



THE MUSCOGEE NATION

Johnson-O'Malley Handbook FY2025

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Section 1

- **Historical Background**
- **Code of Federal Regulations (CFR 25-273)**
- **Service Areas**

Historical Background of JOM

In 1871, Congress discontinued the policy of treaty agreements with Indian tribes. For the next half century, the Federal Government continued to assume the major responsibility for Indian education through the actual operation of government schools or by paying the equivalent of “non-resident” tuition to public school districts enrolling Indian children. This early effort was implemented by legislative authority contained in the BIA’s Appropriation Act of February. Regulations adopted in that Act are still nominally in effect as Part 33, Title 25 Indians, although superseded under the authority of the JOM Act. For the most part, the educational efforts focused primarily on Indian reservations which were surrounded by public domain or territorial status land. The transition of responsibility for Indian children from the federal government to individual states is a direct result of two basic factors. (1) the organization into states formerly in territorial status, each state recognizing in its constitution the responsibility to equally provide education opportunities for all state citizens; and (2) the Citizenship Act of 1924 granting American citizenship to all Indians residing within the continental United States. Therefore, by virtue of Indian citizenship and Indian rights under the 14th Amendment of the U.S. Constitution, the responsibility for the education of the American Indian is primarily that of each state and local school district.

Although the legal responsibility of equality in education for America’s children rests with the states it is recognized in basic state laws, the Federal Government also recognizes its responsibility for assisting states under certain circumstances. The JOM Act of April 15, 1934 (48 Stat. 596), as amended by the Act of June 4, 1936 (49 Stat. 1458), is such a circumstance.

Legislative History of JOM

The JOM Act (73 Cong., 2nd Session, Chs. 146-1481 April 16 1934 (Title 25 452-455) provided the Secretary of the Interior with the authority to arrange with the states or territories for the education, medical attention, agricultural assistance, relief of distress and social welfare of the Indian and for other purposes.

In 1934, Hiram W. Johnson was Chairman of the Senate Committee on Indian Affairs and Thomas P. O’Malley was Chairman of the House Committee on Indian Affairs. Mr. Johnson introduced the bill S2571, in February of 1934. The report of the Senate Committee (S. Rpt. 511) was identical with that of the House (H. Rpt. 864), and stressed the bill was designed to handle “Indian problems with those states in which the Indian tribal life is largely broken up and in which the Indians are to a considerable extent mixed with the general population.” It was felt that where such circumstances prevailed, health and other problems were “so intermixed with that of the general health of the community that it is difficult to separate the two.” The committee felt separate white and Indian health facilities were “uneconomical and contrary to efficient administration.” By this bill the state could handle the services to both white and Indians with the federal government bearing the added expense for services to the Indian population. The committee noted the Indian Service had already established the precedent of arranging with many local communities to take Indian children into the public schools, but...lacked the authority to transfer such functions on the broader basis to the states.

Prior to 1958, the JOM Program was a basic federal aid program specifically designed to assist public school districts to educate Indian children from reservations and other Indian-owned, tax-exempt land areas. On August 12, 1958, Public Law 81-874, administered through the Department of Health, Education and Welfare, providing financial assistance to public schools was amended to include assistance for educating Indian children. This broader based federal aid program met most of the basic financial needs of eligible school districts. Subsequently, the JOM program became a supplementary aid program geared to offset the financial deficit of unmet extraordinary and exceptional cases of need. Funds were available for operational purposes as distinguished from construction needs. JOM funds were made available to states based on separate plans negotiated between BIA and the respective States or tribal corporations for the express purpose of supplemental federal assistance for educating Indian children in public schools. These funds, in turn, were administered by the states or tribal corporations to local school districts. The purpose of the regulations established in Part 273 of Public Law 93-638, the Indian Self-Determination and Education Assistance Act was to set forth the application and approval process for education contracts under the JOM Act. Any state, school district, tribal organization or Indian corporation is eligible to apply for a contract.

Current Law

On December 31st, 2018, President Trump signed into law Senate Bill 943, the Johnson-O'Malley Supplemental Indian Education Program Modernization Act. The Act, now also referred to as Public Law 115-404, will seek to obtain a complete update of the student count for eligible Native American students while increasing participation around the country from schools and tribes. This law reinforces the recognition of Tribal sovereignty and the respect of federal treaty rights.

**These regulations were written to ensure the maximum participation of Indian parents
in the development of programs for eligible Indian students.**

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 273

[201D0102DB/DS5A300000/DR.5A311.IA000520]

RIN 1076–AF24

Education Contracts Under Johnson-O'Malley Act

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: Under the Johnson-O'Malley (JOM) Act, the Bureau of Indian Education (BIE) provides assistance, through contracts, for Indian students attending public schools and nonsectarian private schools. This rule implements the JOM Act, as amended by the JOM Supplemental Indian Education Program Modernization Act (JOM Modernization Act), to clarify the eligibility requirements for Indian students to receive the benefits of a JOM contract, clarify the funding formula and process to ensure full participation of contracting parties, and to otherwise reconcile and modernize the regulations to comport with the activities of contracting parties under the JOM Modernization Act.

DATES: This rule is effective on March 26, 2020.

Subpart B—Program Eligibility & Applicability

§ 273.110 Who is eligible to request contracts under the Johnson-O’Malley Act?

The following entities are eligible to enter into an education contract under the Johnson-O’Malley Act for the purpose of financially assisting efforts designed to meet the specialized and unique educational needs of eligible Indian students, including supplemental programs and school operational support, where such support is necessary to maintain established State educational standards:

- (a) Tribal organizations;
- (b) States;
- (c) Public school districts that:
 - (1) Serve public elementary schools or public secondary schools; and
 - (2) Have a local school board composed of a majority of Indians or have established or will establish an Indian Education Committee, as described in § 273.115 to approve supplementary or operational support programs beneficial to Indian students; and
 - (d) Indian corporations.

§ 273.111 How do the requirements for Tribal organizations differ from those for other eligible entities?

- (a) States, public school districts, or Indian corporations must comply with the requirements in this part.
- (b) The requirements of this part apply to Tribal organizations (including but not limited to provisions regarding how funds can be used under the Johnson-O’Malley Act and reporting requirements), except that Tribal organizations do not need to comply with:
 - (1) Sections 273.120—273.121, regarding approval of an education plan by the Director;
 - (2) Section 273.125, regarding entering into a contract as a new contracting party;
 - (3) Sections 273.132—273.135, regarding review, approval, and negotiation of the contract;
 - (4) Section 273.142, regarding advance payments;
 - (5) Any section in subpart H (other than the following sections, which still apply: § 273.170, regarding special program provisions to be included in a contract, § 273.172, regarding State employees’ access to Tribal lands, reservations or allotments, and § 273.182, regarding penalties for misusing funds or property);
 - (6) Any section in subpart I (other than § 273.194, regarding the Indian Education Committee’s authority to recommend cancellation or suspension of contracts, which still applies);
 - (7) Any section in subpart K (other than § 273.208).
- (c) The contract proposal submitted by the Tribal organization must meet the requirements in part 900 or 1000 of this chapter, in addition to those in § 273.130 except that education plans must be submitted to the BIE Director for approval in accordance with § 273.170. The requirements in part 900 or 1000 of this chapter apply to contracts and compacts with Tribal organizations, except for the provisions in §§ 900.240 through 900.256, 1000.300, and 1000.330 of this chapter concerning retrocession and reassumption of programs. If a Tribal organization retrocedes a contract, the Bureau will then contract with a State, public school district, or Indian corporation for the supplemental programs or operational support. Redesign and reallocation under either Title I contracts or Title IV compacts must be done with approval in accordance with § 900.8(g)(6) of this chapter.

§ 273.112 Who is an eligible Indian student under the Johnson-O'Malley Act?

An Indian student is eligible for benefits provided by a Johnson O'Malley contract if the student is:

- (a) From age three (3) years through grade(s) twelve (12);
- (b) Not enrolled in a Bureau-funded school or sectarian school (except the student is eligible if enrolled in a previously private school controlled by an Indian Tribe or Tribal organization); and
- (c) Is either: (1) At least one-fourth (¼) degree Indian blood descendant of a member of an Indian Tribe as defined in § 273.106; or (2) A member of an Indian tribe as defined in § 273.106.

§ 273.113 How can the funds be used under the Johnson-O'Malley Act?

An eligible entity may use the funds available under the contract to provide educational benefits to eligible Indian students to:

- (a) Establish, carry out programs or expand programs in existence before the contract period that provide:
 - (1) Remedial instruction, career, academic, and college-readiness counseling, and cultural programs;
 - (2) Selected courses related to the academic and professional disciplines; or
 - (3) Important needs, such as school supplies and items that enable recipients to participate in curricular and extra-curricular programs; and
- (b) Purchase equipment to facilitate training for professional trade skills and intensified college preparation programs.

§ 273.114 What programs may be contracted under the Johnson-O'Malley Act?

