

RESOLUTION OF THE
NAABIK'ÍYÁTI' COMMITTEE OF THE
NAVAJO NATION COUNCIL

23RD NAVAJO NATION COUNCIL -- First Year, 2015

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AND
NAABIK'ÍYÁTI'; RECOMMENDING CHANGES IN THE JOHNSON-O'MALLEY ACT
TO ADDRESS FUNDING METHODOLOGY VIA STUDENT COUNT AND UPDATE THE
STUDENT ELIGIBILITY DEFINITION FOR THE DEPARTMENT OF INTERIOR,
BUREAU OF INDIAN AFFAIRS, BUREAU OF INDIAN EDUCATION TO FOLLOW

WHEREAS:

- A. The Navajo Nation established the Health, Education, and Human Services Committee as a standing committee of the Navajo Nation Council. 2. N.N.C. § 400(A).
- B. The Health, Education, and Human Services Committee is empowered to establish Navajo Nation policy, promulgate rules and regulations concerning education. 2 N.N.C. §401(B) (1).
- C. Statements of policy are written statements submitted to federal, state or local governments by a Navajo Nation official stating the official position of the Navajo Nation on proposed legislation or other action by that government. 2 N.N.C. § 100(W).
- D. The Health, Education, and Human Services Committee ensures compliance and implementation of laws and policies of the Navajo Nation relating to education. 2 N.N.C. §401(B) (2).
- E. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'íyáti' Committee to "coordinate all federal, county, and state programs with other standing committees and branches of the Navajo Nation government to provide the most efficient delivery of services to the Navajo Nation". 2 N.N.C. § 701 (A) (4); 2 N.N.C. § 700 (A).

- F. Of concern to the Navajo Nation's educational services is the Navajo Nation Johnson-O'Malley Program under the "Johnson-O'Malley Act", 25 U.S.C. 452 et seq. (hereinafter JOM).
- G. The Navajo Nation receives its JOM funds through the Bureau of Indian Affairs Gallup area office which gets the funds from budget appropriations from the U.S. Congress.
- H. "The Johnson-O'Malley Act of 1934 was passed in order to subsidize education, medical services, and other social services provided to Indians living within the borders of states and territories. Today, Johnson-O'Malley (JOM) funding (See 25 CFR Part 273) is used for programs designed to meet the specialized and unique educational needs of eligible Indian students, including programs that supplement existing school programming operational supports, when necessary, to meet established state educational standards." <http://www.bie.edu/JOM/index.htm>
- I. The Navajo Nation "[d]epartment of Johnson-O'Malley provides supplemental funding, pursuant to 25 CFR Part 273-Johnson-O'Malley Program for eligible Native American students in public schools, tribal organizations, Indian corporation and previously private schools with unique and specialized educational supports and opportunities i.e. substance abuse counseling, teacher assistants, tutoring program, home school liaison, summer schools, curriculum development, Navajo language/culture enrichment, and other necessary supplemental programs."
<http://navajonationdode.org/uploads/FileLinks/daf36f98090647c18d02aaf82f666834/about.htm>
- J. The BIE is attempting to address the downfall by having consultations focused on 5 topics which are: The 2014 updated JOM student count; the JOM funding methodology based on the updated 2014 student count; a proposal to revise the current JOM student eligibility definition as provided in 25 CFR § .273.12; The designation of a measurable metric element(s) to evaluate the effectiveness of a JOM program; and a proposal to revise the expired JOM application contract, form BIA-62116 (OMB No.1076-0096).
Department of Interior Bureau of Indian Affairs Bureau of Indian Education 2015 Johnson-O'Malley Tribal Consultation.
(Exhibit "A").

- K. The main problem is that "the JOM student count and funding for tribal and non-tribal contractors has not changed since 1995." Department of Interior Bureau of Indian Affairs Bureau of Indian Education 2015 Johnson-O'Malley Tribal Consultation. (Exhibit "A").
- L. Due to the BIE not using updated student numbers, programs like Navajo's JOM are not being funded for the services being provided to the increased student numbers.
- M. The BIE attempted an updated student count in 2012 and 2014 and "there were dilemmas associated with the 2012 and 2014 updated student counts." Department of Interior Bureau of Indian Affairs Bureau of Indian Education 2015 Johnson-O'Malley Tribal Consultation. (Exhibit "A").
- N. U.S. Representative Tom Cole introduced H.R. 4328 entitled "Johnson-O'Malley Supplemental Indian Education Program Modernization Act" in the 113th Congress to address the issues with JOM, but the bill did not survive. H.R. 4328 (Exhibit "B").
- O. National Johnson-O'Malley Association (NJOMA) did support Representative Cole's efforts by passing resolutions NJOMA 2015-01 & NJOMA 2015-02. NJOMA Resolutions (Exhibit "C").
- P. The Navajo JOM does support the NJOMA resolutions in support of reforming the JOM student count by "obtaining and maintaining an accurate and current student count for JOM funding and distribution. "Eleanor Thomas memo to Honorable Jonathan Hale (Exhibit "D").
- Q. The Navajo Nation finds that bills like H.R. 4328 which aim to change the JOM student count and change student eligibility criteria is in the best interest of the Navajo Nation and other tribes.
- R. The Navajo Nation finds that supporting resolutions like those of the NJOMA which support efforts to change the student count criteria and update the numbers from 1995 to present is in the best interest of the Navajo Nation and other tribes.

NOW, THEREFORE BE IT RESOLVED:

- A. The Navajo Nation hereby expresses its support for efforts by Representative Tom Cole to make amendments to the JOM Act, 25 U.S.C. § 452 *et seq.* like H.B. 4328.
- B. The Navajo Nation hereby expresses its support for efforts by Eleanor Thomas at the Navajo JOM program in representing the Navajo Nation at the National Johnson-O'Malley Association to advocate for it and other tribes nationally.
- C. The Navajo Nation hereby urges Representative Tom Cole to reintroduce H.B. 4328 in the next legislative session.
- D. The Navajo Nation hereby recommends and urges the United States Congress to adopt legislations like H.B. 4328 which make amendments to the JOM Act, 25 U.S.C. § 452 *et seq.* to allow the fixes necessary to allow for JOM programs to serve the ever increasing student population at current date numbers instead of using 1995 numbers and to redevelop eligibility requirements which would allow for easier determinations.
- E. The Navajo Nation hereby authorizes the President of the Navajo Nation, the Speaker of the Navajo Nation, and their designees, to advocate for the changes needed to the JOM Act.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23rd Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 13 in favor and 0 opposed, this 25th day of June, 2015.



LoRenzo Bates, Chairperson
Naabik'íyáti' Committee

Motion: Honorable Raymond Smith, Jr.

Second: Honorable Mel R. Begay

TRIBAL CONSULTATION



**DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
BUREAU OF INDIAN EDUCATION**

MARCH 31, APRIL 2, 8, and 10, 2015

WRITTEN COMMENTS

Written comments must be received by May 10, 2015, at 4:30pm Eastern Daylight Time and should be mailed, emailed or hand delivered to:

Bureau of Indian Education (BIE)
Attn: Jennifer Davis
1951 Constitution Avenue
MS-312A-SIB
Washington, D.C. 20245

Telefax responses may be sent to:
(202) 208-3271

Email responses may be sent to:
JOMComments@bia.gov

FOR FURTHER INFORMATION CONTACT

Jennifer L. Davis, M.Ed.
Program Analyst
Johnson O'Malley Program

Telephone: (202) 208-4397
Fax: (202) 208-3271



United States Department of the Interior

BUREAU OF INDIAN EDUCATION
Washington, D.C. 20240

MAR 25 2015

IN REPLY REFER TO

Dear Tribal Leaders/Current JOM Contractors/ Potential JOM Contractors/JOM Indian Education Committee Members, School Board Members/ Tribal organizations/Employees of public schools serving American Indian populations/Urban Indian communities/BIE's previously private schools/Indian school boards/ Parents/ Student organizations and Other Interested Parties:

The Bureau of Indian Education is pleased to announce the upcoming JOM Tribal Consultation meetings as listed on page 2. The meetings are a continuation of meetings conducted by the Bureau of Indian Affairs and the Bureau of Indian Education in 2012. We encourage you to review this booklet, participate in the consultation meetings, and provide comment(s) on any or all of the consultation items. After each consultation session, there will be a JOM training session provided on the, "Overview of the JOM Assurances and Obligations."

