

112TH CONGRESS
1ST SESSION

H. R. 3569

To improve Indian education, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2011

Mr. BACA 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

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

(iv) by adding at the end the following:

“(ix) incorporate, as appropriate, activities that meet the unique cultural, language, and educational needs of Indian students eligible to be served under title VII of this Act.”;

(C) in subsection (g)(1)—

(i) in subparagraph (B)—

(I) by striking “The tribal governing body or” and inserting “An Indian tribe,”;

(II) by inserting “, or consortium of such entities” after “Bureau of Indian Affairs”;

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

(IV) by inserting “of the Interior” after “such alternative definition unless the Secretary”;

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

Affairs” and inserting “an Indian tribe, school board of a school funded by the Bureau of Indian Affairs, or consortium of such entities”; and

(iii) by adding at the end the following:

“(D) DEEMED APPROVAL.—A proposed alternative definition of adequate yearly progress submitted pursuant to subparagraph (B) shall be deemed to be approved by the Secretary of the Interior unless the Secretary of the Interior issues the notification set forth in subparagraph (E) prior to the expiration of the 30-day period beginning on the date on which the Secretary of the Interior received the proposed alternative definition of adequate yearly progress.

“(E) NOTIFICATION.—If the Secretary of the Interior finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary of the Interior shall—

“(i) notify the entity or entities described in subparagraph (B) of the finding of noncompliance and, in such notification, 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-

grams).” and inserting “(including facilities involved in community day programs and facilities in the State that are operated by the Secretary of the Interior or Indian tribes).”; and

(B) in subsection (d), by inserting “, schools funded by the Bureau of Indian Education,” after “returning to local educational agencies”;

(9) in section 1423—

(A) in paragraph (2)—

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

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

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

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

“(4) a description of the process for consultation 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(c), 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:

$$“A = 3Z(t-s/t)$$

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”.

**Subtitle C—Native American
Languages Programs**

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

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

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

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

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

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

“(b) DEFINITIONS.—In this section:

“(1) AVERAGE.—The term ‘average’, when used
with respect to the number of hours of instruction
through the use of a Native American language,
means the aggregate number of hours of instruction
through the use of a Native American language to
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 (c)(5) will par-
19 ticipate in the planning of the professional de-
20 velopment materials; and”; 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”; 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 (c) 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-

ber, by the Federal Government through a grant to or a contract or compact with an Indian tribe or tribal organization or through a third-party program funded by the Federal Government, for the study of the language, culture, and ways of life of the tribe, and

“(B) any grant or benefit provided or purchased by an Indian tribe or tribal organization to or for a member of an Indian tribe, including a spouse or dependent of such a member, for the study of the language, culture, and ways of life of the tribe.

“(4) DEFINITIONS.—For purposes of this subsection—

“(A) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given such term by section 45A(c)(6).

“(B) TRIBAL ORGANIZATION.—The term ‘tribal organization’ has the meaning given such term by section 4(l) of the Indian Self-Determination and Education Assistance Act.

“(C) DEPENDENT.—The term ‘dependent’ has the meaning given such term by section 152, determined without regard to subsections (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 FACA.—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-

ber selected under subparagraphs (B) and
(C) of paragraph 3.

“(ii) ADDITIONAL REQUEST.—

“(I) IN GENERAL.—To facilitate
the work of the TEPAG, the Sec-
retary may request additional funding
in the annual budget submission of
the Secretary to support technical and
substantive assistance to the TEPAG.

“(II) RECOMMENDATIONS.—If
the Secretary requests additional
funding under subclause (I), the Sec-
retary shall take into consideration
the amount of funding requested by
the TEPAG for technical and sub-
stantive assistance when making the
additional funding request.

“(5) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums
as are necessary to carry out this subsection.”.

SEC. 204. DIVISION OF BUDGET ANALYSIS.

Section 1129 of the Education Amendments of 1978
(25 U.S.C. 2009) is amended—

(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”; 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 cans 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);

(iii) providing to the Secretary a list of recommendations for the approval of applications in accordance with—

(I) regulations issued by the Secretary; and

(II) the relative need for the project; and

(iv) reviewing evaluations submitted to comply with subsection (d)(2)(C).

(3) PRODUCTS GENERATED BY PROJECTS.—

(A) IN GENERAL.—Subject to subparagraph (B), for preservation and use in accordance with the responsibilities of the respective organization under Federal law, a copy of any product of a Native American language project for which a grant is made under this section—

(i) shall be transmitted to the Institute of American Indian and Alaska Native Culture and Arts Development; and

(ii) may be transmitted, at the discretion of the grantee, to national and regional repositories of similar material.

(B) EXEMPTION.—

(i) IN GENERAL.—In accordance with 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. 1059c)), 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.

○