THE MINNESOTA CHIPPEWA TRIBE JOHNSON O'MALLEY PROGRAM

LEGISLATION

The Johnson O'Malley (JOM) Act authorizes contracts for the education of eligible Indian students enrolled in public schools and previously private schools. The local program is operated under an education plan, approved by the BIA, which contains educational objectives to adequately address the needs of Indian students.

The JOM Act, passed in 1934, has been amended various times but its main objective remains the same: To ensure that Indian children receive the educational opportunities that would not otherwise be provided.

There are **two main requirements** under the JOM act to <u>assure parent</u> <u>participation and control</u>: (1) The Indian Education Committee (IEC) and (2) The Education Plan.

The JOM Act recognizes that American Indian and Alaska Native children in public schools have special needs due to their unique social, economic and cultural environment.

PROGRAM DESCRIPTION and STUDENT ELIGIBILITY CRITERIA

The federal government under the authority of the JOM Act provides financial assistance for supplemental educational programs to meet the special needs of eligible Indian students in public schools and for special programs for age 3 through grade 12 children.

- Eligible JOM students are eligible if they can provide documentation that they are or at least one parent or grandparent is a member of a federally recognized tribe.
 - > NOTE: Native Hawaiian students are JOM eligible. Canadian Indian students are not.

The purpose of JOM is to provide supplementary financial assistance to meet the unique and specialized educational needs of Indian children. These supplementary funds are not to take the place of federal, state and local funds. Supplemental programs and activities may include academic support, teacher support and educational support items. Funds may be used for academic remediation, tutoring, preschool programs, summer school classes, cultural enrichment, field trips, transportation, medical examinations and school supplies.

JOM funds are contracted to tribes, tribal organizations, public school districts and state departments of education.

JOM AND TRIBAL PRIORITY ALLOCATIONS (TPA)

The JOM program was transferred to the TPA activity of the Tribal Budget System in FY 1996. The TPA allows tribes to prioritize and determine funding levels for various programs funded under TPA, giving tribes flexibility in reprogramming to meet their independent funding needs. A methodology was developed to distribute JOM funds to tribal TPA bases using the FY 1995 student count. This base is used in determining per pupil allocations to TPA and non-TPA Public Law 93-638 contracts with tribes and tribal organizations.

INDIAN EDUCATION COMMITTEE (IEC) INFORMATION

The Indian Education Committee (IEC) is a governing body (usually established through an election process) which is comprised of parents of eligible JOM students. Note: The IEC is sometimes referred to as the Local Indian Education Committee (LIEC), JOM Parent Committee, Parent Advisory Committee (PAC) and other acronyms. This guide will use the term IEC for the JOM parent committee. **The IEC is a governing body not an advisory body.**

The MCT *suggests* that each IEC be comprised of at least five (5) and no more than eleven (11) committee members.

ELECTIONS

The IEC is responsible for conducting elections in accordance with their bylaws. The IEC may opt to have a non-Partisan person act as the election judge and conduct the election. Election procedures should be part of the IEC bylaws.

IEC Eligibility Criteria (who may serve on the IEC)

According to the federal regulations 25 CFR part 273.15 (1), the IEC is elected from parents or legal guardians of eligible Indian students who are 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 the oversight of the JOM program should not be eligible to serve on the IEC. This should be reflected in the bylaws.

IN LOCO PARENTIS

The term "parent" includes a legal guardian or other person standing in loco parentis (Latin phrase defined as "in place of a parent" or "acting as a temporary guardian of a child.)

The general common law meaning refers to a person who has put himself in the situation of a lawful parent by assuming the obligations incident to the parental relation without going through the formalities necessary to legal adoption. It embodies the two ideas of assuming parental status and discharging the parental duties.

The key in determining whether the relationship is found is the intention of the person allegedly in loco parentis to assume the status of a parent toward the child. The intent to assume such parental status can be inferred from the acts of the parties. Other factors which are considered in determining whether in loco parentis status had been assumed are (1) the age of the child; (2) the degree to which the child is dependent on the person claiming to be standing in loco parentis; (3) the amount of support, if any, provided; and (4) the extent to which duties commonly associated with parenthood are exercised.

The definitions of the term "in loco parentis" are often context specific and no court or regulation has defined the term exhaustively. The presence of a biological parent in the home may foreclose another from holding status of "in loco parentis.

The Minnesota Chippewa Tribe (MCT) has adopted regulations that allow for Indian grandparents to serve on the IEC, provided their grandchild is JOM eligible and they (the grandparent wishing to serve on the committee) possesses at least ¼ degree Indian blood or is an enrolled member of a federally recognized tribe.

