

## TITLE VII **VI** — INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

### PART A — INDIAN EDUCATION

#### **SEC. 7101 6101. STATEMENT OF POLICY. (20 U.S.C. 7401)**

It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children. The Federal Government will continue to work with local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children. *It is further the policy of the United States to ensure that Indian children do not attend school in buildings that are dilapidated or deteriorating, which may negatively affect the academic success of such children.*

#### **SEC. 7102 6102. PURPOSE. (20 U.S.C. 7402)**

(a) ~~PURPOSE.~~ It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

(1) to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet the same challenging State student academic achievement standards as all other students are expected to meet;

(2) to ensure that Indian students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

(3) to ensure that teachers, principals, other school leaders, and other staff who serve Indian students have the ability to provide culturally appropriate and effective instruction and supports to such students.

(b) ~~PROGRAMS.~~ This part carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

(1) meeting the unique educational and culturally related academic needs of American Indians and Alaska Natives;

(2) the education of Indian children and adults;

(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

(4) research, evaluation, data collection, and technical assistance.

#### **Subpart 1 — Formula Grants to Local Educational Agencies**

#### **SEC. 7111 6111. PURPOSE. (20 U.S.C. 7421)**

It is the purpose of this subpart to support *the efforts of* local educational agencies, *Indian tribes and organizations, and other entities* in *developing* their efforts to reform elementary school and secondary school programs *that serve for* Indian students in order to ensure that such programs *that are designed to*—

(1) ~~are based on challenging State academic content and student academic achievement standards that are used for all students~~ *meet the unique cultural, language, and educational needs of such students*; and

(2) ~~are designed to assist Indian students in meeting those~~ *ensure that all students meet the challenging State academic* standards.

**SEC. 7442 6112. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.**  
**(20 U.S.C. 7422)**

(a) IN GENERAL. The Secretary may make grants, from allocations made under section 7443 6113, ~~to local educational agencies and Indian tribes,~~ *and* in accordance with this section and section 7443 6113: ~~to—~~

(1) local educational agencies;

(2) Indian tribes, *as provided under subsection (c)(1);*

*(3) Indian organizations, as provided under subsection (c)(1);*

*(4) consortia of 2 or more local educational agencies, Indian tribes, Indian organizations, or Indian community-based organizations, if each local educational agency participating in such a consortium, if applicable—*

*(A) provides an assurance that the eligible Indian children served by such local educational agency will receive the services of the programs funded under this subpart; and*

*(B) is subject to all the requirements, assurances, and obligations applicable to local educational agencies under this subpart; and*

*(5) Indian community-based organizations, as provided under subsection (d)(1).*

(b) LOCAL EDUCATIONAL AGENCIES.—(1) ENROLLMENT REQUIREMENTS. *Subject to paragraph (2),* A ~~a~~ local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 7447 6117 who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

(A) was at least 10; or

(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

*(2) COOPERATIVE AGREEMENTS. A local educational agency may enter into a cooperative agreement with an Indian tribe under this subpart if such Indian tribe—*

*(A) represents not less than 25 percent of the eligible Indian children who are served by such local educational agency; and*

*(B) requests that the local educational agency enter into a cooperative agreement under this subpart.*

~~(2)~~ *(3) EXCLUSION.* The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, a reservation.

(c) INDIAN TRIBES AND INDIAN ORGANIZATIONS.—(1) IN GENERAL. If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a

committee under section 7114(c)(4) 6114(c)(4) for such grant, an Indian tribe, *an Indian organization, or a consortium of such entities*, that represents ~~not less~~ *more* than ~~1/2~~ *one-half* of the eligible Indian children who are served by such local educational agency may apply for such grant.

(2) SPECIAL RULE.—(A) IN GENERAL. The Secretary shall treat each Indian tribe, *Indian organization, or consortium of such entities* applying for a grant pursuant to paragraph (1) as if such tribe, *Indian organization, or consortium* were a local educational agency for purposes of this subpart.

(B) EXCEPTIONS. *Notwithstanding subparagraph (A), except that any such tribe is not subject to section 7114(c)(4), section 7118(c), or section 7119 such Indian tribe, Indian organization, or consortium shall not be subject to the requirements of section 7114(c)(4), section 7118(c), or section 7119 subsections (b)(7) or (c)(4) of section 6114 or section 6118(c) or 6119.*

(3) ASSURANCE TO SERVE ALL INDIAN CHILDREN. *An Indian tribe, Indian organization, or consortium of such entities that is eligible to apply for a grant under paragraph (1) shall include, in the application required under section 6114, an assurance that the entity will use the grant funds to provide services to all Indian students served by the local educational agency.*

(d) INDIAN COMMUNITY-BASED ORGANIZATION.—(1) IN GENERAL. *If no local educational agency pursuant to subsection (b), and no Indian tribe, Indian organization, or consortium pursuant to subsection (c), applies for a grant under this subpart in a particular community, an Indian community-based organization serving the community of the local educational agency may apply for such grant.*

(2) APPLICABILITY OF SPECIAL RULE. *The Secretary shall apply the special rule in subsection (c)(2) to an Indian community-based organization applying for a grant under paragraph (1) in the same manner as such rule applies to an Indian tribe, Indian organization, or consortium described in that subsection.*

(3) DEFINITION OF INDIAN COMMUNITY BASED ORGANIZATION. *In this subsection, the term "Indian community-based organization" means any organization that—*

*(A) is composed primarily of Indian parents, family members, and community members, tribal government education officials, and tribal members, from a specific community;*

*(B) assists in the social, cultural, and educational development of Indians in such community;*

*(C) meets the unique cultural, language, and academic needs of Indian students; and*

*(D) demonstrates organizational and administrative capacity to manage the grant.*

## **SEC. 7413 6113. AMOUNT OF GRANTS. (20 U.S.C. 7423)**

(a) AMOUNT OF GRANT AWARDS.—(1) IN GENERAL. Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency that has an approved application under this subpart an amount equal to the product of—

(A) the number of Indian children who are eligible under section 7117 and served by such agency; and

(B) the greater of—

(i) the average per pupil expenditure of the State in which such agency is located; or

(ii) 80 percent of the average per pupil expenditure of all the States.

(2) REDUCTION. The Secretary shall reduce the amount of each allocation otherwise determined under this section in accordance with subsection (e).

(b) MINIMUM GRANT.—(1) IN GENERAL. Notwithstanding subsection (e), an entity that is eligible for a grant under section 7112 6112, and a school that is operated or supported by the Bureau of Indian Affairs Education that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than \$3,000.

(2) CONSORTIA. Local educational agencies may form a consortium for the purpose of obtaining grants under this subpart.

(3) INCREASE. The Secretary may increase the minimum grant under paragraph (1) to not more than \$4,000 for all grantees if the Secretary determines such increase is necessary to ensure the quality of the programs provided.

(c) DEFINITION. For the purpose of this section, the term "average per pupil expenditure", used with respect to a State, means an amount equal to—

(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS EDUCATION.—(1) IN GENERAL. Subject to subsection (e), in addition to the grants awarded under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

(A) the total number of Indian children enrolled in schools that are operated by—

(i) the Bureau of Indian Affairs Education; or

(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and

(B) the greater of—

(i) the average per pupil expenditure of the State in which the school is located; or

(ii) 80 percent of the average per pupil expenditure of all the States.

(2) SPECIAL RULE. Any school described in paragraph (1)(A) that wishes to receive an allocation under this subpart shall submit an application in accordance with section 7144 **6114**, and shall otherwise be treated as a local educational agency for the purpose of this subpart, except that such school shall not be subject to section 7144(e)(4) **6114(c)(4)**, section 7148(e) **6118(c)**, or section 7149 **6119**.

(e) RATABLE REDUCTIONS. If the sums appropriated for any fiscal year under section 7152(a) **6152(a)** are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

#### **SEC. 7144 6114. APPLICATIONS. (20 U.S.C. 7424)**

(a) APPLICATION REQUIRED. Each local educational agency **entity described in section 6112(a)** that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) COMPREHENSIVE PROGRAM REQUIRED. Each application submitted under subsection (a) shall include a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

(1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of ~~American Indian and Alaska Native~~ **Indian** students;

(2)(A) is consistent with the State, **tribal**, and local plans submitted under other provisions of this Act; and

(B) includes ~~academic content and student academic achievement goals for such children, and benchmarks for attaining such goals, that are based on the challenging State academic content and student academic achievement standards adopted under title I for all children~~ **program objectives and outcomes for activities under this subpart that are based on the same challenging State academic standards developed by the State under title I for all students**;

(3) explains how ~~Federal, State, and local programs, especially programs carried out under title I, will meet the needs of such students~~ **the grantee will use funds made available under this subpart to supplement other Federal, State, and local programs that meet the needs of Indian students**;

(4) demonstrates how funds made available under this subpart will be used for activities described in section 7145 **6115**;

(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; and

(6) describes how the local educational agency—

(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

(B) will provide the results of each assessment referred to in subparagraph (A) to—

(i) the committee described in subsection (c)(4); and

(ii) the community served by the local educational agency; and

*(iii) the Indian tribes whose children are served by the local educational agency, consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the "Family Educational Rights and Privacy Act of 1974"); and*

(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A); and

*(7) describes the process the local educational agency used to meaningfully collaborate with Indian tribes located in the community in a timely, active, and ongoing manner in the development of the comprehensive program and the actions taken as a result of such collaboration.*

(c) ASSURANCES. Each application submitted under subsection (a) shall include assurances that—

(1) the local educational agency will use funds received under this subpart only to supplement the funds that, in the absence of the Federal funds made available under this subpart, such agency would make available for the education of Indian children *services described in this subsection*, and not to supplant such funds;

(2) the local educational agency will prepare and submit to the Secretary such reports, in such form and containing such information, as the Secretary may require to—

(A) carry out the functions of the Secretary under this subpart; and

(B) determine the extent to which activities carried out with funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian students served by such agency, *and meet program objectives and outcomes for activities under this subpart; and*

*(C) determine the extent to which such activities by the local educational agency address the unique cultural, language, and educational needs of Indian students;*

(3) the program for which assistance is sought—

(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the ~~American Indian and Alaska Native~~ *Indian* students for whom the local educational agency is providing an education;

(B) will use the best available talents and resources, including individuals from the Indian community; and

(C) was developed by such agency in open consultation with parents of Indian children and teachers, *representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve if such tribes have any children in such school,*

*Indian organizations*, and, if appropriate, Indian students from secondary schools, including through public hearings held by such agency to provide to the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

(4) the local educational agency developed the program with the participation and written approval of a committee—

(A) that is composed of, and selected by—

(i) parents *and family members* of Indian children in the local educational agency's schools;

*(ii) representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve if such tribes have any children in such school;*

~~(ii)~~ *(iii)* teachers in the schools; and

~~(iii)~~ *(iv)* if appropriate, Indian students attending secondary schools of the agency;

(B) a majority of whose members are parents *and family members* of Indian children;

~~(C) that has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;~~

~~(D)~~ *(C)* with respect to an application describing a schoolwide program in accordance with section 7115(e) *6115(c)*, that has—

(i) reviewed in a timely fashion the program; and

(ii) determined that the program will not diminish the availability of culturally related activities for American Indian and Alaska Native *Indian* students; and

*(iii) determined that the program will directly enhance the educational experience of Indian students; and*

~~(E)~~ *(D)* that has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws;

*(5) the local educational agency will coordinate activities under this title with other Federal programs supporting educational and related services administered by such agency;*

*(6) the local educational agency conducted outreach to parents and family members to meet the requirements under this paragraph;*

*(7) the local educational agency will use funds received under this subpart only for activities described and authorized in this subpart; and*

*(8) the local educational agency has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents and family members of the children, and representatives of the area, to be served.*

*(d) TECHNICAL ASSISTANCE. The Secretary shall, directly or by contract, provide technical assistance to a local educational agency or Bureau of Indian Education school upon*

request (in addition to any technical assistance available under other provisions of this Act or available through the Institute of Education Sciences) to support the services and activities provided under this subpart, including technical assistance for—

(1) the development of applications under this subpart, including identifying eligible entities that have not applied for such grants and undertaking appropriate activities to encourage such entities to apply for grants under this subpart;

(2) improvement in the quality of implementation, content, and evaluation of activities supported under this subpart; and

(3) integration of activities under this subpart with other educational activities carried out by the local educational agency.

