
Nothing in this part shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services, pursuant to State law or a written agreement, from entering into similar arrangements for the use, or the coordination of the use, of the funds made available under this part.

SEC. 5234. [20 U.S.C. 7855c] AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part $169,840,000 for each of the fiscal years 2017 through 2020, to be distributed equally between subparts 1 and 2.

PART C—GENERAL PROVISIONS

SEC. 5301. [20 U.S.C. 7371] PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this Act.


Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

TITLE VI—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

PART A—INDIAN EDUCATION

SEC. 6101. [20 U.S.C. 7401] STATEMENT OF POLICY.

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.


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 Indian students, so that such students can meet the challenging State academic standards;

(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.

Subpart 1—Formula Grants to Local Educational Agencies


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

(1) meet the unique cultural, language, and educational needs of such students; and

(2) ensure that all students meet the challenging State academic standards.


(a) IN GENERAL.—The Secretary may make grants, from allocations made under section 6113, and in accordance with this section and section 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 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 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.

(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 6114(c)(4) for such grant, an Indian tribe, an Indian organization, or a consortium of such entities, that represents more than 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), such Indian tribe, Indian organization, or consortium shall not be subject to the requirements of 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.


(a) AMOUNT OF GRANT AWARDS.—

(1) IN GENERAL.—Except as provided in subsection (h) 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 6117 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 6112, and a school that is operated or supported by the Bureau of Indian Education 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.

(c) 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.

(d) 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.

(e) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN 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 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 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 6114(c)(4), section 6118(c), or section 6119.
(e) RATABLE REDUCTIONS.—If the sums appropriated for any
fiscal year under 6152(a)⁹ are insufficient to pay in full the
amounts determined for local educational agencies under sub-
section (a)(1) and for the Secretary of the Interior under subsection
(d), each of these amounts shall be ratably reduced.
SEC. 6114. [20 U.S.C. 7484] APPLICATIONS.
(a) APPLICATION REQUIRED.—Each 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 man-
er, and containing such information as the Secretary may reason-
ably require.
(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application
submitted under subsection (a) shall include a description of a com-
prehensive 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 Indian students;
(2)(A) is consistent with the State, tribal, and local plans
submitted under other provisions of this Act; and
(B) includes 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 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 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 as-
sisted under this subpart have been properly trained to
carry out such programs;
(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 re-
ferred to in subparagraph (A) to—
(i) the committee described in subsection (c)(4);

⁹Probably should read "section 6152(a)". See amendment made by section 6003(b)(3)(D) of
Public Law 114–95.

May 17, 2016

As Amended Through P.L. 114–95, Enacted December 10, 2015
(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 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;

(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 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;
(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;
      (iii) teachers in the schools; and
      (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) with respect to an application describing a schoolwide program in accordance with section 6115(c), that has—
      (i) reviewed in a timely fashion the program;
      (ii) determined that the program will not diminish the availability of culturally related activities for Indian students; and
      (iii) determined that the program will directly enhance the educational experience of Indian students; and
   (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.


(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 6111, 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 6114(a) solely for the services and activities described in such application;
(2) are designed 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;
(2) culturally related activities that support the program described in the application submitted by the local educational agency;
(3) early childhood and family programs that emphasize school readiness;
(4) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State academic standards;
(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;
(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;
(7) activities to educate individuals so as to prevent violence, suicide, and substance abuse;
(8) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 6111;
(9) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;
(10) family literacy services;
(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 6114(c)(4) approves the use of the funds for the schoolwide program;
(2) the schoolwide program is consistent with the purpose described in section 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. 6116. [20 U.S.C. 7426] INTEGRATION OF SERVICES AUTHORIZED.

(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 611d(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 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 1976; or

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

(b) 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 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 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.

(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.


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

(1) either—

(A) the name of the tribe or band of Indians (as defined in section 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 6151.

(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 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 DUPLICATE 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.

(e) MONITORING AND EVALUATION REVIEW.—

(1) IN GENERAL.—

As Amended Through P.L. 114-95, Enacted December 10, 2015
(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 6113.

(4) 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 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.

(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 (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 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. 6118. [20 USC 7428] PAYMENTS.

(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 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.

(d) Reallocation.—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.


Before submitting an application to the Secretary under section 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


(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 Indian 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))), or a consortium of such entities.

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

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

(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 subjects of English, mathematics, science, foreign languages, art, history, and geography;

(3) bilingual and bicultural programs and projects;

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

(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;

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

(7) early childhood education 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, screening and referral, and the provision of services to Indian children and youth with disabilities;

(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;

(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 career;

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

(11) family literacy services;

(12) activities that recognize and support the unique cultural and educational needs of Indian children and youth, and incorporate traditional leaders;

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

(14) other services that meet the purpose described in 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 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 is 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.


(a) PURPOSES.—The purposes of this section are—
(1) to increase the number of qualified Indian teachers and administrators serving Indian 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, paraprofessionals, counselors, social workers, and specialized instructional support personnel;
(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 1146 of the Higher Education Act of 1965 (20 U.S.C. 1059c); or
(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 purpose of this section. Such activities may include—
(A) continuing education programs, symposia, workshops, and conferences;
(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) programs designed to train 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 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;

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

(3) may not limit eligibility to receive a grant under this section on the basis of the length of any period for which the eligible entity has received a grant.