All programs contracted under this part must:

- (a) Be developed and approved in full compliance with the powers and duties of the Indian Education Committee and as may be contained in the Committee's organizational documents and bylaws.
- (b) Be included as a part of the education plan.

Subpart C—Indian Education Committee

§ 273.115 Who determines the unique educational needs of eligible Indian students?

(a) When a school district to be affected by a contract(s) for the education of Indians has a local school board composed of a majority of Indians, the local school board may act as the Indian Education Committee; otherwise, the parents of Indian children may elect an Indian Education Committee from among their number or a Tribal governing body(ies) of the Indian Tribe(s) affected by the contract(s) may specify one of the following entities to serve as the Indian Education Committee:

- (1) A Local Indian Committee or Committees; or
 - (2) An Indian Advisory School Board or Boards.
- (b) The Tribal governing body(ies) of the Indian Tribe(s) affected by the contract(s) may specify one of the entities in paragraph (a)(1) or (2) of this section at its discretion if the Indian Education Committee was established prior to January 4, 1975.

§ 273.116 Does an Indian Education Committee need to establish procedures and report to the BIE Director?

The Indian Education Committee and its members must establish procedures under which the Committee serves. Such procedures must be set forth in the Committee's organizational documents and by-laws.

(a) Each Committee must file a copy of its organizational documents and bylaws with the BIE Director, together with a list of its officers and members.

(b) The existence of an Indian Education Committee may not limit the continuing participation of the rest of the Indian community in all aspects of programs contracted under this part.

§ 273.117 What are the powers and duties of the Indian Education Committee?

Consistent with the purpose of the Indian Education Committee, each such Committee is vested with the authority to undertake the activities in paragraphs (a) through (d) of this section.

(a) Participate fully in the planning, development, implementation, and evaluation of all programs, including both supplemental and operational support, conducted under a contract or contracts pursuant to this part. Such participation includes further authority to:

(1) Recommend curricula, including texts, materials, and teaching methods to be used in the contracted program or programs;

(2) Approve budget preparation and execution;

(3) Recommend criteria for employment in the program;

(4) Nominate a reasonable number of qualified prospective educational programmatic staff members from which the contractor would be required to select; and

(5) Evaluate staff performance and program results and recommend appropriate action to the contractor.

(b) Approve and disapprove all programs to be contracted under this part. All programs contracted require the prior approval of the appropriate Indian Education Committee.

(c) Secure a copy of the negotiated contract(s) that includes the program(s) approved by the Indian Education Committee.

(d) Recommend cancellation or suspension of a contract(s) under § 273.194.

§ 273.118 Are there additional authorities an Indian Education Committee can exercise?

The organizational papers and bylaws of the Indian Education Committee may include additional powers and duties that would permit the Committee to:

(a) Participate in negotiations concerning all contracts;

(b) Make an annual assessment of the learning needs of Indian children in the community affected;

(c) Have access to all reports, evaluations, surveys, and other program and budget related documents determined necessary by the Committee to carry out its responsibilities, subject only to the provisions of § 273.180;

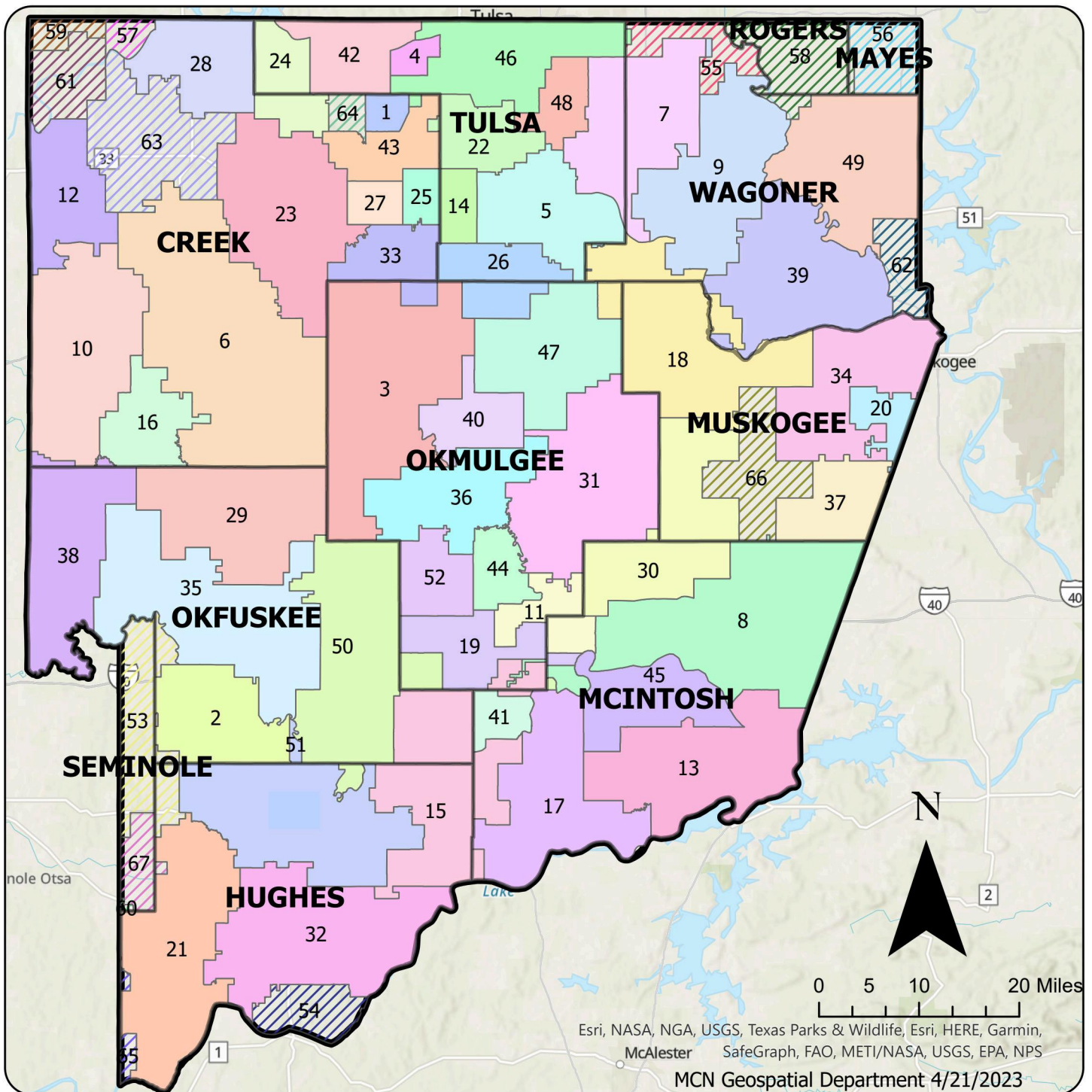
(d) Request periodic reports and evaluations regarding the Indian education program;

(e) Establish a local grievance policy and procedures related to programs in the education plan;

(f) Meet regularly with the professional staff serving Indian children and with the local education agency;

(g) Hold committee meetings on a regular basis which are open to the public; and

(h) Have such additional powers as are consistent with these regulations.



Johnson-O'Malley Service Area



JOM Districts

- Allen-Bowden, 1
- Bearden, 2
- Beggs, 3
- Berryhill, 4
- Bixby, 5
- Bristow, 6
- Broken Arrow, 7
- Checotah, 8
- Coweta, 9
- Depew, 10
- Dewar, 11

- Drumright, 12
- Eufaula, 13
- Glenpool, 14
- Graham-Dustin, 15
- Gypsy, 16
- Hanna, 17
- Henryetta, 19
- Hilldale, 20
- Holdenville, 21
- Jenks, 22
- Kellyville, 23
- Keystone, 24

- Kiefer, 25
- Liberty, 26
- Lonestark, 27
- Mannford, 28
- Mason, 29
- Midway, 30
- Morris, 31
- Moss, 32
- Mounds, 33
- Muskogee, 34
- Okemah, 35
- Okmulgee, 36
- Oktaha, 37

- Paden, 38
- Porter Consolidated, 39
- Preston, 40
- Ryal, 41
- Sand Springs, 42
- Sapulpa, 43
- Schulter, 44
- Stidham, 45
- Tulsa, 46
- Twin Hills, 47
- Union, 48
- Wagoner, 49
- Weleetka, 50

- Wetumka, 51
- Wilson, 52

Non JOM Districts

- Butner, 53
- Calvin, 54
- Catoosa, 55
- Chouteau-Mazie, 56
- Cleveland, 57
- Inola, 58
- Jennings, 59
- Justice, 60
- Oilton, 61
- Okay, 62
- Olive, 63
- Pretty Water, 64
- Sasakwa, 65
- Wainwright, 66
- Wewoka, 67

Section 2

- **Procedures and Verifications for Student Count, Rosters and Enrollments**

JOM ENROLLMENT PROCEDURES AND VERIFICATIONS

An important segment for the JOM program is the enrollment process and student certifications. First and most importantly, is that the student qualifies for the JOM program by meeting the JOM criteria and eligibility. This verification is accomplished in the Muscogee (Creek) Nation JOM office. Secondly, forms need to be properly filled-out and all proper documents need to be attached and submitted to the Muscogee (Creek) Nation JOM office for verification. Procedures that must be followed:

PROPER DOCUMENTATION

When submitting an enrollment form to the Muscogee (Creek) Nation JOM office for student verification include one of the following: CDIB card (the card must show the student to be at least 1/4 degree Indian blood), copy of the students tribal citizenship card, or tribal letter verifying citizenship must be attached to the form. When using the parent's information for verification you must include one of the following along with the child's original state certified birth certificate: the parent's tribal citizenship card or CDIB card (the card must show parent to be at least 1/2 degree Indian blood). These two documents will need to be attached to the enrollment form when submitting for verification. We do not and will not accept anything other than a state certified birth certificate. Hospital certificates will not be accepted. A student may be eligible for JOM enrollment if any of your students' grandparents are enrolled members of a federally recognized tribe, you must provide proof of their enrollment status. When using the grandparent's information for verification, you must include the following documents along with the child's original state-certified birth certificate:

- Parent's state-certified birth certificate
- Grandparents' tribal enrollment documentation (in the form of a letter from the tribe or a tribal membership card)

Attach these three documents to the enrollment form when submitting for verification.