Written comments must be received on or before May 10, 2015. Written comments can be mailed to the Bureau of Indian Education, 1951 Constitution Avenue, MS-312A-SIB, Washington, D.C., 20245; or emailed to JOMcomments@BIA.GOV, or can be hand delivered to room 314 at the same address listed above; or a facsimile response may be transmitted to (202) 208-3271.

We encourage all Tribes, existing JOM contractors, potential JOM contractors, JOM Indian Education Committee members, tribal organizations, employees of public schools serving American Indian populations, urban Indian communities, the BIE's previously private schools, Indian school boards, parents, student organizations and other interested parties, to participate in the consultation process by attending one of the regional consultation meetings or by submitting written comments on any of the consultation items or other local education issues. If you have any questions, please call the local education contact identified for your respective area.

Sincerely,

Dr. Charles M. Roessel
Director, Bureau of Indian Education

Indian Education

The BIE Tribal Consultations for the 2015 Johnson O'Malley (JOM) program will occur:

- Tuesday, March 31, 2015 (On-site at Portland, Oregon)
- Thursday, April 2, 2015 (Webinar/Teleconference)
- Thursday, April 8, 2015 (Webinar/Teleconference)
- Friday, April 10, 2015 (On-site at Oklahoma City, Oklahoma)

DATE AND LOCATION OF CONSULTATION MEETINGS

DATE and TIME	LOCATION	LOCAL BIE CONTACT	PHONE NUMBERS
Tuesday, March 31, 2015 1pm – 4 pm (PDT)	Portland Marriott Downtown Waterfront 1401 SW Naito Pkwy., Portland, OR 97201 (503) 226-7600	Verla LaPlante	(206) 220- 7976
Thursday, April 2, 2015 12pm – 3pm (EDT)	Webinar/Teleconference Call-in # 888-421-9594 Passcode: 1847541 Webinar Access: URL: https://www.mymeetings.com/nc/join/ Conference Number: RW1826786 Audience passcode: 1847541	Jennifer Davis	(202) 208- 4397
Wednesday April 8, 2015 12pm – 3pm (EDT)	Webinar/Teleconference Call-in # 888-421-9594 Passcode: 1847541 Webinar Access: URL: https://www.mymeetings.com/nc/join/ Conference Number: RW1826786 Audience passcode: 1847541	Jennifer Davis	(202) 208- 4397
Friday, April 10, 2015 9am – 12pm CDT	Holiday Inn Oklahoma City Airport 4401 SW 15 th Street Oklahoma City, OK 73108 (405) 601-7272	Catherine Fatheree	(405) 605- 6051

LEGISLATIVE AUTHORITY AND IMPLEMENTATION PROCESS

Legislative authority to consult with Indian Country on education issues is provided by 25 U.S.C. 2011(b).

CONSULTATION TOPICS

The topics for each 2015 JOM Tribal Consultation are:

1. The 2014 updated JOM student count.
2. The JOM funding methodology based on the updated 2014 student count.
3. A proposal to revise the current JOM student eligibility definition as provided in 25 CFR §273.12
4. The designation of a measurable metric element(s) to evaluate the effectiveness of a JOM program.
5. A proposal to revise the expired JOM Application Contract, form BIA-62116 (OMB No. 1076-0096)
6. Open Item

FORMAT OF UPCOMING CONSULTATION MEETINGS

The following general format will be followed during each of the regional consultation meetings:

1. The consultation item will be fully explained to the meeting participants, including the reason for proposing the TOPIC and the background of the issue.
2. Time will be provided for questions, answers and discussions.
3. Meeting participants may present verbally, or in writing, their points of view and comments on the consultation item.

FORMAT FOR COMMENTS AND VIEWPOINTS

Since comments from several hundred meeting participants are anticipated, it will be helpful if all comments and suggestions, written and oral, include the following information:

1. Consultation TOPIC being addressed
2. Your comments and suggestions
3. Name of the respondent; AND Name and Address of the organization which the respondent represents.

CONSULTATION ITEM #1

CONSULTATION TOPIC:	The 2014 updated JOM student count
POTENTIAL ISSUE OR CHANGE:	The distribution of the 2016 JOM funding will be effected depending on the 2015 JOM tribal consultation input/feedback/comments on how the BIE should finalize the 2014 student count.
REASON FOR PROPOSING ISSUE OR CHANGE:	To provide the public with information about how the 2014 updated JOM student count was obtained, the factors affecting the count, its dilemmas, and the final results of the count.
CURRENT OPTION (S) BEING CONSIDERED BY THE BUREAU:	The BIE proposes to continue to pursue the collection of the JOM student count from all original and prospective JOM contractors (<i>please refer to page 6</i>).

TOPIC #1: The 2014 updated JOM student count

BACKGROUND

In 2014, when the student count was being conducted, there were various factors that affected the outcome. Not all JOM contractors submitted a student count by the December 31, 2014, deadline. In addition, the 2014 final count increased by 20,222 eligible students, however, the number of JOM contractors who submitted a student count decreased by 49 contractors in 2014 as compared to the 2012 figures. In 2012, the final student count was 321,273 originating from 448 JOM contractors who submitted a count. In 2014, when the student count closed, a total of 341,495 students were counted originating from 399 JOM contractors who submitted a count. The BIE maintains a list of the contractors that submitted student count data in 1995, 2012 and 2014. The total contractors on what is referenced as a master list, now includes 556 contractors. Out of these 556 contractors, there were 399 JOM contractors that provided BIE with 2014 student count data. Out of the 399 contractors, 249 of them were tribal contractors and 150 were non-tribal contractors. Contractors that did not submit a student count for 2014 included original contractors from 1995 and others included prospective contractors who were added in 2012. In addition, some of the original JOM contractors' submissions showed a dramatic decrease of students from their 1995 count as compared to their 2014 count. In some cases, this was the opposite where some contractors had a dramatic increase of students they counted for their 2014 student count. These dramatic increases or decreases will definitely impact funding amounts in 2016 depending on the funding formula and consultation input.

CURRENT OPTION(S) BEING CONSIDERED BY THE BUREAU:

OPTION #1:

The BIE has submitted the results of the 2014 JOM student count to Congress. Should the BIE accept JOM student counts from any contractor beyond the deadline for submission? For 2014, the deadline to submit a student count was December 31, 2014. The 2014 JOM student counts submitted on or before the December 31, 2014 deadline were accepted by the BIE and those results were submitted to Congress.

OPTION #2:

Should the BIE pursue collecting updated student counts from the remaining JOM contractors who did not submit a 2014 count that are listed as the 1995 original contractors and the 2012 prospective contractors within the BIE's Official JOM Roster as of December 31, 2014?

OPTION #3:

Should the BIE continue to accept student counts through September 30, 2015?

OPTION #4:

Should the BIE use the student counts that are on the books for the JOM contractors who did not submit a 2014 count? This would include the original contractors from 1995 and the prospective contractors placed on the roster in 2012 as their 2014 student count.

