

**Appendix to Agreement Between the Department of the Interior – Bureau of Indian Education and the Department of Education (Subject to Tribal Consultation) Under Executive Order 13592 and Section 9204 of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001**

**Programmatic Responsibilities Under this Agreement**

Any subsequent transfers of funds between the agencies shall be made through transfer of funds documents in accordance with applicable laws and regulations. The informational details in this appendix contain the framework for any subsequent documents transferring funds. If there is any conflict between this document and the terms of any document that transfers funds, the funds transfer document will govern the use of the funding transferred therein. For each program included in this Agreement, Section A below identifies the percentages of each fiscal year's funds that BIE may reserve for administration, "state-level" activities and other "SEA-level" uses, and the percentage that BIE awards to BIE funded schools through formula or competitive subgrants, and in the case of the McKinney-Vento Homeless Assistance Act of 1987, as amended, through procedures described in BIE's consolidated application. Except as may otherwise be specified in this Agreement, any subsequent funds transfer document, or in the approved BIE consolidated State application, BIE will calculate the formula-grant allocation to be provided each year to BIE funded schools using provisions of the formula that was created and consulted upon in 1991 and has been used since, rather than the subgrant formulas in the ESEA program statutes.

The content of this Agreement and subsequent funds transfer documents govern fiscal year (FY) 2012 and subsequent-year funds that Congress makes available for administration and operation of BIE and BIE funded schools under all programs identified in Part IV, A of the Agreement, and funds that ED previously provided to DOI under these programs that are still available for obligation when this Agreement becomes final.

Funds provided for all programs under Part IV, A, with the exception of ESEA Title VII, part A, are forward-funded.

**A. Specific Program Requirements**

**1. ESEA Title I, part A (Improving Basic Programs Operated by LEAs)**

**Planned Use of Amount Transferred**

- After reserving 1.5 percent for administration, BIE reserves an additional four percent, subject to any limitation in section 1003(e) of the ESEA, to carry out State responsibilities with regard to school improvement and other activities identified in ESEA sections 1116 and 1117.
- BIE will award all other funds by formula to BIE funded schools.