#### **SEC. 7445 6115. AUTHORIZED SERVICES AND ACTIVITIES. (20 U.S.C. 7425)**

(a) GENERAL REQUIREMENTS. Each local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 7111, for services and activities that—

(1) are designed to carry out the comprehensive program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 7444(a) **6114(a) solely for the services and activities described in such application;**

(2) are designed with special regard for **to be responsive to** the language and cultural needs of the Indian students; and

(3) supplement and enrich the regular school program of such agency.

(b) PARTICULAR ACTIVITIES. The services and activities referred to in subsection (a) may include—

(1) **activities that support Native American language programs and Native American language restoration programs, which may be taught by traditional leaders;**

~~(1)~~ (2) culturally related activities that support the program described in the application submitted by the local educational agency;

~~(2)~~ (3) early childhood and family programs that emphasize school readiness;

~~(3)~~ (4) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State academic content and student academic achievement standards;

~~(4)~~ (5) integrated educational services in combination with other programs that meet the needs of Indian children and their families, **including programs that promote parental involvement in school activities and increase student achievement;**

~~(5)~~ (6) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Career and Technical Education Act of 2006 **(20 U.S.C. 2301 et seq.)**, including programs for tech-prep education, mentoring, and apprenticeship;

~~(6)~~ (7) activities to educate individuals concerning **so as to prevent violence, suicide, and** substance abuse ~~and to prevent substance abuse;~~

~~(7)~~ (8) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 7444 **6111;**



~~(8)~~ **(9)** activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

~~(9) activities that incorporate American Indian and Alaska Native specific curriculum content, consistent with State standards, into the curriculum used by the local educational agency;~~

(10) family literacy services; and

(11) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors-;

**(12) dropout prevention strategies for Indian students; and**

**(13) strategies to meet the educational needs of at-risk Indian students in correctional facilities, including such strategies that support Indian students who are transitioning from such facilities to schools served by local educational agencies.**

(c) SCHOOLWIDE PROGRAMS. Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—

(1) the committee established pursuant to section 7114(e)(4) **6114(c)(4)** approves the use of the funds for the schoolwide program; and

(2) the schoolwide program is consistent with the purpose described in section 7114 **6111;** and

**(3) the local educational agency identifies in its application how the use of such funds in a schoolwide program will produce benefits to Indian students that would not be achieved if the funds were not used in a schoolwide program.**

(d) LIMITATION ON ADMINISTRATIVE COSTS. Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

**(e) LIMITATION ON THE USE OF FUNDS. Funds provided to a grantee under this subpart may not be used for long-distance travel expenses for training activities that are available locally or regionally.**

#### **SEC. 7116 6116. INTEGRATION OF SERVICES AUTHORIZED. (20 U.S.C. 7426)**

(a) PLAN. An entity receiving funds under this subpart may submit a plan to the Secretary for the integration of education and related services provided to Indian students.

(b) CONSOLIDATION OF PROGRAMS. Upon the receipt of an acceptable plan under subsection (a), the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the entity, shall authorize the entity to consolidate, in accordance with such plan, the federally funded education and related services programs of the entity and the Federal programs, or portions of the programs, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

(c) PROGRAMS AFFECTED. The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (a) shall include funds for any Federal program exclusively serving Indian children, or the funds reserved under any Federal program to exclusively serve Indian children, under which the entity is eligible for receipt of funds under a

statutory or administrative formula for the purposes of providing education and related services that would be used to serve Indian students.

(d) PLAN REQUIREMENTS. For a plan to be acceptable pursuant to subsection (b), the plan shall—

- (1) identify the programs or funding sources to be consolidated;
- (2) be consistent with the objectives of this section concerning authorizing the services to be integrated in a demonstration project;
- (3) describe a comprehensive strategy that identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the objectives set forth in this subpart;
- (4) describe the way in which services are to be integrated and delivered and the results expected from the plan;
- (5) identify the projected expenditures under the plan in a single budget;
- (6) identify the State, tribal, or local agency or agencies to be involved in the delivery of the services integrated under the plan;
- (7) identify any statutory provisions, regulations, policies, or procedures that the entity believes need to be waived in order to implement the plan;
- (8) set forth measures for academic content and student academic achievement goals designed to be met within a specific period of time; and
- (9) be approved by a committee formed in accordance with section 7114(e)(4) **6114(c)(4)**, if such a committee exists.

(e) PLAN REVIEW. Upon receipt of the plan from an eligible entity, the Secretary shall consult with the Secretary of each Federal department providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal departmental regulations, policies, or procedures necessary to enable the entity to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected department shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by the entity or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the objectives of this subpart or those provisions of the statute from which the program involved derives authority that are specifically applicable to Indian students.

(f) PLAN APPROVAL. Within 90 days after the receipt of an entity's plan by the Secretary, the Secretary shall inform the entity, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the entity shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend the plan or to petition the Secretary to reconsider such disapproval.

(g) RESPONSIBILITIES OF DEPARTMENT OF EDUCATION. Not later than 180 days after the date of enactment of the ~~No Child Left Behind Act of 2001~~ **Every Student Succeeds Act**, the Secretary of Education, the Secretary of the Interior, **the Secretary of Health and Human Services**, and the head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement providing for the implementation **and coordination** of the demonstration projects authorized under this section. The lead agency head for a demonstration project under this section shall be—

(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

(2) the Secretary of Education, in the case of any other entity

(h) RESPONSIBILITIES OF LEAD AGENCY. The responsibilities of the lead agency shall include—

(1) the use of a single report format related to the plan for the individual project, which shall be used by an eligible entity to report on the activities undertaken under the project;

(2) the use of a single report format related to the projected expenditures for the individual project which shall be used by an eligible entity to report on all project expenditures;

(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

(i) REPORT REQUIREMENTS. A single report format shall be developed by the Secretary, consistent with the requirements of this section. Such report format shall require that reports described in subsection (h), together with records maintained on the consolidated program at the local level, shall contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in its approved plan, including making a demonstration of student academic achievement, and will provide assurances to each Secretary that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

(j) NO REDUCTION IN AMOUNTS. In no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

(k) INTERAGENCY FUND TRANSFERS AUTHORIZED. The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the objectives of this section.

(l) ADMINISTRATION OF FUNDS.—(1) IN GENERAL. Program funds for the consolidated programs shall be administered in such a manner as to allow for a determination that funds from a specific program are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds granted that shall be allocated to such program.

(2) SEPARATE RECORDS NOT REQUIRED. Nothing in this section shall be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under the approved plan to the individual programs under which funds were authorized for the services or activities, nor shall the eligible entity be required to allocate expenditures among such individual programs.

(m) OVERAGE. The eligible entity may commingle all administrative funds from the consolidated programs and shall be entitled to the full amount of such funds (under each program's or agency's regulations). The overage (defined as the difference between the amount of the commingled funds and the actual administrative cost of the programs) shall be considered to be properly spent for Federal audit purposes, if the overage is used for the purposes provided for under this section.

(n) FISCAL ACCOUNTABILITY. Nothing in this part shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

(o) REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.—

(1) PRELIMINARY REPORT. Not later than 2 years after the date of enactment of the ~~No Child Left Behind Act of 2001~~ *Every Student Succeeds Act*, the Secretary of Education shall submit a preliminary report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the status of the implementation of the demonstration projects authorized under this section.

(2) FINAL REPORT. Not later than 5 years after the date of enactment of the ~~No Child Left Behind Act of 2001~~ *Every Student Succeeds Act*, the Secretary of Education shall submit a report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the results of the implementation of the demonstration projects authorized under this section. ~~Such report shall identify statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section.~~

(p) DEFINITIONS. For the purposes of this section, the term "Secretary" means—

(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

(2) the Secretary of Education, in the case of any other entity.

**SEC. 7447 *6117*. STUDENT ELIGIBILITY FORMS. (20 U.S.C. 7427)**

(a) IN GENERAL. The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart, and that otherwise meets the requirements of subsection (b). *All individual data collected shall be protected by the local educational agencies and only aggregated data shall be reported to the Secretary.*

(b) FORMS. The form described in subsection (a) shall include—

(1) either—

(A)(i) the name of the tribe or band of Indians (as defined in section 7454 *6151*) with respect to which the child claims membership;

(ii) the enrollment number establishing the membership of the child (if readily available); and

(iii) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

(B) the name, the enrollment number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership data, of any parent or grandparent of the child from whom the child claims eligibility under this subpart, if the child is not a member of the tribe or band of Indians (as so defined);

(2) a statement of whether the tribe or band of Indians (as so defined), with respect to which the child, or parent or grandparent of the child, claims membership, is federally recognized;

(3) the name and address of the parent or legal guardian of the child;

(4) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

(5) any other information that the Secretary considers necessary to provide an accurate program profile.

(c) STATUTORY CONSTRUCTION. Nothing in this section shall be construed to affect a definition contained in section 7151 **6151**.

~~(d) FORMS AND STANDARDS OF PROOF. The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–86 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—~~

~~(1) to establish eligibility under this subpart; and~~

~~(2) to meet the requirements of subsection (a).~~

(e) **(d) DOCUMENTATION AND TYPES OF PROOF.—(1) TYPES OF PROOF.** For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 7143 **6113**, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

**(2) NO NEW OR DUPLICATIVE DETERMINATIONS.** *Once a child is determined to be an Indian eligible to be counted for such grant award, the local educational agency shall maintain a record of such determination and shall not require a new or duplicate determination to be made for such child for a subsequent application for a grant under this subpart.*

**(3) PREVIOUSLY FILED FORMS.** *An Indian student eligibility form that was on file as required by this section on the day before the date of enactment of the Every Student Succeeds Act and that met the requirements of this section, as this section was in effect on the day before the date of the enactment of such Act, shall remain valid for such Indian student.*

(f) **(e) MONITORING AND EVALUATION REVIEW.—(1) IN GENERAL.—(A) REVIEW.** For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this subpart. The sampling conducted under this subparagraph shall take into account the size of and the geographic location of each local educational agency.

(B) EXCEPTION. A local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for an entitlement under the Indian Elementary and Secondary School Assistance Act.

(2) FALSE INFORMATION. Any local educational agency that provides false information in an application for a grant under this subpart shall—

(A) be ineligible to apply for any other grant under this subpart; and

(B) be liable to the United States for any funds from the grant that have not been expended.

(3) EXCLUDED CHILDREN. A student who provides false information for the form required under subsection (a) shall not be counted for the purpose of computing the amount of a grant under section 7443 **6113**.

~~(g)~~ **(f)** TRIBAL GRANT AND CONTRACT SCHOOLS. Notwithstanding any other provision of this section, in calculating the amount of a grant under this subpart to a tribal school that receives a grant or contract from the Bureau of Indian Affairs **Education**, the Secretary shall use only one of the following, as selected by the school:

(1) A count of the number of students in the schools certified by the Bureau.