Comments on the following topics would be appreciated

1. Comment on **OPTION #1**. Should the BIE accept any more student counts from any JOM contractors (original or prospective) after the December 31, 2014 deadline?
2. Comment on **OPTION #2**. Should the BIE continue to accept and pursue the collection of student counts from the remaining JOM contractors who did not submit a 2014 count, but only from those contractors who are currently listed on the BIE's Official JOM Roster as of December 31, 2014?
3. Comment on **OPTION #3**. Although the deadline to submit an updated 2014 JOM student count was December 31, 2014, shall the BIE continue to accept updated JOM student counts until September 30, 2015?
4. Comment on **OPTION #4**. The JOM contractors who did not submit a 2014 count (original contractors from 1995 and added prospective contractors who were placed on the roster in 2012), shall the BIE use their last reported student count as their 2014 student count?

CONSULTATION ITEM #2

CONSULTATION TOPIC:	The JOM funding methodology based on the updated 2014 count
POTENTIAL ISSUE OR CHANGE:	The JOM student count and funding for tribal and non-tribal contractors has not changed since 1995. The perception from various tribes and organizations representing tribes imply that the JOM student population has increased since 1995.
REASON FOR PROPOSING ISSUE OR CHANGE:	To provide clarity about the JOM funding methodology based on the updated 2014 JOM student count.
CURRENT OPTION (S) BEING CONSIDERED BY THE BUREAU:	There are four options being considered. Refer to pages 10-11 for more information.

TOPIC #2: The JOM funding methodology based on the 2014 updated JOM student count

BACKGROUND

In 1995, the BIA conducted the last JOM student count for purposes of a final distribution of the JOM program funds. The final 1995 JOM student count listed 271,884 students. Both the House and Senate directed the BIA to determine each tribe/contractor's recurring base funding level (via a formula in consultation with tribes) and transfer the JOM funds from the Other Recurring Programs budget category into each tribe/contractor's base funding within the Tribal Priority Allocations (TPA) budget category. House Report 103-551 and Senate Report 103-294 contain the specific language regarding the transfer of the JOM program. With the transfer of the JOM base funding level to each tribe/contractor in 1995, there was no further need for an annual JOM student count for purposes of distributing the JOM funds. Each year, the JOM funds are transmitted to the tribes as part of their base funding to the Tribal JOM contractors through their Pub. L. 93-638 contracts, Self-Governance compacts or Pub. L. 102-477 Consolidated Tribal Grant Program (CTGP) grants. JOM funds for public school contractors are distributed to the appropriate Education Line Office (ELO) to place in the state or school district's JOM contract. Funding for public school contractors and the transfer of JOM funds between public schools, TPA, Office of Self-Governance tribes and CTGP tribes is based on the 1995 JOM student count.

Since all JOM funds have been distributed since 1996 to all JOM contractors/providers based on the 1995 JOM student count, no new JOM contractors/providers have been approved since 1995.

In House Report 112-151, accompanying the Department of the Interior's FY 2012 Appropriations Act, included the following directive: *"The Committee directs the Bureau, in coordination with the Department of Education, and in consultation with tribes, to update its count of students eligible for the Johnson-O'Malley Program funding and to report the results to this Committee within 180 days of enactment of this Act."*

In 2014, the JOM program funds are found in Self-Governance compacts, Pub. L. 93-638 contracts with tribes, states, public school districts, Pub. L. 102-477 CTGP grants with tribes and Pub. L. 100-297 grants with some previously private schools.

Each year since 1996, the BIE continues to distribute annual JOM funds to all JOM contractors based on the 1995 verified student count. The BIE completed a 2012 and a 2014 JOM student count, as directed by the Senate and House Appropriations Committees.

The questions for the 2015 JOM tribal consultations is how will the 2016 JOM funding be distributed to the JOM contractors? There were dilemmas associated with the 2012 and 2014 updated student counts. For instance, not all JOM contractors (original contractors from 1995 and the prospective contractors placed on the roster in 2012) submitting a 2014 updated student count on or before December 31, 2014. Some figured if they submitted a 2012 count they didn't have to submit a 2014 student count. Also, there were new prospective contractors who submitted a student count for the first time in 2014. Some of these new contractors submitted data before and after the deadline. In some cases, original 1995 contractors thought since their student count has been existent for more than 3 years they were grandfathered in by using their 1996 student count, therefore they did not have to submit a 2014 updated student count. Some were under the perception if they turned in a new count their funding level would decrease as opposed to their original count. In other cases, some contractors never received any type of communication that BIE was conducting a 2014 updated student count. For several sites, the personnel turnover rate was high causing new personnel changes and some inherited new program responsibilities, therefore some people had no idea what the JOM program was or simply missed the deadline because they did not know a 2014 student count was being conducted. In some of the original 1995 JOM contractors' cases, their 2014 student count either drastically dropped or sharply increased which will cause a huge decrease or increase of program funding. These are issues that need consideration following the 2014 student count. Our request is to determine how the BIE shall distribute the 2015 JOM funds and to who?

CURRENT OPTION(S) BEING CONSIDERED BY THE BUREAU:

OPTION #1:

Provide 2016 funding only to those JOM contractors who submitted a 2014 updated student count on or before December 31, 2014. All other incoming updated student counts will be accepted for the 2017 funding cycle.

OPTION #2:

Continue to accept and pursue the collection of student counts from the remaining JOM contractors who did not submit a 2014 count; these contractors included the original contractors from 1995 and added prospective contractors placed on the roster in 2012, and are currently listed on the BIE's Official JOM Roster as of December 31, 2014.

OPTION #3:

Continue to collect and accept student count information from any eligible JOM entity that missed the December 31, 2014 deadline, and who would like to submit an updated JOM student count by September 30, 2015. FY 2016 funds will be provided to those contractors who submit an updated JOM student count on or before September 30, 2015.

OPTION #4:

JOM contractors who did not submit a 2014 student count (original contractors from 1995 and added prospective contractors who were placed on the roster in 2012), use their last reported student count as their 2014 student count? That count will then be used for their 2016 JOM fund distribution. In some of the 1995 original JOM contractors' cases, their student count has existed for more than 3 years, therefore these contractors may consider their student count to be grandfathered in.

Comments on the following topics would be appreciated

1. Comment on **OPTION #1**. Should the BIE provide FY 2016 funding only to those JOM contractors who submitted a 2014 updated student count on or before December 31, 2014? In addition, should BIE accept all other incoming student counts they receive after the deadline for the 2017 funding cycle?
2. Comment on **OPTION #2**. If the BIE continues to accept and pursue the collection of student counts from the remaining JOM contractors who did not submit a 2014 count, but only from those contractors who are currently listed on the BIE's Official JOM Roster as of December 31, 2014, then those contractors who do submit an updated student count by September 30, 2015 shall they be provided with 2016 JOM funds? Should the BIE accept student counts submitted after the September 30, 2015 deadline, and fund those contractors for the 2017 funding cycle.

3. Comment on **OPTION #3**. Shall the BIE continue to accept updated JOM student count information from any eligible JOM entity that did not submit student count data for the 2014 JOM student count? What should the deadline be for original or prospective contractors, so they can receive 2016 JOM funds?
4. Comment on **OPTION #4**. For those JOM contractors who did not submit a 2014 count (original contractors from 1995 and added prospective contractors who were placed on the roster in 2012), should the BIE use their last reported student count as their 2014 student count? That count will then be used to calculate the 2016 JOM fund distribution.

