

Bureau of Indian Education

CONTINGENCY PLAN

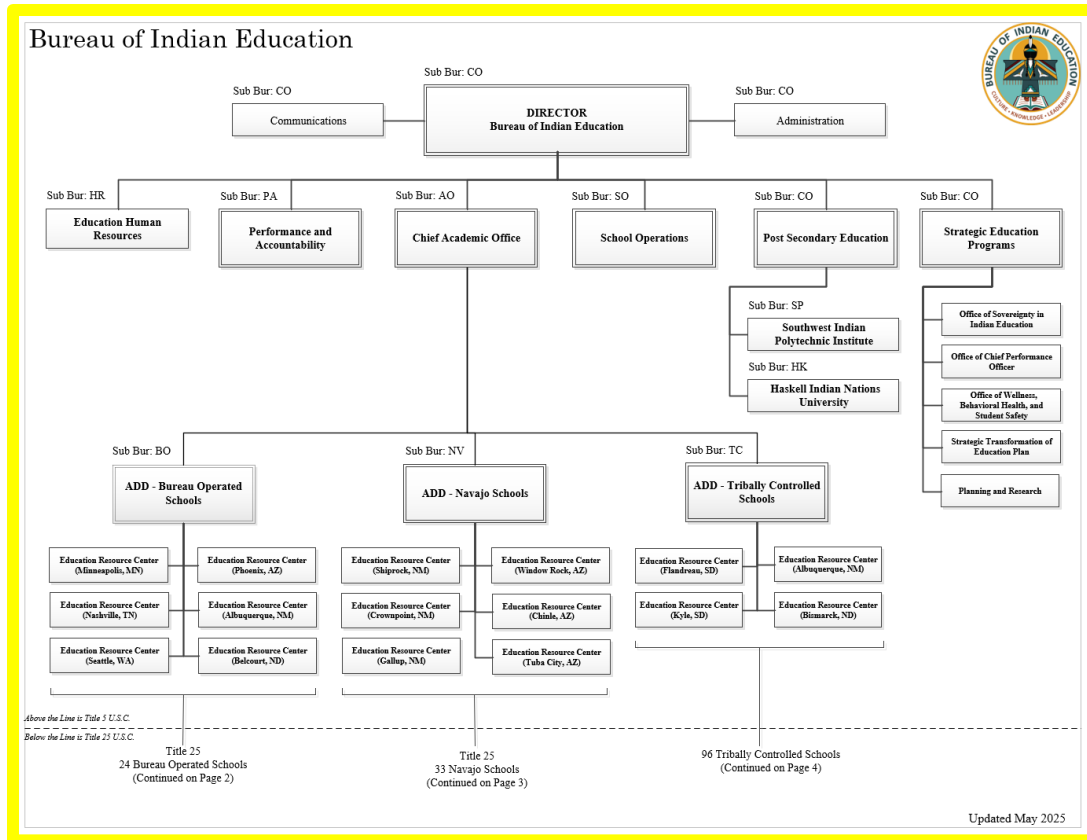
September 2025



Department of the Interior Bureau of Indian Education Contingency Plan for a Potential Lapse in Appropriations September 2025

Overview

This contingency plan is developed in accordance with the Office of Management and Budget (OMB) Circular A-11, Section 124 and extends to all offices within the Bureau of Indian Education (BIE) under the Department of the Interior (DOI), including Central Office-East (Washington, D.C.), Central Office West (Albuquerque, NM), Southwestern Indian Polytechnic Institute (SIPI) (Albuquerque, NM), Haskell Indian Nations University (HINU) (Lawrence, KS) and 15 Educational Resource Centers across the Nation. The BIE oversees 55 bureau-operated elementary/secondary schools and two post-secondary institutions. BIE also provides technical assistance to 128 tribally controlled elementary/secondary schools, 29 tribally controlled community colleges, and two tribal technical colleges. This plan presents a management framework and establishes operational procedures to sustain essential activities during a lapse in appropriations within the BIE.



The primary objectives of this plan are to:

1. Protect the safety and well-being of employees, students, and others;
2. Minimize interruptions to essential functions;
3. Ensure continued leadership; and
4. Provide for an orderly means of addressing problems and restoring normal operations as quickly and safely as possible.

The basic elements of the plan are:

1. Identification of essential activities that must be performed;
2. Alternate locations for performing essential activities;
3. Excepted employees to perform the essential activities, including continued command and control of the organization;
4. Alternate means of communication, including voice, fax, and electronic;
5. Support services such as personnel and procurement; and
6. Leadership and support services for the continued instructional and related services.

Orderly Shutdown

This plan includes the necessary implementation instructions for each subordinate Indian Affairs organization/ facility during a lapse in appropriations. In the event of a lapse in appropriations, the normal organization of the BIE will transition into that of the contingency organization.

