

## § 33.9

### § 33.9 Development of procedures.

The Director, Office of Indian Education Programs shall prepare and promulgate procedures to govern the provision of support services by the Bureau of Indian Affairs for the education function. These procedures shall be consistent with existing laws, regulations, Executive Orders, and Departmental policies governing administrative support services. These provisions shall be prepared in consultation with those personnel within the Bureau of Indian Affairs who are responsible to the Commissioner of Indian Affairs for providing support services.

### § 33.10 Issuance of procedures.

The Assistant Secretary—Indian Affairs, directly or through the Commissioner of Indian Affairs, shall issue procedures in the Bureau of Indian Affairs Manual governing the provision of support services to the Bureau's Education Office function.

## PART 36—MINIMUM ACADEMIC STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN AND NATIONAL CRITERIA FOR DORMITORY SITUATIONS

### Subpart A—General Provisions

Sec.

- 36.1 Purpose, scope, and information collection requirements.
- 36.2 Applicability.
- 36.3 Definitions.

### Subpart B—Educational Management

- 36.10 Standard I—Philosophy and goals.
- 36.11 Standard II—Administrative requirements.
- 36.12 Standard III—Program needs assessment.
- 36.13 Standard IV—Curriculum development.

### Subpart C—Minimum Program of Instruction

- 36.20 Standard V—Minimum academic programs/school calendar.
- 36.21 Standard VI—Kindergarten instructional program.
- 36.22 Standard VII—Elementary instructional program.
- 36.23 Standard VIII—Junior high/middle school instructional program.

## 25 CFR Ch. I (4–1–03 Edition)

- 36.24 Standard IX—Secondary instructional program.

### Subpart D—Student Instructional Evaluation

- 36.30 Standard X—Grading requirements.
- 36.31 Standard XI—Student promotion requirements.
- 36.32 Standard XII—Graduation requirements for a high school diploma.

### Subpart E—Instructional Support

- 36.40 Standard XIII—Library/media program.
- 36.41 Standard XIV—Textbooks.
- 36.42 Standard XV—Counseling services.
- 36.43 Standard XVI—Student activities.

### Subpart F—Evaluation of Educational Standards

- 36.50 Standard XVII—School program evaluation and needs assessment.
- 36.51 Standard XVIII—Office of Indian Education Programs and Agency monitoring and evaluation responsibilities.

### Subpart G—Compliance and Waivers

- 36.60 Compliance for minimum academic standards.
- 36.61 Waivers and revisions.

### Subpart H—National Dormitory Criteria

- 36.70 Scope of subpart.
- 36.71 General provisions.
- 36.72 Elementary level dormitories.
- 36.73 Secondary level dormitories.
- 36.74 Homeliving (dormitory operations).
- 36.75 Space and privacy.
- 36.76 Compliance for the National Criteria for Dormitory Situations.
- 36.77 Waivers and revisions.

AUTHORITY: Section 502, 25 U.S.C. 2001; section 5101, 25 U.S.C. 2001; Section 1101, 25 U.S.C. 2002; 5 U.S.C. 301; 25 U.S.C. 2 and 9; 25 U.S.C. 2901, Title I of P.L. 101-477.

SOURCE: 50 FR 36816, Sept. 9, 1985, unless otherwise noted.

### Subpart A—General Provisions

#### § 36.1 Purpose, scope, and information collection requirements.

(a) The purpose of this rule is to establish minimum academic standards for the basic education of Indian children for Bureau-operated schools and for those Indian-controlled contract schools which adopt these standards and to establish national criteria for dormitory situations for schools operated by the Bureau of Indian Affairs

## Bureau of Indian Affairs, Interior

## § 36.3

and for Indian-controlled contract schools operating dormitories.

(b) These academic standards and dormitory criteria will take effect thirty (30) days after the date of their publication in the FEDERAL REGISTER. The Bureau of Indian Affairs intends to review and evaluate the applicability of the academic standards and dormitory criteria under this part after two years and make appropriate revisions.

(c) The information collection requirement contained in § 36.61(a) has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1076-0092. The information is being collected to evaluate waiver request(s) from tribal government(s) and school board(s). The information will be used to ascertain the approval of academic waiver request. The obligation to respond is mandatory under 25 U.S.C. 2001. The information collection requirements contained in §§ 36.71(g), 36.74(f), and 36.76(b) of this rule are not required to be approved by the Office of Management and Budget since less than ten persons or tribes are affected by the information collection requirement of this rule. However, when ten or more persons or tribes become affected by this requirement, the Bureau will submit an approval request.

### § 36.2 Applicability.

(a) The minimum academic standards for the basic education of Indian children established under this part, subparts B through G, are mandatory for all Bureau of Indian Affairs operated schools unless a tribal governing body or the local school board, if so designated by the tribal governing body, waives, in part or in whole, the standards established under this part. When a tribe(s) formally takes action to waive, in total or in part, standards contained in this part, proof of such action shall be forwarded to the Agency Superintendent for Education (ASE) or area Education Programs Administrator (EPA). Within 15 days of receipt of such documentation the ASE or EPA shall notify, in writing, the parents or legal guardians whose children are attending the school(s) affected.

(b) The minimum academic standards for the education of Indian children es-

tablished under subparts B through G are not applicable to Indian-controlled contract schools unless the Indian-controlled contract school board formally adopts them in whole or in part. The Bureau will not refuse to enter into a contract on the basis of failure to meet these standards but will, through contracting procedures, assist the school in reaching compliance, if so requested by the Indian-controlled contract school board.

(c) The national criteria for dormitory situations established under subpart H will serve as a minimum requirement and shall be mandatory for all Bureau-operated and Indian-controlled contract schools.

(d) Standards and criteria contained under this part will serve as minimum requirements for the regular school educational program.

(e) In states where additional minimum academic standards exist or are established, those state standards shall also apply.

### § 36.3 Definitions.

For purposes of this part, the following definitions apply:

*Accreditation* means a school has received an official decision by the State(s) department(s) of education, or another recognized agency having official authority, that, in its judgment, the school has met the established standards of quality.

*Agency* means the current organizational unit of the Bureau which provides direct services to the governing body or bodies and members of one or more specified Indian tribes.

*Agency school board* as defined in sec. 1139(1), Pub. L. 95-561, means a body, the members of which are appointed by the school boards of the schools located within such Agency. The number of such members shall be determined by the Director in consultation with the affected tribes. In Agencies serving a single school, the school board of that school shall function as the Agency school board.

*Agency Superintendent for Education* means the Bureau official in charge of education functions at an Agency and to whom the school supervisor(s) and other educators under the Agency's jurisdiction report.