WHO IS ELIGIBLE TO VOTE

Any parent or legal guardian of an eligible JOM student enrolled within the district may vote. Note: Students are not allowed by federal regulation to vote or hold a position on the IEC.

Voting by proxy is not allowed.

ELECTION PROCESS

Nominations will be solicited, published and kept on at the project's office.

An election board will be established by IEC consisting of an election judge and clerks (who will be responsible for counting ballots determined by voter registration, determining and certifying election results.)

Selection of IEC will be determined by majority vote.

Election results shall be published within the Indian community.

Elections will be conducted according to bylaws.

If a regular member resigns or is removed from the IEC, the nominee with the next highest number of votes may become a regular member by appointment or as stipulated in the bylaws.

Ballots should be maintained for 60 days or as stipulated in bylaws.

EXPECTATIONS OF IEC MEMBERS:

Attend JOM IEC meetings and trainings, review/approve JOM reports, conduct parent committee elections, conduct public hearings, recommend criteria for employment, screen and recommend prospective staff, recommend curriculum, recommend materials and teaching methods, approve budget preparation and execution, approve all programs contracted, hear grievances of JOM program according to procedure stated in the bylaws, annually review and ratify bylaws, and conduct an annual needs assessment.

The IEC participates fully in the planning, development, implementation and evaluation of the JOM program.

BEING AN IEC MEMBER MEANS:

To do what is best for the program and not necessarily what you want for your own child.

To vote on every issue that is brought before the committee unless there is a conflict of interest. Each IEC member shall have one (1) vote. Proxy and absentee voting are not permitted. Members may send alternates to meetings, but the proxy is not permitted to vote.

That you were elected by the JOM parents to represent them and their children.

That you support the efforts of the JOM staff and that you will be their advocate within the school district.

To listen to the concerns of students, parents and staff and try to help to the best of your ability.

Know the JOM budget and how, where and why expenditures are made.

That you make every effort to implement a program that will address identified needs (from the results of the needs assessment survey).

IEC OFFICERS AND DUTIES

Officers may consist of a chairperson, vice-chairperson and secretary. (There may be other officer positions if determined by the IEC. These positions should be included in the bylaws).

Officers are selected by majority vote at the first official IEC meeting upon completion of the election.

Duties of Chair: Presides at the regular and special meetings, sets the agenda with the assistance of the JOM project coordinator or Indian education staff, signs all official documents such as the education plan, vouchers, budget, evaluation, and any revisions or modifications to the documents. The Chair only votes in the event of a tie.

Duties of Vice-Chair: Assumes the duties of the Chair when he/she is absent from a meeting or when the Chair resigns from the committee.

Duties of the Secretary: Keeps complete records of all meetings, is custodian of all records, submits copies of all IEC minutes to the MCT JOM Program Coordinator and will submit all documents to the Chair or newly elected Secretary within 14 days after expiration of their term.

IEC MEETINGS:

The IEC shall meet monthly/quarterly at a time and place determined by the IEC (according to bylaws.)

In addition to regular meetings, special meetings may be held at the call of the Chair. The call for special meetings must state the time, place and purpose of the meeting and must be called at a minimum of 48 hours in advance of the meeting date or according to the bylaws.

The order of business at IEC meetings includes rollcall, agenda announcement (including changes, additions, or deletions), approval of minutes, old business, new business, staff reports, activities and community forum.

Notice of meetings will be published or posted within the community for all who may wish to attend.

Notice of all regular meetings shall be sent to each IEC member at least 7 days in advance of the meeting. All meeting notices must include date, time and place. All meetings will follow parliamentary procedure.

One-half of the members plus one shall constitute a quorum to conduct official business. With the presence of a quorum the Chair will announce the agenda for the meeting.

The Chair will recognize members of the Indian community who wish to address the committee during the time set on the agenda for that purpose.

The Chair will announce the results of each vote and will declare the meeting adjourned when the committee so votes or where applicable in the event of a sudden emergency affecting the safety of those present.

SUBCOMMITTEES

Subcommittees may be formed as needed. The function of the subcommittee will be to facilitate the operation of the IEC by carrying out business that does not require the input of the full IEC or by doing preliminary work to prepare for some action to be taken by the full IEC at a later time.

The chairperson of each subcommittee shall be appointed by the IEC Chair, who shall also designate the life (timeframe) of each subcommittee upon its creation.

Membership of working subcommittees will be members of the IEC.

REPORTING REQUIREMENTS

There are several reports and items that all MCT JOM projects are required to submit throughout the year and must be IEC reviewed/approved.

