

## Calendar No. 574

112TH CONGRESS  
2D SESSION**S. 1262****[Report No. 112-262]**

To improve Indian education, and for other purposes.

## IN THE SENATE OF THE UNITED STATES

JUNE 23, 2011

Mr. AKAKA (for himself, Mr. JOHNSON of South Dakota, Mr. INOUE, and Mr. UDALL of New Mexico) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

DECEMBER 21, 2012

Reported by Mr. AKAKA, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

**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”.~~

- 1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 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 prin-  
cipals.

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 H—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—

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

4           (B) in subsection (b)(8), by striking  
 5           “1112(e)(1)(D)” and inserting  
 6           “1112(e)(1)(E)”;

7           (C) in subsection (c)—

8                 (i) in paragraph (13), by striking  
 9                 “and”;

10                (ii) in paragraph (14), by striking the  
 11                period at the end and inserting “; and”;  
 12                and

13                (iii) by adding at the end the fol-  
 14                lowing:

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

21                       “(A) improve the coordination of activities  
 22                       under this Act;

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

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

1           ~~(D)~~ in subsection ~~(m)~~, by adding at the  
2           end the following:

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

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

10          ~~“(B) is consistent with the requirements of~~  
11          ~~this section.”;~~

12          ~~(2) in section 1112—~~

13          ~~(A) in subsection (b)(1)—~~

14                 ~~(i) by redesignating subparagraphs~~  
15                 ~~(F) through (Q) as subparagraphs (G)~~  
16                 ~~through (R), respectively; and~~

17                 ~~(ii) by inserting after subparagraph~~  
18                 ~~(E), the following:~~

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

1 “(i) improve the coordination of ac-  
 2 tivities under this Act;

3 “(ii) meet the purpose of this title;  
 4 and

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

8 (B) in subsection (c)(1)—

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

12 (ii) by inserting after subparagraph  
 13 (C), the following:

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

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

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

25 (4) in section 1116—

1 (A) in subsection (b)(3)(A)—

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

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

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

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

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

17 (B) in subsection (c)(7)(A)—

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

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

(iii) in clause (viii), by striking the period 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

1 of noncompliance and, in such notification,  
2 shall—

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

6 “(II) provide an explanation of  
7 the basis of the non-compliance;

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

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

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

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

1 date as agreed to by the submitting entity  
2 or entities.

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

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

22 “(i) cites the specific provisions in the  
23 application that are not in compliance;

24 “(ii) provides a detailed explanation of  
25 the basis for the finding of noncompliance

1           for each provision found to be noncompli-  
2           ant; and

3           “(iii) offers assistance to overcome the  
4           finding of noncompliance.

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

12          (5) by inserting after section 1116 the fol-  
13          lowing:

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

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

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

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

1           ~~“(3) supporting tribes and tribal education~~  
 2           ~~agencies in implementing school intervention models.~~

3           ~~“(b) DEFINITIONS.—In this section:~~

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

6           ~~“(2) INDIAN SCHOOL.—The term ‘Indian~~  
 7           ~~school’ means any school located on Indian lands.~~

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

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

1       partments, tribal divisions of education, tribally  
 2       sanctioned education authorities, tribal education  
 3       administrative planning and development agencies,  
 4       and tribal administrative education entities.

5       “(e) IDENTIFICATION OF LOW-PERFORMING INDIAN  
 6       SCHOOLS.—

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

11              “(A) is a school identified under section  
 12      1116(b); and

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

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

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

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

4                   “(II) has a graduation rate below 60  
5                   percent.

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

11                  “(d) GRANTS AUTHORIZED.—

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

17                  “(2) DURATION.—

18                  “(A) IN GENERAL.—A grant awarded  
19                  under this section shall be for a period of 4  
20                  years.

21                  “(B) RENEWAL.—The Secretary may  
22                  renew a grant under this section for an addi-  
23                  tional 4-year period if the Indian tribe or tribal  
24                  education agency demonstrates sufficient  
25                  progress, as defined by the State, on the core

1           academic indicators and leading indicators de-  
2           scribed in subsection (h)(1)(B).

3           ~~“(e) APPLICATION.—~~

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

11                 ~~“(A) an analysis of the school described~~  
12                 ~~under subsection (e)(1) that the Indian tribe or~~  
13                 ~~tribal education agency proposes to serve, and~~  
14                 ~~an appropriate intervention model for such~~  
15                 ~~school;~~

16                 ~~“(B) a budget, which shall demonstrate~~  
17                 ~~sufficient funds to implement fully and effec-~~  
18                 ~~tively the selected intervention model; and~~

19                 ~~“(C) a description of how the Indian tribe~~  
20                 ~~or tribal education agency will—~~

21                         ~~“(i) help develop a pipeline of teachers~~  
22                         ~~and leaders for the school;~~

23                         ~~“(ii) collect and report data;~~

24                         ~~“(iii) support effective extended learn-~~  
25                         ~~ing time strategies; and~~



1                   “(iv) build capacity in the tribe or  
2                   tribal education agency for assisting  
3                   schools described under subsection (c)(1).-

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

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

15                  “(B) A description of how the Indian tribe  
16                  or tribal education agency will set priorities for  
17                  awarding subgrants.

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

21                  ~~“(f) STATE EDUCATIONAL AGENCY AND LOCAL EDU-~~  
22                  ~~CATION AGENCY RESPONSIBILITIES.—~~

23                  “(1) IN GENERAL.—If an Indian tribe or tribal  
24                  education agency receives a grant under this section  
25                  for an Indian school that has been identified under

1 subsection (c)(1), the Secretary shall notify the  
 2 State in which the school is located, and the State  
 3 educational agency and the local educational agency  
 4 that serve such school shall—

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

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

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

23 “(2) MAINTENANCE OF EFFORT REQUIRE-  
 24 MENT.—If the maintenance of effort requirement de-  
 25 scribed in paragraph (1)(A) is not met, the Sec-

1       retary may withhold funding under title I from the  
2       State until such requirement is met.

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

10       ~~“(g) USE OF FUNDS.—~~

11           ~~“(1) SCHOOL INTERVENTION MODEL.—~~

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

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

1           “(i) shall identify and address issues  
2           that may contribute to low academic  
3           achievement in the schools identified under  
4           subsection (c)(1); and

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

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

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

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

1                   “(i) the use of school quality review  
2                   teams; or

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

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

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

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

20                  “(E) collect and report data;

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

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

4           “(h) DATA COLLECTION AND REPORTING.—

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

8           “(A) comply with the reporting and ac-  
 9           countability requirements of this part for each  
 10          school that such Indian tribe or tribal education  
 11          agency serves; and

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

17                  “(i) Core academic indicators, such  
 18                  as—

19                          “(I) the percentage of students  
 20                          at each school who are at or above the  
 21                          proficient level on State academic as-  
 22                          sessments in reading or language arts  
 23                          and mathematics;

24                          “(II) student progress toward  
 25                          core academic benchmarks;

1                   “(III) the average score for stu-  
2                   dents in each school on State aca-  
3                   demic assessments in reading or lan-  
4                   guage arts and mathematics;

5                   “(IV) secondary school gradua-  
6                   tion rates; and

7                   “(V) rates of student enrollment  
8                   in an institution of higher education.

9                   “(ii) Leading indicators, such as—

10                   “(I) student attendance rates;

11                   “(II) the number and percentage  
12                   of students completing advanced  
13                   coursework;

14                   “(III) student participation in  
15                   State assessments in reading or lan-  
16                   guage arts and mathematics under  
17                   section 1111(b)(3);

18                   “(IV) school dropout rates;

19                   “(V) discipline incident rates;

20                   “(VI) teacher attendance rates;

21                   “(VII) the distribution of teach-  
22                   ers by performance level, based on the  
23                   teacher evaluation system established  
24                   by the Indian tribe or tribal education  
25                   agency; and

1                   “(VIII) reduction in the percent-  
 2                   age of students in the lowest level of  
 3                   achievement on State assessments in  
 4                   reading or language arts and mathe-  
 5                   matics under section 1111.

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

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

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

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

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

24                                 “(i) identify and reward school lead-  
 25                                 ers, teachers, and other staff who, in im-



plementing the model, increase student achievement and, if applicable, secondary school graduation rates; and

“(ii) identify and remove school leaders, teachers, and other staff who, after ample opportunities have been provided for such individuals to improve their professional practice—

“(I) do not increase student achievement;

“(II) if applicable, do not increase secondary school graduation rates; and

“(III) have not demonstrated effectiveness according to the tribe or tribal education agency’s evaluation system;

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

“(i) is aligned with the school’s instruction program and evaluation system;

“(ii) facilitates effective teaching and learning; and

1                   “(iii) supports the implementation of  
2                   school-reform strategies;

3                   “(D) implements strategies (such as finan-  
4                   cial incentives, increased opportunities for pro-  
5                   motion and career growth, and more flexible  
6                   work conditions) that are designed to recruit,  
7                   place, and retain staff who have the skills nec-  
8                   essary to meet the needs of students in the  
9                   school;

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

12                   “(i) is aligned with State or tribal  
13                   challenging academic content standards  
14                   and challenging student academic achieve-  
15                   ment standards under section 1111(b); and

16                   “(ii) has been proven to raise student  
17                   academic achievement by not less than 10  
18                   percent in 1 year;

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

order to significantly increase the total number  
of school hours to include time for—

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

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

“(iii) instruction in other subjects;  
and

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

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

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

“(I) ensures that the school receives ongo-  
ing, intensive technical assistance and related

1 support from the tribe or tribal education agen-  
 2 ey; and

3 “(J) provides appropriate social-emotional  
 4 and community-oriented support services for  
 5 students; and at the discretion of the tribe or  
 6 tribal education agency, uses not more than 10  
 7 percent of the total grant funds for such serv-  
 8 ices.

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

12 “(A) converts a school—

13 “(i) under a charter or school oper-  
 14 ator and charter management organiza-  
 15 tion;

16 “(ii) under an education management  
 17 organization; or

18 “(iii) as an autonomous or redesigned  
 19 school;

20 “(B) implements a rigorous review process  
 21 to select such a charter or school operator and  
 22 charter management organization; or an edu-  
 23 cation management organization, as applicable;  
 24 which includes an assurance that such operator

1 or organization will make significant changes in  
 2 the leadership and staffing of the school; and

3 “(C) enrolls in the school any former stu-  
 4 dent who wishes to attend the school and who  
 5 is within the grades the school services.

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

9 “(A) replaces a principal (if such principal  
 10 has led the school for 2 or more years) with a  
 11 new principal who has demonstrated effective-  
 12 ness in turning around a low-performing school;

13 “(B) gives a new principal sufficient oper-  
 14 ational flexibility (including flexibility in staff-  
 15 ing, the school day and school calendar, and  
 16 budgeting) to fully implement a comprehensive  
 17 approach to improve student outcomes;

18 “(C) uses a comprehensive evaluation sys-  
 19 tem to evaluate staff, including the use of stu-  
 20 dent achievement data to measure the effective-  
 21 ness of staff;

22 “(D) screens all staff who are employed at  
 23 the school as of the time when the turnaround  
 24 model is implemented and retains not more  
 25 than 50 percent of such staff;

1           “(E) requires the principal to justify per-  
 2           sonnel decisions (such as hiring, dismissal, and  
 3           rewards) based on the results of the comprehen-  
 4           sive evaluation system;

5           “(F) provides staff with ongoing, high-  
 6           quality, job-embedded professional development  
 7           that—

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

10                   “(ii) facilitates effective teaching and  
 11                   learning; and

12                   “(iii) supports the implementation of  
 13                   school-reform strategies;

14           “(G) uses data to—

15                   “(i) identify and implement a re-  
 16                   search-based instructional program;

17                   “(ii) evaluate school improvement  
 18                   strategies; and

19                   “(iii) inform differentiated instruction;  
 20                   in order to meet the academic needs of in-  
 21                   dividual students;

22           “(H) encourages the use of extended learn-  
 23           ing time partnerships;

24           “(I) establishes schedules and strategies  
 25           that provide increased learning time (which

1           may include offering full-day kindergarten or a  
 2           high-quality preschool program or using a  
 3           longer school day, week, or year that increases  
 4           the total number of hours at school for the  
 5           school year by not fewer than 300 hours) in  
 6           order to significantly increase the total number  
 7           of school hours to include time for—

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

14                  “(ii) instruction in traditional and cul-  
 15                  tural programs;

16                  “(iii) instruction in other subjects;

17                  “(iv) enrichment activities, such as  
 18                  physical education, service learning, and  
 19                  experiential work-based opportunities; or

20                  “(v) teachers to collaborate, plan, and  
 21                  engage in professional development within  
 22                  and across grades and subjects;

23                  “(J) provides ongoing mechanisms for  
 24                  family, community, and tribal involvement; and

1                   “(K) provides appropriate social and emo-  
 2                   tional community-oriented support services for  
 3                   students.

4                   “(j) INSUFFICIENT PROGRESS.—If an Indian tribe or  
 5                   tribal education agency fails to demonstrate sufficient  
 6                   progress, as defined by the State, on the core academic  
 7                   indicators and leading indicators described in subsection  
 8                   (h)(1)(B), such tribe or agency shall be required to—

9                   “(1) modify the existing school intervention  
 10                  model; or

11                  “(2) restart the school using the restart model  
 12                  described in subsection (i)(2).

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

19                  (6) in section 1118—

20                   (A) in subsection (a)(2)—

21                   (i) in subparagraph (E) by striking

22                   “and” after the semicolon;

23                   (ii) by redesignating subparagraph

24                   (F) as subparagraph (G); and



1 (iii) by inserting after subparagraph  
2 (E) the following:

3 “(F) with respect to an agency that serves  
4 Indian children, identify the barriers to effective  
5 involvement of the parents of such children;  
6 and”; and

7 (B) in subsection (c)—

8 (i) by redesignating paragraphs (6)  
9 through (14) as paragraphs (7) through  
10 (15), respectively; and

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

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

18 “(A) providing literacy programs and use  
19 of technology training, as needed, for such par-  
20 ents at locations accessible to the homes of such  
21 parents;

22 “(B) providing or paying the reasonable  
23 costs of transportation and child care to enable  
24 such parents to participate in literacy pro-

grams, use of technology training, and school-related meetings;

“(C) providing training regarding the roles, rights and responsibilities of such parents, including information about culture-based education; and

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

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

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

“(E) STANDARDS-BASED EDUCATION ASSESSMENTS.—Notwithstanding any other provision of this Act, a State shall develop standards-based education assessments and classroom lessons to accommodate diverse learning styles, which assessments may be used by the State in place of the general assessments described in subparagraph (A).”.

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

Section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) is amended by adding at the end the following:

1       “(m) QUALIFICATIONS FOR NATIVE LANGUAGE  
2 TEACHERS.—

3               “(1) IN GENERAL.—Notwithstanding any other  
4 provision of law, the requirements of subsection (a)  
5 on local educational agencies and States with respect  
6 to highly qualified teachers, shall not apply to a  
7 teacher of a Native language.

8               “(2) ALTERNATIVE LICENSURE OR CERTIFI-  
9 CATION.—Each State educational agency receiving  
10 assistance under this part shall develop an alter-  
11 native licensure or certification for teachers of a Na-  
12 tive language.”.

