



**Department of the Interior  
Office of Inspector General**

**Audit Report**



***Bureau of Indian Education  
Background Investigations***

**Q-IN-BIA-0005-2007  
April 2008**



# United States Department of the Interior

## OFFICE OF INSPECTOR GENERAL

Washington, D.C. 20240

April 25, 2008

### Memorandum

To: Secretary Kempthorne

From: Earl E. Devaney  
Inspector General

Subject: Final Audit Report, Bureau of Indian Education Background Investigations (Report No. Q-IN-BIA-0005-2007)

This final report presents the results of our audit to determine if employees and other individuals who have regular contact with, or control over, children at Indian education facilities have had the required background checks. Our audit disclosed that the required background checks were not always conducted. Specifically, based on a statistical sample of employees working for the Bureau of Indian Education (BIE), we estimate that 76 percent of the BIE security files contained material errors. For example:

- Federal Bureau of Investigation (FBI) fingerprint checks were not conducted for 6 percent of BIE employees hired since January 1, 2004.
- Character background checks were not conducted for 5 percent of employees hired since January 1, 2004.
- Required background reinvestigations were not conducted for 60 percent of BIE employees with over 5 years on the job.

Additionally, we visited 18 non-BIE operated residential facilities and found that employee files did not always support complete background checks. For example:

- FBI fingerprint checks were not conducted for 43 percent of the individuals included in our sample.
- Character background checks were not conducted for 77 percent of the individuals included in our sample.

In response to our draft report, the Department concurred with the five recommendations and took immediate actions to address the deficiencies identified in the report. We consider all five recommendations to be resolved. However, recommendations 1, 4, and 5 are not fully implemented. Since we consider all five recommendations to be resolved, no response to OIG on this report is necessary.

The legislation, as amended, creating the Office of Inspector General requires that we report to Congress semiannually on all reports issued, actions taken to implement our recommendations, and recommendations that have not been implemented.

If you have any comments or questions regarding this report, please call me at (202) 208-5745.

cc: Assistant Secretary for Indian Affairs  
Director, Bureau of Indian Education  
Focus Leader for Management Control and Audit Follow-up  
Associate Director for Finance, Policy and Operation

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# INTRODUCTION

This report presents the results of our audit of background investigations conducted at Bureau of Indian Education (BIE) operated education facilities and non-BIE operated residential education facilities. The objective of our audit was to determine if employees and other individuals who have regular contact with, or control over, children at Indian education facilities have had the required background checks.

## Background

BIE (formerly Bureau of Indian Affairs, Office of Indian Education Programs) was established in the latter part of the nineteenth century to carry out the federal government's education commitment to Indian tribes. BIE is the only national education system for American Indian children and has responsibility for 184 elementary and secondary schools as well as peripheral dormitories. Schools and dormitories are located on 63 reservations located in 23 states across the United States serving approximately 60,000 students representing 238 different tribes.

BIE provides a wide-range of educational programs and services. Educational programs are provided either directly by BIE or through grants and contracts to tribes who choose to operate the programs themselves. There are 24 Education Line Offices, located throughout the United States, charged with providing educational leadership and assistance to the schools and tribes within their agencies and areas. The responsibilities of the Education Line Offices vary, depending on the needs of the schools within their jurisdiction. Education Line Officers supervise principals at the BIE operated schools or are grant officers for the schools operated by tribes or tribal organizations.

## Legal Requirements

The Victims of Child Abuse Act of 1990 prescribes for any federal agency (including BIE) or non-federal agency operated under contract with the federal government (including tribally run schools operated under grant agreements) that all individuals hired to work with Indian children undergo a Federal Bureau of Investigation (FBI) fingerprint check. Department of the Interior (DOI), Departmental Manual 441 expands this to require the check be completed prior to the individual being hired.

The Indian Child Protection and Family Violence Prevention Act prescribes for the Bureau of Indian Affairs (BIA)<sup>1</sup> that all individuals hired by BIA to work with Indian students undergo an investigation of their character. DOI Departmental Manual 441 expands this to require that re-investigations be completed every 5 years. Additionally, the Manual goes on to state that the required character investigation for employees who have contact with or control over Indian children is a Child Care Agency National Check with Written Inquiries (CNACI). The scope of the CNACI that constitutes a

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<sup>1</sup> The Office of Indian Education Programs (OIEP) was part of BIA at the time of the legislation. However, since then, a new bureau – BIE – was formed. Therefore, although the law prescribes these activities to BIA, it is actually BIE that is the responsible organization.

complete character investigation includes:

1. Employment: 5 years
2. Education: 5 years and highest degree verified
3. Residences: 3 years
4. References (not mandatory)
5. Law Enforcement: 5 years
6. State criminal repository checks for all states of residence

Finally, the Indian Child Protection and Family Violence Prevention Act prescribes a qualified and trained security official be designated to adjudicate the results of the character investigation.

The Indian Child Protection and Family Violence Prevention Act requires that all Indian tribes or tribal organizations receiving funds under the authority of the (1) Indian Self-Determination and Education Assistance Act or the (2) Tribally Controlled Schools Act of 1988 must:

- Conduct a background investigation for individuals whose duties and responsibilities would allow them regular contact with or control over Indian children.
- Employ only individuals who meet standards of character that are no less stringent than those prescribed for the BIA.

The BIE Security Office in Albuquerque, NM centrally performs the required background checks for all BIE employees or individuals being granted access to children at BIE operated facilities. Once results of the background checks are received, the BIE Security Office adjudicates, or decides, whether the individual is suitable to work with children. Responsibility for conducting the background checks and adjudicating the results at the non-BIE operated facilities rests with individual facilities.

### **Prior Audit Coverage**

In March 2004, the Office of Inspector General (OIG) issued Report of Audit, “Improvements Needed in the Bureau of Indian Affairs’ Process for Conducting Background Investigations of Indian Education Employees.” This audit was limited to BIA operated facilities. The report concluded that BIA's background investigation process was not ensuring that unsuitable individuals were prevented from having contact with children. Specifically:

- Local law enforcement checks were seldom completed before an individual was hired, and the initiation of these checks was not timely.
- FBI fingerprint and name checks were not always completed before an employee was hired.
- Termination of employees deemed unsuitable was not always performed in a timely manner.
- Comparison of employee records to investigation records showed that some employees may have not been investigated.

## **Statistics – Why Background Checks are Important**

In October 2007, the Associated Press reported that a California lawyer who has spent 30 years investigating misconduct in schools stated, “From my own experience ... I think every single school district in the nation has at least one perpetrator. At least one.” The Associated Press went on to report that over 2,500 educators were punished for sexual misconduct from 2001 to 2005. For example, a teacher in Iowa admitted sexual misconduct against a fifth-grader. However, that teacher did not lose his teaching license until 40 years after the first accusation.

