

**Bureau of Indian Education
CONTINGENCY PLAN
September 2015**

Summary

This contingency plan is developed in accordance with OMB Circular A-11, Section 124 and extends to all offices within the Bureau of Indian Education (BIE) including Central Office East (Washington, D.C.), Central Office West (Albuquerque, New Mexico), Southwestern Indian Polytechnic Institute (Albuquerque, New Mexico), Haskell Indian Nations University (Lawrence, Kansas), and the 22 Education Line Offices located in 23 states across the nation. The BIE oversees 56 Bureau operated elementary/secondary schools, Two Post-Secondary Institutions and provides technical assistance to 128 tribally controlled elementary/secondary schools and 25 tribally controlled community colleges. This presents a management framework and establishes operational procedures to sustain essential activities during a lapse in appropriations within the BIE.

The Basic Elements of the Plan Are:

1. Identification of essential activities that must be performed
2. Excepted employees to perform the essential activities, including continued command and control of the organization
3. Support services such as personnel and procurement, and
4. Leadership and support services for the continued instructional and related services

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

This plan includes the necessary implementation instructions for each subordinate Indian Affairs BIE organization/facility during a lapse in appropriations.

Contingency Operations

In the event of a lapse in appropriations, the Bureau of Indian Education (BIE) will continue as an organization that educates, feeds, and cares for students.

The Bureau of Indian Education contingency organization's primary duties are:

1. To continue instructional and related educational services within BIE-funded schools
2. To protect employees, students, and others information assets until normal business operations are resumed.
3. To ensure that a viable capability exists to respond to an incident.
4. To manage all response activities.
5. To support and communicate with employees, system administrators, security officers, and managers.

Retained Employees:

Consistent with guidance in OMB Circular A-11 Section 124, the following is an estimated number of employees that will be retained under each of the following three categories are:

- Those employees who are engaged in military, law enforcement or direct provision of health care activities: **0 Employees**
- Those employees whose compensation is financed by a resource other than annual appropriations: **3,303 Employees**
- Those employees who are needed to protect life and property and are not otherwise exempt. **150 Employees**

Zero employees will not be exempt or excepted and will be furloughed. All 150 employees will be needed to support 3,303 school personnel to ensure the safety and well-being of 45,000 students across 23 states.

Funding for school operations is forward funded. Bureau of Indian Education funds are appropriated in the prior year. Thus, the 2015-2016 K-12 School Year was funded in Fiscal Year 2015's appropriation bill and are available to support ongoing school operations. The Department of Education has provided funds for the period July 01, 2015 through June 30, 2016. These funds and BIE funds will be used to maintain operations of education programs during a lapse of appropriations. While Haskell and SIPI are the exceptions, being funded under the regular appropriation cycle (not forward funded), both schools have prior year balances which can be used to support ongoing school operations. Additionally, Haskell and SIPI have access to the Schweitzer Bequest Fund which has been used in the past to ensure continuance of operation.

Bureau of Indian Education Contingency Plan

Contracting: Two employees have been identified to oversee the contracting process, which includes timely encoding and technical assistance to bureau operated schools' commercial contracts during a lapse of appropriations. The personnel identified will be the primary point of contact to assist and ensure commercial contracts are processed efficiently. It is also noted that all schools/offices operating during a lapse of appropriations will have one (1) person identified to initiate procurement activities. (56 Bureau Operated Schools)

IT Staffing: IT Personnel at the schools/offices during a lapse of appropriations will be provided. Currently the IT Personnel are located under the Bureau of Indian Affairs (OCIO) IT office and will continue work activities under the contingency plan of the BIA Office Chief Information Officer.

Law Enforcement: School Resource Officers, assigned to BIE funded schools are supervised by the Office of Justice Services (OJS). During a lapse in appropriations, activities will continue under the contingency plan of the BIA Office of Justice Services (OJS).

Attachment 1

Bureau of Indian Education List of Essential Functions

- The Director, Bureau of Indian Education 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 located in twenty-three (23) states.
- Post-secondary institutions operated by the Bureau of Indian Education must continue to operate to ensure class credits are not compromised and lost to the students.
- The Director, Bureau of Indian Education must continue to provide a safe and secure environment for students in the elementary, secondary, and post-secondary institutions.
- The Bureau of Indian Education must continue to ensure funds and technical assistance is provided to Tribes, Tribally Controlled Schools, and Tribally Controlled Community Colleges.
- The Bureau of Indian Education must continue to work with appropriate law enforcement officials and social services offices to address issues of child abuse and neglect.
- The Bureau of Indian Education relies on the Bureau of Indian Affairs to provide services for Human Resources (Office of Human Capital Management), Office of Workers' Compensation Programs (OWCP), Tort Claims (Division of Safety and Risk Management), Information Technology (OCIO) and Commercial Contracting Awards (Regional Acquisitions Offices). During a lapse in appropriations, the Bureau of Indian Education will rely on the Bureau of Indian Affairs for these services. The Bureau of Indian Affairs includes these functions in their contingency plan. The Solicitors office also provides guidance on Tort Claims and Equal Employment Opportunity Cases (EEO).
- The Bureau of Indian Education must continue to provide appropriate academic technical assistance and guidance to the Bureau operated and tribally controlled schools, as mandated by Public Law 107-110, No Child Left Behind Act (NCLB) of 2001, and Public Law No. 94-142, Individuals with Disabilities Act (IDEA) of 1990.
- The Bureau of Indian Education 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 Bureau of Indian Education must continue to provide the following administrative services to the Bureau operated elementary and secondary schools, post-secondary institutions and tribally controlled grant schools:

Bureau of Indian Education Contingency Plan

- 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 Public Law 93-638, Public Law 100-297 and other Federal statutes and OMB circulars
- Each Bureau operated school, Haskell Indian Nations University, and Southwest Indian Polytechnic Institute will have available staff to assist procurement and finance activities.