13 **SEC. 114. PREVENTION AND INTERVENTION PROGRAMS**  
14 **FOR CHILDREN AND YOUTH WHO ARE NE-**  
15 **GLECTED, DELINQUENT, OR AT-RISK.**

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

19               (1) in section 1401—

20                       (A) in subsection (a)(3), by inserting “and  
21 the involvement of their families and their com-  
22 munities.” after “their continued education”;  
23 and

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

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

3           “(c) ~~RESERVATION FOR THE SECRETARY OF THE IN-~~  
4 ~~TERIOR.~~—From the amount appropriated for this part for  
5 any fiscal year, the Secretary shall reserve 4 percent of  
6 such funds for the Secretary of the Interior to provide edu-  
7 cational services for at-risk Indian children, including In-  
8 dian youth in correctional facilities operated by the Sec-  
9 retary of the Interior or by an Indian tribe.”;

10           (3) in section 1414(c)—

11                   (A) in paragraph (9), by inserting “, In-  
12           dian tribes, tribal education agencies,” after  
13           “local educational agencies”;

14                   (B) by redesignating paragraphs (12)  
15           through (19) as paragraphs (13) through (20),  
16           respectively;

17                   (C) by inserting after paragraph (11), the  
18           following:

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

1           (D) in paragraph (19), as redesignated by  
2           subparagraph (B), by striking “and” after the  
3           semicolon;

4           (E) in paragraph (20), as redesignated by  
5           subparagraph (B), by striking the period at the  
6           end and inserting “; and”; and

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

8           “(21) provides an assurance that the program  
9           under this subpart will utilize curriculum that is cul-  
10          turally appropriate, based on the demographics of  
11          the neglected or delinquent children and youth  
12          served by such program.”;

13          (4) in section 1416—

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

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

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

19           “(9) includes an assurance that the State agen-  
20           cy has consulted with Indian tribes in the State in  
21           the development of the comprehensive plan under  
22           this part.”;

23          (5) in section 1418—

24           (A) by striking paragraph (1) of subsection  
25           (a) and inserting the following:

1           “(1) projects that facilitate the transition of  
 2       children and youth from State-operated institutions;  
 3       or institutions in the State operated by the Sec-  
 4       retary of the Interior or Indian tribes; to schools  
 5       served by local educational agencies or to schools  
 6       funded by the Bureau of Indian Education; or”;

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

9           (C) by redesignating subsection (c) as sub-  
 10       section (d); and

11          (D) by inserting after subsection (b) the  
 12       following:

13       “(c) CONSULTATION WITH INDIAN TRIBES.—The  
 14       State agency shall consult with Indian tribes in the State  
 15       in the development of transition projects, and coordinate  
 16       such State projects with transition and reentry projects  
 17       operated by such tribes.”;

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

20          (7) in section 1421—

21           (A) in the matter preceding paragraph (1),  
 22       by inserting “, including correctional facilities  
 23       in the State operated by the Secretary of the  
 24       Interior or Indian tribes” after “locally oper-  
 25       ated correctional facilities”; and

(B) in paragraph (3), by inserting “, including schools funded by the Bureau of Indian Education,” after “local schools”;

(8) in section 1422—

(A) in subsection (a), by striking “(including facilities involved in community day programs).” 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”;

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

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

6           “(4) a description of the process for consulta-  
7           tion and coordination with Indian tribes in the State  
8           regarding services provided under the program to  
9           Indian children and youth;”;

10          (D) in paragraph (13), as redesignated by  
11          subparagraph (B), by striking “and” after the  
12          semicolon;

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

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

17          “(15) a description of the demographics of the  
18          children and youth served and an assurance that the  
19          curricula and co-curricular activities will be cul-  
20          turally appropriate for such children and youth.”;

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

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

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



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

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

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

8 (12) by redesignating sections 1431 and 1432  
9 as sections 1441 and 1442, respectively;

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

11 **“Subpart 3—Education Programs for Indian Children**  
12 **and Youth**

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

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

18 “(1) carry out high-quality and culturally ap-  
19 propriate education programs to prepare Indian chil-  
20 dren and youth who are in correctional facilities (or  
21 enrolled in community day programs for neglected or  
22 delinquent children and youth) operated by the Sec-  
23 retary of the Interior or Indian tribes for secondary  
24 school completion, training, employment, or further  
25 education; and

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

4           “(b) GRANTS AUTHORIZED.—

5           “(1) IN GENERAL.—From the amount reserved  
 6           for the Secretary of the Interior under section  
 7           1402(c), and subject to paragraph (2), the Secretary  
 8           of the Interior shall award grants, on a competitive  
 9           basis, to Indian tribes with high numbers or percent-  
 10          ages of children and youth in juvenile detention fa-  
 11          cilities that are operated by the Secretary of the In-  
 12          terior or Indian tribes in order to enable such Indian  
 13          tribes to carry out the activities described in section  
 14          1434.

15          “(2) CONTRACT IN LIEU OF GRANT.—At the re-  
 16          quest of an Indian tribe, the Secretary of the Inte-  
 17          rior shall enter into a contract under the Indian  
 18          Self-Determination and Education Assistance Act  
 19          for operation of a program under this subpart in lieu  
 20          of making a grant to such tribe.

21          “(3) NOTIFICATION.—The Secretary of the In-  
 22          terior shall notify Indian tribes of the availability of  
 23          funding under this subpart.

24          “(c) TRIBAL APPLICATIONS.—Each Indian tribe de-  
 25          siring to receive a grant under this subpart shall submit

1 an application to the Secretary of the Interior at such  
 2 time, in such manner, and accompanied by such informa-  
 3 tion as the Secretary of the Interior may require. Each  
 4 such application shall include the following:

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

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

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

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

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

15               “(D) alternative school programs serving  
 16       Indian children and youth who are involved  
 17       with the juvenile justice system; or

18               “(E) tribal, State, private, or public orga-  
 19       nizations or corporations providing education,  
 20       skill-building, or reentry services.

21       “(3) As appropriate, a description of how par-  
 22       ticipating entities will coordinate with facilities work-  
 23       ing with delinquent Indian children and youth to en-  
 24       sure that such children and youth are participating  
 25       in an education program comparable to the edu-

1        eation program in the local school that such youth  
2        would otherwise attend.

3            “(4) A description of how the program will de-  
4        velop culturally appropriate academic curricula and  
5        co-curricular activities to supplement the educational  
6        program provided by a facility working with delin-  
7        quent Indian children and youth.

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

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

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

24           “(8) A description of how the tribe will coordi-  
25       nate the program with existing educational programs

1 of local educational agencies and schools funded by  
 2 the Bureau of Indian Education to meet the unique  
 3 educational needs of Indian children and youth who  
 4 will be returning from correctional facilities and, as  
 5 appropriate, other at-risk Indian children and youth  
 6 expected to be served by the program.

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

11 “(A) prenatal health care;

12 “(B) nutrition;

13 “(C) mental health and substance abuse  
 14 services;

15 “(D) targeted reentry and outreach pro-  
 16 grams; and

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

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

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

1           “(A) improve the educational achievement  
2           of their children;

3           “(B) assist in dropout prevention activities;  
4           and

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

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

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

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

22          “(15) As appropriate, a description of the steps  
23          participating schools will take to find alternative  
24          placements for children and youth who are inter-

1       ested in continuing their education but unable to  
2       participate in a regular school program.

3           ~~“(16) As appropriate, a description of how the~~  
4       ~~program under this subpart will be coordinated with~~  
5       ~~other Federal, State, tribal, and local programs serv-~~  
6       ~~ing at-risk children and youth.~~

7           ~~“(17) As appropriate, a description of how the~~  
8       ~~program will coordinate with probation officers to~~  
9       ~~assist in meeting the needs of children and youth re-~~  
10      ~~turning from correctional facilities.~~

11      ~~“(d) USES OF FUNDS.—Funds provided to Indian~~  
12      ~~tribes under this subpart may be used for the purposes~~  
13      ~~described in section 1424.~~

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

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

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

4           “(3) provide transition assistance to help the  
5           child or youth stay in school, including coordination  
6           of services for the family, counseling, assistance in  
7           accessing drug and alcohol abuse prevention pro-  
8           grams, tutoring, and family counseling;

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

16          “(5) work to ensure that the correctional facil-  
17          ity is staffed with teachers and other qualified staff  
18          who are trained to work with children and youth  
19          with disabilities, taking into consideration the unique  
20          needs of such children and youth;

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

24          “(7) to the extent possible, use technology to  
25          assist in coordinating educational programs between



1 the correctional facility and participating program  
2 partners;

3 “(8) where feasible, involve parents in efforts to  
4 improve the educational achievement of their chil-  
5 dren and prevent the further involvement of such  
6 children in delinquent activities;

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

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

17 “(11) work with local partners to develop train-  
18 ing, curriculum-based youth entrepreneurship edu-  
19 cation, and mentoring programs for children and  
20 youth.

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

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

3           “(2) to recruit and retain qualified educational  
4           professionals to assist in the delivery of services  
5           under such program; and

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

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

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

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

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

14           “(3) to provide educational alternatives to in-  
15           carceration for at-risk Indian children and youth;  
16           and

17           “(4) to increase community and family involve-  
18           ment in the education of at-risk Indian children and  
19           youth.

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

22           “(1) an Indian tribe, tribal education agency, or  
23           tribal organization;

1           ~~“(2) a Bureau-funded school, as defined in sec-~~  
 2           ~~tion 1141 of the Education Amendments of 1978~~  
 3           ~~(25 U.S.C. 2021);~~

4           ~~“(3) a correctional facility, in consortium with~~  
 5           ~~a tribe, tribal education agency, or tribal organiza-~~  
 6           ~~tion; or~~

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

12          ~~“(c) PROGRAM AUTHORIZED.—~~

13           ~~“(1) IN GENERAL.—Subject to paragraph (2),~~  
 14           ~~the Secretary is authorized to award grants to eligi-~~  
 15           ~~ble entities having applications approved under this~~  
 16           ~~section to enable such entities to carry out the ac-~~  
 17           ~~tivities described in subsection (d).~~

18           ~~“(2) CONTRACTS.—At the request of an Indian~~  
 19           ~~tribe, the Secretary shall transfer program funding~~  
 20           ~~to the Secretary of the Interior, who shall enter into~~  
 21           ~~a contract under the Indian Self-Determination and~~  
 22           ~~Education Assistance Act with the tribe for oper-~~  
 23           ~~ation of a program under this section in lieu of mak-~~  
 24           ~~ing a grant to such tribe.~~

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

4           ~~“(d) AUTHORIZED ACTIVITIES.—~~Grant funds under  
 5           this section shall be used for activities to provide edu-  
 6           cational alternatives for Indian youth who have been sen-  
 7           tenced to incarceration or juvenile detention, in a manner  
 8           consistent with the purposes of this section. Such activities  
 9           may include—

10           ~~“(1) half- or full-day alternative education pro-~~  
 11           grams for disruptive youth who are temporarily sus-  
 12           pended;

13           ~~“(2) school-based drug and substance abuse~~  
 14           prevention programs;

15           ~~“(3) truancy prevention programs;~~

16           ~~“(4) multi-year alternative educational pro-~~  
 17           grams; and

18           ~~“(5) home or community detention programs.~~

19           ~~“(e) APPLICATION.—~~Each eligible entity desiring a  
 20           grant under this section shall submit an application to the  
 21           Secretary at such time, in such manner, and accompanied  
 22           by such information as the Secretary may require. Each  
 23           such application shall include the following:

24           ~~“(1) A description of the program that will be~~  
 25           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; or

9                   “(D) tribal, State, private, or public orga-  
 10          nizations or corporations providing education;  
 11          skill-building, or reentry services.

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

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

18           “(5) As appropriate, a description of any part-  
 19          nerships with tribal, local, or State law enforcement  
 20          or judicial systems to provide education alternatives  
 21          to detention and wrap around services, which may  
 22          include—

23                   “(A) behavioral health services;

24                   “(B) family counseling;

25                   “(C) teen pregnancy counseling;

1                   ~~“(D) substance abuse services;~~

2                   ~~“(E) alcohol abuse services; or~~

3                   ~~“(F) job training.~~

4                   ~~“(6) As appropriate, a description of evaluation~~  
 5                   ~~activities to develop educational plans for at-risk In-~~  
 6                   ~~dian children and youth who are transitioning back~~  
 7                   ~~to a local educational agency or earning a secondary~~  
 8                   ~~school diploma, or the recognized equivalent of a sec-~~  
 9                   ~~ondary school diploma.~~

10                  ~~“(f) EVALUATION.—Each eligible entity that receives~~  
 11                  ~~a grant under this section shall—~~

12                   ~~“(1) evaluate the grant program, not less than~~  
 13                   ~~once every 3 years, to determine the program’s suc-~~  
 14                   ~~cess, consistent with the purposes of this section;~~  
 15                   ~~and~~

16                   ~~“(2) prepare and submit a report containing~~  
 17                   ~~the information described in paragraph (1) to the~~  
 18                   ~~Secretary, the Coordinating Council on Juvenile Jus-~~  
 19                   ~~tice and Delinquency Prevention, and Indian tribes.~~

20                  ~~“(g) DEFINITION.—The term ‘tribal education agen-~~  
 21                  ~~cy’ means—~~

22                   ~~“(1) the authorized governmental agency of a~~  
 23                   ~~federally recognized American Indian and Alaska~~  
 24                   ~~Native tribe (as defined in section 4 of the Indian~~  
 25                   ~~Self-Determination and Education Assistance Act~~

1       ~~(25 U.S.C. 450b))~~ that is primarily responsible for  
 2       regulating, administering, or supervising the formal  
 3       education of tribal members; and

4           ~~“(2) includes tribal education departments;~~  
 5       tribal divisions of education, tribally sanctioned edu-  
 6       cation authorities, tribal education administrative  
 7       planning and development agencies, tribal education  
 8       agencies, and tribal administrative education enti-  
 9       ties.

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

15           ~~(14) in section 1441, as redesignated by para-~~  
 16       graph ~~(12)~~—

17           ~~(A) in subsection (a)—~~

18                   ~~(i) in the matter preceding paragraph~~  
 19           ~~(1), by striking “Each State agency or~~  
 20           local educational agency that conducts a  
 21           program under subpart 1 or 2 shall” and  
 22           inserting “Each State agency, local edu-  
 23           cational agency, or Indian tribe that con-  
 24           ducts a program evaluation under subpart  
 25           1, 2, or 3 shall”; and

1                   (ii) in paragraph (3), by inserting “or  
2                   school funded by the Bureau of Indian  
3                   Education” after “local educational agen-  
4                   cy”;

5                   (B) in subsection (c), by striking “a State  
6                   agency or local educational agency” and insert-  
7                   ing “a State agency, local educational agency,  
8                   or Indian tribe”; and

9                   (C) by striking subsection (d) and insert-  
10                  ing the following:

11                “(d) EVALUATION RESULTS.—

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

14                    “(A) submit evaluation results to the State  
15                  educational agency and the Secretary; and

16                    “(B) use the results of evaluations under  
17                  this section to plan and improve subsequent  
18                  programs for participating children and youth.

19                   “(2) INDIAN TRIBES.—Each Indian tribe shall  
20                  also submit evaluation results to the Secretary of the  
21                  Interior.

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

24                    “(1) IN GENERAL.—Not later than 4 years  
25                  after the date of enactment of the Native Culture,



Language, and Access for Success in Schools Act,  
the Secretary and the Secretary of the Interior, in  
collaboration with the Attorney General, shall pre-  
pare a report that—

“(A) compiles demographic information  
about at-risk Indian youth, including Indian  
youth in correctional facilities operated by the  
Department of the Interior and Indian tribes;

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

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

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

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

“(5) INDIAN TRIBE.—The term ‘Indian tribe’  
means any Indian tribe, band, nation, other orga-

nized group or community, including any Alaska Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (42 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.”; and

(16) in section 1903(b)(2)—

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

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

(C) by adding at the end the following:

“(H) representatives of Indian tribes located in the State.”.