NEEDS ASSESSMENT AND SURVEY RESULTS:

- A needs assessment survey is a questionnaire designed by the IEC to gather information about the specialized and unique educational and culturally related needs of eligible students. It provides direction for program development, fiscal and program management. A needs assessment is conducted annually.
- Needs assessment surveys may be conducted by mail, phone, door-to-door, in-person or however the IEC determines will be the most effective way of reaching the parents and getting the surveys completed.
- Needs assessment surveys may be formatted to rank needs from high to low, contain yes or no type questions and provide space for written comments.
- The IEC determines what questions will be asked and who (along with parents of JOM students) may complete the survey to identify as many student need areas as possible. The IEC may consider asking teachers and administrators.

- The IEC determines who will collect the completed results/survey forms. The results will be prioritized according to what needs are deemed most important to least important.
- The IEC determines which needs will be covered by looking at factors such as how much it will cost, how much time it will take and how much space is available to meet the needs.

JOM funds should be used to supplement existing programs an to meet the unique educational needs of Indian children. Supplanting is illegal.

PUBLIC HEARING:

- A public hearing is a meeting called by the IEC to inform the public about the JOM program. Results of the needs assessment are made available for review and comment. The public hearing is an opportunity for the IEC to get additional parent and community input to consider when developing the education plan.
- A copy of the public hearing notice (such as a newspaper clipping) must be submitted to the MCT JOM office. The notice should state the date, time and location of the public hearing. (The notice should be posted 1-2 weeks prior or according to bylaws.) Minutes of the public hearing are also to be submitted to the MCT JOM office.

EDUCATION PLAN:

• The education plan is a written document which outlines the plans for providing services to meet the identified needs of eligible JOM students. It explains what the measurable goals and objectives are and how the project plans to achieve them.

Goals are general statements of end results – they are a necessary first step in the planning cycle. Goals are usually quite general and are subject to a variety of interpretations. At present, most of the ends achieved in education are stated as goals. (Example: The goal for the JOM project is to have an increased participation in extra-curricular activities.)

Objectives define specific outcomes in measurable terms. (Example: By the end of the school year, 25 JOM students will have participated in a cultural activity as documented by Indian Education staff.)

- Note: An objective will answer these questions: Who, does what, when and how will it be measured?
- All programs, components and activities are to be in the education plan.
- The education plan contains the needs assessment survey results and identifies methods to be used in evaluating the program.

The major function of an evaluation is to see if the program is carried out according to the education plan. It shows the program's strengths and weaknesses and whether or not a program accomplished what it said it would. An evaluation should be viewed as a tool for improving or strengthening existing programs.

- Projects have the option to complete one-, two- or three-year education plans. Note: A needs assessment must still be done yearly.
- All education plans shall include the following four areas of development: (1). Assessment of educational needs of the Indian students. A needs assessment will identify needs and establish priorities. It provides direction for the development of programs to meet specific needs.
 - (2). Goals and measurable objectives that will address Indian student needs. Goals represent long-range outcomes. Objectives describe what is to be achieved in a specific timeframe and how it will be measured.
 - (3). Development of project design to meet objectives. This will include community goals as determined by the needs assessment to provide direction for the program. The program components will define the various service areas.
 - (4). Quantitative evaluation of the program's effectiveness. The evaluation process should be used in program planning for the needs assessment, objectives and implementation. Evaluation also provides direction in project planning.

QUARTERLY REPORTS

• Quarterly report forms are sent to all MCT JOM projects. The information requested is for a specific period of time that includes program

objectives, activities underway, evaluation of activities, accomplishments, IEC and student information. Note: Since covid, some projects have opted to submit combined quarterly reports or one report that includes information for the full year.

BYLAWS

- Bylaws establish the governing framework and dictate rules for the IEC to follow.
- Each IEC has the responsibility of drafting, amending, approving, reviewing and annually ratifying their bylaws.
- The bylaws should include: The name of the JOM IEC, the purpose of the JOM IEC, membership criteria, election criteria (procedure, election of officers, terms of office and removal procedures), grievance procedures, powers and duties of JOM IEC, officers (chair, vice-chair, secretary and any other officers), meeting information (notices, agenda, quorum and special meetings), parliamentary procedures, amendment procedures, policies and ratification.

