

INDIAN AFFAIRS DIRECTIVES TRANSMITTAL SHEET

(modified DI-416)

DOCUMENT IDENTIFICATION NUMBER NPM-EDUC-6A1	SUBJECT School Contingency Funds Policy	RELEASE NUMBER #07-40
FOR FURTHER INFORMATION Bureau of Indian Education		DATE 9/17/07

EXPLANATION OF MATERIAL TRANSMITTED:

The purpose of this policy is to amend the process for the distribution of ISEP Contingency funds to Bureau of Indian Education funded schools.

The provision of this National Policy Memorandum will be incorporated into the Indian Affairs Manual prior to the expiration date.



Spike Bighorn
Acting Director, Bureau of Indian Education

FILING INSTRUCTIONS:

Remove: None

Insert: NPM-EDUC-6-A1 School
Contingency Funds Policy 09/17/07



United States Department of the Interior

BUREAU OF INDIAN EDUCATION
Washington, D.C. 20240



National Policy Memorandum

**Bureau of Indian Education
Director**

Number: NPM-EDUC-6-A1

Effective: September 17, 2007

Expires: September 17, 2008

Title: School Contingency Funds Policy - Amended

1. Purpose

The purpose of this policy is to create a process for the distribution of ISEP Contingency Funds to Bureau of Indian Education (BIE) 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 Education (BIE) 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 BIE cannot reimburse the school for the cost of 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 to the Education Line Officer (ELO) a written request, signed by the school supervisor. The written request must identify the need, actions taken to meet the need with supporting documentation, and the program ramifications if the need is not funded with contingency funds. The request is to be clearly marked as a request for contingency funds and may be faxed or mailed to the Education Line Officer.

Upon the receipt of the written request, the ELO has forty-eight (48) hours to submit the request to the Director, BIE. 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:

1. Establish a committee consisting of a minimum of three BIE staff to review all contingency fund requests and to make recommendations on the acceptability of those requests. The committee shall review all requests within five business days of receipt by the Director. The committee may submit a request to the ELO, the Office of Planning and Policy Analysis (OPPA) or the OFECR (Office of Facilities, Environmental, and Cultural Resources) for additional information.

A. For those requests involving program needs, the Director may request assistance from OPPA to provide recommendations.

B. For those requests involving facilities, the Director may request assistance from BIE's Facilities Management staff and the OFECR.

2. Receive the committee's written recommendation for approval and the dollar amount of the approval within ten business days from receipt of the request for contingency funds; or disapproval with an explanation why the request should be disapproved.

3. Authorize issuance of a Fund Distribution Document (FDD) to the school within five business days if the contingency fund request is approved.

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 Weighted Student Unit (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, the BIE 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 BIE 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, Bureau of Indian Education (BIE) The Director, BIE is responsible for final approval, consistent with the delegated authority identified in 230 DM 1, and distribution of final policy to the Deputy Director, BIE.

Deputy Director, BIE The Deputy Director, BIE is responsible for ensuring the policy is distributed, and adhered to by the Education Line Officers.

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

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

6. Approvals

/s/ Athena R. Brown

8/17/07

Kevin Skenandore
Acting Director, Bureau of Indian Education

Date