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

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

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

(1) in part A—

1           (A) by striking paragraph (3) of section  
 2           2102 (20 U.S.C. 6602) and inserting the fol-  
 3           lowing:

4           “(3) ~~HIGH-NEED LOCAL EDUCATIONAL AGEN-~~  
 5           ~~cy.~~—The term ‘high-need local educational agency’  
 6           means—

7           “(A) a local educational agency—

8           “(i)(I) that serves not fewer than  
 9           10,000 children from families with incomes  
 10          below the poverty line; or

11          “(II) for which not less than 20 per-  
 12          cent of the children served by the agency  
 13          are from families with incomes below the  
 14          poverty line; and

15          “(ii)(I) for which there is a high per-  
 16          centage of teachers not teaching in the  
 17          academic subjects or grade levels that the  
 18          teachers were trained to teach; or

19          “(II) for which there is a high per-  
 20          centage of teachers with emergency, provi-  
 21          sional, or temporary certification or licens-  
 22          ing; or

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

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

“(ii) 5 percent for the Secretary of the Interior to be distributed to schools operated or funded by the Bureau of Indian Education, as provided in section 2123(e).”;

(C) in section 2113(e)(18) (20 U.S.C. 6613(e)(18))—

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

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

(iii) by inserting at the end the following:

“(C) provides access to clearinghouse information to schools in the State that are funded by the Bureau of Indian Education.”;

(D) in section 2122 (20 U.S.C. 6622)—

(i) in subsection (b)—

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

(II) in paragraph (9)—

1                   (aa) in subparagraph (C) by  
2 striking “and” after the semi-  
3 colon;

4                   (bb) in subparagraph (D) by  
5 striking the period at the end  
6 and inserting “; and”; and

7                   (cc) by adding at the end  
8 the following:

9                   “(E) for teachers in schools that serve In-  
10 dian children, become familiar with the Indian  
11 communities served by the local educational  
12 agency and incorporate culturally responsive  
13 teaching and learning strategies for Indian chil-  
14 dren into the educational program.”; and

15                   (ii) in subsection (c), by inserting “,  
16 in the case of a local educational agency  
17 that serves an Indian tribal community,  
18 representatives of Indian tribes,” after  
19 “part A of title I”;

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

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

22                   (I) in subparagraph (B)—

23                   (aa) in clause (ii), by insert-  
24 ing “students from Indian res-  
25 ervation communities,” after

1 “(including students who are  
2 gifted and talented),”;

3 (bb) in clause (iv), by strik-  
4 ing “limited English proficient  
5 and immigrant children; and”  
6 and inserting “children from In-  
7 dian reservation communities;  
8 limited English proficient chil-  
9 dren; and immigrant children,”;

10 (cc) in clause (v), by striking  
11 the period at the end and insert-  
12 ing “; and”; and

13 (dd) by inserting at the end  
14 the following:

15 “(vi) in the case of a local educational  
16 agency that serves Indian children, provide  
17 training in effective incorporation of cul-  
18 turally responsive teaching and learning  
19 strategies for Indian children.”; and

20 (II) in subparagraph (D), by in-  
21 serting “Indian students,” after “dis-  
22 advantaged families,”; and

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

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

8               (F) in section 2131(1) (20 U.S.C.  
 9       6631(1))—

10               (i) in subparagraph (A)(i) by inserting  
 11               “; or a tribally controlled college or univer-  
 12               sity (as defined in section 2 of the Tribally  
 13               Controlled Colleges and Universities As-  
 14               sistance Act of 1978 (25 U.S.C. 1801))”  
 15               after “principals”; and

16               (ii) in subparagraph (B) by inserting  
 17               “an Indian tribe,” after “principal organi-  
 18               zation,”; and

19               (G) by inserting after subpart 5, the fol-  
 20       lowing:

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

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

23       “(a) GRANTS AUTHORIZED.—In order to carry out  
 24 the United States trust responsibility for the education of  
 25 Indian children, and to provide a more stable base of edu-

1 cation professionals to serve in public elementary schools  
 2 and secondary schools with a significant number of Indian  
 3 students and schools funded by the Bureau of Indian Edu-  
 4 cation; the Secretary shall make scholarship grants to In-  
 5 dians who are enrolled full- or part-time in appropriately  
 6 accredited institutions of higher education and pursuing  
 7 a course of study in elementary and secondary education  
 8 or school administration. Such scholarships shall be des-  
 9 ignated Indian educator scholarships and shall be made  
 10 in accordance with this section.

11       “(b) ELIGIBILITY.—

12               “(1) IN GENERAL.—The Secretary shall deter-  
 13 mine the applicants who will receive scholarships  
 14 under subsection (a).

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

18                       “(A) be an Indian, as defined in section  
 19 7151;

20                       “(B) be accepted for enrollment, or be en-  
 21 rolled, as a full- or part-time student in a  
 22 course of study in elementary and secondary  
 23 education or school administration at an appro-  
 24 priately accredited institution of higher edu-  
 25 cation;



1           “(C) submit an application to participate  
 2           in the Indian educator scholarship program at  
 3           such time and in such manner as the Secretary  
 4           shall determine; and

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

8           “(e) CONTENTS OF CONTRACT.—

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

12           “(A) A statement that the Secretary  
 13           agrees to provide the individual with a scholar-  
 14           ship, as described in subsection (d), in each  
 15           school year or years for a period during which  
 16           such individual is pursuing a course of study in  
 17           elementary and secondary education or school  
 18           administration at an appropriately accredited  
 19           institution of higher education.

20           “(B) A statement that the individual  
 21           agrees—

22           “(i) to accept provision of the Indian  
 23           educator scholarship;

1           “(ii) to maintain enrollment in such  
2           course of study until the individual com-  
3           pletes the course of study;

4           “(iii) while enrolled in such course of  
5           study, to maintain an acceptable level of  
6           academic standing (as determined by the  
7           Secretary, taking into account the require-  
8           ments of the educational institution offer-  
9           ing such course of study); and

10          “(iv) to serve through full-time em-  
11          ployment at an eligible school for a time  
12          period (referred to in this section as the  
13          ‘period of obligated service’) equal to the  
14          greater of—

15               “(I) 1 year for the equivalent of  
16               each school year for which the indi-  
17               vidual was provided a scholarship  
18               under the Indian educator scholarship  
19               program; or

20               “(II) 2 years.

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

24          “(D) Such other statement of the rights  
25          and liabilities of the Secretary and of the indi-

vidual, in accordance with the provisions of this  
section:

~~“(2) PERIOD OF OBLIGATED SERVICE.—~~

~~“(A) ELIGIBLE SCHOOLS.—An individual shall meet the requirement for the period of obligated service under the written contract between the individual and the Secretary, as described in paragraph (1), if such individual is employed full-time—~~

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

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

~~“(B) DEFERMENT FOR ADVANCED STUDY.—At the request of an individual who has entered into a contract described in this subsection and who has receive a baccalaureate degree in education, the Secretary shall defer the period of obligated service of such individual under such contract to enable such individual to complete a course of study leading to an advanced degree in education, or needed to become certified for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:~~

1           “(i) A period of advanced study shall  
 2           not be counted as satisfying any period of  
 3           obligated service that is required under  
 4           this section.

5           “(ii) The period of obligated service of  
 6           the individual shall commence at the later  
 7           of—

8                     “(I) 90 days after the completion  
 9                     of the advanced course of study;

10                    “(II) at the commencement of  
 11                    the first school year that begins after  
 12                    the completion of the advanced course  
 13                    of study; or

14                    “(III) by a date specified by the  
 15                    Secretary.

16           “(C) PART-TIME STUDY.—In the case of  
 17           an individual receiving a scholarship under this  
 18           section who is enrolled part-time in an approved  
 19           course of study—

20                    “(i) a scholarship under this section  
 21                    shall be for a period of years not to exceed  
 22                    the part-time equivalent of 4 years; as de-  
 23                    termined by the Secretary;

24                    “(ii) the period of obligated service  
 25                    shall be equal to the greater of—

1                   ~~“(I) the part-time equivalent of 1~~  
2                   ~~year for each year for which the indi-~~  
3                   ~~vidual was provided a scholarship; as~~  
4                   ~~determined by the Secretary; or~~

5                   ~~“(II) 2 years; and~~

6                   ~~“(iii) the amount of the monthly sti-~~  
7                   ~~pend specified in subsection (d) shall be re-~~  
8                   ~~duced pro rata, as determined by the Sec-~~  
9                   ~~retary, based on the number of hours of~~  
10                  ~~study in which such individual is enrolled.~~

11                  ~~“(d) SCHOLARSHIP.—~~

12                  ~~“(1) IN GENERAL.—A scholarship provided to a~~  
13                  ~~student under the Indian educator scholarship pro-~~  
14                  ~~gram for a school year shall consist of payment to;~~  
15                  ~~or in accordance with paragraph (2); on behalf of;~~  
16                  ~~the student in the amount of—~~

17                  ~~“(A) the tuition of the student for the~~  
18                  ~~school year or, for a part-time student, the tui-~~  
19                  ~~tion for the appropriate portion of the school~~  
20                  ~~year;~~

21                  ~~“(B) all other reasonable educational ex-~~  
22                  ~~penses, including fees, books, and laboratory ex-~~  
23                  ~~penses, incurred by the student in such school~~  
24                  ~~year; and~~

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

5           ~~“(2) PAYMENT TO AN INSTITUTION OF HIGHER~~  
 6           ~~EDUCATION.—The Secretary may contract with an~~  
 7           ~~institution of higher education in which a participant~~  
 8           ~~in the Indian educator scholarship program is en-~~  
 9           ~~rolled for the payment to such institution of the~~  
 10           ~~amounts of tuition and other reasonable educational~~  
 11           ~~expenses described in subparagraph (A) and (B) of~~  
 12           ~~paragraph (1). Payment to such institution may be~~  
 13           ~~made without regard to section 3324(a) and (b) of~~  
 14           ~~title 31.~~

15           ~~“(3) STIPEND.—The amount of the monthly~~  
 16           ~~stipend described in paragraph (1)(C) shall be in-~~  
 17           ~~creased by the Secretary for each school year ending~~  
 18           ~~in a fiscal year beginning after September 30, 2011,~~  
 19           ~~by an amount (rounded to the next highest multiple~~  
 20           ~~of \$1) equal to the amount of such stipend multi-~~  
 21           ~~plied by the overall percentage (under section 5303~~  
 22           ~~of title 5) of the adjustment (if such adjustment is~~  
 23           ~~an increase) in the rates of pay under the General~~  
 24           ~~Schedule made effective in the fiscal year in which~~  
 25           ~~such school year ends.~~

1       ~~“(e) LIABILITY; FAILURE TO COMPLETE THE PE-~~  
 2 ~~RIOD OF OBLIGATED SERVICE; REPAYMENT.—~~

3           ~~“(1) LIABILITY.—An individual who has en-~~  
 4 ~~tered into a written contract with the Secretary~~  
 5 ~~under this section shall be liable to the United~~  
 6 ~~States for the amount which has been paid to, or on~~  
 7 ~~behalf of, such individual under the contract, if such~~  
 8 ~~individual—~~

9           ~~“(A) fails to maintain an acceptable level~~  
 10 ~~of academic standing in the institution of high-~~  
 11 ~~er education in which the individual is enrolled~~  
 12 ~~(as determined by the Secretary taking into ac-~~  
 13 ~~count the requirements of the educational insti-~~  
 14 ~~tution offering such course of study);~~

15          ~~“(B) is dismissed from such institution of~~  
 16 ~~higher education for disciplinary reasons;~~

17          ~~“(C) voluntarily terminates the training in~~  
 18 ~~such institution of higher education for which~~  
 19 ~~such individual is provided a scholarship under~~  
 20 ~~such contract before the completion of such~~  
 21 ~~training; or~~

22          ~~“(D) fails to accept payment, or instructs~~  
 23 ~~the institution of higher education in which~~  
 24 ~~such individual is enrolled not to accept pay-~~  
 25 ~~ment, under this section.~~

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

3           “(A) IN GENERAL.—Subject to paragraph  
4           (C), if for any reason not specified in paragraph  
5           (1), an individual breaches the written contract  
6           under this section by failing either to begin  
7           such individual’s period of obligated service or  
8           failing to complete such obligation, the United  
9           States shall be entitled to recover from the indi-  
10          vidual an amount determined in accordance  
11          with the following formula:

$$“A = 3Z(t-s/t)$$

12          “in which—

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

15           “(ii) ‘Z’ is the sum of the amounts paid  
16           under this section to, or on behalf of, the indi-  
17           vidual and the interest on such amounts which  
18           would be payable if, at the time the amounts  
19           were paid, they were loans bearing interest at  
20           the maximum legal prevailing rate, as deter-  
21           mined by the Treasurer of the United States;

22           “(iii) ‘t’ is the total number of months in  
23           the individual’s period of obligated service in



1           accordance with subsection (c)(2) of this sec-  
2           tion; and

3           “(iv) ‘s’ is the number of months of such  
4           period served by such individual in accordance  
5           with this section.

6           ~~“(B) AMOUNTS NOT PAID.—~~Amounts not paid  
7           within such period shall be subject to collection  
8           through deductions in Medicare payments pursuant  
9           to section ~~1395ccc~~ of title 42.

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

23          ~~“(3) REPAYMENT.—~~

24          ~~“(A) IN GENERAL.—~~Any amount of dam-  
25          ages which the United States is entitled to re-

cover under this subsection shall be paid to the United States within the 1-year period beginning on the date of the breach or such longer period beginning on such date as shall be specified by the Secretary.

~~“(B) RECOVERY OF DAMAGES.—If damages described in subparagraph (A) are delinquent for 3 months, the Secretary shall, for the purpose of recovering such damages—~~

~~“(i) utilize collection agencies contracted with by the Administrator of the General Services Administration; or~~

~~“(ii) enter into contracts for the recovery of such damages with collection agencies selected by the Secretary.~~

~~“(C) CONTRACTS FOR RECOVERY OF DAMAGES.—Each contract for recovering damages pursuant to this subsection shall provide that the contractor will, not less than once every 6 months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31 shall apply to any such contract to the extent not inconsistent with this subsection.~~

1           “(4) DEATH.—Upon the death of an individual  
 2           who receives, or has received, an Indian educator  
 3           scholarship, any obligation of such individual for  
 4           service or payment that relates to such scholarship  
 5           shall be canceled.

6           “(5) WAIVER.—

7           “(A) REQUIRED WAIVER.—The Secretary  
 8           shall provide for the partial or total waiver or  
 9           suspension of any obligation of service or pay-  
 10          ment of a recipient of an Indian educator schol-  
 11          arship, if the Secretary determines that—

12                   “(i) it is not possible for the recipient  
 13                   to meet the obligation or make the pay-  
 14                   ment;

15                   “(ii) requiring the recipient to meet  
 16                   the obligation or make the payment would  
 17                   result in extreme hardship to the recipient;  
 18                   or

19                   “(iii) the enforcement of the require-  
 20                   ment to meet the obligation or make the  
 21                   payment would be unconscionable.

22           “(B) PERMISSIBLE WAIVER.—Notwith-  
 23          standing any other provision of law, in any case  
 24          of extreme hardship or for other good cause  
 25          shown, the Secretary may waive, in whole or in

1 part, the right of the United States to recover  
 2 funds made available under this section.