(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

~~(h)~~ **(g)** TIMING OF CHILD COUNTS. For purposes of determining the number of children to be counted in calculating the amount of a local educational agency's grant under this subpart (other than in the case described in subsection ~~(g)~~ **(f)**(1)), the local educational agency shall—

(1) establish a date on, or a period not longer than 31 consecutive days during, which the agency counts those children, if that date or period occurs before the deadline established by the Secretary for submitting an application under section 7444 **6114**; and

(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

#### **SEC. 7448 6118. PAYMENTS. (20 U.S.C. 7428)**

(a) IN GENERAL. Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount determined under section 7443 **6113**. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE. The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this chapter in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT. **Each local educational agency shall maintain fiscal effort in accordance with section 8521 or be subject to reduced payments under this subpart in accordance with such section 8521.**

~~(1) IN GENERAL. The Secretary may not pay a local educational agency the full amount of a grant award determined under section 7443 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free public education by the local educational agency for the preceding fiscal~~

year, the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis, was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

~~(2) FAILURE TO MAINTAIN EFFORT. If, for the preceding fiscal year, the Secretary determines that a local educational agency and State failed to maintain the combined fiscal effort for such agency at the level specified in paragraph (1), the Secretary shall—~~

~~(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of the failure to maintain the fiscal effort at such level; and~~

~~(B) not use the reduced amount of the agency and State expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).~~

~~(3) WAIVER.—(A) IN GENERAL. The Secretary may waive the requirement of paragraph (1) for a local educational agency, for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.~~

~~(B) FUTURE DETERMINATIONS. The Secretary shall not use the reduced amount of the agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.~~

(d) REALLOCATIONS. The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

(2) otherwise become available for reallocation under this subpart.

#### **SEC. 7449 6119. STATE EDUCATIONAL AGENCY REVIEW. (20 U.S.C. 7429)**

Before submitting an application to the Secretary under section 7444 6114, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational agency comments on the application, the agency shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.

## Subpart 2 – Special Programs and Projects to Improve Educational Opportunities for Indian Children

### **SEC. 7121 6121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH. (20 U.S.C. 7441)**

(a) PURPOSE.—(1) IN GENERAL. It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children **and youth**.

(2) COORDINATION. The Secretary shall take the necessary actions to achieve the coordination of activities assisted under this subpart with—

(A) other programs funded under this Act; and

(B) other Federal programs operated for the benefit of ~~American~~ Indian and Alaska Native children **and youth**.

(b) ELIGIBLE ENTITIES. In this section, the term "eligible entity" means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, **a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)))** ~~Indian institution (including an Indian institution of higher education)~~, or a consortium of such entities.

(c) GRANTS AUTHORIZED.—~~(1) IN GENERAL.~~ The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose of this section, including—

(A) **(1)** innovative programs related to the educational needs of educationally disadvantaged **Indian** children **and youth**;

(B) **(2)** educational services that are not available to such children **and youth** in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the ~~core academic~~ subjects of English, mathematics, science, foreign languages, art, history, and geography;

(C) **(3)** bilingual and bicultural programs and projects;

(D) **(4)** special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children **and youth**;

(E) **(5)** special compensatory and other programs and projects designed to assist and encourage Indian children **and youth** to enter, remain in, or reenter school, and to increase the rate of high school graduation for Indian children **and youth**;

(F) **(6)** comprehensive guidance, counseling, and testing services;

(G) **(7)** early childhood and kindergarten programs **that are effective in preparing young children to make sufficient academic growth by the end of grade 3**, including **kindergarten and pre-kindergarten programs**, family-based preschool programs that emphasize school readiness and parental skills, **screening and referral**, and the provision of services to Indian children **and youth** with disabilities;

(H) **(8)** partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary to postsecondary education;



(I) (9) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-wage career;

(J) (10) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institutions of higher education;

(K) (11) family literacy services;

(L) (12) activities that recognize and support the unique cultural and educational needs of Indian children *and youth*, and incorporate appropriately qualified tribal elders and seniors *traditional leaders*; or

*(13) high-quality professional development of teaching professionals and paraprofessionals; or*

(M) (14) other services that meet the purpose described in this section.

~~(2) PROFESSIONAL DEVELOPMENT. Professional development of teaching professionals and paraprofessionals may be a part of any program assisted under this section.~~

(d) GRANT REQUIREMENTS AND APPLICATIONS.—(1) GRANT REQUIREMENTS.—  
(A) IN GENERAL. The Secretary may make multiyear grants under subsection (c) for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

(B) PRIORITY. In making multiyear grants described in this paragraph, the Secretary shall give priority to entities submitting applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

(C) PROGRESS. The Secretary shall *award grants for an initial period of not more than 3 years and may renew such grants for not more than an additional 2 years if the Secretary determines* make a grant payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (3) and any subsequent modifications to such application.

(2) DISSEMINATION GRANTS.—(A) IN GENERAL. In addition to awarding the multiyear grants described in paragraph (1), the Secretary may award grants under subsection (c) to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

(B) DETERMINATION. The Secretary may award a dissemination grant described in this paragraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated—

(i) has been adequately reviewed;

(ii) has demonstrated educational merit; and

(iii) can be replicated.

(3) APPLICATION.—(A) IN GENERAL. Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

(B) CONTENTS. Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (2), shall contain—

(i) a description of how parents **and family** of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

(iii) information demonstrating that the proposed program ~~for the activities is a scientifically based research~~ **an evidence-based** program, where applicable, which may include a program that has been modified to be culturally appropriate for students who will be served;

(iv) a description of how the applicant will incorporate the proposed activities into the ongoing school program involved once the grant period is over; and

(v) such other assurances and information as the Secretary may reasonably require.

(e) ADMINISTRATIVE COSTS. Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

**SEC. 7122 6122. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS. (20 U.S.C 7442)**

(a) PURPOSES. The purposes of this section are—

(1) to increase the number of qualified Indian ~~individuals in teaching or other education professions that~~ **teachers and administrators** ~~serv~~**ing** Indian people **students**;

(2) to provide **pre- and in-service** training **and support** to qualified Indian individuals to enable such individuals to become **effective** teachers, **principals, other school leaders**, administrators, teacher aides, **paraprofessionals, counselors**, social workers, and ancillary educational **specialized instructional support** personnel; and

(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2); **and**

**(4) to develop and implement initiatives to promote retention of effective teachers, principals, and school leaders who have a record of success in helping low-achieving Indian students improve their academic achievement, outcomes, and preparation for postsecondary education or employment.**

(b) ELIGIBLE ENTITIES. For the purpose of this section, the term "eligible entity" means—

(1) an institution of higher education, including **a Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))** ~~an Indian institution of higher education~~;

(2) a State educational agency or local educational agency, in consortium with an institution of higher education;

(3) an Indian tribe or organization, in consortium with an institution of higher education; and

(4) a Bureau-funded school (as defined in section 1146 of the Education Amendments of 1978) *in a consortium with at least one Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), where feasible.*

(c) PROGRAM AUTHORIZED. The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable those entities to carry out the activities described in subsection (d).

(d) AUTHORIZED ACTIVITIES.—(1) IN GENERAL. Grant funds under this section shall be used for activities to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include—

(A) continuing programs, symposia, workshops, ~~and~~ conferences, ~~and~~;

(B) *teacher mentoring programs, professional guidance, and instructional support provided by educators, local traditional leaders, or cultural experts, as appropriate for teachers during their first 3 years of employment as teachers;*

(C) direct financial support; and

(D) ~~and may include~~ programs designed to train tribal elders and seniors traditional leaders and cultural experts to assist those personnel referenced in subsection (a)(2), as appropriate, with relevant Native language and cultural mentoring, guidance, and support.

(2) SPECIAL RULES.—(A) TYPE OF TRAINING. For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

(B) PROGRAM. For individuals who are being trained to enter any field other than teaching, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

(e) APPLICATION. Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, ~~and~~ in such manner, ~~and accompanied by such information,~~ as the Secretary may reasonably require. *At a minimum, an application under this section shall describe how the eligible entity will—*

(1) *recruit qualified Indian individuals, such as students who may not be of traditional college age, to become teachers, principals, or school leaders;*

(2) *use funds made available under the grant to support the recruitment, preparation, and professional development of Indian teachers or principals in local educational agencies that serve a high proportion of Indian students; and*

(3) *assist participants in meeting the requirements under subsection (h).*

(f) SPECIAL RULE. In awarding grants under this section, the Secretary—

(1) *may give priority to Tribal Colleges and Universities;*

(~~4~~) (2) shall consider the prior performance of the eligible entity; and

(~~2~~) (3) may not limit eligibility to receive a grant under this section on the basis

of—

(A) ~~the number of previous grants the Secretary has awarded such entity;~~

or

(B) the length of any period during for which such the eligible entity has received a such grants.

(g) GRANT PERIOD. Each grant under this section shall be awarded for a period of not more than 5 years. *The Secretary shall award grants under this section for an initial period of not more than 3 years, and may renew such grants for an additional period of not more than 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.*

(h) SERVICE OBLIGATION.—(1) IN GENERAL. The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

(A) perform work—

(i) related to the training received under this section; and

(ii) that benefits Indian *students in a local educational agency that serves a high proportion of Indian students* people; or

(B) repay all or a prorated part of the assistance received.

(2) REPORTING. The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning compliance with the work requirement under paragraph (1).

### **Subpart 3 — National Activities**

#### **SEC. 7131 6131. NATIONAL RESEARCH ACTIVITIES. (20 U.S.C. 7451)**

(a) AUTHORIZED ACTIVITIES. The Secretary may use funds made available under section 7152(b) *to carry out this subpart* for each fiscal year to—

(1) conduct research related to effective approaches for the education of Indian children and adults;

(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

(3) collect and analyze data on the educational status and needs of Indians; and

(4) carry out other activities that are consistent with the purpose of this part.

(b) ELIGIBILITY. The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

(c) COORDINATION. Research activities supported under this section—

(1) shall be carried out in consultation with the Institute of Education Sciences to ensure that such activities are coordinated with and enhance the research and development activities supported by the Institute; and

(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education Programs, *the Bureau of Indian Education*, and the Institute of Education Sciences.

**SEC. 7132. IN-SERVICE TRAINING FOR TEACHERS OF INDIAN CHILDREN. (20 U.S.C. 7452)**

~~(a) GRANTS AUTHORIZED. In addition to the grants authorized by section 7122(c), the Secretary may make grants to eligible consortia for the provision of high quality in-service training. The Secretary may make such a grant to—~~

~~(1) a consortium of a tribal college and an institution of higher education that awards a degree in education; or~~

~~(2) a consortium of—~~

~~(A) a tribal college;~~

~~(B) an institution of higher education that awards a degree in education;~~

and

~~(C) one or more elementary schools or secondary schools operated by the Bureau of Indian Affairs, local educational agencies serving Indian children, or tribal educational agencies.~~

~~(b) USE OF FUNDS. (1) IN-SERVICE TRAINING. A consortium that receives a grant under subsection (a) shall use the grant funds only to provide high quality in-service training to teachers, including teachers who are not Indians, in schools of local educational agencies with substantial numbers of Indian children enrolled in their schools, in order to better meet the needs of those children.~~

~~(2) COMPONENTS. The training described in paragraph (1) shall include such activities as preparing teachers to use the best available scientifically based research practices and learning strategies, and to make the most effective use of curricula and materials, to respond to the unique needs of Indian children in their classrooms.~~

~~(c) PREFERENCE FOR INDIAN APPLICANTS. In applying section 7143 to this section, the Secretary shall give a preference to any consortium that includes one or more of the entities described in section 7143.~~

**SEC. 7133. FELLOWSHIPS FOR INDIAN STUDENTS. (20 U.S.C. 7453)**

~~(a) FELLOWSHIPS. (1) AUTHORITY. The Secretary is authorized to award fellowships to Indian students to enable such students to study in graduate and professional programs at institutions of higher education.~~

~~(2) REQUIREMENTS. The fellowships described in paragraph (1) shall be awarded to Indian students to enable such students to pursue a course of study—~~

~~(A) of not more than 4 academic years; and~~

~~(B) that leads—~~

~~(i) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, or a related field; or~~

~~(ii) to an undergraduate or graduate degree in engineering, business administration, natural resources, or a related field.~~

~~(b) STIPENDS. The Secretary shall pay to Indian students awarded fellowships under subsection (a) such stipends (including allowances for subsistence of such students and dependents of such students) as the Secretary determines to be consistent with prevailing practices under comparable federally supported programs.~~

~~(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUITION.~~ The Secretary shall pay to the institution of higher education at which such a fellowship recipient is pursuing a course of study, in lieu of tuition charged to such recipient, such amounts as the Secretary may determine to be necessary to cover the cost of education provided to such recipient.

