

INDIAN AFFAIRS MANUAL

Part 33

Education (Student Support Services)

Chapter 3

Special Education

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1.1 Purpose. The intent of this policy is to ensure that children with disabilities enrolled in Bureau of Indian Education (BIE)-funded schools, are provided with the full scope of rights and privileges regarding special education services as specified in Part B of the Individuals with Disabilities Education Act (IDEA).

1.2 Scope. This policy applies to all BIE-funded schools, including Tribally-Controlled grant and contract schools and BIE-operated schools. When appropriate, Tribally-Controlled schools are encouraged to follow the timelines and procedures outlined within this policy and the corresponding handbook.

1.3 Policy. It is the policy of BIE to ensure the implementation of Part B of the IDEA meets applicable requirements, including those under 20 U.S.C. § 1411(h)(2) and 34 CFR 300.708 and 300.716.

1.4 Authority.

A. Statutes and Regulations.

- 1) P.L. 100-297, Tribally Controlled Schools Act of 1988
- 2) P.L. 93-638, Indian Self-Determination and Education Assistance Act (ISDEAA) of 1975
- 3) P.L. 101-476, Individuals with Disabilities Education Act (IDEA) of 2004
- 4) 20 U.S.C. § 1411(h)(2), Submission of information
- 5) 34 CFR 300.708, Submission of information
- 6) 34 CFR 300.716, Applicable regulations

B. Guidance.

- 1) 30 IAM 19, BIE High Risk Fiscal Oversight Policy

C. Handbooks.

- 1) 33 IAM 3-H, BIE Special Education Handbook

1.5 Responsibilities.

A. Director, BIE is responsible for providing general oversight for all BIE programs and

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activities, including approving this policy.

- B. Division of Performance and Accountability (DPA)** is responsible for ensuring BIE meets the IDEA program requirements with a particular emphasis on those requirements that are most closely related to improving education results for children with disabilities. The DPA-IDEA oversees BIE's general supervision system which is designed to support practices that improve educational results and functional outcomes for children with disabilities; to use multiple methods to identify and correct noncompliance; and to use a variety of mechanisms to encourage and support improvement; and to enforce compliance.
- C. Associate Deputy Directors (ADDs), Bureau-Operated, Navajo, and Tribally-Controlled Schools** are responsible for overseeing BIE-funded schools within their region, including the BIE-funded schools' implementation of all funded educational programs within BIE (i.e., Indian School Equalization Program (ISEP), Every Student Succeeds Act (ESSA), and IDEA); disseminating information to BIE-funded schools; and providing technical assistance to school administrators.
- D. Education Resource Centers (ERCs)** are responsible for providing oversight and support to BIE's ISEP base academic program in a variety of areas including schools' academic programs, fiscal management, and compliance with IDEA. ERCs also support the schools' implementation of all funded educational programs within BIE (i.e., ISEP, ESSA and IDEA). The ERCs are located nationwide and within the three ADD Offices.
- E. Education Program Administrators** are responsible for program improvement and providing technical assistance to BIE-funded schools within the ERC's region.
- F. Education Specialists - Special Education** are responsible for:
- 1) Annual special education file reviews;
 - 2) ISEP special education monitoring consistent with the provisions contained in the [BIE High Risk Fiscal Oversight Policy \(30 IAM 19\)](#) with regard to children within their assigned schools, including children with disabilities, children who receive services through Individualized Education Programs (IEP), and children who receive accommodations through Section 504;
 - 3) Providing individualized special education technical assistance to BIE-funded schools under the direction of the ADDs; and
 - 4) Annually communicating to their assigned schools, the roles and responsibilities of the ERC Office regarding the oversight, management, and support of special education services. At a minimum, each school will receive such annual notice no later than October 1st of each year.

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1.6 Standards, Requirements, and Procedures.

The detailed definitions and procedures to implement this policy are found in 33 IAM 3-H: BIE Special Education Handbook.

Approval



5/18/2026

Tony L. Dearman
Director, Bureau of Indian Education

Date