3 ~~“(6) BANKRUPTCY.—~~

4 ~~“(A) IN GENERAL.—Subject to subpara-~~  
 5 ~~graph (B), and notwithstanding any other pro-~~  
 6 ~~vision of law, with respect to a recipient of an~~  
 7 ~~Indian educator scholarship, no obligation for~~  
 8 ~~payment may be released by a discharge in~~  
 9 ~~bankruptcy under title 11.~~

10 ~~“(B) EXCEPTION.—The prohibition de-~~  
 11 ~~scribed in subparagraph (A) shall not apply if—~~

12 ~~“(i) such discharge is granted after~~  
 13 ~~the expiration of the 5-year period begin-~~  
 14 ~~ning on the initial date on which that pay-~~  
 15 ~~ment is due; and~~

16 ~~“(ii) the bankruptcy court finds that~~  
 17 ~~the nondischarge of the obligation would be~~  
 18 ~~unconscionable.~~

19 ~~“(f) PLACEMENT ASSISTANCE.—The Secretary shall~~  
 20 ~~assist the recipient of an Indian educator scholarship in~~  
 21 ~~learning about placement opportunities in eligible schools~~  
 22 ~~by transmitting the name and educational credentials of~~  
 23 ~~such recipient to—~~

24 ~~“(1) State educational agency clearinghouses~~  
 25 ~~for recruitment and placement of kindergarten, ele-~~

1       mentary school, and secondary school teachers and  
 2       administrators in States with a substantial number  
 3       of Indian children;

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

6           “(3) tribal education agencies (as defined in  
 7       section 1116A(b)).

8       “(g) OTHER PROVISIONS.—Notwithstanding any  
 9       other provision of this title, sections 2101, 2102, 2103,  
 10      and subparts 1 through 5 of this part shall not apply to  
 11      a grant or scholarship awarded under this section.

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

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

19           “(B) ALLOTMENT.—From the amount  
 20      made available under this part for a fiscal year  
 21      and not reserved under subparagraph (A)(i),  
 22      the Secretary shall allot—

23           “(i) one-half of one percent to the  
 24      Secretary of the Interior for grants involv-

ing schools funded by the Bureau of Education; and

“(ii) the amount remaining after funds are distributed in accordance with clause (i), to the State educational agencies in proportion to the number of children aged 5 to 17, who are from families with incomes below the poverty line and reside in a State for the most recent fiscal year for which satisfactory data are available, as compared to the number of such children who reside in all such States for such year.”; and

(3) in part C—

(A) in section 2302(b)(2) by striking “or public charter schools” and inserting “, public charter schools, or schools funded by the Bureau of Indian Education”; and

(B) in section 2304—

(i) in subsection (a)(1)(B), by inserting “or with a school funded by the Bureau of Indian Education,” after section “2101”; and

(ii) in subsection (d)(3), in the matter preceding subparagraph (A), by striking

1 “or public charter school” and inserting  
 2 “public charter school, or school funded by  
 3 the Bureau of Indian Education”.

## 4 **Subtitle C—Native American** 5 **Languages Programs**

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

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

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

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

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

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

21 “(b) DEFINITIONS.—In this section:

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

1 through the use of a Native American language to  
 2 all students enrolled in a Native American language  
 3 program during a school year divided by the total  
 4 number of students enrolled in the program.

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

7 “(A) a local educational agency;

8 “(B) an Indian tribe;

9 “(C) an Indian organization;

10 “(D) a federally supported elementary  
 11 school or secondary school for Indian children;

12 “(E) an Indian institution (including an  
 13 Indian institution of higher education); or

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

16 “(c) GRANTS AUTHORIZED.—

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

20 “(2) DURATION.—

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

24 “(B) RENEWAL.—Grants awarded under  
 25 this section may be renewed.



1       “(d) APPLICATIONS.—

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

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

15      “(e) USES OF GRANT FUNDS.—

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

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

22                      “(i) provide instruction through the  
23                      use of a Native American language for not  
24                      less than 10 children for an average of not  
25                      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 (e)(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 7402 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          (e), 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”;

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 language 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 (c). 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 (c) 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 (c).

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. 450e(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 (c). 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;

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 reduction  
9 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 organized  
17 group or community, including any Native village or  
18 Regional Corporation or Village Corporation as defined in or  
19 established pursuant to the Alaska Native Claims Settlement  
20 Act, that is recognized as eligible for the special programs  
21 and services provided by the United States to Indians because  
22 of 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-

mentary schools and secondary schools funded by the Bureau of Indian Education in developing effective methods for—

“(A) the electronic transfer of student records of Indian children;

“(B) the determination of the number of Indian children in each State, disaggregated by the local educational agency in which such children reside; and

“(C) the determination of the extent to which Indian children under the age of 18 who have not achieved a secondary school diploma are not enrolled in any school.

“(2) INFORMATION SYSTEMS.—

“(A) IN GENERAL.—Using amounts made available under subsection (c), the Secretary, in consultation with the Secretary of the Interior, the States, and elementary schools and secondary schools funded by the Bureau of Indian Education, shall award grants or contracts to, or enter agreements with, State educational agencies and local educational agencies, and provide funds to the Secretary of the Interior in accordance with subsection (d) in order to ensure 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 ear-~~  
 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

funds received under section 8003 will be spent” after “benefits of such programs and activities”;

(B) in paragraph (5)—

(i) by inserting “local education” after “to such”; and

(ii) by inserting “, prior to any final decision by the agency on how funds received under section 8003 will be spent” after “educational program”;

(2) by redesignating subsections (e) through (f) as subsections (d) through (g), respectively;

(3) by inserting after subsection (b) the following:

“(c) ANNUAL SUMMARY.—On an annual basis, a local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 shall provide Indian tribes with—

“(1) a summary of programs and activities that were created for the claimed children, or in which the claimed children participate; and

“(2) the funding received under section 8003 in the prior and current fiscal years attributable to such claimed children.”; and

(4) by inserting after subsection (g), as so redesignated, the following:

“(h) ~~TIMELY PAYMENTS.~~—

“(1) ~~IN GENERAL.~~—Subject to paragraph (2), the Secretary shall pay a local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 the full amount that the agency is eligible to receive under this title for a fiscal year not later than September 30 of the second fiscal year following the fiscal year for which such amount has been appropriated if, not later than 1 calendar year following the fiscal year in which such amount has been appropriated, such local educational agency submits to the Secretary all the data and information necessary for the Secretary to pay the full amount that the agency is eligible to receive under this title for such fiscal year.

“(2) ~~PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.~~—For a fiscal year in which the amount appropriated under section 8014 is insufficient to pay the full amount a local educational agency is eligible to receive under this title, paragraph (1) shall 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(e)(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.

“(H) ~~RECOMMENDATIONS.—~~If  
the Secretary requests additional  
funding under subelause (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”;

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       ~~“(e) 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(e) 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(e) of the Tribally Controlled Schools Act of  
 19 1988 (25 U.S.C. 2505(e)) 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)”.

## TITLE III—ADDITIONAL EDUCATION PROVISIONS

### SEC. 301. NATIVE AMERICAN STUDENT SUPPORT.

(a) SUPPORT.—The Secretary of Education shall expand programs for Native American school children—

(1) to provide support for learning in their Native language and culture; and

(2) to provide English language instruction.

(b) RESEARCH.—The Secretary of Education shall conduct research on culture- and language-based education to identify the factors that improve education and health outcomes.

### SEC. 302. ENSURING THE SURVIVAL AND CONTINUING VITALITY OF NATIVE AMERICAN LANGUAGES.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “Director” means the Director of the Bureau of Indian Education.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means any agency or organization that is eligible for financial assistance under section 803(a) of the Native American Programs Act of 1974 (42 U.S.C. 2991b(a)).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director.

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-  
 14icans 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-  
 24semination 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 instruction 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 ~~(c) 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 (c).

22 **SEC. 303. IN-SCHOOL FACILITY INNOVATION PROGRAM**  
 23 **CONTEST.**

24       (a) ~~IN GENERAL.—~~The Secretary of the Interior  
 25 shall—

1           (1) establish an in-school facility innovation  
2           program contest in which institutions of higher edu-  
3           cation, including a Tribal College or University (as  
4           defined in section 316 of the Higher Education Act  
5           of 1965 (20 U.S.C. 1059e)), are encouraged to con-  
6           sider solving the problem of how to improve school  
7           facilities for tribal schools and schools served by the  
8           Bureau of Indian Education for problem-based  
9           learning in their coursework and through extra-  
10          curricular opportunities; and

11          (2) establish an advisory group for the contest  
12          described in paragraph (1) that shall include stu-  
13          dents enrolled at a Tribal College or University, a  
14          representative from the Bureau of Indian Education,  
15          and engineering and fiscal advisors.

16          (b) SUBMISSION OF FINALISTS TO THE INDIAN AF-  
17          FAIRS COMMITTEE.—The Secretary of the Interior shall  
18          submit the finalists to the Committee on Indian Affairs  
19          of the Senate.

20          (c) WINNERS.—The Secretary of the Interior shall—

21               (1) determine the winners of the program con-  
22               test conducted under this section; and

23               (2) award the winners appropriate recognition  
24               and reward.

1 **SEC. 304. RETROCESSION OR REASSUMPTION OF CERTAIN**  
 2 **SCHOOL FUNDS.**

3 Notwithstanding any other provision of law, begin-  
 4 ning July 1, 2008, any funds (including investments and  
 5 interest earned, except for construction funds) held by a  
 6 Public Law 100–297 grant or a Public Law 93–638 con-  
 7 tract school shall, upon retrocession to or reassumption  
 8 by the Bureau of Indian Education, remain available to  
 9 the Bureau for a period of 5 years from the date of ret-  
 10 rocession or reassumption for the benefit of the programs  
 11 approved for the school on October 1, 1995.

12 **SEC. 305. DEPARTMENT OF THE INTERIOR AND DEPART-**  
 13 **MENT OF EDUCATION JOINT OVERSIGHT**  
 14 **BOARD.**

15 (a) ~~IN GENERAL.~~—The Secretary of Education and  
 16 the Secretary of the Interior shall jointly establish a De-  
 17 partment of the Interior and Department of Education  
 18 Joint Oversight Board, that shall—

19 (1) be co-chaired by both Departments; and  
 20 (2) coordinate technical assistance, resource  
 21 distribution, and capacity building between the 2 de-  
 22 partments on the education of and for Native Amer-  
 23 ican students.

24 (b) ~~INFORMATION TO BE SHARED.~~—The Joint Over-  
 25 sight Board shall facilitate the communication, collabora-  
 26 tion, and coordination between the 2 departments of edu-

1 cation policies, access to and eligibility for Federal re-  
 2 sources, and budget and school leadership development,  
 3 and other issues, as appropriate.

4 **SEC. 306. FEASIBILITY STUDY TO TRANSFER BUREAU OF**  
 5 **INDIAN EDUCATION TO DEPARTMENT OF**  
 6 **EDUCATION.**

7 (a) IN GENERAL.—Not later than 1 year after the  
 8 date of enactment of this section, the Government Ac-  
 9 countability Office shall carry out a study that examines  
 10 the feasibility of transferring the Bureau of Indian Edu-  
 11 cation from the Department of the Interior to the Depart-  
 12 ment of Education.

13 (b) CONTENTS.—The study shall include an assess-  
 14 ment of the impacts of a transfer described in subsection

15 (a) on—

- 16 (1) affected students;
- 17 (2) affected faculty, staff, and other employees;
- 18 (3) the organizational and operating structure
- 19 of the Bureau of Indian Education;
- 20 (4) applicable Federal laws, including laws re-
- 21 lating to Indian preference; and
- 22 (5) intergovernmental agreements.

23 **SEC. 307. TRIBAL SELF-GOVERNANCE FEASIBILITY STUDY.**

24 (a) STUDY.—The Secretary of Education shall con-  
 25 duct a study to determine the feasibility of entering into

1 self-governance compacts and contracts with Indian tribal  
2 governments who wish to operate public schools that re-  
3 side within their lands.

4 (b) **CONSIDERATIONS.**—In conducting the study de-  
5 scribed in subsection (a), the Secretary of Education shall  
6 consider the feasibility of—

7 (1) assigning and paying to an Indian tribe all  
8 expenditures for the provision of services and related  
9 administration funds that the Secretary would other-  
10 wise pay to a State educational agency and a local  
11 educational agency for 1 or more public schools lo-  
12 cated on the Indian lands of such Indian tribe;

13 (2) providing assistance to Indian tribes in de-  
14 veloping capacity to administer all programs and  
15 services that are currently under the jurisdiction of  
16 the State educational agency or local educational  
17 agency; and

18 (3) authorizing the Secretary to treat an Indian  
19 tribe as a State for the purposes of carrying out pro-  
20 grams and services funded by the Secretary that are  
21 currently under the jurisdiction of the State.

22 (c) **REPORT.**—Not later than 2 years after the date  
23 of the enactment of this Act, the Secretary of Education  
24 shall submit, to the Committee on Indian Affairs and the  
25 Committee on Health, Education, Labor and Pensions of



1 the Senate and the Education and the Workforce Com-  
 2 mittee of the House of Representatives, a report that in-  
 3 cludes—

4           (1) the results of the study conducted under  
 5 subsection (a);

6           (2) a summary of any consultation that oc-  
 7 curred between the Secretary and Indian tribes in  
 8 conducting this study;

9           (3) projected costs and savings associated with  
 10 the Department of Education entering into self-gov-  
 11 ernance contracts and compacts with Indian tribes,  
 12 and any estimated impact on programs and services  
 13 described in paragraphs (2) and (3) of subsection  
 14 (a) in relation to probable costs and savings; and

15           (4) legislative actions that would be required to  
 16 authorize the Secretary to enter into self-governance  
 17 compacts and contracts with Indian tribes to provide  
 18 such programs and services.

19 (d) DEFINITIONS.—In this section:

20           (1) INDIAN TRIBE.—The term “Indian Tribe”  
 21 means any Indian tribe, band, nation, other orga-  
 22 nized group or community, including any Native vil-  
 23 lage or Regional Corporation or Village Corporation  
 24 as defined in or established pursuant to the Alaska  
 25 Native Claims Settlement Act, that is recognized as

1 eligible for the special programs and services pro-  
 2 vided by the United States to Indians because of  
 3 their status as Indians.

4 (2) INDIAN LANDS.—The term “Indian lands”  
 5 has the meaning given that term in section 8013 of  
 6 the Elementary and Secondary Education Act of  
 7 1965 (20 U.S.C. 7713).

8 **SEC. 308. ESTABLISHMENT OF CENTER FOR INDIGENOUS**  
 9 **EXCELLENCE.**

10 (a) DEFINITIONS.—In this section:

11 (1) INSTITUTION OF HIGHER EDUCATION.—The  
 12 term “institution of higher education” shall have the  
 13 meaning given such term in section 101 of the High-  
 14 er Education Act of 1965 (20 U.S.C. 1001).

15 (2) NATIVE AMERICAN AND NATIVE AMERICAN  
 16 LANGUAGE.—The terms “Native American” and  
 17 “Native American language” shall have the mean-  
 18 ings given such terms in section 103 of the Native  
 19 American Languages Act (25 U.S.C. 2902).

20 (3) NATIVE AMERICAN LANGUAGE NESTS AND  
 21 SURVIVAL SCHOOLS.—The terms “Native American  
 22 language nest” and “Native American language sur-  
 23 vival school” shall have the meanings given such  
 24 terms in section 803C(b)(7) of the Native American  
 25 Programs Act of 1974 (42 U.S.C. 2991b–3).

1           (4) NATIVE HAWAIIAN OR NATIVE AMERICAN  
 2           PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL  
 3           ORGANIZATION.—The term “Native Hawaiian or  
 4           Native American Pacific Islander native language  
 5           educational organization” shall have the meaning  
 6           given such term in section 3301 of the Elementary  
 7           and Secondary Education Act of 1965 (20 U.S.C.  
 8           7011).

9           (5) SECRETARY.—The term “Secretary” means  
 10          the Secretary of Education.

11          (6) STEM.—The term “STEM” means a  
 12          science, technology, engineering, and mathematics  
 13          program.

14          (7) TRIBALLY SANCTIONED EDUCATIONAL AU-  
 15          THORITY.—The term “tribally sanctioned edu-  
 16          cational authority” shall have the meaning given  
 17          such term in section 3301 of the Elementary and  
 18          Secondary Education Act of 1965 (20 U.S.C. 7011).

