

SEC. 5233. [20 U.S.C. 7355b] RULE OF CONSTRUCTION.

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. 7355c] 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.

SEC. 5302. [20 U.S.C. 7372] RULE OF CONSTRUCTION ON EQUALIZED SPENDING.

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.

SEC. 6102. [20 U.S.C. 7402] PURPOSE.

It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

(1) to meet the unique educational and culturally related academic needs of 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

SEC. 6111. [20 U.S.C. 7421] PURPOSE.

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.

SEC. 6112. [20 U.S.C. 7422] GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.

(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.

SEC. 6113. [20 U.S.C. 7423] AMOUNT OF GRANTS.

(a) AMOUNT OF GRANT AWARDS.—

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

(A) the number of Indian children who are eligible under section 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.

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

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

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

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

(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN 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 subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

SEC. 6114. [20 U.S.C. 7424] 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 manner, and containing such information as the Secretary may reasonably require.

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

(1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of 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 assisted 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 referred to in subparagraph (A) to—

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

⁹Probably should read “section 6152(a)”. See amendment made by section 6001(b)(3)(D) of Public Law 114–95.

(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.

SEC. 6115. [20 U.S.C. 7425] AUTHORIZED SERVICES AND ACTIVITIES.

(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 6114(c)(4), if such a committee exists.

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

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

(g) **RESPONSIBILITIES OF DEPARTMENT OF EDUCATION.**—Not later than 180 days after the date of enactment of the Every Student Succeeds Act, the Secretary of Education, the Secretary of the Interior, the Secretary of Health and Human Services, and the head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement providing for the implementation and coordination of the demonstration projects authorized under this

section. The lead agency head for a demonstration project under this section shall be—

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

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

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

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

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

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

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

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

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

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

(l) ADMINISTRATION OF FUNDS.—

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

(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section shall be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under the approved plan to the individual programs

under which funds were authorized for the services or activities, nor shall the eligible entity be required to allocate expenditures among such individual programs.

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

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

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

(1) **PRELIMINARY REPORT.**—Not later than 2 years after the date of enactment of the 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.

SEC. 6117. [20 U.S.C. 7427] STUDENT ELIGIBILITY FORMS.

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

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

(1) either—

(A)(i) the name of the tribe or band of Indians (as defined in section 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 DUPLICATIVE DETERMINATIONS.—Once a child is determined to be an Indian eligible to be counted for such grant award, the local educational agency shall maintain a record of such determination and shall not require a new or duplicate determination to be made for such child for a subsequent application for a grant under this subpart.

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

(e) MONITORING AND EVALUATION REVIEW.—

(1) IN GENERAL.—

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

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

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

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

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

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

(f) TRIBAL GRANT AND CONTRACT SCHOOLS.—Notwithstanding any other provision of this section, in calculating the amount of a grant under this subpart to a tribal school that receives a grant or contract from the Bureau of Indian 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 U.S.C. 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) **REALLOCATIONS.**—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

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

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

SEC. 6119. [20 U.S.C. 7429] STATE EDUCATIONAL AGENCY REVIEW.

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

SEC. 6121. [20 U.S.C. 7441] IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH.

(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.

SEC. 6122. [20 U.S.C. 7442] PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.

(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 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b));

(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 U.S.C. 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

(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

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

SEC. 6133. [20 U.S.C. 7453] 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. 2901 et seq.); and

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

(b) PROGRAM AUTHORIZED.—

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

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

(A) An Indian tribe.

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

(C) A tribal education agency.

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

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

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

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

(H) A nontribal for-profit organization.

(c) APPLICATION.—

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

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

(B) The number of students attending such school.

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

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

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

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

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

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

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

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

(ii) the school's accreditation status;

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

(iv) any indigenous language schooling and research cooperatives.

(F) An assurance that—

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

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

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

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

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

(3) **SUBMISSION OF CERTIFICATION.**—

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

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

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

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

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

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

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

(iv) A Native Hawaiian organization.

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

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

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

(e) **ACTIVITIES AUTHORIZED.**—

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

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

- (B) Providing professional development for teachers and, as appropriate, staff and administrators to strengthen the overall language and academic goals of the school that will be served by the grant program.
- (2) ALLOWABLE ACTIVITIES.—An eligible entity that receives a grant under this section may use such funds to carry out the following activities:
- (A) Developing or refining curriculum, including teaching materials and activities, as appropriate.
- (B) Creating or refining assessments written in the Native American or Alaska Native language of instruction that measure student proficiency and that are aligned with State or tribal academic standards.
- (C) Carrying out other activities that promote the maintenance and revitalization of the Native American or Alaska Native language relevant to the grant program.
- (f) REPORT TO SECRETARY.—Each eligible entity that receives a grant under this section shall prepare and submit an annual report to the Secretary, which shall include—
- (1) the activities the entity carried out to meet the purposes of this section; and
- (2) the number of children served by the program and the number of instructional hours in the Native American or Alaska Native language.
- (g) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

Subpart 4—Federal Administration

SEC. 6141. [20 U.S.C. 7471] 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).

SEC. 6142. [20 U.S.C. 7472] PEER REVIEW.

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

SEC. 6143. [20 U.S.C. 7473] PREFERENCE FOR INDIAN APPLICANTS.

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

SEC. 6144. [20 U.S.C. 7474] MINIMUM GRANT CRITERIA.

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

(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant, contract, or cooperative agreement; and

(2) based on relevant research findings.

Subpart 5—Definitions; Authorizations of Appropriations

SEC. 6151. [20 U.S.C. 7491] DEFINITIONS.

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 “raditional leaders” has the meaning given the term in section 103 of the Native American Languages Act (25 U.S.C. 2902).

SEC. 6152. [20 U.S.C. 7492] AUTHORIZATIONS OF APPROPRIATIONS.

(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 \$5,565,000 for each of fiscal years 2017 through 2020.

PART B—NATIVE HAWAIIAN EDUCATION

SEC. 6201. [20 U.S.C. 7511] SHORT TITLE.

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

SEC. 6202. [20 U.S.C. 7512] FINDINGS.

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 monarchal government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii.

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