



Johnson O'Malley Certification of Eligibility Form 305 Update

Updated for the 2024 Bureau of Indian Education (BIE) Guidance

April 2024

BIE Updated its new guidance on Student Eligibility for the JOM Program



United States Department of the Interior

BUREAU OF INDIAN EDUCATION
Washington, D.C. 20240

IN REPLY REFER TO:

DATE: April 11, 2024
TO: Johnson-O'Malley (JOM) Contractors
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 descendency) 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 pertinent individuals at your location. Should you have additional questions, feel free to contact me at spike.bighorn@bie.edu.

(1) STUDENT ENROLLMENT

"an enrolled member of Federally recognized Tribe"

EXAMPLE: Student has documentation from Federally recognized Tribe such as Certificate of Indian Blood (CIB), Certificate Degree of Indian Blood (CDIB) card, or other identification specific to respective Tribes.

(2) STUDENT IS AT LEAST $\frac{1}{4}$ DEGREE INDIAN BLOOD

"one-fourth degree Indian blood descendant of a member of an Indian Tribe as defined in § 273.106"

EXAMPLE: Student has at least one parent that has $\frac{1}{2}$ degree Indian Blood from Federally recognized Tribe.

(3) LINK TO A DESCENDANT

"student is able to provide documentation of at least one parent or grandparent (living or deceased) who is an enrolled member of a federally recognized Tribe."

EXAMPLE: Student can provide a birth certificate(s) linking the student to the parent or grandparent who is a member of a federally recognized Tribe.

Johnson O'Malley (JOM)
Student Enrollment/Certification of Eligibility

INDIAN STUDENT ENROLLMENT CERTIFICATION OF ELIGIBILITY UNDER P.I. 93.638 CRF 273.18 (K), (1)

Agencies collecting student information must protect the data in accordance with
Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, 34 CFR Part 99

LAST NAME	FIRST NAME	INITIAL	DATE OF BIRTH	GRADE	SCHOOL

Are the student(s) listed above ¼ or more degree Indian Blood from a federally recognized tribe?

☐ Yes

☐ No

☐ I don't know

Are the student(s) listed above members of a federally recognized tribe?

☐ Yes

☐ No

☐ I don't know

Tribal Affiliation of	Name of Tribe & Enrollment #
Student(s)	
Parent/Legal Guardian	

My signature certifies that the information given is correct and documentation is available to verify eligibility.

Print Name and Address of Parent/Legal Guardian	Signature of Parent/Legal Guardian (Signature of Student if 18 years old)
	Date:

DO NOT FILL IN BELOW
(Space is reserved for the JOM Parent Indian Education Committee)

The above information has been reviewed by the JOM Parent Committee and certifies that the student(s) listed above are:
Eligible to receive JOM program services based on verified documents [] Yes [] No

All student data is being protected IAW FERPA, 20 U.S.C. § 1232g, 34 CFR Part 99

Type/Print Name of Indian Education Committee Member Reviewee	Signature of Indian Education Committee Member
	Date:

INSTRUCTIONS

All student data must be protected in accordance with
Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, 34 CFR Part 99

To apply for an entitlement grant under Public Law 93-638, Johnson O'Malley, CRF 25, the Indian Education program applicant must determine the number of eligible American Indian students to be enrolled.

This form has 7 items to be completed:

- Item 1: Parent/Legal Guardian lists all students in the family/household enrolling in the JOM program.
- Item 2: Identifies whether or not listed student(s) have at least 1/4 degree Indian blood.
- Item 3: Identifies whether or not listed student(s) are members of a tribe.
- Item 4: Identifies tribal affiliation and enrollment number for student(s) and Parent/Legal guardian, if applicable.
- Item 5: Parent/Legal Guardian signature certifies listed students are JOM eligible and documentation is available to verify.
- Items 6-7: Reserved for the JOM Parent Indian Education Committee, who must certify with the applicant the total number of eligible children that are qualified to participate in the JOM program.

Student Eligibility

Johnson O'Malley, CFR 25, 278.12 states students must meet the following criteria to be considered eligible for the JOM program:

- Age 3 years through grade 12
- One-fourth (1/4) or more degree American Indian blood descendant* of a federally recognized tribe, or an enrolled member** of a federally recognized tribe.

