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General

1. GENERAL

1.1 Purpose. The School Facilities Staff, located in Albuquerque, New Mexico, provides staff support to the Commissioner in the entire scope of planning, design, construction, equipping and evaluation of Bureau, public and tribally operated contract schools. The Staff develops and implements a Bureau school construction priority system and establishes the criteria by which construction projects are ranked. It establishes criteria for design of school space and develops educational specifications. The Staff reviews designs and insures compliance with established educational specifications and policies. The staff prepares budgets for construction of educational facilities, funds and schedules the projects, monitors, evaluates, and reports on program execution.

1.2 Authorities.

A. General. The Act of November 2, 1921, 25 U.S.C. 13, popularly known as the Snyder Act, authorizes the expenditure of funds appropriated by the Congress for the maintenance, renovation and construction of schools for Indian children. P.L. 95-561, the Education Amendments Act (Title IX, Part B, Section 1125) provides authority to seek funds to bring each educational facility operated by the Bureau into compliance with all applicable Federal, tribal or state health and safety standards and with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

B. Other. Title II, P.L. 93-638, (88 Stat. 2203), the Education Assistance Act, provides authority for school construction contracts for tribally operated previously private schools and for public schools serving Indian children within funds appropriated for these programs.

1.3 Policy.

A. Federal School Facilities. It is the policy of the Bureau under Congressional authorities to construct, maintain, and operate (or contract with tribes for the operation of buildings and utilities needed for the operation of) the programs authorized by Congress for eligible Indians. (Indians include Alaskan Natives as defined by the Alaskan Native Claims Settlement Act /85 Stat. 688/ as federally re-

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cognized by the U.S. Government for special programs provided to Indians because of their status as Indians.)

B. Contract School Facilities. Facilities contracted to tribes or authorized tribal groups for operation are considered as Federal facilities for construction aid purposes. Contract facilities may include former Bureau schools, previously private schools, alternative, and tribal schools.

C. Ranking School Applications. Priorities for the construction, repair, and maintenance of school facilities are governed by unmet program needs.

D. Emphasis on Day School Facilities. Whenever possible, the school facilities shall be constructed to (1) serve students on a day basis and (2) be as close as possible to the homes of the students to be served in well defined enrollment areas.

E. New Construction vs. Major Repair and Renovation. To achieve cost effectiveness, major repair and renovation must be considered prior to justification for complete replacement of facilities, in whole or in part. The determination of new construction versus major repair and renovation is made by an evaluation team as defined in "School Construction Application Procedure."

1.4 Responsibility of the School Facilities Staff:

A. to develop long range construction plans including design, construction schedules, space requirements, equipment needs and the evaluation of school facilities operated by the Bureau, tribal schools under contract and public schools eligible for construction aid through the Bureau;

B. to develop and implement a Bureau construction priority system whereby justified projects will be ranked for actual construction;

C. to develop the criteria for school space requirements;

D. to prepare school construction budgets for submission to the Congress;

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E. to be responsible for control of project funding, monitoring project expenditures, reporting obligations and project reports;

F. to provide program and project verification for ranking of applications;

G. to monitor and report on program execution,

H. to develop, update and monitor a nationwide school facilities information system;

I. to develop the guidelines for program specifications in concert with appropriate program personnel;

J. to assess the needs for and provide training in the use and care of equipment;

K. to participate in the selection of school construction sites;

L. to be responsible for space analysis studies;

M. to maintain close liaison with the Facilities Engineering Staff and the Office of Indian Education Programs to achieve overall coordination.

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Organization of School Facilities

2. ORGANIZATION OF SCHOOL FACILITIES

The School Facilities Staff is located organizationally along with other units that provide staff support directly to the Commissioner. Staff offices are housed in Albuquerque, New Mexico.

3. SCHOOL ENROLLMENT (ATTENDANCE) AREAS

3.1 Need. The justification for school construction is "unhoused" children. Thus, the definition of the enrollment area is crucial to the determination of the number of unhoused children in relationship to any school in any location.

3.2 Responsibility. It is the responsibility of the tribes, in cooperation with Education personnel, to determine the enrollment boundaries of all Bureau operated and contracted schools in careful consideration of the needs of the students, the accessibility of schools and the programs offered.

4. CONSTRUCTION STANDARDS

4.1 Basis. The school construction standards for the Bureau are based upon the building codes in the states in which facilities are operated. This establishes a "national" Bureau standard based upon what states or other governmental entities provide to meet program needs, plus any additions needed to effectively carry out specifically authorized Indian education programs.

4.2 Handicapped. All new construction must meet the needs as defined by The Education for All Handicapped Children Act of 1975 (P.L. 94-1420).

4.3 Space Standards. School Facilities space standards that are published in the "School Construction Application Procedure" will be the standards followed for planning, designing and constructing school facilities for Bureau, contract and Previously Private Schools.

5. BASIS FOR SCHOOL CONSTRUCTION APPLICATION

5.1 Unhoused Children. Children are considered to be "unhoused" if the

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defined enrollment area exceeds the normal capacity of available and usable school facilities. Students are considered "unhoused" when the condition of the facility is such that it can no longer be used without major repair, or complete replacement; when the enrollment exceeds the design capacity of the facility; and when the space is no longer adequate for the education program based on Bureau, State, or Federal standards. Such standards may include needed "special rooms for speech therapy, remedial reading, music appreciation, language laboratories, electronic data processing, and other facilities and equipment necessary for and useful in conducting special programs or activities for educationally deprived children." (Congressional Committee Report on P.L. 90-427.)