Enrollment forms must be correctly filled-out with correct documentation or the forms will be returned and the process will be stopped until proper documentation is presented.

COUNT WEEK

This is the week school programs will count enrolled JOM students and the student must be actively enrolled in the school. This count number is utilized in determining funding amounts for schools. Count week is always the first full week of October and the count will stop on Friday of that first week. That number becomes your school's tentative count number. The JOM student count number must be sent to the JOM office by Friday of the following week on the transmittal form. Schools will have until the end of the second full week in November to submit all student enrollment forms for verification of JOM students for the current school year count and for other changes to their roster, i.e. transfers, drop-outs, etc.

ROSTER

A tentative final roster will be emailed at the end of the second full week in January. If for some reason schools feel their student count is inaccurate after receipt of the tentative final roster they will have until the last working day of the last full week in January to make any changes, i.e.: student name spelling, grade and birth date.

FINAL ROSTER

Tentative final rosters are to be complete by the end of the second full week in January and emailed to the school. Should the school find any discrepancies within the tentative final rosters, they will have until the end of the last full week in January to make any needed changes i.e.: student name, birthdate and grade.

Please note: After the first full workday in February, your student count will be final and there will be no changes made to the count.

Section 3











- **IEC Roles and Responsibilities**
- **IEC Officer Duties**
- **IEC Election and Voting**
- **JOM Parent Committee Training**

Roles and Responsibilities of the Indian Education Committee & School District

The rules and regulations (25 CFR 273) give considerable space to the roles and responsibilities of the Indian Education Committee and the School Districts. Listed are the Roles and Responsibilities of both the IEC and School District in accordance with the federal code of regulations. The specific areas of the federal regulations are listed by each “Role” item.

Indian Education Roles

School District Roles

- | | | |
|--|---|---|
| <ul style="list-style-type: none"> • 273.117 (a) Participate in planning and development of Johnson-O’Malley Program. |  | <p>Incorporate the committee’s input into the development of the program.</p> |
| <ul style="list-style-type: none"> • 273.116 (b) Participation of the Indian community must be sought. |  | <p>Contractor/Sub-Contractor must utilize community input in developing program. Write in costs as part of education plan.</p> |
| <ul style="list-style-type: none"> • 273.117 (5b) (a2) Approve all programs prior to submission. Approved budget preparation and execution. |  | <p>Submit input to contractor, (Muscogee (Creek) Nation). Implement program(s). Provide fiscal management and financial reports to the IEC.</p> |
| <ul style="list-style-type: none"> • 273.117 (a) Approve changes in program and budget by written approval. |  | <p>Submit changes to the Contractor, (Muscogee (Creek) Nation) for contract modification. Implement change in program(s).</p> |
| <ul style="list-style-type: none"> • 273.117 (a) Participate in program evaluation and implementation. |  | <p>Report regularly to Indian Education Committee on progress of program(s) achievement of goals and objectives. Provide an Annual Report to Muscogee (Creek) Nation.</p> |
| <ul style="list-style-type: none"> • 273.117 (a4) Screen and recommend prospective staff. |  | <p>Hire staff.</p> |
| <ul style="list-style-type: none"> • 273.117 (a3) Recommend criteria for employment. |  | <p>Hire staff.</p> |
| <ul style="list-style-type: none"> • 273.117 (a5) Evaluate staff and recommend action to contractor. |  | <p>Implement recommendations within framework of contract requirements.</p> |
| <ul style="list-style-type: none"> • 273.117 (c) Request a copy of the negotiated contract. |  | <p>Provide a copy of complete contract to Indian Education Committee.</p> |
| <ul style="list-style-type: none"> • 273.116 Develop By Laws. |  | <p>Make the By-Laws part of the request for IEC to review and approve.</p> |

Roles and Responsibilities of the Indian Education Committee & School District

1. Doing what is best for the program and not necessarily, what you want for your own child.
2. Voting on each issue brought before the Committee, unless it would be a conflict of interest.
3. You have been elected by the JOM parents to represent them and their children.
4. You support the efforts of the JOM staff and that you will be their advocate within the school district.
5. To listen to the concerns of students, parents, and staff and try to the best of your ability to help.
6. You will account for every federal dollar spent within the JOM program in your school.
7. You will make every effort to work with the school district or tribal education office to implement the program design that was suggested by the communities needs assessment.
8. You care and want to make a difference in the lives of the students.

What are you expected to do as an IEC member?

- To attend JOM/IEC meetings and trainings.
- To approve and sign the JOM application and attachments.
- To approve and sign the JOM Budget Revisions.
- To approve and sign the Annual Report.
- To conduct parent committee elections.
- To attend and sign off on the JOM evaluation monitoring visit form.
- To screen and recommend prospective staff.
- To recommend criteria for employment.
- To develop the IEC By-Laws.
- To perform an annual assessment of the program.

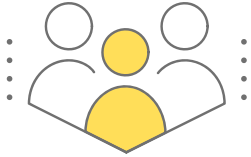
What materials should the school give the IEC?

- The Muscogee (Creek) Nation JOM handbook.
- Copy of the JOM Federal Regulations 25 CFR273.
- JOM/IEC Parent Committee listing.
- The JOM By-Laws for your program.
- A full copy of the JOM Application.
- A copy of the state's open meeting act.
- Guidelines for parliamentary procedures.
- A copy of the programs Annual Report.
- A copy of the annual monitoring findings.
- A copy of the Budget Revision

As a Parent Committee Member, it is important to consider all possible solutions to any problem that arises and be willing to accept the best solution, even if it may not have been the solution you originally thought of. Keeping an open mind and standing united as a committee is crucial, as well as supporting the staff with positive interaction.

IEC Officer Duties

Chairperson



The Chairperson shall perform all duties pertaining to the office of chairperson and such other duties as may be assigned by the Indian Education Committee from time to time. Specific duties are to preside over all general committee meetings and sign all letters, reports, and other compliance documents as required. The Chairperson is allowed to only vote on a motion to break a tie or as deemed by the IEC according to their by-laws. The Chairperson carries out the actions of the IEC in accordance to the JOM Application.

Vice Chair



The Vice-Chairperson will assume the role of the chairperson in his/her absence. Other duties of the Vice-Chairperson are: ensure that membership on the Indian Education Committee is consistent with federal guidelines. He/she shall perform such other duties as may be requested by the committee from time to time.

Secretary



The Secretary shall keep the minutes of the meetings (including regular, special, and emergency), and shall provide minutes to the Committee, school administrator, and to such other persons the Committee may indicate. He/she shall see that all notices are given in accordance with the provisions of their by-laws, be custodian of the Committee's records, keep a list of the address, email, and telephone numbers of each Committee member. The Secretary shall perform other duties as prescribed by the Indian Education Committee from time to time.

Members



The members of the IEC shall regularly attend the IEC meetings, have full voting rights, assist the IEC officers and JOM staff in the program design, and help implement and evaluate the JOM program. Being an IEC Committee Members does not give any one member any authority to act alone representing the committee as a whole. You are an IEC Committee Member during the committee meeting. You may not represent yourself as an IEC Committee Member on any occasion unless you have been given authority, by motion of the IEC to represent yourself as such. IEC Committee Members are to vote on any issue (motion) that is brought before the committee. The only reason that an IEC member would abstain from voting would be in a conflict of interest issue.

IEC Election and Voting

1. Who is responsible for conducting an election?

All Indian Education Committee's are to conduct elections in accordance with their By-Laws. The election procedures should be a part of the IEC By-Laws. The IEC may have a non-partisan person act as the election judge and conduct the election.

2. Who can run for the Indian Education Committee?

According to Federal regulations, the IEC is elected by parents, legal guardians or person acting “*in loco parentis*” of eligible Indian students enrolled in the school(s) affected by the contract. To avoid conflict of interest or give the appearance of a conflict of interest, school officials or their spouses, persons directly involved in oversight of the Muscogee (Creek) Nation JOM Program should not be eligible to serve as committee members.

