

112TH CONGRESS  
1ST SESSION

# H. R. 3568

To improve Indian education, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2011

Mr. KILDEE (for himself and Ms. MCCOLLUM) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To improve Indian education, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Native Culture, Language, and Access for Success in  
6 Schools Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ELEMENTARY AND SECONDARY EDUCATION ACT OF  
1965

Subtitle A—Improving the Academic Achievement of the Disadvantaged

- Sec. 111. Improving the education of students.
- Sec. 112. Standards-based assessments.
- Sec. 113. Native language teaching.
- Sec. 114. Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk.

Subtitle B—Preparing, Training, and Recruiting High-Quality Teachers and Principals

- Sec. 121. Preparing, training, and recruiting high-quality teachers and principals.

Subtitle C—Native American Languages Programs

- Sec. 131. Improvement of academic success of Indian students through Native American languages programs.
- Sec. 132. State and tribal education agency agreements.

Subtitle D—21st Century Schools

- Sec. 141. Safe and healthy schools for Native American students.

Subtitle E—Indian, Native Hawaiian, and Alaska Native Education

- Sec. 151. Purpose.
- Sec. 152. Purpose of formula grants.
- Sec. 153. Grants to local educational agencies and tribes.
- Sec. 154. Amount of grants.
- Sec. 155. Applications.
- Sec. 156. Authorized services and activities.
- Sec. 157. Student eligibility forms.
- Sec. 158. Technical assistance.
- Sec. 159. Amendments relating to tribal colleges and universities.
- Sec. 160. Tribal educational agency cooperative agreements.
- Sec. 161. Tribal education agencies pilot project.
- Sec. 162. Improve support for teachers and administrators of Native American students.
- Sec. 163. National board certification incentive demonstration program.
- Sec. 164. Tribal language immersion schools.
- Sec. 165. Coordination of Indian student information.
- Sec. 166. Authorization of appropriations.

Subtitle F—Impact Aid

- Sec. 171. Impact aid.

Subtitle G—General Provisions

- Sec. 181. Highly qualified definition.
- Sec. 182. Applicability of ESEA to Bureau of Indian Education schools.
- Sec. 183. Increased access to resources for tribal schools, schools served by the Bureau of Indian Education, and Native American students.

TITLE II—AMENDMENTS TO OTHER LAWS

- Sec. 201. Amendments to the American Recovery and Reinvestment Act of 2009 to provide funding for Indian programs.
- Sec. 202. Qualified scholarships for education and cultural benefits.
- Sec. 203. Tribal Education Policy Advisory Group.
- Sec. 204. Division of budget analysis.
- Sec. 205. Qualified school construction bond escrow account.
- Sec. 206. Equity in Educational Land-Grant Status Act of 1994.
- Sec. 207. Workforce Investment Act of 1998.
- Sec. 208. Technical amendments to Tribally Controlled Schools Act of 1988.

#### TITLE III—ADDITIONAL EDUCATION PROVISIONS

- Sec. 301. Native American student support.
- Sec. 302. Ensuring the survival and continuing vitality of Native American languages.
- Sec. 303. In-school facility innovation program contest.
- Sec. 304. Retrocession or reassumption of certain school funds.
- Sec. 305. Department of the Interior and Department of Education Joint Oversight Board.
- Sec. 306. Feasibility study to transfer the Bureau of Indian Education to the Department of Education.
- Sec. 307. Tribal self-governance feasibility study.
- Sec. 308. Establishment of Center for Indigenous Excellence.

1 **TITLE I—ELEMENTARY AND SEC-**  
 2 **ONDARY EDUCATION ACT OF**  
 3 **1965**

4 **Subtitle A—Improving the Aca-**  
 5 **demic Achievement of the Dis-**  
 6 **advantaged**

7 **SEC. 111. IMPROVING THE EDUCATION OF STUDENTS.**

8 Part A of title I of the Elementary and Secondary  
 9 Education Act of 1965 (20 U.S.C. 6301 et seq.) is amend-  
 10 ed—

11 (1) in section 1111—

12 (A) in subsection (a), by inserting “rep-  
 13 resentatives of Indian tribes located in the  
 14 State,” after “other staff,”;

1 (B) in subsection (b)(8), by striking  
2 “1112(c)(1)(D)” and inserting  
3 “1112(c)(1)(E)”;

4 (C) in subsection (c)—

5 (i) in paragraph (13), by striking  
6 “and”;

7 (ii) in paragraph (14), by striking the  
8 period at the end and inserting “; and”;  
9 and

10 (iii) by adding at the end the fol-  
11 lowing:

12 “(15) the State educational agency has engaged  
13 in timely and meaningful consultation with rep-  
14 resentatives of Indian tribes located in the State in  
15 the development of the State plan to serve local edu-  
16 cational agencies under the State’s jurisdiction, in  
17 order to—

18 “(A) improve the coordination of activities  
19 under this Act;

20 “(B) meet the purpose of this title; and

21 “(C) meet the unique cultural, language,  
22 and educational needs of Indian students.”; and

23 (D) in subsection (m), by adding at the  
24 end the following:

1           “(4) If such school has been approved, in ac-  
2 cordance with section 1116(g), for use of an alter-  
3 native definition of adequate yearly progress, the  
4 school may adopt an appropriate assessment that—

5                   “(A) is developed in consultation with, and  
6 with the approval of, the Secretary of the Inte-  
7 rior; and

8                   “(B) is consistent with the requirements of  
9 this section.”;

10           (2) in section 1112—

11                   (A) in subsection (b)(1)—

12                           (i) by redesignating subparagraphs  
13 (F) through (Q) as subparagraphs (G)  
14 through (R), respectively; and

15                           (ii) by inserting after subparagraph  
16 (E), the following:

17                   “(F) a description of the procedure that  
18 the local educational agency will use to engage  
19 in timely, ongoing, and meaningful consultation  
20 with representatives of Indian tribes located in  
21 the area served by the local education agency in  
22 the development of the local plan, in order to—

23                           “(i) improve the coordination of ac-  
24 tivities under this Act;

1 “(ii) meet the purpose of this title;

2 and

3 “(iii) meet the unique cultural, lan-  
4 guage, and educational needs of Indian  
5 students;”;

6 (B) in subsection (c)(1)—

7 (i) by redesignating subparagraphs  
8 (D) through (O) as subparagraphs (E)  
9 through (P), respectively; and

10 (ii) by inserting after subparagraph  
11 (C), the following:

12 “(D) engage in timely and meaningful con-  
13 sultation with representatives of Indian tribes  
14 located in the area served by the local education  
15 agency;” and

16 (C) in subsection (d)(1), by striking “and  
17 other appropriate school personnel,” and insert-  
18 ing “other appropriate school personnel, rep-  
19 resentatives of Indian tribes located in the area  
20 served by the local educational agency;”;

21 (3) in section 1115(b)(2)(A), by inserting “, In-  
22 dian children,” after “migrant children”;

23 (4) in section 1116—

24 (A) in subsection (b)(3)(A)—

1 (i) in the matter preceding clause (i),  
2 by inserting “representatives of Indian  
3 tribes located in the area served by the  
4 school,” after “school staff,”;

5 (ii) in clause (ix), by striking “and”  
6 after the semicolon;

7 (iii) in clause (x), by striking the pe-  
8 riod at the end; and

9 (iv) by adding at the end the fol-  
10 lowing:

11 “(xi) provide an assurance that, if the  
12 school receives funds described in title VII,  
13 the school will continue to direct such  
14 funds to the activities described in title  
15 VII.”;

16 (B) in subsection (c)(7)(A)—

17 (i) in the matter preceding clause (i),  
18 by inserting “representatives of Indian  
19 tribes located in the area served by the  
20 local education agency,” after “school  
21 staff,”;

22 (ii) in clause (vii), by striking “and”  
23 after the semicolon;

24 (iii) in clause (viii), by striking the pe-  
25 riod at the end and inserting “; and”; and

1 (iv) by adding at the end the fol-  
2 lowing:

3 “(ix) incorporate, as appropriate, ac-  
4 tivities that meet the unique cultural, lan-  
5 guage, and educational needs of Indian  
6 students eligible to be served under title  
7 VII of this Act.”;

8 (C) in subsection (g)(1)—

9 (i) in subparagraph (B)—

10 (I) by striking “The tribal gov-  
11 erning body or” and inserting “An In-  
12 dian tribe,”;

13 (II) by inserting “, or consortium  
14 of such entities” after “Bureau of In-  
15 dian Affairs”;

16 (III) by striking “body or school  
17 board” and inserting “Indian tribe,  
18 school board, or consortium of such  
19 entities”; and

20 (IV) by inserting “of the Inte-  
21 rior” after “such alternative definition  
22 unless the Secretary”;

23 (ii) in subparagraph (C), by striking  
24 “a tribal governing body or school board of  
25 a school funded by the Bureau of Indian



1           Affairs” and inserting “an Indian tribe,  
2           school board of a school funded by the Bu-  
3           reau of Indian Affairs, or consortium of  
4           such entities”; and

5           (iii) by adding at the end the fol-  
6           lowing:

7           “(D) DEEMED APPROVAL.—A proposed al-  
8           ternative definition of adequate yearly progress  
9           submitted pursuant to subparagraph (B) shall  
10          be deemed to be approved by the Secretary of  
11          the Interior unless the Secretary of the Interior  
12          issues the notification set forth in subparagraph  
13          (E) prior to the expiration of the 30-day period  
14          beginning on the date on which the Secretary of  
15          the Interior received the proposed alternative  
16          definition of adequate yearly progress.

17          “(E) NOTIFICATION.—If the Secretary of  
18          the Interior finds that the application is not in  
19          compliance, in whole or in part, with this sub-  
20          part, the Secretary of the Interior shall—

21                 “(i) notify the entity or entities de-  
22                 scribed in subparagraph (B) of the finding  
23                 of noncompliance and, in such notification,  
24                 shall—

1           “(I) cite the specific provisions in  
2           the application that are not in compli-  
3           ance;

4           “(II) provide an explanation of  
5           the basis of the non-compliance;

6           “(III) request additional informa-  
7           tion only as to the noncompliant pro-  
8           visions needed to make the proposal  
9           compliant;

10          “(IV) provide a description of the  
11          steps that the entity or entities need  
12          to take to make the application com-  
13          pliant; and

14          “(V) provide assistance to over-  
15          come the finding of noncompliance;  
16          and

17          “(ii) provide the entity or entities de-  
18          scribed in subparagraph (B) with the op-  
19          portunity for a hearing, which shall be  
20          completed not more than 60 days after  
21          such entity or entities receive the notice of  
22          opportunity for a hearing, or at such later  
23          date as agreed to by the submitting entity  
24          or entities.

1           “(F) RESPONSE.—If the entity or entities  
2 described in subparagraph (B) resubmit the ap-  
3 plication in an effort to overcome the finding of  
4 noncompliance not more than 30 days after the  
5 date the notification was received, the Secretary  
6 of the Interior shall approve or disapprove the  
7 resubmitted application not more than 30 days  
8 after the resubmitted application is received, or  
9 not more than 30 days after the conclusion of  
10 a hearing, whichever is later. If the Secretary of  
11 the Interior fails to approve or disapprove the  
12 resubmitted application within such time pe-  
13 riod, the resubmitted application shall be  
14 deemed approved.

15           “(G) RESUBMISSION RESPONSE.—If the  
16 Secretary of the Interior finds the resubmitted  
17 application described in subparagraph (F) to be  
18 in noncompliance, the Secretary of the Interior  
19 shall issue a final determination that—

20                   “(i) cites the specific provisions in the  
21 application that are not in compliance;

22                   “(ii) provides a detailed explanation of  
23 the basis for the finding of noncompliance  
24 for each provision found to be noncompli-  
25 ant; and

1                   “(iii) offers assistance to overcome the  
2                   finding of noncompliance.

3                   “(H) FAILURE TO RESPOND.—If the entity  
4                   or entities described in subparagraph (B) do  
5                   not respond to the notification of the Secretary  
6                   of the Interior described in subparagraph (E)  
7                   within a 30-day period after receipt of such no-  
8                   tification, the application shall be deemed to be  
9                   disapproved.”;

10                  (5) by inserting after section 1116 the fol-  
11                  lowing:

12       **“SEC. 1116A. INDIAN SCHOOL TURN AROUND PROGRAM.**

13                  “(a) PURPOSE.—The purpose of this section is to sig-  
14                  nificantly improve outcomes for Indian students in persist-  
15                  ently low-performing schools by—

16                       “(1) enabling Indian tribes or tribal education  
17                       agencies to turn around low-performing schools op-  
18                       erated by a local educational agency on Indian lands;

19                       “(2) building the capacity of tribes and tribal  
20                       education agencies to improve student academic  
21                       achievement in low-performing and persistently low-  
22                       performing schools; and

23                       “(3) supporting tribes and tribal education  
24                       agencies in implementing school intervention models.

25                  “(b) DEFINITIONS.—In this section:

1           “(1) INDIAN LANDS.—The term ‘Indian lands’  
2 has the meaning given the term in section 8013.

3           “(2) INDIAN SCHOOL.—The term ‘Indian  
4 school’ means any school located on Indian lands.

5           “(3) INDIAN TRIBE.—The term ‘Indian tribe’  
6 means any Indian tribe, band, nation, or other orga-  
7 nized group or community (including any Native vil-  
8 lage, Regional Corporation, or Village Corporation  
9 as defined in, or established pursuant to, the Alaska  
10 Native Claims Settlement Act), that is recognized as  
11 eligible for the special programs and services pro-  
12 vided by the United States to Indians because of  
13 their status as Indians.

14           “(4) TRIBAL EDUCATION AGENCY.—The term  
15 ‘tribal education agency’ means the authorized gov-  
16 ernmental agency of a federally recognized American  
17 Indian or Alaska Native tribe (as defined in section  
18 4 of the Indian Self-Determination and Education  
19 Assistance Act (25 U.S.C. 450b)) that is primarily  
20 responsible for regulating, administering, or super-  
21 vising the formal education of tribal members. A  
22 tribal education agency includes tribal education de-  
23 partments, tribal divisions of education, tribally  
24 sanctioned education authorities, tribal education

1 administrative planning and development agencies,  
2 and tribal administrative education entities.

3 “(c) IDENTIFICATION OF LOW-PERFORMING INDIAN  
4 SCHOOLS.—

5 “(1) IN GENERAL.—Each State that receives  
6 funds under this part shall annually identify any In-  
7 dian school operated by a local educational agency  
8 that—

9 “(A) is a school identified under section  
10 1116(b); and

11 “(B)(i) in the case of an Indian school that  
12 is an elementary school, is in the lowest 5 per-  
13 cent of the State’s public elementary schools;

14 “(ii) in the case of an Indian school that  
15 is a secondary school that does not award a  
16 high school diploma, is in the lowest 5 percent  
17 of the State’s public secondary schools that do  
18 not award a high school diploma; or

19 “(iii) in the case of an Indian school that  
20 is a secondary school that does award a high  
21 school diploma—

22 “(I) is in the bottom 5 percent of the  
23 State’s public secondary schools that  
24 award a high school diploma; or

1                   “(II) has a graduation rate below 60  
2                   percent.

3                   “(2) REPORT.—If a school is identified by a  
4                   State under paragraph (1), the State shall notify the  
5                   tribe on whose Indian lands any such school is lo-  
6                   cated that the school has been identified as a low-  
7                   performing school.

8                   “(d) GRANTS AUTHORIZED.—

9                   “(1) IN GENERAL.—The Secretary shall award  
10                  grants, on a competitive basis, to Indian tribes or  
11                  tribal education agencies to enable such tribes or  
12                  agencies to carry out the activities described in sub-  
13                  section (g).

14                  “(2) DURATION.—

15                  “(A) IN GENERAL.—A grant awarded  
16                  under this section shall be for a period of 4  
17                  years.

18                  “(B) RENEWAL.—The Secretary may  
19                  renew a grant under this section for an addi-  
20                  tional 4-year period if the Indian tribe or tribal  
21                  education agency demonstrates sufficient  
22                  progress, as defined by the State, on the core  
23                  academic indicators and leading indicators de-  
24                  scribed in subsection (h)(1)(B).

25                  “(e) APPLICATION.—

1           “(1) IN GENERAL.—Each Indian tribe or tribal  
2 education agency that desires to receive a grant  
3 under this section shall submit an application to the  
4 Secretary at such time, in such manner, and con-  
5 taining such information as the Secretary may rea-  
6 sonably require. At a minimum, each application  
7 shall include—

8           “(A) an analysis of the school described  
9 under subsection (c)(1) that the Indian tribe or  
10 tribal education agency proposes to serve, and  
11 an appropriate intervention model for such  
12 school;

13           “(B) a budget, which shall demonstrate  
14 sufficient funds to implement fully and effec-  
15 tively the selected intervention model; and

16           “(C) a description of how the Indian tribe  
17 or tribal education agency will—

18           “(i) help develop a pipeline of teachers  
19 and leaders for the school;

20           “(ii) collect and report data;

21           “(iii) support effective extended learn-  
22 ing time strategies; and

23           “(iv) build capacity in the tribe or  
24 tribal education agency for assisting  
25 schools described under subsection (c)(1).



1           “(2) ADDITIONAL APPLICATION REQUIREMENTS  
2 IF SUBGRANTS ARE AWARDED.—If an Indian tribe  
3 or tribal education agency proposes to issue sub-  
4 grants, as described under subsection (g)(3), such  
5 tribe or agency shall include in the application, in  
6 addition to the requirements described under para-  
7 graph (1), the following:

8           “(A) A copy of the application form and  
9 instructions that the Indian tribe or tribal edu-  
10 cation agency will provide to potential recipients  
11 of subgrants.

12           “(B) A description of how the Indian tribe  
13 or tribal education agency will set priorities for  
14 awarding subgrants.

15           “(C) A description of how the Indian tribe  
16 or tribal education agency will monitor each en-  
17 tity that is awarded a subgrant.

18           “(f) STATE EDUCATIONAL AGENCY AND LOCAL EDU-  
19 CATION AGENCY RESPONSIBILITIES.—

20           “(1) IN GENERAL.—If an Indian tribe or tribal  
21 education agency receives a grant under this section  
22 for an Indian school that has been identified under  
23 subsection (c)(1), the Secretary shall notify the  
24 State in which the school is located, and the State

1 educational agency and the local educational agency  
2 that serve such school shall—

3 “(A) maintain funding for the school at  
4 not less than the amount supplied in the aca-  
5 demic year immediately preceding the academic  
6 year for which the grant under this section ap-  
7 plies;

8 “(B) at the request of the Indian tribe or  
9 tribal education agency, enter into a cooperative  
10 agreement to authorize the Indian tribe or trib-  
11 al education agency to plan, conduct, consoli-  
12 date, and administer programs, services, func-  
13 tions, and activities, or portions thereof, admin-  
14 istered by the State educational agency or the  
15 local educational agency on behalf of the school;  
16 and

17 “(C) authorize the Indian tribe or tribal  
18 education agency to reallocate funds for such  
19 programs, services, functions, and activities, or  
20 portions thereof, as necessary.

21 “(2) MAINTENANCE OF EFFORT REQUIRE-  
22 MENT.—If the maintenance of effort requirement de-  
23 scribed in paragraph (1)(A) is not met, the Sec-  
24 retary may withhold funding under title I from the  
25 State until such requirement is met.

1           “(3) DISAGREEMENT.—If an Indian tribe or  
2           tribal education agency and the State educational  
3           agency or local educational agency cannot reach an  
4           agreement, the tribe or tribal education agency may  
5           submit to the Secretary information that such tribe  
6           or agency deems relevant, and the Secretary may  
7           make a determination on the disputed issue.

8           “(g) USE OF FUNDS.—

9           “(1) SCHOOL INTERVENTION MODEL.—

10           “(A) IN GENERAL.—An Indian tribe or  
11           tribal education agency that receives a grant  
12           under this section shall use not less than 90  
13           percent of the grant funds to implement a  
14           school intervention model described in sub-  
15           section (i), either directly or through a turn  
16           around partner that is awarded a subgrant, in  
17           a school identified under subsection (c)(1).

18           “(B) USE OF FUNDS FOR COMPREHENSIVE  
19           SERVICES.—The Indian tribe or tribal edu-  
20           cation agency, in implementing any of the  
21           school intervention models described in sub-  
22           section (i) in any school served under the  
23           grant—

24                   “(i) shall identify and address issues  
25                   that may contribute to low academic

1 achievement in the schools identified under  
2 subsection (c)(1); and

3 “(ii) may use funds under this section  
4 to provide comprehensive services to ad-  
5 dress the issues described in subparagraph  
6 (A) and meet the full range of student  
7 needs.

8 “(2) SUBGRANTS.—An Indian tribe or tribal  
9 education agency that receives a grant under this  
10 section may award subgrants.

11 “(3) TRIBE OR TRIBAL EDUCATION AGENCY AC-  
12 TIVITIES.—If an Indian tribe or tribal education  
13 agency that receives a grant under this section does  
14 not use all of the grant funds to carry out the activi-  
15 ties described in paragraphs (1) through (3) in each  
16 school to be served under the grant, such tribe or  
17 tribal education agency shall use any remaining  
18 funds to—

19 “(A) provide technical assistance and other  
20 support, either directly or through the creation  
21 of a school turn around office or a turn around  
22 partner, to schools identified under subsection  
23 (c)(1), which may include—

24 “(i) the use of school quality review  
25 teams; or

1                   “(ii) regular site visits to monitor the  
2                   implementation of selected intervention  
3                   models;

4                   “(B) evaluate Indian tribe or tribal edu-  
5                   cation agency implementation of school inter-  
6                   vention models and other improvement activi-  
7                   ties;

8                   “(C) use the results of the evaluations de-  
9                   scribed in subparagraph (B) to improve Indian  
10                  tribe or tribal education agency strategies for  
11                  supporting, and providing flexibility for, tar-  
12                  geted schools that are identified under sub-  
13                  section (c)(1);

14                  “(D) develop pipelines of teachers and  
15                  leaders that are trained to work in schools that  
16                  are low-performing schools, such as the schools  
17                  identified in subsection (c)(1);

18                  “(E) collect and report data;

19                  “(F) build capacity in the Indian tribe or  
20                  tribal education agency for assisting schools  
21                  identified under subsection (c)(1); or

22                  “(G) carry out other activities designed to  
23                  build Indian tribe or tribal education agency ca-  
24                  pacity to support school improvement.

25                  “(h) DATA COLLECTION AND REPORTING.—

1           “(1) IN GENERAL.—Each Indian tribe or tribal  
2 education agency receiving a grant under this sec-  
3 tion shall—

4                   “(A) comply with the reporting and ac-  
5 countability requirements of this part for each  
6 school that such Indian tribe or tribal education  
7 agency serves; and

8                   “(B) monitor and collect data about the  
9 students that such Indian tribe or tribal edu-  
10 cation agency serves at each school that is  
11 served by the grant program, including the fol-  
12 lowing data:

13                           “(i) Core academic indicators, such  
14 as—

15                                   “(I) the percentage of students  
16 at each school who are at or above the  
17 proficient level on State academic as-  
18 sessments in reading or language arts  
19 and mathematics;

20                                   “(II) student progress toward  
21 core academic benchmarks;

22                                   “(III) the average score for stu-  
23 dents in each school on State aca-  
24 demic assessments in reading or lan-  
25 guage arts and mathematics;

1           “(IV) secondary school gradua-  
2           tion rates; and

3           “(V) rates of student enrollment  
4           in an institution of higher education.

5           “(ii) Leading indicators, such as—

6           “(I) student attendance rates;

7           “(II) the number and percentage  
8           of students completing advanced  
9           coursework;

10          “(III) student participation in  
11          State assessments in reading or lan-  
12          guage arts and mathematics under  
13          section 1111(b)(3);

14          “(IV) school dropout rates;

15          “(V) discipline incident rates;

16          “(VI) teacher attendance rates;

17          “(VII) the distribution of teach-  
18          ers by performance level, based on the  
19          teacher evaluation system established  
20          by the Indian tribe or tribal education  
21          agency; and

22          “(VIII) reduction in the percent-  
23          age of students in the lowest level of  
24          achievement on State assessments in

1 reading or language arts and mathe-  
2 matics under section 1111.

3 “(2) REPORT.—Each Indian tribe or tribal edu-  
4 cation agency receiving a grant under this section  
5 shall prepare and submit a report to the Secretary,  
6 which shall include the data described in paragraph  
7 (1)(B).