CONSULTATION ITEM #3

CONSULTATION TOPIC:	BIE proposes to revise a specific section of the JOM definition of student eligibility provided at 25 CFR §273.12
POTENTIAL ISSUE OR CHANGE:	Using BIE's proposed student eligibility definition will allow greater flexibility and may increase the student eligibility count.
REASON FOR PROPOSING ISSUE OR CHANGE:	To provide absolute clarity of eligible JOM students and eliminate confusion when counting eligible students.
CURRENT OPTION (S) BEING CONSIDERED BY THE BUREAU:	"American Indians ages 3 through grade 12 who are enrolled in public schools are eligible if they are either at least one fourth degree of Indian blood or a member of a tribe recognized by the Secretary of the Interior as eligible for BIE services."

TOPIC #3: Revise and replace a specific section of the JOM definition of student eligibility provided at 25 CFR §273.12.

BACKGROUND

The Johnson-O'Malley Act was enacted on April 16, 1934. Since the inception of the Johnson O'Malley Act, the eligibility definition found at 25 CFR §273.12, has not been changed. The student eligibility definition follows:

"Indian students, from age 3 years through grade(s) 12, except those who are enrolled in Bureau or sectarian operated schools, shall be eligible for benefits provided by a contract pursuant to this part if they are $\frac{1}{4}$ or more degree Indian blood and recognized by the Secretary as being eligible for Bureau services. Priority shall be given to contracts (a)

which would serve Indian students on or near reservations and (b) where a majority of such Indian students will be members of the tribe(s) of such reservations (as defined within 25 CFR §273.2(o)).”

In FY 2012 the House directed the BIE to update the 1995 JOM student count and to report the results to the committees. In April 2012, the BIE consulted with tribes and JOM contractors on how to conduct the 2012 JOM student count. During the 2012 student count, the BIE received several calls and emails from various tribes and JOM contractors regarding the interpretation of student eligibility. The current definition specifically states, “are $\frac{1}{4}$ or more degree Indian blood and recognized by the Secretary as being eligible for Bureau services.” During the 2012 student count some JOM contractors may have used the following interpretation when counting eligible students: “are $\frac{1}{4}$ or more degree Indian blood or enrolled in a federally recognized tribe as recognized by the Secretary of the Interior.”

The definition of eligibility issue was also discussed during the 2012 JOM tribal consultation session. The question was stated as, “What is an eligible JOM student?” BIE stated, “Per 25 CFR §273.12, eligible students are age 3 through grade 12 enrolled in public schools, except those enrolled in Bureau or sectarian operated schools. Such students must be (1) a member of a Tribe or (2) at least $\frac{1}{4}$ or more degree of Indian blood and recognized by the Secretary of the Interior as eligible for BIE services.”

In FY 2013, the House directed BIE to update the 2012 JOM student count and to report the results to the committees. Once again, the BIE consulted with the tribes and JOM contractors on how to conduct the 2014 JOM student count. The count process was initiated in July 1, 2013 and ended December 31, 2014. During the 2014 student count, the BIE sent out two Dear Tribal Leader (DTL) letters one dated July 24, 2014 and the other dated December 2, 2014. Both letters provided a definition regarding student eligibility.

The DTL letter dated July 24, 2014 stated: “American Indians age 3 through grade 12 who are enrolled in public schools are eligible if they are at least one fourth degree of Indian blood and recognized by the Secretary of the Interior as eligible for BIE services.”

The DTL letter dated December 2, 2014 stated: “American Indians age 3 through grade(s) 12 who are enrolled in public schools are eligible if they are either a member of a tribe or at least one fourth degree of Indian blood and also recognized by the Secretary of the Interior as eligible for BIE services.”

During the 2014 student count, various tribes and JOM contractors continued to ask BIE for clarity on the definition of student eligibility. During 2014 the various interpretations regarding the definition of student eligibility, from current and prospective JOM contractors in 2012, may have continued to use the following modified interpretation when counting

eligible students: "are $\frac{1}{4}$ or more degree Indian blood or enrolled in a federally recognized tribe as recognized by the Secretary of the Interior."

CURRENT OPTION(S) BEING CONSIDERED BY THE BUREAU:

OPTION #1:

Revise the current student eligibility definition as provided at CFR §273.12 and replace it with, "American Indians age 3 through grade 12 who are enrolled in public schools are eligible if they are either at least one fourth degree of Indian blood from an American Indian or Alaska Native group recognized by the Secretary; or an enrolled member of a American Indian or Alaska Native group recognized by the Secretary of the Interior as eligible for BIE services."

OPTION #2:

Revise the current student eligibility definition as stated in 25 CFR §273.12 and replace it with, "American Indians age 3 through grade(s) 12 who are enrolled in public schools are eligible if they are either at least one fourth degree of Indian blood from an American Indian or Alaska Native group recognized by the Secretary; or an enrolled member of a American Indian or Alaska Native group recognized by the Secretary of the Interior as eligible for BIE services, or provide documentation of descendancy indicating one-fourth degree Indian blood from a American Indian or Alaska Native group recognized by the Secretary."

OPTION #3:

Revise the current student eligibility definition as stated in 25 CFR §273.12 and replace it with?

Comments on the following topics would be appreciated

1. Comment on using **OPTION #1**. BIE's proposed revised student eligibility definition. "American Indians age 3 through grade(s) 12 who are enrolled in public schools are eligible if they are either at least one fourth degree of Indian blood from an American Indian or Alaska Native group recognized by the Secretary; or an enrolled member of a American Indian or Alaska Native group recognized by the Secretary of the Interior as eligible for BIE services, or provide documentation of descendancy indicating one-fourth degree Indian blood from a American Indian or Alaska Native group recognized by the Secretary."
2. Comment on using **OPTION #2**. "American Indians age 3 through grade(s) 12 who are enrolled in public schools are eligible if they are either at least one fourth degree of Indian blood from an American Indian or Alaska Native group recognized by the Secretary; or an enrolled member of an American Indian or Alaska Native group recognized by the Secretary of the Interior as eligible for BIE services, or provide

documentation of descendency indicating one-fourth degree Indian blood from an American Indian or Alaska Native group recognized by the Secretary”.

3. Comment on using **OPTION #3**. BIE is seeking comments, suggestions, and advice from program participants during consultation sessions.

CONSULTATION ITEM #4

CONSULTATION TOPIC:	The establishment of a common measurable metric element(s) for all JOM programs.
POTENTIAL ISSUE OR CHANGE:	How to determine a/an common objective performance measurement(s) to evaluate BIE's diverse JOM programs nationwide.
REASON FOR PROPOSING ISSUE OR CHANGE:	The establishment of a/an objective measurable quantitative or qualitative metric element(s) that will provide all stakeholders with information of program gains and effectiveness for all JOM programs.
CURRENT OPTION (S) BEING CONSIDERED BY THE BUREAU:	The establishment of a a/an objective measurable element(s) to evaluate the gains and effectiveness of a JOM program.

TOPIC #4: The establishment of a common measurable metric element(s) for all JOM programs.

BACKGROUND

Since 1980, the BIE has not had a metric or performance measure for the JOM program. Since all JOM programs are supplemental programs in many Indian communities, there are no common metrics being measured by all contractors. JOM programs address many different goals and objectives which are identified at the local level. What is measured in one program is not measured in another. Each JOM contractor is required to submit an annual report. These annual reports may or may not provide performance data on the respective JOM program. So, for many years, BIE has not attempted to evaluate the JOM program using a research approach.

The Government Performance and Results Act (GPRA), Pub. L. 103-62, was enacted in 1993. It was designed to improve government performance management. The GPRA required agencies such as BIE to engage in performance management tasks such as setting goals, measuring results, and reporting their progress. When the BIE conducted the last

verified JOM student count in 1995, this was the last time BIE directly processed any JOM contract. It is unknown if any JOM programs were involved with the GPRA. So, it may be safe to say that throughout the 80's, 90's and into the millennium the only type of program evaluation that may have taken place for JOM programs may have been through the required annual report. However the problems associated with providing information within the annual report is that the collection of data within the reports remained untouched and unmonitored by any entity.