Some cases investigated by the Associated Press could have been prevented with an FBI fingerprint check, mandatory at Indian educational facilities. For example, in 1984, a teacher was sent to prison for sexually molesting a third-grader. After serving his prison term, he went on to get four more teaching jobs. He did not stop teaching until 1997 and his teaching license was not finally revoked until 15 years after he molested the third-grader. An FBI fingerprint check could have stopped this teacher from circulating in the school system. However, the Associated Press reported that 16 states do not require fingerprinting. A worker in the teacher certification office in one of those states stated that her office receives anonymous calls from people asking if the state does a background check on applicants. When she tells them no, they hang up. She felt certain the callers then applied for teaching jobs in the state. “We’re deceiving ourselves if we don’t think there are perverts,” she said.

The number of instances nationally of reported abuse in public schools averages nearly three for every school day. However, studies estimate that only 1 in 10 victims report the abuse. The Associated Press study found that of the approximately 2,500 cases where educators were punished for sexual misconduct between 2001 to 2005, students were clearly identified as the victim of the sexual misconduct in almost 1,500 cases. However, there were criminal convictions in only about 54 percent of the cases.

The FBI reported in March 2006 that, during the period covering fiscal years 2003 through 2006, it initiated 1,658 investigations and made 537 arrests in matters involving Indian child sexual abuse. During the same period, it initiated 134 investigations and made 39 arrests in matters involving Indian child physical abuse. This represented approximately 30 percent of all FBI investigations in Indian Country during that period.

# RESULTS OF AUDIT

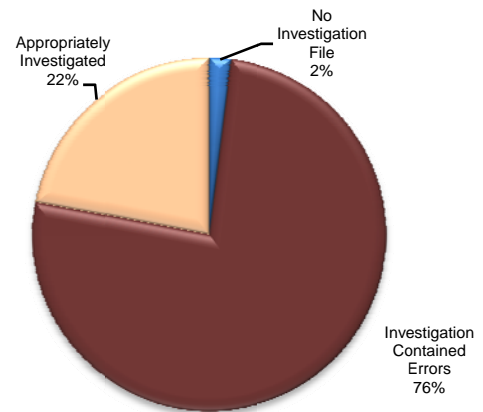
Employees and other individuals who have regular contact with, or control over, children at Indian education facilities have not had the required background checks.

## BIE Operated Facilities

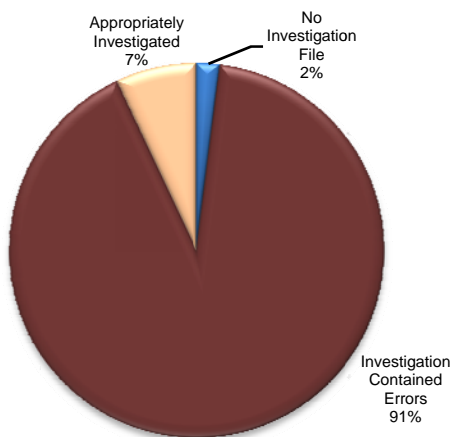
We reviewed a statistical sample of 1,199 (27 percent) of the 4,501 employees working for BIE as of May 2007. *See Appendix 1 for a detailed explanation of the statistical sampling selection and evaluation methodology.* Based on our statistical sample, we estimated that (*See Figure 1*):

- 2 percent of BIE employees had no security file documenting an investigation.
- 76 percent of BIE employees had security files containing material errors in the investigation conducted.

*See Appendix 2 for full results.*



**Figure 1: Investigations of BIE Employees**



**Figure 2: Investigations of BIE Employees Hired Since 2004 Audit**

We found that the situation had worsened since our 2004 audit of BIE employees working in residential facilities. Based on our statistical sample, we estimated that (*See Figure 2*):

- 2 percent of 821 employees hired since January 1, 2004, had no security file documenting an investigation.
- 91 percent of these employees had security files containing material errors in the investigation conducted.

*See Appendix 3 for full results.*



Material errors in the investigations included lack of required FBI fingerprint checks, absence of character background checks, and absence of reinvestigations for employees with over 5 years on the job. For example, based on our statistical sample, we estimated that:

- FBI fingerprint checks were not conducted for 6 percent of BIE employees hired since January 1, 2004.
- Character background checks were not conducted on 5 percent of BIE employees hired since January 1, 2004.
- Reinvestigations were not conducted on 60 percent of BIE employees with more than 5 years on the job.

*See Appendix 6 for full results.*

We performed site work at 15 BIE operated residential facilities. We did not review employee files at the facilities since we had already reviewed a statistical sample of all BIE employees. We also found that facilities did not always initiate local tribal law enforcement checks as required. Additionally, we found that facility personnel were not always being informed by the BIE Security Office when background checks were completed and individuals could have unsupervised access to children.

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### Non-BIE Operated Facilities

We selected a non-statistical sample of 18 non-BIE operated residential facilities.<sup>2</sup> During site visits, we reviewed a non-statistical sample of 295 of 1,659 (18 percent) employee files. We found that employee files did not support that complete background investigations were conducted (*See Figure 3*). Specifically:

- 72 percent - prior employers were not contacted.
- 83 percent - personal references were not contacted.
- 25 percent - local tribal law enforcement checks were not initiated.
- 28 percent - other local law enforcement checks were not initiated.
- 33 percent - state law enforcement checks were not initiated.
- 43 percent - FBI fingerprint checks were not conducted. Four of the 18 non-BIE facilities did not conduct FBI fingerprint checks at all.

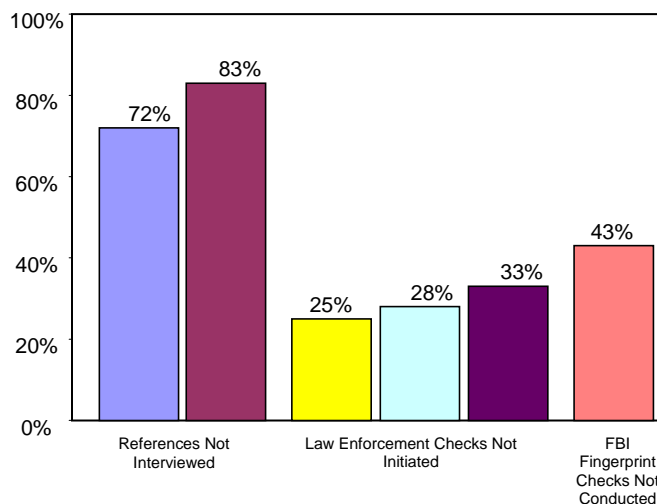


Figure 3: Investigations of Individuals Working at non-BIE Operated Facilities

*Appendix 5 provides full results by facility.*

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<sup>2</sup> This sample included one “cooperative” facility. Cooperative facilities have both BIE and non-BIE employees.