8 “(i) SCHOOL INTERVENTION MODELS.—Each tribe  
9 or tribal education agency that receives a grant under this  
10 section may choose to implement 1 or more of the fol-  
11 lowing school intervention models:

12 “(1) TRANSFORMATION MODEL.—A trans-  
13 formation model is a school intervention model in  
14 which the Indian tribe or tribal education agency—

15 “(A) replaces a principal (if such principal  
16 has led the school for 2 or more years) with a  
17 new principal who has demonstrated effective-  
18 ness in turning around a low-performing school;

19 “(B) uses rigorous, transparent, and equi-  
20 table evaluation systems to—

21 “(i) identify and reward school lead-  
22 ers, teachers, and other staff who, in im-  
23 plementing the model, increase student  
24 achievement and, if applicable, secondary  
25 school graduation rates; and



1           “(ii) identify and remove school lead-  
2           ers, teachers, and other staff who, after  
3           ample opportunities have been provided for  
4           such individuals to improve their profes-  
5           sional practice—

6                       “(I) do not increase student  
7                       achievement;

8                       “(II) if applicable, do not in-  
9                       crease secondary school graduation  
10                      rates; and

11                     “(III) have not demonstrated ef-  
12                     fectiveness according to the tribe or  
13                     tribal education agency’s evaluation  
14                     system;

15                     “(C) provides staff with ongoing, high-  
16                     quality, job-embedded professional development  
17                     that—

18                       “(i) is aligned with the school’s in-  
19                       struction program and evaluation system;

20                       “(ii) facilitates effective teaching and  
21                       learning; and

22                       “(iii) supports the implementation of  
23                       school-reform strategies;

24                     “(D) implements strategies (such as finan-  
25                     cial incentives, increased opportunities for pro-

1 motion and career growth, and more flexible  
2 work conditions) that are designed to recruit,  
3 place, and retain staff who have the skills nec-  
4 essary to meet the needs of students in the  
5 school;

6 “(E) uses data to identify and implement  
7 a research-based instruction program that—

8 “(i) is aligned with State or tribal  
9 challenging academic content standards  
10 and challenging student academic achieve-  
11 ment standards under section 1111(b); and

12 “(ii) has been proven to raise student  
13 academic achievement by not less than 10  
14 percent in 1 year;

15 “(F) establishes schedules and strategies  
16 that provide increased learning time (which  
17 may include offering full-day kindergarten or a  
18 high-quality preschool program or using a  
19 longer school day, week, or year that increases  
20 the total number of hours at school for the  
21 school year by not fewer than 300 hours) in  
22 order to significantly increase the total number  
23 of school hours to include time for—

24 “(i) instruction core subjects, such as  
25 English, reading or language arts, mathe-

1           matics, science, foreign language (which  
2           may include a Native American language),  
3           civics and government, economics, arts,  
4           history, and geography;

5           “(ii) instruction in traditional and cul-  
6           tural programs;

7           “(iii) instruction in other subjects;  
8           and

9           “(iv) enrichment activities, such as  
10          physical education, service learning, and  
11          experiential work-based opportunities;

12          “(G) promotes the continuous use of stu-  
13          dent data to provide instruction that meets the  
14          academic needs of individual students, which  
15          may include, in elementary school, individual  
16          students’ levels of school readiness;

17          “(H) provides ongoing mechanisms for  
18          family, community, and tribal involvement;

19          “(I) ensures that the school receives ongo-  
20          ing, intensive technical assistance and related  
21          support from the tribe or tribal education agen-  
22          cy; and

23          “(J) provides appropriate social-emotional  
24          and community-oriented support services for  
25          students, and at the discretion of the tribe or

1 tribal education agency, uses not more than 10  
2 percent of the total grant funds for such serv-  
3 ices.

4 “(2) RESTART MODEL.—A restart model is a  
5 school intervention model in which the Indian tribe  
6 or tribal education agency—

7 “(A) converts a school—

8 “(i) under a charter or school oper-  
9 ator and charter management organiza-  
10 tion;

11 “(ii) under an education management  
12 organization; or

13 “(iii) as an autonomous or redesigned  
14 school;

15 “(B) implements a rigorous review process  
16 to select such a charter or school operator and  
17 charter management organization, or an edu-  
18 cation management organization, as applicable,  
19 which includes an assurance that such operator  
20 or organization will make significant changes in  
21 the leadership and staffing of the school; and

22 “(C) enrolls in the school any former stu-  
23 dent who wishes to attend the school and who  
24 is within the grades the school services.

1           “(3) TURNAROUND MODEL.—A turnaround  
2 model is a school intervention model in which the In-  
3 dian tribe or tribal education agency—

4           “(A) replaces a principal (if such principal  
5 has led the school for 2 or more years) with a  
6 new principal who has demonstrated effective-  
7 ness in turning around a low-performing school;

8           “(B) gives a new principal sufficient oper-  
9 ational flexibility (including flexibility in staff-  
10 ing, the school day and school calendar, and  
11 budgeting) to fully implement a comprehensive  
12 approach to improve student outcomes;

13           “(C) uses a comprehensive evaluation sys-  
14 tem to evaluate staff, including the use of stu-  
15 dent achievement data to measure the effective-  
16 ness of staff;

17           “(D) screens all staff who are employed at  
18 the school as of the time when the turnaround  
19 model is implemented and retains not more  
20 than 50 percent of such staff;

21           “(E) requires the principal to justify per-  
22 sonnel decisions (such as hiring, dismissal, and  
23 rewards) based on the results of the comprehen-  
24 sive evaluation system;

1           “(F) provides staff with ongoing, high-  
2           quality, job-embedded professional development  
3           that—

4                   “(i) is aligned with the school’s in-  
5                   struction program and evaluation system;

6                   “(ii) facilitates effective teaching and  
7                   learning; and

8                   “(iii) supports the implementation of  
9                   school-reform strategies;

10          “(G) uses data to—

11                   “(i) identify and implement a re-  
12                   search-based instructional program;

13                   “(ii) evaluate school improvement  
14                   strategies; and

15                   “(iii) inform differentiated instruction,  
16                   in order to meet the academic needs of in-  
17                   dividual students;

18          “(H) encourages the use of extended learn-  
19          ing time partnerships;

20          “(I) establishes schedules and strategies  
21          that provide increased learning time (which  
22          may include offering full-day kindergarten or a  
23          high-quality preschool program or using a  
24          longer school day, week, or year that increases  
25          the total number of hours at school for the

1 school year by not fewer than 300 hours) in  
2 order to significantly increase the total number  
3 of school hours to include time for—

4 “(i) instruction core subjects, such as  
5 English, reading or language arts, mathe-  
6 matics, science, foreign language (which  
7 may include a Native American language),  
8 civics and government, economics, arts,  
9 history, and geography;

10 “(ii) instruction in traditional and cul-  
11 tural programs;

12 “(iii) instruction in other subjects;

13 “(iv) enrichment activities, such as  
14 physical education, service learning, and  
15 experiential work-based opportunities; or

16 “(v) teachers to collaborate, plan, and  
17 engage in professional development within  
18 and across grades and subjects;

19 “(J) provides ongoing mechanisms for  
20 family, community, and tribal involvement; and

21 “(K) provides appropriate social and emo-  
22 tional community-oriented support services for  
23 students.

24 “(j) INSUFFICIENT PROGRESS.—If an Indian tribe or  
25 tribal education agency fails to demonstrate sufficient

1 progress, as defined by the State, on the core academic  
2 indicators and leading indicators described in subsection  
3 (h)(1)(B), such tribe or agency shall be required to—

4 “(1) modify the existing school intervention  
5 model; or

6 “(2) restart the school using the restart model  
7 described in subsection (i)(2).

8 “(k) RESERVATION OF FUNDS.—From the amount  
9 appropriated each fiscal year for grants to State edu-  
10 cational agencies and local educational agencies for school  
11 improvement actions under this part, the Secretary shall  
12 reserve not less than 10 percent of such amount for grants  
13 under this section.”; and

14 (6) in section 1118—

15 (A) in subsection (a)(2)—

16 (i) in subparagraph (E) by striking  
17 “and” after the semicolon;

18 (ii) by redesignating subparagraph  
19 (F) as subparagraph (G); and

20 (iii) by inserting after subparagraph  
21 (E) the following:

22 “(F) with respect to an agency that serves  
23 Indian children, identify the barriers to effective  
24 involvement of the parents of such children;  
25 and”; and



1 (B) in subsection (e)—

2 (i) by redesignating paragraphs (6)  
3 through (14) as paragraphs (7) through  
4 (15), respectively; and

5 (ii) by inserting after paragraph (5),  
6 the following:

7 “(6) in consultation with Indian tribes and par-  
8 ents of Indian children who are served by any school  
9 that is served by the agency, shall establish mecha-  
10 nisms to overcome barriers to effective Indian paren-  
11 tal involvement, which may include—

12 “(A) providing literacy programs and use  
13 of technology training, as needed, for such par-  
14 ents at locations accessible to the homes of such  
15 parents;

16 “(B) providing or paying the reasonable  
17 costs of transportation and child care to enable  
18 such parents to participate in literacy pro-  
19 grams, use of technology training, and school-  
20 related meetings;

21 “(C) providing training regarding the  
22 roles, rights and responsibilities of such par-  
23 ents, including information about culture-based  
24 education; and

1           “(D) contracting with an Indian tribe or  
2           tribal education agency to provide the services  
3           described in subparagraphs (A), (B) and (C);”.

4 **SEC. 112. STANDARDS-BASED ASSESSMENTS.**

5           Section 1111(b)(3) of the Elementary and Secondary  
6 Education Act of 1965 (20 U.S.C. 6311(b)(3)) is amended  
7 by adding at the end the following:

8           “(E) STANDARDS-BASED EDUCATION AS-  
9           SESSMENTS.—Notwithstanding any other provi-  
10          sion of this Act, a State shall develop stand-  
11          ards-based education assessments and class-  
12          room lessons to accommodate diverse learning  
13          styles, which assessments may be used by the  
14          State in place of the general assessments de-  
15          scribed in subparagraph (A).”.

16 **SEC. 113. NATIVE LANGUAGE TEACHING.**

17          Section 1119 of the Elementary and Secondary Edu-  
18 cation Act of 1965 (20 U.S.C. 6319) is amended by add-  
19 ing at the end the following:

20          “(m) QUALIFICATIONS FOR NATIVE LANGUAGE  
21 TEACHERS.—

22               “(1) IN GENERAL.—Notwithstanding any other  
23          provision of law, the requirements of subsection (a)  
24          on local educational agencies and States with respect

1 to highly qualified teachers, shall not apply to a  
2 teacher of a Native language.

3 “(2) ALTERNATIVE LICENSURE OR CERTIFI-  
4 CATION.—Each State educational agency receiving  
5 assistance under this part shall develop an alter-  
6 native licensure or certification for teachers of a Na-  
7 tive language.”.

8 **SEC. 114. PREVENTION AND INTERVENTION PROGRAMS**  
9 **FOR CHILDREN AND YOUTH WHO ARE NE-**  
10 **GLECTED, DELINQUENT, OR AT-RISK.**

11 Part D of title I of the Elementary and Secondary  
12 Education Act of 1965 (20 U.S.C. 6421 et seq.) is amend-  
13 ed—

14 (1) in section 1401—

15 (A) in subsection (a)(3), by inserting “and  
16 the involvement of their families and their com-  
17 munities.” after “their continued education”;  
18 and

19 (B) in subsection (b), by inserting “subject  
20 to section 1402(c),” after “section 1002(d)”;

21 (2) in section 1402, by adding at the end the  
22 following:

23 “(c) RESERVATION FOR THE SECRETARY OF THE IN-  
24 TERIOR.—From the amount appropriated for this part for  
25 any fiscal year, the Secretary shall reserve 4 percent of

1 such funds for the Secretary of the Interior to provide edu-  
2 cational services for at-risk Indian children, including In-  
3 dian youth in correctional facilities operated by the Sec-  
4 retary of the Interior or by an Indian tribe.”;

5 (3) in section 1414(c)—

6 (A) in paragraph (9), by inserting “, In-  
7 dian tribes, tribal education agencies,” after  
8 “local educational agencies”;

9 (B) by redesignating paragraphs (12)  
10 through (19) as paragraphs (13) through (20),  
11 respectively;

12 (C) by inserting after paragraph (11), the  
13 following:

14 “(12) describe the procedure that the State  
15 agency will use to consult, on an ongoing basis, with  
16 Indian tribes in the State to determine the needs of  
17 Indian children and youth who are neglected, delin-  
18 quent, or at-risk, including such children and youth  
19 in a correctional facility or institution;”;

20 (D) in paragraph (19), as redesignated by  
21 subparagraph (B), by striking “and” after the  
22 semicolon;

23 (E) in paragraph (20), as redesignated by  
24 subparagraph (B), by striking the period at the  
25 end and inserting “; and”; and

1 (F) by adding at the end the following:

2 “(21) provides an assurance that the program  
3 under this subpart will utilize curriculum that is cul-  
4 turally appropriate, based on the demographics of  
5 the neglected or delinquent children and youth  
6 served by such program.”;

7 (4) in section 1416—

8 (A) in paragraph (7), by striking “and”  
9 after the semicolon;

10 (B) in paragraph (8), by striking the pe-  
11 riod at the end and inserting “; and”; and

12 (C) by adding at the end the following:

13 “(9) includes an assurance that the State agen-  
14 cy has consulted with Indian tribes in the State in  
15 the development of the comprehensive plan under  
16 this part.”;

17 (5) in section 1418—

18 (A) by striking paragraph (1) of subsection  
19 (a) and inserting the following:

20 “(1) projects that facilitate the transition of  
21 children and youth from State-operated institutions,  
22 or institutions in the State operated by the Sec-  
23 retary of the Interior or Indian tribes, to schools  
24 served by local educational agencies or to schools  
25 funded by the Bureau of Indian Education; or”;

1 (B) in subsection (b), by inserting “Indian  
2 tribes,” after local educational agencies;

3 (C) by redesignating subsection (c) as sub-  
4 section (d); and

5 (D) by inserting after subsection (b) the  
6 following:

7 “(c) CONSULTATION WITH INDIAN TRIBES.—The  
8 State agency shall consult with Indian tribes in the State  
9 in the development of transition projects, and coordinate  
10 such State projects with transition and reentry projects  
11 operated by such tribes.”;

12 (6) in section 1419(2), by inserting “and Indian  
13 tribal programs” after “State agency programs”;

14 (7) in section 1421—

15 (A) in the matter preceding paragraph (1),  
16 by inserting “, including correctional facilities  
17 in the State operated by the Secretary of the  
18 Interior or Indian tribes” after “locally oper-  
19 ated correctional facilities”; and

20 (B) in paragraph (3), by inserting “, in-  
21 cluding schools funded by the Bureau of Indian  
22 Education,” after “local schools”;

23 (8) in section 1422—

24 (A) in subsection (a), by striking “(includ-  
25 ing facilities involved in community day pro-

1           grams).” and inserting “(including facilities in-  
2           volved in community day programs and facili-  
3           ties in the State that are operated by the Sec-  
4           retary of the Interior or Indian tribes).”; and

5           (B) in subsection (d), by inserting “,  
6           schools funded by the Bureau of Indian Edu-  
7           cation,” after “returning to local educational  
8           agencies”;

9           (9) in section 1423—

10           (A) in paragraph (2)—

11           (i) in subsection (A), by inserting  
12           “and, as appropriate, an Indian tribe in  
13           the State” after “program to be assisted”;  
14           and

15           (ii) in subsection (B), by inserting “,  
16           including such facilities operated by the  
17           Secretary of the Interior and Indian  
18           tribes” after “juvenile justice system”;

19           (B) by redesignating paragraphs (4)  
20           through (13) as paragraphs (5) through (14),  
21           respectively;

22           (C) by inserting after paragraph (3) the  
23           following:

24           “(4) a description of the process for consulta-  
25           tion and coordination with Indian tribes in the State

1 regarding services provided under the program to  
2 Indian children and youth;”;

3 (D) in paragraph (13), as redesignated by  
4 subparagraph (B), by striking “and” after the  
5 semicolon;

6 (E) in paragraph (14), as redesignated by  
7 subparagraph (B), by striking the period at the  
8 end and inserting “; and”; and

9 (F) by adding at the end the following:

10 “(15) a description of the demographics of the  
11 children and youth served and an assurance that the  
12 curricula and co-curricular activities will be cul-  
13 turally appropriate for such children and youth.”;

14 (10) in section 1424 (20 U.S.C. 6454)—

15 (A) in paragraph (4), by striking “and”  
16 after the semicolon;

17 (B) in paragraph (5), by striking the pe-  
18 riod at the end and inserting “; and”; and

19 (C) by adding at the end the following:

20 “(6) programs for at-risk Indian children and  
21 youth, including such individuals in correctional fa-  
22 cilities in the area served by the local educational  
23 agency that are operated by the Secretary of the In-  
24 terior or Indian tribes.”;

25 (11) by redesignating subpart 3 as subpart 4;



1 (12) by redesignating sections 1431 and 1432  
2 as sections 1441 and 1442, respectively;

3 (13) by inserting after subpart 2 the following:

4 **“Subpart 3—Education Programs for Indian Children**  
5 **and Youth**

6 **“SEC. 1432. GRANTS TO INDIAN TRIBES.**

7 “(a) PURPOSE.—The purpose of this section is to au-  
8 thorize an educational program to be known as the ‘Indian  
9 Children and Youth At-Risk Education Program’, which  
10 shall—

11 “(1) carry out high-quality and culturally ap-  
12 propriate education programs to prepare Indian chil-  
13 dren and youth who are in correctional facilities (or  
14 enrolled in community day programs for neglected or  
15 delinquent children and youth) operated by the Sec-  
16 retary of the Interior or Indian tribes for secondary  
17 school completion, training, employment, or further  
18 education; and

19 “(2) to provide activities to facilitate the transi-  
20 tion of such children and youth from the correctional  
21 program to further education or employment.

22 “(b) GRANTS AUTHORIZED.—

23 “(1) IN GENERAL.—From the amount reserved  
24 for the Secretary of the Interior under section  
25 1402(e), and subject to paragraph (2), the Secretary

1 of the Interior shall award grants, on a competitive  
2 basis, to Indian tribes with high numbers or percent-  
3 ages of children and youth in juvenile detention fa-  
4 cilities that are operated by the Secretary of the In-  
5 terior or Indian tribes in order to enable such Indian  
6 tribes to carry out the activities described in section  
7 1434.

8 “(2) CONTRACT IN LIEU OF GRANT.—At the re-  
9 quest of an Indian tribe, the Secretary of the Inte-  
10 rior shall enter into a contract under the Indian  
11 Self-Determination and Education Assistance Act  
12 for operation of a program under this subpart in lieu  
13 of making a grant to such tribe.

14 “(3) NOTIFICATION.—The Secretary of the In-  
15 terior shall notify Indian tribes of the availability of  
16 funding under this subpart.

17 “(c) TRIBAL APPLICATIONS.—Each Indian tribe de-  
18 siring to receive a grant under this subpart shall submit  
19 an application to the Secretary of the Interior at such  
20 time, in such manner, and accompanied by such informa-  
21 tion as the Secretary of the Interior may require. Each  
22 such application shall include the following:

23 “(1) A description of the program that will be  
24 assisted with grant funds under this subpart.

1           “(2) A description of any formal agreements re-  
2           garding the program, between the Indian tribe and,  
3           as appropriate—

4                   “(A) 1 or more local educational agencies;

5                   “(B) 1 or more schools funded by the Bu-  
6           reau of Indian Education;

7                   “(C) correctional facilities operated by the  
8           Secretary of the Interior or Indian tribes;

9                   “(D) alternative school programs serving  
10          Indian children and youth who are involved  
11          with the juvenile justice system; or

12                  “(E) tribal, State, private, or public orga-  
13          nizations or corporations providing education,  
14          skill-building, or reentry services.

15           “(3) As appropriate, a description of how par-  
16          ticipating entities will coordinate with facilities work-  
17          ing with delinquent Indian children and youth to en-  
18          sure that such children and youth are participating  
19          in an education program comparable to the edu-  
20          cation program in the local school that such youth  
21          would otherwise attend.

22           “(4) A description of how the program will de-  
23          velop culturally appropriate academic curricula and  
24          co-curricular activities to supplement the educational

1 program provided by a facility working with delin-  
2 quent Indian children and youth.

3 “(5) A description of the program that the In-  
4 dian tribe will carry out for Indian children and  
5 youth returning from correctional facilities.

6 “(6) As appropriate, a description of the types  
7 of services that such tribe will provide for such chil-  
8 dren and youth and other at-risk children and youth,  
9 either directly or in cooperation with local edu-  
10 cational agencies and schools funded by the Bureau  
11 of Indian Education.

12 “(7) A description of the characteristics (includ-  
13 ing learning difficulties, substance abuse problems,  
14 and other special needs) of the Indian children and  
15 youth who will be returning from correctional facili-  
16 ties and, as appropriate, other at-risk Indian chil-  
17 dren and youth expected to be served by the pro-  
18 gram.

19 “(8) A description of how the tribe will coordi-  
20 nate the program with existing educational programs  
21 of local educational agencies and schools funded by  
22 the Bureau of Indian Education to meet the unique  
23 educational needs of Indian children and youth who  
24 will be returning from correctional facilities and, as

1 appropriate, other at-risk Indian children and youth  
2 expected to be served by the program.

3 “(9) As appropriate, a description of how the  
4 program will coordinate with existing social, health,  
5 and other services to meet the needs of students re-  
6 turning from correctional facilities, including—

7 “(A) prenatal health care;

8 “(B) nutrition;

9 “(C) mental health and substance abuse  
10 services;

11 “(D) targeted reentry and outreach pro-  
12 grams; and

13 “(E) referrals to community resources re-  
14 lated to the health of the child or youth.

15 “(10) A description of partnerships with tribal,  
16 State, private or public organizations, or corpora-  
17 tions to develop vocational training, curriculum-  
18 based youth entrepreneurship education, and men-  
19 toring services for participating students.

20 “(11) As appropriate, a description of how the  
21 program will involve parents in efforts to—

22 “(A) improve the educational achievement  
23 of their children;

24 “(B) assist in dropout prevention activities;  
25 and

1           “(C) prevent the involvement of their chil-  
2           dren in delinquent activities.

3           “(12) A description of how the program under  
4           this subpart will be coordinated with other Federal,  
5           State, tribal, and local programs, such as programs  
6           under title I of Public Law 105–220 and vocational  
7           and technical education programs serving at-risk  
8           children and youth.

9           “(13) A description of how the program will be  
10          coordinated with programs operated under the Juve-  
11          nile Justice and Delinquency Prevent Act of 1974  
12          and other comparable programs, if applicable.

13          “(14) A description of the efforts participating  
14          schools will make to ensure that correctional facili-  
15          ties working with children and youth are aware of  
16          any existing individualized education programs for  
17          such children or youth.

18          “(15) As appropriate, a description of the steps  
19          participating schools will take to find alternative  
20          placements for children and youth who are inter-  
21          ested in continuing their education but unable to  
22          participate in a regular school program.

23          “(16) As appropriate, a description of how the  
24          program under this subpart will be coordinated with

1 other Federal, State, tribal, and local programs serv-  
2 ing at-risk children and youth.

3 “(17) As appropriate, a description of how the  
4 program will coordinate with probation officers to  
5 assist in meeting the needs of children and youth re-  
6 turning from correctional facilities.

7 “(d) USES OF FUNDS.—Funds provided to Indian  
8 tribes under this subpart may be used for the purposes  
9 described in section 1424.

