 15.026

**Assistance for Indian Children with Severe
Disabilities**
Office of Indian Education Programs
Bureau of Indian Affairs
201 Third St., NW, Ste. 510
Albuquerque, NM 87102
(505) 346-6544
www.oiep.bia.edu
CFDA No. 15.045

**U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

**Grants to Promote the Survival and
Continuing Vitality of Native American
Languages**
Administration for Children and Families
Administration for Native Americans
Programs Operations Division
370 L'Enfant Promenade, SW
Washington, DC 20447
(202) 690-5787
www.acf.dhhs.gov/programs/ana
CFDA No. 93.587

Native American Programs
Administration for Children and Families
Administration for Native Americans
Programs Operations Division
MS Aerospace Center 8th Fl-West
370 L'Enfant Promenade, SW
Washington, DC 20447
(202) 690-5787
www.acf.dhhs.gov/programs/ana
CFDA No. 93.612

Promoting Safe and Stable Families
Administration for Children and Families
Deputy Associate Commissioner
Children's Bureau
330 C St., SW
Washington, DC 20447
(202) 205-8618
www.acf.dhhs.gov/programs/cb
CFDA No. 93.556

Transitional Living for Homeless Youth
Administration for Children and Families
Family and Youth Services Bureau
330 C St., SW
Washington, DC 20447
(202) 205-8102
www.acf.dhhs.gov/programs/fysb
CFDA No. 93.550

Education and Prevention Grants To Reduce Sexual Abuse
Of Runaway, Homeless, and Street Youth
Associate Commissioner
Family and Youth Services Bureau
Administration for Children and Families
330 C St., SW
Washington, DC 20447
(202) 205-8102
www.acf.dhhs.gov/programs/fysb
CFDA No. 93.557

Child Care and Development Block Grants
Child Care Bureau
Administration for Children and Families
330 C St., SW
Washington, DC 20447
(202) 690-6782
www.acf.dhhs.gov/programs/ccb
CFDA No. 93.575

Family Violence Prevention and Services
Grants for Battered Women's Shelters
Grants to States and Indian Tribes
Family and Youth Services Bureau
Administration for Children and Families
330 C St., SW Washington, DC 20447
(202) 401-5529
www.acf.dhhs.gov/programs/fysb
CFDA No. 93.671

Family Violence Prevention and Services
Grants for Battered Women's Shelters
Discretionary Grants
Family and Youth Services Bureau
Administration for Children and Families
330 C St., SW Washington, DC 20447
(202) 401-5529
www.acf.dhhs.gov/programs/fysb
CFDA No. 93.592

Head Start
Head Start Bureau
Administration for Children and Families
330 C St., SW
Washington, DC 20447
(202) 205-8572
www.acf.dhhs.gov/programs/hsb
CFDA No. 93.600

Healthy Start Initiative
Division of Perinatal Systems
And Women's Health
Maternal and Child Health Bureau
Health Resources and Services
Administration
Public Health Service
Parklawn Bldg, Rm 10C-16
5600 Fishers Ln.
Rockville, MD 20857
(301) 443-0543
www.mchb.hrsa.gov
CFDA No. 93.926

Basic Center Grants
Associate Commissioner
Family and Youth Services Bureau
Administration for Children and Families
330 C St., SW
Washington, DC 20447
(202) 205-8102
www.acf.dhhs.gov/programs/fysb

U.S. DEPARTMENT OF JUSTICE

**Juvenile Justice and Delinquency Prevention
-- Allocation to States**

Office of Juvenile Justice
And Delinquency Prevention
Office of Justice Programs
Washington, DC 20531
(202) 307-5924
www.usdoj.gov
CDFA No. 16.540

**Developing, Testing, and Demonstrating
Promising New Programs**

Office of Juvenile Justice
And Delinquency Prevention
Office of Justice Programs
Washington, DC 20531
(202) 307-5914
www.usdoj.gov
CDFA No. 16.541

**Research, Evaluation, Technical Assistance
and Training**

Office of Juvenile Justice
And Delinquency Prevention
National Institute for Juvenile Justice
And Delinquency Prevention
Washington, DC 20531
(202) 307-5940
www.usdoj.gov
CDFA No. 16.542

Delinquency Prevention Program

Office of Juvenile Justice
And Delinquency Prevention
Office of Justice Programs
Washington, DC 20532
(202) 307-5924
Hsiah@ojp.usdoj.gov
www.ojjdp.ncjrs.org/titleV
CDFA No. 16.548

**Reduction and Prevention Of Children's
Exposure to Violence**

Office of Juvenile Justice
And Delinquency Prevention
Child Protection Division
Office of Justice Programs
Washington, DC 20532
(202) 616-7323
www.usdoj.gov
CDFA No. 16.730

Tribal Youth Program

Office of Juvenile Justice
And Delinquency Prevention
Office of Justice Programs
State and Tribal Assistance Division
810 Seventh St., NW
Washington, DC 20531
(202) 307-5924
www.ojp.usdoj.gov
CDFA No. 16.731

Gang Resistance Education and Training

Bureau of Justice Assistance - Policy Office
810 Seventh St., NW, 4th Fl.
Washington, DC 20531
(202) 616-6500
Linda.Hammond-Deckard@usdoj.gov
www.ojp.usdoj.gov.BJA/grant/great.html
CFDA No. 16.737

U.S. DEPARTMENT OF LABOR

WIA Youth Activities

Chief, Division of Program Planning and
Operations
Employment and Training Administration
200 Constitution Ave., NW
Washington, DC 20210
(202) 693-3608
www.doleta.gov/youth_services/formulagrants.asp
CDFA No. 17. 259

NATIONAL MUSEUM OF THE AMERICAN
INDIAN

School Programs

Office of Education
4th St. and Independence Ave., SW
MRC 590, PO Box 37102
Washington, DC 20013
(202) 633.6632
SimermeyerGM@si.edu

CORPORATION FOR NATIONAL AND
COMMUNITY SERVICE

Learn and Service America

School and Community Based Programs
1201 New York Ave., NW
Washington, DC 20525
(202) 606-5000
www.nationalservice.org
CDFA No. 94.004

Americorps

1201 New York Ave., NW
Washington, DC 20525
(202) 606-5000
www.nationalservice.org
CDFA No. 94.006

Planning and Program Development Grants

1201 New York Ave., NW
Washington, DC 20525
(202) 606-5000
www.nationalservice.org
CDFA No. 94.007

Training and Technical Assistance

1201 New York Ave., NW
Washington, DC 20525
(202) 606-5000
www.nationalservice.org
CDFA No. 94.009

NATIONAL FOUNDATION ON THE ARTS AND
THE HUMANITIES

**Native American and Native Hawaiian Library
Services**

Office of Library Services
Institute of Museum and Library Services
110 Pennsylvania Ave., NW, Rm 802
Washington, DC 20506
(202) 606-5408
www.imls.gov
CDFA No. 45.311