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Because of the problems we identified, it was impossible for either BIE or the non-BIE operated residential facilities we visited to support that all individuals with regular contact or control over Indian students had characters and/or backgrounds suitable for working with children. We found that individuals were often allowed access to children prior to completion of the required FBI fingerprint check. Specifically, we found that, of the FBI fingerprint checks conducted:

- 54 percent of the BIE employees in our statistical sample (hired since January 1, 2004) began working with Indian students prior to completion of the FBI fingerprint check. Of these employees, 73 percent were later found to have a criminal record. *See Appendix 6.*
- 83 percent of the employees in our non-statistical sample at non-BIE operated facilities had their FBI fingerprint checks completed after they began working with Indian students. Eighteen percent of these employees were later found to have a criminal record. *See Appendix 5.*

The material errors in the background process could result in individuals with serious violent crimes having unsupervised access to Indian children. A recent Department of Health and Human Services review of the Navajo Head Start program discovered a similar situation. The Head Start program had not conducted background investigations for any employees from 2001 to 2005. In October 2005, the Head Start program finally ran FBI fingerprint checks for approximately 81 percent of its employees. This check identified that approximately 16 percent of the employees had criminal records. The criminal records included first degree murder, assault, child abuse, driving under the influence, and other violent crimes, making them clearly unsuitable to work with Indian children. Given the lack of background investigations supporting otherwise, it is possible that a similar situation exists at BIE and non-BIE operated facilities and violent criminals are being given unrestricted access to Indian children.

Further, multiple facilities had contracted specialists (such as speech therapist and reading tutors) working with students at their facilities. However, we found that background investigations were not always being completed for these contract workers. For example, at one BIE operated facility visited, we identified 14 contracted specialists. Our review found that 6 of the 14 contractors did not have background investigations conducted.

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### **Inadequate Adjudications**

Even when background investigations were conducted, we identified problems with the adjudication process. The Indian Child Protection and Family Violence Prevention Act requires a qualified and trained security official be designated to adjudicate the results of the character investigation. However, we found that adjudication of information received from character investigations was not always performed. When adjudications were performed, they were not timely and decisions were poorly documented. Further, when information was received after adjudication, individuals were not re-evaluated to determine their continued suitability for working with children.

We found that adjudications were not completed for:

- 19 percent of the statistically sampled BIE employees. *See Appendix 6.*
- 90 percent of the non-statistically sampled individuals working at the six non-BIE residential facilities where background investigations were completed. *See Appendix 5.*

As a result, individuals with questionable backgrounds were hired. For example, one non-BIE facility we visited in South Dakota performed no character background investigations and no adjudications on the FBI fingerprint reports. Our review of 20 sample employees identified:

- 2 had no security file at all.
- 3 had a security file but the file contained no background documentation.
- 8 had no FBI fingerprint report.
- 7 had FBI fingerprint reports and all 7 revealed criminal records.

These criminal records included such crimes as assault and battery, domestic violence, domestic assault, arson, furnishing liquor to a minor, distribution of marijuana, resisting arrest, and driving under the influence. Jobs held by the individuals reviewed included teacher, dorm attendant, bus driver, cook, and recreation department worker. For this specific facility, we were unable to determine why the individuals were hired because the official responsible for performing the background check and adjudicating individuals resigned between the time we notified her of our visit and our arrival at the facility.

When adjudications were performed, they were not timely and decisions were poorly documented. Specifically, it took the BIE Security Office, on average (*See Appendix 6 for full results*):

- 154 days to adjudicate character background investigations received.
- 269 days to complete all background activities associated with hiring an employee.
- 242 days to adjudicate 5 year character background reinvestigations received.

Further, even when adjudications were finally completed, BIE did not notify the facilities of the adjudication decision 65 percent of the time.

Although individuals may be provisionally hired after completion of their FBI fingerprint check, but before completion of full background investigation, provisional hires are not allowed to be alone with children until a favorable adjudication is granted. However, because of (a) the amount of time it took for adjudication decisions to be documented and (b) the lack of notification of adjudication decisions, the BIE-operated facilities we visited informed us that after a few weeks they stopped supervising provisional hires and allowed them unrestricted access to Indian children. As a result, we identified individuals being accused of abuse who should not have had unsupervised access to children. For example:

- An Education Technician at a BIE-operated facility hired in November 2006 was accused of sexually abusing a student in January 2007. According to the accusation, the abuse occurred

when the employee was driving the student, unsupervised, to sports practice. However, the BIE Security Office did not adjudicate the individual's background until July 2007. Therefore, the individual should not have been alone with the student when the alleged abuse occurred.

- A Teacher at a BIE-operated facility hired in August 2006 was accused of a verbal and three physical abuse charges against students at the school since being hired. There was no other information in the file on the accusations. However, the BIE Security Office had still not adjudicated the individual's background as of our review in October 2007.

Additionally, adjudication decisions were poorly documented resulting in individuals with questionable backgrounds working at facilities. For example, at a non-BIE operated residential facility in Arizona we identified a School Nurse who in:

- February 2006 was arrested, and ultimately incarcerated, for driving under the influence.
- October 2006 was hired despite numerous arrests for alcohol related incidents.
- February 2007 was adjudicated as "suitable to work with children."
- August 2007 was suspended without pay for 5 days for violating the facility's policy for use of alcohol and intoxication in the workplace. The individual was on official business transporting students and became so intoxicated he had to be taken to a hospital. As a result, another individual had to assume the responsibility of transporting students back to the school.

The adjudication document did not state why the adjudicator believed the criminal history posed no threat to the children. As a result, we could not effectively evaluate the facility's original adjudication decision. Further, we found no evidence the facility re-adjudicated the employee's continued suitability of working with children following the incident.

When information was received after adjudication, individuals were not re-evaluated to determine their continued suitability for working with children. For instance:

- A Food Service Worker at a non-BIE operated facility in New Mexico, hired in February 2001, was favorably adjudicated. A tribal law enforcement report received after adjudication indicated the employee was charged with six counts of endangering the welfare of a minor. However, while the facility filed the report in the employee's security file, it failed to re-adjudicate the employee's background taking into consideration the new information.
- A School Bus Driver at a BIE operated facility hired in January 2005 was favorably adjudicated in May 2005. A law enforcement report received following the adjudication indicated the employee had been:
  - ⊕ incarcerated for 60 days for threatening and disorderly conduct charges, and
  - ⊕ charged with battery, endangering the welfare of a minor, and disorderly conduct.While the BIE Security Office filed the report in the employee's security file, it failed to re-adjudicate the employee's background taking into consideration the new information. An unsigned memo in the BIE Security Office file stated that the information had been received

and there were no issues affecting the original favorable adjudication. However, when we discussed the issue with the BIE Security Office, the assigned Security Specialist stated he did not know who put the unsigned memo in the file and acknowledged the employee's suitability needed to be re-evaluated.