10 “(e) PROGRAM REQUIREMENTS FOR CORRECTIONAL  
11 FACILITIES RECEIVING FUNDS UNDER THIS SUBPART.—  
12 Each correctional facility entering into an agreement with  
13 an Indian tribe under section 1432(2) to provide services  
14 to Indian children and youth under this subpart shall—

15 “(1) if feasible, ensure that educational pro-  
16 grams in the correctional facility are coordinated  
17 with the student’s home school, particularly in the  
18 case of a student with an individualized education  
19 program under part B of the Individuals with Dis-  
20 abilities Education Act;

21 “(2) if a child or youth is identified as in need  
22 of special education services while in the correctional  
23 facility, notify such child’s local school;

24 “(3) provide transition assistance to help the  
25 child or youth stay in school, including coordination

1 of services for the family, counseling, assistance in  
2 accessing drug and alcohol abuse prevention pro-  
3 grams, tutoring, and family counseling;

4 “(4) provide support programs that encourage  
5 children and youth who have dropped out of school  
6 to reenter school once their term at the correctional  
7 facility has been completed, or provide such children  
8 and youth with the skills necessary to gain employ-  
9 ment or seek a secondary school diploma or its rec-  
10 ognized equivalent;

11 “(5) work to ensure that the correctional facil-  
12 ity is staffed with teachers and other qualified staff  
13 who are trained to work with children and youth  
14 with disabilities, taking into consideration the unique  
15 needs of such children and youth;

16 “(6) ensure that education programs in the cor-  
17 rectional facility aim to help students meet high aca-  
18 demic achievement standards;

19 “(7) to the extent possible, use technology to  
20 assist in coordinating educational programs between  
21 the correctional facility and participating program  
22 partners;

23 “(8) where feasible, involve parents in efforts to  
24 improve the educational achievement of their chil-



1       dren and prevent the further involvement of such  
2       children in delinquent activities;

3           “(9) coordinate funds received under this sub-  
4       part with other local, State, tribal, and Federal  
5       funds available to provide services to participating  
6       children and youth, such as funds made available  
7       under title I of Public Law 105–220, and vocational  
8       and technical education funds;

9           “(10) coordinate programs operated under this  
10       subpart with activities funded under the Juvenile  
11       Justice and Delinquency Prevention Act of 1974 and  
12       other comparable programs, if applicable; and

13           “(11) work with local partners to develop train-  
14       ing, curriculum-based youth entrepreneurship edu-  
15       cation, and mentoring programs for children and  
16       youth.

17       “(f) TECHNICAL ASSISTANCE.—At the request of an  
18       Indian tribe that receives assistance under this subpart,  
19       the Secretary of the Interior may, to the extent resources  
20       are available, provide technical assistance—

21           “(1) to improve the performance of a program  
22       funded under this subpart;

23           “(2) to recruit and retain qualified educational  
24       professionals to assist in the delivery of services  
25       under such program; and

1           “(3) to perform the program evaluations re-  
2           quired by section 1441.

3 **“SEC. 1433. EDUCATIONAL ALTERNATIVES TO DETENTION.**

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

5           “(1) to decrease the number of incarcerated In-  
6           dian children and youth;

7           “(2) to decrease the rate of high school drop-  
8           outs among Indian youth;

9           “(3) to provide educational alternatives to in-  
10          carceration for at-risk Indian children and youth;  
11          and

12          “(4) to increase community and family involve-  
13          ment in the education of at-risk Indian children and  
14          youth.

15          “(b) ELIGIBLE ENTITIES.—In this section, the term  
16          ‘eligible entity’ means—

17          “(1) an Indian tribe, tribal education agency, or  
18          tribal organization;

19          “(2) a Bureau-funded school, as defined in sec-  
20          tion 1141 of the Education Amendments of 1978  
21          (25 U.S.C. 2021);

22          “(3) a correctional facility, in consortium with  
23          a tribe, tribal education agency, or tribal organiza-  
24          tion; or

1           “(4) a State educational agency or local edu-  
2           cational agency in consortium with a tribe, tribal  
3           education agency or tribal organization, as defined  
4           in section 4 of the Indian Self-Determination and  
5           Education Assistance Act (25 U.S.C. 450b).

6           “(c) PROGRAM AUTHORIZED.—

7           “(1) IN GENERAL.—Subject to paragraph (2),  
8           the Secretary is authorized to award grants to eligi-  
9           ble entities having applications approved under this  
10          section to enable such entities to carry out the ac-  
11          tivities described in subsection (d).

12          “(2) CONTRACTS.—At the request of an Indian  
13          tribe, the Secretary shall transfer program funding  
14          to the Secretary of the Interior, who shall enter into  
15          a contract under the Indian Self-Determination and  
16          Education Assistance Act with the tribe for oper-  
17          ation of a program under this section in lieu of mak-  
18          ing a grant to such tribe.

19          “(3) DURATION.—Grants awarded under this  
20          section shall be for a period of not less than 3 years  
21          and not more than 5 years.

22          “(d) AUTHORIZED ACTIVITIES.—Grant funds under  
23          this section shall be used for activities to provide edu-  
24          cational alternatives for Indian youth who have been sen-  
25          tenced to incarceration or juvenile detention, in a manner

1 consistent with the purposes of this section. Such activities  
2 may include—

3 “(1) half- or full-day alternative education pro-  
4 grams for disruptive youth who are temporarily sus-  
5 pended;

6 “(2) school-based drug and substance abuse  
7 prevention programs;

8 “(3) truancy prevention programs;

9 “(4) multi-year alternative educational pro-  
10 grams; and

11 “(5) home or community detention programs.

12 “(e) APPLICATION.—Each eligible entity desiring a  
13 grant under this section shall submit an application to the  
14 Secretary at such time, in such manner, and accompanied  
15 by such information as the Secretary may require. Each  
16 such application shall include the following:

17 “(1) A description of the program that will be  
18 assisted with grant funds under this subpart.

19 “(2) A description of any formal agreements re-  
20 garding the program, between the Indian tribe and,  
21 as appropriate—

22 “(A) 1 or more local educational agencies;

23 “(B) 1 or more schools funded by the Bu-  
24 reau of Indian Education;

1           “(C) correctional facilities operated by the  
2           Secretary of the Interior or Indian tribes; or

3           “(D) tribal, State, private, or public orga-  
4           nizations or corporations providing education,  
5           skill-building, or reentry services.

6           “(3) As appropriate, a description of how the  
7           program will develop culturally appropriate academic  
8           curriculum and co-curricular activities.

9           “(4) As appropriate, a description of the types  
10          of services that the eligible entity will provide to at-  
11          risk Indian children, youth, and families.

12          “(5) As appropriate, a description of any part-  
13          nerships with tribal, local, or State law enforcement  
14          or judicial systems to provide education alternatives  
15          to detention and wrap around services, which may  
16          include—

17                 “(A) behavioral health services;

18                 “(B) family counseling;

19                 “(C) teen pregnancy counseling;

20                 “(D) substance abuse services;

21                 “(E) alcohol abuse services; or

22                 “(F) job training.

23          “(6) As appropriate, a description of evaluation  
24          activities to develop educational plans for at-risk In-  
25          dian children and youth who are transitioning back

1 to a local educational agency or earning a secondary  
2 school diploma, or the recognized equivalent of a sec-  
3 ondary school diploma.

4 “(f) EVALUATION.—Each eligible entity that receives  
5 a grant under this section shall—

6 “(1) evaluate the grant program, not less than  
7 once every 3 years, to determine the program’s suc-  
8 cess, consistent with the purposes of this section;  
9 and

10 “(2) prepare and submit a report containing  
11 the information described in paragraph (1) to the  
12 Secretary, the Coordinating Council on Juvenile Jus-  
13 tice and Delinquency Prevention, and Indian tribes.

14 “(g) DEFINITION.—The term ‘tribal education agen-  
15 cy’ means—

16 “(1) the authorized governmental agency of a  
17 federally recognized American Indian and Alaska  
18 Native tribe (as defined in section 4 of the Indian  
19 Self-Determination and Education Assistance Act  
20 (25 U.S.C. 450b)) that is primarily responsible for  
21 regulating, administering, or supervising the formal  
22 education of tribal members; and

23 “(2) includes tribal education departments,  
24 tribal divisions of education, tribally sanctioned edu-  
25 cation authorities, tribal education administrative

1 planning and development agencies, tribal education  
2 agencies, and tribal administrative education enti-  
3 ties.

4 “(h) AUTHORIZATION OF APPROPRIATIONS.—For the  
5 purpose of carrying out this subpart, there are authorized  
6 to be appropriated \$2,000,000 for fiscal year 2012 and  
7 such sums as may be necessary for each of the 5 suc-  
8 ceeding fiscal years.”;

9 (14) in section 1441, as redesignated by para-  
10 graph (12)—

11 (A) in subsection (a)—

12 (i) in the matter preceding paragraph  
13 (1), by striking “Each State agency or  
14 local educational agency that conducts a  
15 program under subpart 1 or 2 shall” and  
16 inserting “Each State agency, local edu-  
17 cational agency, or Indian tribe that con-  
18 ducts a program evaluation under subpart  
19 1, 2, or 3 shall”; and

20 (ii) in paragraph (3), by inserting “or  
21 school funded by the Bureau of Indian  
22 Education” after “local educational agen-  
23 cy”;

24 (B) in subsection (c), by striking “a State  
25 agency or local educational agency” and insert-

1           ing “a State agency, local educational agency,  
2           or Indian tribe”; and

3                   (C) by striking subsection (d) and insert-  
4           ing the following:

5           “(d) EVALUATION RESULTS.—

6                   “(1) IN GENERAL.—Each State agency, local  
7           educational agency, and Indian tribe shall—

8                           “(A) submit evaluation results to the State  
9           educational agency and the Secretary; and

10                           “(B) use the results of evaluations under  
11           this section to plan and improve subsequent  
12           programs for participating children and youth.

13                   “(2) INDIAN TRIBES.—Each Indian tribe shall  
14           also submit evaluation results to the Secretary of the  
15           Interior.

16           “(e) EVALUATION OF PROGRAMS FOR AT-RISK IN-  
17   DIAN YOUTH.—

18                   “(1) IN GENERAL.—Not later than 4 years  
19           after the date of enactment of the Native Culture,  
20           Language, and Access for Success in Schools Act,  
21           the Secretary and the Secretary of the Interior, in  
22           collaboration with the Attorney General, shall pre-  
23           pare a report that—

24                           “(A) compiles demographic information  
25           about at-risk Indian youth, including Indian



1 youth in correctional facilities operated by the  
2 Department of the Interior and Indian tribes;

3 “(B) evaluates existing educational pro-  
4 grams for at-risk Indian youth; and

5 “(C) provides recommendations for im-  
6 provement of such educational programs.

7 “(2) SUBMISSION TO CONGRESSIONAL COMMIT-  
8 TEES.—The Secretary and the Secretary of the Inte-  
9 rior shall submit the report described in paragraph  
10 (1) to the Health, Education, Labor and Pensions  
11 Committee and the Indian Affairs Committee of the  
12 Senate, the Committee on Education and the Work-  
13 force and the Committee on Natural Resources of  
14 the House of Representatives, and to Indian  
15 tribes.”;

16 (15) in section 1442, as redesignated by para-  
17 graph (12), by inserting at the end the following:

18 “(5) INDIAN TRIBE.—The term ‘Indian tribe’  
19 means any Indian tribe, band, nation, other orga-  
20 nized group or community, including any Alaska Na-  
21 tive village or Regional Corporation or Village Cor-  
22 poration as defined in or established pursuant to the  
23 Alaska Native Claims Settlement Act (42 U.S.C.  
24 1601 et seq.), which is recognized as eligible for the  
25 special programs and services provided by the

1 United States to Indians because of their status as  
2 Indians.”; and

3 (16) in section 1903(b)(2)—

4 (A) in subparagraph (F), by striking  
5 “and” after the semicolon;

6 (B) in subparagraph (G), by striking the  
7 period and inserting “; and”; and

8 (C) by adding at the end the following:

9 “(H) representatives of Indian tribes lo-  
10 cated in the State.”.

11 **Subtitle B—Preparing, Training,**  
12 **and Recruiting High-Quality**  
13 **Teachers and Principals**

14 **SEC. 121. PREPARING, TRAINING, AND RECRUITING HIGH-**  
15 **QUALITY TEACHERS AND PRINCIPALS.**

16 Title II (20 U.S.C. 6601 et seq.) is amended—

17 (1) in part A—

18 (A) by striking paragraph (3) of section  
19 2102 (20 U.S.C. 6602) and inserting the fol-  
20 lowing:

21 “(3) HIGH-NEED LOCAL EDUCATIONAL AGEN-  
22 CY.—The term ‘high-need local educational agency’  
23 means—

24 “(A) a local educational agency—

1 “(i)(I) that serves not fewer than  
2 10,000 children from families with incomes  
3 below the poverty line; or

4 “(II) for which not less than 20 per-  
5 cent of the children served by the agency  
6 are from families with incomes below the  
7 poverty line; and

8 “(ii)(I) for which there is a high per-  
9 centage of teachers not teaching in the  
10 academic subjects or grade levels that the  
11 teachers were trained to teach; or

12 “(II) for which there is a high per-  
13 centage of teachers with emergency, provi-  
14 sional, or temporary certification or licens-  
15 ing; or

16 “(B) a school funded by the Bureau of In-  
17 dian Education.”;

18 (B) by striking clause (ii) of section  
19 2111(b)(1)(A) (20 U.S.C. 6611(b)(1)(A)) and  
20 inserting the following:

21 “(ii) 5 percent for the Secretary of  
22 the Interior to be distributed to schools op-  
23 erated or funded by the Bureau of Indian  
24 Education, as provided in section  
25 2123(c).”;

1 (C) in section 2113(c)(18) (20 U.S.C.  
2 6613(c)(18))—

3 (i) in subparagraph (A) by striking  
4 “and” after the semicolon;

5 (ii) in subparagraph (B) by striking  
6 the period and inserting “; and”; and

7 (iii) by inserting at the end the fol-  
8 lowing:

9 “(C) provides access to clearinghouse in-  
10 formation to schools in the State that are fund-  
11 ed by the Bureau of Indian Education.”;

12 (D) in section 2122 (20 U.S.C. 6622)—

13 (i) in subsection (b)—

14 (I) in paragraph (2), by inserting  
15 “, including Indian students,” after  
16 “minority students”; and

17 (II) in paragraph (9)—

18 (aa) in subparagraph (C) by  
19 striking “and” after the semi-  
20 colon;

21 (bb) in subparagraph (D) by  
22 striking the period at the end  
23 and inserting “; and”; and

24 (cc) by adding at the end  
25 the following:

1           “(E) for teachers in schools that serve In-  
2           dian children, become familiar with the Indian  
3           communities served by the local educational  
4           agency and incorporate culturally responsive  
5           teaching and learning strategies for Indian chil-  
6           dren into the educational program.”; and

7                       (ii) in subsection (c), by inserting “,  
8                       in the case of a local educational agency  
9                       that serves an Indian tribal community,  
10                      representatives of Indian tribes,” after  
11                      “part A of title I”;

12           (E) in section 2123 (20 U.S.C. 6623)—

13                      (i) in subsection (a)(3)—

14                               (I) in subparagraph (B)—

15                                       (aa) in clause (ii), by insert-  
16                                       ing “students from Indian res-  
17                                       ervation communities,” after  
18                                       “(including students who are  
19                                       gifted and talented),”;

20                                       (bb) in clause (iv), by strik-  
21                                       ing “limited English proficient  
22                                       and immigrant children; and”  
23                                       and inserting “children from In-  
24                                       dian reservation communities,

1 limited English proficient chil-  
2 dren, and immigrant children;”;

3 (cc) in clause (v), by striking  
4 the period at the end and insert-  
5 ing “; and”; and

6 (dd) by inserting at the end  
7 the following:

8 “(vi) in the case of a local educational  
9 agency that serves Indian children, provide  
10 training in effective incorporation of cul-  
11 turally responsive teaching and learning  
12 strategies for Indian children.”; and

13 (II) in subparagraph (D), by in-  
14 serting “Indian students,” after “dis-  
15 advantaged families,”; and

16 (ii) by adding at the end the fol-  
17 lowing:

18 “(c) BUREAU OF INDIAN EDUCATION SCHOOLS.—A  
19 school funded by the Bureau of Indian Education that re-  
20 ceives funds reserved under section 2111(b)(1)(A)(ii) shall  
21 use such funds to carry out 1 or more of the activities  
22 described in subsection (a), and may use such funds to  
23 improve housing, as needed to recruit and retain highly  
24 qualified teachers and principals.”;

1 (F) in section 2131(1) (20 U.S.C.  
2 6631(1))—

3 (i) in subparagraph (A)(i) by inserting  
4 “, or a tribally controlled college or univer-  
5 sity (as defined in section 2 of the Tribally  
6 Controlled Colleges and Universities As-  
7 sistance Act of 1978 (25 U.S.C. 1801))”  
8 after “principals”; and

9 (ii) in subparagraph (B) by inserting  
10 “an Indian tribe,” after “principal organi-  
11 zation,”; and

12 (G) by inserting after subpart 5, the fol-  
13 lowing:

14 **“Subpart 6—Indian Educator Scholarship Program**

15 **“SEC. 2161. INDIAN EDUCATOR SCHOLARSHIP PROGRAM.**

16 “(a) GRANTS AUTHORIZED.—In order to carry out  
17 the United States trust responsibility for the education of  
18 Indian children, and to provide a more stable base of edu-  
19 cation professionals to serve in public elementary schools  
20 and secondary schools with a significant number of Indian  
21 students and schools funded by the Bureau of Indian Edu-  
22 cation, the Secretary shall make scholarship grants to In-  
23 dians who are enrolled full- or part-time in appropriately  
24 accredited institutions of higher education and pursuing  
25 a course of study in elementary and secondary education

1 or school administration. Such scholarships shall be des-  
2 ignated Indian educator scholarships and shall be made  
3 in accordance with this section.

4 “(b) ELIGIBILITY.—

5 “(1) IN GENERAL.—The Secretary shall deter-  
6 mine the applicants who will receive scholarships  
7 under subsection (a).

8 “(2) CRITERIA.—In order to be eligible for par-  
9 ticipation in the Indian educator scholarship pro-  
10 gram, an individual must—

11 “(A) be an Indian, as defined in section  
12 7151;

13 “(B) be accepted for enrollment, or be en-  
14 rolled, as a full- or part-time student in a  
15 course of study in elementary and secondary  
16 education or school administration at an appro-  
17 priately accredited institution of higher edu-  
18 cation;

19 “(C) submit an application to participate  
20 in the Indian educator scholarship program at  
21 such time and in such manner as the Secretary  
22 shall determine; and

23 “(D) sign and submit to the Secretary at  
24 the time that such application is submitted, a  
25 written contract, as described in subsection (c).



1 “(c) CONTENTS OF CONTRACT.—

2 “(1) IN GENERAL.—The written contract be-  
3 tween the Secretary and the individual, as described  
4 in subsection (b)(2)(D), shall contain the following:

5 “(A) A statement that the Secretary  
6 agrees to provide the individual with a scholar-  
7 ship, as described in subsection (d), in each  
8 school year or years for a period during which  
9 such individual is pursuing a course of study in  
10 elementary and secondary education or school  
11 administration at an appropriately accredited  
12 institution of higher education.

13 “(B) A statement that the individual  
14 agrees—

15 “(i) to accept provision of the Indian  
16 educator scholarship;

17 “(ii) to maintain enrollment in such  
18 course of study until the individual com-  
19 pletes the course of study;

20 “(iii) while enrolled in such course of  
21 study, to maintain an acceptable level of  
22 academic standing (as determined by the  
23 Secretary, taking into account the require-  
24 ments of the educational institution offer-  
25 ing such course of study); and

1           “(iv) to serve through full-time em-  
2           ployment at an eligible school for a time  
3           period (referred to in this section as the  
4           ‘period of obligated service’) equal to the  
5           greater of—

6                       “(I) 1 year for the equivalent of  
7                       each school year for which the indi-  
8                       vidual was provided a scholarship  
9                       under the Indian educator scholarship  
10                      program; or

11                     “(II) 2 years.

12                   “(C) A statement of the damages to which  
13                   the United States is entitled, under subsection  
14                   (e), for the individual’s breach of the contract.

15                   “(D) Such other statement of the rights  
16                   and liabilities of the Secretary and of the indi-  
17                   vidual, in accordance with the provisions of this  
18                   section.

19                   “(2) PERIOD OF OBLIGATED SERVICE.—

20                   “(A) ELIGIBLE SCHOOLS.—An individual  
21                   shall meet the requirement for the period of ob-  
22                   ligated service under the written contract be-  
23                   tween the individual and the Secretary, as de-  
24                   scribed in paragraph (1), if such individual is  
25                   employed full-time—

1                   “(i) in a school funded by the Bureau  
2                   of Indian Education; or

3                   “(ii) in a public school that serves a  
4                   significant number of Indian students.

5                   “(B) DEFERMENT FOR ADVANCED  
6                   STUDY.—At the request of an individual who  
7                   has entered into a contract described in this  
8                   subsection and who has receive a baccalaureate  
9                   degree in education, the Secretary shall defer  
10                  the period of obligated service of such individual  
11                  under such contract to enable such individual to  
12                  complete a course of study leading to an ad-  
13                  vanced degree in education, or needed to be-  
14                  come certified for an appropriate period (in  
15                  years, as determined by the Secretary), subject  
16                  to the following conditions:

17                  “(i) A period of advanced study shall  
18                  not be counted as satisfying any period of  
19                  obligated service that is required under  
20                  this section.

21                  “(ii) The period of obligated service of  
22                  the individual shall commence at the later  
23                  of—

24                                 “(I) 90 days after the completion  
25                                 of the advanced course of study;

1                   “(II) at the commencement of  
2                   the first school year that begins after  
3                   the completion of the advanced course  
4                   of study; or

5                   “(III) by a date specified by the  
6                   Secretary.

7                   “(C) PART-TIME STUDY.—In the case of  
8                   an individual receiving a scholarship under this  
9                   section who is enrolled part-time in an approved  
10                  course of study—

11                  “(i) a scholarship under this section  
12                  shall be for a period of years not to exceed  
13                  the part-time equivalent of 4 years, as de-  
14                  termined by the Secretary;

15                  “(ii) the period of obligated service  
16                  shall be equal to the greater of—

17                         “(I) the part-time equivalent of 1  
18                         year for each year for which the indi-  
19                         vidual was provided a scholarship, as  
20                         determined by the Secretary; or

21                         “(II) 2 years; and

22                         “(iii) the amount of the monthly sti-  
23                         pend specified in subsection (d) shall be re-  
24                         duced pro rata, as determined by the Sec-

1           retary, based on the number of hours of  
2           study in which such individual is enrolled.

3           “(d) SCHOLARSHIP.—

4           “(1) IN GENERAL.—A scholarship provided to a  
5           student under the Indian educator scholarship pro-  
6           gram for a school year shall consist of payment to,  
7           or in accordance with paragraph (2), on behalf of,  
8           the student in the amount of—

9           “(A) the tuition of the student for the  
10          school year or, for a part-time student, the tui-  
11          tion for the appropriate portion of the school  
12          year;

13          “(B) all other reasonable educational ex-  
14          penses, including fees, books, and laboratory ex-  
15          penses, incurred by the student in such school  
16          year; and

17          “(C) a stipend of \$800 per month (ad-  
18          justed in accordance with paragraph (3)) for  
19          each of the 12 consecutive months beginning  
20          with the first month of such school year.

21          “(2) PAYMENT TO AN INSTITUTION OF HIGHER  
22          EDUCATION.—The Secretary may contract with an  
23          institution of higher education in which a participant  
24          in the Indian educator scholarship program is en-  
25          rolled for the payment to such institution of the

1 amounts of tuition and other reasonable educational  
2 expenses described in subparagraph (A) and (B) of  
3 paragraph (1). Payment to such institution may be  
4 made without regard to section 3324(a) and (b) of  
5 title 31.

6 “(3) STIPEND.—The amount of the monthly  
7 stipend described in paragraph (1)(C) shall be in-  
8 creased by the Secretary for each school year ending  
9 in a fiscal year beginning after September 30, 2011,  
10 by an amount (rounded to the next highest multiple  
11 of \$1) equal to the amount of such stipend multi-  
12 plied by the overall percentage (under section 5303  
13 of title 5) of the adjustment (if such adjustment is  
14 an increase) in the rates of pay under the General  
15 Schedule made effective in the fiscal year in which  
16 such school year ends.

17 “(e) LIABILITY; FAILURE TO COMPLETE THE PE-  
18 RIOD OF OBLIGATED SERVICE; REPAYMENT.—

19 “(1) LIABILITY.—An individual who has en-  
20 tered into a written contract with the Secretary  
21 under this section shall be liable to the United  
22 States for the amount which has been paid to, or on  
23 behalf of, such individual under the contract, if such  
24 individual—

1           “(A) fails to maintain an acceptable level  
2 of academic standing in the institution of high-  
3 er education in which the individual is enrolled  
4 (as determined by the Secretary taking into ac-  
5 count the requirements of the educational insti-  
6 tution offering such course of study);

7           “(B) is dismissed from such institution of  
8 higher education for disciplinary reasons;

9           “(C) voluntarily terminates the training in  
10 such institution of higher education for which  
11 such individual is provided a scholarship under  
12 such contract before the completion of such  
13 training; or

14           “(D) fails to accept payment, or instructs  
15 the institution of higher education in which  
16 such individual is enrolled not to accept pay-  
17 ment, under this section.

