



United States Department of the Interior

BUREAU OF INDIAN EDUCATION
Washington, D.C. 20240

IN REPLY REFER TO:

DATE: April 11, 2024
TO: BIE Johnson – O'Malley (JOM) Program Specialists
FROM: Spike Bighorn, Program Manager, Office of Sovereignty in Indian Education
RE: Additional clarification of JOM student eligibility regulations

To assist JOM contractors in preparation of their SY 2023-2024 JOM Student Count Reports, and Student Count Reports for subsequent school years, this email clarifies BIE's interpretation of who is an eligible Indian student for benefits provided by the Johnson O'Malley Act. 25 CFR 273.112 provides, in part, that an Indian student is eligible for JOM benefits if either (1) at least one-fourth degree Indian blood descendant of a member of an Indian Tribe as defined in § 273.106; or (2) a member of an Indian Tribe as defined in § 273.106. As referenced in BIE's publication of the final JOM rule (85 Fed. Reg. 10938 (Feb. 25, 2020)), BIE interprets 25 CFR 273.112 to permit eligibility for any student who is either (1) an enrolled member of a Federally recognized Tribe, or (2) **has a link to a Tribal member (through descendancy) that is within a certain proximity, meaning the student has a least one parent or grandparent (living or deceased) who is a member of a federally recognized Tribe.** In addition, BIE interprets 25 CFR 273.112 to also permit blood quantum calculations that include blood from different federally recognized Tribes to ensure an inclusive interpretation of the JOM eligibility criteria. (See Comments Regarding Eligible Indian Students, One-Fourth Degree Indian Blood at 85 Fed. Reg. 10938, 10940).

The bold lettering further clarifies that a student - who is not a member of a federally recognized Tribe or does not possess $\frac{1}{4}$ Indian blood degree - can be determined JOM eligible if the student is able to provide documentation of at least one parent or grandparent (living or deceased) who is a member of a federally recognized Tribe. Acceptable documentation would be a birth certificate(s) linking the student to the parent or grandparent who is a member of a federally recognized Tribe.

Please provide this memorandum to all of your JOM contractors, and encourage those with questions to contact me at spike.bighorn@bie.edu.

