

# Pub. L. 95-471, TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES GRANT APPLICATION AND INDIAN STUDENT COUNT

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# Pub.L. 95-471 Tribally Controlled Community Colleges Assistance Act

- Provide grants for the operation and improvement of tribally controlled community colleges and universities
- Authorizes the Secretary of the Interior to make grants pursuant to this title to go into the operating funds of the college to defray expenses related to educational programs for Indian students

# Grant and Funding

- The total amount of grant monies available each year is determined by the funds appropriated by the Congress to the Department of the Interior, Bureau of Indian Affairs' budget
- The amount of a grant per institution is based on the average of ALL institution's Indian Student Count (ISC)

# Indian Student Count

Pursuant to Title 25, U.S.C. §1801(a)(7) “*Indian Student Count*” means a number equal to the total number of Indian students enrolled in each tribally controlled college or university, determined in a manner consistent with subsection (b) of this section on the basis of the quotient of the sum of the credit hours of all Indian students so enrolled, divided by twelve. 25 U.S.C. §1801(b) provides the following conditions applicable for purposes of determining the Indian student count pursuant to paragraph (7) of subsection (a) of this section: (1) Such number shall be calculated on the basis of the registrations of Indian students as in effect at the conclusion of the third week of each academic term, (2) Credits earned in classes offered during a summer term shall be counted toward the computation of the Indian student count in the succeeding fall term, (3) Credits earned by any student who has not obtained a high school degree or its equivalent shall be counted toward the computation of the Indian student count if the institution at which the student is in attendance has established criteria for the admission of such student on the basis of the student’s ability to benefit from the education or training offered. The institution shall be presumed to have established such criteria if the admission procedures for such studies include counseling or testing that measures the student’s aptitude to successfully complete the course in which the student has enrolled. No credits earned by such student for purposes of obtaining a high school degree or its equivalent shall be counted toward the computation of the Indian student count, (4) Indian students earning credits in any continuing education program of a tribally controlled college or university shall be included in determining the sum of all credit hours, (5) Credits earned in a continuing education program shall be converted to a credit-hour basis in accordance with the tribally controlled college or university’s system for providing credit for participation in such program, and (6) No credit hours earned by an Indian student who is not making satisfactory progress toward a degree or certificate shall be taken into account.

# Title 25, U.S.C. § 1801 (a) (7)

## “Indian Student Count”

- (1) Such number shall be calculated on the basis of the registrations of Indian students as in effect at the conclusion of the third week of each academic term,
- (2) Credits earned in classes offered during a summer term shall be counted toward the computation of the Indian student count in the succeeding fall term,

# Title 25, U.S.C. § 1801 (a) (7)

## “Indian Student Count”

- (3) Credits earned by any student who has not obtained a high school degree or its equivalent shall be counted toward the computation of the Indian student count if the institution at which the student is in attendance has established criteria for the admission of such student on the basis of the student’s ability to benefit from the education or training offered. The institution shall be presumed to have established such criteria if the admission procedures for such studies include counseling or testing that measures the student’s aptitude to successfully complete the course in which the student has enrolled. No credits earned by such student for purposes of obtaining a high school degree or its equivalent shall be counted toward the computation of the Indian student count,

# Title 25, U.S.C. § 1801 (a) (7)

## “Indian Student Count”

- (4) Indian students earning credits in any continuing education program of a tribally controlled college or university shall be included in determining the sum of all credit hours,
- (5) Credits earned in a continuing education program shall be converted to a credit-hour basis in accordance with the tribally controlled college or university’s system for providing credit for participation in such program, and

# Title 25, U.S.C. § 1801 (a) (7) “Indian Student Count”

- (6) No credit hours earned by an Indian student who is not making satisfactory progress toward a degree or certificate shall be taken into account.



# Definition of an Indian Student

- *Indian student* means a student who is (1) a member of an Indian tribe, or (2) a biological child of a living or deceased member of an Indian tribe. Documentation is required to verify eligibility under (2), and may include birth certificate and marriage license; tribal records of student's parent; Indian Health Service eligibility cards; other documentation necessary to authenticate a student as eligible to be counted as an *Indian student under this definition*.

# Continuing Education Credit Hours/Contact Hours

- Section 2(b) of the Tribally Controlled College or University Assistance Act of 1978 was amended in 2008 to read:
- “(A) shall be determined as one credit hour for every ten contact hours in the case of an institution on a quarter system, or 15 contact hours in the case of an institution on a semester system, ....
- (B) shall be limited to ten percent of the Indian Student Count.