18           “(2) FAILURE TO COMPLETE THE PERIOD OF  
19 OBLIGATED SERVICE.—

20           “(A) IN GENERAL.—Subject to paragraph  
21 (C), if for any reason not specified in paragraph  
22 (1), an individual breaches the written contract  
23 under this section by failing either to begin  
24 such individual’s period of obligated service or  
25 failing to complete such obligation, the United

1 States shall be entitled to recover from the indi-  
2 vidual an amount determined in accordance  
3 with the following formula:

$$\text{“}A = 3Z(t-s/t)\text{”}$$

4 “in which—

5 “(i) ‘A’ is the amount the United States is  
6 entitled to recover;

7 “(ii) ‘Z’ is the sum of the amounts paid  
8 under this section to, or on behalf of, the indi-  
9 vidual and the interest on such amounts which  
10 would be payable if, at the time the amounts  
11 were paid, they were loans bearing interest at  
12 the maximum legal prevailing rate, as deter-  
13 mined by the Treasurer of the United States;

14 “(iii) ‘t’ is the total number of months in  
15 the individual’s period of obligated service in  
16 accordance with subsection (c)(2) of this sec-  
17 tion; and

18 “(iv) ‘s’ is the number of months of such  
19 period served by such individual in accordance  
20 with this section.

21 “(B) AMOUNTS NOT PAID.—Amounts not paid  
22 within such period shall be subject to collection  
23 through deductions in Medicare payments pursuant  
24 to section 1395ccc of title 42.



1           “(C) DELAY IN THE PERIOD OF OBLIGATED  
2 SERVICE.—An individual who has entered into a  
3 written contract with the Secretary under this sec-  
4 tion may petition the Secretary to delay the date on  
5 which the individual would otherwise be required to  
6 begin the period of obligated service if such indi-  
7 vidual has not succeeded in obtaining employment  
8 required by this section. In support of such petition,  
9 the individual shall supply such reasonable informa-  
10 tion as the Secretary may require. The Secretary  
11 shall retain full discretion whether to grant or de-  
12 cline such a delay and to determine the duration of  
13 any delay that is granted.

14           “(3) REPAYMENT.—

15           “(A) IN GENERAL.—Any amount of dam-  
16 ages which the United States is entitled to re-  
17 cover under this subsection shall be paid to the  
18 United States within the 1-year period begin-  
19 ning on the date of the breach or such longer  
20 period beginning on such date as shall be speci-  
21 fied by the Secretary.

22           “(B) RECOVERY OF DAMAGES.—If dam-  
23 ages described in subparagraph (A) are delin-  
24 quent for 3 months, the Secretary shall, for the  
25 purpose of recovering such damages—

1           “(i) utilize collection agencies con-  
2           tracted with by the Administrator of the  
3           General Services Administration; or

4           “(ii) enter into contracts for the re-  
5           covery of such damages with collection  
6           agencies selected by the Secretary.

7           “(C) CONTRACTS FOR RECOVERY OF DAM-  
8           AGES.—Each contract for recovering damages  
9           pursuant to this subsection shall provide that  
10          the contractor will, not less than once every 6  
11          months, submit to the Secretary a status report  
12          on the success of the contractor in collecting  
13          such damages. Section 3718 of title 31 shall  
14          apply to any such contract to the extent not in-  
15          consistent with this subsection.

16          “(4) DEATH.—Upon the death of an individual  
17          who receives, or has received, an Indian educator  
18          scholarship, any obligation of such individual for  
19          service or payment that relates to such scholarship  
20          shall be canceled.

21          “(5) WAIVER.—

22                 “(A) REQUIRED WAIVER.—The Secretary  
23                 shall provide for the partial or total waiver or  
24                 suspension of any obligation of service or pay-

1           ment of a recipient of an Indian educator schol-  
2           arship, if the Secretary determines that—

3                   “(i) it is not possible for the recipient  
4                   to meet the obligation or make the pay-  
5                   ment;

6                   “(ii) requiring the recipient to meet  
7                   the obligation or make the payment would  
8                   result in extreme hardship to the recipient;  
9                   or

10                   “(iii) the enforcement of the require-  
11                   ment to meet the obligation or make the  
12                   payment would be unconscionable.

13                   “(B) PERMISSIBLE WAIVER.—Notwith-  
14                   standing any other provision of law, in any case  
15                   of extreme hardship or for other good cause  
16                   shown, the Secretary may waive, in whole or in  
17                   part, the right of the United States to recover  
18                   funds made available under this section.

19                   “(6) BANKRUPTCY.—

20                   “(A) IN GENERAL.—Subject to subpara-  
21                   graph (B), and notwithstanding any other pro-  
22                   vision of law, with respect to a recipient of an  
23                   Indian educator scholarship, no obligation for  
24                   payment may be released by a discharge in  
25                   bankruptcy under title 11.

1           “(B) EXCEPTION.—The prohibition de-  
2           scribed in subparagraph (A) shall not apply if—

3                   “(i) such discharge is granted after  
4                   the expiration of the 5-year period begin-  
5                   ning on the initial date on which that pay-  
6                   ment is due; and

7                   “(ii) the bankruptcy court finds that  
8                   the nondischarge of the obligation would be  
9                   unconscionable.

10          “(f) PLACEMENT ASSISTANCE.—The Secretary shall  
11          assist the recipient of an Indian educator scholarship in  
12          learning about placement opportunities in eligible schools  
13          by transmitting the name and educational credentials of  
14          such recipient to—

15                   “(1) State educational agency clearinghouses  
16                   for recruitment and placement of kindergarten, ele-  
17                   mentary school, and secondary school teachers and  
18                   administrators in States with a substantial number  
19                   of Indian children;

20                   “(2) elementary schools and secondary schools  
21                   funded by the Bureau of Indian Education; and

22                   “(3) tribal education agencies (as defined in  
23                   section 1116A(b)).

24          “(g) OTHER PROVISIONS.—Notwithstanding any  
25          other provision of this title, sections 2101, 2102, 2103,

1 and subparts 1 through 5 of this part shall not apply to  
2 a grant or scholarship awarded under this section.

3 “(h) AUTHORIZATION OF APPROPRIATIONS.—For the  
4 purpose of carrying out this section, there are authorized  
5 to be appropriated \$50,000,000 for fiscal year 2012, and  
6 each of the 5 succeeding fiscal years.”;

7 (2) in part B, by striking subparagraph (B) of  
8 section 2202(a)(2) (20 U.S.C. 6662(a)(2)) and in-  
9 serting the following:

10 “(B) ALLOTMENT.—From the amount  
11 made available under this part for a fiscal year  
12 and not reserved under subparagraph (A)(i),  
13 the Secretary shall allot—

14 “(i) one-half of one percent to the  
15 Secretary of the Interior for grants involv-  
16 ing schools funded by the Bureau of Edu-  
17 cation; and

18 “(ii) the amount remaining after  
19 funds are distributed in accordance with  
20 clause (i), to the State educational agen-  
21 cies in proportion to the number of chil-  
22 dren aged 5 to 17, who are from families  
23 with incomes below the poverty line and re-  
24 side in a State for the most recent fiscal  
25 year for which satisfactory data are avail-

1           able, as compared to the number of such  
2           children who reside in all such States for  
3           such year.”; and

4           (3) in part C—

5           (A) in section 2302(b)(2) by striking “or  
6           public charter schools” and inserting “, public  
7           charter schools, or schools funded by the Bu-  
8           reau of Indian Education”; and

9           (B) in section 2304—

10           (i) in subsection (a)(1)(B), by insert-  
11           ing “or with a school funded by the Bu-  
12           reau of Indian Education,” after section  
13           “2101”; and

14           (ii) in subsection (d)(3), in the matter  
15           preceding subparagraph (A), by striking  
16           “or public charter school” and inserting  
17           “public charter school, or school funded by  
18           the Bureau of Indian Education”.

1           **Subtitle C—Native American**  
2                   **Languages Programs**

3   **SEC. 131. IMPROVEMENT OF ACADEMIC SUCCESS OF IN-**  
4                   **DIAN STUDENTS THROUGH NATIVE AMER-**  
5                   **ICAN LANGUAGES PROGRAMS.**

6           Subpart 1 of part A of title III of the Elementary  
7 and Secondary Education Act of 1965 (20 U.S.C. 6821  
8 et seq.) is amended by adding at the end the following:

9   **“SEC. 3117. IMPROVEMENT OF ACADEMIC SUCCESS OF IN-**  
10                   **DIAN STUDENTS THROUGH NATIVE AMER-**  
11                   **ICAN LANGUAGES PROGRAMS.**

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

13                   “(1) to improve the academic achievement of  
14 American Indian and Alaska Native students  
15 through Native American languages programs; and

16                   “(2) to foster the acquisition of Native Amer-  
17 ican languages.

18           “(b) DEFINITIONS.—In this section:

19                   “(1) AVERAGE.—The term ‘average’, when used  
20 with respect to the number of hours of instruction  
21 through the use of a Native American language,  
22 means the aggregate number of hours of instruction  
23 through the use of a Native American language to  
24 all students enrolled in a Native American language

1 program during a school year divided by the total  
2 number of students enrolled in the program.

3 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
4 tity’ means—

5 “(A) a local educational agency;

6 “(B) an Indian tribe;

7 “(C) an Indian organization;

8 “(D) a federally supported elementary  
9 school or secondary school for Indian children;

10 “(E) an Indian institution (including an  
11 Indian institution of higher education); or

12 “(F) a consortium of any of the entities  
13 described in subparagraphs (A) through (E).

14 “(c) GRANTS AUTHORIZED.—

15 “(1) IN GENERAL.—The Secretary shall award  
16 grants to eligible entities to enable such entities to  
17 carry out the activities described in this section.

18 “(2) DURATION.—

19 “(A) IN GENERAL.—The Secretary shall  
20 award grants under this section on a multi-year  
21 basis for a duration of not less than 4 years.

22 “(B) RENEWAL.—Grants awarded under  
23 this section may be renewed.

24 “(d) APPLICATIONS.—



1           “(1) IN GENERAL.—Each eligible entity desir-  
2           ing a grant under this section shall submit an appli-  
3           cation to the Secretary at such time, in such man-  
4           ner, and accompanied by such information as the  
5           Secretary may reasonably require, in addition to the  
6           information required in this section.

7           “(2) CONTENTS.—An application submitted  
8           under paragraph (1) shall include a certification  
9           from the eligible entity that the entity has not less  
10          than 3 years of experience in operating and admin-  
11          istering a Native American language program or any  
12          other educational program in which instruction is  
13          conducted in a Native American language.

14          “(e) USES OF GRANT FUNDS.—

15                 “(1) REQUIRED USES.—An eligible entity that  
16                 receives a grant under this section shall use the  
17                 grant funds for the following activities:

18                         “(A) Native American language programs,  
19                         which are site-based educational programs  
20                         that—

21                                 “(i) provide instruction through the  
22                                 use of a Native American language for not  
23                                 less than 10 children for an average of not  
24                                 less than 500 hours;

1           “(ii) provide for the involvement of  
2 parents (or legal guardians) of students  
3 participating in such a program;

4           “(iii) develop instructional courses  
5 and materials for learning Native Amer-  
6 ican languages and for instruction through  
7 the use of Native American languages;

8           “(iv) provide for teacher training; and

9           “(v) work toward a goal of all stu-  
10 dents participating in such a program  
11 achieving—

12                   “(I) fluency in a Native Amer-  
13 ican language; and

14                   “(II) academic proficiency in  
15 mathematics, English, reading (or  
16 language arts), and science.

17           “(B) Native American language restoration  
18 programs, which are educational programs  
19 that—

20                   “(i) provide instruction in at least 1  
21 Native American language;

22                   “(ii) provide training programs for  
23 teachers of Native American languages;

24                   “(iii) develop instructional materials  
25 for the programs; and

1                   “(iv) work toward a goal of increasing  
2                   proficiency and fluency for participating  
3                   students in at least 1 Native American lan-  
4                   guage.

5                   “(2) PERMISSIBLE USES.—An eligible entity  
6                   that receives a grant under this section may use the  
7                   grant funds for—

8                   “(A) Native American language and cul-  
9                   ture camps;

10                  “(B) Native American language programs  
11                  provided in coordination and cooperation with  
12                  educational entities;

13                  “(C) Native American language programs  
14                  provided in coordination and cooperation with  
15                  local institutions of higher education;

16                  “(D) Native American language programs  
17                  that use a master-apprentice model of learning  
18                  languages;

19                  “(E) Native American language programs  
20                  provided through a regional program to better  
21                  serve geographically dispersed students;

22                  “(F) Native American language teacher  
23                  training programs, such as training programs  
24                  in Native American language translation for  
25                  fluent speakers, training programs for Native

1 American language teachers, training programs  
2 for teachers in schools to utilize Native Amer-  
3 ican language materials, tools, and interactive  
4 media to teach a Native American language;  
5 and

6 “(G) the development of Native American  
7 language materials, such as books, audio and  
8 visual tools, and interactive media programs.

9 “(f) ASSURANCE.—A eligible entity awarded a grant  
10 under this section shall provide an assurance that each  
11 instructor of a Native American language under a pro-  
12 gram supported with grant funds under this section is cer-  
13 tified to teach such language by the Indian tribe whose  
14 language will be taught.

15 “(g) EVALUATION.—After the completion of the  
16 fourth year of a grant awarded under this section, the Sec-  
17 retary shall—

18 “(1) carry out a comprehensive evaluation of  
19 the programs carried out by the grantee with grant  
20 funds; and

21 “(2) provide a report on the evaluation to the  
22 grantee, the tribe or tribes whose children are served  
23 by the program, and parents of the children served.

24 “(h) AUTHORIZATION OF APPROPRIATIONS.—For the  
25 purpose of carrying out this section, there are authorized

1 to be appropriated \$15,000,000 for fiscal year 2012 and  
2 each of the 5 succeeding fiscal years.”.

3 **SEC. 132. STATE AND TRIBAL EDUCATION AGENCY AGREE-**  
4 **MENTS.**

5 Title III of the Elementary and Secondary Education  
6 Act of 1965 (20 U.S.C. 6801 et seq.) is amended by add-  
7 ing at the end the following:

8 **“Subpart 5—State and Tribal Education Agency**  
9 **Agreements**

10 **“SEC. 3151. STATE AND TRIBAL EDUCATION AGENCY**  
11 **AGREEMENTS.**

12 “(a) PURPOSE.—The purpose of this section is to fa-  
13 cilitate efforts by tribal education agencies and State edu-  
14 cational agencies to partner with each other in order to—

15 “(1) improve the academic achievement of In-  
16 dian children and youth who reside on reservations  
17 and tribal lands; and

18 “(2) promote tribal self-determination in edu-  
19 cation.

20 “(b) DEFINITION.—The term ‘tribal education agen-  
21 cy’ means an agency or administrative unit of an Indian  
22 tribe that is authorized by the tribe to have primary re-  
23 sponsibility for regulating, administering, or supervising  
24 early learning or elementary and secondary education on  
25 reservations or tribal lands.

1       “(c) AUTHORITY FOR ELIGIBLE TRIBAL EDUCATION  
2 AGENCIES.—

3           “(1) IN GENERAL.—In order to receive the au-  
4 thority and funds authorized under paragraph (3),  
5 an eligible tribal education agency shall enter into  
6 an agreement, subject to approval by the Secretary,  
7 with the appropriate State educational agency to as-  
8 sume the State educational agency’s responsibility  
9 for carrying out activities specified in the agreement  
10 under 1 or more of the programs identified in para-  
11 graph (3)(B)(ii) on the eligible tribal education  
12 agency’s reservation or tribal lands.

13           “(2) ELIGIBILITY.—In order for a tribal edu-  
14 cation agency to receive the authority or funds de-  
15 scribed in paragraph (3), pursuant to an agreement  
16 with the State educational agency—

17           “(A) the eligible tribal education agency’s  
18 tribe must have a reservation or tribal lands  
19 (which may be an Alaska Native village), as  
20 recognized under Federal or State law, on  
21 which 1 or more publicly administered schools  
22 are operating under State law; and

23           “(B) not less than 50 percent of the stu-  
24 dents enrolled in each such school must be Indi-  
25 ans.

1           “(3) ELIGIBLE TRIBAL EDUCATION AGENCY  
2 WITH AN APPROVED AGREEMENT.—In the case of an  
3 eligible tribal education agency that has an approved  
4 agreement in place, as described in paragraph (1),  
5 the Secretary shall, consistent with the agreement—

6           “(A) treat the eligible tribal education  
7 agency as a State educational agency for the  
8 purposes of—

9           “(i) carrying out on the reservation or  
10 tribal lands, the activities specified in the  
11 agreement under 1 or more of the pro-  
12 grams listed in subparagraph (B)(ii); and

13           “(ii) section 444 of the General Edu-  
14 cation Provisions Act (20 U.S.C. 1232g,  
15 commonly known as the ‘Family Edu-  
16 cational Rights and Privacy Act of 1974’);  
17 and

18           “(B) provide, or have the State educational  
19 agency provide, to the eligible tribal education  
20 agency a proportion of the funds that are avail-  
21 able to—

22           “(i) carry out State-level activities;  
23 and

1           “(ii) as applicable, award subgrants  
2 under 1 or more of the following programs,  
3 as provided for in the agreement:

4                   “(I) State grants under part A of  
5 title I.

6                   “(II) Grants under this Act that  
7 support school turnaround efforts.

8                   “(III) Grants under this Act for  
9 the purpose of assessing achievement.

10                  “(IV) The teacher and principal  
11 training and recruiting fund under  
12 part A of title II.

13                  “(V) Grants under the English  
14 Language Acquisition, Language En-  
15 hancement, and Academic Achieve-  
16 ment Act under part A of title III.

17                  “(VI) The education of migratory  
18 children program under part C of title  
19 I.

20                  “(VII) Grants provided for the  
21 education of homeless children and  
22 youth.

23                  “(VIII) Prevention and interven-  
24 tion programs for children and youth



1                   who are neglected, delinquent, or at-  
2                   risk under part D of title I.

3                   “(IX) Programs under this Act  
4                   for rural and low-income schools.

5                   “(4) ELIGIBLE TRIBAL EDUCATION AGENCY  
6                   WITHOUT AN APPROVED AGREEMENT.—In the case  
7                   of an eligible tribal education agency that has not  
8                   yet entered into an agreement, as described in para-  
9                   graph (1), the Secretary may provide technical as-  
10                  sistance to the eligible tribal education agency in  
11                  order to facilitate such an agreement.

12                  “(d) APPLICATIONS.—

13                  “(1) IN GENERAL.—An eligible tribal education  
14                  agency that desires to receive the authority or funds  
15                  described in paragraph (c)(3), pursuant to an agree-  
16                  ment with a State educational agency, shall submit  
17                  an application to the Secretary at such time, in such  
18                  manner, and containing such information and assur-  
19                  ances as the Secretary may require.

20                  “(2) APPLICATION FROM AN ELIGIBLE TRIBAL  
21                  EDUCATION AGENCY THAT HAS AN AGREEMENT.—  
22                  An application from an eligible tribal education  
23                  agency that has an agreement in place with the  
24                  State educational agency and is seeking the Sec-  
25                  retary’s approval of such agreement, in order to gain

1 the authority and funds described under subsection  
2 (c)(3), shall—

3 “(A) describe the eligible tribal education  
4 agency’s current role and responsibilities on the  
5 reservation or tribal lands; and

6 “(B) provide a copy of the agreement de-  
7 scribed under subsection (c)(1), which shall, at  
8 a minimum—

9 “(i) identify each program listed in  
10 subsection (c)(3)(B)(ii) for which the ap-  
11 plicant will assume some or all of the  
12 State-level responsibility on the reservation  
13 or tribal lands under the agreement;

14 “(ii) describe the State-level activities  
15 that the tribal education agency will carry  
16 out under such program, and the division  
17 of roles and responsibilities between the  
18 tribal education agency and the State edu-  
19 cational agency in carrying out such activi-  
20 ties, including, if applicable, any division of  
21 responsibility for awarding subgrants to  
22 local educational agencies;

23 “(iii) identify the administrative and  
24 fiscal resources that the applicant will have  
25 available to carry out such activities; and

1           “(iv) provide evidence of any other  
2           collaboration with the State educational  
3           agency in administering State-level activi-  
4           ties for the programs listed in subsection  
5           (c)(3)(B)(ii).

6           “(3) APPLICATION FROM AN ELIGIBLE TRIBAL  
7           EDUCATION AGENCY THAT HAS NOT YET ENTERED  
8           INTO AN AGREEMENT WITH A STATE EDUCATIONAL  
9           AGENCY.—An application from an eligible tribal edu-  
10          cation agency that has not yet entered into an agree-  
11          ment with a State educational agency, as described  
12          under subsection (c)(1), shall include a description  
13          of—

14               “(A) the program authority that the eligi-  
15               ble tribal education agency would like to obtain  
16               and the State-level activities that the eligible  
17               tribal education agency would like to carry out;

18               “(B) the eligible tribal education agency’s  
19               role and responsibilities on the reservation or  
20               tribal lands and administrative and fiscal capa-  
21               bility and resources at the time of the applica-  
22               tion; and

23               “(C) the proposed process and time period  
24               for entering into the agreement described under  
25               subsection (c)(1).

1       “(e) SPECIAL RULE.—If the tribal education agency  
2 and State educational agency are unable to reach an  
3 agreement that the Secretary approves, the Secretary  
4 may, at the request of either agency and for a reasonable  
5 period, use all or a portion of the State’s administrative  
6 funds for the program listed in subsection (c)(3)(B)(ii) for  
7 which an application is made, in order to facilitate an  
8 agreement (such as through alternative dispute resolu-  
9 tion).

10       “(f) REVIEW AND REPORTING.—

11               “(1) REVIEW.—The Secretary shall require an  
12 eligible tribal education agency and a State edu-  
13 cational agency that have an approved agreement  
14 to—

15                       “(A) periodically review the agreement;

16                       and

17                       “(B) if appropriate, revise the agreement  
18 and submit the revised agreement to the Sec-  
19 retary for approval.

20               “(2) REPORT.—An eligible tribal education  
21 agency and a State educational agency that have an  
22 approved agreement shall report to the Secretary  
23 every 2 years about the effectiveness of the agree-  
24 ment.”.

1     **Subtitle D—21st Century Schools**

2     **SEC. 141. SAFE AND HEALTHY SCHOOLS FOR NATIVE AMER-**  
3                   **ICAN STUDENTS.**

4             Subpart 2 of part A of title IV of the Elementary  
5 and Secondary Education Act of 1965 (20 U.S.C. 7131  
6 et seq.) is amended by adding at the end the following:

7     **“SEC. 4131. SAFE AND HEALTHY SCHOOLS FOR NATIVE**  
8                   **AMERICAN STUDENTS.**

9             “From funds made available to carry out this sub-  
10 part, the Secretary shall—

11             “(1) establish a program to improve school en-  
12 vironments and student skill development for healthy  
13 choices for Native American students, including—

14                   “(A) prevention regarding—

15                           “(i) alcohol and drug misuse;

16                           “(ii) suicide;

17                           “(iii) violence;

18                           “(iv) pregnancy; and

19                           “(v) obesity;

20                   “(B) nutritious eating programs; and

21                   “(C) anger and conflict management pro-  
22 grams;

23             “(2) establish a program for school dropout  
24 prevention for Native American students; and

1           “(3) collaborate with the Secretary of Agri-  
2           culture to establish tribal-school specific school gar-  
3           dens and nutrition programs that are within the  
4           tribal cultural context.”.

5       **Subtitle E—Indian, Native Hawai-**  
6       **ian, and Alaska Native Edu-**  
7       **cation**

8       **SEC. 151. PURPOSE.**

9           Section 7102 of the Elementary and Secondary Edu-  
10          cation Act of 1965 (20 U.S.C. 7402) is amended—

11           (1) by striking subsection (a) and inserting the  
12          following:

13           “(a) PURPOSE.—It is the purpose of this subpart to  
14          support the efforts of local educational agencies, Indian  
15          tribes and organizations, postsecondary institutions, and  
16          other entities to improve the academic achievement of  
17          American Indian and Alaska native students by meeting  
18          their unique cultural, language, and educational needs.”;

19          and

20           (2) in subsection (b)—

21           (A) by redesignating paragraphs (3) and  
22           (4) as paragraphs (4) and (5), respectively; and

23           (B) by inserting after paragraph (2) the  
24          following:

1           “(3) strengthening American Indian and Alaska  
2           Native students’ knowledge of their languages, his-  
3           tory, traditions, and cultures;”.