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### **BIE Oversight of Non-BIE Operated Facilities**

We found no BIE policies or procedures to ensure appropriate oversight over the background investigation process at non-BIE operated residential facilities. Education Line Officers we visited indicated they were aware of problems at the non-BIE residential facilities but were unsure of what role they played, or what authority they had, to require the facilities to comply with the minimum standards for conducting background investigations.

# EVALUATION OF MANAGEMENT COMMENTS

We would like to acknowledge the seriousness with which BIE and most non-BIE operated residential facilities took the issues identified in this report and commend the immediate actions they took to correct the issues noted.

During the course of the audit, we issued Notices of Potential Findings (NPF) to the 18 non-BIE operated residential facilities visited. The NPFs outlined any problems identified at each specific facility (*see Appendix 5*). We received detailed responses from 9 of the facilities. Of these 9 facilities, 7 identified and outlined immediate corrective actions they were taking to correct the deficiencies identified. Of the remaining facilities we visited, 3 acknowledged receipt of the NPF but did not provide a detailed response of any corrective actions and 6 did not acknowledge receipt of the NPF. Additionally, BIE provided OIG a copy of a memorandum sent, in response to the draft Audit Report, to all grant facilities requiring each facility to come into compliance with the law and grant agreement.

Further, the BIE security office requested a detailed listing of employee files reviewed in the statistical sample and material errors identified so they could immediately begin correcting the deficiencies we identified.

In Management's Response to the draft report, the Department thanked us for the audit and stated: "BIE and the office of Human Capital Management, Center for Personnel Security (CPS) take seriously the findings and recommendations made by your office. A strategic goal of the BIE is to provide safe and secure schools for Indian students attending BIE funded schools and as such BIE will aggressively bring all schools into full compliance. In conjunction with this effort on April 15, 2008, we conducted training for all CPS staff, to introduce them to all the new policies and procedures and reacquaint them with existing regulations. Please be assured that Indian Affairs is committed to ensuring full compliance with the Background Investigation Program and the safety of our children and employees."

# RECOMMENDATIONS

The BIE Security Office should:

1. Identify and immediately initiate appropriate background checks on all individuals working at BIE operated facilities without a security file or without documentation supporting they have:
  - a. an FBI fingerprint check report,
  - b. undergone a complete background/character investigation, and
  - c. had all issues in their background properly adjudicated.

## **DOI's Response to the Recommendation:**

"Indian Affairs concurs with the audit recommendations. In the past, BIE requested expedited screening when school bus drivers and cooks unexpectedly left BIE employment. Due to the immediate need to fill those positions when vacated, it appears procedures were not followed, nor were appropriate follow-up procedures established. Effective immediately, CPS will no longer approve requests for expedited screenings and will follow policies that require FBI background fingerprint checks prior to hiring and the results maintained in the applicant's official personnel file. All requests for expedited screenings will require either: Associate Deputy Director, Assistant Deputy Director, or the BIE Director review and approval. CPS has developed a request form and established written procedures which incorporate some preliminary approval criteria including the minimum requirement of a FBI fingerprint check."

"CPS will immediately initiate expedited background investigations on the six persons identified, by the OIG, as having no record of an investigation. We are attempting to locate the 21 missing files; in the interim we have taken appropriate steps to ensure schools with employees who have missing or incomplete background investigations are properly supervising those employees at all times when they are in contact with the students until their respective investigation is completed and any issues adjudicated."

## **OIG Analysis of DOI Response:**

Based on DOI's response, we consider this recommendation to be resolved but not fully implemented.

2. For those individuals found at BIE operated schools either without a security file or missing any of the three key background investigation elements above, ensure safeguards are in place to

prevent them from having unsupervised access to students until all required background security check elements have been completed.

#### **DOI's Response to the Recommendation:**

“Indian Affairs concurs with this recommendation. CPS has notified appropriate school officials that these and all other individuals with incomplete background investigations must be properly supervised during those times that they have contact with students until their respective investigation is completed and any issues adjudicated.”

“On January 28, 2008 the Acting Director, BIE directed the Education Line Officers/Grants Officers to conduct a 100 percent review of tribally controlled school employees' folders to ensure that all required background security check elements are completed.”

#### **OIG Analysis of DOI Response:**

Based on DOI's response, we consider this recommendation to be resolved and implemented.

3. Develop and implement procedures for BIE operated schools that ensure:
  - a. no individual begins working with students until an FBI fingerprint check has been completed and the results reviewed by the BIE Security Office.
  - b. all individuals have undergone all phases of the background investigation and been properly adjudicated by the BIE Security Office prior to working unsupervised around students.
  - c. information received after any adjudication is properly re-adjudicated.

#### **DOI's Response to the Recommendation:**

“Indian Affairs concurs with this recommendation. Effectively immediately, CPS has implemented a policy that at a minimum a FBI fingerprint check is completed, results reviewed by BIE Security Office and a determination made that no disqualifying information was found prior to an individual starting employment. In addition, all issues discovered during the background investigation will be properly adjudicated and any negative information received after the initial adjudication will be re-adjudicated immediately. Upon receipt of post-adjudication information, the responsible Security Specialist will determine whether the new information acquired affects the previously adjudicated clearance action. The Specialist will then document the final determination on a case summary form and take appropriate action in the event the newly acquired information negatively affects a previous favorable adjudication.”



### **OIG Analysis of DOI Response:**

Based on DOI's response, we consider this recommendation to be resolved and implemented.

#### **4. Develop and implement:**

- a. a plan to ensure that all individuals working at non-BIE operated facilities have undergone complete, appropriate background investigations.
- b. procedures to ensure that all facilities receiving Departmental funding have implemented and conducted appropriate background investigations for all individuals working with students. As required by the Indian Child Protection and Family Violence Prevention Act, ensure the background investigations conducted by the non-BIE operated facilities are no less stringent than those implement by BIA / BIE.

### **DOI's Response to the Recommendation:**

"Indian Affairs concurs with this recommendation. The Acting Director, BIE issued a memorandum dated January 28, 2008 and directed the Education Line Officers/Grant Officers to conduct a 100% review of tribally controlled school employee folders to ensure background investigations have been conducted and any issues adjudicated. The timeline for completion of this task was March 31, 2008. The BIE is awaiting the responses from the Education Line Officers. Where deficiencies are identified, BIE, CPS and the tribal entity will work in partnership to ensure the fingerprint checks and background investigations are completed and adjudicated in a timely manner."

"In addition, the BIE has developed a background investigation program checklist, for tribally controlled schools, that is designed to determine existence of written policies and procedures, implementation of the program, adjudication of investigation findings and to ensure that the background investigation programs are no less stringent than those implemented by the BIE. The BIE in partnership with the CPS has scheduled training for both BIE operated schools and tribally controlled schools during the week of May 12-16, 2008. All schools will receive training in mandatory requirements for conducting background investigations and adjudicating background investigations. All schools will receive two and a half days of training. The BIE and CPS will provide technical assistance to tribally controlled schools to ensure a background investigation program is fully implemented."