5.2 Limitations on Determining Unhoused Children.

A. Children cannot be considered unhoused for priority ranking purposes if seats are available in any other school - contract, Federal or public within a one hour's bus ride of home.

B. Facilities for early childhood programs (pre-kindergarten) or adult education, exclusively, will not be provided as a part of a school facility.

C. Programs requiring housing which have limited funding from other Departments will not be considered for school construction or space analysis requirements.

5.3 Verification. The final verification and determination of the number of unhoused children is made by the evaluation team.

6. APPLICATION FOR CONSTRUCTION

6.1 Pre-Application Planning and Assistance.

A. At the request of a tribe, the Bureau through its Agency Superintendent and the Facilities Planning Staff will provide technical assistance to the extent possible in pre-planning related to school construction. Such planning shall include but not be limited to:

- (1) Assessing local needs

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Basis for School Construction Application

(2) Appraising problems of safety and usable life of buildings

(3) Determining emergencies to be met outside the priority system

(4) Planning interim alternatives

(5) Such other aid as may be requested

B. At the request of a tribe, the Bureau will assist tribal organizations in obtaining alternative sources of construction assistance that may be available through other Federal Agencies and programs (P.L. 81-815, as amended; EDA and Indian Education Act.)

6.2 Who May Apply. The Bureau, a tribe, tribal organization (school board, education committee) alone or in cooperation with Bureau Agency or Area personnel may submit an application for construction. Forms are supplied by the School Facilities Staff.

6.3 When to Apply.

A. A new application or an updated application may be submitted at any time.

B. An application to be considered for construction in the next fiscal year must be submitted prior to January 1 of the calendar year.

C. All applications shall be ranked for construction and the list published annually by October 31.

6.4 Minimum Requirement for Schools. A Bureau or contract school must have minimum current enrollment of 25 students in grades K through 8 and/or 50 students in grades 9 through 12 to be eligible.

6.5 Approval Process. Completed applications are submitted to the tribe (or tribes, if more than one is involved) for review and approval. Locally completed applications are forwarded to the Agency Superintendent to review for accuracy, completeness and approval. Applications are then submitted to the School Facilities Staff for final review and ranking for construction.

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Contents of Application

7. CONTENTS OF APPLICATION

7.1 General. An application for construction of school facilities under this Part shall be in writing and shall contain the following information:

A. Full name, address and telephone number of the project applying for construction.

B. Full name of tribe(s) to be served by the project.

C. Signature of authorized representative of tribe(s) to be served.

D. Date of submission to the Bureau and the name of the office to which the application was submitted.

7.2 Pertinent Educational Data for School Construction.

A. Grades offered.

B. ADM as of October 31.

C. Description and map of attendance area with school population 5-18 years of age.

D. List of all other schools in the attendance area and their distance to and from project school in miles and bus travel time.

E. Tribal support of Indian enrollment in other schools within attendance area.

F. Public school district in which project school is located. Status and USOE priority of P.L. 81-815, application for construction aid, if applicable.

G. Public school plan, if any, for increasing its size to accommodate Indian children.

H. Brief description of education program of project school.

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Contents of Application

- I. The design enrollment of present school.
- J. The project school's place in the overall education program of the tribe, reservation and Bureau.

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Evaluation Team

8. EVALUATION TEAM

8.1 Composition. The Evaluation Team is composed of engineers and educators. The team is selected from the Facilities Engineering Staff and School Facilities Staff and such other consultants as needed and appropriate.

8.2 Duties. The team will do a cost effectiveness study of the facility to determine whether it should be retained, repaired, renovated or replaced. The engineers will evaluate the facilities in terms of safety, conformance to State and Federal building codes and usable life of the buildings. The educators on the team will determine whether the old facility, in context with engineering findings, meets the requirements for the approved program it serves.

8.3 Resolving Conflicts. The School Facilities Staff will resolve any conflicts that may arise in the final verification of data on which the application is based.

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Ranking Order of School Construction

9. RANKING ORDER OF SCHOOL CONSTRUCTION

9.1 Final Verification. Prior to the development of a ranking order for construction, applications are verified through an on-site visit by the evaluation team. Verification includes:

- A. Assessment of existing facilities condition.
- B. Availability of other schools in the attendance area.
- C. The number and percent of unhoused children.

9.2 Priority Ranking for School Construction. Priority for school construction is based on the verified percentage of the school's ADM that is unhoused; the larger the percent of unhoused children, the higher the priority.

If two or more projects have the same percent of unhoused children, the tie will be broken by giving priority to the project located the farthest distance from the nearest existing school which the involved students could attend.

As new applications are received yearly, priority rankings for construction are re-evaluated yearly following the January 1 deadline.

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Emergency Construction

10. EMERGENCY CONSTRUCTION

10.1 Applications. Applications for emergency construction may be made at any time.

10.2 Justifications. The basis for emergency construction of facilities are:

- A. Those affected by fire or natural disaster.
- B. Those subject to immediate condemnation due to health and safety factors.
- C. Passage of new Federal laws and regulations affecting the program.

10.3 Review. Such applications will be given immediate review by the Evaluation Team from the standpoint of the continued or emergent need for the facility in the mission of the Bureau.

10.4 Approved Emergency Applications. Approved applications for emergency construction are handled outside the priority system and are scheduled for immediate construction subject to funds available. These applications should be submitted to the School Facilities Staff.