4   **SEC. 152. PURPOSE OF FORMULA GRANTS.**

5           Section 7111 of the Elementary and Secondary Edu-  
6           cation Act of 1965 (20 U.S.C. 7421) is amended to read  
7           as follows:

8   **“SEC. 7111. PURPOSE.**

9           “It is the purpose of this subpart to support the ef-  
10          forts of local educational agencies to develop elementary  
11          school and secondary school programs for Indian students  
12          that are designed to meet the unique cultural, language  
13          and educational needs of such students.”.

14   **SEC. 153. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND**  
15                           **TRIBES.**

16          Section 7112 of the Elementary and Secondary Edu-  
17          cation Act of 1965 (20 U.S.C. 7422) is amended—

18                   (1) in subsection (a)—

19                           (A) by striking “The Secretary” and in-  
20                           serting the following:

21                           “(1) GRANT AWARDS.—The Secretary”; and

22                           (B) by adding at the end the following:

23                   “(2) CONSORTIA.—

24                           “(A) IN GENERAL.—Two or more local edu-  
25                           cational agencies may form a consortium to apply

1 for and carry out a program under this subpart, as  
2 long as each local educational agency participating  
3 in the consortium—

4 “(i) provides an assurance to the Secretary  
5 that the eligible Indian children served by such  
6 local educational agency receive the services of  
7 the programs funded under this subpart; and

8 “(ii) shall be subject to all requirements,  
9 assurances, and obligations applicable to local  
10 educational agencies under this subpart.

11 “(B) APPLICABILITY.—The Secretary shall  
12 treat each consortium described in subparagraph (A)  
13 as if such consortium were a local educational agen-  
14 cy for purposes of this subpart.”;

15 (2) in subsection (b)—

16 (A) by striking paragraph (1) and insert-  
17 ing the following:

18 “(1) ENROLLMENT REQUIREMENTS.—

19 “(A) IN GENERAL.—Subject to subpara-  
20 graph (B), a local educational agency shall be  
21 eligible for a grant under this subpart for any  
22 fiscal year if the number of Indian children eli-  
23 gible under section 7117 who were enrolled in  
24 the schools of the agency, and to whom the



1 agency provided free public education, during  
2 the preceding fiscal year—

3 “(i) was at least 10; or

4 “(ii) constituted not less than 25 per-  
5 cent of the total number of individuals en-  
6 rolled in the schools of such agency.

7 “(B) SPECIAL RULE.—Notwithstanding  
8 any other provision of this Act, in any case  
9 where an Indian tribe that represents a plu-  
10 rality of the eligible Indian children who are  
11 served by a local educational agency eligible for  
12 a grant under this subpart requests that the  
13 local educational agency enter into a coopera-  
14 tive agreement with such tribe to assist in the  
15 planning and operation of the program funded  
16 by such grant, the local educational agency  
17 shall enter into such an agreement as a condi-  
18 tion for receiving funds under this subpart.”;  
19 and

20 (B) in paragraph (2), by striking “a res-  
21 ervation” and inserting “an Indian reserva-  
22 tion”;

23 (3) in subsection (c)—

1 (A) in paragraph (1), by striking “such  
2 grant, an” and inserting the following: “such  
3 grant—

4 “(A) an Indian tribe that represents a plu-  
5 rality of the eligible Indian children who are  
6 served by such local educational agency may  
7 apply for such grant; or

8 “(B) a consortium of Indian tribes rep-  
9 resenting a plurality of the eligible Indian chil-  
10 dren who are served by such local educational  
11 agency may apply for such grant.”; and

12 (B) in paragraph (2)—

13 (i) by inserting “or consortium of In-  
14 dian tribes” after “each Indian tribe”;

15 (ii) by inserting “or such consortium”  
16 after “such Indian tribe”; and

17 (iii) by inserting “or consortium”  
18 after “any such tribe”; and

19 (4) by adding at the end the following:

20 “(d) INDIAN COMMITTEE.—If neither a local edu-  
21 cational agency pursuant to subsection (b), nor an Indian  
22 tribe or consortium of Indian tribes pursuant to subsection  
23 (c), applies for a grant under this subpart, a committee  
24 of Indian individuals in the community of the local edu-  
25 cational agency may apply for such grant and the Sec-

1 retary shall apply the special rule in subsection (c)(2) to  
2 such committee in the same manner as such rule applies  
3 to an Indian tribe or consortium of Indian tribes.”.

4 **SEC. 154. AMOUNT OF GRANTS.**

5 Section 7113 of the Elementary and Secondary Edu-  
6 cation Act of 1965 (20 U.S.C. 7423) is amended—

7 (1) in subsection (b)—

8 (A) in paragraph (1), by striking “\$3,000”  
9 and inserting “\$10,000”;

10 (B) in paragraph (2)—

11 (i) by inserting “and Indian tribes”  
12 after “Local educational agencies”; and

13 (ii) by inserting “and operating pro-  
14 grams” after “obtaining grants”; and

15 (C) by striking “\$4,000” and inserting  
16 “\$15,000”; and

17 (2) in subsection (d)—

18 (A) in the subsection heading, by striking  
19 “AFFAIRS” and inserting “EDUCATION”; and

20 (B) in paragraph (1)(A)(i), by striking  
21 “Affairs” and inserting “Education”.

22 **SEC. 155. APPLICATIONS.**

23 Section 7114 of the Elementary and Secondary Edu-  
24 cation Act of 1965 (20 U.S.C. 7424) is amended—

25 (1) in subsection (b)—

1 (A) in paragraph (2)—

2 (i) in subparagraph (A), by striking  
3 “is consistent with the State and local”  
4 and inserts “supports the State, tribal, and  
5 local”; and

6 (ii) in subparagraph (B), by striking  
7 “, that are” and all that follows through  
8 “all children”; and

9 (B) in paragraph (3), by striking “, espe-  
10 cially programs carried out under title I,”;

11 (C) in paragraph (5)—

12 (i) in subparagraph (A), by striking  
13 “and” after the semicolon; and

14 (ii) by adding at the end the fol-  
15 lowing:

16 “(C) the parents of Indian children and  
17 representatives of Indian tribes on the com-  
18 mittee described in subsection (e)(5) will par-  
19 ticipate in the planning of the professional de-  
20 velopment materials; and”;

21 (D) in paragraph (6)(B)—

22 (i) in clause (i), by striking “and”  
23 after the semicolon; and

24 (ii) by adding at the end the fol-  
25 lowing:

1                   “(iii) each Indian tribe whose children  
2                   are served by the local educational agency;  
3                   and”;

4                   (2) in subsection (c)—

5                   (A) by redesignating paragraphs (2)  
6                   through (4) as paragraphs (3) through (5), re-  
7                   spectively;

8                   (B) by inserting after paragraph (1) the  
9                   following:

10                   “(2) the local educational agency will use funds  
11                   received under this subpart only for activities de-  
12                   scribed and authorized in this subpart;”;

13                   (C) in paragraph (3) (as redesignated by  
14                   subparagraph (1))—

15                   (i) in subparagraph (A), by striking  
16                   “and” after the semicolon;

17                   (ii) in subparagraph (B), by inserting  
18                   “and” after the semicolon; and

19                   (iii) by adding at the end the fol-  
20                   lowing:

21                   “(C) determine the extent to which such  
22                   activities address the unique cultural, language,  
23                   and educational needs of Indian students;”;

24                   (D) in paragraph (4)(C) (as redesignated  
25                   by paragraph (1)), by striking “and teachers,”

1 and inserting “teachers, and representatives of  
2 Indian tribes with reservations located within  
3 50 miles of any of the schools (if any such tribe  
4 has children in any such school)”;

5 (E) in paragraph (5)—

6 (i) in subparagraph (A)—

7 (I) by redesignating clauses (ii)  
8 and (iii) as clauses (iii) and (iv), re-  
9 spectively; and

10 (II) by inserting after clause (i)  
11 the following:

12 “(ii) representatives of Indian tribes  
13 with reservations located within 50 miles of  
14 any of the schools, if any such tribe has  
15 children in any such school;”;

16 (ii) in subparagraph (B), by inserting  
17 “and representatives of Indian tribes de-  
18 scribed in subparagraph (A)(ii), if applica-  
19 ble” before the semicolon at the end; and

20 (iii) in subparagraph (D)—

21 (I) in clause (i), by striking  
22 “and” after the semicolon; and

23 (II) by adding at the end the fol-  
24 lowing:

1           “(iii) determined that the program  
2           will directly enhance the educational expe-  
3           rience of American Indian and Alaska Na-  
4           tive students; and”;

5           (3) by adding at the end the following:

6           “(d) **OUTREACH.**—The Secretary shall monitor the  
7 applications for grants under this subpart to identify eligi-  
8 ble local educational agencies and schools operated by the  
9 Bureau of Indian Education that have not applied for  
10 grants, and shall undertake appropriate outreach activities  
11 to encourage and assist such entities to submit applica-  
12 tions.”.

13 **SEC. 156. AUTHORIZED SERVICES AND ACTIVITIES.**

14           Section 7115 of the Elementary and Secondary Edu-  
15 cation Act of 1965 (20 U.S.C. 7425) is amended—

16           (1) in subsection (b)—

17           (A) by redesignating paragraphs (1)  
18 through (11) as paragraphs (2) through (12),  
19 respectively;

20           (B) by inserting before paragraph (2) (as  
21 redesignated by subparagraph (A)) the fol-  
22 lowing:

23           “(1) the activities that support Native Amer-  
24 ican language programs and Native American lan-

1 guage restoration programs, such as those programs  
2 described in section 7123;”;

3 (C) in paragraph (4) (as redesignated by  
4 subparagraph (A)), by striking “and directly  
5 support the attainment of challenging State  
6 academic content and student academic achieve-  
7 ment standards”;

8 (D) in paragraph (5) (as redesignated by  
9 subparagraph (A)), by striking “that meet the  
10 needs of Indian children and their families” and  
11 inserting “, including programs that promote  
12 parental involvement in school activities and  
13 promote parental involvement to increase stu-  
14 dent achievement, in order to meet the unique  
15 needs of Indian children and their families”;

16 (E) in paragraph (10) (as redesignated by  
17 subparagraph (A)), by striking “, consistent  
18 with State standards”; and

19 (F) in paragraph (12) (as redesignated by  
20 subparagraph (A)), by striking “, and incor-  
21 porate appropriately qualified tribal elders and  
22 seniors”; and

23 (2) in subsection (c)—

24 (A) in paragraph (1), by striking “and”  
25 after the semicolon;



1 (B) in paragraph (2), by striking the pe-  
2 riod and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(3) the local educational agency identifies in  
5 its application how the use of such funds in a  
6 schoolwide program will produce benefits to the In-  
7 dian students that would not be achieved if the  
8 funds were not used in a schoolwide program.”.

9 **SEC. 157. STUDENT ELIGIBILITY FORMS.**

10 Section 7117(e) of the Elementary and Secondary  
11 Education Act of 1965 (20 U.S.C. 7427(e)) is amended—

12 (1) by striking “For purposes” and inserting  
13 the following:

14 “(1) IN GENERAL.—For purposes”; and

15 (2) by adding at the end the following:

16 “(2) RECORDS.—Once a child is determined to  
17 be an Indian eligible to be counted for such grant  
18 award, the local educational agency shall maintain a  
19 record of such determination and the local edu-  
20 cational agency and Secretary shall not require a  
21 new or duplicate determination to be made for such  
22 child for a subsequent application for a grant under  
23 this subpart.”.

1 **SEC. 158. TECHNICAL ASSISTANCE.**

2 Subpart 1 of part A of title VII of the Elementary  
3 and Secondary Education Act of 1965 (20 U.S.C. 7421  
4 et seq.) is further amended by adding at the end the fol-  
5 lowing:

6 **“SEC. 7120. TECHNICAL ASSISTANCE.**

7 “The Secretary shall, directly or through a contract,  
8 provide technical assistance to a local educational agency  
9 upon request (in addition to any technical assistance avail-  
10 able under any other provision of this Act or available  
11 through the Institute of Education Sciences) to support  
12 the services and activities provided under this subpart, in-  
13 cluding technical assistance for—

14 “(1) the development of applications under this  
15 subpart;

16 “(2) improvement in the quality of implementa-  
17 tion, content of activities, and evaluation of activities  
18 supported under this subpart; and

19 “(3) integration of activities under this title  
20 with other educational activities established by the  
21 local educational agency.”.

22 **SEC. 159. AMENDMENTS RELATING TO TRIBAL COLLEGES**  
23 **AND UNIVERSITIES.**

24 Subpart 2 of part A of title VII of the Elementary  
25 and Secondary Education Act of 1965 (20 U.S.C. 7441  
26 et seq.) is amended—

1           (1) in section 7121(b), by striking “Indian in-  
2           stitution (including an Indian institution of higher  
3           education)” and inserting “Tribal College or Univer-  
4           sity, as defined in section 316(b) of the Higher Edu-  
5           cation Act of 1965”; and

6           (2) in section 7122—

7           (A) in subsection (b)—

8           (i) by striking paragraph (1) and in-  
9           serting the following:

10           “(1) a Tribal College or University, as defined  
11           in section 316(b) of the Higher Education Act of  
12           1965;”; and

13           (ii) in paragraph (4), by striking the  
14           period and inserting “, in consortium with  
15           not less than 1 Tribal College or Univer-  
16           sity, as defined in section 316(b) of the  
17           Higher Education Act of 1965.”; and

18           (B) in subsection (f)—

19           (i) by redesignating paragraphs (1)  
20           and (2) as paragraphs (2) and (3), respec-  
21           tively;

22           (ii) by inserting after “the Sec-  
23           retary—” the following:

24           “(1) shall give priority to tribally chartered in-  
25           stitutions of higher education;”;

1 (iii) in paragraph (2), as redesignated,  
2 by striking “shall” and inserting “may”;  
3 and

4 (iv) in paragraph (3), as redesignated,  
5 by striking “basis of—” and all that fol-  
6 lows through “grants” and inserting “basis  
7 of the length of any period during which  
8 the eligible entity has received a grant or  
9 grants”.

10 **SEC. 160. TRIBAL EDUCATIONAL AGENCY COOPERATIVE**  
11 **AGREEMENTS.**

12 Subpart 2 of part A of title VII of the Elementary  
13 and Secondary Education Act of 1965 (20 U.S.C. 7441  
14 et seq.) is amended by adding at the end the following:

15 **“SEC. 7123. TRIBAL EDUCATION AGENCY COOPERATIVE**  
16 **AGREEMENTS.**

17 “(a) IN GENERAL.—Notwithstanding any other pro-  
18 vision of this Act, an Indian tribe may enter into a cooper-  
19 ative agreement with a State educational agency or a local  
20 education agency that serves a school within the Indian  
21 lands of such Indian tribe.

22 “(b) COOPERATIVE AGREEMENT.—Upon the request  
23 of an Indian tribe that includes, within the Indian lands  
24 of the tribe, a school served by a State educational agency  
25 or a local educational agency that receives assistance

1 under this Act, the State educational agency or local edu-  
2 cational agency shall enter into a cooperative agreement  
3 with the Indian tribe with respect to such school. The In-  
4 dian tribe and the State educational agency or local edu-  
5 cational agency, as the case may be, shall determine the  
6 terms of the agreement, and the agreement may—

7           “(1) authorize the tribal education agency of  
8 the Indian tribe to plan, conduct, consolidate, and  
9 administer programs, services, functions, and activi-  
10 ties, or portions thereof, administered by the State  
11 educational agency or local educational agency; and

12           “(2) authorize the tribal education agency to  
13 reallocate funds for such programs, services, func-  
14 tions, and activities, or portions thereof as nec-  
15 essary.

16           “(c) DISAGREEMENT.—If an Indian tribe has re-  
17 quested a cooperative agreement under subsection (b) with  
18 a State educational agency or local educational agency  
19 that receives assistance under this Act, and the Indian  
20 tribe and State educational agency or local educational  
21 agency cannot reach an agreement, the Indian tribe may  
22 submit to the Secretary the information that the Secretary  
23 determines relevant to make a determination. The Sec-  
24 retary shall provide notice to the affected State edu-  
25 cational agency or local educational agency not later than

1 30 days after receiving the Indian tribe's submission.  
2 After such notice is made, the State educational agency  
3 or local educational agency has 30 days to submit informa-  
4 tion that the Secretary determines relevant in relation to  
5 the disagreement. After the 30 days provided to the State  
6 educational agency or local educational agency has  
7 elapsed, the Secretary shall make a determination.

8       “(d) CONSORTIUM OF TRIBES.—Nothing in this sec-  
9 tion shall preclude the development and submission of a  
10 single tribal education agencies pilot project cooperative  
11 agreement by the participating Indian tribes of an inter-  
12 tribal consortium.

13       “(e) DEFINITIONS.—In this section:

14               “(1) INDIAN LAND.—The term ‘Indian land’  
15 has the meaning given that term in section 8013.

16               “(2) INDIAN TRIBE.—The term ‘Indian tribe’  
17 means any Indian tribe, band, nation, other orga-  
18 nized group or community, including any Native vil-  
19 lage or Regional Corporation or Village Corporation  
20 as defined in or established pursuant to the Alaska  
21 Native Claims Settlement Act, that is recognized as  
22 eligible for the special programs and services pro-  
23 vided by the United States to Indians because of  
24 their status as Indians.”.

1 **SEC. 161. TRIBAL EDUCATION AGENCIES PILOT PROJECT.**

2 Subpart 2 of part A of title VII of the Elementary  
3 and Secondary Education Act of 1965 (20 U.S.C. 7441  
4 et seq.) is further amended by adding at the end the fol-  
5 lowing:

6 **“SEC. 7124. TRIBAL EDUCATION AGENCIES PILOT PROJECT.**

7 “(a) PURPOSE.—There is established a pilot project  
8 to be known as the ‘Tribal Education Agency Pilot  
9 Project’ that authorizes not more than 5 qualifying Indian  
10 tribes per year to be eligible to receive grants with the  
11 Secretary to administer State educational agency func-  
12 tions authorized under this Act for schools that meet the  
13 eligibility criteria described in subsection (e). These func-  
14 tions include all grants, including grants allocated through  
15 formulas and discretionary grants allocated on a competi-  
16 tive basis, that are awarded under this Act.

17 “(b) PLANNING PHASE.—

18 “(1) IN GENERAL.—Each Indian tribe seeking  
19 to participate in the Tribal Education Agencies Pilot  
20 Project shall complete a planning phase. The plan-  
21 ning phase shall include—

22 “(A) the development of an education plan  
23 for the schools that meet the eligibility criteria  
24 described in subsection (e) and that will be  
25 served under the pilot project; and

1           “(B) demonstrated coordination and col-  
2           laboration partnerships, including cooperative  
3           agreements with each local educational agency  
4           that serves a school meeting the criteria de-  
5           scribed in subsection (e).

6           “(2) EXEMPTION.—The Secretary may waive  
7           the planning phase, upon the application of an In-  
8           dian tribe, if the Indian tribe has—

9                   “(A) been operating a tribal education  
10                  agency successfully for 2 or more years; and

11                  “(B) can demonstrate compliance with the  
12                  fiscal accountability provision of 5(f)(1) of the  
13                  Indian Self-Determination and Education As-  
14                  sistance Act (25 U.S.C. 450c(f)(1)), relating to  
15                  the submission of a single-agency audit report  
16                  required by chapter 75 of title 31, United  
17                  States Code.

18           “(c) FUNDING AGREEMENT.—After an Indian tribe  
19           has successfully completed the planning phase, the Sec-  
20           retary shall award a grant and enter into a funding agree-  
21           ment to the Indian tribe to enable the tribal education  
22           agency of the tribe to administer all State educational  
23           agency functions described in subsection (a) for the  
24           schools that meet the eligibility criteria described in sub-  
25           section (e). Each funding agreement shall—



1           “(1) identify the programs, services, functions,  
2           and activities that the tribal education agency will be  
3           administering for such schools;

4           “(2) determine the amount of funds to be pro-  
5           vided to the Indian tribe by the allocations or grant  
6           amounts that would otherwise be provided to the  
7           State educational agency, as appropriate; and

8           “(3) ensure that the Secretary provides such  
9           funds directly to the tribe to administer such pro-  
10          grams.

11          “(d) ELIGIBILITY.—In order to serve a school  
12          through a funding agreement under this section, the In-  
13          dian tribe shall demonstrate—

14                 “(1) that the school meets 1 or more of the fol-  
15          lowing criteria—

16                         “(A) the school is funded by the Bureau of  
17                         Indian Affairs, whether directly or through a  
18                         contract or compact with an Indian tribe or a  
19                         tribal consortium;

20                         “(B) the school receives payments under  
21                         title VII because of students living on Indian  
22                         land;

23                         “(C) the school is located on Indian land;  
24                         and

1           “(D) a majority of the students in the  
2 school are American Indian or Alaska Native;  
3 and

4           “(2) that the Indian tribe—

5           “(A) has the capacity to administer the  
6 functions for which the tribe applies for such  
7 school, including compliance with the fiscal ac-  
8 countability provision of 5(f)(1) of the Indian  
9 Self-Determination and Education Assistance  
10 Act (25 U.S.C. 450c(f)(1)), relating to the sub-  
11 mission of a single-agency audit report required  
12 by chapter 75 of title 31, United States Code;  
13 and

14           “(B) satisfies such other factors that the  
15 Secretary deems appropriate.

16           “(e) GEOGRAPHICAL DIVERSITY.—In awarding  
17 grants under this section, the Secretary shall ensure that  
18 grants are provided and grant amounts are used in a man-  
19 ner that results in national geographic diversity among In-  
20 dian tribes applying for grants under this section.

21           “(f) CONSORTIUM OF TRIBES.—Nothing in this sec-  
22 tion shall preclude the development and submission of a  
23 single tribal education agencies pilot project by the partici-  
24 pating Indian tribes of an intertribal consortium.

1       “(g) REPORTING REQUIREMENTS.—The Secretary  
2 shall submit to Congress a written report 3 years after  
3 the date of enactment of this Act that—

4           “(1) identifies the relative costs and benefits of  
5 tribal education agencies, as demonstrated by the  
6 grants;

7           “(2) identifies the funds transferred to each  
8 tribal education agency and the corresponding reduc-  
9 tion in the Federal bureaucracy; and

10          “(3) includes the separate views of each Indian  
11 tribe participating in the pilot project.

12       “(h) DEFINITIONS.—In this section:

13           “(1) INDIAN LAND.—The term ‘Indian land’  
14 has the meaning given that term in section 8013.

15           “(2) INDIAN TRIBE.—The term ‘Indian tribe’  
16 means any Indian tribe, band, nation, other orga-  
17 nized group or community, including any Native vil-  
18 lage or Regional Corporation or Village Corporation  
19 as defined in or established pursuant to the Alaska  
20 Native Claims Settlement Act, that is recognized as  
21 eligible for the special programs and services pro-  
22 vided by the United States to Indians because of  
23 their status as Indians.

24       “(i) AUTHORIZATION OF APPROPRIATIONS.—There  
25 are authorized to be appropriated to carry out this section

1 \$25,000,000 for fiscal year 2012 and each of the 5 suc-  
2 ceeding fiscal years.”.

3 **SEC. 162. IMPROVE SUPPORT FOR TEACHERS AND ADMIN-**  
4 **ISTRATORS OF NATIVE AMERICAN STU-**  
5 **DENTS.**

6 Subpart 2 of part A of title VII of the Elementary  
7 and Secondary Education Act of 1965 (20 U.S.C. 7441  
8 et seq.) is amended by adding at the end the following:

9 **“SEC. 7125. TEACHER AND ADMINISTRATOR PIPELINE FOR**  
10 **TEACHERS AND ADMINISTRATORS OF NATIVE**  
11 **AMERICAN STUDENTS.**

12 “(a) GRANTS AUTHORIZED.—The Secretary shall  
13 award grants to eligible entities to enable such entities to  
14 create or expand a teacher or administrator, or both, pipe-  
15 line for teachers and administrators of Native American  
16 students.