### **OIG Analysis of DOI Response:**

Based on DOI's response, we consider this recommendation to be resolved but not fully implemented.

5. Develop and implement procedures to hold non-BIE operated facilities receiving Departmental funding accountable to adhere to the minimum background investigation standards. Consequences for noncompliance should include suspending, canceling, or revoking Departmental funding.

**DOI's Response to the Recommendation:**

“Indian Affairs concurs with this recommendation. The BIE will develop a policy and implement procedures to hold all tribally controlled schools, receiving federal funding, responsible for adhering to the minimum background investigation standards. All tribally controlled schools will be notified of the new policy and procedures and informed of BIE's intent on ensuring that all background investigations and adjudications are completed. They also will be informed that failure to comply with the procedures could result in an emergency re-assumption of the program.”

“The Corrective Action Plan (CAP) developed by the BIE, has placed tribally controlled schools, included in this review, on notice, that should schools knowingly endanger the health, safety or welfare of students, that BIE after providing notice and a hearing can rescind such contract or grant agreement and resume control or operation of the program, activity, function or service. The citation is provided in the CAP for BIE.”

**OIG Analysis of DOI Response:**

Based on DOI's response, we consider this recommendation to be resolved but not fully implemented.

## OBJECTIVE, SCOPE, AND METHODOLOGY

### Objective

The objective of our audit was to determine if employees and other individuals who have regular contact with, or control over, children at Indian education facilities have had the required background checks.

### Scope

The scope of our review was:

- BIE employees working with, or having unsupervised control over, Indian students. This includes individuals working at:
  - ✦ residential facilities (including boarding school, peripheral dorms, etc.),
  - ✦ education line offices, and
  - ✦ other locations (including day schools, office of instruction, etc.).
- Non-BIE employees and other individuals working with, or having unsupervised control over, Indian students in BIE, grant, contract, and cooperative residential facilities.

We limited our review of non-BIE employees and other individuals to residential facilities because, in our opinion, these individuals posed the most immediate risk to Indian children.

### Methodology

To meet our objective we:

- Gained an understanding of applicable laws and regulations including:
  - ✦ Public Law 101-630, Indian Child Protection and Family Violence Prevention Act.
  - ✦ Public Law 101-647, Crime Control Act of 1990.
  - ✦ Department Manual 383.
  - ✦ Departmental Manual 441.
- Gained an understanding of internal controls over background investigations of employees and performed tests to ensure they were conducted. Tests for BIE operated schools were conducted on a statistical sample of BIE employees. Tests for non-BIE operated schools were conducted on a non-statistical sample of employees at 18 facilities selected for review (*See Appendix 5*). Our conclusions about these internal controls are included in our findings presented in the report. Specific controls tested included:
  - ✦ FBI fingerprint checks.
  - ✦ Other law enforcement checks.
  - ✦ Character background investigations.

- Performed a statistical sample of BIE employees. Specifically, we:
  - ✦ Obtained a universe from the Federal Personnel Payroll System as of May 2007.
  - ✦ Segregated the universe into groups based on the individual's access to children and hire date ranges.
  - ✦ Selected statistical samples, based on professional auditor judgment, with:
    - 95 percent confidence levels.
    - 3 percent tolerable deviation rates.
    - 1 percent expected deviation rates.
  - ✦ Reviewed employee security files for each sample employee to determine whether appropriate background investigations were conducted.
  - ✦ Followed-up with BIE Security Office personnel.
  - ✦ Summarized problems identified and projected the results to the universe of BIE employees. Because we followed a statistical sample based on random selection, our sample is only one of a large number of samples that we might have drawn. Since each sample could have provided a different estimate, we express our confidence in the precision of our samples' results as 95 percent. As a result, we are 95 percent confident that the error rate in the universe is no more than our estimates.
  
- Performed a non-statistical sample of non-BIE employees and other individuals. Specifically, we:
  - ✦ Created a list of locations where residential facilities were located.
  - ✦ Non-statistically selected the four states with the largest concentration of residential facilities: Arizona, New Mexico, Oklahoma, and South Dakota.
  - ✦ Identified the locations of each residential facility for each state.
  - ✦ Non-statistically selected individual residential facilities for site visits based on location and facility type, designed to ensure we visited a diverse selection of facilities while maximizing the number of facilities visited in an efficient and effective manner.
  - ✦ For each residential facility we:
    - Obtained a universe of employees and other individuals having contact with, or control over, students.
    - Randomly selected a non-statistical sample of approximately 20 percent of employees and other individuals.
    - Reviewed background investigation documents for each sample person to determine whether appropriate background investigations were conducted.
    - Interviewed appropriate individuals on residential facility policies and procedures for conducting background investigations.
    - Followed-up with BIE Security Office personnel as appropriate.
  - ✦ Summarized problems identified. Problems identified in this non-statistical sample cannot be projected to the universe of non-BIE operated facilities. However, they provide a useful insight into activities at non-BIE operated facilities.

We performed our audit in accordance with the *Government Auditing Standards* issued by the Comptroller General of the United States. Work was performed from April 2007 to December 2007.

## INVESTIGATIONS OF BIE EMPLOYEES

Sample	Universe *	Sample Size	Missing Files		Estimate	Material Errors ***		Estimate
Residential Facility Employees hired since January 1, 2004	484	175	0	0.00%	0	155	91.53%	443
Residential Facility Employees hired between January 1, 1998 and December 31, 2001	491	177	0	0.00%	0	119	71.89%	352
Residential Facility Employees hired before January 1, 2002 (minus duplicates)	1,398	186	0	0.00%	0	137	78.54%	1,097
Education Line Office Employees hired since January 1, 2004	39	39	0	0.00%	0	35	89.74%	35
Education Line Office Employees hired between January 1, 1998 and December 31, 2001	36	36	0	0.00%	0	19	52.78%	19
Education Line Office Employees hired before January 1, 2002 (minus duplicates)	163	119	1	2.45%	4	78	69.94%	113
Other Employees ** hired since January 1, 2004	298	163	5	5.03%	14	143	92.95%	272
Other Employees ** hired between January 1, 1998 and December 31, 2001	242	145	5	5.79%	14	96	72.73%	172
Other Employees ** hired before January 1, 2002 (minus duplicates)	851	159	10	9.99%	85	95	69.68%	586
<b>Totals<sup>3</sup></b>	<b>4,002</b>	<b>1,199</b>	<b>21</b>	<b>2.37%</b>	<b>117</b>	<b>877</b>	<b>76.19%</b>	<b>3,089</b>

\* We did not include the 499 BIE employees hired between January 1, 2002, and December 31, 2003 (of the total 4,501 BIE employees) in the possible samples because these employees were reviewed in our March 2004 audit and we did not want to report the same errors.

\*\* Other employees included BIE employees working in day schools, administrative offices, etc.