~~(d) SPECIAL RULES.—(1) IN GENERAL.~~ If a fellowship awarded under subsection (a) is vacated prior to the end of the period for which the fellowship is awarded, the Secretary may award an additional fellowship for the unexpired portion of the period of the first fellowship.

~~(2) WRITTEN NOTICE.~~ Not later than 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of—

~~(A) the amount of the funding for the fellowship; and~~

~~(B) any stipends or other payments that will be made under this section to, or for the benefit of, the individual for the academic term.~~

~~(3) PRIORITY.~~ Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

~~(e) SERVICE OBLIGATION.—(1) IN GENERAL.~~ The Secretary shall require, by regulation, that an individual who receives financial assistance under this section—

~~(A) perform work—~~

~~(i) related to the training for which the individual receives the assistance under this section; and~~

~~(ii) that benefits Indian people; or~~

~~(B) repay all or a prorated portion of such assistance.~~

~~(2) REPORTING.~~ The Secretary shall establish, by regulation, a reporting procedure under which a recipient of assistance under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement described in paragraph (1).

~~(f) ADMINISTRATION OF FELLOWSHIPS.~~ The Secretary may administer the fellowships authorized under this section through a grant to, or contract or cooperative agreement with, an Indian organization with demonstrated qualifications to administer all facets of the program assisted under this section.

#### **SEC. 7134. GIFTED AND TALENTED INDIAN STUDENTS. (20 U.S.C. 7454)**

~~(a) PROGRAM AUTHORIZED.~~ The Secretary is authorized to—

~~(1) establish two centers for gifted and talented Indian students at tribally controlled community colleges in accordance with this section; and~~

~~(2) support demonstration projects described in subsection (c).~~

~~(b) ELIGIBLE ENTITIES.~~ The Secretary shall make grants, or enter into contracts, for the activities described in subsection (a), to or with—

~~(1) two tribally controlled community colleges that—~~

~~(A) are eligible for funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978; and~~

~~(B) are fully accredited; or~~

~~(2) the American Indian Higher Education Consortium, if the Secretary does not receive applications that the Secretary determines to be approvable from two colleges that meet the requirements of paragraph (1).~~

~~(c) USE OF FUNDS.—(1) IN GENERAL. Funds made available through the grants made, or contracts entered into, by the Secretary under subsection (b) shall be used for—~~

~~(A) the establishment of centers described in subsection (a); and~~

~~(B) carrying out demonstration projects designed to—~~

~~(i) address the special needs of Indian students in elementary schools and secondary schools who are gifted and talented; and~~

~~(ii) provide such support services to the families of the students described in clause (i) as are needed to enable such students to benefit from the projects.~~

~~(2) SUBCONTRACTS. Each recipient of a grant or contract under subsection (b) to carry out a demonstration project under subsection (a) may enter into a contract with any other entity, including the Children's Television Workshop, to carry out the demonstration project.~~

~~(3) DEMONSTRATION PROJECTS. Demonstration projects assisted under subsection (b) may include—~~

~~(A) the identification of the special needs of gifted and talented Indian students, particularly at the elementary school level, giving attention to—~~

~~(i) identifying the emotional and psychosocial needs of such students; and~~

~~(ii) providing such support services to the families of such students as are needed to enable such students to benefit from the projects;~~

~~(B) the conduct of educational, psychosocial, and developmental activities that the Secretary determines hold a reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including—~~

~~(i) demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions; and~~

~~(ii) carrying out mentoring and apprenticeship programs;~~

~~(C) the provision of technical assistance and the coordination of activities at schools that receive grants under subsection (d) with respect to the activities assisted under such grants, the evaluation of programs assisted under such grants, or the dissemination of such evaluations;~~

~~(D) the use of public television in meeting the special educational needs of such gifted and talented children;~~

~~(E) leadership programs designed to replicate programs for such children throughout the United States, including disseminating information derived from the demonstration projects conducted under subsection (a); and~~

~~(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to the families of such children as are needed to enable such children to benefit from the projects.~~

~~(4) APPLICATION. Each eligible entity desiring a grant or contract under subsection (b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.~~

~~(d) ADDITIONAL GRANTS.—(1) IN GENERAL. The Secretary, in consultation with the Secretary of the Interior, shall award 5 grants to schools funded by the Bureau of Indian Affairs (hereafter referred to individually in this section as a "Bureau school") for program research and development and the development and dissemination of curriculum and teacher training material, regarding—~~

~~(A) gifted and talented students;~~

~~(B) college preparatory studies (including programs for Indian students with an interest in pursuing teaching careers);~~

~~(C) students with special culturally related academic needs, including students with social, lingual, and cultural needs; or~~

~~(D) mathematics and science education.~~

~~(2) APPLICATIONS. Each Bureau school desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.~~

~~(3) SPECIAL RULE. Each application described in paragraph (2) shall be developed, and each grant under this subsection shall be administered, jointly by the supervisor of the Bureau school and the local educational agency serving such school.~~

~~(4) REQUIREMENTS. In awarding grants under paragraph (1), the Secretary shall achieve a mixture of the programs described in paragraph (1) that ensures that Indian students at all grade levels and in all geographic areas of the United States are able to participate in a program assisted under this subsection.~~

~~(5) GRANT PERIOD. Subject to the availability of appropriations, a grant awarded under paragraph (1) shall be awarded for a 3-year period and may be renewed by the Secretary for additional 3-year periods if the Secretary determines that the performance of the grant recipient has been satisfactory.~~

~~(6) DISSEMINATION.—(A) COOPERATIVE EFFORTS. The dissemination of any materials developed from activities assisted under paragraph (1) shall be carried out in cooperation with entities that receive funds pursuant to subsection (b).~~

~~(B) REPORT. The Secretary shall prepare and submit to the Secretary of the Interior and to Congress a report concerning any results from activities described in this subsection.~~

~~(7) EVALUATION COSTS.—(A) DIVISION. The costs of evaluating any activities assisted under paragraph (1) shall be divided between the Bureau schools conducting such activities and the recipients of grants or contracts under subsection (b) who conduct demonstration projects under subsection (a).~~

~~(B) GRANTS AND CONTRACTS. If no funds are provided under subsection (b) for—~~



(i) the evaluation of activities assisted under paragraph (1);  
(ii) technical assistance and coordination with respect to such activities; or

(iii) the dissemination of the evaluations referred to in clause (i), the Secretary shall make such grants, or enter into such contracts, as are necessary to provide for the evaluations, technical assistance, and coordination of such activities, and the dissemination of the evaluations.

~~(e) INFORMATION NETWORK.~~ The Secretary shall encourage each recipient of a grant or contract under this section to work cooperatively as part of a national network to ensure that the information developed by the grant or contract recipient is readily available to the entire educational community.

**SEC. 7435 6132. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING, AND DEVELOPMENT, AND COORDINATION. (20 U.S.C. 7455 7452)**

(a) IN GENERAL. The Secretary may make **award** grants **under this section** to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity **eligible applicants to enable the eligible applicants** to—

~~(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;~~

~~(2) develop education codes for schools within the territorial jurisdiction of the tribe;~~

~~(3) provide support services and technical assistance to schools serving children of the tribe; and~~

~~(4) perform child-find screening services for the preschoolaged children of the tribe to—~~

~~(A) ensure placement in appropriate educational facilities; and~~

~~(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.~~

**(1) promote tribal self-determination in education;**

**(2) improve the academic achievement of Indian children and youth; and**

**(3) promote the coordination and collaboration of tribal educational agencies with State educational agencies and local educational agencies to meet the unique educational and culturally related academic needs of Indian students.**

~~(b) PERIOD OF GRANT.~~ Each grant awarded under this section may be awarded for a period of not more than 3 years. Such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

**(b) DEFINITIONS.** In this section:

**(1) ELIGIBLE APPLICANT.** In this section, the term "eligible applicant" means—

**(A) an Indian tribe or tribal organization approved by an Indian tribe; or**

**(B) a tribal educational agency.**

(2) INDIAN TRIBE. The term "Indian tribe" means a federally recognized tribe or a State-recognized tribe.

(3) TRIBAL EDUCATIONAL AGENCY. The term "tribal educational agency" means the agency, department, or instrumentality of an Indian tribe that is primarily responsible for supporting tribal students' elementary and secondary education.

(c) GRANT PROGRAM. The Secretary may award grants to—

(1) eligible applicants described under subsection (b)(1)(A) to plan and develop a tribal educational agency, if the tribe or organization has no current tribal educational agency, for a period of not more than 1 year; and

(2) eligible applicants described under subsection (b)(1)(B), for a period of not more than 3 years, in order to—

(A) directly administer education programs, including formula grant programs under this Act, consistent with State law and under a written agreement between the parties;

(B) build capacity to administer and coordinate such education programs, and to improve the relationship and coordination between such applicants and the State educational agencies and local educational agencies that educate students from the tribe;

(C) receive training and support from the State educational agency and local educational agency, in areas such as data collection and analysis, grants management and monitoring, fiscal accountability, and other areas as needed;

(D) train and support the State educational agency and local educational agency in areas related to tribal history, language, or culture;

(E) build on existing activities or resources rather than replacing other funds; and

(F) carry out other activities, consistent with the purposes of this section.

(c) (d) APPLICATION FOR GRANT APPLICATION.—(1) IN GENERAL. Each Indian tribe and tribal organization *eligible applicant* desiring a grant under this section shall submit an application to the Secretary at such time *and*, in such manner, ~~containing such information, and consistent with such criteria,~~ as the Secretary may *reasonably* prescribe in regulations.

(2) CONTENTS. Each application described in paragraph (1) shall contain—

(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; ~~and~~

(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved; *and*

(C) ~~for applications for activities under subsection (c)(2), evidence of—~~

(i) *a preliminary agreement with the appropriate State educational agency, 1 or more local educational agencies, or both the State educational agency and a local educational agency; and*

(ii) *existing capacity as a tribal educational agency.*

(3) APPROVAL. The Secretary may approve an application submitted by a tribe or tribal organization pursuant to **an eligible applicant under** this subsection only if the Secretary is satisfied that such application, including any documentation submitted with the application—

(A) demonstrates that the **eligible** applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant **that** will be affected by the activities to be conducted under the grant;

(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought, ~~except that the availability of such other resources shall not be a basis for disapproval of such application.~~

~~(d)~~ (e) RESTRICTIONS.—(1) IN GENERAL. A **Indian** tribe may not receive funds under this section if ~~such~~ **the** tribe receives funds under section 444 **1140** of the Education Amendments of 1978 **(20 U.S.C. 2020).**

**(2) DIRECT SERVICES.** *No funds under this section may be used to provide direct services.*

**(f) SUPPLEMENT, NOT SUPPLANT.** *Funds under this section shall be used to supplement, and not supplant, other Federal, State, and local programs that meet the needs of tribal students.*

### **SEC. 6133. NATIVE AMERICAN AND ALASKA NATIVE LANGUAGE IMMERSION SCHOOLS AND PROGRAMS. (20 U.S.C. 7453)**

**(a) PURPOSES.** *The purposes of this section are—*

**(1)** *to establish a grant program to support schools that use Native American and Alaska Native languages as the primary language of instruction;*

**(2)** *to maintain, protect, and promote the rights and freedom of Native Americans and Alaska Natives to use, practice, maintain, and revitalize their languages, as envisioned in the Native American Languages Act (25 U.S.C. 2901 et seq.); and*

**(3)** *to support the Nation's First Peoples' efforts to maintain and revitalize their languages and cultures, and to improve educational opportunities and student outcomes within Native American and Alaska Native communities.*

**(b) PROGRAM AUTHORIZED.—(1) IN GENERAL.** *From funds reserved under section 6152(c), the Secretary shall reserve 20 percent to make grants to eligible entities to develop and maintain, or to improve and expand, programs that support schools, including elementary school and secondary school education sites and streams, using Native American and Alaska Native languages as the primary languages of instruction.*

**(2) ELIGIBLE ENTITIES.** *In this subsection, the term "eligible entity" means any of the following entities that has a plan to develop and maintain, or to improve and expand, programs that support the entity's use of a Native American or Alaska Native language as the primary language of instruction in elementary schools or secondary schools, or both:*

**(A)** *An Indian tribe.*

**(B)** *A Tribal College or University (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)).*

(C) A tribal education agency.