# Indian Student Count Formula

**Total hours/12 = Total ISC**

*If no CEUs, Total ISC/2 = Average ISC (divide by 3 if on a quarter system)*

**Reported CEUs/12 = CEU ISC**

*If CEU ISC < 10% Total ISC, Total ISC + CEU ISC = Revised ISC*

*If CEU ISC > 10% Total ISC, Total ISC + 10% Total ISC = Revised ISC*

**Revised ISC/2 = Average ISC (divided by 3 if on a quarter system)**

# Application Requirements by Statute

- **BIA Form 62107 – TRIBAL COLLEGES & UNIVERSITIES GRANT APPLICATION FORM – 25CFR 41.8, Public Law 95-471 (as amended)**
- **SF424-F – Application for Federal Assistance**
- **A proposed budget** showing total expected operating expenses in the following education categories: (a) Personnel, (b) Instruction, (c) Administration, (d) Other, and (e) Total. The total expected revenues from all sources for the academic year.
- **A copy of the institution's policy statement, Charter, By-Laws, and catalog**, which includes a copy of the institution's current curriculum, or other document wherein is found the goals, philosophy or plan of operation to meet the needs of Indian students. **Do not have to submit every year if there are no changes.**
- **A description of the accounting procedures** used for grants received under Pub. L. 95-471.

# BIE Application Requirements

- The names of the college's governing board members, indicating number of Native American members who are Indian. 25 CFR 41.8(b)(1)
- Evidence of receiving accreditation by a nationally recognized accrediting agency
- A written statement of goals, philosophy, or proposed plan of operation sufficient to demonstrate that its education program or proposed program is designed to meet the needs of Indians. 25 CFR 41.8 (b)(3) – Can be from College/University Catalog by indicating page number
- Charter of formal sanctioning of the institution, IF there are any changes

# BIE Application Requirements (cont'd)

- By-Laws governing the institution, IF there are any changes
- In the case of a community college in operation for more than one year, a statement of the total number of FTE Indian students and the total number of all FTE students. 25 CFR 41.8(b)(4)
- The name and address of the Indian tribe or tribes which control and operate and manage, or have established, sanctioned, or chartered the community college. 25 CFR 41.8(b)(6)
- A curriculum which may be in the form of a college catalog or like publication. 25 CFR 41.8(b)(7)
- A proposed budget showing total expected operating expenses of educational programs, and expected revenues from all sources for the academic year to which the information applies. 25 CFR 41.8(b)(8)

# BIE Application Requirements (Cont'd)

- An assurance that the community college will not deny admission to any Indian student because that student is not a member of a specific tribe or because such student is a member of a specific tribe, and will comply with the requirements set forth in 41.11 of this subpart together with any request and justification for a specific waiver of any requirements of 25 CFR 276 which the community college believes to be inappropriate. 25 CFR 41.8(b)(9), College Catalog
- Certification by the chief executive officer of the community college that the information of the community college is complete and correct and that the application has been filed with the governing body or bodies of the tribe or tribes which control or have sanctioned or chartered it. 25 CFR 41.8(b)(10)
- SF 424 – Application for Federal Assistance 25 CFR 48.8(b)(10)(c)(1)
- ACH Vendor Payment System/Payment Information System, IF there are any changes
- Accepted accounting procedures

# Estimated Application Timeline

- Application documents and details sent to colleges/universities mid May
- All documents returned to BIE via email or fax (Originals should be mailed) by first (1<sup>st</sup>) week of June; ALL institutions must submit their documents in order for BIE to process the applications
- Application documents reviewed by BIE and final/overall ISC is determined
- Documents forwarded to BIA contracting and funds and obligated by July 1



# Endowments

- Optional
- The college or university must have established a trust fund and must match the amount of the contribution by 1/2 times
- Requires funds be invested and maintained in the trust fund for the purpose of generating income for the support of the institution
- May include a capital contribution that is in an amount (or of a value) equal to half of the amount of the contribution

# Endowments (cont'd)

- Funds will be deposited in such a manner as to insure the accumulation of interest is at a generally accepted rate
- Use of funds are for defraying any expenses associated with the operation of the college, e.g., operations, maintenance, administration, academic and support personnel, community and student services programs, and technical assistance

# Application for Endowment

- Completed and signed Tribal College or University Endowment Agreement
  - College or University President and Board Chairman must sign
- Completed Standard Form 21
- Proof of a match, e.g., a bank receipt or a letter from the banking institution confirming the account balance

# Annual Reports & Audit Reports

- Annual Reports are due to BIE on or before December 1 of each year
- Yearly audits must be submitted within the earlier of 30 days after receipt of the audit or nine months after the end of the period audited
- All audits should be submitted to the Federal Audit Clearinghouse AND to the Department of the Interior Office of Internal Evaluation and Assessment

# Audit Reports (cont'd)

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Federal Audit Clearing House  
1201 E. 10<sup>th</sup> Street  
Jefferson, IN 47132

Office of Internal Evaluation and Assessment  
Department of the Interior  
2051 Mercator Drive  
Reston, VA 20191