Lapse Plan Summary Overview

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Estimated time (to nearest half day) required to complete shutdown activities:	0.5
Total number of agency employees expected to be on board before implementation of the plan:	2,961
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	0
Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts):	
Compensation is financed by a resource other than annual appropriations:	2,685
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	533
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	43

Brief summary of significant agency activities that will continue during a lapse:

Funding for BIE grades K-12 school programs are forward funded. The BIE funds are appropriated in the prior year. Therefore, the 2025-2026 K-12 school year was funded in the Fiscal Year (FY) 2025 appropriation bill and funding is available to support continued instructional and related educational services in FY 2026. These and other BIE funds will be used to maintain operations of education programs during a lapse of appropriations. The HINU and SIPI are also forward funded, and funds were made available July 1, 2025. In addition, the Department of Education provides forward funding for the Title V staff working in the Division of Performance and Accountability.

The BIE has a trust responsibility to provide education to Indian students, and this responsibility is reinforced under laws such as the Pub. L. 93-638 - Indian Self-Determination and Education Assistance Act, as amended and renumbered (25 U.S.C. § 5301 et seq.).

Exempt Personnel (2,961): Includes staff that are funded by appropriations not impacted by a government shutdown (forward funding) including K-12 special education and supplemental education program staff, facilities and maintenance, and school contract educators.¹ To carry out these exempt functions, there are staff working at the administrative level to support and ensure continued instructional and related educational services within BIE-funded schools and post-secondary institutions, which are necessarily implied by law (e.g., Education Specialists, Education Program Administrators, and Senior Management Officials), including communication and personnel support for employees (e.g., communications staff and human resources). With all schools fully funded and operating as normal, administrative personnel will be designated as exempt and paid with carryover funding to assist and provide services related to the operational functions of the schools, to include critical safety and health program services and activities.

There are staff to assist with the protection of employees, students, and to assist with responding to a loss of life or property incident (including Security Guards, Safety Specialists, Behavioral Health Specialists, and Facility and Maintenance Staff).

Bureau of Indian Education List of Essential Functions

- The BIE Director and senior management team must ensure the education process continues during the lapse of appropriations.
- Elementary and secondary schools must continue operations to meet all appropriate State academics standards. These schools are in 23 States.
- Post-secondary institutions operated by the BIE must continue to operate to ensure class credits are not compromised and lost to the students.
- The BIE Director must continue to provide a safe and secure environment for students in elementary, secondary, and post-secondary institutions.
- The BIE must continue to ensure funds and technical assistance is provided to tribally controlled schools, tribally controlled community colleges, and tribal technology colleges.
- The BIE must continue to work with appropriate law enforcement officials and social services offices to address issues of child abuse and neglect.
- The BIE must oversee Human Resources Management operations and activities to provide services to approximately 2,961 employees at bureau operated schools including recruitment/placement, processing personnel actions, encoding payroll information, maintenance of HR information systems, employee and labor relations.

¹ Employees participating in the Deferred Resignation Program whose resignation dates extend beyond September 30, 2025 may be exempt to the extent there are sufficient available balances, otherwise they will be furloughed.

- The BIE relies on the Deputy Assistant Secretary for Management (DASM) to provide high-level administrative services and technical support to address any Federal Tort Claims Office of Facilities, Property and Safety Management, Division of Safety and Risk Management, including procurement and commercial contracting business operations support (e.g., Office of Chief Financial Officer, Office of Information Technology). During a lapse in appropriations, the BIE will rely on the DASM for these services. The DOI's Office of the Solicitor provides advice and guidance on Federal Tort Claims and Equal Employment Opportunity (EEO) cases.
- The BIE must continue to provide appropriate academic technical assistance and guidance to the bureau operated and tribally controlled schools, as mandated by Pub. L. No. 114-95 Every Student Succeeds Act (ESSA) of 2015, and Pub. L. No. 94-142, Individuals with Disabilities Act (IDEA) of 1990.
- The BIE must be prepared to address emergencies (acts of violence, etc.) and critical incidents (suicides, bullying, etc.) at both the bureau-operated and tribally controlled schools.
- The BIE must continue to provide the following administrative services to the bureau-operated elementary and secondary schools, post-secondary institutions, and tribally controlled grant schools:
 - Budget and finance procedures, processes and systems to execute all fiscal and accounting functions for education programs and schools.
 - Administration of all education contracts/grants under the provisions of the Pub. L. 93-638 Indian Self-Determination and Education Assistance Act, as amended and renumbered; Pub. L. 95-561 - Education Amendments Act of 1978, as amended; and Pub. L. 100-297 Tribally Controlled Schools Act of 1988, as amended; and other Federal laws, statutes and OMB Circulars.
 - Each bureau-operated school, including HINU and SIPI will have available staff to assist procurement and finance activities.

Brief summary of significant agency activities that will cease during a lapse:

With the current BIE plan, no activities will cease during a lapse.

Shutdown activities that will not be completed within one-half day:

N/A

Actions to Resume Orderly Operations

Communications

N/A

Flexibilities Available to Supervisors

N/A

Resuming Normal Operations

N/A