

Johnson-O'Malley Program Fact Sheet

What is the Johnson-O'Malley Act?

The Johnson-O'Malley Act of 1934 was introduced in the senate as U.S. Senate Bill 2571 by Senator Hiram W. Johnson of California on February 2, 1934. A similar bill, House Joint Resolution 257, was under consideration by the U.S. House of Representatives but the author, Thomas P. O'Malley, asked for and received consent that the Senate provide federal assistance to supplement local school funds in an effort to educate Indian children in public schools. The Johnson-O'Malley Act was passed on April 16, 1934, to subsidize education, medical attention, and other services provided by States or Territories to Indians living within their borders.

Today, funds allocated under the Snyder Act are used to meet the specialized and unique educational needs of eligible Indian students, which are programs supplemental to the regular school program. School districts receiving funds under JOM must insure that Indian children receive all aid from the federal, state, local and other proper sources other than JOM that they are entitled to receive. In no instance shall there be discrimination against Indians or schools enrolling such Indians. Funds cannot be used to supplant the regular program the school is required to provide. JOM is a supplemental program which is used to provide special services to Indian students based on the needs of individual communities.

Some years ago JOM was funded to provide operational support. Schools were able to use those funds for general school operations and many built buildings, bought buses and school equipment. JOM is no longer funded for operational support. The program is now funded for supplemental programs only.

What students make a school district eligible for JOM funding?

Eligible students are from age 3 years through Grade 12 **-AND-** ¼ or more degree Indian blood of a Federally-recognized tribe.

How does a school district secure funding?

First, an Indian Education Committee (IEC) must be established and include members elected from among the parents (including persons acting in loco parentis except school administrators or officials) of eligible Indian students enrolled in the schools affected by a JOM contract. The IEC will have the authority to participate fully in the planning, development, implementation, and evaluation of all programs (supplemental and operational). As a result of their involvement in the above processes, the IEC will also have the authority to:

- Recommend curricula, texts, materials, and teaching methods
- Approve budget preparation and execution
- Recommend criteria for employment in the program
- Nominate qualified prospective educational programmatic staff members
- Evaluate staff performance and program results
- Recommend appropriate action to the contractor
- Approve and disapprove all programs to be contracted
- All programs contracted require official approval by the IEC (official minutes)
- Recommend cancellation or suspension of a contract, if the contractor fails to permit such Committee to exercise its powers and duties.

The organizational by-laws of the IEC may include additional powers and duties to:

- Participate in negotiations concerning all contracts under this part
- Make an annual assessment of the learning needs of Indian children in the community affected
- Have access to all reports, evaluations, surveys, and other documents to carry out its responsibilities
- Request periodic reports and evaluations
- Hear grievances
- Meet regularly with professional staff of the local education agency
- Hold regular committee meetings, open to the public
- Have such additional powers as are consistent with these regulations

Second, in conjunction with the Indian Education Committee, the school must formulate an educational plan that outlines the programmatic and fiscal services of, and accountability by, a contractor for the education of eligible Indian students. The educational plan must be submitted to the Bureau of Indian Affairs pending the approval of the Indian Education Committee.

What must an educational plan include?

The educational plan shall include the following:

- Contain educational goals and objectives which adequately address the educational needs
- Incorporate program developed and approved by IEC
- Changes must have written approval of the IEC
- Contain procedures for hearing grievances
- Identify State standards and requirements
- Describe how standards will be maintained
- Provide how contractor shall comply in full with requirements concerning meaningful participation by the IEC
- Provide that education facilities be open to visits and consultations by the IEC, Indian parents and by Federal Government representatives
- Outline administrative and fiscal management procedures used by the contractor
- Contain justification for requesting funds
- Include budget estimates and financial information needed to determine program costs
- Total enrollment of school by age and grade level
- State period of contract term requested
- Signature of authorized representative
- Program goals and objectives related to learning needs of target students
- Procedures and methods to be used achieving program objectives
- Overall program implementation: staff practices, parental and community involvement, evaluation of program results and dissemination
- Determination of staff and program effectiveness in meeting stated needs of target students

You can get more information at: <http://www.njoma.com/>