

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3231(a)

IMPACT AID

Note: The following administrative regulation is for use by districts that receive federal funding through Title VII Impact Aid (20 USC 7701-7714), which provides assistance to districts with concentrations of children residing on lands owned by the federal government, including Indian lands. Basic support grants are considered general aid to the district and may be used for whatever purpose the district chooses, in accordance with any state and local requirements. Pursuant to 20 USC 7704, districts that claim students living on Indian lands in order to receive Impact Aid funding are mandated to adopt policy and procedures with specified components.

The following paragraph reflects examples of how districts may use Impact Aid funds, as provided on the U.S. Department of Education's web site, and may be revised to reflect district practice.

Any federal Title VII Impact Aid funds received by the district based on the concentration of children residing on lands owned by the federal government shall be used to support district programs and activities in accordance with the budget approved by the Governing Board. Such expenditures may include, but are not limited to, the salaries of teachers and paraprofessionals, capital expenditures, instructional materials, computers and other equipment, supplemental instructional programs, after-school programs, Advanced Placement classes, and special enrichment programs.

(cf. 0415 - Equity)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

(cf. 3230 - Federal Grant Funds)

Note: 20 USC 7703 and 34 CFR 222.53 mandate that Impact Aid funds received for federally connected children with disabilities be used for expenditures that are reasonably related to the conduct of programs or projects for the free appropriate public education of, or early intervention services for, federally connected children with disabilities in accordance with the Individuals with Disabilities Education Act (20 USC 1400-1482).

Any Impact Aid funds received for children with disabilities shall be used to provide a free appropriate public education to those children. (20 USC 7703, 7703a; 34 CFR 222.53)

Note: The remainder of this section is for use by districts that receive Impact Aid based on students living on Indian lands, pursuant to 20 USC 7704.

20 USC 7704 and 34 CFR 222.94 mandate consultation with Indian tribes and parents/guardians of students living on Indian lands in the planning and development of programs and activities supported by Impact Aid. At the discretion of the district and local tribes, the district may revise the remainder of this section to use the term "Native American" rather than "American Indian."

IMPACT AID (continued)

Whenever Impact Aid funds are received based on students living on Indian lands, the Superintendent or designee shall consult and involve American Indian tribes and parents/guardians of students living on Indian lands in the planning and development of the district's general education program and of the policies and procedures for programs and activities supported by Impact Aid funding. (20 USC 7704; 34 CFR 222.94)

(cf. 1220 - Citizen Advisory Committees)

(cf. 6020 - Parent Involvement)

(cf. 6173.4 - Title VI Indian Education Program)

Note: 20 USC 7704 and 34 CFR 222.94 mandate that the district's policy and procedures include a specific description of how the district will accomplish the actions listed in items #1-6 below. The district should expand the following list to include specific strategies developed in consultation with Indian tribes and parents/guardians of American Indian students.

The Superintendent or designee shall: (20 USC 7704; 34 CFR 222.91, 222.94)

1. Disseminate relevant applications, evaluations, program plans, and information related to the district's education program and activities with sufficient advance notice to allow Indian tribes and parents/guardians of American Indian students the opportunity to review and make recommendations

(cf. 5145.6 - Parental Notifications)

2. Afford an opportunity for tribes and parents/guardians of American Indian students to present their views regarding the district's educational program and activities, including an opportunity to make recommendations on the needs of those students and how the district may help those students realize the benefits of the programs and activities

The Superintendent or designee shall notify tribes and parents/guardians of the opportunity to submit comments and recommendations, considering the tribe's preference for method of communication. If necessary, the Superintendent or designee shall modify the method of and time for soliciting views to ensure the maximum participation of tribes and parents/guardians.

3. At least annually, assess the extent to which American Indian students participate on an equal basis with other students in the district's education program and activities by:
 - a. Sharing relevant information with tribes and parents/guardians related to the participation of American Indian students in the district's education program and activities

IMPACT AID (continued)

- b. Allowing tribes and parents/guardians the opportunity and time to review and comment on whether American Indian students participate on an equal basis with non-Indian students**
- 4. At least annually, respond in writing to any comments and recommendations made by tribes or parents/guardians and disseminate the responses to the tribe and parents/guardians prior to the submission of the district's policies and procedures to the federal Impact Aid program director**
- 5. Modify the district's policies and procedures as necessary based on any assessments or input from tribes or parents/guardians of Indian students**
- 6. Annually provide a copy of the district's policy and procedures to the affected tribe(s)**

The district shall annually review the district's procedures to ensure that they comply with law and are implemented by the district. If the district determines that its procedures do not comply with law, it shall revise the policy and procedures within 90 days of its determination. Within 30 days following any such revision, the district shall send a copy of the policy and procedures to the federal Impact Aid program director and the affected tribe(s). (34 CFR 222.94)

Records

Note: The following section applies to districts receiving Impact Aid funds for any purpose.

The Superintendent or designee shall maintain records of any Impact Aid funds received by the district, including, but not limited to, data and certifications in support of funds received. Such records shall be maintained for three years after completion of the activity for which the funds are expended and, when requested, shall be provided to the appropriate federal authority. (20 USC 1232f, 7703; 34 CFR 222.9-222.10)

Legal Reference: (see next page)

IMPACT AID (continued)

Legal Reference:

UNITED STATES CODE, TITLE 20

1232f Records

1400-1482 Individuals with Disabilities Education Act

7701-7714 Impact Aid

CODE OF FEDERAL REGULATIONS, TITLE 2

200.0-200.521 Federal uniform grant guidance

CODE OF FEDERAL REGULATIONS, TITLE 34

222.1-222.196 Impact Aid programs, especially:

222.90-222.129 Impact Aid, special provisions for local educational agencies that claim children residing on Indian lands

Management Resources:

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office of Impact Aid:

<https://www2.ed.gov/about/offices/list/oese/impactaid>

U.S. Department of Education, Office of Indian Education:

<https://www2.ed.gov/about/offices/list/oese/oie>