



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240



IN REPLY REFER TO:

National Policy Memorandum

Bureau of Indian Affairs Office of Indian Education Programs

Number: NPM-EDUC-6

Effective: July 7, 2005

Expires: July 7, 2006

Title: School Contingency Funds Policy

1. Purpose

The purpose of this policy is to create a process for the distribution of ISEP Contingency Funds to BIA funded schools. This process is in accordance with the Public Law 107-110 (No Child Left Behind), which allows the Director to establish a contingency fund to meet the emergency and unforeseen contingencies affecting the school educational programs with one percent of the ISEP appropriation.

2. Scope

The policy is applicable to Bureau of Indian Affairs (BIA) funded schools.

3. Policy and Procedures

An emergency or unforeseen contingency is an event that meets all of the following criteria: (1) It could not be planned for; (2) It is not a result of mismanagement, malfeasance or willful neglect; (3) [It is] not covered by insurance policy in force at the time of the event; (4) The Assistant Secretary determines that the Bureau cannot reimburse the emergency from the facilities emergency repair fund; and (5) It could not have been prevented by prudent action by officials responsible for the education program.

Schools requesting contingency funds must submit a written request, signed by the school supervisor, identifying the need, actions taken to meet the need, and the program ramifications if the need is not funded with, supporting documentation to the Education Line Officer (ELO). The request is to be clearly marked as a contingency request for funds and may be faxed or mailed to the ELO.

Upon the receipt of the written request, the ELO has forty-eight (48) hours to submit the request to the Director. The Director will then respond to the request as soon as possible, but no later than 30 days from receipt of the request from the ELO.

To implement the 25 CFR Subpart E - Contingency Funds Part 39.500 – 39.505 provision, the Director shall establish:

1. A committee consisting of a minimum of three OIEP staff to review all contingency fund requests and to make recommendations on the acceptability of those requests. The committee of three is to review all requests within five business days of receipt by the Director, and submit a request to the ELO, CSI, or OFMC for additional information.

A. For those requests involving program needs, the Director may request staff from Center for School Improvement (CSI) to provide recommendations.

B. For those requests involving facilities, the Director may request assistance from OIEP Facilities Management staff and the Office of Facility Management and Construction (OFMC).

2. Within ten business days of receipt by the Director, the committee is to provide the Director with the committee's written recommendation for approval and the dollar amount of the approval; or disapproval with an explanation why the request should be disapproved.

3. If the Director approves the contingency request, a Fund Distribution Document (FDD) will be issued to the school within five business days of approval.

4. The Director will review the contingency balance in January to determine if a percentage of the contingency balance should be distributed to all schools on a per WSU basis; and in June to determine if the contingency balance should be distributed to all schools on a per WSU basis.

4. Reporting

(a) At the end of each fiscal year, Bureau/OIEP shall send an annual report to Congress detailing how the Contingency Funds were used during the previous fiscal year.

(b) By October 1, of each year, the Bureau must send a letter to each school and each tribe operating a school, listing the allotments from the Contingency Fund.

5. Roles and Responsibilities

Director, Office of Indian Education Programs (OIEP) The Director, OIEP is responsible for final approval, consistent with the delegated authority identified in 230 DM 1, and submission of final policy to Deputy Director, OIEP.

Deputy Director, OIEP The Deputy Director, OIEP is responsible for the annual review of the policy for overall improvement of school environments. The Deputy Director, OIEP is also responsible for monitoring the Education Line Offices.

Education Line Officer The Education Line Officer is responsible for ensuring the policy is in place at the schools.

School Supervisor The school supervisor is responsible for adherence to the policy.

6. Approvals

/sgd/ Edward Parisian

Edward Parisian
Director, Office of Indian Education Programs

7/7/05

Date