

Response by William Nuttle, Grants Management Specialist, Bureau of Indian Education  
 Request for Information from the Self-governance Advisory Committee (SGAC)  
 Presented to SGAC at the Quarterly Meeting, Wednesday, October 25, 2017  
 Embassy Suites – DC Convention Center 900 10<sup>th</sup> Street, NW, Washington D.C.

Tribal Leadership would like an update on Johnson O'Malley, specifically:

1. When the last student count was conducted;
  - a. 2012 – 2014. The FY 2012 JOM count identified 321,273 eligible Indian students as compared to the last official count from 1995, which identified 271,884 eligible Indian students. The FY 2014 JOM count identified a total of 399 current and potential JOM contracting entities (249 tribes and 150 public schools) that submitted a total count of 341,126 students. The count was transmitted to Congress on March 30, 2015. Not all existing or potential JOM contractors submitted data to the BIE.

National Center for Education Statistics (NCES) Data Table 1:

	1995	2012	2014	
Students reported	271,884	321,273	341,495	Total Increase reported from 1995
Variance from prior count		+49,389	+20,222	69,611

Below is a Public School based table with the following filters applied: State(s) (All Years): All 50 + DC; American Indian/Alaska Native Students [Public School] (All Years: 2014-15): Greater Than 0 and Less Than or Equal To 1575

NCES Data Table 2:

Number of Schools	AIAN SY 1415	Variance from 1995 Count	Variance from 2014 Count
57,529	516,238	244,354	174,743

Challenges exhibited by 3 state statistics:

NCES Data Table 3:

Total AIAN Reported (1415)	Alaska	California	Oklahoma	3 state total
516,238	30,966	36,640	100,357	167,963

2. How the amount spent on Native students correlates to the amount spent on students nationally;
  - a. Current expenditures per student enrolled in the fall in public elementary and secondary schools were 5 percent higher in 2013–14 than in 2003–04 (\$11,222 and \$10,641 respectively, both in constant 2015–16 dollars). Current expenditures per student peaked in 2008–09 at \$11,699 and then decreased each year until 2012–13. Current expenditures per pupil then increased 1 percent from 2012–13 to 2013–14 (\$11,093 and \$11,222, respectively). Interest payments on school debt per student were 1 percent higher in 2013–14 than in 2003–04 in constant 2015–16 dollars. Interest payments increased from \$345 in 2003–04 to \$391 in 2010–11, before

declining to \$348 in 2013–14. Capital outlay expenditures per student in 2013–14 (\$939) were 30 percent lower than in 2003–04 (\$1,338). Capital outlay expenditures per student increased 13 percent from 2003–04 to 2007–08 (\$1,517) before declining 38 percent from 2007–08 to 2013–14.

**SOURCE:** U.S. Department of Education, National Center for Education Statistics. (2017). *The Condition of Education 2017* (NCES 2017-144), Public School Expenditures.

Rounded figures for the JOM Program for the 2017-2018 School Year per student funding (rounded figures) were \$76.90/ student.

3. Steps the BIE is taking to address the outdated student count;
  - a. After formal consultation in FY 2012 and 2014 with representatives from tribes, public schools, tribal organizations, and parents, the BIE has advocated for increased funding based on unfair allocations for the student population that has more than doubled since the student population freeze in 1995.
4. Steps the BIE has taken to address the congressional request for information;
  - a. **House Report 114-632 – Department of the Interior, Environment, and Related Agencies Appropriations Bill, 2017 directives:**
    - Encourages BIE and tribal partners to establish a regular and accurate student count.
      - BIE has met with tribes, national organizations, existing contractors, and proposed contractors and provided opportunity for listening sessions at NIEA and NCAI conferences as well as NJOMA and state groups..
    - Directs BIE in consultation with tribal leaders and in coordination with the Department of Education and Bureau of Census to examine the feasibility of using U.S. Census or National Center for Education Statistics data to provide the JOM student count.
      - The obvious initial problem with census and NCES data was that the data is self-proclaimed by the respondent and does not immediately identify compliance with the JOM eligibility criteria previously described.
    - **Senate Report 114-281 - Department of the Interior, Environment, and Related Agencies Appropriations Bill, 2017 directives:**
      - Requests latest status of updating the JOM count.
        - Included in the soon to be released Preliminary Report to Congress, Tribal Leaders, and existing contractors.
    - Explain the methodology used to determine the new counts.
      - This information will be included in the soon to be released Preliminary Report to Congress, Tribal Leaders and existing contractors as well as provided in detail in forthcoming committee reports.
5. How Tribes can assist the BIE to find resolution to this issue;
  - a. Tribal leaders will play a very important role in the challenge to provide accurate and

regular JOM student counts. BIE's aim was to learn from past efforts and to identify what information and processes were needed to achieve a regular and accurate count using the data stipulated in the JOM Modernization Act.

*Government-to-government consultation between appropriate Tribal officials and the Department requires Department officials to demonstrate a meaningful commitment to consultation by identifying and involving Tribal representatives in a meaningful way early in the planning process. (Department of the Interior Policy on Consultation with Indian Tribes; Order No 3317, Sec. 4 Policy).*

Tribal leaders should watch for the publication and notification of BIE's deployment of the 2018 student count to be conducted in the fall of 2018 when schools are in session. Prior to implementation of the count, Preliminary consultations, listening sessions, publications and information sharing campaign will be employed to gather input from tribal representatives including tribal enrollment departments and other subject matter experts, who can share ideas on how they can assist with the verification of AIAN students that meet JOM eligibility criteria.

**Data Analysis:**

The next question that needs an answer is: How can we reconcile this data with tribal enrollment? The preliminary discussions coordinated with all parties revealed that there could be a clear path forward that would require Tribal Governments, BIA Awarding Officials/Contracting Officers, BIE Education Resource Centers, in addition to existing and potential contractors to participate with fidelity to ensure that reconciliation with tribal enrollment could be verified; however, in order to avoid repeat mistakes occurring with the 2014 count, it was determined that an important variable was the provision of adequate time and technical assistance for which to conduct the student count, ensuring clear and concise technical assistance for implementing the procedures to include not only existing contractors, but all potentially eligible contractors and all eligible students and specific roles and responsibilities of each participating entity.

6 Any other information you feel is pertinent to this discussion.

- a. As previously mentioned, the Preliminary Draft of the report to Congress and Tribal Leaders has been submitted to the BIE Director's Office for final review. Release of the report is imminent.