17 “(b) ELIGIBLE ENTITY.—In this section, the term  
18 ‘eligible entity’ means—

19 “(1) a local educational agency;

20 “(2) an institution of higher education; or

21 “(3) a nonprofit organization.

22 “(c) PRIORITY.—In awarding grants under this sec-  
23 tion, the Secretary shall give priority to Tribal Colleges  
24 and Universities (as defined in section 316 of the Higher  
25 Education Act of 1965).

1       “(d) ACTIVITIES.—An eligible entity that receives a  
2 grant under this section shall create a program that shall  
3 prepare, recruit, and provide continuing education for  
4 teachers and administrators of Native American students,  
5 in particular for teachers of—

6           “(1) science, technology, engineering, and  
7 mathematics;

8           “(2) subjects that lead to health professions;  
9 and

10          “(3) green skills and ‘middle skills’, including  
11 electrical, welding, technology, plumbing, and green  
12 jobs.

13       “(e) INCENTIVES FOR TEACHERS AND ADMINISTRA-  
14 TORS.—An eligible entity that receives a grant under this  
15 section may provide incentives to teachers and principals  
16 who make a commitment to serve high-need, high-poverty,  
17 tribal schools, including in the form of scholarships, loan  
18 forgiveness, incentive pay, or housing allowances.

19       “(f) SCHOOL AND COMMUNITY ORIENTATION.—An  
20 eligible entity that receives a grant under this section shall  
21 develop an evidence-based, culturally-based school and  
22 community orientation for new teachers and administra-  
23 tors of Native American students.”.

1 **SEC. 163. NATIONAL BOARD CERTIFICATION INCENTIVE**  
2 **DEMONSTRATION PROGRAM.**

3 Subpart 2 of part A of title VII of the Elementary  
4 and Secondary Education Act of 1965 (20 U.S.C. 7441  
5 et seq.) is further amended by adding at the end the fol-  
6 lowing:

7 **“SEC. 7126. NATIONAL BOARD CERTIFICATION INCENTIVE**  
8 **DEMONSTRATION PROGRAM.**

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

10 “(1) to improve the skills of qualified individ-  
11 uals that teach Indian people; and

12 “(2) to provide an incentive for qualified teach-  
13 ers to continue to utilize their enhanced skills in  
14 schools serving Indian communities.

15 “(b) **ELIGIBLE ENTITIES.**—For the purpose of this  
16 section, the term ‘eligible entity’ means—

17 “(1) a State educational agency or local edu-  
18 cational agency, in consortium with an institution of  
19 higher education;

20 “(2) an Indian tribe or organization, in consor-  
21 tium with a local educational agency; or

22 “(3) a Bureau-funded school (as defined in sec-  
23 tion 1146 of the Education Amendments of 1978).

24 “(c) **PROGRAM AUTHORIZED.**—For fiscal years 2012  
25 through 2018, the Secretary is authorized to award grants

1 to eligible entities having applications approved under this  
2 section to enable those entities to—

3 “(1) reimburse individuals who teach Indian  
4 people with out-of-pocket costs associated with ob-  
5 taining National Board Certification; and

6 “(2) providing a minimum of \$5,000 but not  
7 more than a \$10,000 increase in annual compensa-  
8 tion for National Board Certified individuals for the  
9 duration of the Demonstration Project.

10 “(d) APPLICATION.—Each eligible entity desiring a  
11 grant under this section shall submit an application to the  
12 Secretary at such time, in such manner, and accompanied  
13 by such information, as the Secretary may require. In re-  
14 viewing applications under this section, the Secretary shall  
15 ensure that the eligible entities—

16 “(1) are located within the boundaries of a res-  
17 ervation; and

18 “(2) maintain an average enrollment of at least  
19 30 percent of students that reside within the bound-  
20 aries of a reservation.

21 “(e) RESTRICTIONS ON COMPENSATION IN-  
22 CREASES.—The Secretary shall require and ensure that  
23 National Board Certified individuals continue to teach at  
24 the eligible entity as a condition of receiving annual com-  
25 pensation increases provided for in this section.

1 “(f) PROGRESS REPORTS.—In fiscal years 2015 and  
2 2018, the Comptroller General of the United States shall  
3 provide a report on the progress of the entities receiving  
4 awards in meeting applicable progress standards.”.

5 **SEC. 164. TRIBAL LANGUAGE IMMERSION SCHOOLS.**

6 Subpart 2 of part A of title VII of the Elementary  
7 and Secondary Education Act of 1965 (20 U.S.C. 7441  
8 et seq.) is further amended by adding at the end the fol-  
9 lowing:

10 **“SEC. 7127. TRIBAL LANGUAGE IMMERSION SCHOOLS.**

11 “(a) PURPOSE.—It is the purpose of this section to  
12 establish a grant program to permit eligible schools to use  
13 American Indian, Alaska Native, and Native Hawaiian  
14 languages as the primary language of instruction of all  
15 curriculum taught at the schools (referred to in this sec-  
16 tion as ‘immersion schools’) in order to increase the num-  
17 ber of American Indian, Alaska Native, and Native Ha-  
18 waiian graduates at all levels of education, and to increase  
19 the proficiencies of these students in the curriculum being  
20 taught.

21 “(b) PROGRAM AUTHORIZED.—From the amounts  
22 made available to carry out this section, the Secretary may  
23 award grants to eligible schools to develop and maintain,  
24 or to improve and expand, programs that support articu-



1 lated Native language learning in kindergarten through  
2 postsecondary education programs.

3 “(c) ELIGIBLE SCHOOL; DEFINITION.—In this sec-  
4 tion—

5 “(1) the term ‘eligible school’ means a school  
6 that provides elementary or secondary education or  
7 a Tribal College or University, including an elemen-  
8 tary or secondary school operated by a Tribal Col-  
9 lege or University, that has, or can present a plan  
10 for development of, an immersion school or courses  
11 in which instruction is provided for a minimum 900  
12 hours per academic year; and

13 “(2) the term ‘Tribal College or University’ has  
14 the meaning given that term in section 316(b) of the  
15 Higher Education Act of 1965.

16 “(d) APPLICATION.—An eligible school seeking a  
17 grant under this section shall submit an application to the  
18 Secretary at such time and in such manner as the Sec-  
19 retary may require, that includes the following informa-  
20 tion:

21 “(1) The number of students attending the  
22 school.

23 “(2) The number of present hours of tribal lan-  
24 guage instruction being provided to students at the  
25 school, if any.

1           “(3) The status of school with regard to any  
2 applicable Tribal Education Department or agency,  
3 public education system, or accrediting body.

4           “(4) A statement that the school is engaged in  
5 meeting targeted proficiency levels for students as  
6 may be required by applicable Federal, State, or  
7 tribal law.

8           “(5) A statement identifying how the pro-  
9 ficiency levels for students being educated, or to be  
10 educated, at the tribal language immersion school  
11 are, or will be, assessed.

12           “(6) A list of the instructors at the tribal lan-  
13 guage immersion school and their qualifications.

14           “(7) A list of any partners or subcontractors  
15 with the tribal language immersion school who may  
16 assist in the provision of instruction in the immer-  
17 sion setting, and the role of such partner or subcon-  
18 tractor.

19           “(8) Any other information that the Secretary  
20 may require.

21           “(e) ADDITIONAL ELIGIBILITY REQUIREMENTS.—  
22 When submitting an application for a grant under this  
23 section, each eligible school shall submit:

24           “(1) A certificate from a federally recognized  
25 Indian tribe, or a letter from any organized Amer-

1        ican Indian, Alaska Native, or Native Hawaiian  
2        community, on whose lands the school is located, or  
3        which is served by the school, or from a tribally con-  
4        trolled college or university (as defined in section 2  
5        of the Tribally Controlled College or University As-  
6        sistance Act of 1978) that is operating the school,  
7        indicating that the school has the capacity to provide  
8        language immersion education and that there are  
9        sufficient native speakers at the school or available  
10       to be hired by the school who are trained as edu-  
11       cators who can provide the education services re-  
12       quired by the school in the native language used at  
13       the immersion school and who will satisfy any re-  
14       quirements of any applicable law for educators gen-  
15       erally.

16            “(2) An assurance that the school will partici-  
17       pate in data collection conducted by the Secretary  
18       that will determine best practices and further aca-  
19       demic evaluation of the immersion school.

20            “(3) A demonstration of the capacity to have  
21       native language speakers provide the basic education  
22       offered by the school for the minimum 900 hours  
23       per academic year as required under the grant.

1       “(f) ACTIVITIES AUTHORIZED.—The following activi-  
2 ties are the activities that may be carried out by the eligi-  
3 ble schools that receive a grant under this section:

4           “(1) Development of an articulated instruc-  
5 tional curriculum for the language of the tribe,  
6 American Indian, Alaska Native, or Hawaiian com-  
7 munity served by the school applying for the grant.

8           “(2) In-service and preservice development of  
9 teachers and paraprofessionals who will be providing  
10 the instruction in the native language involved.

11          “(3) Development of contextual, experiential  
12 programs, and curriculum materials related to the  
13 indigenous language of the community which the im-  
14 mersion school serves.

15       “(g) NUMBER, AMOUNT, AND DIVERSITY OF LAN-  
16 GUAGES IN GRANTS.—Based on the amount appropriated  
17 by Congress as authorized by this section, and the number  
18 of eligible schools applying for a grant under this section,  
19 the Secretary may determine the amounts and length of  
20 each grant made under this section and shall ensure, to  
21 the maximum extent practicable, that diversity in lan-  
22 guages is represented in such grants.

23       “(h) REPORT TO SECRETARY.—Each eligible school  
24 receiving a grant under this section shall provide an an-  
25 nual report to the Secretary at such time, in such manner,

1 and containing such information as the Secretary may re-  
2 quire.

3 “(i) AUTHORIZATION OF APPROPRIATIONS.—Not-  
4 withstanding any other section authorizing funds to be ap-  
5 propriated for carrying out the purposes of this title, there  
6 is authorized to be appropriated to carry out this section  
7 \$5,000,000 for the first full fiscal year following the date  
8 of enactment of this section, and such sums as are nec-  
9 essary in the 4 following fiscal years.”.

10 **SEC. 165. COORDINATION OF INDIAN STUDENT INFORMA-**  
11 **TION.**

12 Subpart 3 of part A of title VII of the Elementary  
13 and Secondary Education Act of 1965 (20 U.S.C. 7451  
14 et seq.) is amended by adding at the end the following:

15 **“SEC. 7137. COORDINATION OF INDIAN STUDENT INFORMA-**  
16 **TION.**

17 “(a) PURPOSE.—Consonant with the United States’  
18 unique and continuing trust responsibility to Indian people  
19 for the education of Indian children as described in section  
20 7101, it is the purpose of this section to enable the Sec-  
21 retary to establish or improve the effectiveness and effi-  
22 ciency of programs for coordination among educational  
23 agencies and schools for the linkage and exchange of stu-  
24 dent records of Indian children.

25 “(b) GRANTS AUTHORIZED.—

1           “(1) IN GENERAL.—The Secretary, in consulta-  
2           tion with the Secretary of the Interior, the States,  
3           and Indian tribes, is authorized to make grants to,  
4           or enter into contracts with, State educational agen-  
5           cies, local educational agencies, Indian tribes, Indian  
6           organizations, tribal education agencies, institutions  
7           of higher education, other public and private non-  
8           profit organizations, and consortia of all such enti-  
9           ties, to improve the collection, coordination, and  
10          electronic exchange of Indian student records be-  
11          tween State educational agencies, local educational  
12          agencies, and elementary schools and secondary  
13          schools funded by the Bureau of Indian Education.

14           “(2) PREFERENCE.—In awarding grants under  
15          this section, the Secretary shall give preference to—

16                   “(A) entities that are Indian tribes, Indian  
17                   organizations, tribal education agencies; or

18                   “(B) consortia that include 1 or more such  
19                   entities.

20           “(3) GRANT DURATION.—Each grant awarded  
21          under this section shall be for a duration of not  
22          more than 5 years.

23          “(c) ASSISTANCE.—

24                   “(1) IN GENERAL.—The Secretary shall assist  
25          the Secretary of the Interior, the States, and ele-

1       mentary schools and secondary schools funded by  
2       the Bureau of Indian Education in developing effective  
3       methods for—

4               “(A) the electronic transfer of student  
5       records of Indian children;

6               “(B) the determination of the number of  
7       Indian children in each State, disaggregated by  
8       the local educational agency in which such children  
9       reside; and

10              “(C) the determination of the extent to  
11       which Indian children under the age of 18 who  
12       have not achieved a secondary school diploma  
13       are not enrolled in any school.

14       “(2) INFORMATION SYSTEMS.—

15              “(A) IN GENERAL.—Using amounts made  
16       available under subsection (e), the Secretary, in  
17       consultation with the Secretary of the Interior,  
18       the States, and elementary schools and secondary  
19       schools funded by the Bureau of Indian  
20       Education, shall award grants or contracts to,  
21       or enter agreements with, State educational  
22       agencies and local educational agencies, and  
23       provide funds to the Secretary of the Interior in  
24       accordance with subsection (d) in order to ensure  
25       the linkage of Indian student records sys-

1           tems for the purpose of electronically exchang-  
2           ing, among and between State educational  
3           agencies, local educational agencies, and  
4           schools, health and educational information re-  
5           garding all Indian students. The Secretary of  
6           Education shall ensure such linkage occurs in a  
7           cost-effective manner, and to the extent prac-  
8           ticable, utilizes systems, if any, used prior to  
9           the date of enactment of this section.

10           “(B) DATA ELEMENTS.—The Secretary  
11           shall identify the data elements that each State  
12           receiving assistance under this subsection and  
13           the Secretary of the Interior shall collect and  
14           maintain for each Indian student enrolled in a  
15           school, which, at a minimum, shall include—

16                   “(i) the student’s enrollment and  
17                   disenrollment in any elementary and sec-  
18                   ondary school, and the grade levels suc-  
19                   cessfully completed at such school;

20                   “(ii) the student’s immunization  
21                   records and other health information;

22                   “(iii) the student’s elementary and  
23                   secondary academic history (including par-  
24                   tial credit), credit accrual, and results from  
25                   any assessments required by Federal law;



1           “(iv) other academic information es-  
2           sential to ensuring that Indian children  
3           achieve high standards; and

4           “(v) the student’s eligibility for serv-  
5           ices under the Individuals with Disabilities  
6           Education Act.

7           “(C) NOTICE AND COMMENT.—After ful-  
8           filling the consultation required under subpara-  
9           graph (A), the Secretary shall publish a notice  
10          in the Federal Register seeking public comment  
11          on the proposed data elements that the Sec-  
12          retary of the Interior and each State shall be  
13          required to collect for purposes of electronic  
14          transfer of Indian student information with re-  
15          spect to schools assisted under this Act and the  
16          requirements the Secretary of the Interior and  
17          the States shall meet for immediate electronic  
18          access to such information. Such publication  
19          shall occur not later than 180 days after the  
20          date of enactment of this section.

21          “(3) NO COST FOR CERTAIN TRANSFERS.—A  
22          State educational agency or local educational agency  
23          receiving assistance under this Act, or an elementary  
24          school or secondary school funded by the Bureau of  
25          Indian Education, shall make student records avail-

1       able at request of any other educational agency or  
2       school at no cost to the requesting agency or school  
3       if the request is made in order to meet the needs of  
4       an Indian child who is enrolled, or was enrolled, in  
5       the school receiving assistance under this Act.

6       “(d) REPORT TO CONGRESS.—

7               “(1) IN GENERAL.—Not later than 2 years  
8       after the date of enactment of this section, the Sec-  
9       retary shall prepare and submit, to the Committee  
10       on Health, Education, Labor, and Pensions and the  
11       Committee on Indian Affairs of the Senate, and the  
12       Committee on Education and the Workforce of the  
13       House of Representatives a report—

14               “(A) describing the status of the imple-  
15       mentation of this section; and

16               “(B) including recommendations from the  
17       Secretary and the Secretary of the Interior re-  
18       garding the collection, coordination and ex-  
19       change of health and educational information  
20       on Indian children by the Secretary of the Inte-  
21       rior, the States, and elementary schools and  
22       secondary schools funded by the Bureau of In-  
23       dian Education.

1           “(2) REQUIRED CONTENTS.—The Secretary  
2 shall include in the report and recommendations de-  
3 scribed in paragraph (1)—

4           “(A) a report on the progress made by the  
5 Secretary of the Interior, the States, and ele-  
6 mentary schools and secondary schools funded  
7 by the Bureau of Indian Education in devel-  
8 oping and linking electronic records transfer  
9 systems;

10           “(B) recommendations for the develop-  
11 ment, linkage, and maintenance of such sys-  
12 tems;

13           “(C) recommendations for measures that  
14 may be taken to ensure the continuity and en-  
15 hancement of services to Indian students;

16           “(D) a report from the Secretary of the  
17 Interior describing the extent to which funding  
18 supplied to elementary schools and secondary  
19 schools funded by the Bureau of Indian Edu-  
20 cation pursuant to subsection (e)(2)(B) is suffi-  
21 cient to enable those schools to develop and op-  
22 erate electronic records transfer systems; and

23           “(E) a report on recommendations made  
24 by Indian tribes, Indian organizations, tribal  
25 departments of education, and elementary

1 schools and secondary schools funded by the  
2 Bureau of Indian Education, and consortia of  
3 such entities, regarding implementation of this  
4 section and the extent to which such rec-  
5 ommendations were taken into account.

6 “(3) PUBLICATION IN FEDERAL REGISTER.—  
7 Not later than 14 days after the report described in  
8 paragraph (1) is submitted to Congress, the Sec-  
9 retary shall publish such report in the Federal Reg-  
10 ister.

11 “(e) AVAILABILITY OF FUNDS.—

12 “(1) RESERVATION.—For the purpose of car-  
13 rying out this section in any fiscal year, the Sec-  
14 retary shall reserve \$20,000,000 of the amount ap-  
15 propriated pursuant to subsection (c) of section  
16 7152.

17 “(2) ALLOTMENT FOR THE SECRETARY OF THE  
18 INTERIOR.—

19 “(A) IN GENERAL.—From the amounts re-  
20 served pursuant to paragraph (1), the Secretary  
21 shall transfer to the Secretary of the Interior  
22 \$8,000,000 for each fiscal year to be used as  
23 described in subparagraph (B).

24 “(B) DISTRIBUTION AND USE OF  
25 FUNDS.—The Secretary of the Interior shall

1 distribute all funds transferred pursuant to sub-  
2 paragraph (A) to elementary schools and sec-  
3 ondary schools funded by the Bureau of Indian  
4 Education for use by such schools to pay the  
5 costs of establishing and participating in sys-  
6 tems for the orderly linkage and exchange of  
7 student records of Indian children. To facilitate  
8 such establishment and participation by such  
9 schools, the Secretary of the Interior shall, at  
10 the request of any such school, supply technical  
11 assistance. Amounts required to be supplied to  
12 elementary and secondary schools operated by  
13 Indian tribes or tribal organizations pursuant  
14 to contracts issued under authority of the In-  
15 dian Self-Determination and Education Assist-  
16 ance Act (25 U.S.C. 450 et seq.) or pursuant  
17 to grants issued under authority of the Tribally  
18 Controlled Schools Act (25 U.S.C. 2501 et seq.)  
19 shall be added to the respective contracts or  
20 grants of such tribes or tribal organizations.

21 “(f) DATA COLLECTION.—The Secretary shall direct  
22 the National Center for Education Statistics to collect  
23 data on Indian children.

24 “(g) AUTHORIZATION OF APPROPRIATIONS.—For the  
25 purpose of carrying out this section, there are authorized

1 to be appropriated \$20,000,000 for fiscal year 2012 and  
2 each of the 5 succeeding fiscal years.”.

3 **SEC. 166. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 7152 (20 U.S.C. 7492) is amended to read  
5 as follows:

6 **“SEC. 7152. AUTHORIZATIONS OF APPROPRIATIONS.**

7 “(a) SUBPART 1.—For the purpose of carrying out  
8 subpart 1, there are authorized to be appropriated  
9 \$130,000,000 for fiscal year 2012 and such sums as may  
10 be necessary for each of the 5 succeeding fiscal years.

11 “(b) SUBPART 2.—For the purpose of carrying out  
12 subpart 2, there are authorized to be appropriated  
13 \$50,000,000 for fiscal year 2012 and such sums as may  
14 be necessary for each of the 5 succeeding fiscal years.

15 “(c) SUBPART 3.—For the purpose of carrying out  
16 subpart 3, there are authorized to be appropriated  
17 \$25,000,000 for fiscal year 2012 and such sums as may  
18 be necessary for each of the 5 succeeding fiscal years.”.

19 **Subtitle F—Impact Aid**

20 **SEC. 171. IMPACT AID.**

21 Section 8004 of the Elementary and Secondary Edu-  
22 cation Act of 1965 (20 U.S.C. 7704) is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (2), by inserting “, prior  
25 to any final decision by the agency on how

1 funds received under section 8003 will be  
2 spent” after “benefits of such programs and ac-  
3 tivities”;

4 (B) in paragraph (5)—

5 (i) by inserting “local education” after  
6 “to such”; and

7 (ii) by inserting “, prior to any final  
8 decision by the agency on how funds re-  
9 ceived under section 8003 will be spent”  
10 after “educational program”;

11 (2) by redesignating subsections (e) through (f)  
12 as subsections (d) through (g), respectively;

13 (3) by inserting after subsection (b) the fol-  
14 lowing:

15 “(c) ANNUAL SUMMARY.—On an annual basis, a  
16 local educational agency that claims children residing on  
17 Indian lands for the purpose of receiving funds under sec-  
18 tion 8003 shall provide Indian tribes with—

19 “(1) a summary of programs and activities that  
20 were created for the claimed children, or in which  
21 the claimed children participate; and

22 “(2) the funding received under section 8003 in  
23 the prior and current fiscal years attributable to  
24 such claimed children.”; and

1           (4) by inserting after subsection (g), as so re-  
2 designated, the following:

3           “(h) **TIMELY PAYMENTS.**—

4           “(1) **IN GENERAL.**—Subject to paragraph (2),  
5 the Secretary shall pay a local educational agency  
6 that claims children residing on Indian lands for the  
7 purpose of receiving funds under section 8003 the  
8 full amount that the agency is eligible to receive  
9 under this title for a fiscal year not later than Sep-  
10 tember 30 of the second fiscal year following the fis-  
11 cal year for which such amount has been appro-  
12 priated if, not later than 1 calendar year following  
13 the fiscal year in which such amount has been ap-  
14 propriated, such local educational agency submits to  
15 the Secretary all the data and information necessary  
16 for the Secretary to pay the full amount that the  
17 agency is eligible to receive under this title for such  
18 fiscal year.

19           “(2) **PAYMENTS WITH RESPECT TO FISCAL**  
20 **YEARS IN WHICH INSUFFICIENT FUNDS ARE APPRO-**  
21 **PRIATED.**—For a fiscal year in which the amount  
22 appropriated under section 8014 is insufficient to  
23 pay the full amount a local educational agency is eli-  
24 gible to receive under this title, paragraph (1) shall  
25 be applied by substituting ‘is available to pay the



1 agency' for 'the agency is eligible to receive' each  
2 place it appears.”.

### 3 **Subtitle G—General Provisions**

#### 4 **SEC. 181. HIGHLY QUALIFIED DEFINITION.**

5 Section 9109(23) of the Elementary and Secondary  
6 Education Act of 1965 (20 U.S.C. 7801(23)) is amend-  
7 ed—

8 (1) in subparagraph (B)(ii)(II), by striking “;  
9 and” and inserting a semicolon;

10 (2) in subparagraph (C)(ii)(VII), by striking  
11 the period and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(D) when used with respect to any public  
14 elementary school or secondary school teacher  
15 teaching Native American language, history, or  
16 culture in a State or any Bureau of Indian Af-  
17 fairs funded or operated school, means a teach-  
18 er certified by an Indian tribe as highly quali-  
19 fied to teach such subjects.”.

#### 20 **SEC. 182. APPLICABILITY OF ESEA TO BUREAU OF INDIAN** 21 **EDUCATION SCHOOLS.**

22 Section 9103 (20 U.S.C. 7821) is amended to read  
23 as follows:

1 **“SEC. 9103. APPLICABILITY TO BUREAU OF INDIAN EDU-**  
2 **CATION SCHOOLS.**

3 “(a) IN GENERAL.—For the purpose of any competi-  
4 tive program under this Act, a school described in sub-  
5 section (b) shall have the same eligibility for and be given  
6 the same consideration as a local educational agency with  
7 regard to such program.

