



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

July 1, 2015

Dr. Charles M. Roessel  
Director  
Bureau of Indian Education  
1849 C Street NW  
MS-3609 MIB  
Washington, DC 20240

Dear Dr. Roessel:

We have approved the Bureau of Indian Education's (BIE's) application for Federal fiscal year (FFY) 2015 funds under Part B of the Individuals with Disabilities Education Act (IDEA Part B). Our approval is based on our review of the application submitted by the BIE to the U.S. Department of Education (Department), Office of Special Education Programs (OSEP), on May 12, 2015, including the assurances provided in Section II and incorporated by reference to this letter as noted in Enclosure A.

The BIE's FFY 2015 IDEA Part B grant award is being released subject to FFY 2015 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 Corrective Action Plan (CAP), formerly known as the Program Improvement and Accountability Plan. The objective of Section C of the CAP is to ensure the BIE provides a free appropriate public education to all eligible students in all BIE-funded schools. Therefore, OSEP is imposing Special Conditions on the BIE's FFY 2015 grant award under Part B. The reasons for doing so and the specific conditions are detailed in Enclosure B. 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.

On June 30, 2015, the BIE was notified that under IDEA section 616(d), the Department determined that the BIE "needs intervention" in implementing the requirements of IDEA Part B for the fourth consecutive year. In accordance with IDEA section 616(e)(2)(B)(i) and 34 CFR §300.604(b)(2)(i), the Department required the BIE to submit a corrective action plan that ensures that it can meet, by the end of the fourth quarterly reporting period for the 2015-2016 school year under Section C of the CAP, all of the Special Conditions that are being imposed on its FFY 2015 IDEA Part B grant award. The BIE must submit its corrective action plan and quarterly progress reports in accordance with the reporting and timeline requirements specified in the Special Conditions that OSEP is imposing on the BIE's FFY 2015 IDEA Part B grant award.

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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.

Please note that as part of your application for FFY 2015, the BIE has provided a certification, pursuant to 34 CFR §76.104, that its application meets the requirements of IDEA Part B and that it will operate its Part B program in accordance with all of the required assurances and certifications. Any changes made by the BIE, after OSEP approval, to information that is a part of a State's application, must meet the public participation requirements in 34 CFR §300.165.

Enclosed is the BIE's FFY 2015 Grants to States award of \$94,009,371 appropriated for FFY 2015 under IDEA Section 611(b)(2). These funds are available for obligation by the BIE from July 1, 2015, through September 30, 2017, in accordance with 34 CFR §76.709.

Under IDEA Section 611(h)(4)(A), the BIE's FFY 2015 grant award includes \$18,801,874, 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 organizations 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 the 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), \$75,207,497, 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 1, and 20 percent must be allocated to such schools by September 30.

The enclosed grant award of FFY 2015 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 IDEA Part B.

Please note that effective with this IDEA Part B FFY 2015 grant award, IDEA Part B funds are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, codified in 2 CFR Part 200 and commonly referred to as the Uniform Guidance. The Uniform Guidance provisions in 2 CFR Part 200 replace provisions previously found in the Education Department General Administrative Regulations or EDGAR in 34 CFR Parts 74 and 80 and prior Office of Management and Budget (OMB) Circulars A-87 and A-133. Under 2 CFR §200.308(e), a State must obtain the prior approval of OSEP, by submitting a revised Section III (the Excel Interactive Spreadsheet), for a transfer of funds among direct cost categories, programs, or activities that exceed 10% of the total amount of funds reserved under IDEA section 611(e) for State-level activities or are expected to exceed 10% of that total, and the Federal share in the grant exceeds the Simplified Acquisition Threshold (currently set at \$150,000). This replaces a similar provision previously found in 34 CFR §80.30(c)(1). Please

review the Department’s technical assistance resources on the Uniform Guidance at <http://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html>.

As a reminder, all prime recipients of IDEA Part B funds must report subaward information as required by the Federal Funding Accountability and Transparency Act of 2006 (FFATA), as amended in 2008. First-tier subaward information must be reported by the end of the following month from when the award was made or obligated. FFATA guidance is found at <http://www2.ed.gov/policy/gen/leg/recovery/rms-web-conferences.html>. Please contact the BIE’s State lead if you have further questions.

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

Sincerely,

/s/ Melody Musgrove

Melody Musgrove, Ed.D.  
Director  
Office of Special Education Programs

Enclosures

Enclosure A

Enclosure B

cc: BIE Director of Special Education