\*\*\* The BIE Security Office files contained more than one material error for 333 of the 877 sample employee files with material errors. *See Appendix 6 for a complete list of material errors.*

<sup>3</sup> Due to the nature of estimating associated with a statistical sample, the totals cannot balance both across and down. Therefore, we used the actual 95 percent confidence level deviation rate in the total (versus using an average) but totaled the individual sample estimates.

## INVESTIGATIONS OF BIE EMPLOYEES HIRED SINCE JANUARY 1, 2004

Sample	Universe	Sample Size	Missing Files		Estimate	Material Errors **		Estimate
Residential Facility Employees hired since January 1, 2004	484	175	0	0.00%	0	155	91.53%	443
Education Line Office Employees hired since January 1, 2004	39	39	0	0.00%	0	35	89.74%	35
Other Employees * hired since January 1, 2004	298	163	5	5.03%	14	143	92.95%	272
<b>Totals<sup>4</sup></b>	<b>821</b>	<b>377</b>	<b>5</b>	<b>2.31%</b>	<b>14</b>	<b>333</b>	<b>91.35%</b>	<b>750</b>

\* Other employees included BIE employees working in day schools, administrative offices, etc.

\*\* The BIE Security Office files contained more than one material error for 240 of the 333 sample employee files with material errors. *See Appendix 6 for a complete list of material errors.*

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<sup>4</sup> Due to the nature of estimating associated with a statistical sample, the totals cannot balance both across and down. Therefore, we used the actual 95 percent confidence level deviation rate in the total (versus using an average) but totaled the individual sample estimates.

## BIE FACILITIES VISITED

<u>Facility Name</u>	<u>Location</u>	<u>Type</u>
1. Flandreau Indian Boarding School	Flandreau, SD	Boarding School
2. Hunters Point Boarding School	St. Michaels, AZ	Boarding School
3. Many Farms High School	Many Farms, AZ	Boarding School
4. Chinle Boarding School	Many Farms, AZ	Boarding School
5. Dennehotso Boarding School	Dennehotso, AZ	Boarding School
6. Kayenta Community School	Kayenta, AZ	Boarding School
7. Tuba City Boarding School	Tuba City, AZ	Boarding School
8. Chi Chil'Tah (Jones Ranch Community School)	Vanderwagen, NM	Boarding School
9. T'lists oozi bi'olta	Crownpoint, NM	Boarding School
10. Lake Valley Navajo	Crownpoint, NM	Boarding School
11. Mariano Lake Community School	Crownpoint, NM	Boarding School
12. Wingate Elementary School	Wingate, NM	Boarding School
13. Wingate High School	Wingate, NM	Boarding School
14. Tohaali' Community School	Newcomb, NM	Boarding School
15. Pueblo Pintado Community School	Cuba, NM	Boarding School

## MATERIAL ERRORS AT NON-BIE RESIDENTIAL FACILITIES VISITED

Sample Residential Facilities	Universe	Sample Size	Did Not Interview Employers		Did Not Interview References	
Sequoyah High School	111	22	5	23%	8	36%
Chickasaw Children's Village	27	5	5	100%	5	100%
Eufaula Dormitory	41	8	8	100%	8	100%
Jones Academy	82	15	15	100%	15	100%
Crow Creek Reservation School	98	20	20	100%	20	100%
Pierre Indian Learning Center	107	18	9	50%	17	94%
Wide Ruins Community School	46	9	5	56%	9	100%
Greasewood Springs Community School	66	11	10	91%	11	100%
Rough Rock Community School	180	30	30	100%	30	100%
Pinon Community School	43	9	0	0%	0	0%
Shonto Preparatory School	181	36	14	39%	15	42%
Greyhills Academy High School	165	33	16	48%	33	100%
Pine Hill School	100	13	11	85%	10	77%
Ch'Ooshgai Community School	111	21	20	95%	20	95%
Jicarilla Dormitory	14	3	3	100%	3	100%
Shiprock Reservation Dormitory	12	7	6	86%	7	100%
Santa Fe Indian School	249	30	30	100%	30	100%
Cheyenne Eagle Butte School	26	5	5	100%	5	100%
<b>TOTAL</b>	<b>1,659</b>	<b>295</b>	<b>212</b>	<b>72%</b>	<b>246</b>	<b>83%</b>

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Sample Residential Facilities	Local Law Enforcement Check Not Initiated		Other Local Law Enforcement Checks Not Initiated		State Law Enforcement Checks Not Initiated	
Sequoyah High School	0	0%	0	0%	0	0%
Chickasaw Children's Village	1	20%	1	20%	1	20%
Eufaula Dormitory	8	100%	8	100%	5	63%
Jones Academy	15	100%	15	100%	15	100%
Crow Creek Reservation School	13	65%	20	100%	13	65%
Pierre Indian Learning Center	0	0%	0	0%	0	0%
Wide Ruins Community School	9	100%	No Other Local		0	0%
Greasewood Springs Community School	0	0%	No Other Local		11	100%
Rough Rock Community School	3	10%	3	10%	2	7%
Pinon Community School	1	11%	No Other Local		7	78%
Shonto Preparatory School	0	0%	15	42%	2	6%
Greyhills Academy High School	7	21%	1	3%	1	3%
Pine Hill School	6	46%	0	0%	1	8%
Ch'Ooshgai Community School	0	0%	3	14%	21	100%
Jicarilla Dormitory	2	67%	3	100%	3	100%
Shiprock Reservation Dormitory	1	14%	7	100%	7	100%
Santa Fe Indian School	3	10%	3	10%	3	10%
Cheyenne Eagle Butte School	5	100%	5	100%	5	100%
<b>TOTAL</b>	<b>74</b>	<b>25%</b>	<b>84</b>	<b>28%</b>	<b>97</b>	<b>33%</b>

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Sample Residential Facilities	No FBI Fingerprint Check Conducted		Of Conducted, FBI Fingerprint Check Dated after Hire Date		Of Conducted, Number of FBI Checks with Criminal Record		Did Not Adjudicate FBI Fingerprint Checks with Criminal Records	
Sequoyah High School	1	5%	19	90%	0	0%	No Records	
Chickasaw Children's Village	1	20%	4	100%	0	0%	No Records	
Eufaula Dormitory	8	100%	No FBI Checks		No FBI Checks		No FBI Checks	
Jones Academy	15	100%	No FBI Checks		No FBI Checks		No FBI Checks	
Crow Creek Reservation School	8	40%	11	92%	7	58%	7	100%
Pierre Indian Learning Center	0	0%	11	61%	4	22%	0	0%
Wide Ruins Community School	0	0%	9	100%	1	11%	1	100%
Greasewood Springs Community School	0	0%	7	64%	2	18%	2	100%
Rough Rock Community School	30	100%	No FBI Checks		No FBI Checks		No FBI Checks	
Pinon Community School	7	78%	2	100%	1	50%	1	100%
Shonto Preparatory School	0	0%	28	78%	6	17%	6	100%
Greyhills Academy High School	16	48%	14	82%	1	6%	1	100%
Pine Hill School	1	8%	12	100%	2	17%	2	100%
Ch'Ooshgai Community School	21	100%	No FBI Checks		No FBI Checks		No FBI Checks	
Jicarilla Dormitory	1	33%	2	100%	0	0%	No Records	
Shiprock Reservation Dormitory	2	29%	4	80%	3	60%	2	67%
Santa Fe Indian School	15	50%	11	73%	4	27%	4	100%
Cheyenne Eagle Butte School	0	0%	5	100%	0	0%	No Records	
<b>TOTAL</b>	<b>126</b>	<b>43%</b>	<b>139</b>	<b>83%</b>	<b>31</b>	<b>18%</b>	<b>26</b>	<b>84%</b>