In 2013, the Secretary of the Interior Sally Jewell and the Secretary of Education Arne Duncan convened an American Indian Education Study Group (Study Group) to diagnose the systemic challenges facing the BIE and to propose a comprehensive plan for reform to ensure all American Indian students attending BIE-funded programs receive a world-class education. The Study Group drafted a framework for reform based on 2013 consultation sessions with tribal leaders, Indian educators and others throughout Indian Country on how to facilitate tribal sovereignty in American Indian education and how to improve educational outcomes for students at BIE-funded schools and programs.

The Study Group drafted a framework titled, the *Blueprint for Reform*, which was released on June 13, 2014. Based on the recommendations contained in the *Blueprint*, Secretary Jewell issued Secretarial Order 3334 to restructure the BIE from a direct provider of education into an innovative organization that will serve as a capacity-builder and service-provider to tribes with schools and programs funded by the BIE. One of the five goals is to "Build a responsive organization that provides resources, direction, and services to tribes so they can help their students attain high levels of student achievement." The redesign and restructuring of the BIE emphasized two outcomes: (1) Improving responsiveness of BIE operational support to schools and programs; and (2) Improving performance of individual schools and programs. In addition, Section 7 of the Secretarial Order 3334 recognized Performance, Monitoring and Evaluation as a key piece to "ensure that progress is monitored toward the goal of American Indian children receiving a high-quality education that honors their culture, languages, and identities as Indian people."

Performance measurement is an important cornerstone for JOM contracts between the BIE and JOM contractors for the operation of its programs. Today, there is a need to measure and to determine program performance with JOM programs so that strategic decisions can build on existing strengths or develop new areas. Performance measurements guide us to develop quality programs. These measurements provide the fundamental building blocks to help establish and promote strategic program goals, improve performance, to guide us on allocating budgets for cost-effectiveness, measure success/failure, and to promote program achievements to parents, students and stakeholders of the BIE's JOM program.

CURRENT OPTION(S) BEING CONSIDERED BY THE BUREAU:

OPTION #1: (All programs)

Ensure all approved JOM contracts provide written goals and objectives that are measurable and quantifiable for reporting purposes. Within each JOM annual report, a JOM program shall report on the outcomes of each Education Plan's stated goal(s) regarding program effectiveness, gains, successes or losses. The BIE will aggregate the data and report the program effectiveness, gains and losses from annual reports.

OPTION #2: (Regions)

For statistical analysis, using a random sampling, BIE will collect data from the JOM annual reports. The random collection of data will come from 10 percent of our region's JOM contractors. The BIE will determine the amount of program effectiveness, gains and losses from those selected annual reports. In order to determine program effectiveness, all approved JOM contracts must contain goals and objectives that are measurable and quantifiable for reporting purposes. (For example, when BIE analyzes 10 percent of one of the region's JOM programs, BIE could state, "75 or 80 percent of the JOM contract programs rated the effectiveness of the JOM program as "extremely effective" in reaching the JOM goals and objectives").

OPTION #3: (Based on the type of JOM program)

A combination of stratified and random sampling will be used for statistical analysis. Stratified sampling is a commonly used probability method that is superior to random sampling because it reduces sampling error. A stratum is a subset of the population that shares at least one common characteristic. Examples of strata for the JOM program might be language programs, culture programs, academic achievement programs, the amount of JOM funding generated by each JOM program (high, medium, low dollar programs); or JOM programs based on the submitted student count (large, medium or small programs). For this option, stratified and random sampling will be used for statistical analysis. The common thread will be to use the type of JOM program, such as language/culture, dropout prevention and academic achievement. The random collection of data will come from those three categories. When BIE analyzes data they will randomly collect data from 10-20 percent of the programs that are language/culture JOM programs; and collect information from 10-20 percent of dropout prevention JOM programs, and 10-20 percent of the academic achievement JOM programs. The BIE will aggregate the data and report the program effectiveness, gains and losses from the annual reports.

Comments on the following topics would be appreciated

1. What common qualitative measurable metric element(s) shall be used to measure program performance for BIE's nationwide diverse JOM programs?
2. Shall there be one or more common performance measures to determine program performance?

3. Shall the performance elements include quantitative and/or qualitative data only or both?
4. When using an established common measurable metric element(s) how should they be applied to categories? By regions, type of programs, with all programs or a percentage of programs, etc.

CONSULTATION ITEM #5

CONSULTATION TOPIC:	Revise the expired JOM Application Contract, form BIA-62116 (OMB No. 1076-0096), and the JOM Annual Report, BIA-62218 (OMB No. 1076-0096).
POTENTIAL ISSUE OR CHANGE:	It is necessary to revise and update the expired JOM Application Contract and Annual Report forms. Form revisions will contain simplified/clearer directions and will minimize the paperwork burden for JOM contractors.
REASON FOR PROPOSING ISSUE OR CHANGE:	Twenty-two years ago, on July 31, 1993, the JOM Application Contract expired and the Annual Report form expired on September 30, 1993. No revisions or updates have been implemented for either form.
CURRENT OPTION (S) BEING CONSIDERED BY THE BUREAU:	The BIE proposes to update the expired forms, JOM Application Contract and the JOM Annual Report form.

TOPIC #5: Revise the expired JOM Application Contract, form BIA-62116 (OMB No. 1076-0096), and the JOM Annual Report, BIA-62218 (OMB No. 1076-0096).

BACKGROUND

The last JOM Application Contract approved by the Office of Management and Budget (OMB), expired on July 31, 1993. The JOM Annual Report form expired twenty-two years ago on September 30, 1993. No other revisions or updates have been implemented for either form.

The Paperwork Reduction Act (PRA), Pub. L. 96-511, was enacted to minimize the paperwork burden for individuals; small businesses; educational and nonprofit institutions; federal contractors; State, local and tribal governments; and other persons resulting from the collection of information by or for the Federal Government. It is the goals of BIE to be

responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for others.

Currently, throughout the years there are JOM application contracts and Annual Report forms that have been revised by various sites nationwide; and some have provided an electronic version of the expired application. Over the past 22 years we've seen changes to how work is accomplished - new devices such as the Internet, email, and new technology - are a few examples. The JOM Application Contract and Annual Report form need to be updated to reflect the changes in technology and reduce the burden of federal paperwork on the public. The BIE seeks to solicit comments, suggestions, and advice from program participants during consultation sessions about revising the JOM Application Contract and Annual Report forms.

CURRENT OPTION(S) BEING CONSIDERED BY THE BUREAU:

OPTION #1:

Form a committee to work on revising and updating the expired JOM Application Contract and JOM Annual Report forms. Using their knowledge of what part of the forms work, does not work, is no longer relevant, needs more clarity, needs to be expanded, etc.

OPTION #2:

BIE will revise and update the expired JOM Application Contract and JOM Annual Report forms using the comments, suggestions, and advice from program participants during consultation sessions.

Comments on the following topics would be appreciated

1. Shall the BIE form a committee to work on revising and updating the expired JOM Application Contract and JOM Annual Report forms?
2. Shall BIE revise and update the expired JOM Application Contract and JOM Annual Report forms by using the comments, suggestions, and advice from program participants during consultation sessions and written suggested sent to Washington DC?
3. What part of the JOM Application Contract form needs to be revised? What sections of the form work? Does not work? Is no longer relevant? Needs more clarity? Needs to be expanded? All suggestions, comments, viewpoints and advice are welcomed.
4. What part of the Annual Report form needs to be revised? What sections of the form work? Does not work? Is no longer relevant? Needs more clarity? Needs to be expanded? Any other suggestions, comments, or advice?