3. Who is eligible to vote?

Any parent, legal guardian or person acting “*in loco parentis*” of eligible Indian students enrolled within the contract school system. This means that both parents of a child are eligible. Voting by proxy (representing someone else) is not allowed at any time. A student is not allowed, by federal regulation, to vote or hold a position on the IEC.

Definition of "In Loco Parentis"

This definition is provided so tribes can have the option to allow grandparents and other extended family members who are raising an Indian student, the opportunity to serve on the JOM parent committee.

In loco parentis is a Latin phrase defined as: "in place of a parent?" The English definition is: "acting as a temporary guardian of a child." (Black 's Law Dictionary).

JOM Parent Committee Training

A specific meeting must be set aside for Parent Committee Training.
This is a requirement for program compliance.

1. A review of Federal Regulations
2. Review of the By-Laws
 - a. Any changes made
 - b. Ratification by the new IEC
3. Review of the previous Needs Assessment
 - a. Review of form
 - b. Review of results
4. Program Application
 - a. Goals and Objectives
 - b. Budget Distribution
5. How to run an effective meeting
 - a. Officer duties
 - b. Meeting Agenda
 - c. Meeting Minutes
 - d. Making Motions
 - e. Elections
6. Review of Program Compliance List
 - a. New program procedures and grievance policies
 - b. Program compliance check sheet
7. Signature page showing date of training and those attending

Please use the eform located on our website.

<https://www.muscogenation.com/services/education-training/johnson-omalley/jom-forms-docs/>

Section 4

- **Education Support**
- **Annual Needs Assessment & Checklist**
- **How Items Can Be Used With JOM Funds**
- **Eligible Incentive Awards**
- **Expenditure Claim Procedures**

Educational Support

Educational support funds are for purchasing necessary items for a student involved in an academic or school related activity. The type of aid that is provided should enable the student to fully participate in the educational programs available through the school. Only items supported by the education plan and approved in the application or budget revision by the IEC, LEA and JOM office may be purchased. All educational support funds will be paid and accounted for by the JOM contractor. All items purchased with educational support funds become the property of the eligible student for whom it was purchased. Except for lease-purchase items such as band instruments.

Educational support items include but are not limited to: school supplies, laptop/Chromebook insurance, instrument rental, lab fees, test fees, graduation caps and gowns, cords, cultural supplies/materials, sports activities, extra-curricular supplies, science projects, eligible incentive awards and equipment to facilitate for professional trade skill/intensified college preparation programs.

See page 28 for a general list of allowable costs.

EDUCATIONAL SUPPORT GUIDELINES

- No reimbursement will be made for items not included in an approved educational support budget.
- An itemized voucher or invoice, purchase order or copies of actual receipts must be used as documentation of purchase.
- No cash payment will be made to any parent or student.
- Schools are required to furnish certain items for students. Any item that the school furnishes to other students as part of their school policy will not be an eligible item for JOM funds.
- When Educational Support items are purchased in quantity, such as school supplies to be distributed to eligible students, a signature sheet will be required showing the date, item received and the signature of the student or parent. This sheet needs to be retained for monitoring purposes and will be reviewed by the monitoring agent.
- A JOM contractor may choose to enter into an agreement with a local merchant to purchase school supplies, etc. through a voucher or invoice from the merchant must clearly show the student's name and item(s) purchased.

Annual Needs Assessment Summary

Each Indian Education Committee member is required by federal regulations to conduct the needs assessment process on an annual basis. As an IEC member, the responsibility for developing, printing, distribution and compiling of the results lies with the entire JOM Indian Education Committee.

Parents, students, school administrators, or teachers may complete a needs assessment survey but only the PARENTS responses are to be used in prioritizing the top three (3) choices. Students, school administrators, and teachers are secondary and will only be used as an informational resource.

Needs Assessment Checklist

- **Why have a Needs Assessment?**
 - Direction of Program (Objectives) and Parent Committee.
 - To write the goals and objectives under the education plan of each new JOM application.
- **How to develop a Needs Assessment survey?**
 - Borrow forms from other JOM school programs.
 - ‘Fine Tune’ with your own community/Native American population/school.
 - Keep up with changes of opinions within your community.
- **When should you send them out?**
 - At least two (2) months prior to the JOM Application deadline to Muscogee (Creek) Nation.
- **Who should complete the survey?**
 - The parents of eligible JOM students attending school in their respective district.
 - Students, school administrators and teachers may complete one, but they should be kept separate and compiled separately from parents. By federal regulation, PARENTS HAVE THE GREATER VOICE.
- **What process can you use to get the survey out to the parents?**
 - By mail or school newsletter.
 - School supplies distribution time, school activities or functions and IEC meetings.
 - Direct calling (Remember student confidentiality).
 - Email & electronic surveys.
 - Home delivery through students.
- **How to use the information?**
 - Compile the information (staff and/or IEC).
 - Rate and prioritize answers according to importance selected.
 - Report findings at the Parent Committee (IEC) meeting.
 - Compare with budget. Make sure there’s no overlap of services with another program.
 - Write Goals and Objectives based on the prioritized top three items selected on the Needs Assessment survey.
- **Use incentives to have a greater return on your Needs Assessment.**
 - Your program budget allows for student incentive purchases.

How Items Can be Used with JOM Funds

There are a number of different types of programs which school districts and Tribal Contractors can operate. These programs should be developed according to the needs of the eligible Indian students as determined through a needs assessment conducted by the parent committee and/or contractor. The amount of Johnson O'Malley funds available to the contractor will also determine which programs can be reasonably and successfully implemented and operated.

Another factor to be taken into consideration when planning activities is to ensure that Johnson-O'Malley funds are used in support with existing programs (supplemental) and not replacing programs that are being provided by another funding resource (supplanting).

A. Supplemental Programs – Programs that support and are in addition to existing programs in the public schools. Johnson-O'Malley funds **cannot** be used to replace existing programs but may be used to support or enhance the regular school programs.

B. Supplanting Programs – Supplanting means establishing or building programs using Johnson-O'Malley funds which the school should already be providing from their regular budget. Johnson O'Malley funds **cannot** be used to replace funds which should be provided for existing programs. Supplanting is not legal in Johnson-O'Malley programs.

EXAMPLES OF SOME TYPES OF PROGRAMS CURRENTLY BEING CONDUCTED THROUGH JOM:

Tutorial/Aides – Under this program, tutors or aides are provided to assist the classroom instructors. Tutors provide one-on-one assistance to students needing special attention. Aides provide general assistance to a group of students, but may also provide one-on-one assistance if the situation calls for it.

Teacher Aide – Assist teachers with skills reinforcement.

Tutors – Provide tutoring on a scheduled basis.

Pre-K/Kindergarten Enrichment – Funds identified for this service may be utilized in a variety of ways, such as staff, supplies and equipment.

Family Liaison – Personnel, normally someone from within the community, employed to assist the school, parents and students with school related issues such as attendance, grades or other problems.

(CONTINUED)

Alternative Program – Funds utilized for this component provide for staff, supplies, and equipment in an alternative setting and use different methods and techniques than the students experience in a more traditional program.

Indian Education Committee Activities – Funds budgeted for this activity enable members of the Indian Education Committee to participate in training, attend educational workshops, and provide opportunities to share information with other Johnson-O'Malley programs.

Cultural Activities – Cultural activities in the form of art, music, literature, history enrichment projects, field trips and speakers are an important part of Native American heritage. Local community resource people are asked to provide enrichment activities to schools.

Career Development Counseling – Activities designed to inform students of career opportunities, job skills or higher education programs available.

Educational Support – In order to ensure that program funds for this purpose are expended in a manner to meet the greatest need, the IEC, with input from the contractor, should develop eligibility guidelines and specific areas where assistance may be provided. The type of aid that is provided should enable the student to fully participate in the educational programs available through the school.

Education Incentive Awards – Incentive awards for students who have excelled and meet one or more of a clearly defined criteria. The awards should be based on citizenship, good/perfect attendance, academic achievement (grades), active school participation, active leadership or potential artistic ability (fine arts, music, drama, dance, Native American cultural/crafts), sports achievement and improved attitude/behavior.

Pro-Rata – Tribal contractors and state and local school officials should be cautioned about non-eligible students participating in its program and activities funded solely through JOM funds. Whenever such participation is of significant percentage and impact, provisions should be made to prorate the cost with other funding sources.