FINAL BUDGET

- The final JOM budget is a form that provides the amount of JOM funds allocated to the project. It must be prepared, reviewed and approved by the IEC.
- The MCT JOM Program Coordinator sends the final budget form to the identified JOM contact person (many times this person is the Indian Education Director.) The IEC provides directions as to whom the form is to be initially sent.
- The budget form provides areas/line items where JOM expenditures can be made (more information/details on expenditures is provided in this guide.)
- The IEC Chair's signature on the form is required which indicates full IEC review and approval.

JOM IEC MEMBERSHIP LIST/ROSTER

- The IEC membership list/roster form includes the names of the current IEC members and identifies the chair, vice-chair, and any other officers. It should state when the most recent election was held and when the next election is scheduled.
- This information must be submitted to the MCT JOM office.

IEC MINUTES

- Minutes are the official records of IEC meetings. They document decisions made by the IEC pertaining to their respective JOM project.
- Minutes of all IEC meetings are to be submitted to the MCT JOM office.

JOM STUDENT LIST and JOM INDIAN STUDENT CERTIFICATION FORMS

- A JOM student list identifying students attending the district believed to be JOM eligible is sent from the school (generally the Indian Education department) to the MCT JOM office. The MCT JOM program coordinator checks for existing documents (JOM Indian student certification forms) on file verifying JOM eligibility.
- JOM Indian Student Certification Form is a one-page document which is to be completed by the parent/guardian for each student on the JOM student list. There are 3 sections on the form: The first section requests information about the student including name, address, grade, school attending, date-of-birth, blood quantum, tribal affiliation, reservation and enrollment number. The second section requests information about the parents including names, dates-of-birth, tribal affiliation, enrollment numbers, parental status and request for release of information that includes a signature and date. The third section is verification of information (as to whether a student meets JOM eligibility criteria) and must be completed and signed by a tribal official.
- All Indian students who wish to utilize JOM services must have a completed and verified JOM Indian Student Certification Form on file at the MCT JOM office.

DE MINIMUS PARTICIPATION (must be IEC approved)

• De Minimus Participation shall be interpreted as non-eligible (JOM student) participation that is insignificant in terms of affecting the cost of the program or activity and is not denying the participation of any eligible (JOM) students. Example: If a project is planning an activity such as a field trip, guest speaker or cultural activity and there will be no additional cost to the program, the non-eligible student may participate.

MCT JOM VOUCHERS

- MCT JOM vouchers are forms that are used to request payment for JOM expenditures. Note: Vouchers must correlate directly with the IEC JOM budget form. (A sample voucher is provided in this guide.)
- MCT JOM vouchers are provided by the MCT JOM office and may be requested as needed.
- The process for payment of JOM expenditures will be as follows:
 - (1) Complete an MCT JOM voucher (include who is to be paid, lineitem codes and JOM Chair signature.)
 - (2) One of the following items **must** accompany a completed voucher: an *invoice*, *receipt*, *or district printout* from the business office (identifying the expenditures to be reimbursed.)
 - (3) NEW: A W9 form must be completed for payment to all vendors except S and C corporations.
 - (4) Please provide a date on all documents signed (even if there is not space to do so).

273.113 HOW CAN THE FUNDS BE USED UNDER THE JOM 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 academic and professional disciplines; or
 - (3) Important needs, such as school supplies and items that enable recipients to participate in curricular and extracurricular programs; and
- (b) Purchase equipment to facilitate training for professional trade skills and intensified college preparation programs.

The following is a general list 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:

Basic School Supplies:

Backpacks	Paper	Pens/Pencils (Map)
Pencil Bag/pouches	Crayola Crayons	Colored Pencils
Markers	Highlighters	Washable Watercolors
Whiteout/correction fluid	Glue (Elmer's/sticks)	Chalk
Art Paper & Paint	Rulers	Pencil Sharpener
Calculators	3-Ring Binders	Assignment Book
Pocket Folders	Tab Dividers	Index Cards
Loose Leaf Paper	Spiral Notebooks	Composition Books
Primary Journal	Graph Ruled Paper	Construction Paper
Expo Erasers & Board	Scissors	School Boxes
Tape & Dispenser	Paper Clips	USB Flash Drives
Stapler & Staples	Staple Remover	Disinfecting Wipes
Kleenex Tissues	Rest Mat	Pad Lock for Locker
Face Mask	Gloves	Hand Sanitizer
Hand Wipes	Water Bottle	Post-it (Pads & Dispenser)

Curricular:

Band Instrument Rental/Supplies School Field Trips

Extra-Curricular Programs:

Sports/Team Shoes (cap amount)

Sports/Team Jacket (cap amount)

Sports Physical (cap amount per academic year)

After School Program (lite refreshments/snacks-sandwiches, cookies, punch)