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Sample Residential Facilities	Did Not Conduct Appropriate Investigations		Did Not Properly Adjudicate the Investigations Conducted	
Sequoyah High School	6	27%	15	100%
Chickasaw Children's Village	5	100%	No Investigations	
Eufaula Dormitory	8	100%	No Investigations	
Jones Academy	15	100%	No Investigations	
Crow Creek Reservation School	20	100%	No Investigations	
Pierre Indian Learning Center	3	17%	9	60%
Wide Ruins Community School	9	100%	No Investigations	
Greasewood Springs Community School	11	100%	No Investigations	
Rough Rock Community School	30	100%	No Investigations	
Pinon Community School	9	100%	No Investigations	
Shonto Preparatory School	19	53%	17	100%
Greyhills Academy High School	25	76%	8	100%
Pine Hill School	8	62%	4	80%
Ch'Ooshgai Community School	21	100%	No Investigations	
Jicarilla Dormitory	3	100%	No Investigations	
Shiprock Reservation Dormitory	7	100%	No Investigations	
Santa Fe Indian School	22	73%	8	100%
Cheyenne Eagle Butte School	5	100%	No Investigations	
<b>TOTAL</b>	<b>226</b>	<b>77%</b>	<b>61</b>	<b>90%</b>

## MATERIAL ERRORS IN BIE EMPLOYEE SECURITY FILES REVIEWED

	Sample Employees		Estimate to Universe
Total Number of BIE Employees as of May 2007	4,501		
BIE Employees' Security Office Files Statistically Selected	1,199	26.64%	
Unsigned or Missing Screening Questionnaires <sup>5</sup>	15	5.48%	44
Screening Questions Signed after the Hire Date or Undated <sup>5</sup>	49	15.35%	126
Prior Employers not Interviewed <sup>5</sup>	14	5.12%	42
Personal References not Interviewed <sup>5</sup>	22	7.55%	61
Local Law Enforcement Check Not Initiated <sup>5</sup>	14	5.12%	42
Other Local Law Enforcement Checks Not Initiated <sup>5</sup>	57	17.54%	144
State Law Enforcement Check Not Initiated <sup>5</sup>	40	12.79%	105
FBI Fingerprint Check not Conducted <sup>5</sup>	17	6.09%	50
When Conducted (771), FBI Fingerprint Report Dated after Hire Date	181	53.57%	413
"Emergency" Screening sent by BIE Security Office to School "Authorizing" Employee to be Hired before FBI Fingerprint Check Completed ( <i>estimated on the 413 above</i> )	97	58.35%	240
FBI Fingerprint Reports (771) Indicating a Criminal Record	35	11.80%	90
Employees with Criminal Records on their FBI Fingerprint Check Hired Before their FBI Fingerprint Report was Received ( <i>estimated on the 90 above</i> )	22	73.33%	66
FBI Fingerprint Reports With a Criminal Record ( <i>a universe of 90</i> ) Not Adjudicated	8	34.44%	31
Provisional Hiring Letter not Sent to School <sup>5</sup>	45	14.13%	116
No OPM Background Investigation Report Received <sup>5</sup>	14	5.12%	42
OPM Background Investigation Report is more than 5 Years Old <sup>6</sup>	473	60.01%	1,908
Final Adjudication of OPM Background Investigation not Completed	211	19.19%	767
Of Adjudications completed, Number of Not Favorable Adjudications	3	0.57%	22
Permanent Hire Letter not Sent to School <sup>5</sup>	236	65.65%	538
Law Enforcement Checks Received After Adjudication <sup>5</sup>	28	9.26%	76
Appropriate Action was not Taken on Checks Received After Adjudication ( <i>a universe of 76</i> )	4	26.32%	20

<sup>5</sup> This test only performed for the 821 BIE employees hired since January 1, 2004. We sampled 377.

<sup>6</sup> This test only performed for the 3,181 BIE employees hired prior to January 1, 2002. We sampled 822.

Range of Time from Date of Hire to Receipt OPM Investigation Report <sup>5</sup>	0 to 928 days	
Average Time	122	
Range of Time Taken to Adjudicate Initial OPM Investigation Reports Received <sup>5</sup>	0 to 889 days	
Average Time	154	
Range of Time Taken to Adjudicate OPM 5 Year Re-Investigation Reports Received <sup>6</sup>	0 to 5,055	
Average Time	242	
Range of Time to Notify School of Adjudication Decisions Made <sup>5</sup> (when the Schools were Notified)	0 to 441 days	
Average Time	49	
Total With OPM Investigation Report, Adjudication Decision, and Notification of Investigation Results sent to School <sup>5</sup>	121	32%
Range of Time in Background Investigation Process	29 to 1,112 days	
Average Time in Background Investigation Process	269	

## ACRONYMS AND ABBREVIATIONS

BIA	Bureau of Indian Affairs
BIE	Bureau of Indian Education
CNACI	Child Care Agency National Check with Written Inquires
CPS	Office of Human Capital Management, Center for Personnel Security
DOI	Department of the Interior
FBI	Federal Bureau of Investigation
NPF	Notices of Potential Findings
OIG	Office of Inspector General

## STATUS OF AUDIT RECOMMENDATIONS

Recommendations	Status
1	Resolved but Not Implemented
2	Resolved and Implemented
3	Resolved and Implemented
4	Resolved but Not Implemented
5	Resolved but Not Implemented

# DEPARTMENT RESPONSE



## United States Department of the Interior

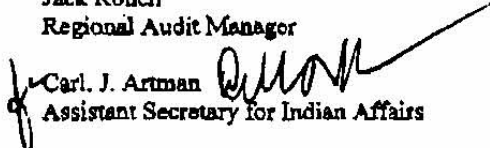
OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240



APR 17 2008

**Memorandum**

**To:** Jack Rouch  
Regional Audit Manager

**From:**  Carl J. Artman  
Assistant Secretary for Indian Affairs

**Subject:** Draft Audit Report on the Bureau of Indian Education  
Background Investigations (Q-IN-BIA-0005-2007) February 2008

Thank you for your audit. This memorandum represents our comments on the Office of The Inspector General (OIG) draft audit report, *Bureau of Indian Education Background Investigations* dated February 29, 2008. The Office of Human Capital Management, Center for Personnel Security (CPS), and the Bureau of Indian Education (BIE), generally concur with the five recommendations. The BIE and the CPS have taken immediate actions to address the deficiencies identified in the subject report.

