

July 13, 2018

Honorable Tony L. Dearman
Director
Bureau of Indian Education
1849 C Street, NW
MS-3609-MIB
Washington, DC 20240

Dear Director Dearman:

We have approved the Bureau of Education's (BIE's) application for Federal Fiscal Year (FFY) 2018 funds under Part B of the Individuals with Disabilities Education Act (IDEA Part B). Our approval is based on our review of the IDEA Part B application submitted by the BIE to the U.S. Department of Education (Department), Office of Special Education Programs (OSEP), on July 13, 2018, including the assurances provided in Section II and incorporated by reference to this letter as noted in Enclosure A. The effective date of this grant award is July 13, 2018.

The BIE's FFY 2018 IDEA Part B grant award is being released subject to FFY 2018 Specific 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 the BIE-funded schools. In addition, this is the seventh consecutive year that the BIE has received a "needs intervention" determination under Part B. Therefore, OSEP is imposing Specific Conditions on the BIE's FFY 2018 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 Specific Conditions attached to the grant award document. Acceptance by the BIE of this grant award constitutes an agreement by the BIE to comply with Specific Conditions.

On June 28, 2018,¹ 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 seventh consecutive year. In accordance with IDEA Section 616(e)(2)(B)(i) and 34 CFR §300.606(b)(2)(i), the Department required the BIE to submit a CAP that ensures that it can meet, by the end of the fourth quarterly reporting period for the 2018-2019 school year under Section C of the CAP, all of the Specific Conditions that are being imposed on its FFY 2018 IDEA Part B grant award. The BIE must submit its CAP and quarterly progress reports in accordance with the reporting and timeline requirements specified in the Specific Conditions that OSEP is imposing on the BIE's FFY 2018 IDEA Part B grant award. In addition, pursuant to IDEA section 616(e)(1)(B) and (e)(2)(A), the Department directed the BIE to use \$300,000 of its

¹ A revised determination letter, reflecting the correct RDA Percentage of 15 percent, was issued on July 18, 2018.

FFY 2018 administrative funds under IDEA section 611(h)(1)(A) and 34 CFR §300.710(a) to address the noncompliance with the requirements for secondary transition and to improve the accuracy of the secondary transition data. In addition, pursuant to IDEA section 616(e)(1)(A) and (2)(A), the Department advised the BIE of available sources of technical assistance and directed the BIE to access technical assistance related to those exiting data elements for which the BIE received a score of zero on the Part B Results Matrix issued with the Department's June 28, 2018 determination letter. The reporting requirements related to the CAP and the directed use of FFY 2018 IDEA Part B administrative funds outlined in the Department's June 28, 2018 letter are incorporated in the Specific Conditions in Enclosure B.

Please note that as part of your application for FFY 2018, the BIE has provided a certification, pursuant to 34 CFR §76.104, that its application meets the requirements of IDEA Part B and that the BIE 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 the BIE's application, must meet the public participation requirements in 34 CFR §300.165.

Enclosed is the BIE's FFY 2018 grant award of \$96,817,814 for funds currently available under the the Department of Education Appropriations Act, 2018, Title III of Division H, P.L. 115-141, for the IDEA Part B Section 611 (Grants to States) program. These funds are available for obligation by the BIE from July 18, 2018, through September 30, 2020, in accordance with 34 CFR §76.709.

Under IDEA Section 611(h)(4)(A), the BIE's FFY 2018 grant award includes \$19,363,563, 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), \$77,454,251, 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 (and \$300,000 of which the Department is directing the BIE to use to address noncompliance with secondary transition requirements and to improve the accuracy of secondary transition data, as noted above), 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. Because of the BIE's late submission of its grant application on July 13, 2018, the BIE must allocate the 80 percent of the funds to such schools as soon as possible.

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The enclosed grant award of FFY 2018 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.

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 Fiscal Accountability Facilitator if you have further questions.

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

Sincerely,

/S/

Ruth E. Ryder
Acting Director
Office of Special Education Programs

Enclosures

Enclosure A

Enclosure B

cc: BIE Director of Special Education