5. How can we ensure that both forms, the JOM Application Contract and JOM Annual Report forms complement and relate to each other to ensure that both forms provide optimal reporting information regarding program performance? These measurements will help establish and promote strategic program goals, improve performance, strategically to guide us on allocating budgets and to budget for cost-effectiveness, measure success/failure, and promote program achievements to parents, students and stakeholders of the BIE's JOM program.

CONSULTATION ITEM #6 – OPEN ITEM

CONSULTATION TOPIC:	Revision of
POTENTIAL ISSUE OR CHANGE:	To Be Determined
REASON FOR PROPOSING ISSUE OR CHANGE:	To Be Determined
CURRENT OPTION (S) BEING CONSIDERED BY THE BUREAU:	None

TOPIC #6: OPEN ITEM

BACKGROUND

The Bureau of Indian Affairs has the mission of serving Indian communities across the country. Its objective is to improve the quality of life on Indian reservations and for Indians living in non-Indian communities. The goals of the BIE Programs are to improve education and educational opportunities in Indian communities and to promote a knowledgeable workforce and tribal self-sufficiency for Indian Tribes and Alaska Natives, while meeting the requirements of Pub. L. 107-110, No Child Left Behind Act of 2001; Pub. L. 108-446, Individuals with Disabilities Education Improvement Act of 2004; and Pub. L. 93-638, Indian Self-Determination and Education Assistance Act, 25 CFR Part 273—Education Contracts Under Johnson O'Malley Act.

The BIE seeks to solicit comments, suggestions, and advice from Tribal Leaders; Current JOM Contractors; Potential JOM Contractors; JOM Indian Education Committee Members; School Board Members; Tribal organizations; Employees of public schools serving American Indian populations; Urban Indian communities; BIE's previously private schools; Indian school boards; Parents; Student organizations; and Other Interested Parties during the consultation period, to better serve these communities. While the BIE seeks advice on some specific issues, it is always open to accepting advice on the full range of education issues. If you have comments to make that you would like to convey to the BIE Director, this is an opportunity to provide such comments.

113TH CONGRESS
2D SESSION

H. R. 4328

To establish a program to award contracts to certain tribal organizations, Indian corporations, public school districts, and States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2014

Mr. COLE (for himself, Ms. MCCOLLUM, and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To establish a program to award contracts to certain tribal organizations, Indian corporations, public school districts, and States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Johnson-O’Malley Sup-
5 plemental Indian Education Program Modernization Act”.

1 **SEC. 2. JOHNSON-O'MALLEY SUPPLEMENTAL INDIAN EDU-**
2 **CATION PROGRAM MODERNIZATION ACT.**

3 The Act of April 16, 1934 (commonly known as the
4 "Johnson-O'Malley Act"; 25 U.S.C. 452 et seq.), is
5 amended by adding at the end the following new section:

6 **"SEC. 7. JOHNSON-O'MALLEY SUPPLEMENTAL INDIAN EDU-**
7 **CATION PROGRAM MODERNIZATION ACT.**

8 "(a) ESTABLISHMENT.—Notwithstanding any other
9 provision of law, the Secretary of the Interior, acting
10 through the Assistant Secretary of Indian Affairs and in
11 conjunction with the Director of the Bureau of Indian
12 Education, shall establish a program to enter into con-
13 tracts with eligible entities that have or serve Indian stu-
14 dents to provide educational benefits to such Indian stu-
15 dents.

16 "(b) USES OF FUNDS.—An eligible entity that enters
17 into a contract under subsection (a) shall use the funds
18 available under the contract to provide educational bene-
19 fits to Indian students, by—

20 "(1) carrying out programs or expanding pro-
21 grams in existence before the contract period that
22 provide—

23 "(A) remedial instruction, counseling, and
24 cultural programs;

1 “(B) selected courses related to the aca-
2 demic and professional disciplines of science,
3 technology, engineering, and mathematics;

4 “(C) important needs, such as school sup-
5 plies and items that enable recipients to partici-
6 pate in curricular and extra-curricular pro-
7 grams; and

8 “(D) program activities that were available
9 to Indian students under contracts entered into
10 under this Act before October 1, 2012;

11 “(2) the establishment of targeted and cul-
12 turally sensitive dropout prevention activities; and

13 “(3) the purchase of equipment to facilitate
14 training for professional trade skills and intensified
15 college preparation programs.

16 “(c) FUNDING.—The Secretary shall transfer to the
17 Bureau of Indian Education the funds necessary to carry
18 out this section.

19 “(d) COMPUTATION OF AWARDS.—

20 “(1) DETERMINATION OF TOTAL STUDENTS.—
21 Except as provided under paragraph (2), for the
22 purpose of computing the amount that an eligible
23 entity may receive under a contract entered into
24 under subsection (a) for any fiscal year, the Sec-
25 retary shall—

1 “(A) determine the number of Indian stu-
2 dents who were in average daily attendance in
3 the schools of the public school districts served
4 by the eligible entity, and for whom such school
5 districts provided free public education during
6 the preceding school year; and

7 “(B) provide a minimum of \$125 per In-
8 dian student described in subparagraph (A).

9 “(2) HOLD HARMLESS.—In the case of an eligi-
10 ble entity that has or serves eligible Indian children
11 attending a public school that has been afforded
12 supplemental services under a contract entered into
13 under this Act on or before October 1, 1995, such
14 eligible entity shall receive an amount under a con-
15 tract entered into under subsection (a) that is at
16 least equal to the amount that such eligible entity
17 would have received under the contract entered into
18 under this Act on or before October 1, 1995.

19 “(e) DATA USE.—

20 “(1) IN GENERAL.—For purposes of the cal-
21 culation under subsection (d)(1), the Secretary shall
22 use data for a public school district from not later
23 than the fiscal year preceding the fiscal year for
24 which the eligible entity involved is applying for a
25 contract under subsection (a).

1 “(2) TRIBAL ORGANIZATION.—In the case of a
2 tribal organization that has been established by the
3 Bureau of Indian Affairs on or after October 1,
4 2012, such tribal organization, shall, for the first
5 year of operation of such organization, be based on
6 data for the public school districts served by the or-
7 ganization for the fiscal year for which the organiza-
8 tion is applying for a contract under subsection (a).

9 “(f) GEOGRAPHIC COVERAGE AND ENHANCED PAR-
10 TICIPATION.—In entering into contracts under subsection
11 (a), the Secretary shall, to the extent practicable, ensure
12 full geographic coverage and the full participation of all
13 federally recognized tribes and school districts that have
14 not entered into a contract under this Act before fiscal
15 year 2015.

16 “(g) COMPLEMENTARY PROGRAM PARTICIPANTS.—
17 In entering into contracts under subsection (a), the Sec-
18 retary may give preference a consortium of tribal organi-
19 zations, to encourage as many students and professionals
20 as possible to benefit from the program established under
21 this section, including such a consortium that includes a
22 Tribal college or university.

23 “(h) ANNUAL REPORT.—The Secretary shall include
24 in the Department of the Interior fiscal year annual budg-

1 et request to Congress an annual assessment of the pro-
2 gram established under this section.

3 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary for car-
5 rying out this section such sums as may be necessary.

6 “(j) DEFINITIONS.—

7 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
8 tity’ means a—

9 “(A) tribal organization;

10 “(B) Indian Corporation;

11 “(C) public school district;

12 “(D) State; or

13 “(E) a consortium of tribal organizations.

14 “(2) ESEA TERMS.—The terms ‘elementary
15 school’, ‘secondary school’, and ‘State’ have the
16 meanings given such terms in section 9101 of the
17 Elementary and Secondary Education Act of 1965
18 (20 U.S.C. 7801).

