



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES  
OFFICE OF SPECIAL EDUCATION PROGRAMS

DIRECTOR

July 1, 2023

Honorable Tony L. Dearman  
Director  
Bureau of Indian Education  
1849 C Street, N.W.  
MS-4657-MIB  
Washington, D.C. 20240

Dear Director Dearman:

Please find enclosed the Office of Special Education Programs grant award to the U.S. Department of Interior (DOI), the Bureau of Indian Education (BIE) for Federal fiscal year (FFY) 2023 funds under Part C of the Individuals with Disabilities Education Act (IDEA). These funds are to be distributed by BIE under IDEA Section 643(b) to those tribes and tribal organizations (as defined by Section 4 of the Indian Self-Determination and Education Assistance Act), or consortia of those tribal entities on reservations that are served by elementary and secondary schools for Indian children operated or funded by the BIE.

Under the IDEA Section 643(b)(4), tribes, tribal organizations, or their consortia (all of which are referred to in this letter as tribal entities) must use these funds to: (1) Assist State lead agencies under Part C of the IDEA in child find, screening, and other procedures for the early identification of children under three years of age who may be eligible for early intervention services and who reside on reservations and/or (2) provide parent training for, or early intervention services to, infants and toddlers with disabilities and their families who reside on reservations.

BIE's IDEA Part C FFY 2023 grant award is issued with the understanding that the BIE will submit two required reports under Part C of the IDEA. The first is the biennial report under IDEA Sections 618(a)(1)(B) and (C) and 643(b)(5) and 34 C.F.R. § 303.731(e)(1) and (2) regarding the identification of, and provision of early intervention services to, infants and toddlers with disabilities and their families. The BIE submitted on December 12, 2022, its Biennial Report regarding the summary of tribal entities receiving IDEA Part B 619 and Part C funds from July 1, 2020 through June 30, 2022. We appreciate BIE's submission of the biennial report. As a reminder, the BIE must submit its next biennial report by December 31, 2024 for IDEA funds awarded from July 1, 2022 through June 30, 2024.

BIE's IDEA Part C FFY 2023 grant award is also issued with the understanding that the BIE will submit the required annual report under 34 C.F.R. § 303.731(e)(3) regarding payments made by the BIE to tribal entities. For the annual report, the BIE must provide a report on the payments distributed under IDEA Part C, including the name of the tribal entity that received payment, and the date and amount of each payment. The 2022 annual report was due on December 31, 2022. OSEP has identified the following issues with BIE's 2022 and 2021 annual reports, which BIE must address. On December 5, 2022, the BIE submitted its 2022 Annual Report, with the

relevant information, but did not include the date of payment information for each of the tribal entities as required under Part C. On May 12, 2023, the BIE submitted an updated 2022 annual report; however, this report is missing date of payment information for 11 tribal entities (nine are blank and two are labeled “Released BIA”). As a follow-up from the 2021 Annual Report, the BIE submitted an updated annual report on November 14, 2022; however, this report is missing date of payment information for six tribal entities (five are labeled “waiting for signature” and one is labeled “waiting for budget”). Lastly, in the 2021 Annual Report, the BIE reported two tribal entities as “N/A” and in the 2022 Annual Report, the BIE reported four tribal entities as “N/A”. Therefore, OSEP is unable to determine whether all eligible tribal entities have received their FFY 2021 and FFY 2022 IDEA Part C funds.

Within 60 days from the date of this letter, the BIE must provide to OSEP updated 2022 and 2021 annual reports with an explanation for each tribal entity payments under IDEA Part C to fulfill its obligation under 34 C.F.R. § 303.731(e)(3). The reports must include an explanation of the tribal entities reported as “N/A” on the annual reports and the difference in the total number of tribal entities reported as “N/A” in the reports. OSEP is available to provide technical assistance on the report requirements through a teleconference call. Please reach out to your OSEP contact to schedule this call before submitting the revised reports.

Enclosed is the grant award notification (GAN) document, which represents the BIE’s FFY 2023 grant award for funds currently available under the Consolidated Appropriations Act, 2023 (Public Law 117-328) for the IDEA Part C program. This grant award is subject to IDEA Part C requirements. These funds are available for obligation by IDEA grant recipients from July 1, 2023 through September 30, 2025 in accordance with 34 C.F.R. § 76.709.

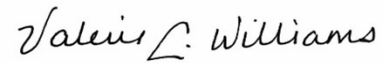
The enclosed IDEA Part C BIE grant is awarded with the continued understanding that OSEP may, from time to time, require additional information. These inquiries may be necessary to allow us to appropriately carry out our administrative responsibilities under Part C of the IDEA.

As a reminder, all prime recipients of IDEA Part C funds, must report subaward information as required by the Federal Funding Accountability and Transparency Act of 2006 (FFATA), as amended in 2008. First-tier subaward information must be reported by the end of the following month from when the award was made or obligated. FFATA guidance is found at <http://www2.ed.gov/policy/gen/leg/recovery/rms-web-conferences.html>. Please contact your Fiscal Accountability Facilitator if you have further questions.

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We appreciate the BIE's ongoing commitment to the identification of, and provision of early intervention services to, infants and toddlers with disabilities and their families residing on reservations.

Sincerely,

A handwritten signature in cursive script that reads "Valerie C. Williams".

Valerie C. Williams  
Director  
Office of Special Education Programs

cc: Klarissa Jensen, Education Research Analyst, Early Childhood Education Programs