19          (b) IN GENERAL.—There shall be established a Cen-  
 20          ter for Indigenous Excellence to—

21               (1) support Native American governments, com-  
 22               munities, schools, and programs in the development  
 23               and demonstration of Native American language and  
 24               culture-based education from the preschool to grad-  
 25               uate education levels as appropriate for their distine-

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           ~~(c) 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.~~

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

22          ~~(a) SHORT TITLE.—This Act may be cited as the “Na-~~  
 23          ~~tive Culture, Language, and Access for Success in Schools~~  
 24          ~~Act”.~~

1        *(b) TABLE OF CONTENTS.—The table of contents for*  
 2 *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. Prevention and intervention programs for children and youth who are  
neglected, delinquent, or at-risk.*

*Sec. 113. State administration.*

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

*Sec. 121. Preparing, training, and recruiting high-Quality teachers and prin-  
cipals.*

*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 educational agency agreements.*

*Subtitle D—21st Century Schools*

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

*Subtitle E—Centers for Innovation in Tribally Directed Education*

*Sec. 151. Centers for Innovation in Tribally Directed Education.*

*Sec. 152. Authorization of appropriations.*

*Subtitle F—Indian, Native Hawaiian, and Alaska Native Education*

*PART I—INDIAN EDUCATION*

*Sec. 161. Purpose.*

*Sec. 162. Purpose of formula grants.*

*Sec. 163. Grants to local educational agencies and tribes.*

*Sec. 164. Amount of grants.*

*Sec. 165. Applications.*

*Sec. 166. Authorized services and activities.*

*Sec. 167. Student eligibility forms.*

*Sec. 168. Technical assistance.*

*Sec. 169. Amendments relating to tribal colleges and universities.*

*Sec. 170. Tribal educational agency cooperative agreements.*

*Sec. 171. Tribal educational agencies pilot project.*

*Sec. 172. Improving support for teachers and administrators of Native American  
students.*

*Sec. 173. National board certification incentive demonstration program.*

*Sec. 174. Tribal language immersion schools.*

*Sec. 175. Coordination of Indian student information.*

*Sec. 176. Authorization of appropriations.*

*PART II—NATIVE HAWAIIAN EDUCATION*

- Sec. 177. Findings.*  
*Sec. 178. Purposes.*  
*Sec. 179. Native Hawaiian Education Council Grant.*  
*Sec. 180. Grant program authorized.*  
*Sec. 181. Administrative provisions; authorization of appropriations.*  
*Sec. 182. Definitions.*

*Subtitle G—Impact Aid*

- Sec. 185. Impact aid.*

*Subtitle H—General Provisions*

- Sec. 191. Highly qualified definition.*  
*Sec. 192. Applicability of ESEA to Bureau of Indian Education schools.*  
*Sec. 193. 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. Tribal educational agencies.*  
*Sec. 206. Qualified school construction bond escrow account.*  
*Sec. 207. Equity in Educational Land-Grant Status Act of 1994.*  
*Sec. 208. Workforce Investment Act of 1998.*  
*Sec. 209. Technical amendments to Tribally Controlled Schools Act of 1988.*  
*Sec. 210. Exemption from eligibility application.*  
*Sec. 211. Tribal colleges and universities American indian language vitalization and training program.*  
*Sec. 212. Administrative cost grants for tribally operated schools.*  
*Sec. 213. Tribal member student records.*

*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. Tribal self-governance feasibility study.*  
*Sec. 307. 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 1001 (20 U.S.C. 6301), by insert-*  
 12 *ing “, and accommodating Federal Native American*  
 13 *language law in education” before the semicolon;*

14 *(2) in section 1111 (20 U.S.C. 6311)—*

15 *(A) in subsection (a), by inserting “rep-*  
 16 *resentatives of Indian tribes located in the*  
 17 *State,” after “other staff,”;*

18 *(B) in subsection (b)—*

19 *(i) in paragraph (3)—*

20 *(I) in subparagraph (C)(ix)—*

21 *(aa) in subclause (I), by in-*  
 22 *serting “taught through non-Na-*  
 23 *tive American languages” before*  
 24 *the semicolon at the end; and*

1                   (bb) in subclause (III), by  
 2                   inserting “taught through non-Na-  
 3                   tive American languages” after  
 4                   “proficient students”; and  
 5                   (II) by adding at the end the fol-  
 6                   lowing:

7                   “(E) STANDARDS-BASED EDUCATION AS-  
 8                   SESSMENTS.—Notwithstanding any other provi-  
 9                   sion of this Act, a State shall develop standards-  
 10                  based education assessments and classroom les-  
 11                  sons to accommodate diverse learning styles,  
 12                  which assessments may be used by the State in  
 13                  place of the general assessments described in sub-  
 14                  paragraph (A).”; and

15                  (ii) in paragraph (8), by striking  
 16                  “1112(c)(1)(D)”                   and                   inserting  
 17                  “1112(c)(1)(E)”;  
 18                  (C) in subsection (c)—

19                  (i) in paragraph (13), by striking  
 20                  “and” after the semicolon;

21                  (ii) in paragraph (14), by striking the  
 22                  period at the end and inserting “; and”;  
 23                  and

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

1           “(15) the State educational agency has engaged  
 2           in timely and meaningful consultation with rep-  
 3           resentatives of Indian tribes located in the State in  
 4           the development of the State plan to serve local edu-  
 5           cational agencies under the State’s jurisdiction, in  
 6           order to—

7                   “(A) improve the coordination of activities  
 8                   under this Act;

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

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

12                   (D) in subsection (m), by adding at the end  
 13                   the following:

14                   “(4) If such school has been approved, in accord-  
 15                   ance with section 1116(g), for use of an alternative  
 16                   definition of adequate yearly progress, the school may  
 17                   adopt an appropriate assessment that—

18                   “(A) is developed in consultation with, and  
 19                   with the approval of, the Secretary of the Inte-  
 20                   rior; and

21                   “(B) is consistent with the requirements of  
 22                   this section.”; and

23                   (E) by adding at the end the following:

24                   “(n) RULES OF CONSTRUCTION ON NATIVE AMERICAN  
 25                   LANGUAGES.—Nothing in this title shall be construed to

1 *limit the preservation or use of Native American lan-*  
 2 *guages.”; and*

3 *(3) in section 1112 (20 U.S.C. 6312)—*

4 *(A) in subsection (b)(1)—*

5 *(i) by redesignating subparagraphs (F)*  
 6 *through (Q) as subparagraphs (G) through*  
 7 *(R), respectively; and*

8 *(ii) by inserting after subparagraph*  
 9 *(E), the following:*

10 *“(F) a description of the procedure that the*  
 11 *local educational agency will use to engage in*  
 12 *timely, ongoing, and meaningful consultation*  
 13 *with representatives of Indian tribes located in*  
 14 *the area served by the local education agency in*  
 15 *the development of the local plan, in order to—*

16 *“(i) improve the coordination of activi-*  
 17 *ties under this Act;*

18 *“(ii) meet the purpose of this title; and*

19 *“(iii) meet the unique cultural, lan-*  
 20 *guage, and educational needs of Indian stu-*  
 21 *dents;”;*

22 *(B) in subsection (c)(1)—*

23 *(i) by redesignating subparagraphs (D)*  
 24 *through (O) as subparagraphs (E) through*  
 25 *(P), respectively; and*

1                   (ii) by inserting after subparagraph  
2                   (C), the following:

3                   “(D) engage in timely and meaningful con-  
4                   sultation with representatives of Indian tribes lo-  
5                   cated in the area served by the local educational  
6                   agency;”; and

7                   (C) in subsection (d)(1), by striking “and  
8                   other appropriate school personnel,” and insert-  
9                   ing “other appropriate school personnel, and  
10                  representatives of Indian tribes located in the  
11                  area served by the local educational agency,”;

12                  (4) in section 1115(b)(2)(A) (20 U.S.C.  
13                  6315(b)(2)(A)), by inserting “, Indian children,” after  
14                  “migrant children”;

15                  (5) in section 1116 (20 U.S.C. 6316)—

16                   (A) in subsection (b)(3)(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                   school,” after “school staff,”;

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

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

25                   (iv) by adding at the end the following:

1           “(xi) provide an assurance that, if the  
2           school receives funds described in title VII,  
3           the school will continue to direct such funds  
4           to the activities described in title VII.”;

5           (B) in subsection (c)(7)(A)—

6                 (i) in the matter preceding clause (i),  
7           by inserting “representatives of Indian  
8           tribes located in the area served by the local  
9           educational agency,” after “school staff,”;

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

12               (iii) in clause (viii), by striking the  
13           period at the end and inserting “; and”;  
14           and

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

16               “(ix) incorporate, as appropriate, ac-  
17           tivities that meet the unique cultural, lan-  
18           guage, and educational needs of Indian stu-  
19           dents eligible to be served under title VII of  
20           this Act.”; and

21           (C) in subsection (g)(1)—

22               (i) in subparagraph (B)—

23                 (I) by striking “The tribal gov-  
24           erning body or” and inserting “An In-  
25           dian tribe,”;

1                   (II) by inserting “, or a consor-  
 2                   tium of such entities” after “Bureau of  
 3                   Indian Affairs”;

4                   (III) by striking “such body or  
 5                   school board” and inserting “such In-  
 6                   dian tribe, school board, or consortium  
 7                   of such entities”;

8                   (IV) by striking “waived, the trib-  
 9                   al governing body or school board” and  
 10                  inserting “waived, the Indian tribe,  
 11                  school board, or consortium of such en-  
 12                  tities”; and

13                  (V) by inserting “of the Interior”  
 14                  after “such alternative definition un-  
 15                  less the Secretary”;

16                  (ii) in subparagraph (C), by striking  
 17                  “a tribal governing body or school board of  
 18                  a school funded by the Bureau of Indian Af-  
 19                  fairs” and inserting “an Indian tribe,  
 20                  school board of a school funded by the Bu-  
 21                  reau of Indian Affairs, or consortium of  
 22                  such entities”; and

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

1           “(D) *DEEMED APPROVAL*.—A proposed al-  
 2           ternative definition of adequate yearly progress  
 3           submitted pursuant to subparagraph (B) shall be  
 4           deemed to be approved by the Secretary of the  
 5           Interior unless the Secretary of the Interior  
 6           issues the notification set forth in subparagraph  
 7           (E) prior to the expiration of the 30-day period  
 8           beginning on the date on which the Secretary of  
 9           the Interior received the proposed alternative def-  
 10          inition of adequate yearly progress.

11           “(E) *NOTIFICATION*.—If the Secretary of the  
 12          Interior finds that the application is not in com-  
 13          pliance, in whole or in part, with this subpart,  
 14          the Secretary of the Interior shall—

15                   “(i) notify the entity or entities de-  
 16                   scribed in subparagraph (B) of the finding  
 17                   of noncompliance and, in such notification,  
 18                   shall—

19                           “(I) cite the specific provisions in  
 20                           the application that are not in compli-  
 21                           ance;

22                           “(II) provide an explanation of  
 23                           the basis of the noncompliance;

24                           “(III) request additional informa-  
 25                           tion only as to the noncompliant pro-



1                   visions needed to make the proposal  
2                   compliant;

3                   “(IV) provide a description of the  
4                   steps that the entity or entities need to  
5                   take to make the application compli-  
6                   ant; and

7                   “(V) provide assistance to over-  
8                   come the finding of noncompliance;  
9                   and

10                  “(ii) provide the entity or entities de-  
11                  scribed in subparagraph (B) with the op-  
12                  portunity for a hearing, which shall be com-  
13                  pleted not more than 60 days after such en-  
14                  tity or entities receive the notice of oppor-  
15                  tunity for a hearing, or at such later date  
16                  as agreed to by the submitting entity or en-  
17                  tities.

18                  “(F) RESPONSE.—If the entity or entities  
19                  described in subparagraph (B) resubmit the ap-  
20                  plication in an effort to overcome the finding of  
21                  noncompliance not more than 30 days after the  
22                  date the notification was received, the Secretary  
23                  of the Interior shall approve or disapprove the  
24                  resubmitted application not more than 30 days  
25                  after the resubmitted application is received, or

1       *not more than 30 days after the conclusion of a*  
 2       *hearing, whichever is later. If the Secretary of*  
 3       *the Interior fails to approve or disapprove the*  
 4       *resubmitted application within such time period,*  
 5       *the resubmitted application shall be deemed ap-*  
 6       *proved.*

7               “(G) *RESUBMISSION RESPONSE.*—*If the*  
 8       *Secretary of the Interior finds the resubmitted*  
 9       *application described in subparagraph (F) to be*  
 10       *in noncompliance, the Secretary of the Interior*  
 11       *shall issue a final determination that—*

12               “(i) *cites the specific provisions in the*  
 13       *application that are not in compliance;*

14               “(ii) *provides a detailed explanation of*  
 15       *the basis for the finding of noncompliance*  
 16       *for each provision found to be noncompli-*  
 17       *ant; and*

18               “(iii) *offers assistance to overcome the*  
 19       *finding of noncompliance.*

20               “(H) *FAILURE TO RESPOND.*—*If the entity*  
 21       *or entities described in subparagraph (B) do not*  
 22       *respond to the notification of the Secretary of the*  
 23       *Interior described in subparagraph (E) within a*  
 24       *30-day period after receipt of such notification,*

1           the application shall be deemed to be dis-  
2           approved.”;

3           (6) by inserting after section 1116 (20 U.S.C.  
4           6316) the following:

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

6           “(a) *PURPOSE.*—The purpose of this section is to sig-  
7   nificantly improve outcomes for Indian and Native Hawai-  
8   ian students in persistently low-performing schools by—

9           “(1) enabling Indian tribes, Native Hawaiian  
10   educational organizations, or tribal educational agen-  
11   cies to turn around low-performing schools operated  
12   by a local educational agency on Indian lands or  
13   land of the Department of Hawaiian Home Lands;

14           “(2) building the capacity of tribes, Native Ha-  
15   waiian educational organizations, and tribal edu-  
16   cational agencies to improve student academic  
17   achievement in low-performing and persistently low-  
18   performing schools; and

19           “(3) supporting tribes and tribal educational  
20   agencies in implementing school intervention models.

21           “(b) *DEFINITIONS.*—In this section:

22           “(1) *DEPARTMENT OF HAWAIIAN HOME LANDS.*—  
23   The term ‘Department of Hawaiian Home Lands’  
24   means the Department of Hawaiian Home Lands of  
25   the State of Hawaii (or a successor in function),

1 *originally established under the Hawaiian Homes*  
 2 *Commission Act, 1920 (42 Stat. 108, chapter 42).*

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

5 “(3) *INDIAN SCHOOL.*—*The term ‘Indian school’*  
 6 *means any school located on Indian lands.*

7 “(4) *INDIAN TRIBE.*—*The term ‘Indian tribe’*  
 8 *means any Indian tribe, band, nation, or other orga-*  
 9 *nized group or community (including any Native vil-*  
 10 *lage, Regional Corporation, or Village Corporation as*  
 11 *defined in, or established pursuant to, the Alaska Na-*  
 12 *tive Claims Settlement Act), that is recognized as eli-*  
 13 *gible for the special programs and services provided*  
 14 *by the United States to Indians because of their sta-*  
 15 *tus as Indians.*

16 “(5) *NATIVE HAWAIIAN EDUCATIONAL ORGANIZA-*  
 17 *TION.*—*The term ‘Native Hawaiian educational orga-*  
 18 *nization’ means a private nonprofit organization*  
 19 *that—*

20 “(A) *serves the interests of Native Hawai-*  
 21 *ians;*

22 “(B) *operates an elementary school, sec-*  
 23 *ondary school, or institution of higher education*  
 24 *on land of the Department of Hawaiian Home*  
 25 *Lands;*

1           “(C) *has Native Hawaiians in substantive*  
2           *and policymaking positions within the organiza-*  
3           *tion;*

4           “(D) *incorporates Native Hawaiian per-*  
5           *spective, values, language, culture, and tradi-*  
6           *tions into the core function of the organization;*

7           “(E) *has demonstrated expertise in the edu-*  
8           *cation of Native Hawaiian children; and*

9           “(F) *has demonstrated expertise in research*  
10          *and program development.*

11          “(6) *TRIBAL EDUCATIONAL AGENCY.—The term*  
12          *‘tribal educational agency’—*

13               “(A) *means the authorized governmental*  
14               *agency or administrative unit of a federally-rec-*  
15               *ognized Indian tribe (as defined in section 4 of*  
16               *the Indian Self-Determination and Education*  
17               *Assistance Act (25 U.S.C. 450b)) that is pri-*  
18               *marily responsible for regulating, administering,*  
19               *or supervising the formal education of tribal*  
20               *members; and*

21               “(B) *includes tribal education departments,*  
22               *tribal divisions of education, tribally sanctioned*  
23               *education authorities, tribal education adminis-*  
24               *trative planning and development agencies, trib-*

1           *al educational agencies, and tribal administra-*  
 2           *tive 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 is*  
 15           *a secondary school that does not award a high*  
 16           *school diploma, is in the lowest 5 percent of the*  
 17           *State’s public secondary schools that do not*  
 18           *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 award*  
 24           *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-per-  
7                   forming school.