* Arizona Dept of Education (ADE) Office of Indian Education requires Certificate of Indian Blood (CIB) documentation to verify

** ADE Office of Indian Education requires tribe member enrollment number to verify

You are not required to submit this form. However, if you choose not to submit it, your child cannot be counted for entitlement funding under Johnson O'Malley, CFR 25.

OLD
JOM
305
Form

NEW JOM 305 Form

Johnson O'Malley (JOM) Student Enrollment/Certification of Eligibility

INDIAN STUDENT ENROLLMENT CERTIFICATION OF ELIGIBILITY UNDER P.L. 93-638 CRF 273.18 (K), (1)

Agencies collecting student information must protect the data in accordance with Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, 34 CFR Part 99

Student Information		
Student Name:		Date of Birth:
Grade:	School:	District/Tribe:

Tribal Information			
Affiliated Tribe(s)/Nation(s)/Band(s):			
Enrolled Tribe/Nation/Band:			
Please provide the following Tribal Enrollment information for either the Student <input checked="" type="checkbox"/> OR Parent/Grandparent (Check One):			
A. Tribal Enrollment (Student)	<input type="checkbox"/>	B. Link to Descendant (Parent/Grandparent)	<input type="checkbox"/>
Student Tribal Enrollment Number:		Parent/Grandparent Tribal Enrollment Number:	
Please provide proof of enrollment to certify student's eligibility under the Johnson O'Malley Program.			

Eligible to receive JOM program services on verified documents. All student data is being protected IAW FERPA, 20 U.S.C. § 1232g, 34 CFR Part 99			
Attestation Statement			
I verify that the information provided above is true and correct to the best of my knowledge and belief.			
Printed Name of Parent/Guardian:			
Address:	City:	State:	Zip:
Phone Number:	Email:		
Signature:		Date:	

Copy must be retained by JOM applicant agency for three (3) years.

ADE-305, Rev. 7/1/24

INSTRUCTIONS

All student data must be protected in accordance with

Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, 34 CFR Part 99

To apply for an entitlement grant under 25 CFR Part 273, **Public Law 93-638**, Johnson O'Malley (JOM) Act, **CRF 25**, the JOM **Indian Education** program applicant must **determine** the number of eligible American Indian/Alaskan Native students to be enrolled.

This form has three items to be completed:

- Item 1: Parent/Legal Guardian lists all information for student enrolling in the JOM program.
- Item 2: Identifies student enrollment/membership through the following steps:
 - a) Student is a member of a tribe.
 - b) Tribe name and enrollment number for descendency of Parent/Grandparent (Living/Deceased).
- Item 3: Parent/Legal Guardian signature certifies listed students are JOM eligible and documentation is available to verify.

Student Eligibility

Johnson O'Malley, 25 CFR 273.112 **25, 278.12** states students must meet the following criteria to be considered eligible for the JOM program:

- Age 3 years through grade 12
- OR an enrolled member** of a federally recognized tribe
- OR descended from one parent/grandparent (living or deceased) who is an enrolled member of a federally recognized tribe.

* **Arizona Dept of Education (ADE) Office of Indian Education requires tribal enrollment documentation to verify (i.e. Certificate of Indian Blood (CIB), Letter of Enrollment, Tribal ID, etc.)**

** **ADE Office of Indian Education requires tribe member enrollment number to verify**

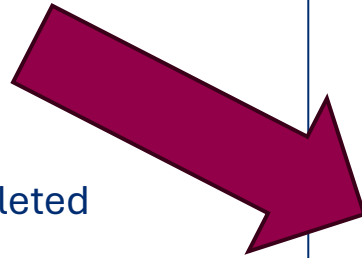
If you choose to submit this form, your child will be counted for entitlement funding under Johnson O'Malley, 25 CFR, Part 273 **CRF 25.**

Copy must be retained by JOM applicant agency for three (3) years.

ADE-305, Rev. 7/1/24

What are the changes?

