



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUL - 1 2010

Honorable Keith O. Moore  
Director  
Bureau of Indian Education  
U.S. Department of the Interior  
1849 C St. NW  
MS 3609 MIB  
Washington, D.C. 20240

Dear Director Moore:

We have conditionally approved the Bureau of Indian Education's (BIE) application for Federal Fiscal Year (FFY) 2010 funds under Part B of the Individuals with Disabilities Education Act (IDEA or Part B). Our conditional approval is based on our review of the application submitted by the BIE to the U.S. Department of Education, Office of Special Education Programs (OSEP), on May 10, 2010 and the amended application submitted on June 23, 2010, including the assurances provided in Section II and incorporated by reference to this letter as noted in Enclosure A. In addition, the BIE provided specific assurances that it will:

1. Operate consistently with Part B and applicable regulations; and
2. Make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of Part B as soon as possible, and not later than June 30, 2011. Within Section II of its application, the BIE has included, for each assurance it cannot meet at this time, the date by which it expects to complete necessary changes to any policies and procedures that are not yet in compliance with the requirements of Part B.

BIE's FFY 2010 IDEA Part B grant award is being released subject to FFY 2010 Special Conditions, as set forth in Enclosure B. Specifically, OSEP determined that the BIE failed to complete all of the corrective actions contained in Section C of the Program Improvement and Accountability Plan (PIAP). The objective of Section C of the PIAP is to ensure the BIE provides a free appropriate public education (FAPE) to all eligible students in all BIE-funded schools. Therefore, OSEP is imposing Special Conditions on the BIE's FFY 2010 grant award under Part B. The reasons for doing so and the specific conditions are detailed in the enclosure. The BIE must administer this award in keeping with both the applicable provisions of Federal law and regulations and the Special Conditions attached to the grant award document. Acceptance by the BIE of this grant award constitutes an agreement by the BIE to comply with the Special Conditions.

Please note that as part of your application for FFY 2010, the BIE has made an assurance, in 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect during the FFY 2010 grant period. Any changes made by the BIE, after OSEP approval, to information that is a part of the BIE's application, must meet the public participation requirements in 34 CFR §300.165.

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*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

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Enclosed is the BIE's Grants to States award of \$92,011,750 appropriated for FFY 2010 under IDEA section 611(b)(2). These funds are available for obligation by the BIE from July 1, 2010 through September 30, 2012 in accordance with 34 CFR §300.709.

Under IDEA section 611(h)(4)(A), this award includes \$18,402,350, twenty percent of the amount allotted under IDEA section 611(b)(2), to be distributed by the Secretary of the Interior to tribes or tribal organization or consortia of the above to provide for the coordination of assistance for special education and related services for children with disabilities aged 3 through 5 on reservations served by elementary and secondary schools for Indian children operated or funded by the Secretary of Interior. The funds received by a tribe or tribal organization must be used to assist in child find, screening and other procedures for the early identification of children aged 3 through 5, parent training, and the provision of direct services. None of the funds provided under IDEA section 611(h)(4)(A) can be used by the Secretary of the Interior for administrative purposes, including child count and the provision of technical assistance.

Under IDEA section 611(h)(1)(A), \$73,609,400, eighty percent of the amount allotted under IDEA section 611(b)(2), is provided to the Secretary of the Interior to meet the need for assistance for the education of children with disabilities on reservations aged 5 to 21, inclusive, enrolled in elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior. Under IDEA section 611(h)(1)(A) and 34 CFR §300.707(b), with the exception of five percent of these funds, which may be reserved for administrative costs, 80 percent of the funds must be allocated to such schools by July 1st and 20 percent must be allocated to such schools by September 30th.

The enclosed grant award of FFY 2010 funds is made with the continued understanding that this Office may, from time to time, require clarification of information within your application, if necessary. These inquiries may be necessary to allow us to appropriately carry out our administrative responsibilities related to Part B.

We appreciate your ongoing commitment to the provision of quality educational services to children with disabilities.

Sincerely,



Alexa Posny, Ph.D.  
Acting Director  
Office of Special Education Programs

Enclosures

Enclosure A  
Enclosure B

cc: Director of Special Education