(g) GRANT PERIOD.—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; 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. 6131. [20 USC 7451] NATIONAL RESEARCH ACTIVITIES.
(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available 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. 6132. [20 U.S.C. 7452] GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING, DEVELOPMENT, AND COORDINATION.
(a) IN GENERAL.—The Secretary may award grants under this section to eligible applicants to enable the eligible applicants to—
(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) 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

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(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.

(d) GRANT APPLICATION.—

(1) IN GENERAL.—Each eligible applicant desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably prescribe.

(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;

(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

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(ii) existing capacity as a tribal educational agency.

(3) APPROVAL.—The Secretary may approve an application submitted by an eligible applicant under this subsection if the 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.

(e) RESTRICTIONS.—

(1) IN GENERAL.—An Indian tribe may not receive funds under this section if the tribe receives funds under section 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 SUPLANT.—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. 120 U.S.C. 74533 NATIVE AMERICAN AND ALASKA NATIVE LANGUAGE IMMERSION SCHOOLS AND PROGRAMS.

(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. 2301 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(e), 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.

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(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) AWARDED 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.

Subpart 4—Federal Administration

SEC. 6141. [29 U.S.C. 74711] NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

(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).


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


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.


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


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 in section 103 of the Native American Languages Act (25 U.S.C. 2902).


(a) SUBPART 1.—For the purpose of carrying out subpart 1, there are authorized to be appropriated $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) SUBPART 2.—For the purpose of carrying out subpart 2, there are authorized to be appropriated $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 $5,566,000 for each of fiscal years 2017 through 2020.

PART B—NATIVE HAWAIIAN EDUCATION


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


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 1898, 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 103–159 (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 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. 1396);

(C) the National Museum of the American Indian Act (20 U.S.C. 30q 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. 4481 et seq.);

(H) the Workforce Innovation and Opportunity Act; and

May 17, 2016

As Amended Through P.L. 114-95, Enacted December 10, 2015
(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

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.

(a) 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 that receive funding under this part, the Secretary 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.
(2) COMPOSITION.—The Education Council shall consist of 15 members, 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);
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(2) There shall be appointed by the Secretary, in a timely manner, and chosen from a list of five 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.

(5) TERM OF MEMBERS.—A member who is a designee shall serve for a term of not more than 4 years.

(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.

(c) USE OF FUNDS FOR COORDINATION ACTIVITIES.—The Education Council shall use funds made available under this grant under subsection (a) to carry out each of 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, rel-
lating to Native Hawaiian education, and serving, where appropriate, in an advisory capacity.

(4) Awarding grants, if such grants enable the Education Council to carry out the activities 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 6206(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) 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.


(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;
   (D) charter schools; and
   (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 grade 3 and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in 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 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 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 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) early childhood education programs;
   (ii) before, after, and summer school programs, expanded learning time, or weekend academies;
(iii) career and technical education programs; and
(iv) programs that recognize and support the
unique cultural and educational needs of Native Ha-
waian children, and incorporate appropriately quali-
fied Native Hawaiian elders and seniors;
(I) activities, including program co-location, to enable
Native Hawaiians to enter and complete programs of post-
secondary education, including—
(i) family literacy services; and
(ii) counseling, guidance, and support services for
students;
(J) research and data collection activities to determine
the educational status and needs of Native Hawaiian chil-
dren 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.
(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 6204 $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 each of fiscal
years 2017 through 2020 to make a direct grant to the Educa-
tion Council to carry out section 6204.
(3) AVAILABILITY.—Funds appropriated under this sub-
section shall remain available until expended.

(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 in-
clude those comments, if any, with the application to the Secretary.

In this part:
(1) COMMUNITY CONSULTATION.—The term "community consul-
tation" 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.
(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.

(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.

(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 policy-making 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.

(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.

(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 policy-making 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.

(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. 6301.** [120 U.S.C. 7641] **SHORT TITLE.**

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

**SEC. 6302.** [120 U.S.C. 7642] **FINDINGS.**

Congress finds and declares the following:
(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.


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.

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

(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. 6304. 120 U.S.C. 7544j PROGRAM AUTHORIZED.

(a) GENERAL AUTHORITY.—

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

(A) Alaska Native organizations with experience operating programs 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.

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

(A) The development of curricula and 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 Native people, including curricula intended to preserve and promote Alaska Native culture.

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

(iii) Networks that develop, test, and disseminate best practices and introduce successful programs.
terials, 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) 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.

(ii) Recruitment and preparation of Alaska Native teachers.

(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—

(i) the development and operation of home 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);

(iii) family literacy services;

(iv) activities carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(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.

(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 to excel in such subjects;

(ii) provide appropriate support services to enable such students to benefit from the programs; and

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

(E) Research and data collection activities to determine the educational status and needs of Alaska Native children and adults and other such research and evaluation activities related to programs 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—
(i) remedial and enrichment programs;
(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.

(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.

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

(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.


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.


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 organization that has or commits to acquire expertise in the education of Alaska Natives and is—

(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.

 TITLE VII—IMPACT AID


In order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children in a manner that promotes control by local educational agencies with little or no Federal or State involvement, because certain activities of the Federal Government, such as activities to fulfill the responsibilities of the Federal Government with respect to Indian tribes and activities under section 811 of the Servicemembers Civil Relief Act, place a financial burden on the local educational agencies serving areas where such activities are carried out, and to help such...