**OIG Recommendations and BIE/CPS Responses**

**Recommendation 1:** Identify and immediately initiate appropriate background checks on all individuals working at BIE operated facilities without a security file or without documentation supporting they have:

- a. an FBI fingerprint check report,
- b. undergone a complete background investigation, and
- c. had all issues in their background properly adjudicated.

**CPS Response to recommendation 1:** Indian Affairs concurs with the audit recommendations. In the past, the BIE requested expedited screening when school bus drivers and cooks unexpectedly left BIE employment. Due to the immediate need to fill those positions when vacated, it appears procedures were not followed, nor were appropriate follow-up procedures established. Effective immediately CPS will no longer approve request for expedited screenings and will follow policies that require FBI background fingerprint checks prior to hiring and the results maintained in the applicant's official personnel file. All requests for expedited screenings will require either: Associate Deputy Director, Assistant Deputy Director or the BIE Director for review and approval. CPS has developed a request form and established written procedures which incorporate some preliminary approval criteria including the minimum requirement of a FBI fingerprint check.



CPS will immediately initiate expedited background investigations on the six persons identified, by the OIG, as having no record of an investigation. We are attempting to locate the 21 missing files, in the interim we have taken appropriate steps to ensure schools with employees who have missing or incomplete background investigations are properly supervised those employees at all times when they are in contact with the students until their respective investigation is completed and any issues adjudicated.

**Recommendation 2:** For those individuals found at BIE operated schools either without a security file or missing any of the three key background investigation elements above, ensure safeguards are in place to prevent them from having unsupervised access to students until all required background security check elements have been completed.

**CPS Response recommendation 2:** Indian Affairs concurs with this recommendation. CPS has notified appropriate school officials that these and all other individuals with incomplete background investigations must be properly supervised during those times that they have contact with the students until their respective investigation is completed and any issues adjudicated.

On January 28, 2008 the Acting Director, BIE directed the Education Line Officers/Grants Officers to conduct a 100% review of tribally controlled school employees' folders to ensure that all required background security check elements are completed.

**Recommendation 3: Develop and implement:**

- a. no individual begins working with students until an FBI fingerprint check has been completed and the results reviewed by the BIE Security Office.
- b. all individuals have undergone all phases of the background investigation and been properly adjudicated by the BIE Security Office prior to working unsupervised around students.
- c. Information received after any adjudication is properly – re-adjudicated.

**CPS Response recommendation 3:** Indian Affairs concurs with this recommendation. Effective immediately, CPS has implemented a policy that at a minimum a FBI fingerprint check is completed, results reviewed by BIE Security Office and a determination made that no disqualifying information was found prior to an individual starting employment. In addition, all issues discovered during the background investigation will be properly adjudicated and any negative information received after the initial adjudication will be re-adjudicated immediately. Upon receipt of post-adjudication information, the responsible Security Specialist will determine whether the new information acquired affects the previously adjudicated clearance action. The Specialist will then document the final determination on a case summary form and take appropriate

action in the event the newly acquired information negatively affects a previous favorable adjudication.

**Recommendation 4: Develop and implement:**

- a. a plan to validate that all individuals working at non-BIE operated facilities have undergone complete appropriate background investigations.
- b. procedures to ensure that all facilities receiving Departmental funding have implemented and conducted appropriate background investigations for all individuals working with students. As required by the Indian Child Protection and Family Violence Prevention Act, ensure the background investigations conducted by the non-BIE operated facilities are no less stringent than those implemented by BIA/BIE.

**BIE Response recommendation 4:** Indian Affairs concurs with this recommendation. The Acting Director, BIE issued a memorandum dated January 28, 2008 and directed the Education Line Officers/Grants Officers to conduct a 100% review of tribally controlled school employee folders to ensure background investigations have been conducted and any issues adjudicated. The timeline for completion of this task is March 31, 2008. The BIE is awaiting the responses from the Education Line Officers. Where deficiencies are identified, BIE, CPS and the tribal entity will work in partnership to ensure the fingerprint checks and background investigations are completed and adjudicated in a timely manner.

In addition, the BIE has developed a background investigation program checklist, for tribally controlled schools, that is designed to determine existence of written policies and procedures, implementation of the program, adjudication of investigation findings and to ensure that the background investigation programs are no less stringent than those implemented by the BIE. The BIE in partnership with the CPS has scheduled training for both BIE operated schools and tribally controlled schools during the week of May 12-16, 2008. All schools will receive training in mandatory requirements for conducting background investigations and adjudicating background investigations. All schools will receive two and half days of training. The BIE and CPS will provide technical assistance to tribally controlled schools to ensure a background investigation program is fully implemented.

**Recommendation 5: Develop and implement procedures to hold non-BIE operated facilities receiving Departmental funding accountable to adhere to the minimum background investigation standards. Consequences for noncompliance should include suspending, canceling, or revoking Departmental funding.**

**BIE Response to recommendation 5:** Indian Affairs concurs with this recommendation. The BIE will develop a policy and implement procedures to hold all tribally controlled schools, receiving federal funding, responsible for adhering to the minimum background investigation standards. All tribally controlled schools will be notified of the new policy and procedures and informed of BIE's intent on ensuring that

all background investigations and adjudications are completed. They also will be informed that failure to comply with the procedures could result in an emergency re-assumption of the program.

The Corrective Action Plan (CAP) developed by the BIE, has placed the tribally controlled schools, included in this review, on notice, that should schools knowingly endanger the health, safety or welfare of students, that BIE after providing notice and a hearing can rescind such contract or grant agreement and resume control or operation of the program, activity, function or service. The citation is provided in the CAP for BIE.

The BIE and CPS take seriously the findings and recommendations made by your office. A strategic goal of the BIE is to provide safe and secure schools for Indian students attending BIE funded schools and as such BIE will aggressively bring all schools into full compliance. In conjunction with this effort on April 15, 2008, we conducted training for all CPS staff, to introduce them to all the new policies and procedures and reacquaint them with existing regulations.

Please be assured that Indian Affairs is committed to ensuring full compliance with the Background Investigation Program and the safety of our children and employees.

Should you have any questions please contact David Talayumptewa, BIE at (505) 563-5227 or Augustine Aboita CPS at (505) 563-5288.

# **Report Fraud, Waste, Abuse, and Mismanagement**



Fraud, waste, and abuse in government concerns everyone: Office of Inspector General staff, Departmental employees, and the general public. We actively solicit allegations of any inefficient and wasteful practices, fraud, and abuse related to Departmental or Insular Area programs and operations. You can report allegations to us in several ways.



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