Eligible Incentive Awards

JOM Programs may provide incentive awards for students who have excelled and meet one or more of the following criteria. The awards should be based on citizenship, perfect/good attendance, academic achievement (grades), active school participation, active leadership, potential artistic ability (fine arts, music, drama, dance, and Native American cultural or Native American crafts), or sports achievement and/or improved behavior/attitude. Items for the incentive program should be a one-time presentation to the student and are usually not required for school participation. Items may include, but are not limited to:

1. T-shirts (imprinted with emblems)
2. Plaques, trophies, certificates
3. Sports bags/back packs
4. Jackets (for sports or club achievement) (only a portion of cost allowed)
5. Gift certificates
6. Local field trips (zoo, theatres)
7. Door prizes
8. Awards banquets
9. Books
10. Picnics, traditional meals
11. Activities day, fun days
12. Cultural awards/honor powwow
13. Cap & Gown

NO STUDENT CASH AWARDS ALLOWED

ITEMS NOT ELIGIBLE

1. Announcements
2. Class Rings
3. Field trips for extracurricular activities that only include a select number of students and not offered to all eligible JOM students in grade level. (See exception below)
4. Home School Costs
5. Portrait Packages
6. Gift Cards

*Exception to item 3: Those activities could be allowed as an incentive, limited at per eligible student cost. (\$60.00)

(CONTINUED)

INDIAN EDUCATION COMMITTEE EXPENSES

1. Training. (In-Service, Conference, Workshops)
2. Food costs will be reimbursed at a set rate of \$30.00 per meeting.
(Any amount over must be approved by MCN JOM Manager prior to event.)
3. Mileage to and from meetings/training sessions. (Reimbursement is based on the tribals rates)

TRIBAL/COMMUNITY PROJECTS

The JOM contractor may choose to provide as part of the project, activities for parents, youth, and JOM staff designed to improve educational opportunities. Activities may be carried out directly by the contractor or coordinated through the local JOM programs. Activities may include:

1. Youth educational projects
 - a. Summer youth education camps
 - b. Youth training sessions
2. Parent/student projects
 - a. Activity days
 - b. Craft sharing
3. Parent/JOM staff training sessions
 - a. Networking with federal, state, local, tribal resources

ALLOWABLE EXPENSES

College and Career Readiness

1. According to 25 CFR 273.113 (b), purchase equipment to facilitate training for professional trade skills and intensified college and preparation programs.

The following is a general list, given by the Bureau of Indian Education, of allowable costs designed to provide clarity and guidance on the JOM regulation displayed above. Please note this list should not be considered an all-inclusive listing of allowable expenditures. Some provisions were made by MCN JOM. If you are unsure if an expense is allowable, please contact the JOM Manager for prior approval.

Basic School Supplies

Backpacks	Composition Books
Paper	Primary Journal
Pens/Pencils(Map)	Graph Ruler Paper
Pencil Bag/Pouches	Construction Paper
Crayola Crayons	Expo Erasers & Board Scissors
Colored Pencils	School Boxes
Markers	Tape Dispenser & Tape
Highlighters	Post-it Dispenser & Post-it Note
Washable Watercolors	Pads
Chalk	Paper Clips
White out tape/Correction Fluid	USB Flash Drives
Glue (Elmer's and Sticks)	Stapler & Staples
Art Paper & Paint	Staple Remover
Rulers	Disinfecting Wipes
Pencil Sharpener	Kleenex Tissues
Calculators	Rest Mat
(Any) Binders (1-3 inch)	Pad lock for locker
Assignment Book	Face Mask
Pocket Folders	Gloves
Tab Dividers	Hand Sanitizers
Index Cards	Hand Wipes
Loose Leaf Paper	Water Bottle
Spiral Notebook (1-5 subject)	

Curricular

Band Instrument Rental/Supplies
School Field Trips

Extra-Curricular Programs

Sports/Team Shoes (\$60 per student)
~~Sports/Team Jackets (\$60 per student)~~
Sports Physical (\$25 per student)
After School Program (Lite Refreshments/snacks – sandwiches, cookies, punch)
School Uniform Assistance
Graduation Caps/Gowns/Sashes
JOM Senior Banquet (Lite Refreshments – sandwiches, cookies, cake, punch)
Awards Program (Lite Refreshments – sandwiches, cookies, cake, punch)
~~Lunch Fees~~
Drug/Alcohol Education Prevention
Educational Conferences

(continued)

Summer Youth Education Camps (Must be pre-approved by MCN Manager)
Grafting Calculators
Grid paper

Remedial Instruction

Instructional/Educational Aides - Basic Skills Development in Math, English,
Reading, Computer

Career

College and Career Day Workshops
College and Career Day Visits

Academic

ACT Test Fee and/or ACT Test Preparation (one per academic year)
Eyeglasses – exam (if possible recommend to utilize IHS for exam) and frames
Tablets (Must be pre-approved through MCN JOM)
Chromebook
Laptop
Jetpacks (Wi-Fi)
Headphones
Student Technology Fee
Insurance for iPad/Chromebook
Lab Fees
Tutors
Student Tutors

College-Readiness Counseling

Career Opportunities
Job Skills
Higher Education Outreach

Intensified College Preparation Programs

College Courses (dual enrollment)

Cultural Programs

Beading Activity
Belt Weaving Activity
Sewing Material
Native Language/Literature/History Activity
Native Cultural Art/Music Activity
Native Cultural Enrichment Activity (local needs)
Native American/Alaska Native Heritage Speakers Activity
Native Cultural Food Classes
Native American Student Dance Troupe
Native American Student Color Guard
Native American Student Drum Group
Pow-wow (JOM Sponsored Pow-wow)
Native Cultural/History Field Trips
Therapeutic Items (weighted blanket, etc.)
Book Fairs

(continued)

The following academic incentives related to academic achievement:

- Incentive – Sashes (Graduating Seniors)
- ~~Incentive – Gift Cards~~
- Incentive – Gift Certificates
- Incentive – T-Shirts, Jackets, Hooded Sweatshirts (Custom Imaging-JOM/Challenge Bowl)
- Incentive – Local Field Trips (Zoo, Theatres, Theme Park)
- Incentive – Sports Bags/Backpacks
- Incentive – Picnics Incentive – Activity/Fun Days
- Incentive – Plaques/Trophies/Certificates

Professional/Trade Skills

- Career Prep Classes and Skills Application Fee
- Cost Per Credit Hour + Supplies
- Certification Test Fee
- Tools Equipment
- Safety Gear

Indian Education Committee

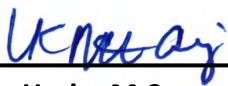
- Professional Development/In-Service Training/Workshops/Conferences (Must be within reason)
- IEC Per Diem and Mileage for Approved Travel (governmental rates)
- Stipends for Attendance - (\$25 per meeting up to 4 meetings)
- Lite Refreshments at IEC Meetings

Should you have any additional questions, please feel free to contact MCN JOM Program Manager.

Brittany Kesler

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**Kaila Harjo, M.S.
Muscogee (Creek) Nation
Secretary of Education & Training**

Expenditure Claims

All expenditure claims submitted to the Muscogee (Creek) Nation JOM (MCN JOM) Office must have attached itemized receipts.

All expenditures except for the 100 and 200 codes must be accounted for. Salaries must follow time and effort policies. All those being paid salaries or fringe must have a job description on file with the MCN JOM. (Please do not use staples when submitting claims.)

Field Trips	A listing of all students attending JOM sponsored field trips must be attached to claim.
Supplies	A copy of the receipt for all supplies purchased with JOM dollars must be attached.
Travel	A copy of the mileage form, hotel receipt and/or per diem must be attached.
Food	A listing of those students, parents, and staff costs being reimbursed must be attached.
Property	Those non-expendable items purchased with JOM funds are not considered equipment inventory. An inventory listing showing ID number and location of item must be submitted at the end of the fiscal year. Property purchased under the JOM program is and remains the property of MCN.
Training	A listing of those IEC/ Staff who attend training, cost must be attached to the claim.
Academic Fees	Attach a copy of receipts to claim with student name(s).

Expenditure claims will not be paid until all required documentation are submitted to MCN-JOM office. Claims are accepted by mail or email. Email is preferred.

PROCEDURES FOR EXPENDITURE CLAIMS:

ACCORDING TO COMPLIANCE REQUIREMENTS ESTABLISHED BY THE MUSCOGEE NATION JOM PROGRAM—EXPENDITURE CLAIMS MUST BE SUBMITTED ON A QUARTERLY BASIS.

1. Annual expenditure claims are not an acceptable practice for the Muscogee Nation JOM Program. The Policy States 'Programs that receive \$5,000.00 or less will submit their claims annually.'
2. An expenditure summary and detailed report along with required documents (such as receipts or a student list) must be submitted to Muscogee (Creek) Nation JOM Office from the school district finance department.
3. Muscogee (Creek) Nation JOM Program reviews receipts and approves expenditure claims.
4. The expenditure claim processing form is submitted to Muscogee (Creek) Nation Finance Department for payment. Please allow at least 4 weeks for MCN JOM processing and finance processing.
5. A copy of the expenditure claim processing form will be e-mailed to the designated school personnel.
6. An e-mail or phone call will be made in regards to a 'disallowed' claim due to lack of documentation or an unapproved item within the application proposal.
7. Claims will not be processed if your program is out of compliance and/or was received after the due date unless prior communication was made and extension was requested via email and approved by your programs Field Specialist and JOM Manager.