19 “(3) INDIAN STUDENT.—The term ‘Indian stu-
20 dent’ means a student who—

21 “(A) attends a public school district; and

22 “(B) is between age 3 and grade 12,
23 and—

24 “(i) resides on or near an Indian res-
25 ervation;

1 “(ii) is an enrolled member, or at
2 least one-fourth or more degree of Indian
3 blood descendant, of a member of a feder-
4 ally recognized Indian tribal government
5 eligible for service by the Bureau of Indian
6 Affairs; or

7 “(iii) is an Alaska Native.

8 “(4) PUBLIC SCHOOL DISTRICT.—The term
9 ‘public school district’ means a school district that—

10 “(A) serves public elementary schools or
11 public secondary schools; and

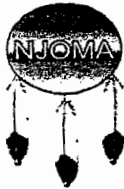
12 “(B) has established or will establish local
13 committees under section 5 of this Act or is
14 using a committee or Indian advisory school
15 board described in such section 5 to approve
16 supplementary or operational support programs
17 beneficial to Indian students, including the pro-
18 grams described in paragraphs (1) through (3)
19 of subsection (b).

20 “(5) SECRETARY.—The term ‘Secretary’ means
21 the Secretary of the Interior.

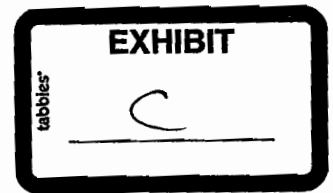
22 “(6) TRIBAL COLLEGE OR UNIVERSITY.—The
23 term ‘Tribal college or university’ has the meaning
24 given the term in section 316(b)(3) of the Higher
25 Education Act of 1965 (20 U.S.C. 1059c(b)(3)).

1 “(7) TRIBAL ORGANIZATION.—The term ‘Tribal
2 organization’ means any tribe, band, or community
3 of Indians which is subject to the laws of the United
4 States relating to Indian affairs or any corporation,
5 association, or group which is organized under any
6 of such laws including Indian Education Consor-
7 tiums and Tribal Colleges and Universities.”.

○



National Johnson-O'Malley Association
PO Box 126
Okmulgee, OK 74447



**Title: NJOMA Support of H.R. 4328 JOM Supplemental Indian Education
Modernization Act**

NUMBER: NJOMA 2015-02

WHEREAS: The National JOM Association is the collective voice of over 300,000 students and their parents/guardians nationwide, and

WHEREAS: The National JOM Association declares that the academic, mental, social, spiritual and physical well-being of our JOM students and parents/guardians are our highest priority; and

WHEREAS: Our JOM students will one day be our tribal leaders and must be given maximum opportunity to bring about positive change; and

WHEREAS: The National JOM Association supports the H.R. 4328 legislation to update and modernize the Johnson-O'Malley Act; and

BE IT RESOLVED: The legislation includes language to codify and modernize current language, it clarifies the program and who is eligible for the program. The language also expands the program activities, provides a funding formula, and provides a student count schedule, and lastly, the language formally authorizes the program; and

BE IT FINALLY RESOLVED: The Johnson-O'Malley Supplemental Indian Education Program Modernization Act will modernize and position the JOM Supplemental Education Program as a solid, sustainable program whose future funding levels are adequate to assist all eligible future students and promote positive academic, social and economic changes in Indian communities.

*Mother-Spunky Jom
2nd-Houston Paul.*



National Johnson-O'Malley Association
PO Box 126
Okmulgee, OK 74447



Title: Reforming the Johnson-O'Malley Student Count

NUMBER: NJOMA 2015-01

WHEREAS: the National Johnson-O'Malley Association (NJOMA) is the elected advocate representing the nation's eligible Indian students, ages 3 to grade 12, from Federally-recognized tribes, not attending or served by Bureau of Indian Education (BIE) schools, and currently being served from respective tribal jurisdiction boundaries; and

WHEREAS: the NJOMA established consensus that the academic, social and economic well-being of our Johnson-O'Malley (JOM) students are our highest priority; and

WHEREAS: The BIE is required to perform an annual student count for the JOM program but has failed to do a thorough update and student count of eligible students since 1995, and has yet to certify and release the results of the 2012 student count update as mandated from the FY 2012 Congressional Interior Appropriations Act (H. Rpt. 112-151). In addition, BIE has not shown any indication that they will conduct the student count directive contained in the FY 2014 Congressional Interior Appropriations Act (P.L. 113-76), nor report the results to Congress as mandated by September 30, 2014.

WHEREAS: Based on 2010 data from the U.S. Census Bureau, there are 798,877 enrolled American Indian and Alaska Natives, ages 3-18, who are eligible for JOM services. In addition, a 2012 Senate Indian Affairs Committee report accompanying S. 1262 (Sen. Rpt. 113-262), indicated that 93% of Native students attend public schools.

WHEREAS: As per the request from Congressman Tom Cole (R-OK), the Census Bureau produced census information regarding Native American population, ages 3 – 18 years, as well as projections for the year 2020. Based on that information, we know that there are over 400,000 JOM-eligible students not being counted and thus not being served.

NOW, THEREFORE BE IT RESOLVED THAT NJOMA: Based upon review of the provided census data, it is the view of NJOMA that the following policy changes be made:

- i. Terminate BIE's student count responsibility;
- ii. Obtain Congressional authorization to use U.S. Census Bureau data for both funding and grant allocation purposes;
- iii. The Bureau of Indian Affairs (BIA) will be tasked with reconciling the census data with the tribal enrollment data in establishing an official JOM student count;
- iv. The need for authorization of the Johnson-O'Malley Supplemental Indian Education Program Modernization Act of 2014 (H.R. 4328) to formally codify the JOM program and its operations.

*Motion Greg
7nd - Tanas
Motion
Amend*

Navajo Nation Johnson-O'Malley Program
Position on National Johnson-O'Malley Association (NJOMA) Resolutions

Honorable Jonathan Hale:

In response to your request for the Navajo Nation Johnson-O'Malley (JOM)'s Program's position on various NJOMA Resolutions. The Program notes as follows:

1. Reforming JOM Student Count.

Obtaining and maintaining an accurate and current student count for JOM funding and distribution has long been requested by Tribes. The Navajo Nation JOM Program supports to the National Johnson-O'Malley Association Resolution on this issue.

2. Supplemental Indian Education Modernization Act. Updating and modernizing the 1934 Act may assist clarifying and solidifying implementation of the Act. However, until H.R. 4328 appears in its final form the Navajo Nation JOM Program, at this point, merely suggests endorsement of the aims of the Act. If the Final Act contains provisions detrimental to the Navajo Nation Education goals, total support of the Act could come back to haunt the Navajo Nation due to any premature approval of the provisions of the Act.

3. NJOMA as Recognized Tribal Reporting Organization. The NJOMA serves as an organization that brings together the various JOM Programs for sharing common issues in implementing the tribal JOM Programs. The NJOMA has no permanent funding sources and maintains no permanent staff except those needed to organize national conferences. To designate the NJOMA as the Tribal Organization with the task of organizing and reporting all JOM Tribal Programs results, accomplishments, and achievements annually to Congress is beyond the current scope and capacity of the NJOMA.