8 “(b) DESCRIPTION OF SCHOOLS.—A school described  
9 in this subsection is—

10 “(1) a school funded by the Bureau of Indian  
11 Education (including a school operated under a con-  
12 tract or grant with the Bureau of Indian Edu-  
13 cation), or a consortium of such schools; or

14 “(2) a school funded by the Bureau of Indian  
15 Education in consortium with an Indian tribe, insti-  
16 tution of higher education, tribal organization or  
17 community organization.

18 “(c) OUTREACH.—The Secretary shall perform out-  
19 reach to schools and consortia described in subsection (b)  
20 to encourage such schools and consortia to apply for each  
21 competitive program under this Act, and shall provide  
22 technical assistance as needed to enable such schools and  
23 consortia to submit applications for such programs.

24 “(d) COLLABORATION.—The Secretary shall collabo-  
25 rate with the Secretary of the Interior to provide training  
26 and technical assistance to the Bureau of Indian Edu-

1 cation, Indian tribes, and schools operated under contracts  
 2 and grants from the Bureau of Indian Education, regard-  
 3 ing—

4 “(1) curriculum selection, including develop-  
 5 ment of culturally appropriate curricula;

6 “(2) the development and use of appropriate as-  
 7 sessments; and

8 “(3) effective instructional practices.”

9 **SEC. 183. INCREASED ACCESS TO RESOURCES FOR TRIBAL**  
 10 **SCHOOLS, SCHOOLS SERVED BY THE BUREAU**  
 11 **OF INDIAN EDUCATION, AND NATIVE AMER-**  
 12 **ICAN STUDENTS.**

13 (a) TECHNICAL ASSISTANCE AND CAPACITY BUILD-  
 14 ING.—Subpart 2 of part E of title IX of the Elementary  
 15 and Secondary Education Act of 1965 (20 U.S.C. 7901  
 16 et seq.) is amended by adding at the end the following:

17 **“SEC. 9537. TECHNICAL ASSISTANCE AND CAPACITY BUILD-**  
 18 **ING FOR TRIBAL SCHOOLS AND SCHOOLS**  
 19 **SERVED BY THE BUREAU OF INDIAN EDU-**  
 20 **CATION.**

21 “Notwithstanding any other provision of this Act, the  
 22 Secretary shall ensure that any program supported with  
 23 funds provided under this Act that awards grants, con-  
 24 tracts, or other assistance to public schools, provides a 1  
 25 percent reservation for technical assistance or capacity

1 building for tribal schools or schools served by the Bureau  
2 of Indian Education to ensure such tribal schools or  
3 schools served by the Bureau of Indian Education are pro-  
4 vided the assistance to compete for such grants, contracts,  
5 or other assistance.”.

6           **TITLE II—AMENDMENTS TO**  
7                           **OTHER LAWS**

8   **SEC. 201. AMENDMENTS TO THE AMERICAN RECOVERY**  
9                           **AND REINVESTMENT ACT OF 2009 TO PRO-**  
10                           **VIDE FUNDING FOR INDIAN PROGRAMS.**

11           Title XIV of Division A of the American Recovery  
12 and Reinvestment Act of 2009 (Public Law 111–5; 123  
13 Stat. 279) is amended—

14                   (1) by striking subsection (a) of section 14001  
15                   and inserting the following:

16                   “(a) OUTLYING AREAS; BUREAU OF INDIAN EDU-  
17                   CATION.—

18                   “(1) OUTLYING AREAS.—From the amount ap-  
19                   propriated to carry out this title, the Secretary of  
20                   Education shall first allocate up to one-half of one  
21                   percent to the outlying areas on the basis of their  
22                   respective needs, as determined by the Secretary, in  
23                   consultation with the Secretary of the Interior, for  
24                   activities consistent with this title under such terms  
25                   and conditions as the Secretary may determine.

1           “(2) BUREAU OF INDIAN EDUCATION.—From  
2 the amounts appropriated to carry out section  
3 14006 and section 14007, the Secretary of Edu-  
4 cation shall allocate not less than 1 percent, but not  
5 more than 5 percent, to the schools funded by the  
6 Bureau of Indian Education on the basis of their re-  
7 spective needs, as determined by the Secretary of  
8 Education, in consultation with the Secretary of the  
9 Interior, for activities consistent with such sections  
10 under such terms and conditions as the Secretary  
11 may determine.”; and

12           (2) in section 14005(d), by striking paragraph  
13 (6) (as added by section 1832(b) of the Department  
14 of Defense and Full-Year Continuing Appropriations  
15 Act, 2011 (Public Law 112–10, 125 Stat. 164)) and  
16 inserting the following:

17           “(6) IMPROVING EARLY CHILDHOOD CARE AND  
18 EDUCATION.—The State will take actions to—

19           “(A) increase the number and percentage  
20 of low-income and disadvantaged children in  
21 each age group of infants, toddlers, and pre-  
22 schoolers who are enrolled in high-quality early  
23 learning programs;

1           “(B) design and implement an integrated  
2           system of high-quality early learning programs  
3           and services;

4           “(C) in collaboration with Indian tribes in  
5           the State, ensure that the actions described in  
6           (A) and (B) are taken to ensure that high-quality  
7           early learning programs and services are  
8           provided to Indian children in the State, which  
9           may be accomplished through subgrants to such  
10          tribes; and

11          “(D) ensure that any use of assessments  
12          conforms with the recommendations of the Na-  
13          tional Research Council’s reports on early child-  
14          hood.”.

15 **SEC. 202. QUALIFIED SCHOLARSHIPS FOR EDUCATION AND**  
16 **CULTURAL BENEFITS.**

17          (a) IN GENERAL.—Section 117 of the Internal Rev-  
18          enue Code of 1986 is amended by adding at the end the  
19          following new subsection:

20          “(e) INDIAN EDUCATION AND CULTURAL BENE-  
21          FITS.—

22                  “(1) IN GENERAL.—Except as otherwise pro-  
23          vided in this subsection, gross income does not in-  
24          clude the value of—

1           “(A) any qualified Indian education ben-  
2           efit, or

3           “(B) any qualified Indian cultural benefit.

4           “(2) QUALIFIED INDIAN EDUCATION BEN-  
5           EFIT.—For purposes of this subsection, the term  
6           ‘qualified Indian education benefit’ means—

7           “(A) any educational grant or benefit pro-  
8           vided, directly or indirectly, to a member of an  
9           Indian tribe, including a spouse or dependent of  
10          such a member, by the Federal Government  
11          through a grant to or a contract or compact  
12          with an Indian tribe or tribal organization or  
13          through a third-party program funded by the  
14          Federal Government, and

15          “(B) any educational grant or benefit pro-  
16          vided or purchased by an Indian tribe or tribal  
17          organization to or for a member of an Indian  
18          tribe, including a spouse or dependent of such  
19          a member.

20          “(3) QUALIFIED INDIAN CULTURAL BENEFIT.—  
21          For purposes of this subsection, the term ‘qualified  
22          Indian cultural benefit’ means—

23          “(A) any grant or benefit provided, directly  
24          or indirectly, to a member of an Indian tribe,  
25          including a spouse or dependent of such a mem-

1 ber, by the Federal Government through a  
2 grant to or a contract or compact with an In-  
3 dian tribe or tribal organization or through a  
4 third-party program funded by the Federal  
5 Government, for the study of the language, cul-  
6 ture, and ways of life of the tribe, and

7 “(B) any grant or benefit provided or pur-  
8 chased by an Indian tribe or tribal organization  
9 to or for a member of an Indian tribe, including  
10 a spouse or dependent of such a member, for  
11 the study of the language, culture, and ways of  
12 life of the tribe.

13 “(4) DEFINITIONS.—For purposes of this sub-  
14 section—

15 “(A) INDIAN TRIBE.—The term ‘Indian  
16 tribe’ has the meaning given such term by sec-  
17 tion 45A(c)(6).

18 “(B) TRIBAL ORGANIZATION.—The term  
19 ‘tribal organization’ has the meaning given such  
20 term by section 4(l) of the Indian Self-Deter-  
21 mination and Education Assistance Act.

22 “(C) DEPENDENT.—The term ‘dependent’  
23 has the meaning given such term by section  
24 152, determined without regard to subsections  
25 (b)(1), (b)(2), and (d)(1)(B) thereof.



1           “(5) DENIAL OF DOUBLE BENEFIT.—This sub-  
2           section shall not apply to the amount of any quali-  
3           fied Indian education benefit or qualified Indian cul-  
4           tural benefit which is not includible in gross income  
5           of the beneficiary of such benefit by reason of any  
6           other provision of this title, or to the amount of any  
7           such benefit for which a deduction is allowed to such  
8           beneficiary under any other provision of this title.”.

9           (b) EFFECTIVE DATE.—The amendment made by  
10          this section shall apply to amounts received after the date  
11          of the enactment of this Act.

12          **SEC. 203. TRIBAL EDUCATION POLICY ADVISORY GROUP.**

13          Section 1126 of the Education Amendments of 1978  
14          (25 U.S.C. 2006) is amended by adding at the end the  
15          following:

16          “(h) TRIBAL EDUCATION POLICY ADVISORY  
17          GROUP.—

18                 “(1) ESTABLISHMENT.—Not later than 120  
19                 days after the date of enactment of this subsection,  
20                 the Secretary, acting through the Assistant Sec-  
21                 retary for Indian Affairs, shall establish a Tribal  
22                 Education Policy Advisory Group (referred to in this  
23                 subsection as the ‘TEPAG’) to advise the Secretary  
24                 and the Assistant Secretary on all policies, guide-  
25                 lines, programmatic issues, and budget development

1 for the school system funded by the Bureau of In-  
2 dian Education.

3 “(2) DUTIES.—

4 “(A) IN GENERAL.—The Secretary shall  
5 consult with the TEPAG prior to proposing any  
6 regulations, establishing or changing any poli-  
7 cies, or submitting any budget proposal applica-  
8 ble to the Bureau of Indian Education school  
9 system.

10 “(B) RECOMMENDATIONS.—The Secretary  
11 shall include in the proposed budget developed  
12 annually for the Bureau of Indian Education  
13 any recommendations made by the TEPAG re-  
14 sulting from the consultation under subpara-  
15 graph (A).

16 “(C) SUPPLEMENT, NOT SUPPLANT.—The  
17 consultation required by subparagraph (A) shall  
18 be in addition to and shall not replace the con-  
19 sultation requirement of section 1131.

20 “(3) COMPOSITION.—

21 “(A) IN GENERAL.—The TEPAG shall be  
22 composed of 26 members, who shall be selected  
23 in accordance with subparagraphs (B) through  
24 (D).

25 “(B) TRIBAL MEMBERS.—

1           “(i) IN GENERAL.—The TEPAG shall  
2           be composed of 22 elected or appointed  
3           tribal officials (or designated employees of  
4           the officials with authority to act on behalf  
5           of the officials), one from each education  
6           line office of the Bureau of Indian Edu-  
7           cation, who shall act as principal members  
8           of the TEPAG.

9           “(ii) SELECTION PROCESS.—The  
10          tribes and schools served by each education  
11          line office shall establish a process to select  
12          the principal member and alternate mem-  
13          ber of that education line office to  
14          TEPAG.

15          “(iii) ALTERNATES.—The alternate  
16          member of an education line office selected  
17          under clause (ii) may participate in  
18          TEPAG meetings in the absence of the  
19          principal member of that education line of-  
20          fice.

21          “(C) NATIONAL TRIBAL ORGANIZATION  
22          MEMBER.—The Secretary shall appoint a prin-  
23          cipal member and an alternate member to the  
24          TEPAG from among national organizations  
25          comprised of Indian tribes, who shall be elected

1 or appointed tribal officials (or designated em-  
2 ployees of the officials with authority to act on  
3 behalf of the officials).

4 “(D) FEDERAL MEMBERS.—The Secretary,  
5 the Assistant Secretary for Indian Affairs, and  
6 the Director of the Bureau of Indian Education  
7 shall be ex-officio members of the TEPAG.

8 “(4) ADMINISTRATION.—

9 “(A) MEETINGS.—The TEPAG shall meet  
10 in person not less than 3 times per fiscal year  
11 and may hold additional meetings by telephone  
12 conference call.

13 “(B) PROTOCOLS.—The Secretary and the  
14 TEPAG shall jointly develop protocols for the  
15 operation and administration of TEPAG.

16 “(C) NONAPPLICABILITY OF FACAA.—The  
17 Federal Advisory Committee Act (5 U.S.C.  
18 App.) shall not apply to the TEPAG.

19 “(D) SUPPORT.—

20 “(i) IN GENERAL.—The Secretary  
21 shall be responsible for all costs associated  
22 with carrying out the functions of the  
23 TEPAG, including reimbursement for the  
24 travel, lodging, and per diem expenses of  
25 each principal or alternate TEPAG mem-

1           ber selected under subparagraphs (B) and  
2           (C) of paragraph 3.

3           “(ii) ADDITIONAL REQUEST.—

4                   “(I) IN GENERAL.—To facilitate  
5           the work of the TEPAG, the Sec-  
6           retary may request additional funding  
7           in the annual budget submission of  
8           the Secretary to support technical and  
9           substantive assistance to the TEPAG.

10                   “(II) RECOMMENDATIONS.—If

11           the Secretary requests additional  
12           funding under subclause (I), the Sec-  
13           retary shall take into consideration  
14           the amount of funding requested by  
15           the TEPAG for technical and sub-  
16           stantive assistance when making the  
17           additional funding request.

18           “(5) AUTHORIZATION OF APPROPRIATIONS.—

19           There are authorized to be appropriated such sums  
20           as are necessary to carry out this subsection.”.

21 **SEC. 204. DIVISION OF BUDGET ANALYSIS.**

22           Section 1129 of the Education Amendments of 1978  
23           (25 U.S.C. 2009) is amended—

24                   (1) in subsection (c)—

1 (A) in the matter preceding paragraph (1),  
2 by striking “Assistant Secretary for Indian Af-  
3 fairs” and inserting “Secretary”;

4 (B) in paragraph (2), by striking “and”  
5 after the semicolon;

6 (C) by redesignating paragraph (3) as  
7 paragraph (4); and

8 (D) by inserting after paragraph (2) the  
9 following:

10 “(3) a determination of the amount necessary  
11 to sustain academic and residential programs at Bu-  
12 reau-funded schools, calculated pursuant to subpart  
13 H of part 39 of title 25, Code of Federal Regula-  
14 tions (or successor regulations); and”;

15 (2) in subsection (d), by striking “Assistant  
16 Secretary for Indian Affairs” and inserting “Sec-  
17 retary”.

18 **SEC. 205. QUALIFIED SCHOOL CONSTRUCTION BOND ES-**

19 **CROW ACCOUNT.**

20 Part B of title II of the Indian Self-Determination  
21 and Education Assistance Act (25 U.S.C. 458) is amended  
22 by adding at the end the following:

1 **“SEC. 205. AUTHORIZATION TO ESTABLISH QUALIFIED**  
2 **SCHOOL CONSTRUCTION BOND ESCROW AC-**  
3 **COUNT.**

4 “(a) IN GENERAL.—Pursuant to the authority grant-  
5 ed under section 54F(d)(4) of the Internal Revenue Code  
6 of 1986, the Secretary shall establish a qualified school  
7 construction bond escrow account for the purpose of im-  
8 plementing section 54F of the Internal Revenue Code of  
9 1986.

10 “(b) TRANSFER TO ESCROW ACCOUNT.—

11 “(1) IN GENERAL.—The Secretary shall allo-  
12 cate to the escrow account described in subsection  
13 (a) amounts described in section 54F(d)(4) of the  
14 Internal Revenue Code of 1986.

15 “(2) OTHER FUNDS.—The Secretary shall ac-  
16 cept and disburse to the escrow account described in  
17 subsection (a) amounts received to carry out this  
18 section from other sources, including other Federal  
19 agencies, non-Federal public agencies, and private  
20 sources.”.

21 **SEC. 206. EQUITY IN EDUCATIONAL LAND-GRANT STATUS**  
22 **ACT OF 1994.**

23 Section 532 of the Equity in Educational Land-Grant  
24 Status Act of 1994 (7 U.S.C. 301 note) is amended by—

25 (1) redesignating paragraphs (15) through (34)  
26 as paragraphs (16) through (35), respectively; and

1           (2) by inserting after paragraph (14) the fol-  
2           lowing:

3           “(15) Keweenaw Bay Ojibwa Community Col-  
4           lege.”.

5 **SEC. 207. WORKFORCE INVESTMENT ACT OF 1998.**

6           Title II of the Workforce Investment Act of 1998 (20  
7 U.S.C. 9201 et seq.) is amended—

8           (1) in section 203—

9                   (A) in paragraph (5)(D), by inserting “,  
10                   including a Tribal College or University” after  
11                   “education”;

12                   (B) in paragraph (15), by amending sub-  
13                   paragraph (B) to read as follows:

14                           “(B) a Tribal College or University; or”;

15                           (C) by redesignating paragraph (18) as  
16                   paragraph (19); and

17                   (D) by inserting after paragraph (17) the  
18                   following:

19                           “(18) TRIBAL COLLEGE OR UNIVERSITY.—The  
20                   term ‘Tribal College or University’ has the meaning  
21                   given the term in section 316(b) of the Higher Edu-  
22                   cation Act of 1965.”;

23           (2) in section 211(a)—

24                   (A) in paragraph (2), by striking “; and”  
25                   and inserting a semicolon;



1 (B) in paragraph (3), by striking the pe-  
2 riod and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(4) shall reserve 1.5 percent to carry out sec-  
5 tion 244, except that the amount so reserved shall  
6 not exceed \$8,000,000.”; and

7 (3) by inserting after section 243 the following:

8 **“SEC. 244. AMERICAN INDIAN TRIBAL COLLEGE OR UNI-  
9 VERSITY ADULT EDUCATION AND LITERACY  
10 PROGRAM.**

11 “(a) ESTABLISHMENT AND PURPOSE.—The Sec-  
12 retary shall establish and carry out an American Indian  
13 Tribal College and University Adult Education and Lit-  
14 eracy Grant Program to enable Tribal Colleges or Univer-  
15 sities to develop and implement innovative, effective, and  
16 replicable programs designed to enhance life skills and  
17 transition individuals to employability and postsecondary  
18 education and to provide technical assistance to such insti-  
19 tutions for program administration.

20 “(b) APPLICATION.—To be eligible to receive a grant  
21 under this section, a Tribal College or University shall  
22 submit to the Secretary an application at such time and  
23 in such manner as the Secretary may reasonably require.  
24 The Secretary shall, to the extent practicable, prescribe  
25 a simplified and streamlined format for such applications

1 that takes into account the limited number of institutions  
2 that are eligible for assistance under this section.

3 “(c) ELIGIBLE ACTIVITIES.—Activities that may be  
4 carried out under a grant awarded under this section in-  
5 clude—

6 “(1) adult education and literacy services, in-  
7 cluding workplace literacy services;

8 “(2) family literacy services;

9 “(3) English literacy programs, including lim-  
10 ited English proficiency programs;

11 “(4) civil engagement and community participa-  
12 tion, including U.S. citizenship skills;

13 “(5) opportunities for American Indians and  
14 Alaska Natives to qualify for a secondary school di-  
15 ploma, or its recognized equivalent; and

16 “(6) demonstration and research projects and  
17 professional development activities designed to de-  
18 velop and identify the most successful methods and  
19 techniques for addressing the educational needs of  
20 American Indian adults.

21 “(d) GRANTS AND CONTRACTS.—Funding shall be  
22 awarded under this section to Tribal Colleges or Univer-  
23 sities on a competitive basis through grants, contracts, or  
24 cooperative agreements of not less than 3 years in dura-  
25 tion.

1       “(e) CONSIDERATION AND INCLUSION.—In making  
2 awards under this section, the Secretary may take into  
3 account the considerations set forth in section 231(e). In  
4 no case shall the Secretary make an award to a Tribal  
5 College or University that does not include in its applica-  
6 tion a description of a multiyear strategy, including per-  
7 formance measures, for increasing the number of adult  
8 American Indian or Alaska Natives that attain a sec-  
9 ondary diploma or recognized equivalent.”.

10 **SEC. 208. TECHNICAL AMENDMENTS TO TRIBALLY CON-**  
11 **TROLLED SCHOOLS ACT OF 1988.**

12       (a) GRANTS AUTHORIZED.—Section 5203(b)(3) of  
13 the Tribally Controlled Schools Act of 1988 (25 U.S.C.  
14 2502(b)(3)) is amended—

15           (1) by striking “as defined in section  
16 1128(h)(1)” and inserting “as defined in section  
17 1128(a)(1)”; and

18           (2) by striking “under section 1128 of such”  
19 and inserting “under section 1128(c) of that”.

20       (b) AMENDMENTS TO GRANTS.—Section 5203 of the  
21 Tribally Controlled Schools Act of 1988 (25 U.S.C. 2502)  
22 is amended by adding at the end the following:

23       “(h) AMENDMENTS TO GRANTS.—

24           “(1) IN GENERAL.—At the request of the school  
25 board of a tribally controlled school, the Secretary

1 shall approve a request to amend a grant issued to  
2 that school board under this part unless the Sec-  
3 retary, not later than 90 days after the date of re-  
4 ceipt of the request, provides written notification to  
5 the school board that contains a specific finding that  
6 clearly demonstrates, or is supported by a control-  
7 ling legal authority, that—

8 “(A) the services to be rendered to the eli-  
9 gible Indian students under the proposed  
10 amendment to the grant do not meet the re-  
11 quirements of this part;

12 “(B) adequate protection of trust resources  
13 is not assured;

14 “(C) the grant or the proposed amendment  
15 to the grant cannot be properly completed or  
16 maintained;

17 “(D) the amount of funds proposed under  
18 the amendment is in excess of the applicable  
19 funding level for the grant, as determined under  
20 section 5204; or

21 “(E) the program, function, service, or ac-  
22 tivity (or portion of the program, function, serv-  
23 ice, or activity) that is the subject of the pro-  
24 posed amendment is beyond the scope of pro-  
25 grams, functions, services, or activities covered

1 under this part because the proposed amend-  
2 ment includes activities that cannot lawfully be  
3 carried out by the grantee.

4 “(2) APPEALS.—The Secretary shall provide  
5 the school board of a tribally controlled school with  
6 a hearing on the record in the same manner as pro-  
7 vided under section 102 of the Indian Self-Deter-  
8 mination and Education Assistance Act (25 U.S.C.  
9 450f).”.

10 (c) COMPOSITION OF GRANTS.—Section 5204(b) of  
11 the Tribally Controlled Schools Act of 1988 (25 U.S.C.  
12 2503(b)) is amended—

13 (1) in paragraph (4)(B)(iv), by striking “sec-  
14 tion 5209(e)” and inserting “section 5208(e)”; and

15 (2) in paragraph (5)(B), by striking “section  
16 5209(e)” and inserting “section 5208(e)”.

17 (d) DURATION OF ELIGIBILITY DETERMINATION.—  
18 Section 5206(c) of the Tribally Controlled Schools Act of  
19 1988 (25 U.S.C. 2505(c)) is amended—

20 (1) in paragraph (2), by striking “section  
21 5206(b)(1)(A)” and inserting “section  
22 5205(b)(1)(A)”; and

23 (2) in paragraph (4)(A), by striking “section  
24 5206(f)(1)(C)” and inserting “section  
25 5205(f)(1)(C)”.

1                   **TITLE III—ADDITIONAL**  
2                   **EDUCATION PROVISIONS**

3   **SEC. 301. NATIVE AMERICAN STUDENT SUPPORT.**

4           (a) SUPPORT.—The Secretary of Education shall ex-  
5   pand programs for Native American school children—

6               (1) to provide support for learning in their Na-  
7   tive language and culture; and

8               (2) to provide English language instruction.

9           (b) RESEARCH.—The Secretary of Education shall  
10   conduct research on culture- and language-based edu-  
11   cation to identify the factors that improve education and  
12   health outcomes.

13   **SEC. 302. ENSURING THE SURVIVAL AND CONTINUING VI-**  
14                   **TALITY OF NATIVE AMERICAN LANGUAGES.**

15           (a) DEFINITIONS.—In this section:

16               (1) DIRECTOR.—The term “Director” means  
17   the Director of the Bureau of Indian Education.