8                   “(d) *GRANTS AUTHORIZED.*—

9                   “(1) *IN GENERAL.*—The Secretary shall award  
10                  grants, on a competitive basis, to Indian tribes, Na-  
11                  tive Hawaiian educational organizations, or tribal  
12                  educational agencies to enable such tribes or agencies  
13                  to carry out the activities described in subsection (g).

14                  “(2) *DURATION.*—

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

17                  “(B) *RENEWAL.*—The Secretary may renew  
18                  a grant under this section for an additional 4-  
19                  year period if the Indian tribe, Native Hawaiian  
20                  educational organization, or tribal educational  
21                  agency demonstrates sufficient progress, as de-  
22                  fined by the State, on the core academic indica-  
23                  tors and leading indicators described in sub-  
24                  section (h)(1)(B).

25                  “(e) *APPLICATION.*—

1           “(1) *IN GENERAL.*—*Each Indian tribe, Native*  
2           *Hawaiian educational organization, or tribal edu-*  
3           *cational agency that desires to receive a grant under*  
4           *this section shall submit an application to the Sec-*  
5           *retary at such time, in such manner, and containing*  
6           *such information as the Secretary may reasonably re-*  
7           *quire. At a minimum, each application shall in-*  
8           *clude—*

9                   “(A) *an analysis of the school described*  
10                  *under subsection (c)(1) that the Indian tribe,*  
11                  *Native Hawaiian educational organization, or*  
12                  *tribal educational agency proposes to serve, and*  
13                  *an appropriate intervention model for such*  
14                  *school;*

15                  “(B) *a budget, which shall demonstrate suf-*  
16                  *ficient funds to implement fully and effectively*  
17                  *the selected intervention model; and*

18                  “(C) *a description of how the Indian tribe,*  
19                  *Native Hawaiian educational organization, or*  
20                  *tribal educational agency will—*

21                          “(i) *help develop a pipeline of teachers*  
22                          *and leaders for the school;*

23                          “(ii) *collect and report data;*

24                          “(iii) *support effective extended learn-*  
25                          *ing time strategies; and*



1                   “(iv) *build capacity in the tribe or*  
2                   *tribal educational agency for assisting*  
3                   *schools described under subsection (c)(1).*

4                   “(2) *ADDITIONAL APPLICATION REQUIREMENTS*  
5                   *IF SUBGRANTS ARE AWARDED.—If an Indian tribe,*  
6                   *Native Hawaiian educational organization, or tribal*  
7                   *educational agency proposes to issue subgrants, as de-*  
8                   *scribed under subsection (g)(2), such tribe, organiza-*  
9                   *tion, or agency shall include in the application, in*  
10                   *addition to the requirements described under para-*  
11                   *graph (1), the following:*

12                   “(A) *A copy of the application form and in-*  
13                   *structions that the Indian tribe, Native Hawai-*  
14                   *ian educational organization, or tribal edu-*  
15                   *cational agency will provide to potential recipi-*  
16                   *ents of subgrants.*

17                   “(B) *A description of how the Indian tribe,*  
18                   *Native Hawaiian educational organization, or*  
19                   *tribal educational agency will set priorities for*  
20                   *awarding subgrants.*

21                   “(C) *A description of how the Indian tribe,*  
22                   *Native Hawaiian educational organization, or*  
23                   *tribal educational agency will monitor each enti-*  
24                   *ty that is awarded a subgrant.*

1       “(f) *STATE EDUCATIONAL AGENCY AND LOCAL EDU-*  
 2 *CATION AGENCY RESPONSIBILITIES.*—

3               “(1) *IN GENERAL.*—*If an Indian tribe, Native*  
 4 *Hawaiian educational organization, or tribal edu-*  
 5 *cational agency receives a grant under this section for*  
 6 *an Indian or Native Hawaiian school that has been*  
 7 *identified under subsection (c)(1), the Secretary shall*  
 8 *notify the State in which the school is located, and the*  
 9 *State educational agency and the local educational*  
 10 *agency that serve such school shall—*

11               “(A) *maintain funding for the school at not*  
 12 *less than the amount supplied in the academic*  
 13 *year immediately preceding the academic year*  
 14 *for which the grant under this section applies;*

15               “(B) *at the request of the Indian tribe, Na-*  
 16 *tive Hawaiian educational organization, or trib-*  
 17 *al educational agency, enter into a cooperative*  
 18 *agreement to authorize the tribe, organization, or*  
 19 *agency to plan, conduct, consolidate, and admin-*  
 20 *ister programs, services, functions, and activities,*  
 21 *or portions thereof, administered by the State*  
 22 *educational agency or the local educational agen-*  
 23 *cy on behalf of the school; and*

24               “(C) *authorize the Indian tribe, Native Ha-*  
 25 *waiian educational organization, or tribal edu-*

1            *cational agency to reallocate funds for such pro-*  
 2            *grams, services, functions, and activities, or por-*  
 3            *tions thereof, as necessary.*

4            “(2) *MAINTENANCE OF EFFORT REQUIREMENT.*—  
 5            *If the maintenance of effort requirement described in*  
 6            *paragraph (1)(A) is not met, the Secretary may with-*  
 7            *hold funding under title I from the State until such*  
 8            *requirement is met.*

9            “(3) *DISAGREEMENT.*—*If an Indian tribe, Na-*  
 10           *tive Hawaiian educational organization, or tribal*  
 11           *educational agency, as the case may be, and the State*  
 12           *educational agency or local educational agency can-*  
 13           *not reach an agreement, the tribe, organization, or*  
 14           *tribal educational agency may submit to the Sec-*  
 15           *retary information that such tribe, organization, or*  
 16           *agency deems relevant, and the Secretary may make*  
 17           *a determination on the disputed issue.*

18           “(g) *USE OF FUNDS.*—

19           “(1) *SCHOOL INTERVENTION MODEL.*—

20           “(A) *IN GENERAL.*—*An Indian tribe or*  
 21           *tribal educational agency that receives a grant*  
 22           *under this section shall use not less than 90 per-*  
 23           *cent of the grant funds to implement a school*  
 24           *intervention model described in subsection (i), ei-*  
 25           *ther directly or through a turn around partner*

1           *that is awarded a subgrant, in a school identi-*  
 2           *fied under subsection (c)(1).*

3           “(B) *USE OF FUNDS FOR COMPREHENSIVE*  
 4           *SERVICES.—The Indian tribe or tribal edu-*  
 5           *cational agency, in implementing any of the*  
 6           *school intervention models described in sub-*  
 7           *section (i) in any school served under the*  
 8           *grant—*

9                   “(i) *shall identify and address issues*  
 10           *that may contribute to low academic*  
 11           *achievement in the schools identified under*  
 12           *subsection (c)(1); and*

13                   “(ii) *may use funds under this section*  
 14           *to provide comprehensive services to address*  
 15           *the issues described in subparagraph (A)*  
 16           *and meet the full range of student needs.*

17           “(2) *SUBGRANTS.—An Indian tribe or tribal*  
 18           *educational agency that receives a grant under this*  
 19           *section may award subgrants.*

20           “(3) *TRIBE OR TRIBAL EDUCATIONAL AGENCY*  
 21           *ACTIVITIES.—An Indian tribe or tribal educational*  
 22           *agency that receives a grant under this section shall*  
 23           *use any portion of the grant funds that the tribe or*  
 24           *tribal educational agency does not use to fulfill or*  
 25           *carry out activities designed to build tribe or tribal*

1        *educational agency capacity to support school im-*  
2        *provement. These activities may include—*

3                *“(A) providing technical assistance and*  
4                *other support, either directly or through the cre-*  
5                *ation of a school turn around office or a turn*  
6                *around partner, to schools identified under sub-*  
7                *section (c)(1), which may include—*

8                        *“(i) the use of school quality review*  
9                        *teams; or*

10                      *“(ii) regular site visits to monitor the*  
11                      *implementation of selected intervention*  
12                      *models;*

13                *“(B) evaluating Indian tribe or tribal edu-*  
14                *cational agency implementation of school inter-*  
15                *vention models and other improvement activities;*

16                *“(C) using the results of the evaluations de-*  
17                *scribed in subparagraph (B) to improve Indian*  
18                *tribe or tribal educational agency strategies for*  
19                *supporting, and providing flexibility for, tar-*  
20                *geted schools that are identified under subsection*  
21                *(c)(1);*

22                *“(D) developing pipelines of teachers and*  
23                *leaders that are trained to work in schools that*  
24                *are low-performing schools, such as the schools*  
25                *identified in subsection (c)(1);*

1                   “(E) collecting and reporting data;

2                   “(F) building capacity in the Indian tribe  
3                   or tribal educational agency for assisting schools  
4                   identified under subsection (c)(1); or

5                   “(G) carrying out other activities designed  
6                   to build Indian tribe or tribal educational agen-  
7                   cy capacity to support school improvement.

8                   “(h) DATA COLLECTION AND REPORTING.—

9                   “(1) IN GENERAL.—Each Indian tribe or tribal  
10                  educational agency receiving a grant under this sec-  
11                  tion shall—

12                  “(A) comply with the reporting and ac-  
13                  countability requirements of this part for each  
14                  school that such Indian tribe or tribal edu-  
15                  cational agency serves; and

16                  “(B) monitor and collect data about the stu-  
17                  dents that such Indian tribe or tribal edu-  
18                  cational agency serves at each school that is  
19                  served by the grant program, including the fol-  
20                  lowing data:

21                         “(i) Core academic indicators, such  
22                         as—

23                                 “(I) the percentage of students at  
24                                 each school who are at or above the  
25                                 proficient level on State academic as-

1                    *sessments in reading or language arts*  
2                    *and mathematics;*

3                    “(II) *student progress toward core*  
4                    *academic benchmarks;*

5                    “(III) *the average score for stu-*  
6                    *dents in each school on State academic*  
7                    *assessments in reading or language*  
8                    *arts and mathematics;*

9                    “(IV) *secondary school graduation*  
10                   *rates; and*

11                   “(V) *rates of student enrollment*  
12                   *in an institution of higher education.*

13                   “(ii) *Leading indicators, such as—*

14                   “(I) *student attendance rates;*

15                   “(II) *the number and percentage*  
16                   *of students completing advanced*  
17                   *coursework;*

18                   “(III) *student participation in*  
19                   *State assessments in reading or lan-*  
20                   *guage arts and mathematics under sec-*  
21                   *tion 1111(b)(3);*

22                   “(IV) *school dropout rates;*

23                   “(V) *discipline incident rates;*

24                   “(VI) *teacher attendance rates;*

1                   “(VII) the distribution of teachers  
 2                   by performance level, based on the  
 3                   teacher evaluation system established  
 4                   by the Indian tribe or tribal edu-  
 5                   cational agency; and

6                   “(VIII) reduction in the percent-  
 7                   age of students in the lowest level of  
 8                   achievement on State assessments in  
 9                   reading or language arts and mathe-  
 10                  matics under section 1111.

11               “(2) *REPORT.*—Each Indian tribe or tribal edu-  
 12               cational agency receiving a grant under this section  
 13               shall prepare and submit a report to the Secretary,  
 14               which shall include the data described in paragraph  
 15               (1)(B).

16               “(i) *SCHOOL INTERVENTION MODELS.*—Each tribe or  
 17               tribal educational agency that receives a grant under this  
 18               section shall choose to implement 1 or more of the following  
 19               school intervention models in each school supported under  
 20               this section:

21               “(1) *TRANSFORMATION MODEL.*—A trans-  
 22               formation model is a school intervention model in  
 23               which the Indian tribe or tribal educational agency—

24                       “(A) replaces a principal (if such principal  
 25                       has led the school for 2 or more years) with a



1           *new principal who has demonstrated effectiveness*  
 2           *in turning around a low-performing school;*

3           *“(B) uses rigorous, transparent, and equi-*  
 4           *table evaluation systems to—*

5           *“(i) identify and reward school leaders,*  
 6           *teachers, and other staff who, in imple-*  
 7           *menting the model, increase student achieve-*  
 8           *ment and, if applicable, secondary school*  
 9           *graduation rates; and*

10          *“(ii) identify and remove school lead-*  
 11          *ers, teachers, and other staff who, after*  
 12          *ample opportunities have been provided for*  
 13          *such individuals to improve their profes-*  
 14          *sional practice—*

15          *“(I) do not increase student*  
 16          *achievement;*

17          *“(II) if applicable, do not increase*  
 18          *secondary school graduation rates; and*

19          *“(III) have not demonstrated ef-*  
 20          *fectiveness according to the tribe or*  
 21          *tribal educational agency’s evaluation*  
 22          *system;*

23          *“(C) provides staff with ongoing, high-qual-*  
 24          *ity, job-embedded professional development*  
 25          *that—*

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

3                   “(ii) facilitates effective teaching and  
4                   learning; and

5                   “(iii) supports the implementation of  
6                   school-reform strategies;

7                   “(D) implements strategies (such as finan-  
8                   cial incentives, increased opportunities for pro-  
9                   motion and career growth, and more flexible  
10                  work conditions) that are designed to recruit,  
11                  place, and retain staff who have the skills nec-  
12                  essary to meet the needs of students in the school;

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

15                       “(i) is aligned with State or tribal  
16                       challenging academic content standards and  
17                       challenging student academic achievement  
18                       standards under section 1111(b); and

19                       “(ii) has been proven to raise student  
20                       academic achievement by not less than 10  
21                       percent in 1 year;

22                       “(F) establishes schedules and strategies  
23                       that provide increased learning time (which may  
24                       include offering full-day kindergarten or a high-  
25                       quality preschool program or using a longer

1        *school day, week, or year that increases the total*  
 2        *number of hours at school for the school year by*  
 3        *not fewer than 300 hours) in order to signifi-*  
 4        *cantly increase the total number of school hours*  
 5        *to include time for—*

6                *“(i) instruction in core subjects, such*  
 7                *as English, reading or language arts, math-*  
 8                *ematics, science, foreign language (which*  
 9                *may include a Native American language),*  
 10               *civics and government, economics, arts, his-*  
 11               *tory, and geography;*

12               *“(ii) instruction in traditional and*  
 13               *cultural programs;*

14               *“(iii) instruction in other subjects; and*

15               *“(iv) enrichment activities, such as*  
 16               *physical education, service learning, and ex-*  
 17               *periential work-based opportunities;*

18               *“(G) promotes the continuous use of student*  
 19               *data to provide instruction that meets the aca-*  
 20               *ademic needs of individual students, which may*  
 21               *include, in elementary school, individual stu-*  
 22               *dents’ levels of school readiness;*

23               *“(H) provides ongoing mechanisms for fam-*  
 24               *ily, community, and tribal involvement;*

1           “(I) ensures that the school receives ongoing,  
 2           intensive technical assistance and related sup-  
 3           port from the tribe or tribal educational agency;  
 4           and

5           “(J) provides appropriate social-emotional  
 6           and community-oriented support services for stu-  
 7           dents, and at the discretion of the tribe or tribal  
 8           educational agency, uses not more than 10 per-  
 9           cent of the total grant funds for such services.