(D) A local educational agency, including a public charter school that is a local educational agency under State law.

(E) A school operated by the Bureau of Indian Education.

(F) An Alaska Native Regional Corporation (as described in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g))).

(G) A private, tribal, or Alaska Native nonprofit organization.

(H) A nontribal for-profit organization.

(c) APPLICATION.—(1) IN GENERAL. An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require, including the following:

(A) The name of the Native American or Alaska Native language to be used for instruction at the school supported by the eligible entity.

(B) The number of students attending such school.

(C) The number of hours of instruction in or through 1 or more Native American or Alaska Native languages being provided to targeted students at such school, if any.

(D) A description of how the eligible entity will—

(i) use the funds provided to meet the purposes of this section;

(ii) implement the activities described in subsection (e);

(iii) ensure the implementation of rigorous academic content; and

(iv) ensure that students progress toward high-level fluency goals.

(E) Information regarding the school's organizational governance or affiliations, including information about—

(i) the school governing entity (such as a local educational agency, tribal education agency or department, charter organization, private organization, or other governing entity);

(ii) the school's accreditation status;

(iii) any partnerships with institutions of higher education; and

(iv) any indigenous language schooling and research cooperatives.

(F) An assurance that—

(i) the school is engaged in meeting State or tribally designated long-term goals for students, as may be required by applicable Federal, State, or tribal law;

(ii) the school provides assessments of students using the Native American or Alaska Native language of instruction, where possible;

(iii) the qualifications of all instructional and leadership personnel at such school is sufficient to deliver high-quality education through the Native American or Alaska Native language used in the school; and

(iv) the school will collect and report to the public data relative to student achievement and, if appropriate, rates of high school graduation, career readiness, and enrollment in postsecondary education or workforce development programs, of students who are enrolled in the school's programs.

(2) LIMITATION. The Secretary shall not give a priority in awarding grants under this section based on the information described in paragraph (1)(E).

(3) SUBMISSION OF CERTIFICATION.—(A) IN GENERAL. An eligible entity that is a public elementary school or secondary school (including a public charter school or a school operated by the Bureau of Indian Education) or a nontribal for-profit or nonprofit organization shall submit, along with the application requirements described in paragraph (1), a certification described in subparagraph (B) indicating that—

(i) the school or organization has the capacity to provide education primarily through a Native American or an Alaska Native language; and

(ii) there are sufficient speakers of the target language at the school or available to be hired by the school or organization.

(B) CERTIFICATION. The certification described in subparagraph (A) shall be from one of the following entities, on whose land the school or program is located, that is an entity served by such school, or that is an entity whose members (as defined by that entity) are served by the school:

(i) A Tribal College or University (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)).

(ii) A Federally recognized Indian tribe or tribal organization.

(iii) An Alaska Native Regional Corporation or an Alaska Native nonprofit organization.

(iv) A Native Hawaiian organization.

(d) AWARDING OF GRANTS. In awarding grants under this section, the Secretary shall—

(1) determine the amount of each grant and the duration of each grant, which shall not exceed 3 years; and

(2) ensure, to the maximum extent feasible, that diversity in languages is represented.

(e) ACTIVITIES AUTHORIZED.—(1) REQUIRED ACTIVITIES. An eligible entity that receives a grant under this section shall use such funds to carry out the following activities:

(A) Supporting Native American or Alaska Native language education and development.

(B) Providing professional development for teachers and, as appropriate, staff and administrators to strengthen the overall language and academic goals of the school that will be served by the grant program.

(2) ALLOWABLE ACTIVITIES. An eligible entity that receives a grant under this section may use such funds to carry out the following activities:

(A) Developing or refining curriculum, including teaching materials and activities, as appropriate.

*(B) Creating or refining assessments written in the Native American or Alaska Native language of instruction that measure student proficiency and that are aligned with State or tribal academic standards.*

*(C) Carrying out other activities that promote the maintenance and revitalization of the Native American or Alaska Native language relevant to the grant program.*

*(f) REPORT TO SECRETARY. Each eligible entity that receives a grant under this section shall prepare and submit an annual report to the Secretary, which shall include—*

*(1) the activities the entity carried out to meet the purposes of this section; and*

*(2) the number of children served by the program and the number of instructional hours in the Native American or Alaska Native language.*

*(g) ADMINISTRATIVE COSTS. Not more than 5 percent of the funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.*

**SEC. 7136. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS. (20 U.S.C. 7456)**

~~(a) IN GENERAL. The Secretary shall make grants to State educational agencies, local educational agencies, and Indian tribes, institutions, and organizations—~~

~~(1) to support planning, pilot, and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;~~

~~(2) to assist in the establishment and operation of programs that are designed to stimulate—~~

~~(A) the provision of basic literacy opportunities for all nonliterate Indian adults; and~~

~~(B) the provision of opportunities to all Indian adults to qualify for a secondary school diploma, or its recognized equivalent, in the shortest period of time feasible;~~

~~(3) to support a major research and development program to develop more innovative and effective techniques for achieving literacy and secondary school equivalency for Indians;~~

~~(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of secondary school completion among Indians; and~~

~~(5) to encourage the dissemination of information and materials relating to, and the evaluation of, the effectiveness of education programs that may offer educational opportunities to Indian adults.~~

~~(b) EDUCATIONAL SERVICES. The Secretary may make grants to Indian tribes, institutions, and organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.~~

~~(c) INFORMATION AND EVALUATION. The Secretary may make grants to, and enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations, for—~~

~~(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations of the programs, services, and resources; and~~

~~(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of the programs in achieving the purposes of the programs with respect to Indian adults.~~

~~(d) APPLICATIONS.—(1) IN GENERAL. Each entity desiring a grant or contract under this section shall submit to the Secretary an application at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.~~

~~(2) CONTENTS. Each application described in paragraph (1) shall contain—~~

~~(A) a statement describing the activities to be conducted and the objectives to be achieved under the grant or contract; and~~

~~(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether the objectives of the grant or contract are achieved.~~

~~(3) APPROVAL. The Secretary shall not approve an application described in paragraph (1) unless the Secretary determines that such application, including any documentation submitted with the application, indicates that—~~

~~(A) there has been adequate participation, by the individuals to be served and the appropriate tribal communities, in the planning and development of the activities to be assisted; and~~

~~(B) the individuals and tribal communities referred to in subparagraph (A) will participate in the operation and evaluation of the activities to be assisted.~~

~~(4) PRIORITY. In approving applications under paragraph (1), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.~~

~~(e) ADMINISTRATIVE COSTS. Not more than 5 percent of the funds made available to an entity through a grant or contract made or entered into under this section for a fiscal year may be used to pay for administrative costs.~~

#### **Subpart 4 — Federal Administration**

### **SEC. 7141 6141. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION. (20 U.S.C. 7471)**

(a) MEMBERSHIP. There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the "Council"), which shall—

(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

(2) represent different geographic areas of the United States.

(b) DUTIES. The Council shall—

(1) advise the Secretary **and the Secretary of the Interior** concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

(A) with respect to which the Secretary has jurisdiction; and

- (B)(i) that includes Indian children or adults as participants; or
- (ii) that may benefit Indian children or adults;

(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

(3) submit to Congress, not later than June 30 of each year, a report on the activities of the Council, including—

(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

(B) recommendations concerning the funding of any program described in subparagraph (A).

**SEC. 7142 6142. PEER REVIEW. (20 U.S.C. 7472)**

The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2 or subpart 3.

**SEC. 7143 6143. PREFERENCE FOR INDIAN APPLICANTS. (20 U.S.C. 7473)**

In making grants and entering into contracts or cooperative agreements under subpart 2 or subpart 3, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants, contracts, or cooperative agreements.

**SEC. 7144 6144. MINIMUM GRANT CRITERIA. (20 U.S.C. 7474)**

The Secretary may not approve an application for a grant, contract, or cooperative agreement under subpart 2 or subpart 3 unless the application is for a grant, contract, or cooperative agreement that is—

- (1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant, contract, or cooperative agreement; and
- (2) based on relevant research findings.

**Subpart 5 — Definitions; Authorizations of Appropriations**

**SEC. 7151 6151. DEFINITIONS. (20 U.S.C. 7491)**

For the purposes of this part:

- (1) ADULT. The term "adult" means an individual who—
  - (A) has attained the age of 16 years; or
  - (B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.
- (2) FREE PUBLIC EDUCATION. The term "free public education" means education that is—



(A) provided at public expense, under public supervision and direction, and without tuition charge; and

(B) provided as elementary or secondary education in the applicable State or to preschool children.

(3) INDIAN. The term "Indian" means an individual who is—

(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

(i) any tribe or band terminated since 1940; and

(ii) any tribe or band recognized by the State in which the tribe or band resides;

(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

(C) considered by the Secretary of the Interior to be an Indian for any purpose;

(D) an Eskimo, Aleut, or other Alaska Native; or

(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding the date of enactment of the Improving America's Schools Act of 1994.

*(4) TRADITIONAL LEADERS. The term "traditional leaders" has the meaning given the term in section 103 of the Native American Languages Act (25 U.S.C. 2902).*

#### **SEC. 7152 6152. AUTHORIZATIONS OF APPROPRIATIONS. (20 U.S.C. 7492)**

(a) SUBPART 1. For the purpose of carrying out subpart 1, there are authorized to be appropriated \$96,400,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years *\$100,381,000 for fiscal year 2017, \$102,388,620 for fiscal year 2018, \$104,436,392 for fiscal year 2019, and \$106,525,120 for fiscal year 2020.*

(b) SUBPARTS 2 AND 3. For the purpose of carrying out subparts 2 and 3, there are authorized to be appropriated \$24,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years *\$17,993,000 for each of fiscal years 2017 through 2020.*

*(c) SUBPART 3. For the purpose of carrying out subpart 3, there are authorized to be appropriated \$5,565,000 for each of fiscal years 2017 through 2020.*

### **PART B — NATIVE HAWAIIAN EDUCATION**

#### **SEC. 7201 6201. SHORT TITLE. (20 U.S.C. 7511)**

This part may be cited as the "Native Hawaiian Education Act".

#### **SEC. 7202 6202. FINDINGS. (20 U.S.C. 7512)**

Congress finds the following:

(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

(2) At the time of the arrival of the first nonindigenous people in Hawaii in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.

(3) A unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii.

(4) From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawaii, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawaii, and entered into treaties and conventions with the Kingdom of Hawaii to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

(5) In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawaii, the Kingdom of Hawaii, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawaii, in 1993 the United States apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians to self-determination through Public Law 103–150 (107 Stat. 1510).

(6) In 1898, the joint resolution entitled "Joint Resolution to provide for annexing the Hawaiian Islands to the United States", approved July 7, 1898 (30 Stat. 750), ceded absolute title of all lands held by the Republic of Hawaii, including the government and crown lands of the former Kingdom of Hawaii, to the United States, but mandated that revenue generated from the lands be used "solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes".

(7) By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to an alarming 22,600, and in recognition of this severe decline, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108), which designated approximately 200,000 acres of ceded public lands for homesteading by Native Hawaiians.

(8) Through the enactment of the Hawaiian Homes Commission Act, 1920, Congress affirmed the special relationship between the United States and the Native Hawaiians, which was described by then Secretary of the Interior Franklin K. Lane, who said: "One thing that impressed me ... was the fact that the natives of the island who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty."