18               (2) ELIGIBLE ENTITY.—The term “eligible enti-  
19   ty” means any agency or organization that is eligible  
20   for financial assistance under section 803(a) of the  
21   Native American Programs Act of 1974 (42 U.S.C.  
22   2991b(a)).

23               (3) SECRETARY.—The term “Secretary” means  
24   the Secretary of the Interior, acting through the Di-  
25   rector.

1           (b) ESTABLISHMENT OF GRANT PROGRAM.—The  
2 Secretary shall establish a program to provide eligible enti-  
3 ties with grants for the purpose of assisting Native Ameri-  
4 cans to ensure the survival and continuing vitality of Na-  
5 tive American languages.

6           (c) USE OF AMOUNTS.—

7               (1) IN GENERAL.—An eligible entity may use  
8 amounts received under this section to carry out ac-  
9 tivities that ensure the survival and continuing vital-  
10 ity of Native American languages, including—

11                   (A) the establishment and support of com-  
12 munity Native American language projects de-  
13 signed to bring older and younger Native Ameri-  
14 cians together to facilitate and encourage the  
15 transfer of Native American language skills  
16 from one generation to another;

17                   (B) the establishment of projects that train  
18 Native Americans to—

19                           (i) teach a Native American language  
20 to others; or

21                           (ii) serve as interpreters or translators  
22 of a Native American language;

23                   (C) the development, printing, and dis-  
24 semination of materials to be used for the

1 teaching and enhancement of a Native Amer-  
2 ican language;

3 (D) the establishment or support of a  
4 project to train Native Americans to produce or  
5 participate in television or radio programs to be  
6 broadcast in a Native American language;

7 (E) the compilation, transcription, and  
8 analysis of oral testimony to record and pre-  
9 serve a Native American language;

10 (F) the purchase of equipment, including  
11 audio and video recording equipment, com-  
12 puters, and software, required to carry out a  
13 Native American language project; and

14 (G)(i) the establishment of Native Amer-  
15 ican language nests, which are site-based edu-  
16 cational programs that—

17 (I) provide instruction and child care  
18 through the use of a Native American lan-  
19 guage for at least 10 children under the  
20 age of 7 for an average of at least 500  
21 hours per year per student;

22 (II) provide classes in a Native Amer-  
23 ican language for parents (or legal guard-  
24 ians) of students enrolled in a Native



1 American language nest (including Native  
2 American language-speaking parents); and

3 (III) ensure that a Native American  
4 language is the dominant medium of in-  
5 struction in the Native American language  
6 nest;

7 (ii) the establishment of Native American  
8 language survival schools, which are site-based  
9 educational programs for school-age students  
10 that—

11 (I) provide an average of at least 500  
12 hours of instruction through the use of 1  
13 or more Native American languages for at  
14 least 15 students for whom a Native Amer-  
15 ican language survival school is the prin-  
16 cipal place of instruction;

17 (II) develop instructional courses and  
18 materials for learning Native American  
19 languages and for instruction through the  
20 use of Native American languages;

21 (III) provide for teacher training;

22 (IV) work toward a goal of all stu-  
23 dents achieving—

24 (aa) fluency in a Native Amer-  
25 ican language; and

1 (bb) academic proficiency in  
2 mathematics, reading (or language  
3 arts), and science; and

4 (V) are located in areas that have  
5 high numbers or percentages of Native  
6 American students; and

7 (iii) the establishment of Native American  
8 language restoration programs, which are edu-  
9 cational programs that—

10 (I) operate at least 1 Native American  
11 language program for the community  
12 which the educational program serves;

13 (II) provide training programs for  
14 teachers of Native American languages;

15 (III) develop instructional materials  
16 for the Native American language restora-  
17 tion programs;

18 (IV) work toward a goal of increasing  
19 proficiency and fluency in at least 1 Native  
20 American language; and

21 (V) provide instruction in at least 1  
22 Native American language.

23 (2) NATIVE AMERICAN LANGUAGE RESTORA-  
24 TION PROGRAMS.—An eligible entity carrying out a  
25 program described in paragraph (1)(G)(iii) may use

1 amounts made available under this section to carry  
2 out—

3 (A) Native American language programs,  
4 including—

5 (i) Native American language immer-  
6 sion programs;

7 (ii) Native American language and  
8 culture camps;

9 (iii) Native American language pro-  
10 grams provided in coordination and co-  
11 operation with educational entities;

12 (iv) Native American language pro-  
13 grams provided in coordination and co-  
14 operation with local institutions of higher  
15 education;

16 (v) Native American language pro-  
17 grams that use a master-apprentice model  
18 of learning languages; and

19 (vi) Native American language pro-  
20 grams provided through a regional pro-  
21 gram to better serve geographically dis-  
22 persed students;

23 (B) Native American language teacher  
24 training programs, including—

1 (i) training programs in Native Amer-  
2 ican language translation for fluent speak-  
3 ers;

4 (ii) training programs for Native  
5 American language teachers; and

6 (iii) training programs for teachers in  
7 the use of Native American language mate-  
8 rials, tools, and interactive media to teach  
9 Native American language; and

10 (C) the development of Native American  
11 language materials, including books, audio and  
12 visual tools, and interactive media programs.

13 (d) APPLICATIONS.—

14 (1) IN GENERAL.—Subject to paragraph (2), in  
15 awarding a grant under this section, the Secretary  
16 shall select applicants from among eligible entities  
17 on the basis of applications submitted to the Sec-  
18 retary at such time, in such form, and containing  
19 such information as the Secretary requires.

20 (2) REQUIREMENTS.—An application under  
21 paragraph (1) shall include, at a minimum—

22 (A) a detailed description of the current  
23 status of the Native American language to be  
24 addressed by the project for which a grant is  
25 requested, including a description of existing

1 programs and projects, if any, in support of  
2 that language;

3 (B) a detailed description of the project for  
4 which the grant is requested;

5 (C) a statement that the objectives of the  
6 project are in accordance with the purposes of  
7 this section;

8 (D) a detailed description of the plan of  
9 the applicant to evaluate the project;

10 (E) if appropriate, an identification of op-  
11 portunities for the replication or modification of  
12 the project for use by other Native Americans;

13 (F) a plan for the preservation of the prod-  
14 ucts of the Native American language project  
15 for the benefit of future generations of Native  
16 Americans and other interested persons; and

17 (G) in the case of an application for a  
18 grant to carry out any purpose specified in sub-  
19 section (c)(1)(G)(iii), a certification by the ap-  
20 plicant that the applicant has not less than 3  
21 years of experience in operating and admin-  
22 istering a Native American language survival  
23 school, a Native American language nest, or  
24 any other educational program in which in-

1           struction is conducted in a Native American  
2           language.

3           (3) PARTICIPATING ORGANIZATIONS.—If an ap-  
4           plicant determines that the objectives of a proposed  
5           Native American language project would be accom-  
6           plished more effectively through a partnership with  
7           an educational entity, the applicant shall identify the  
8           educational entity as a participating organization in  
9           the application.

10          (e) LIMITATIONS ON FUNDING.—

11           (1) FEDERAL SHARE.—The Federal share of  
12           the total cost of a program under this section shall  
13           not exceed 80 percent.

14           (2) NON-FEDERAL SHARE.—

15           (A) IN GENERAL.—The non-Federal share  
16           of the cost of a program under this section may  
17           be provided in cash or fairly evaluated in-kind  
18           contributions, including facilities, equipment, or  
19           services.

20           (B) SOURCE OF NON-FEDERAL SHARE.—

21           The non-Federal share—

22           (i) may be provided from any private  
23           or non-Federal source; and

24           (ii) may include amounts (including  
25           interest) distributed to an Indian tribe—

1 (I) by the Federal Government  
2 pursuant to the satisfaction of a claim  
3 made under Federal law;

4 (II) from amounts collected and  
5 administered by the Federal Govern-  
6 ment on behalf of an Indian tribe or  
7 the members of an Indian tribe; or

8 (III) by the Federal Government  
9 for general tribal administration or  
10 tribal development under a formula or  
11 subject to a tribal budgeting priority  
12 system, including—

13 (aa) amounts involved in the  
14 settlement of land or other judg-  
15 ment claims;

16 (bb) severance or other roy-  
17 alty payments; or

18 (cc) payments under the In-  
19 dian Self-Determination Act (25  
20 U.S.C. 450f et seq.) or a tribal  
21 budget priority system.

22 (3) DURATION.—

23 (A) IN GENERAL.—Subject to subpara-  
24 graph (B), the Secretary may make grants

1 made under this section on a 1-year, 2-year, or  
2 3-year basis.

3 (B) NATIVE AMERICAN LANGUAGE RES-  
4 TORATION PROGRAM.—The Secretary shall only  
5 make a grant available under subsection  
6 (c)(1)(G)(iii) on a 3-year basis.

7 (f) ADMINISTRATION.—

8 (1) IN GENERAL.—The Secretary shall carry  
9 out this section through the Bureau of Indian Edu-  
10 cation.

11 (2) EXPERT PANEL.—

12 (A) IN GENERAL.—Not later than 180  
13 days after date of enactment of this section, the  
14 Secretary shall appoint a panel of experts for  
15 the purpose of assisting the Secretary to re-  
16 view—

17 (i) applications submitted under sub-  
18 section (d);

19 (ii) evaluations carried out to comply  
20 with subsection (d)(2)(C); and

21 (iii) the preservation of products re-  
22 quired by subsection (d)(2)(F).

23 (B) COMPOSITION.—

24 (i) IN GENERAL.—The panel shall in-  
25 clude—



1 (I) a designee of the Institute of  
2 American Indian and Alaska Native  
3 Culture and Arts Development;

4 (II) representatives of national,  
5 tribal, and regional organizations that  
6 focus on Native American language or  
7 Native American cultural research,  
8 development, or training; and

9 (III) other individuals who are  
10 recognized as experts in the area of  
11 Native American language.

12 (ii) RECOMMENDATIONS.—Rec-  
13 ommendations for appointments to the  
14 panel shall be solicited from Indian tribes  
15 and tribal organizations.

16 (C) DUTIES.—The duties of the panel shall  
17 include—

18 (i) making recommendations regard-  
19 ing the development and implementation of  
20 regulations, policies, procedures, and rules  
21 of general applicability with respect to the  
22 administration of this section;

23 (ii) reviewing applications received  
24 under subsection (d);

1 (iii) providing to the Secretary a list  
2 of recommendations for the approval of ap-  
3 plications in accordance with—

4 (I) regulations issued by the Sec-  
5 retary; and

6 (II) the relative need for the  
7 project; and

8 (iv) reviewing evaluations submitted  
9 to comply with subsection (d)(2)(C).

10 (3) PRODUCTS GENERATED BY PROJECTS.—

11 (A) IN GENERAL.—Subject to subpara-  
12 graph (B), for preservation and use in accord-  
13 ance with the responsibilities of the respective  
14 organization under Federal law, a copy of any  
15 product of a Native American language project  
16 for which a grant is made under this section—

17 (i) shall be transmitted to the Insti-  
18 tute of American Indian and Alaska Native  
19 Culture and Arts Development; and

20 (ii) may be transmitted, at the discre-  
21 tion of the grantee, to national and re-  
22 gional repositories of similar material.

23 (B) EXEMPTION.—

24 (i) IN GENERAL.—In accordance with  
25 the Federal recognition of the sovereign

1 authority of each Indian tribe over all as-  
2 pects of the culture and language of that  
3 Indian tribe and subject to clause (ii), an  
4 Indian tribe may make a determination—

5 (I) not to transmit a copy of a  
6 product under subparagraph (A);

7 (II) not to permit the redistribu-  
8 tion of a copy of a product trans-  
9 mitted under subparagraph (A); or

10 (III) to restrict in any manner  
11 the use or redistribution of a copy of  
12 a product transmitted under subpara-  
13 graph (A).

14 (ii) RESTRICTIONS.—Clause (i) does  
15 not authorize an Indian tribe—

16 (I) to limit the access of the Sec-  
17 retary to a product described in sub-  
18 paragraph (A) for purposes of admin-  
19 istering this section or evaluating the  
20 product; or

21 (II) to sell a product described in  
22 subparagraph (A), or a copy of that  
23 product, for profit to the entities re-  
24 ferred to in subparagraph (A).

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this section  
3 such sums as are necessary for each of fiscal years 2013  
4 through 2018.

5 (h) REPEAL; CONFORMING AMENDMENTS.—

6 (1) REPEAL.—Section 803C of the Native  
7 American Programs Act of 1974 (42 U.S.C. 2991b–  
8 3) is repealed.

9 (2) CONFORMING AMENDMENTS.—Section 816  
10 of the Native American Programs Act of 1974 (42  
11 U.S.C. 2992d) is amended—

12 (A) in subsection (a), by striking “sections  
13 803(d), 803A, 803C, 804, subsection (e) of this  
14 section” and inserting “sections 803(d), 803A,  
15 and 804, subsection (d)”;

16 (B) in subsection (b), by striking “other  
17 than sections 803(d), 803A, 803C, 804, sub-  
18 section (e) of this section” and inserting “sec-  
19 tions 803(d), 803A, and 804, subsection (d)”;  
20 and

21 (C) by striking subsection (e).

22 **SEC. 303. IN-SCHOOL FACILITY INNOVATION PROGRAM**  
23 **CONTEST.**

24 (a) IN GENERAL.—The Secretary of the Interior  
25 shall—

1           (1) establish an in-school facility innovation  
2 program contest in which institutions of higher edu-  
3 cation, including a Tribal College or University (as  
4 defined in section 316 of the Higher Education Act  
5 of 1965 (20 U.S.C. 1059e)), are encouraged to con-  
6 sider solving the problem of how to improve school  
7 facilities for tribal schools and schools served by the  
8 Bureau of Indian Education for problem-based  
9 learning in their coursework and through extra-  
10 curricular opportunities; and

11           (2) establish an advisory group for the contest  
12 described in paragraph (1) that shall include stu-  
13 dents enrolled at a Tribal College or University, a  
14 representative from the Bureau of Indian Education,  
15 and engineering and fiscal advisors.

16           (b) SUBMISSION OF FINALISTS TO THE INDIAN AF-  
17 FAIRS COMMITTEE.—The Secretary of the Interior shall  
18 submit the finalists to the Committee on Indian Affairs  
19 of the Senate.

20           (c) WINNERS.—The Secretary of the Interior shall—

21           (1) determine the winners of the program con-  
22 test conducted under this section; and

23           (2) award the winners appropriate recognition  
24 and reward.

1 **SEC. 304. RETROCESSION OR REASSUMPTION OF CERTAIN**  
2 **SCHOOL FUNDS.**

3 Notwithstanding any other provision of law, begin-  
4 ning July 1, 2008, any funds (including investments and  
5 interest earned, except for construction funds) held by a  
6 Public Law 100–297 grant or a Public Law 93–638 con-  
7 tract school shall, upon retrocession to or reassumption  
8 by the Bureau of Indian Education, remain available to  
9 the Bureau for a period of 5 years from the date of ret-  
10 rocession or reassumption for the benefit of the programs  
11 approved for the school on October 1, 1995.

12 **SEC. 305. DEPARTMENT OF THE INTERIOR AND DEPART-**  
13 **MENT OF EDUCATION JOINT OVERSIGHT**  
14 **BOARD.**

15 (a) IN GENERAL.—The Secretary of Education and  
16 the Secretary of the Interior shall jointly establish a De-  
17 partment of the Interior and Department of Education  
18 Joint Oversight Board, that shall—

19 (1) be co-chaired by both Departments; and  
20 (2) coordinate technical assistance, resource  
21 distribution, and capacity building between the 2 de-  
22 partments on the education of and for Native Amer-  
23 ican students.

24 (b) INFORMATION TO BE SHARED.—The Joint Over-  
25 sight Board shall facilitate the communication, collabora-  
26 tion, and coordination between the 2 departments of edu-

1 cation policies, access to and eligibility for Federal re-  
2 sources, and budget and school leadership development,  
3 and other issues, as appropriate.

4 **SEC. 306. FEASIBILITY STUDY TO TRANSFER BUREAU OF**  
5 **INDIAN EDUCATION TO DEPARTMENT OF**  
6 **EDUCATION.**

7 (a) IN GENERAL.—Not later than 1 year after the  
8 date of enactment of this section, the Government Ac-  
9 countability Office shall carry out a study that examines  
10 the feasibility of transferring the Bureau of Indian Edu-  
11 cation from the Department of the Interior to the Depart-  
12 ment of Education.

13 (b) CONTENTS.—The study shall include an assess-  
14 ment of the impacts of a transfer described in subsection

15 (a) on—

16 (1) affected students;

17 (2) affected faculty, staff, and other employees;

18 (3) the organizational and operating structure  
19 of the Bureau of Indian Education;

20 (4) applicable Federal laws, including laws re-  
21 lating to Indian preference; and

22 (5) intergovernmental agreements.

23 **SEC. 307. TRIBAL SELF-GOVERNANCE FEASIBILITY STUDY.**

24 (a) STUDY.—The Secretary of Education shall con-  
25 duct a study to determine the feasibility of entering into

1 self-governance compacts and contracts with Indian tribal  
2 governments who wish to operate public schools that re-  
3 side within their lands.

4 (b) CONSIDERATIONS.—In conducting the study de-  
5 scribed in subsection (a), the Secretary of Education shall  
6 consider the feasibility of—

7 (1) assigning and paying to an Indian tribe all  
8 expenditures for the provision of services and related  
9 administration funds that the Secretary would other-  
10 wise pay to a State educational agency and a local  
11 educational agency for 1 or more public schools lo-  
12 cated on the Indian lands of such Indian tribe;

13 (2) providing assistance to Indian tribes in de-  
14 veloping capacity to administer all programs and  
15 services that are currently under the jurisdiction of  
16 the State educational agency or local educational  
17 agency; and

18 (3) authorizing the Secretary to treat an Indian  
19 tribe as a State for the purposes of carrying out pro-  
20 grams and services funded by the Secretary that are  
21 currently under the jurisdiction of the State.

22 (c) REPORT.—Not later than 2 years after the date  
23 of the enactment of this Act, the Secretary of Education  
24 shall submit, to the Committee on Indian Affairs and the  
25 Committee on Health, Education, Labor and Pensions of



1 the Senate and the Education and the Workforce Com-  
2 mittee of the House of Representatives, a report that in-  
3 cludes—

4           (1) the results of the study conducted under  
5 subsection (a);

6           (2) a summary of any consultation that oc-  
7 curred between the Secretary and Indian tribes in  
8 conducting this study;

9           (3) projected costs and savings associated with  
10 the Department of Education entering into self-gov-  
11 ernance contracts and compacts with Indian tribes,  
12 and any estimated impact on programs and services  
13 described in paragraphs (2) and (3) of subsection  
14 (a) in relation to probable costs and savings; and

15           (4) legislative actions that would be required to  
16 authorize the Secretary to enter into self-governance  
17 compacts and contracts with Indian tribes to provide  
18 such programs and services.

19 (d) DEFINITIONS.—In this section:

20           (1) INDIAN TRIBE.—The term “Indian Tribe”  
21 means any Indian tribe, band, nation, other orga-  
22 nized group or community, including any Native vil-  
23 lage or Regional Corporation or Village Corporation  
24 as defined in or established pursuant to the Alaska  
25 Native Claims Settlement Act, that is recognized as

1 eligible for the special programs and services pro-  
2 vided by the United States to Indians because of  
3 their status as Indians.

4 (2) INDIAN LANDS.—The term “Indian lands”  
5 has the meaning given that term in section 8013 of  
6 the Elementary and Secondary Education Act of  
7 1965 (20 U.S.C. 7713).

8 **SEC. 308. ESTABLISHMENT OF CENTER FOR INDIGENOUS**  
9 **EXCELLENCE.**

10 (a) DEFINITIONS.—In this section:

11 (1) INSTITUTION OF HIGHER EDUCATION.—The  
12 term “institution of higher education” shall have the  
13 meaning given such term in section 101 of the High-  
14 er Education Act of 1965 (20 U.S.C. 1001).

15 (2) NATIVE AMERICAN AND NATIVE AMERICAN  
16 LANGUAGE.—The terms “Native American” and  
17 “Native American language” shall have the mean-  
18 ings given such terms in section 103 of the Native  
19 American Languages Act (25 U.S.C. 2902).

20 (3) NATIVE AMERICAN LANGUAGE NESTS AND  
21 SURVIVAL SCHOOLS.—The terms “Native American  
22 language nest” and “Native American language sur-  
23 vival school” shall have the meanings given such  
24 terms in section 803C(b)(7) of the Native American  
25 Programs Act of 1974 (42 U.S.C. 2991b–3).

1           (4) NATIVE HAWAIIAN OR NATIVE AMERICAN  
2           PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL  
3           ORGANIZATION.—The term “Native Hawaiian or  
4           Native American Pacific Islander native language  
5           educational organization” shall have the meaning  
6           given such term in section 3301 of the Elementary  
7           and Secondary Education Act of 1965 (20 U.S.C.  
8           7011).

9           (5) SECRETARY.—The term “Secretary” means  
10          the Secretary of Education.

11          (6) STEM.—The term “STEM” means a  
12          science, technology, engineering, and mathematics  
13          program.

14          (7) TRIBALLY SANCTIONED EDUCATIONAL AU-  
15          THORITY.—The term “tribally sanctioned edu-  
16          cational authority” shall have the meaning given  
17          such term in section 3301 of the Elementary and  
18          Secondary Education Act of 1965 (20 U.S.C. 7011).

19          (b) IN GENERAL.—There shall be established a Cen-  
20          ter for Indigenous Excellence to—

21                 (1) support Native American governments, com-  
22                 munities, schools, and programs in the development  
23                 and demonstration of Native American language and  
24                 culture-based education from the preschool to grad-  
25                 uate education levels as appropriate for their distinc-

1       tive populations, circumstances, visions, and holistic  
2       approaches for the benefit of the entire community;

3           (2) provide direction to Federal, State, and  
4       local government entities relative to Native American  
5       language and culture-based education;

6           (3) demonstrate nationally and internationally  
7       recognized educational best practices through inte-  
8       grated programming in Native American language  
9       and culture-based education from the preschool to  
10      graduate education levels that benefits the entire  
11      specific indigenous group regardless of its geo-  
12      graphic dispersal, including—

13           (A) teacher certification;

14           (B) curriculum and materials development;

15           (C) distance education support;

16           (D) research; and

17           (E) holistic approaches;

18           (4) serve as an alternative pathway of choice  
19      for meeting federally mandated academic assess-  
20      ments, teacher qualifications, and curriculum design  
21      for Native American language nests and Native  
22      American language survival schools; and

23           (5) serve as a coordinating entity and deposi-  
24      tory for federally funded research into Native Amer-  
25      ican language and culture-based education including

1       STEM applications that will address workforce  
2       needs of Native American communities.

3       (c) ELIGIBLE ENTITIES.—For the purpose of deter-  
4       mining the site of the Center for Indigenous Excellence,  
5       the Secretary shall consider the following to be an eligible  
6       entity:

7               (1) A tribally sanctioned educational authority.

8               (2) A Native American language college.

9               (3) A Native Hawaiian or Native American Pa-  
10       cific Islander native language educational organiza-  
11       tion.

12              (4) An institution of higher education with a  
13       commitment to serve Native American communities.

14              (5) A local educational agency with a commit-  
15       ment to serve Native American communities.

16       (d) CRITERIA FOR SELECTION.—The Secretary shall  
17       determine the site of the Center for Indigenous Excellence  
18       based on—

19              (1) a record of excellence, on a national and  
20       international level, with regard to Native American  
21       language and culture-based education;

22              (2) a high representation of Native Americans  
23       among its personnel;

1           (3) a high representation of speakers of 1 or  
2 more Native American languages among its per-  
3 sonnel; and

4           (4) a location in a community with a high rep-  
5 resentation of Native Americans.

6       (e) ESTABLISHMENT OF PARTNERSHIPS AND CON-  
7 SORTIA.—

8           (1) IN GENERAL.—Once established, the Center  
9 for Indigenous Excellence may develop partnerships  
10 or consortia with other entities throughout the  
11 United States with expertise appropriate to the mis-  
12 sion of the Center and include such entities in its  
13 work.

14           (2) ASSISTANCE TO PARTNERS.—The Center  
15 shall provide assistance to partners, to the extent  
16 practicable, in curriculum development, technology  
17 development, teacher and staff training, research,  
18 and sustaining Native American language nests, Na-  
19 tive American survival schools, and Native American  
20 language schools.

○