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Subpart A—General

§ 39.1 Purpose and scope.

The purpose of this rule is to provide for the uniform direct funding of BIA operated and tribally operated day schools, boarding schools, and dormitories. These rules apply to all schools and dormitories and administrative units which are funded through the Indian School Equalization Program of the Bureau of Indian Affairs.

§ 39.2 Definitions.

Assistance under this rule is subject to the following definitions and requirements relating to fiscal and administrative matters. Definitions of

terms that are used throughout the part are included in this subpart. As used in this part, the term:

(a) *Agency* means an organizational unit of the Bureau which provides direct services to the governing body or bodies and members of one or more specified Indian Tribes. The term includes Bureau Area Offices only with respect to off-reservation boarding schools administered directly by such Offices.

(b) *Agency school board* means a body, the members of which are appointed by the school boards of the schools located within such agency, and the number of such members shall be determined by the Director in consultation with the affected tribes, except that, in Agencies serving a single school, the school board of such school shall fulfill these duties.

(c) *Agency Superintendent of Education* or *Superintendent* means the Bureau official in charge of Bureau education programs and functions in an Agency who reports to the Director.

(d) *Area Director for Education* means the Bureau official in charge of Bureau Education programs and functions in a Bureau Area Office and who reports to the Director.

(e) *Assistant Secretary* means the Assistant Secretary of Indian Affairs, Department of the Interior, or his or her designee.

(f) *Average daily membership* or *ADM* means the average of the actual membership in the school, for each student classification given separate weightings in the formula. Only those eligible students shall be counted as members who are:

(1) Listed on the current roll of the school counting them during the count week;

(2) Not listed as enrolled in any other school during the same period; and

(3) In actual attendance at the school counting them at least one full day during the count week in which they are counted.

(g) *Bureau* means the Bureau of Indian Affairs of the Department of the Interior.

(h) *Decision of record* means a formal written confirmation of a voted action by a school board during a formally constituted school board meeting.