- Simplified and updated BIE Guidance on Student Eligibility
- One Form for each Student
- Students can be enrolled with any tribal enrollment documentation
 - ☐ *Certificate of Indian Blood (CIB)*
 - ☐ *Tribal ID*
 - ☐ *Letter of Enrollment*
 - ☐ *Descendancy Letter*
- JOM Form 305 can be completed digitally or print



Johnson O'Malley (JOM)			
Student Enrollment/Certification of Eligibility			
INDIAN STUDENT ENROLLMENT CERTIFICATION OF ELIGIBILITY UNDER P.L. 93-638 CRF 273.16 (K), (1)			
<small>Agencies collecting student information must protect the data in accordance with Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, 34 CRF Part 99</small>			
Student Information			
Student Name:		Date of Birth:	
Grade:	School:	District/Tribe:	
Tribal Information			
Affiliated Tribe(s)/Nation(s)/Band(s):			
Enrolled Tribe/Nation/Band:			
Please provide the following Tribal Enrollment information for either the Student OR Parent/Grandparent (Check One):			
A. Tribal Enrollment (Student)	<input type="checkbox"/>	B. Link to Descendant (Parent/Grandparent)	<input type="checkbox"/>
Student Tribal Enrollment Number:		Parent/Grandparent Tribal Enrollment Number:	
Please provide proof of enrollment to certify student's eligibility under the Johnson O'Malley Program.			

Establishing Descendancy

Descendancy can be established through tribal enrollment documentation from parent/grandparent to student

Examples of Tribal Enrollment Documentation: Certificate of Indian Blood (CIB), Tribal ID, Letter of Enrollment

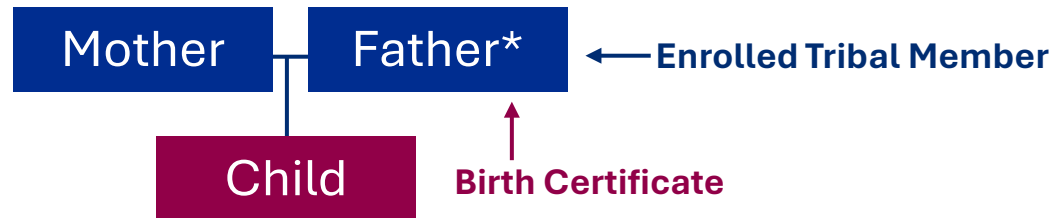
B. Link to Descendant (Parent/Grandparent)



Parent/Grandparent Tribal
Enrollment Number:

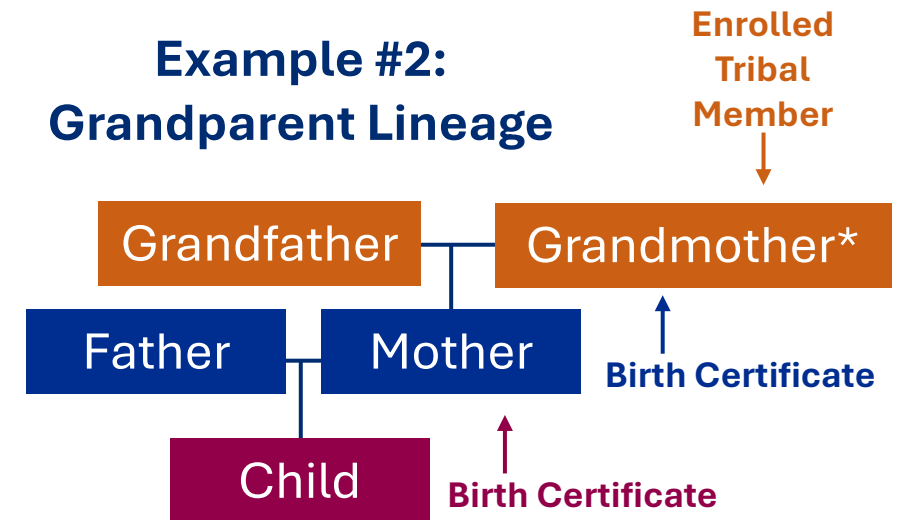
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Example #1: Parent Lineage



A deceased father is an enrollment member of a federally recognized tribe. A child can provide a birth certificate to show descendancy to father.

Example #2: Grandparent Lineage



A living grandmother is an enrollment member of a federally recognized tribe. Providing birth certificates of both the mother and grandchild of the enrolled tribal member will establish descendancy

Contact Information



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Website

<https://www.azed.gov/oie/johnson-omalley-jom-program>



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