(9) In 1938, Congress again acknowledged the unique status of the Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781, chapter 530; 16 U.S.C. 391b, 391b–1, 392b, 392c, 396, 396a), a provision to lease lands within the National Parks extension to Native Hawaiians and to permit fishing in the area "only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance."

(10) Under the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii but reaffirmed the trust relationship between the United States and the Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and amendments to such Act affecting the rights of beneficiaries under such Act.

(11) In 1959, under the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", the United States also ceded to the State of Hawaii title to the public lands formerly held by the United States, but mandated that such lands be held by the State "in public trust" and reaffirmed the special relationship that existed between the United States and the Hawaiian people by retaining the legal responsibility to enforce the public trust responsibility of the State of Hawaii for the betterment of the conditions of Native Hawaiians, as defined in section 201(a) of the Hawaiian Homes Commission Act, 1920.

(12) The United States has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

(E) the aboriginal, indigenous people of the United States have—  
(i) a continuing right to autonomy in their internal affairs; and  
(ii) an ongoing right of self-determination and self-governance that has never been extinguished.

(13) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in—

- (A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);
- (B) the American Indian Religious Freedom Act (42 U.S.C. 1996);
- (C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);
- (D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);
- (E) division A of subtitle III of title 54, United States Code;
- (F) the Native American Languages Act (25 U.S.C. 2901 et seq.);
- (G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);
- (H) the Workforce Innovation and Opportunity Act; and
- (I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

~~(14) In 1981, Congress instructed the Office of Education to submit to Congress a comprehensive report on Native Hawaiian education. The report, entitled the "Native Hawaiian Educational Assessment Project", was released in 1983 and documented that Native Hawaiians scored below parity with regard to national norms on standardized achievement tests, were disproportionately represented in many negative social and physical statistics indicative of~~

special educational needs, and had educational needs that were related to their unique cultural situation, such as different learning styles and low self-image.

~~(15) In recognition of the educational needs of Native Hawaiians, in 1988, Congress enacted title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (102 Stat. 130) to authorize and develop supplemental educational programs to address the unique conditions of Native Hawaiians.~~

~~(16) In 1993, the Kamehameha Schools Bishop Estate released a 10-year update of findings of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still existed for Native Hawaiians. Subsequent reports by the Kamehameha Schools Bishop Estate and other organizations have generally confirmed these findings. For example—~~

~~(A) educational risk factors continue to start even before birth for many Native Hawaiian children, including—~~

~~(i) late or no prenatal care;~~

~~(ii) high rates of births by Native Hawaiian women who are unmarried;~~

~~and~~

~~(iii) high rates of births to teenage parents;~~

~~(B) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;~~

~~(C) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;~~

~~(D) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;~~

~~(E) Native Hawaiian students continue to be overrepresented among students qualifying for special education programs provided to students with learning disabilities, mild intellectual disabilities, emotional impairment, and other such disabilities;~~

~~(F) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed four or more years of college;~~

~~(G) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics indicative of special educational needs, as demonstrated by the fact that—~~

~~(i) Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;~~

~~(ii) Native Hawaiian students have the highest rates of drug and alcohol use in the State of Hawaii; and~~

~~(iii) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and~~

~~(H) Native Hawaiians now comprise over 23 percent of the students served by the State of Hawaii Department of Education, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.~~

~~(17) In the 1998 National Assessment of Educational Progress, Hawaiian fourth-graders ranked 39th among groups of students from 39 States in reading. Given that Hawaiian students rank among the lowest groups of students nationally in reading, and that Native Hawaiian students rank the lowest among Hawaiian students in reading, it is imperative that greater focus be placed on beginning reading and early education and literacy in Hawaii.~~

~~(18) The findings described in paragraphs (16) and (17) are inconsistent with the high rates of literacy and integration of traditional culture and Western education historically achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by Kamehameha III.~~

~~(19) Following the overthrow of the Kingdom of Hawaii in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period of Hawaii, and until 1986, use of the Hawaiian language as an instructional medium in education in public schools was declared unlawful. The declaration caused incalculable harm to a culture that placed a very high value on the power of language, as exemplified in the traditional saying: "I ka "olelo no ke ola; I ka "olelo no ka make. In the language rests life; In the language rests death."~~

~~(20) Despite the consequences of over 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.~~

~~(21) The State of Hawaii, in the constitution and statutes of the State of Hawaii—~~

~~(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language;~~

~~(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawaii, which may be used as the language of instruction for all subjects and grades in the public school system; and~~

~~(C) promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education program and using community expertise as a suitable and essential means to further the program.~~

**SEC. 7203 6203. PURPOSES. (20 U.S.C. 7513)**

The purposes of this part are to—

- (1) authorize and develop innovative educational programs to assist Native Hawaiians;
- (2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, and to provide periodic assessment and data collection;
- (3) supplement and expand programs and authorities in the area of education to further the purposes of this title; and
- (4) encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian education programs.

**SEC. 7204 6204. NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.**  
**(20 U.S.C. 7514)**

(a) ~~ESTABLISHMENT OF NATIVE HAWAIIAN EDUCATION COUNCIL~~ **GRANT AUTHORIZED.** In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving **that receive** funding under this part, the Secretary ~~is authorized to establish a Native Hawaiian Education Council (hereafter in this part referred to as the "Education Council")~~ **shall award a grant to the education council described under subsection (b).**

(b) ~~EDUCATION COUNCIL.~~—(1) **ELIGIBILITY.** To be eligible to receive the grant under subsection (a), the council shall be an education council (referred to in this section as the "Education Council") that meets the requirements of this subsection.

(b) ~~(2) COMPOSITION OF EDUCATION COUNCIL.~~ The Education Council shall consist of ~~not more than 24~~ **15** members, ~~unless otherwise determined by a majority of the council~~ **of whom—**

- (A) 1 shall be the President of the University of Hawaii (or a designee);**
- (B) 1 shall be the Governor of the State of Hawaii (or a designee);**
- (C) 1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);**
- (D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);**
- (E) 1 shall be the executive director of Hawaii's Charter School Network (or a designee);**
- (F) 1 shall be the chief executive officer of the Kamehameha Schools (or a designee);**
- (G) 1 shall be the Chief Executive Officer of the Queen Liliuokalani Trust (or a designee);**
- (H) 1 shall be appointed by the Secretary, in a timely manner, and chosen from a list of 5 individuals who represent one or more private grant-making entities that is submitted to the Secretary by the Education Council;**
- (I) 1 shall be the Mayor of the County of Hawaii (or a designee);**
- (J) 1 shall be the Mayor of Maui County (or a designee from the Island of Maui);**
- (K) 1 shall be the Mayor of the County of Kauai (or a designee);**
- (L) 1 shall be appointed by the Secretary, in a timely manner, and chosen from a list of 5 individuals who are from the Island of Molokai or the Island of Lanai that is submitted to the Secretary by the Mayor of Maui County;**
- (M) 1 shall be the Mayor of the City and County of Honolulu (or a designee);**
- (N) 1 shall be the chairperson of the Hawaiian Homes Commission (or a designee); and**
- (O) 1 shall be the chairperson of the Hawaii Workforce Development Council (or a designee representing the private sector).**

(3) **REQUIREMENTS.** Any designee serving on the Education Council shall demonstrate, as determined by the individual who appointed such designee with input from the Native Hawaiian community, not less than 5 years of experience as a consumer or provider of Native Hawaiian educational or cultural activities, with traditional cultural experience given due consideration.

(4) **LIMITATION.** A member (including a designee), while serving on the Education Council, shall not be a direct recipient or administrator of grant funds that are awarded under this part.

~~(c) **CONDITIONS AND TERMS.** **CONDITIONS.** At least 10 members of the Education Council shall be Native Hawaiian education service providers and 10 members of the Education Council shall be Native Hawaiians or Native Hawaiian education consumers. In addition, a representative of the State of Hawaii Office of Hawaiian Affairs shall serve as a member of the Education Council.~~

~~(2) **APPOINTMENTS.** The members of the Education Council shall be appointed by the Secretary based on recommendations received from the Native Hawaiian community.~~

(3) (5) **TERMS** **TERM OF MEMBERS.** Members **A member who is a designee** of the Education Council shall serve for staggered **a** terms of **not more than 3 4** years, except as provided in paragraph (4).

(6) **CHAIR; VICE CHAIR.**—(A) **SELECTION.** The Education Council shall select a Chairperson and a Vice Chairperson from among the members of the Education Council.

(B) **TERM LIMITS.** The Chairperson and Vice Chairperson shall each serve for a 2-year term.

(7) **ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL.** The Education Council shall meet at the call of the Chairperson of the Council, or upon request by a majority of the members of the Education Council, but in any event not less often than every 120 days.

(8) **NO COMPENSATION.** None of the funds made available through the grant may be used to provide compensation to any member of the Education Council or member of a working group established by the Education Council, for functions described in this section.

~~(4) **COUNCIL DETERMINATIONS.** Additional conditions and terms relating to membership on the Education Council, including term lengths and term renewals, shall be determined by a majority of the Education Council.~~

(d) (c) **NATIVE HAWAIIAN EDUCATION COUNCIL GRANT** **USE OF FUNDS FOR COORDINATION ACTIVITIES.** The Secretary shall make a direct grant to the Education Council **shall use funds made available through a grant under subsection (a)** to carry out the following activities:

(1) **Providing advice about the Coordination of, and serving as a clearinghouse for,** the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.

(2) Assessing the extent to which such services and programs meet the needs of Native Hawaiians, and collecting data on the status of Native Hawaiian education.

(3) Providing direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and

improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serve, where appropriate, in an advisory capacity.

(4) ~~Make direct~~ **Awarding** grants, if such grants enable the Education Council to carry out the duties of the Education Council, as described in paragraphs (1) through (3).

**(5) Hiring an executive director, who shall assist in executing the duties and powers of the Education Council, as described in subsection (d).**

**(d) USE OF FUNDS FOR TECHNICAL ASSISTANCE. The Education Council shall use funds made available through a grant under subsection (a) to—**

**(1) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;**

**(2) obtain from such grantees information and data regarding grants awarded under this part, including information and data about—**

**(A) the effectiveness of such grantees in meeting the educational priorities established by the Education Council, as described in paragraph (6)(D), using metrics related to these priorities; and**

**(B) the effectiveness of such grantees in carrying out any of the activities described in paragraph (3) of section 6205(a) that are related to the specific goals and purposes of each grantee's grant project, using metrics related to these goals and purposes;**

**(3) assess and define the educational needs of Native Hawaiians;**

**(4) assess the programs and services available to address the educational needs of Native Hawaiians;**

**(5) assess and evaluate the individual and aggregate impact achieved by grantees under this part in improving Native Hawaiian educational performance and meeting the goals of this part, using metrics related to these goals; and**

**(6) prepare and submit to the Secretary, at the end of each calendar year, an annual report that contains—**

**(A) a description of the activities of the Education Council during the calendar year;**

**(B) a description of significant barriers to achieving the goals of this part;**

**(C) a summary of each community consultation session described in subsection (e); and**

**(D) recommendations to establish priorities for funding under this part, based on an assessment of—**

**(i) the educational needs of Native Hawaiians;**

**(ii) programs and services available to address such needs;**

**(iii) the effectiveness of programs in improving the educational performance of Native Hawaiian students to help such students meet challenging State academic standards under section 1111(b)(1); and**

**(iv) priorities for funding in specific geographic communities.**

~~(e) ADDITIONAL DUTIES OF THE EDUCATION COUNCIL.—(1) IN GENERAL. The Education Council shall provide copies of any reports and recommendations issued by the~~



~~Education Council, including any information that the Education Council provides to the Secretary pursuant to subsection (i), to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Indian Affairs of the Senate.~~

~~(2) ANNUAL REPORT. The Education Council shall prepare and submit to the Secretary an annual report on the Education Council's activities.~~