Section 5

- **Program By-Laws Example**
- **JOM Program/IEC Requirements**
- **Program Compliance/Monitoring**

Recommendations/Suggestions
(Name of Your School/Program)
INDIAN EDUCATION COMMITTEE
BY-LAWS

The following are by-laws that have been established and approved by the (Your program name) JOM Indian Education Committee.

ARTICLE I - Reference

In accordance with the Indian Self Determination, Johnson O'Malley Modernization Act of 2018, and the Federal Regulations (25 CFR Part 273), a Parent Committee selected in accordance with federal regulations, will adopt and abide by reasonable by-laws for the conduct of the project for which assistance is sought.

ARTICLE II - Name

The name of this committee shall be the (Your program name) JOM Indian Education Committee.

ARTICLE III - Purpose

The establishment and the work of the parent committee are to comply with the rules and regulations as found in the Federal Register, Vol. 85, No 37, Tuesday, Feb. 25, 2020. (Refer to 25 CFR sec. 273.117 what are the powers and duties of the Indian Education Committee and sec. 273.118 are there additional authorities an Indian Education Committee can exercise?)

(The following are only examples. You should design your own purpose for your school. You may have only one purpose and not three. Ask yourself, "What are we trying to accomplish with this program?")

Section 1-To promote the welfare of Indian children and youth in home, school, community and tribe.

Section 2-To raise the standards of school achievement of Indian children.

Section 3-To bring into closer relationship the home and the school so that parents and teachers may cooperate intelligently in the education of Indian children and youth.

ARTICLE IV - Membership

Section 1 Establishment of the Indian Education Committee

A. According to Federal Regulations an Indian Education Committee is to be elected from the parents/ legal guardians (including persons acting 'in loco parentis')

B. The Indian Education Committee shall be composed of 5 members. Comprised of the Chairperson, Vice chair, secretary and two at-large members. (The IEC may be comprised of any number of members. There is no specific number listed in the regulations. You may also have a treasurer and sergeant at-arms if so desired)

C. All IEC members must have formal authorization by action (motion recorded in minutes) to represent or speak on behalf of the IEC.

Section 2 Election of the 5 (or the number of members you decided on) Members of the IEC

A. New members are elected in an open meeting for a term of two years by a majority vote of parents/ legal guardians of eligible. Indian students in attendance in a public school within the (Name) School District.

B. Two members are elected in odd calendar years and three members elected in even calendar years. (It is good business to rotate members, this is so there is not a new IEC who does not know the program)

C. Membership in the Indian Education Committee cannot be transferred.

D. Members may run for a second, two year term if reelected by the community

E. The IEC elections are to elect the IEC members and not an election of officers. Officers are to be elected by the IEC members themselves at their first reorganizational meeting.

Section 3 Annual Elections / community voting rights

- A. The Annual Election meeting shall be held on the (last weekday) of (the month), or at a date as near to that day as determined by the IEC.
- B. Nominations for new IEC members shall be taken from the floor by an eligible voter at the duly called Annual meeting.
- C. Individual votes shall be cast by secret ballot and tallied visibly so that all in attendance will know the results.
- D. The IEC Chairperson or designee shall act as the election judge for the Annual meeting. (The election judge should be a non-voting, non-partisan person and of no relation to those running for the IEC)
- E. The IEC will also have the option of having the election judge preside over the election of Officers at the first official meeting of the new Indian Education Committee.

Section 4 Election Voting Procedures

- A. Election procedures: The (Name) JOM Parent Committee is made up of 5 parents or legal guardians of eligible JOM students.
- B. Eligibility to run for the IEC: According the Federal Regulations - Sub part a, Section 273.15 "the Indian Education Committee is to be elected from the parents (including persons acting "in loco parentis" - legal guardian) except school officials of the eligible Indian student on the schools affected by the subcontract under this part." (This is where you might want to insert the provision of extended family members acting "in loco parentis") To avoid conflict of interest or give the appearance of a conflict of interest, school officials or their spouses, persons directly involved in oversight of the name of the tribe JOM Program (if this is in for a tribal contract) should not be eligible to serve as committee members.
- C. Nominations at the Annual Meeting:
 - 1. Nominations for new members shall be taken from the floor at the Annual meeting.
 - a. The Nominator must be an eligible JOM parent or guardian.
 - b. Votes shall be cast by secret ballot and tallied by the election judge.
 - c. Each person nominated will have an opportunity to give a 3 minute (you can set any time limit, but it would be good to give them an opportunity to speak) speech explaining why they want to serve on the committee.
 - d. The top (2 or 3) vote recipient, depending on it being an odd or even year; will be seated as the new IEC members. (Notice this is the seating of IEC members. The officers should be selected by the newly elected IEC board members. This way the board selects their own leadership and you do not scare off potential parents who do not want to be chairperson or vice chair)
- D. What are the responsibilities of an IEC member?
 - a. Attend monthly meetings
 - b. Assist other IEC members in planning and implementing program and special events.

Section 5 Voting Rights - for IEC meetings

- A. Each member of the IEC shall have one vote in any matter submitted to the parent committee for a general vote.
- B. Proxy voting and absentee balloting shall not be permitted
- C. An IEC member may abstain only from a conflict of interest that is determined valid by the chairperson. If there is no conflict, the IEC member must cast a vote.
- D. The Chairperson may only vote in case of a tie among the other members.

Section 6 Termination of Membership

A. Any IEC member may resign by giving a written resignation to the parent committee.

B. An IEC member shall be automatically removed from membership on the Indian Education Committee for the following reasons:

1. The member does not attend any regular or special meetings of the committee for consecutive months. (You may set your own time limit, i.e... 2 consecutive meetings, 3 out of 5 meetings,)
2. The child of the member is no longer enrolled in the (Name) school district.
3. For action or behavior that brings discredit to the (Name) IEC/JOM Program. (You may want to list the type of behavior, but always make sure you add "but not limited to".)
4. A recall petition towards an IEC member signed by JOM parents shall call for action of removal if just cause has been cited and that the IEC member has been given warning of such action. The cause for the recall petition may be: (you can list the causes you see fit)

Section 7 Vacancies

A. Names of the nominated candidates, who were not elected to the IEC at the Annual Meeting, will be listed as alternates and will be utilized as alternates for any member of the IEC who resigns, is terminated or otherwise ineligible to serve on the IEC.

B. If the alternates are not able to serve, the IEC shall select by majority vote, an eligible JOM parent to fulfill the vacant IEC term.

C. By affirmative vote of members of the committee, a vacancy can be filled.

D. The new member will only serve the remaining time of the vacancy.

E. If the new member replaces an IEC officer, that officer position does not transfer to the new member.

F. The newly elected IEC member will only serve only for the unexpired portion of the term of the vacancy left by the IEC member.

G. An election among the IEC members shall be held to replace the officer whose position has become vacant.

(This means that there could be a reassignment of the officers during the year)

Section 8 Powers and Duties

A. Recommend curriculum, including texts, materials and teaching methods to be used in the contract programs

B. Approve budget preparation and execution

C. Recommend criteria for employment in the program

D. Nominate up to three qualified prospective staff members from which School District would select for interview and review for hire.

E. Evaluate job positions and program results and make recommendations to the School District Administration.

F. Secure and have available a copy of the sub-contract application on file.

G. Recommend cancellation or suspension of approved program if the (Name) School District fails to permit committee to exercise powers and duties.

H. The organizational papers and by-laws of the Indian Education Committee may include additional powers and duties which would permit the Committee:

1. Participate in negotiations concerning all contracts under this part.
2. Make an annual assessment of the learning needs of Indian children in the community affected.
3. Have access to all reports, evaluations, surveys and other programs and budget related documents determined necessary by the Committee to carry out its responsibilities, subject only to provisions of 273.179 (e).
4. Request periodic reports and evaluations regarding the Indian Education program. (Staff reports)
5. Hear grievances related to programs in the education plan.
6. Meet with the (Name) JOM staff serving the Indian children and with local education agencies.
7. Hold committee meetings on a regular basis which are open to the public.
8. Review and approve the Annual Program Report.
9. Have such additional powers as are consistent with these regulations.

ARTICLE V - Officers

The officers of the Indian Education Committee shall be a chairperson, vice-chair and secretary. Other officers may be appointed as the committee elects. (Or other offices if so desired)

Section 1 Election, Terms of Office and Officers selection

The Indian Education Committee shall be elected by a majority vote at the annual committee election, the committee members shall serve for two years.

- A. Nomination from floor by an eligible JOM parent / guardian.
- B. Individual ballots.
- C. Ballots counted individually in a visible manner.
- D. Newly elected IEC members shall take their positions as IEC members, at the first official meeting of the new Indian Education Committee.
- E. The current IEC members shall maintain their positions as the IEC until the completion of the Annual Election Meeting. The presiding Chairperson (or a remaining officer from the current IEC, if the Chairperson is not re-elected) shall call the first official meeting of the 'new' IEC members.
- F. Officers (Chair, Vice Chair and Secretary) shall be elected by the IEC at the first official meeting of the new Indian Education Committee. This will be considered the reorganizational meeting.
- G. Each officer of the IEC shall hold their office from annual meeting to annual meeting.