10          “(2) *RESTART MODEL*.—A restart model is a  
 11          school intervention model in which the Indian tribe  
 12          or tribal educational agency—

13               “(A) converts a school—

14                   “(i) under a charter or school operator  
 15                   and charter management organization;

16                   “(ii) under an education management  
 17                   organization; or

18                   “(iii) as an autonomous or redesigned  
 19                   school;

20               “(B) implements a rigorous review process  
 21               to select such a charter or school operator and  
 22               charter management organization, or an edu-  
 23               cation management organization, as applicable,  
 24               which includes an assurance that such operator

1           *or organization will make significant changes in*  
 2           *the leadership and staffing of the school; and*

3           “(C) enrolls in the school any former stu-  
 4           *dent who wishes to attend the school and who is*  
 5           *within the grades the school services.*

6           “(3) *TURNAROUND MODEL.*—A turnaround  
 7           *model is a school intervention model in which the In-*  
 8           *dian tribe or tribal educational agency—*

9           “(A) replaces a principal (if such principal  
 10           *has led the school for 2 or more years) with a*  
 11           *new principal who has demonstrated effectiveness*  
 12           *in turning around a low-performing school;*

13           “(B) gives a new principal sufficient oper-  
 14           *ational flexibility (including flexibility in staff-*  
 15           *ing, the school day and school calendar, and*  
 16           *budgeting) to fully implement a comprehensive*  
 17           *approach to improve student outcomes;*

18           “(C) uses a comprehensive evaluation sys-  
 19           *tem to evaluate staff, including the use of student*  
 20           *achievement data to measure the effectiveness of*  
 21           *staff;*

22           “(D) screens all staff who are employed at  
 23           *the school as of the time when the turnaround*  
 24           *model is implemented and retains not more than*  
 25           *50 percent of such staff;*

1           “(E) requires the principal to justify per-  
 2           sonnel decisions (such as hiring, dismissal, and  
 3           rewards) based on the results of the comprehen-  
 4           sive evaluation system;

5           “(F) provides staff with ongoing, high-qual-  
 6           ity, job-embedded professional development  
 7           that—

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

10                   “(ii) facilitates effective teaching and  
 11                   learning; and

12                   “(iii) supports the implementation of  
 13                   school-reform strategies;

14           “(G) uses data to—

15                   “(i) identify and implement a re-  
 16                   search-based instructional program;

17                   “(ii) evaluate school improvement  
 18                   strategies; and

19                   “(iii) inform differentiated instruction,  
 20                   in order to meet the academic needs of indi-  
 21                   vidual students;

22           “(H) encourages the use of extended learn-  
 23           ing time partnerships;

24           “(I) establishes schedules and strategies that  
 25           provide increased learning time (which may in-

1 *clude offering full-day kindergarten or a high-*  
 2 *quality preschool program or using a longer*  
 3 *school day, week, or year that increases the total*  
 4 *number of hours at school for the school year by*  
 5 *not fewer than 300 hours) in order to signifi-*  
 6 *cantly increase the total number of school hours*  
 7 *to include time for—*

8 *“(i) instruction in core subjects, such*  
 9 *as English, reading or language arts, math-*  
 10 *ematics, science, foreign language (which*  
 11 *may include a Native American language),*  
 12 *civics and government, economics, arts, his-*  
 13 *tory, and geography;*

14 *“(ii) instruction in traditional and*  
 15 *cultural programs;*

16 *“(iii) instruction in other subjects;*

17 *“(iv) enrichment activities, such as*  
 18 *physical education, service learning, and ex-*  
 19 *periential work-based opportunities; or*

20 *“(v) teachers to collaborate, plan, and*  
 21 *engage in professional development within*  
 22 *and across grades and subjects;*

23 *“(J) provides ongoing mechanisms for fam-*  
 24 *ily, community, and tribal involvement; and*

1                   “(K) provides appropriate social and emo-  
 2                   tional community-oriented support services for  
 3                   students.

4                   “(j) *INSUFFICIENT PROGRESS*.—If an Indian tribe or  
 5                   tribal educational agency fails to demonstrate sufficient  
 6                   progress, as defined by the State, on the core academic indi-  
 7                   cators and leading indicators described in subsection  
 8                   (h)(1)(B), such tribe or agency shall be required to—

9                   “(1) modify the existing school intervention  
 10                  model; or

11                  “(2) restart the school using the restart model de-  
 12                  scribed in subsection (i)(2).

13                  “(k) *RESERVATION OF FUNDS*.—Notwithstanding any  
 14                  other provision of this Act, from the amount appropriated  
 15                  each fiscal year for grants to State educational agencies and  
 16                  local educational agencies for school improvement actions  
 17                  under this part, the Secretary shall reserve not less than  
 18                  10 percent of such amount for grants under this section.”;

19                  (7) in section 1118 (20 U.S.C. 6318)—

20                         (A) in subsection (a)(2)—

21                                 (i) in subparagraph (E), by striking

22                                 “and” after the semicolon;

23                                 (ii) by redesignating subparagraph (F)

24                                 as subparagraph (G); and



1                   (iii) by inserting after subparagraph  
2                   (E) the following:

3                   “(F) with respect to an agency that serves  
4                   Indian children, identify the barriers to effective  
5                   involvement of the parents of such children;  
6                   and”; and

7                   (B) in subsection (e)—

8                   (i) by redesignating paragraphs (6)  
9                   through (14) as paragraphs (7) through  
10                  (15), respectively; and

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

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

18                  “(A) providing literacy programs and use  
19                  of technology training, as needed, for such par-  
20                  ents at locations accessible to the homes of such  
21                  parents;

22                  “(B) providing or paying the reasonable  
23                  costs of transportation and child care to enable  
24                  such parents to participate in literacy programs,

1        *use of technology training, and school-related*  
 2        *meetings;*

3                *“(C) providing training regarding the roles,*  
 4        *rights, and responsibilities of such parents, in-*  
 5        *cluding information about culture-based edu-*  
 6        *cation; and*

7                *“(D) contracting with an Indian tribe or*  
 8        *tribal educational agency to provide the services*  
 9        *described in subparagraphs (A), (B) and (C);”;*  
 10        *and*

11        *(8) in section 1119 (20 U.S.C. 6319), by adding*  
 12        *at the end the following:*

13        *“(m) QUALIFICATIONS FOR NATIVE LANGUAGE*  
 14        *TEACHERS.—*

15                *“(1) IN GENERAL.—Notwithstanding any other*  
 16        *provision of law, the requirements of subsection (a) on*  
 17        *local educational agencies and States with respect to*  
 18        *highly qualified teachers, shall not apply to a teacher*  
 19        *of a Native language.*

20                *“(2) ALTERNATIVE LICENSURE OR CERTIFI-*  
 21        *CATION.—Each State educational agency receiving as-*  
 22        *sistance under this part shall develop an alternative*  
 23        *licensure or certification for teachers of a Native lan-*  
 24        *guage.”.*

1 **SEC. 112. PREVENTION AND INTERVENTION PROGRAMS**  
 2 **FOR CHILDREN AND YOUTH WHO ARE NE-**  
 3 **GLECTED, DELINQUENT, OR AT-RISK.**

4 *Part D of title I of the Elementary and Secondary*  
 5 *Education Act of 1965 (20 U.S.C. 6421 et seq.) is amend-*  
 6 *ed—*

7 *(1) in section 1401(20 U.S.C. 6401)—*

8 *(A) in subsection (a)(3), by inserting “and*  
 9 *the involvement of their families and their com-*  
 10 *munities” after “their continued education”; and*

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

13 *(2) in section 1402 (20 U.S.C. 6422), by adding*  
 14 *at the end the following:*

15 *“(c) RESERVATION FOR THE SECRETARY OF THE IN-*  
 16 *TERIOR.—From the amount appropriated for this part for*  
 17 *any fiscal year, the Secretary shall reserve 4 percent of such*  
 18 *funds for the Secretary of the Interior to provide edu-*  
 19 *cational services for at-risk Indian children, including In-*  
 20 *dian youth in correctional facilities operated by the Sec-*  
 21 *retary of the Interior or by an Indian tribe.”;*

22 *(3) in section 1414(c) (20 U.S.C. 6434(c))—*

23 *(A) in paragraph (9), by inserting “, In-*  
 24 *dian tribes, tribal educational agencies,” after*  
 25 *“local educational agencies”;*

1           (B) by redesignating paragraphs (12)  
2           through (19) as paragraphs (13) through (20),  
3           respectively;

4           (C) by inserting after paragraph (11), the  
5           following:

6           “(12) describe the procedure that the State agen-  
7           cy will use to consult, on an ongoing basis, with In-  
8           dian tribes in the State to determine the needs of In-  
9           dian children and youth who are neglected, delin-  
10          quent, or at-risk, including such children and youth  
11          in a correctional facility or institution.”;

12          (D) in paragraph (19), as redesignated by  
13          subparagraph (B), by striking “and” after the  
14          semicolon;

15          (E) in paragraph (20), as redesignated by  
16          subparagraph (B), by striking the period at the  
17          end and inserting “; and”; and

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

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

24          (4) in section 1416 (20 U.S.C. 6436)—

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

3           (B) in paragraph (8), by striking the period  
4           at the end and inserting “; and”; and

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

6           “(9) includes an assurance that the State agency  
7           has consulted with Indian tribes in the State in the  
8           development of the comprehensive plan under this  
9           part.”;

10          (5) in section 1418 (20 U.S.C. 6438)—

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

13           “(1) projects that facilitate the transition of chil-  
14           dren and youth from State-operated institutions, or  
15           institutions in the State operated by the Secretary of  
16           the Interior or Indian tribes, to schools served by local  
17           educational agencies or to schools funded by the Bu-  
18           reau of Indian Education; or”;

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

21           (C) by redesignating subsection (c) as sub-  
22           section (d); and

23           (D) by inserting after subsection (b) the fol-  
24           lowing:

1       “(c) *CONSULTATION WITH INDIAN TRIBES.*—*The State*  
 2       *agency shall consult with Indian tribes in the State in the*  
 3       *development of transition projects, and coordinate such*  
 4       *State projects with transition and reentry projects operated*  
 5       *by such tribes.”;*

6               (6) *in section 1419(2) (20 U.S.C. 6439(2)), by*  
 7       *inserting “and Indian tribal programs” after “State*  
 8       *agency programs”;*

9               (7) *in section 1421 (20 U.S.C. 6451)—*

10               (A) *in the matter preceding paragraph (1),*  
 11       *by inserting “, including correctional facilities*  
 12       *in the State operated by the Secretary of the In-*  
 13       *terior or Indian tribes” after “locally operated*  
 14       *correctional facilities”; and*

15               (B) *in paragraph (3), by inserting “, in-*  
 16       *cluding schools funded by the Bureau of Indian*  
 17       *Education,” after “local schools”;*

18               (8) *in section 1422 (20 U.S.C. 6452)—*

19               (A) *in subsection (a), by striking “(includ-*  
 20       *ing facilities involved in community day pro-*  
 21       *grams).” and inserting “(including facilities in-*  
 22       *volved in community day programs and facili-*  
 23       *ties in the State that are operated by the Sec-*  
 24       *retary of the Interior or Indian tribes).”;* and

1           *(B) in subsection (d), by inserting “, schools*  
 2           *funded by the Bureau of Indian Education,”*  
 3           *after “returning to local educational agencies”;*  
 4           *(9) in section 1423 (20 U.S.C. 6453)—*

5           *(A) in paragraph (2)—*

6           *(i) in subparagraph (A), by inserting*  
 7           *“and, as appropriate, an Indian tribe in*  
 8           *the State” after “local educational agency”;*  
 9           *and*

10          *(ii) in subparagraph (B), by inserting*  
 11          *“, including such facilities operated by the*  
 12          *Secretary of the Interior and Indian tribes”*  
 13          *after “juvenile justice system”;*

14          *(B) by redesignating paragraphs (4)*  
 15          *through (13) as paragraphs (5) through (14), re-*  
 16          *spectively;*

17          *(C) by inserting after paragraph (3) the fol-*  
 18          *lowing:*

19          *“(4) a description of the process for consultation*  
 20          *and coordination with Indian tribes in the State re-*  
 21          *garding services provided under the program to In-*  
 22          *dian children and youth;”;*

23          *(D) in paragraph (13), as redesignated by*  
 24          *subparagraph (B), by striking “and” after the*  
 25          *semicolon;*

1                   (E) in paragraph (14), as redesignated by  
 2                   subparagraph (B), by striking the period at the  
 3                   end and inserting “; and”; and

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

5                   “(15) a description of the demographics of the  
 6                   children and youth served and an assurance that the  
 7                   curricula and co-curricular activities will be cul-  
 8                   turally appropriate for such children and youth.”;

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

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

12                  (B) in paragraph (5), by striking the period  
 13                  at the end and inserting “; and”; and

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

15                  “(6) programs for at-risk Indian children and  
 16                  youth, including such individuals in correctional fa-  
 17                  cilities in the area served by the local educational  
 18                  agency that are operated by the Secretary of the Inte-  
 19                  rior or Indian tribes.”;

20                  (11) by redesignating subpart 3 (20 U.S.C. 6471  
 21                  et seq.) as subpart 4;

22                  (12) by redesignating sections 1431 and 1432  
 23                  (20 U.S.C. 6471, 6472) as sections 1441 and 1442, re-  
 24                  spectively;



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

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

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

22 “(1) IN GENERAL.—From the amount reserved  
23 for the Secretary of the Interior under section  
24 1402(c), and subject to paragraph (2), the Secretary  
25 of the Interior shall award grants, on a competitive

1       basis, to Indian tribes with high numbers or percent-  
2       ages of children and youth in juvenile detention fa-  
3       cilities that are operated by the Secretary of the Inte-  
4       rior or Indian tribes in order to enable such Indian  
5       tribes to carry out the activities described in section  
6       1424.

7               “(2) *CONTRACT IN LIEU OF GRANT.*—At the re-  
8       quest of an Indian tribe, the Secretary of the Interior  
9       shall enter into a contract under the Indian Self-De-  
10      termination and Education Assistance Act for oper-  
11      ation of a program under this subpart in lieu of mak-  
12      ing a grant to such tribe.

13              “(3) *NOTIFICATION.*—The Secretary of the Inte-  
14      rior shall notify Indian tribes of the availability of  
15      funding under this subpart.