~~(3) ISLAND COUNCIL SUPPORT AND ASSISTANCE. The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) as the Secretary determines to be appropriate, in a manner that supports the distinct needs of each island council.~~

~~(f) ESTABLISHMENT OF ISLAND COUNCILS.—(1) IN GENERAL. In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Secretary is authorized to facilitate the establishment of Native Hawaiian education island councils (hereafter in this part referred to as an "island council") for the following islands:~~

~~(A) Hawaii.~~

~~(B) Maui.~~

~~(C) Molokai.~~

~~(D) Lanai.~~

~~(E) Oahu.~~

~~(F) Kauai.~~

~~(G) Niihau.~~

~~(2) COMPOSITION OF ISLAND COUNCILS. Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of individuals concerned with the educational needs of all age groups, from children in preschool through adults. At least three-fourths of the members of each island council shall be Native Hawaiians.~~

~~(e) USE OF FUNDS FOR COMMUNITY CONSULTATIONS. The Education Council shall use funds made available through the grant under subsection (a) to hold not less than 1 community consultation each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, at which—~~

~~(1) not fewer than 3 members of the Education Council shall be in attendance;~~

~~(2) the Education Council shall gather community input regarding—~~

~~(A) current grantees under this part, as of the date of the consultation;~~

~~(B) priorities and needs of Native Hawaiians; and~~

~~(C) other Native Hawaiian education issues; and~~

~~(3) the Education Council shall report to the community on the outcomes of the activities supported by grants awarded under this part.~~

~~(f) FUNDING. For each fiscal year, the Secretary shall use the amount described in section 6205(c)(2), to make a payment under the grant. Funds made available through the grant shall remain available until expended.~~

~~(g) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL AND ISLAND COUNCILS. The Education Council and each island council shall meet at the call of the chairperson of the appropriate council, or upon the request of the majority of the members of the appropriate council, but in any event not less often than four times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.~~

~~(h) COMPENSATION. Members of the Education Council and each island council shall not receive any compensation for service on the Education Council and each island council, respectively.~~

~~(i) REPORT. Not later than 4 years after the date of enactment of the No Child Left Behind Act of 2001, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Indian Affairs of the Senate a report that summarizes the annual reports of the Education Council, describes the allocation and use of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.~~

**SEC. 7205 6205. PROGRAM AUTHORIZED. (20 U.S.C. 7515)**

(a) GENERAL AUTHORITY.—(1) GRANTS AND CONTRACTS. The Secretary is authorized to make direct grants to, or enter into contracts with—

(A) Native Hawaiian educational organizations;

(B) Native Hawaiian community-based organizations;

(C) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language; and

**(D) charter schools; and**

(D) **(E)** consortia of the organizations, agencies, and institutions described in subparagraphs (A) through (C), to carry out programs that meet the purposes of this part.

(2) PRIORITIES. In awarding grants or contracts to carry out activities described in paragraph (3), the Secretary shall give priority to entities proposing projects that are designed to address—

(A) beginning reading and literacy among students in kindergarten through third grade;

(B) the needs of at-risk children and youth;

(C) needs in fields or disciplines in which Native Hawaiians are underemployed; and

(D) the use of the Hawaiian language in instruction.

(3) AUTHORIZED ACTIVITIES. Activities provided through programs carried out under this part may include—

(A) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of services for Native Hawaiian children from the prenatal period of the children through age 5;

(B) the operation of family-based education centers that provide such services as—

(i) programs for Native Hawaiian parents and their infants from the prenatal period of the infants through age 3;

(ii) preschool programs for Native Hawaiians; and

(iii) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;

(C) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through ~~third~~ grade **3** and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in ~~fifth and sixth~~ grades **5 and 6**;

(D) activities to meet the special needs of Native Hawaiian students with disabilities, including—

(i) the identification of such students and their needs;

(ii) the provision of support services to the families of ~~these~~ **such** students; and

(iii) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

(E) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

(i) educational, psychological, and developmental activities designed to assist in the educational progress of those students; and

(ii) activities that involve the parents of those students in a manner designed to assist in the ~~students'~~ educational progress **of such students**;

(F) the development of academic and vocational curricula to address the needs of Native Hawaiian children and adults, including curriculum materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

(G) professional development activities for educators, including—

(i) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

(ii) in-service programs to improve the ability of teachers who teach in schools with **high** concentrations of Native Hawaiian students to meet ~~these students'~~ **the** unique needs **of such students**; and

(iii) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

(H) the operation of community-based learning centers that address the needs of Native Hawaiian **students, parents**, families, and communities through the coordination of public and private programs and services, including—

(i) ~~preschool~~ **early childhood education** programs;

(ii) ~~after-school programs~~ **before, after, and summer school programs, expanded learning time, or weekend academies;**

(iii) ~~vocational and adult~~ **career and technical** education programs;

and

(iv) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;

(I) activities, including program co-location, to enable Native Hawaiians to enter and complete programs of postsecondary education, including—

~~(i) provision of full or partial scholarships for undergraduate or graduate study that are awarded to students based on their academic promise and financial need, with a priority, at the graduate level, given to students entering professions in which Native Hawaiians are underrepresented;~~

(ii) **(i)** family literacy services; **and**

~~(iii) (ii) counseling, guidance, and support services for students receiving scholarship assistance;~~

~~(iv) counseling and guidance for Native Hawaiian secondary students who have the potential to receive scholarships; and~~

~~(v) faculty development activities designed to promote the matriculation of Native Hawaiian students;~~

(J) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

(K) other research and evaluation activities related to programs carried out under this part; and

(L) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

~~(4) SPECIAL RULE AND CONDITIONS.—(A) INSTITUTIONS OUTSIDE HAWAII. The Secretary shall not establish a policy under this section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree-granting institution of higher education outside of the State of Hawaii from receiving a scholarship pursuant to paragraph (3)(I).~~

~~(B) SCHOLARSHIP CONDITIONS. The Secretary shall establish conditions for receipt of a scholarship awarded under paragraph (3)(I). The conditions shall require that an individual seeking such a scholarship enter into a contract to provide professional services, either during the scholarship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.~~

(b) ADMINISTRATIVE COSTS. Not more than 5 percent of funds provided to a recipient of a grant or contract under subsection (a) for any fiscal year may be used for administrative purposes.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) IN GENERAL. There are authorized to be appropriated to carry out this section and section 7204 **6204** such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years **\$32,397,000 for each of fiscal years 2017 through 2020.**

(2) RESERVATION. Of the funds appropriated under this subsection, the Secretary shall reserve \$500,000 for fiscal year 2002 and each of the 5 succeeding fiscal years **for each of fiscal years 2017 through 2020** to make a direct grant to the Education Council to carry out section 7204 **6204**.

(3) AVAILABILITY. Funds appropriated under this subsection shall remain available until expended.

**SEC. 7206 6206. ADMINISTRATIVE PROVISIONS. (20 U.S.C. 7516)**

(a) APPLICATION REQUIRED. No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

(b) SPECIAL RULE. Each applicant for a grant or contract under this part shall submit the application for comment to the local educational agency serving students who will participate in the program to be carried out under the grant or contract, and include those comments, if any, with the application to the Secretary.

**SEC. 7207 6207. DEFINITIONS. (20 U.S.C. 7517)**

In this part:

**(1) COMMUNITY CONSULTATION**. *The term "community consultation" means a public gathering—*

*(A) to discuss Native Hawaiian education concerns; and*

*(B) about which the public has been given not less than 30 days notice.*

~~(1)~~ **(2) NATIVE HAWAIIAN**. The term "Native Hawaiian" means any individual who is—

(A) a citizen of the United States; and

(B) a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii, as evidenced by—

(i) genealogical records;

(ii) Kupuna (elders) or Kamaaina (long-term community residents)

verification; or

(iii) certified birth records.

~~(2)~~ **(3) NATIVE HAWAIIAN COMMUNITY-BASED ORGANIZATION**. The term "Native Hawaiian community-based organization" means any organization that is composed primarily of Native Hawaiians from a specific community and that assists in the social, cultural, and educational development of Native Hawaiians in that community.

~~(3)~~ **(4) NATIVE HAWAIIAN EDUCATIONAL ORGANIZATION**. The term "Native Hawaiian educational organization" means a private nonprofit organization that—

(A) serves the interests of Native Hawaiians;

(B) has Native Hawaiians in substantive and policymaking positions within the organization;

(C) incorporates Native Hawaiian perspective, values, language, culture, and traditions into the core function of the organization;

(D) has demonstrated expertise in the education of Native Hawaiian youth; and

(E) has demonstrated expertise in research and program development.

(4) **(5) NATIVE HAWAIIAN LANGUAGE.** The term "Native Hawaiian language" means the single Native American language indigenous to the original inhabitants of the State of Hawaii.

(5) **(6) NATIVE HAWAIIAN ORGANIZATION.** The term "Native Hawaiian organization" means a private nonprofit organization that—

(A) serves the interests of Native Hawaiians;

(B) has Native Hawaiians in substantive and policymaking positions within the organization; and

(C) is recognized by the Governor of Hawaii for the purpose of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

(6) **(7) OFFICE OF HAWAIIAN AFFAIRS.** The term "Office of Hawaiian Affairs" means the Office of Hawaiian Affairs established by the Constitution of the State of Hawaii.

## **PART C — ALASKA NATIVE EDUCATION**

### **SEC. 7301 6301. SHORT TITLE. (20 U.S.C. 7541)**

This part may be cited as the "Alaska Native Educational Equity, Support, and Assistance Act".

### **SEC. 7302 6302. FINDINGS. (20 U.S.C. 7542)**

Congress finds and declares the following:

~~(1) The attainment of educational success is critical to the betterment of the conditions, long-term well-being, and preservation of the culture of Alaska Natives.~~

~~(2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs.~~

~~(3) Alaska Native children enter and exit school with serious educational handicaps.~~

~~(4) The educational achievement of Alaska Native children is far below national norms. Native performance on standardized tests is low, Native student dropout rates are high, and Natives are significantly underrepresented among holders of baccalaureate degrees in the State of Alaska. As a result, Native students are being denied their opportunity to become full participants in society by grade school and high school educations that are condemning an entire generation to an underclass status and a life of limited choices.~~

~~(5) The programs authorized in this part, combined with expanded Head Start, infant learning, and early childhood education programs, and parent education programs, are essential if educational handicaps are to be overcome.~~

~~(6) The sheer magnitude of the geographic barriers to be overcome in delivering educational services in rural Alaska and Alaska villages should be addressed through the development and implementation of innovative, model programs in a variety of areas.~~

~~(7) Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.~~

*(1) It is the policy of the Federal Government to maximize the leadership of and participation by Alaska Natives in the planning and the management of Alaska Native education programs and to support efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.*

*(2) Many Alaska Native children enter and exit school with serious educational disadvantages.*

*(3) Overcoming the magnitude of the geographic challenges, historical inequities, and other barriers to successfully improving educational outcomes for Alaska Native students in rural, village, and urban settings is challenging. Significant disparities between academic achievement of Alaska Native students and non-Native students continue, including lower graduation rates, increased school dropout rates, and lower achievement scores on standardized tests.*

*(4) The preservation of Alaska Native cultures and languages and the integration of Alaska Native cultures and languages into education, positive identity development for Alaska Native students, and local, place-based, and culture-based programming are critical to the attainment of educational success and the long-term well-being of Alaska Native students.*

*(5) Improving educational outcomes for Alaska Native students increases access to employment opportunities.*

*(6) The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for Alaska Native students. In 1983, pursuant to Public Law 98-63, Alaska ceased to receive educational funding from the Bureau of Indian Affairs. The Bureau of Indian Education does not operate any schools in Alaska, nor operate or fund Alaska Native education programs. The program under this part supports the Federal trust responsibility of the United States to Alaska Natives.*

**SEC. 7303 6303. PURPOSES. (20 U.S.C. 7543)**

The purposes of this part are as follows:

(1) To recognize *and address* the unique educational needs of Alaska Natives.

