

**§ 39.731 Can transportation time be used as instruction time for day school students?**

No. Transportation time cannot be used as instruction time for day school students in meeting the minimum required hours for academic funding.

**§ 39.732 How does OIEP allocate transportation funds to schools?**

OIEP allocates transportation funds based on the types of transportation programs that the school provides. To allocate transportation funds OIEP:

- (a) Multiplies the one-way commercial costs for all schools by four to identify the total commercial costs for all schools;
- (b) Subtracts the commercial cost total from the appropriated transportation funds and allocates the balance of the transportation funds to each school with a per-mile rate;
- (c) Divides the balance of funds by the sum of the annual day miles and the annual residential miles to identify a per-mile rate;
- (d) For day transportation, multiplies the per-mile rate times the annual day miles for each school; and
- (e) For residential transportation, multiplies the per mile rate times the annual transportation miles for each school.

**Subpart H—Determining the Amount Necessary To Sustain an Academic or Residential Program**

SOURCE: 70 FR 22205, Apr. 28, 2005, unless otherwise noted.

**§ 39.801 What is the formula to determine the amount necessary to sustain a school's academic or residential program?**

(a) The Secretary's formula to determine the minimum annual amount necessary to sustain a Bureau-funded school's academic or residential program is as follows:

$$\text{Student Unit Value} \times \text{Weighted Student Unit} = \text{Annual Minimum Amount per student.}$$

(b) Sections 39.802 through 39.807 explain the derivation of the formula in paragraph (a) of this section.

(c) If the annual minimum amount calculated under this section and §§ 39.802 through 39.807 is not fully funded, OIEP will pro rate funds distributed to schools using the Indian School Equalization Formula.

**§ 39.802 What is the student unit value in the formula?**

The student unit value is the dollar value applied to each student in an academic or residential program. There are two types of student unit values: the student unit instructional value (SUIV) and the student unit residential value (SURV).

- (a) The student unit instructional value (SUIV) applies to a student enrolled in an instructional program. It is an annually established ratio of 1.0 that represents a student in grades 4 through 6 of a typical non-residential program.
- (b) The student unit residential value (SURV) applies to a residential student. It is an annually established ratio of 1.0 that represents a student in grades 4 through 6 of a typical residential program.

**§ 39.803 What is a weighted student unit in the formula?**

A weighted student unit is an adjusted ratio using factors in the Indian School Equalization Formula to establish educational priorities and to provide for the unique needs of specific students, such as:

- (a) Students in grades kindergarten through 3 or grades 7 through 12;
- (b) Special education students;
- (c) Gifted and talented students;
- (d) Distance education students;
- (e) Vocational and industrial education students;
- (f) Native Language Instruction students;
- (g) Small schools;
- (h) Personnel costs;
- (i) Alternative schooling; and
- (j) Early Childhood Education programs.

**§ 39.804 How is the SUIV calculated?**

The SUIV is calculated by the following 5-step process:

- (a) *Step 1.* Use the adjusted national average current expenditures (ANACE)

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of public and private schools determined by data from the U.S. Department of Education-National Center of Education Statistics (NCES) for the last school year for which data is available.

(b) *Step 2.* Subtract the average specific Federal share per student (title I part A and IDEA part B) of the total revenue for Bureau-funded elementary and secondary schools for the last school year for which data is available as reported by NCES (15%).

(c) *Step 3.* Subtract the administrative cost grant/agency area technical services revenue per student as a percentage of the total revenue (current expenditures) of Bureau-funded schools from the last year data is available.

(d) *Step 4.* Subtract the day transportation revenue per student as a percentage of the total revenue (current revenue) Bureau-funded schools for the last school year for which data is available.

(e) *Step 5.* Add Johnson O'Malley funding. (See the table, in § 39.805)

**§ 39.805 What was the student unit for instruction value (SUIV) for the school year 1999-2000?**

The process described in § 39.804 is illustrated in the table below, using figures for the 1999-2000 school year:

Step 1 .....	\$8,030	ANACE.
Step 2 .....	- 1205	Average specific Federal share of total revenue for Bureau-funded schools.
Step 3 .....	- 993	Cost grant/technical services revenue as a percentage total revenue.
Step 4 .....	- 658	Transportation revenue as a percentage of the total revenue.
Step 5 .....	85	Johnson O'Malley funding.
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Total .....	\$5,259	SUIV.

**§ 39.806 How is the SURV calculated?**

(a) The SURV is the adjusted national average current expenditures for residential schools (ANACER) of public and private residential schools. This average is determined using data from the Association of Boarding Schools.

(b) Applying the procedure in paragraph (a) of this section, the SURV for school year 1999-2000 was \$11,000.

**§ 39.807 How will the Student Unit Value be adjusted annually?**

(a) The student unit instructional value (SUIV) and the student unit residential value (SURV) will be adjusted annually to derive the current year Student Unit Value (SUV) by dividing the calculated SUIV and the SURV into two parts and adjusting each one as shown in this section.

(1) The first part consists of 85 percent of the calculated SUIV and the SURV. OIEP will adjust this portion using the personnel cost of living increase of the Department of Defense schools for each year.

(2) The second part consists of 15 percent of the calculated SUIV and the SURV. OIEP will adjust this portion

using the Consumer Price Index-Urban of the Department of Labor.

(b) If the student unit value amount is not fully funded, the schools will receive their pro rata share using the Indian School Equalization Formula.

**§ 39.808 What definitions apply to this subpart?**

*Adjusted National Average Current Expenditure [ANACE]* means the actual current expenditures for pupils in fall enrollment in public elementary and secondary schools for the last school year for which data is available. These expenditures are adjusted annually to reflect current year expenditures of federally financed schools' cost of day and residential programs.

*Current expenditures* means expenses related to classroom instruction, classroom supplies, administration, support services-students and other support services and operations. Current expenditures do not include facility operations and maintenance, buildings and improvements, furniture, equipment, vehicles, student activities and debt retirement.