School Uniform Assistance

Graduation Caps/Gowns/Sashes

JOM Senior Banquet (lite refreshments - sandwiches, cookies, punch)

Awards Program (lite refreshments - sandwiches, cookies, punch)

Lunch Fee

Drug/Alcohol Education Prevention

Educational Conferences, Summer Youth Education Camps

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 and frames (if possible, recommend utilize IHS)
iPad
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 Cultural Food Classes
Native Language/Literature/History Activity

Native Cultural Enrichment Activity (local needs)

Native Cultural Art/Music Activity

Native American/Alaska Native Heritage Speakers Activity

Native American Student Dance Troupe

Native American Student Color Guard

Native American Student Drum Group

Powwow (JOM Sponsored Powwow)

Native Cultural/History Field Trips

Therapeutic Items (weighted blanket, etc.)

The following Academic Incentives related to Academic Achievement:

Sashes (Graduating Seniors)

Gift Cards, Gift Certificates

T-Shirts, Jackets, Hooded Sweatshirts (Custom Imaging)

Local Field Trips (Zoo, Theatres, Theme Park)

Sports Bags/Backpacks

Picnics

Activity/Fun Days

Plaques/Trophies/Certificates

Book Fairs

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

IEC Per Diem and Mileage for Approved Travel

Stipends for Attendance (meetings)

Lite Refreshments at IEC Meetings

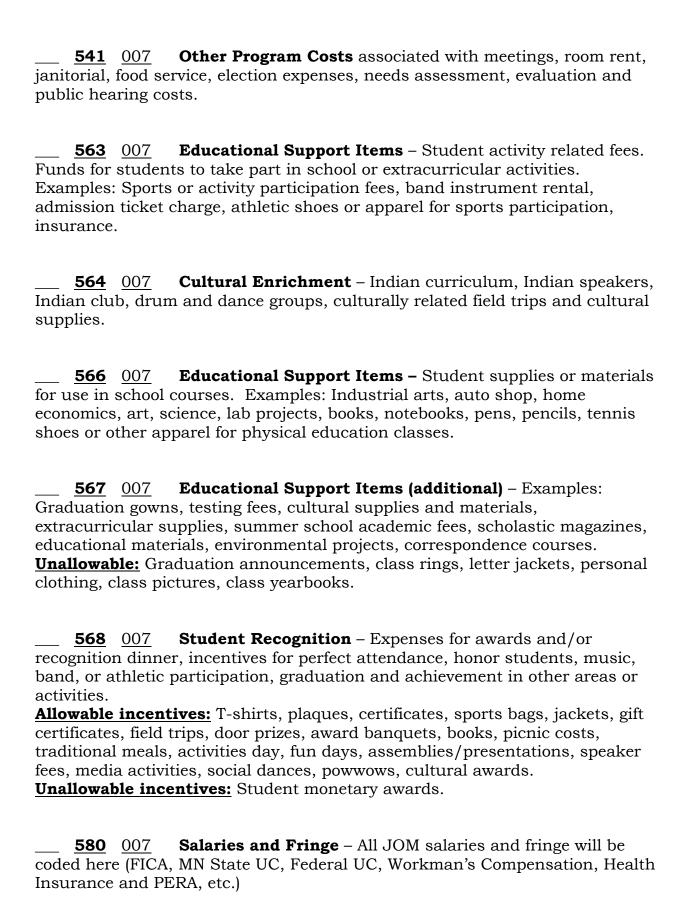
INDIAN EDUCATION COMMITTEE FINAL BUDGET

Sample Form

School	Acct.	JOM		
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SCHOOL CODES, ACCOUNT NUMBERS AND DESCRIPTIONS

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	533	007	Telephone costs for JOM office.
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	540	007	Computer Expenses for JOM office.



Minnesota Chippewa Tribe JOM Projects:

- 1. Anoka-Hennepin
- 2. Coleraine
- 3. Fridley
- 4. Hibbing
- 5. International Falls
- 6. Minneapolis
- 7. Mounds View
- 8. Northwoods/Cherry/NE Range/Tower
- 9. Robbinsdale
- 10. Rock Ridge
- 11. St. Paul
- 12. Warroad

New 2023-2024:

- 1. Bdote
- 2. Columbia Heights
- 3. Hastings
- 4. Hopkins
- 5. Mesabi East
- 6. North St. Paul/Maplewood
- 7. Osseo
- 8. Roseville
- 9. White Bear Lake

New 2024-2025:

- 1. Chisholm
- 2. Minnesota Transition Charter School

Questions please contact: Billie Annette, JOM Program Coordinator

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