

Tribal Consultation Information

Revision of SF-424B Assurance Statement For Public Law 100-297 Tribally Controlled Grant Schools

The Bureau of Indian Education (BIE) is seeking tribal input on the revision of provisions of the SF-424B Assurance Statement for Public Law 100-297 Tribally Controlled Grant Schools. The assurance statement accompanies the transfer of funds from the BIE to tribally-controlled grant schools.

Background

The Office of Management and Budget (OMB) has established guidelines for consistency and uniformity among federal agencies in the management of grants and cooperative agreements with State, local, and federally recognized Indian tribal governments. OMB has developed standard forms to be used in awarding grants. One of those forms is the SF-424B Standard Assurances (Non-Construction). When information is needed to comply with statutory and regulatory requirements, federal agencies are required to obtain prior OMB approval. The assurance statement was last revised in July 1997 and approved by the OMB. Periodic revision is necessary to adapt to new requirements and to address areas of concern regarding the use of funds by BIE schools. Tribal input is required to revise the assurances.

The grant provided under this part to an Indian tribe or tribal organization for any fiscal year shall consist of the total amount of funds allocated for such fiscal year under sections 1127 and 1128 of the Education Amendments of 1978 with respect to the tribally controlled schools eligible for assistance under this part which are operated by such Indian tribe or tribal organization, including, but not limited to, funds provided under such sections, or under any other provision of law, for transportation costs, to the extent requested by such Indian tribe or tribal organization, the total amount of funds provided from operations and maintenance accounts and, notwithstanding section 105 of the Indian Self-Determination Act, or any other provision of law, other facilities accounts for such schools for such fiscal year (including but not limited to those referenced under section 1126(d) of the Education Amendments of 1978 or any other law) and the total amount of funds that are allocated to such schools for such fiscal year under Title I of the Elementary and Secondary Education Act of 1965, the Individuals with Disabilities Education Act, and any other federal education law, that are allocated to such schools for such fiscal year.

Goals

BIE is seeking to revise the SF-424B Assurance Statement for Public Law 100-297 schools with tribal input that will incorporate required information needed to comply with statutory and regulatory requirements or to meet specific program needs.

Timing

In advance of the Fiscal Year 2013 budget, the Assurance Statement must be implemented by June 30, before the schools' fiscal year begins on July 1, 2012.

Options Identified by BIE

BIE is particularly interested in tribes' perspectives on the following issues regarding the assurance statement.

- #6. Will comply with any applicable tribal, state and federal environmental laws and safety standards which may be prescribed pursuant to the following:.....
- #7. Will allow an inspection for Environmental and Safety compliance.
- #11. Will comply with all applicable requirements of all federal laws and regulations, including the Elementary and Secondary Education Act (ESEA) and Individuals with Disabilities Education Act (IDEA) and, if applicable, tribal laws and regulations governing this program.

Criteria Identified by BIE for Consideration

BIE has identified the following criteria for consideration and seeks input about these criteria and suggestions for others. Criteria considered includes: source of funds, Interior versus Education funds, and applicable legal authorities.