National Johnson-O'Malley Association
PO Box 126
Okmulgee, OK 74447

**Title: NJOMA Support of H.R. 4328 JOM Supplemental Indian Education
Modernization Act**

NUMBER: NJOMA 2015-02

WHEREAS: The National JOM Association is the collective voice of over 300,000 students and their parents/guardians nationwide, and

WHEREAS: The National JOM Association declares that the academic, mental, social, spiritual and physical well-being of our JOM students and parents/guardians are our highest priority; and

WHEREAS: Our JOM students will one day be our tribal leaders and must be given maximum opportunity to bring about positive change; and

WHEREAS: The National JOM Association supports the H.R. 4328 legislation to update and modernize the Johnson-O'Malley Act; and

BE IT RESOLVED: The legislation includes language to codify and modernize current language, it clarifies the program and who is eligible for the program. The language also expands the program activities, provides a funding formula, and provides a student count schedule, and lastly, the language formally authorizes the program; and

BE IT FINALLY RESOLVED: The Johnson-O'Malley Supplemental Indian Education Program Modernization Act will modernize and position the JOM Supplemental Education Program as a solid, sustainable program whose future funding levels are adequate to assist all eligible future students and promote positive academic, social and economic changes in Indian communities.

*Motion - Stanley Jm
2nd - Heather Paul.*



National Johnson O'Malley Association
PO Box 126
Okmulgee OK 74447

**TITLE: A RESOLUTION OF THE NATIONAL JOHNSON-O'MALLEY ASSOCIATION
TRIBAL ORGANIZATION SUPPORTING ANNUAL REPORTING AND CONFERRING WITH UNITED
STATES CONGRESS**

NUMBER: NJOMA-2015-03

WHEREAS: the National Johnson-O'Malley Association (NJOMA) is the elected advocate representing more than 321,000 eligible Indian students, ages 3 to grade 12, from Federally recognized tribes, not attending or served by Bureau of Indian Education (BIE) schools, and currently being served from respective tribal jurisdiction boundaries; and

WHEREAS: the NJOMA established consensus that the academic, social and economic wellbeing of our Johnson-O'Malley (JOM) students are our highest priority; and

WHEREAS: through continued annual Congressional funding, Johnson-O'Malley programs foster specialized and unique educational programs that develop leadership skills of future tribal leaders necessary to promote positive academic, social and economic changes in Indian communities; and

WHEREAS: the Bureau of Indian Education abolished a critical Central Office position that formerly received required JOM Annual Reports and compiled a comprehensive achievement report to the United States Congress; and

WHEREAS: the United States Congress is not annually informed of positive impacts and outstanding achievements of the supplemental education programs provided by Johnson-O'Malley funds; and

NOW, THEREFORE BE IT RESOLVED THAT: The National Johnson-O'Malley Association shall be recognized as the Tribal Organization of Federally-recognized tribes responsible for annually reporting to United States Congress, Johnson-O'Malley program results, accomplishments, and achievements to substantiate continued annual funding; and

NOW, THEREFORE BE IT RESOLVED THAT: The Board of Directors of the National Johnson-O'Malley Association shall be available to travel, confer, and collaborate annually with Congressional representatives in Washington, D.C. and to establish a shared vision for future Johnson-O'Malley supplemental educational programs.

*Motion: Gregory D.
2nd: Madeline Simpson*



National Johnson-O'Malley Association
PO Box 126
Okmulgee, OK 74447

Title: Reforming the Johnson-O'Malley Student Count

NUMBER: NJOMA 2015-01

WHEREAS: the National Johnson-O'Malley Association (NJOMA) is the elected advocate representing the nation's eligible Indian students, ages 3 to grade 12, from Federally-recognized tribes, not attending or served by Bureau of Indian Education (BIE) schools, and currently being served from respective tribal jurisdiction boundaries; and

WHEREAS: the NJOMA established consensus that the academic, social and economic well-being of our Johnson-O'Malley (JOM) students are our highest priority; and

WHEREAS: The BIE is required to perform an annual student count for the JOM program but has failed to do a thorough update and student count of eligible students since 1995, and has yet to certify and release the results of the 2012 student count update as mandated from the FY 2012 Congressional Interior Appropriations Act (H. Rpt. 112-151). In addition, BIE has not shown any indication that they will conduct the student count directive contained in the FY 2014 Congressional Interior Appropriations Act (P.L. 113-76), nor report the results to Congress as mandated by September 30, 2014.

WHEREAS: Based on 2010 data from the U.S. Census Bureau, there are 798,877 enrolled American Indian and Alaska Natives, ages 3-18, who are eligible for JOM services. In addition, a 2012 Senate Indian Affairs Committee report accompanying S. 1262 (Sen. Rpt. 113-262), indicated that 93% of Native students attend public schools.

WHEREAS: As per the request from Congressman Tom Cole (R-OK), the Census Bureau produced census information regarding Native American population, ages 3 – 18 years, as well as projections for the year 2020. Based on that information, we know that there are over 400,000 JOM-eligible students not being counted and thus not being served.

NOW, THEREFORE BE IT RESOLVED THAT NJOMA: Based upon review of the provided census data, it is the view of NJOMA that the following policy changes be made:

- i. Terminate BIE's student count responsibility;
- ii. Obtain Congressional authorization to use U.S. Census Bureau data for both funding and grant allocation purposes;
- iii. The Bureau of Indian Affairs (BIA) will be tasked with reconciling the census data with the tribal enrollment data in establishing an official JOM student count;
- iv. The need for authorization of the Johnson-O'Malley Supplemental Indian Education Program Modernization Act of 2014 (H.R. 4328) to formally codify the JOM program and its operations.

*Motion Grey
red-Tana
motion
revised*

COMMITTEE REPORT

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL to whom has been assigned;

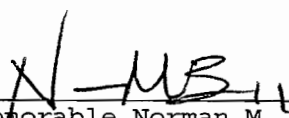
LEGISLATION NO. 0190-15

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'IYATI; RECOMMENDING CHANGES IN THE JOHNSON-O'MALLEY ACT TO ADDRESS FUNDING METHODOLOGY VIA STUDENT COUNT AND UPDATE THE STUDENT ELIGIBILITY DEFINITION FOR THE DEPARTMENT OF INTERIOR, BUREAU OF INDIAN AFFAIRS, BUREAU OF INDIAN EDUCATION TO FOLLOW

Has had under consideration and report the same with the recommendation that it **TABLED WITH COMMITTEE** with no amendment and no directive to next HEHSC meeting for OLC Attorney to research legislation language more with the OLC Attorney who drafted legislation; June 8, 2015 - No Quorum; June 17, 2015 - No Quorum;

Amendment #1: Page 3 of 4, Line 5 through 28 - Remove J., K., and L.; add spelled out National Johnson-O'Malley Association (NJOMA) at page 4 of 5, Line 23; and re-lettering as needed

And therefore referred the same to the **NAABIK'IYATI COMMITTEE OF THE NAVAJO NATION COUNCIL**



Honorable Norman M. Begay, Vice Chairperson
Health, Education and Human Services Committee

Dated: June 24, 2015

TABLED WITH COMMITTEE MOTION: Note: Tabled June 3rd, 2015 to next HEHSC meeting for OLC Attorney to research legislation language more with the OLC Attorney who drafted legislation; June 8, 2015 - No Quorum; June 17, 2015 - No Quorum.

Motion: by: Honorable Nathaniel Brown
Seconded by: Honorable Amber Kanazbah Crotty
Vote: 4 in favor: 0 Opposed and 0 Abstain

Recall Motion

Motion: by: Honorable Jonathan L. Hale
Seconded by: Honorable Amber Kanazbah Crotty
Vote: 3 in favor: 1 Opposed and 0 Abstain

Amendment #1 Motion

Motion: by: Honorable Amber Kanazbah Crotty
Seconded by: Honorable Nathaniel Brown
Vote: 3 in favor: 1 Opposed and 0 Abstain

Main Motion

Motion: by: Honorable Amber Kanazbah Crotty
Seconded by: Honorable Nathaniel Brown
Vote: 4 in favor: 0 Opposed and 0 Abstain