

# INDIAN AFFAIRS MANUAL

Part 30

Education (Management)

Chapter 3

School Contingency Funds

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- 1.1 Purpose.** This chapter establishes the process for the distribution of Indian School Equalization Program (ISEP) Contingency Funds to Bureau of Indian Education (BIE) funded schools to meet the emergency and unforeseen contingencies affecting BIE school educational programs with one (1) percent of the ISEP appropriation funds.
- 1.2 Scope.** This policy applies to all BIE-funded schools and school facilities.
- 1.3 Policy.** This policy outlines BIE's procedure for review of requests by BIE-funded schools and school facilities for ISEP Contingency Funds which BIE is obligated to distribute in accordance with Public Law (P.L.) 107-110 (No Child Left Behind Act) and ISEP Subpart E, 25 CFR 39.500-39.505.
- 1.4 Authority.**
- A. Statutes and Regulations.**
- 1) 25 CFR Subpart E, Part 39.500-39.505, Contingency Funds
  - 2) P.L. 107-110, No Child Left Behind Act
- 1.5 Responsibilities.**
- A. Director, Bureau of Indian Education (BIE)** is responsible for final approval of all BIE policy, consistent with the delegated authority identified in 230 DM 1 and is responsible for distribution of final policy to the Deputy Director, BIE.
- B. Deputy Bureau Director, School Operations, BIE** is responsible for ensuring the policy is distributed, and ensuring compliance by Associate Deputy Directors.
- C. Associate Deputy Director (ADD)** is responsible for ensuring the policy and procedures are in place and complied with by schools.
- D. School Principal** is responsible for adherence to the policy.
- 1.6 Standards, Requirements, and Procedures.**
- A. Criteria for Emergency or Unforeseen Contingency**

For the purpose of this policy and consistent with 25 CFR 39.501, an emergency or unforeseen contingency is an event that meets ALL of the following criteria:

- 1) It could not be planned for;

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- 2) It is not a result of mismanagement, malfeasance, or willful neglect;
- 3) It is not covered by an insurance policy in force at the time of the event;
- 4) The Assistant Secretary – Indian Affairs 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.

### **B. Requesting Contingency Funds**

Schools requesting contingency funds must submit a written request, signed by the school principal, to the respective Associate Deputy Director (ADD)<sup>1</sup> assigned to the school (i.e., Tribally Controlled, Navajo, BIE-operated). 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 must be clearly marked as a Request for Contingency Funds and should be emailed or mailed to the ADD.

### **C. Review of Requests for Contingency Funds**

To implement the 25 CFR 39, The Indian School Equalization Program, Subpart E - Contingency Fund, Part 39.500-39.505:

The Director shall establish a standing committee consisting of a minimum of three (3) BIE staff, to be selected by the Director, to review all contingency fund requests that have been received during each school year and make recommendations on those requests. The committee may submit requests for additional information to the BIE School Operations Division of Facilities and Safety Management and the Division of Budget.

- 1) Within forty-eight (48) hours of receipt of the written request, the ADD must send the request to the standing committee established by the Director for review and consideration.
- 2) The committee must provide a written recommendation to the Director within eight (8) calendar days from the committee's receipt of the request for contingency funds,

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<sup>1</sup> 25 CFR Part 39 refers to the Education Line Office (ELO). However, BIE now refers to the ELO as Associated Deputy Director (ADD). Therefore, this IAM uses ADD in place of ELO.

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for approval with the dollar amount - if approved; or disapproval with an explanation why the request should be disapproved.

- 3) Within twenty (20) calendar days, the Director must notify the committee and the Deputy Bureau Director, School Operations, of the decision to approve or disapprove the Request for Contingency Funds.
- 4) No later than thirty (30) calendar days after the school's submission of its written request for contingency funds, the ADD must notify the requesting school principal of the Director's approval or disapproval of the Contingency Fund Request.

## D. Reporting Requirements

- 1) 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.
- 2) At the end of each fiscal year, BIE must submit an annual report to Congress detailing how the contingency funds were used during the previous fiscal year.

## Approval

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Tony Dearman  
Director, Bureau of Indian Education

Date