Section 2 Officer Vacancies

A vacancy of an officer of the Indian Education Committee during the year may be filled by a majority vote of the IEC members present at a regular/special meeting. The newly elected officer shall serve only for the unexpired portion of the year term. The officer position may also be left vacant until the following annual meeting if so desired. (This would be beneficial if close to the annual meeting time)

Section 3 Removal

Any officer may be removed by a 2/3(two-thirds) vote of all members present whenever it is in the best interest of the committee according to ARTICLE IV, Section 6, (B).

Section 4 Duties of the Officers and IEC Members At-Large

A. Chairperson

The chairperson shall perform all duties incidental to the office of the chairperson and such other duties as may be prescribed by the Indian Education Committee from time to time. The chairperson shall act on behalf of the IEC, by recorded by motion, of the IEC.

Specific duties are:

- 1. To preside over all general meetings
- 2. Prepare the meeting agendas in conjunction with the JOM Coordinator.
- 3. Sign on behalf of the IEC, all letters, reports and other committee documents as required with authority given by the IEC to do so.

B. Vice-Chairperson

The vice-chairperson shall:

- 1. Assume the role of the chairperson in his/her absence.
- 2. Ensure that membership on the Indian Education Committee is consistent with the federal regulations
- 3. Arrange for speakers and special programs.
- 4. Shall perform such other duties as may be prescribed by the committee from time to time.

(continued)

C. Secretary

The Secretary shall:

1. Distribute to the IEC prior to the meetings the following:

A. The agenda prepared by the Chairperson.

B. Staff reports

C. The minutes of the previous committee meeting

D. Financial reports.

2. Keep the minutes of the regular, special and emergency meetings.

3. Shall provide minutes to the committee and to such other persons the committee may indicate.

4. He/She shall see that all notices are given in accordance with the provisions of these by-laws.

5. Be custodian of the committee's records.

6. Keep a list of the address and telephone numbers of each committee member.

7. The secretary shall perform other such duties as prescribed by the Indian Education Committee from time to time.

D. Members At-Large

1. To be present at monthly meetings

2. To participate fully in the IEC meetings

3. Perform other such duties as prescribed by the IEC from time to time.

E. All IEC members must have formal authorization by action (motion recorded in minutes) to represent or speak on behalf of the IEC.

ARTICLE VI - Meetings

The Indian Education Committee shall meet not less than () times a year including the Annual Meeting. A majority of the members present at any meeting may adjourn the meeting. All meetings will be held using parliamentary procedures to conduct an orderly meeting. IEC meetings must be held in accordance with the school districts (contractor) meeting policies. The IEC shall vote on all issues brought before them in accordance with the approved agenda.

Section 1 Regular Meetings

A. The date and time of the regular IEC meeting shall be the third (3rd) Monday of each month.

(This can vary from IEC to IEC)

B. Notice of the regular meetings shall be published in the local newspaper stating the date, hours and location of the meeting.

C. IEC (monthly) packets shall be mailed to each member not less than 5 days prior to each meeting. The Monthly packets shall include:

1. The Agenda

2. Financial Reports

3. Copy of the last IEC meeting minutes

4. Staff Reports open to the public.

5. All regular meetings shall be

Section 2 Special Meeting

Special meetings of the IEC may be called by the Chairperson or by a majority vote of the committee. All IEC members shall be given a two day notice by telephone of the special meeting. The IEC members must be given the purpose of the Special meeting.

Agenda items must be limited to those areas of concern causing the call of the special meeting. No other items may be added or discussed during the meeting.

Section 3 Informal meetings of the IEC

Informal meetings (work sessions) are conducted when a quorum of the IEC is not established at a regular or special meetings. No formal action (motions) will be taken at any informal meeting unless by action of the IEC noted from a previous meeting where the IEC has approved the Officers to act on behalf of the IEC.

Section 4 Executive Session meeting (no minutes or recording are to be made in this session) the participants of an executive session are not to discuss or disclose the issues made known the executive session. An executive session may be called by any two members (this number can vary) of the IEC, before or during a regular IEC meeting. To qualify for an executive session, the issue must be one of the following:

- A. Personnel matters
- B. Misconduct of an IEC member
- C. Dealing with sensitive issues pertaining to program
- D. Once out of session a formal motion of action must be brought up at the regular meeting. (Table, vote up or down on an issue)

Section 5 Quorum: The presence of a simple majority of the committee shall be required to constitute a quorum necessary for the transaction of the business of the Indian Education Committee. No decision of the committee shall be valid unless there is a majority vote of the members constituting a quorum. (The number needed for a quorum may be any number, as long as it is stated in the by-laws. The IEC members must remember that if an action is taken and they are not present to vote, they give up that opportunity to do so by the number they establish as a quorum).

Section 6 Agenda

- A. The agenda for each meeting shall be prepared by the chairperson. Individual members of the Indian Education Committee are encouraged to submit agenda items for the chairperson or present their proposals formally under the agenda item of "New Business".
- B. An item may be placed on the agenda by contacting the chairperson at least 5 days prior to the regular meeting date.
- C. In accordance with the Oklahoma Open Meeting Act an agenda must be posted at the place of the regular meeting at least 24 hours in advance of the meeting.

ARTICLE VII - Parliamentary Authority

The (Name) JOM Indian Education Committee will conduct their meetings in accordance with Parliamentary Procedures.

ARTICLE VIII - Amending the By-Laws

The By-Laws shall be amended only at a regular meeting by a majority vote of the members of the IEC in attendance. Provided that the amendment is to carry out the purpose and objectives of the parent committee as sited in Article III, sections 1-3. Any amendment must conform to the rules and regulations of the federal register, code of federal regulations 25 CFR, Part 273.115

ARTICLE IX - Ratification

These by-laws shall be declared adopted by the Indian Education Committee when passed by majority of the full membership of the committee at a regular meeting of the IEC.

ARTICLE X - Grievance Procedure (Option -can be made separate from the by-laws)

Grievance procedures for complaints from Indian students, parents, community members and tribal representatives relating to program(s) sub-contracted under Johnson-O'Malley in the Muscogee (Creek) Nation shall be as follows:

1. The complainant shall submit his/her grievance in writing to the local Indian Education Committee (committee is defined in application) for investigative review for action.
 - a. Upon receipt of a written complaint, the Indian Education Committee shall, within 10 working days, make an investigation, document and submit its findings to the complainant. If the complaint cannot be resolved within the specified time, then the Indian Education Committee may request additional time from the complainant.
 - b. If the complaint cannot be resolved by the Indian Education Committee to the satisfaction of the complainant, the committee shall forward the complaint with all investigative documents, findings and/or recommendations to the school's Federal Programs Director or JOM Program Director/Coordinator.

2. The Federal Programs Director or JOM Program Director/Coordinator shall proceed as follows:
 - a. Schedule a meeting with the local Indian Education Committee chairperson and a school official (school official is optional for community based programs) to be held within 10 working days after a complaint has been received.
 1. A grievance committee consisting of a Muscogee (Creek) Nation Johnson-O'Malley staff member, parent committee member and a school administrator will review the complaint, investigative document(s), findings and/or recommendations.
 2. Every effort will be made by this committee to resolve the complaint.
 - b. Within 10 working days of this meeting, the grievance committee will provide the complainant with a written notice of the committee's decision.
 - c. If the complainant is not satisfied, the grievance committee will forward the complaint to the manager of the Muscogee (Creek) Nation Johnson-O'Malley program for review and action.
 3. The findings of the Muscogee (Creek) Nation Johnson-O'Malley Manager shall be final.
 4. Grievance procedures for complaints from the local Indian Education Committee relating to the Muscogee (Creek) Nation Johnson-O'Malley Program shall be as follows:
 - a. The chairperson of the Indian Education Committee shall submit the complaint, in writing, to the Muscogee (Creek) Nation Johnson-O'Malley Program Manager for investigation, review and action. In the event there is a determination made by the Manager deeming the complaint is in need of direct action, the complaint shall be remitted to the Muscogee (Creek) Nation Secretary of Education, Employment & Training.
 - b. Either the Program Manager or the Secretary of Education, Employment & Training shall, within 30 days from the receipt of the complaint, report the findings to the complainant.
 - c. The findings of the Muscogee (Creek) Nation Johnson-O'Malley Program Manager shall be final.
 5. Grievances against the Johnson-O'Malley Program Manager shall be as follows:
 - a. The complainant shall submit the complaint in writing to the Muscogee (Creek) Nation Secretary of Education, Employment & Training for investigation, review and action.
 - b. The Muscogee (Creek) Nation Secretary of Education, Employment & Training shall, within 30 working days from the date of the receipt of the complaint, report the findings to the complainant.
 - c. The findings of the Muscogee (Creek) Nation Secretary of Education, Employment & Training shall be final.