*(2) To recognize the role of Alaska Native languages and cultures in the educational success and long-term well-being of Alaska Native students.*

*(3) To integrate Alaska Native cultures and languages into education, develop Alaska Native students' positive identity, and support local place-based and culture-based curriculum and programming.*

~~(2)~~ (4) To authorize the development, *management, and expansion* of *effective* supplemental educational programs to benefit Alaska Natives.

~~(4) To supplement existing programs and authorities in the area of education to further the purposes of this part.~~

(4) (5) To provide direction and guidance to appropriate Federal, State and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.

(6) To ensure the maximum participation by Alaska Native educators and leaders in the planning, development, implementation, management, and evaluation of programs designed to serve Alaska Native students.

**SEC. 7304 6304. PROGRAM AUTHORIZED. (20 U.S.C. 7544)**

(a) GENERAL AUTHORITY.—(1) GRANTS AND CONTRACTS. The Secretary is authorized to make grants to, or enter into contracts with,

(A) Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organizations with experience in developing or operating programs to benefit Alaska Natives, and consortia of organizations and entities described in this paragraph to carry out programs that meet that fulfill the purposes of this part;

(B) Alaska Native organizations that do not have the experience described in subparagraph (A) but are in partnership with—

(i) a State educational agency or a local educational agency; or

(ii) an Alaska Native organization that operates a program that fulfills the purposes of this part;

(C) an entity located in Alaska, and predominately governed by Alaska Natives, that does not meet the definition of an Alaska Native organization under this part but—

(i) has experience operating programs that fulfill the purposes of this part; and

(ii) is granted an official charter or sanction, as described in the definition of a tribal organization under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), from at least one Alaska Native tribe or Alaska Native organization to carry out programs that meet the purposes of this part.

(2) MANDATORY ACTIVITIES. Activities provided through the programs carried out under this part shall include the following:

(A) The development and implementation of plans, methods, strategies, and activities to improve the educational outcomes of Alaska Natives.

(B) The collection of data to assist in the evaluation of the programs carried out under this part.

(2) (3) PERMISSIBLE ACTIVITIES. Activities provided through programs carried out under this part may include the following:

(A) The development and implementation of plans, methods, and strategies to improve the education of Alaska Natives.

(B) (A) The development of curricula and educational programs that address the educational needs of Alaska Native students, including the following:

(i) Curriculum materials that are culturally informed and reflect the cultural diversity, languages, history, or the contributions of Alaska Natives people, including curricula intended to preserve and promote Alaska Native culture.

(ii) Instructional programs that make use of Alaska Native Alaskan languages and cultures.



(iii) Networks that *develop, test, and disseminate best practices and* introduce successful programs, materials, and techniques to *meet the educational needs of Alaska Native students in* urban and rural schools.

*(B) Training and professional development activities for educators, including the following:*

~~(i) Programs to prepare teachers to address the cultural diversity and unique needs of Alaska Native students.~~

~~(ii) In-service programs to improve the ability of teachers to meet the unique needs of Alaska Native students.~~

*(i) Pre-service and in-service training and professional development programs to prepare teachers to develop appreciation for, and understanding of, Alaska Native history, cultures, values, and ways of knowing and learning in order to effectively address the cultural diversity and unique needs of Alaska Native students and improve the teaching methods of educators.*

~~(iii) (ii) Recruitment and preparation of Alaska Native teachers who are Alaska Native, reside in communities with high concentrations of Alaska Native students, or are likely to succeed as teachers in isolated, rural communities and engage in cross-cultural instruction in Alaska.~~

*(iii) Programs that will lead to the certification and licensing of Alaska Native teachers, principals, other school leaders, and superintendents.*

*(C) Early childhood and parenting education activities designed to improve the school readiness of Alaska Native children, including—*

~~(D) (i) The development and operation of home instruction visiting programs for Alaska Native preschool children, to ensure the active involvement of parents in their children's education from the earliest ages;~~

*(ii) training, education, and support, including in-home visitation, for parents and caregivers of Alaska Native children to improve parenting and caregiving skills (including skills relating to discipline and cognitive development, reading readiness, observation, storytelling, and critical thinking);*

~~(E) (iii) Family literacy services;~~

~~(N) (iv) Activities carried out through Even Start programs carried out under subpart 3 of part B of title I and Head Start programs carried out under the Head Start Act (42 U.S.C. 9831 et seq.), including the training of teachers for programs described in this subparagraph;~~

*(v) programs for parents and their infants, from the prenatal period of the infant through age 3;*

*(vi) early childhood education programs; and*

*(vii) native language immersion within early childhood education programs, Head Start, or preschool programs.*

~~(F) (D) The development and operation of student enrichment programs, including programs in science, technology, engineering, and mathematics that—~~

(i) are designed to prepare Alaska Native students from rural areas, who are preparing to enter secondary school, to excel in science and math **such subjects**;

(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs; and

(iii) may include activities that recognize and support the unique cultural and educational needs of Alaska Native children, and incorporate appropriately qualified Alaska Native elders and seniors **other tradition bearers**.

~~(G)~~ **(E)** Research and data collection activities to determine the educational status and needs of Alaska Native children and adults, **and (H) Other such** research and evaluation activities related to programs ~~carried out~~ **funded** under this part.

**(F) Activities designed to enable Alaska Native students served under this part to meet the challenging State academic standards or increase the graduation rates of Alaska Native students, such as—**

~~(4)~~ **(i)** Remedial and enrichment programs to assist Alaska Native students in performing at a high level on standardized tests;

**(ii) culturally based education programs, such as—**

**(I) programs of study and other instruction in Alaska Native history and ways of living to share the rich and diverse cultures of Alaska Natives among Alaska Native youth and elders, non-Native students and teachers, and the larger community;**

**(II) instructing Alaska Native youth in leadership, communication, and Alaska Native culture, arts, history, and languages;**

**(III) intergenerational learning and internship opportunities to Alaska Native youth and young adults;**

**(IV) providing cultural immersion activities aimed at Alaska Native cultural preservation;**

**(V) native language instruction and immersion activities, including native language immersion nests or schools;**

**(VI) school-within-a-school model programs; and**

**(VII) preparation for postsecondary education and career planning; and**

**(iii) comprehensive school or community-based support services, including services that—**

**(I) address family instability and trauma; and**

**(II) improve conditions for learning at home, in the community, and at school.**

**(G) Student and teacher exchange programs, cross-cultural immersion programs, and culture camps designed to build mutual respect and understanding among participants.**

**(H) Education programs for at-risk urban Alaska Native students that are designed to improve academic proficiency and graduation rates, use strategies otherwise**

permissible under this part, and incorporate a strong data collection and continuous evaluation component.

(I) Strategies designed to increase the involvement of parents in their children's education.

(J) Programs and strategies that increase connections between and among schools, families, and communities, including positive youth-adult relationships, to—

(i) promote the academic progress and positive development of Alaska Native children and youth; and

(ii) improve conditions for learning at home, in the community, and at school.

(R) ~~(K)~~ Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing tech-prep, mentoring, training, and apprenticeship activities.

~~(L) Support for the development and operational activities of regional vocational schools in rural areas of Alaska to provide students with necessary resources to prepare for skilled employment opportunities.~~

~~(M) Regional leadership academies that demonstrate effectiveness in building respect and understanding, and fostering a sense of Alaska Native identity in Alaska Native students to promote their pursuit of and success in completing higher education or career training.~~

~~(J) Education and training of Alaska Native students enrolled in a degree program that will lead to certification or licensing as teachers.~~

~~(K) Parenting education for parents and caregivers of Alaska Native children to improve parenting and caregiving skills (including skills relating to discipline and cognitive development), including parenting education provided through in-home visitation of new mothers.~~

~~(L) Cultural education programs operated by the Alaska Native Heritage Center and designed to share the Alaska Native culture with students.~~

~~(M) A cultural exchange program operated by the Alaska Humanities Forum and designed to share Alaska Native culture with urban students in a rural setting, which shall be known as the Rose Cultural Exchange Program.~~

~~(O) Other early learning and preschool programs.~~

~~(P) Dropout prevention programs operated by the Cook Inlet Tribal Council's Partners for Success program.~~

~~(Q) An Alaska Initiative for Community Engagement program.~~

~~(S) Provision of operational support and purchasing of equipment, to develop regional vocational schools in rural areas of Alaska, including boarding schools, for Alaska Native students in grades 9 through 12, or at higher levels of education, to provide the students with necessary resources to prepare for skilled employment opportunities.~~

(T) ~~(N)~~ Other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

~~(3) HOME INSTRUCTION PROGRAMS.~~ Home instruction programs for Alaska Native preschool children carried out under paragraph (2)(D) may include the following:

~~(A) Programs for parents and their infants, from the prenatal period of the infant through age 3.~~

~~(B) Preschool programs.~~

~~(C) Training, education, and support for parents in such areas as reading readiness, observation, story telling, and critical thinking.~~

~~(b) LIMITATION ON ADMINISTRATIVE COSTS.~~ Not more than 5 percent of funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

~~(c) PRIORITIES.~~ In awarding grants or contracts to carry out activities described in subsection (a)(2), except for activities listed in subsection (d)(2), the Secretary shall give priority to applications from Alaska Native regional nonprofit organizations, or consortia that include at least one Alaska Native regional nonprofit organization.

~~(d)~~ **(b) AUTHORIZATION OF APPROPRIATIONS.** *There are authorized to be appropriated to carry out this section \$31,453,000 for each of fiscal years 2017 through 2020.*

~~(1) IN GENERAL.~~ There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

~~(2) AVAILABILITY OF FUNDS.~~ Of the funds appropriated and made available under this section for a fiscal year, the Secretary shall make available—

~~(A) not less than \$1,000,000 to support activities described in subsection (a)(2)(K);~~

~~(B) not less than \$1,000,000 to support activities described in subsection (a)(2)(L);~~

~~(C) not less than \$1,000,000 to support activities described in subsection (a)(2)(M);~~

~~(D) not less than \$2,000,000 to support activities described in subsection (a)(2)(P); and~~

~~(E) not less than \$2,000,000 to support activities described in subsection (a)(2)(Q).~~

#### **SEC. 7305 6305. ADMINISTRATIVE PROVISIONS. (20 U.S.C. 7545)**

*Not more than 5 percent of funds provided to an award recipient under this part for any fiscal year may be used for administrative purposes.*

~~(a) APPLICATION REQUIRED.~~ No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this part.

~~(b) APPLICATIONS.~~ A State educational agency or local educational agency may apply for an award under this part only as part of a consortium involving an Alaska Native organization. The consortium may include other eligible applicants.

~~(c) CONSULTATION REQUIRED. Each applicant for an award under this part shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.~~

~~(d) LOCAL EDUCATIONAL AGENCY COORDINATION. Each applicant for an award under this part shall inform each local educational agency serving students who would participate in the program to be carried out under the grant or contract about the application.~~

**SEC. 7306 6306. DEFINITIONS. (20 U.S.C. 7546)**

In this part:

(1) ALASKA NATIVE. The term "Alaska Native" has the same meaning as the term "Native" has in section 3(b) of the Alaska Native Claims Settlement Act *(43 U.S.C. 1602(b)) and includes the descendants of individuals so defined.*

(2) ALASKA NATIVE ORGANIZATION. The term "Alaska Native organization" means ~~an~~ federally recognized tribe, consortium of tribes, regional nonprofit Native association, and another organization that—(A) has or commits to acquire expertise in the education of Alaska Natives; ~~and is—~~

~~(B) has Alaska Natives in substantive and policymaking positions within the organization.~~

*(A) an Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), that is an Indian tribe located in Alaska;*

*(B) a "tribal organization", as defined in section 4 of such Act (25 U.S.C. 450b), that is a tribal organization located in Alaska; or*

*(C) an organization listed in clauses (i) through (xii) of section 419(4)(B) of the Social Security Act (42 U.S.C. 619(4)(B)(i) through (xii)), or the successor of an entity so listed.*

[END]