6. Grievances against the Indian Education Committee shall be as follows:
- a. The complainant shall submit the complaint in writing to the Muscogee (Creek) Nation Johnson-O'Malley Manager for investigation, review and action.
 - b. The Muscogee (Creek) Nation Secretary of Education, Employment & Training shall, within 30 working days from the date of the receipt of the complaint, report the findings to the complainant.
 - c. If the situation appears as if it could impair the school's ability to meet the requirements of the program, Muscogee (Creek) Nation JOM Office reserves the right to intervene. If intervention and efforts made by the Tribe do not lead to a resolution, the Muscogee (Creek) Nation JOM Manager reserves the right to disband the current parent committee upon approval from the Secretary of Education, Employment & Training. A new parent committee will be formed to replace removed members at a Special Election meeting. The Muscogee (Creek) JOM Manager will approve all documentation from the school program pertaining to compliance until a new parent committee is in place.
 - d. The findings of the Muscogee (Creek) Nation Secretary of Education, Employment & Training shall be final.

ARTICLE XI - Ratification

These By-Laws shall be declared adopted by the Indian Education Committee when passed by majority of the full membership of the committee, at a general meeting of the committee. Theses By-Laws are approved by the (Name) Indian Education Committee at a regular meeting held on _____, 20__.

IN WITNESS THEREOF,

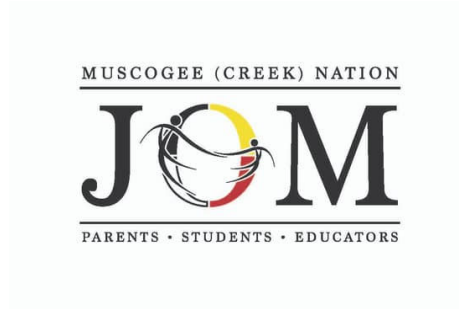
Chairperson

Vice-Chairperson

Secretary

School District Representative

The signatures may include all the IEC members, the Chairperson and School District Representative or a limited number of IEC members. The bylaws must be **signed and dated** to be valid. Minutes of the IEC meeting where the minutes where approved must also be submitted along with the by-laws to show that the IEC voted to approve.



Compliance/Monitoring Check Information

- Used during the Annual Contract Compliance monitor visit.
- Assures that each Muscogee (Creek) Nation JOM Contractor meets reporting requirements according to 25 CFR 273 JOM Regulations.
- Is only used to assure compliance and will not reflect in a dollar increase or decrease.
- After the Annual Contract Compliance Monitor, copies of the final evaluation will be forwarded to the contractor.
- Items required for submission to the MCN JOM program include: Current FY application, Revision, IEC listing, IEC By-Laws, Needs Assessment results, Annual Report, and Parent Committee Training form. Each document must have attached minutes of approval from the IEC. Expenditure claims do not need IEC approval.
- Areas that are reviewed during the Annual Contract Compliance Monitor visit to show compliance of current FY JOM application include: Needs Assessment, Program Budget & Education Plan.
- Items verified during the Annual Contract Compliance monitor visits include: Student records, OK Open Meeting Act, Property/Inventory listing, required assurances and trainings attended by Staff & IEC, and if the annual report is submitted by deadline with the Goals & Measurable objectives addressed. IEC election, advertisement of IEC meetings and meeting dates, information provided to IEC, IEC monthly/quarterly packets that contain the following documents: financial reports, agenda, copy of last IEC minutes, and any staff reports. Packets must be given to IEC no less than 5 days prior to each meeting.

Muscogee (Creek) Nation JOM Program/IEC Requirements

The purpose of Johnson-O'Malley funds are to provide programs to meet the special education needs of eligible JOM children and to make available, program funding for allowable administrative and Indian Education Committee costs. Listed below are the guidelines for the school, IEC and JOM office for administration of JOM funds.

The requirements summarized below:

1. Submission of Application, Needs Assessment, By-Laws and Minutes of Approval.

- a. Completed applications are due in the Johnson-O'Malley Program's office no later than the 1st Friday in August.
- b. Failure to submit a completed application on or before the required due date will result in a 25% reduction in the schools allocation.
- c. No applications will be accepted after the 1st of September. Schools that fail to turn in a completed application will not receive funds for the upcoming school year. Schools that fail to turn in a completed application will be allowed to re-apply the following year providing they are compliant in the current fiscal year.
- d. Should schools or the IEC have issues with the application or budget revisions they must contact the JOM Program Manager to request assistance or an extension of the deadlines. All decisions concerning these items will be at the discretion of the JOM Program Manager.

2. Submission of Budget Revision and Minutes of Approval.

Due 2nd Friday in March, failure to submit on or before the required due date will result in a 25% reduction in the schools final allocation.

3. Submission of the following documents are due by the end of the 1st week in June.

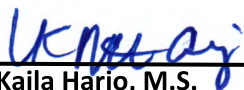
- IEC Election Certificate eform & minutes of approval
- JOM Parent Committee Training eform
- Advertisement of election meeting

4. Programs are to forward the documents below no later than the 2nd Friday in December.

- Annual Report and Minutes of Approval.
- Stamped copy of meeting dates for the current year filed with the County Clerk

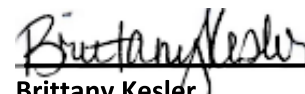
5. Submission of Expenditure Claims.

Expenditure claims are due quarterly for programs that receive more than \$5,000.00. Programs that receive \$5000.00 or less will submit their claims annually. Claims received after the due date will not be processed and will be at the expense of the school. Any claims received from a program that is out of compliance will not be processed for reimbursement.



Kaila Harjo, M.S.

Muscogee (Creek) Nation
Secretary of Education & Training



Brittany Kesler

Muscogee (Creek) Nation
Johnson-O'Malley Program Manager

JOHNSON-O'MALLEY COMPLIANCE DOCUMENT

ANNUAL OVERVIEW

DATE **AUGUST 2024**

- 2 **DEADLINE:** FY25 APPLICATION & NEEDS ASSESSMENT WITH MINUTES
- 2 **DEADLINE:** SUBMISSION OF BY-LAWS WITH MINUTES

DATE **SEPTEMBER**

- 2 INITIAL STUDENT ROSTERS (EMAILED)
- 20 **DEADLINE:** IN-SERVICE REGISTRATION
- 30 **END OF JOM FY24** (LAST DAY TO SPEND FY24 FUNDS)

DATE **OCTOBER**

- 1 *NEW FISCAL YEAR (FY25 EXPENDITURES/MONITOR VISITS BEGIN)*
- 1-4 **STUDENT COUNT WEEK**
- 11 **DEADLINE:** STUDENT TRANSMITTAL FORMS
- 25 JOM IN-SERVICE (9AM-2PM AT RIVER SPIRIT CASINO RESORT)
- 31 **DEADLINE:** **FY24 FINAL EXPENDITURE CLAIM (JULY-SEPT.)**

DATE **NOVEMBER**

- 8 **DEADLINE:** BELVIN HILL MEMORIAL SCHOLARSHIP APPLICATION
- 15 **DEADLINE:** STUDENT ENROLLMENT FORMS

DATE **DECEMBER**

- 6 **DEADLINE:** CHALLENGE BOWL REGISTRATION
- 13 **DEADLINE:** FY24 ANNUAL REPORT
- 13 **DEADLINE:** STAMPED COUNTY CLERK FILING OF IEC MEETING DATES

JOHNSON-O'MALLEY COMPLIANCE DOCUMENT ANNUAL OVERVIEW

DATE JANUARY 2025

- 12 TENTATIVE FINAL ROSTERS (EMAILED)
- 24 LAST DAY TO SUBMIT CORRECTIONS FOR FINAL ROSTER
- 31 **1ST QTR. FY25 EXPENDITURE CLAIM DUE (OCT-DEC)**

DATE FEBRUARY

- 3 FINAL ROSTER (EMAILED)
- 7 BUDGET REVISION LETTERS (EMAILED)
- TBA CHALLENGE BOWL

DATE MARCH

- 7 **DEADLINE:** ACADEMIC INCENTIVE APPLICATION
- 7 **DEADLINE:** ADVANCED PLACEMENT INCENTIVE APPLICATION
- 14 **DEADLINE:** FY25 BUDGET REVISION AND MINUTES
- TBA STATEWIDE CONFERENCE (OKJOM)

DATE APRIL

- 8 JOM HANDBOOK AVAILABLE ONLINE
- 15 **2ND QTR FY25 EXPENDITURE CLAIM DUE (JAN-MARCH)**

DATE MAY

- 1 JOM ACADEMIC INCENTIVE SELECTION
- 14 VIRTUAL PARENT TRAINING

DATE JUNE

- 13 **DEADLINE:** FY25 IEC ELECTION CERTIFICATE
- 13 **DEADLINE:** ADVERTISEMENT OF ELECTION MEETING
- 13 **DEADLINE:** IEC PARENT TRAINING CERTIFICATE

DATE JULY

- 31 **3RD QTR FY25 EXPENDITURE CLAIM DUE (APRIL-JUNE)**