16              “(c) *TRIBAL APPLICATIONS.*—Each Indian tribe desir-  
17      ing to receive a grant under this subpart shall submit an  
18      application to the Secretary of the Interior at such time,  
19      in such manner, and accompanied by such information as  
20      the Secretary of the Interior may require. Each such appli-  
21      cation shall include the following:

22               “(1) *A description of the program that will be*  
23      *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 organi-*  
13                    *zations 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*  
17           *working with delinquent Indian children and youth*  
18           *to ensure that such children and youth are partici-*  
19           *pating in an education program comparable to the*  
20           *education program in the local school that such chil-*  
21           *dren and youth 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 of*  
7        *services that such tribe will provide for such children*  
8        *and youth and other at-risk children and youth, ei-*  
9        *ther directly or in cooperation with local educational*  
10       *agencies and schools funded by the Bureau of Indian*  
11       *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 children*  
17       *and youth expected to be served by the program.*

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

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

5                     “(A) *prenatal health care;*

6                     “(B) *nutrition;*

7                     “(C) *mental health and substance abuse*  
8                     *services;*

9                     “(D) *targeted reentry and outreach pro-*  
10                    *grams; and*

11                    “(E) *referrals to community resources re-*  
12                    *lated to the health of the child or youth.*

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

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

20                    “(A) *improve the educational achievement*  
21                    *of their children;*

22                    “(B) *assist in dropout prevention activities;*  
23                    *and*

24                    “(C) *prevent the involvement of their chil-*  
25                    *dren in delinquent activities.*

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

7           “(13) *A description of how the program will be*  
8           *coordinated with programs operated under the Juve-*  
9           *nile Justice and Delinquency Prevention Act of 1974*  
10          *(42 U.S.C. 5601 et seq.) and other comparable pro-*  
11          *grams, if applicable.*

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

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

22          “(16) *As appropriate, a description of how the*  
23          *program under this subpart will be coordinated with*  
24          *other Federal, State, tribal, and local programs serv-*  
25          *ing at-risk children and youth.*

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

5           “(d) *USES OF FUNDS.—Funds provided to Indian*  
 6           *tribes under this subpart may be used for the purposes de-*  
 7           *scribed in section 1424.*

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

13               “(1) *if feasible, ensure that educational programs*  
 14               *in the correctional facility are coordinated with the*  
 15               *student’s home school, particularly in the case of a*  
 16               *student with an individualized education program*  
 17               *under part B of the Individuals with Disabilities*  
 18               *Education Act;*

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

22               “(3) *provide transition assistance to help the*  
 23               *child or youth stay in school, including coordination*  
 24               *of services for the family, counseling, assistance in ac-*

1        *cessing drug and alcohol abuse prevention programs,*  
2        *tutoring, and family counseling;*

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

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

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

18           *“(7) to the extent possible, use technology to as-*  
19        *sist in coordinating educational programs between the*  
20        *correctional facility and participating program part-*  
21        *ners;*

22           *“(8) where feasible, involve parents in efforts to*  
23        *improve the educational achievement of their children*  
24        *and youth and prevent the further involvement of*  
25        *such children and youth in delinquent activities;*



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

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

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

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

19               “(1) to improve the performance of a program  
 20               funded under this section;

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

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

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

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

3 “(1) *to decrease the number of incarcerated In-*  
4 *dian children and youth;*

5 “(2) *to decrease the rate of high school dropouts*  
6 *among Indian youth;*

7 “(3) *to provide educational alternatives to incar-*  
8 *ceration for at-risk Indian children and youth; and*

9 “(4) *to increase community and family involve-*  
10 *ment in the education of at-risk Indian children and*  
11 *youth.*

12 “(b) *DEFINITIONS.*—*In this section:*

13 “(1) *ELIGIBLE ENTITY.*—*The term ‘eligible enti-*  
14 *ty’ means—*

15 “(A) *an Indian tribe, tribal educational*  
16 *agency, or tribal organization;*

17 “(B) *a Bureau-funded school, as defined in*  
18 *section 1141 of the Education Amendments of*  
19 *1978 (25 U.S.C. 2021);*

20 “(C) *a correctional facility, in consortium*  
21 *with a tribe, tribal educational agency, or tribal*  
22 *organization, as defined in section 4 of the In-*  
23 *dian Self-Determination and Education Assist-*  
24 *ance Act (25 U.S.C. 450b); or*

1           “(D) a State educational agency or local  
2           educational agency in consortium with a tribe,  
3           tribal educational agency, or tribal organization.

4           “(2) TRIBAL EDUCATIONAL AGENCY.—The term  
5           ‘tribal educational agency’ has the meaning given the  
6           term in section 1116A(b).

7           “(c) PROGRAM AUTHORIZED.—

8           “(1) IN GENERAL.—Subject to paragraph (2), the  
9           Secretary is authorized to award grants to eligible en-  
10          tities having applications approved under this section  
11          to enable such entities to carry out the activities de-  
12          scribed in subsection (d).

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

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

23          “(d) AUTHORIZED ACTIVITIES.—Grant funds under  
24          this section shall be used for activities to provide edu-  
25          cational alternatives for Indian youth who have been sen-

1 *tended to incarceration or juvenile detention, in a manner*  
 2 *consistent with the purposes of this section. Such activities*  
 3 *may include—*

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

7           “(2) *school-based drug and substance abuse pre-*  
 8 *vention programs;*

9           “(3) *truancy prevention programs;*

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

12          “(5) *home or community detention programs.*

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

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

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

23           “(A) *1 or more local educational agencies;*

24           “(B) *1 or more schools funded by the Bu-*  
 25 *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 of*  
 10          *services that the eligible entity will provide to at-risk*  
 11          *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; and

9               “(2) prepare and submit a report containing the  
 10       information described in paragraph (1) to the Sec-  
 11       retary, the Coordinating Council on Juvenile Justice  
 12       and Delinquency Prevention, and Indian tribes.”;

13               (14) in section 1441 (20 U.S.C. 6471), as reded-  
 14       ignated by paragraph (12)—

15               (A) in subsection (a)—

16                       (i) in the matter preceding paragraph  
 17       (1), by striking “Each State agency or local  
 18       educational agency that conducts a program  
 19       under subpart 1 or 2 shall” and inserting  
 20       “Each State agency, local educational agen-  
 21       cy, or Indian tribe that conducts a program  
 22       evaluation under subpart 1, 2, or 3 shall”;  
 23       and

1                   (ii) in paragraph (3), by inserting “or  
2                   school funded by the Bureau of Indian Edu-  
3                   cation” after “local educational agency”;

4                   (B) in subsection (c), by striking “a State  
5                   agency or local educational agency” and insert-  
6                   ing “a State agency, local educational agency, or  
7                   Indian tribe”; and

8                   (C) by striking subsection (d) and inserting  
9                   the following:

10                  “(d) *EVALUATION RESULTS.*—

11                   “(1) *IN GENERAL.*—Each State agency, local  
12                   educational agency, and Indian tribe shall—

13                   “(A) submit evaluation results to the State  
14                   educational agency and the Secretary; and

15                   “(B) use the results of evaluations under  
16                   this section to plan and improve subsequent pro-  
17                   grams for participating children and youth.

18                   “(2) *INDIAN TRIBES.*—Each Indian tribe shall  
19                   also submit evaluation results to the Secretary of the  
20                   Interior.

21                  “(e) *EVALUATION OF PROGRAMS FOR AT-RISK INDIAN*  
22                  *YOUTH.*—

23                   “(1) *IN GENERAL.*—Not later than 4 years after  
24                   the date of enactment of the Native Culture, Lan-  
25                   guage, and Access for Success in Schools Act, the Sec-

retary and the Secretary of the Interior, in collaboration with the Attorney General, shall prepare a report that—

“(A) compiles demographic information about at-risk Indian youth, including Indian youth in correctional facilities operated by the Department of the Interior and Indian tribes;

“(B) evaluates existing educational programs for at-risk Indian youth; and

“(C) provides recommendations for improvement of such educational programs.

“(2) SUBMISSION TO CONGRESSIONAL COMMITTEES.—The Secretary and the Secretary of the Interior shall submit the report described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate, to the Committee on Education and the Workforce and the Committee on Natural Resources of the House of Representatives, and to Indian tribes.”; and

(15) in section 1442 (20 U.S.C. 6472), as redesignated by paragraph (12), by adding at the end the following:

“(5) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation, other orga-



1       nized group or community, including any Alaska Na-  
 2       tive village or Regional Corporation or Village Cor-  
 3       poration as defined in or established pursuant to the  
 4       Alaska Native Claims Settlement Act (42 U.S.C. 1601  
 5       et seq.), which is recognized as eligible for the special  
 6       programs and services provided by the United States  
 7       to Indians because of their status as Indians.”.

8       **SEC. 113. STATE ADMINISTRATION.**

9       Section 1903(b)(2) of the Elementary and Secondary  
 10      Education Act of 1965 (20 U.S.C. 6573(b)(2)) is amend-  
 11      ed—

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

14               (2) in subparagraph (G), by striking the period  
 15      and inserting “; and”; and

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

17                       “(H) representatives of Indian tribes located  
 18      in the State.”.

19      **Subtitle B—Preparing, Training,**  
 20      **and Recruiting High-Quality**  
 21      **Teachers and Principals**

22      **SEC. 121. PREPARING, TRAINING, AND RECRUITING HIGH-**  
 23      **QUALITY TEACHERS AND PRINCIPALS.**

24      Title II of the Elementary and Secondary Education  
 25      Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

1           (1) *in section 2101 (20 U.S.C. 6601)—*

2                 (A) *in paragraph (1), by striking “and”*  
3           *after the semicolon;*

4                 (B) *in paragraph (2), by striking the period*  
5           *and inserting “; and”; and*

6                 (C) *by adding at the end the following:*

7                     “(3) *recognizing and accommodating Federal*  
8           *law relative to the role of Native American languages*  
9           *in education.”;*

10                (2) *by striking paragraph (3) of section 2102 (20*  
11           *U.S.C. 6602) and inserting the following:*

12                     “(3) *HIGH-NEED LOCAL EDUCATIONAL AGEN-*  
13           *CY.—The term ‘high-need local educational agency’*  
14           *means—*

15                     “(A) *a local educational agency—*

16                             “(i)(I) *that serves not fewer than*  
17                     *10,000 children from families with incomes*  
18                     *below the poverty line; or*

19                             “(II) *for which not less than 20 per-*  
20                     *cent of the children served by the agency are*  
21                     *from families with incomes below the pov-*  
22                     *erty line; and*

23                             “(ii)(I) *for which there is a high per-*  
24                     *centage of teachers not teaching in the aca-*

1            *demic subjects or grade levels that the teach-*  
 2            *ers were trained to teach; or*

3            *“(II) for which there is a high percent-*  
 4            *age of teachers with emergency, provisional,*  
 5            *or temporary certification or licensing; or*

6            *“(B) a school funded by the Bureau of In-*  
 7            *dian Education.”;*

8            *(3) by striking clause (ii) of section*  
 9            *2111(b)(1)(A) (20 U.S.C. 6611(b)(1)(A)) and insert-*  
 10          *ing the following:*

11            *“(ii) 5 percent for the Secretary of the*  
 12            *Interior to be distributed to schools operated*  
 13            *or funded by the Bureau of Indian Edu-*  
 14            *cation, as provided in section 2123(c).”;*

15            *(4) in section 2113(c)(18) (20 U.S.C.*  
 16            *6613(c)(18))—*

17            *(A) in subparagraph (A), by striking “and”*  
 18            *after the semicolon;*

19            *(B) in subparagraph (B), by striking the*  
 20            *period and inserting “; and”; and*

21            *(C) by adding at the end the following:*

22            *“(C) provides access to clearinghouse infor-*  
 23            *mation to schools in the State that are funded by*  
 24            *the Bureau of Indian Education.”;*

25            *(5) in section 2122 (20 U.S.C. 6622)—*

1                   (A) in subsection (b)—

2                   (i) in paragraph (2), by inserting “,  
3                   including Indian students,” after “minority  
4                   students”; and

5                   (ii) in paragraph (9)—

6                   (I) in subparagraph (C), by strik-  
7                   ing “and” after the semicolon;

8                   (II) in subparagraph (D), by  
9                   striking the period at the end and in-  
10                  serting “; and”; and

11                  (III) by adding at the end the fol-  
12                  lowing:

13                  “(E) for teachers in schools that serve In-  
14                  dian children, become familiar with the Indian  
15                  communities served by the local educational  
16                  agency and incorporate culturally responsive  
17                  teaching and learning strategies for Indian chil-  
18                  dren into the educational program.”; and

19                  (B) in subsection (c)(2), by inserting “and,  
20                  in the case of a local educational agency that  
21                  serves an Indian tribal community, representa-  
22                  tives of Indian tribes,” after “part A of title I”;  
23                  (6) in section 2123 (20 U.S.C. 6623)—

24                  (A) in subsection (a)—

25                  (i) in paragraph (3)(B)—

1                   (I) in clause (ii), by inserting  
 2                   “students from Indian reservation  
 3                   communities,” after “(including stu-  
 4                   dents who are gifted and talented),”;

5                   (II) in clause (iv), by striking  
 6                   “limited English proficient and immi-  
 7                   grant children; and” and inserting  
 8                   “children from Indian reservation  
 9                   communities, limited English pro-  
 10                  ficient children, and immigrant chil-  
 11                  dren;”;

12                  (III) in clause (v), by striking the  
 13                  period at the end and inserting “;  
 14                  and”; and

15                  (IV) by adding at the end the fol-  
 16                  lowing:

17                  “(vi) in the case of a local educational  
 18                  agency that serves Indian children, provide  
 19                  training in effective incorporation of cul-  
 20                  turally responsive teaching and learning  
 21                  strategies for Indian children.”; and

22                  (ii) in paragraph (4)(D), by inserting  
 23                  “Indian students,” after “disadvantaged  
 24                  families,”; and

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

1       “(c) *BUREAU OF INDIAN EDUCATION SCHOOLS.*—A  
 2 *school funded by the Bureau of Indian Education that re-*  
 3 *ceives funds reserved under section 2111(b)(1)(A)(ii) shall*  
 4 *use such funds to carry out 1 or more of the activities de-*  
 5 *scribed in subsection (a), and may use such funds to im-*  
 6 *prove housing, as needed to recruit and retain highly quali-*  
 7 *fied teachers and principals.”;*

8               (7) *in section 2131(1) (20 U.S.C. 6631(1))—*

9               (A) *in subparagraph (A)(i), by inserting “,*  
 10 *or a Tribal College or University (as defined in*  
 11 *section 316 of the Higher Education Act of 1965*  
 12 *(20 U.S.C. 1059c))” after “principals”; and*

13              (B) *in subparagraph (B), by inserting “an*  
 14 *Indian tribe,” after “principal organization,”;*

15              (8) *by inserting after subpart 5, the following:*

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

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

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

1 *accredited institutions of higher education and pursuing a*  
2 *course of study in elementary and secondary education or*  
3 *school administration. Such scholarships shall be designated*  
4 *Indian educator scholarships and shall be made in accord-*  
5 *ance with this section.*

6 “(b) *ELIGIBILITY.*—

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

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

13 “(A) *be an Indian, as defined in section*  
14 *7151;*

15 “(B) *be accepted for enrollment, or be en-*  
16 *rolled, as a full- or part-time student in a course*  
17 *of study in elementary and secondary education*  
18 *or school administration at an appropriately ac-*  
19 *credited institution of higher education;*

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

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

4           “(c) CONTENTS OF CONTRACT.—

5           “(1) IN GENERAL.—The written contract between  
6           the Secretary and the individual, as described in sub-  
7           section (b)(2)(D), shall contain the following:

8           “(A) A statement that the Secretary agrees  
9           to provide the individual with a scholarship, as  
10          described in subsection (d), in each school year  
11          or years for a period during which such indi-  
12          vidual is pursuing a course of study in elemen-  
13          tary and secondary education or school adminis-  
14          tration at an appropriately accredited institu-  
15          tion of higher education.

16          “(B) A statement that the individual  
17          agrees—

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

21               “(ii) while enrolled in such course of  
22               study, to maintain an acceptable level of  
23               academic standing (as determined by the  
24               Secretary, taking into account the require-



ments of the educational institution offering  
such course of study); and

“(iii) to serve through full-time employment at an eligible school for a time period (referred to in this section as the ‘period of obligated service’) equal to the greater of—

“(I) 1 year for the equivalent of each school year for which the individual was provided a scholarship under the Indian educator scholarship program; or

“(II) 2 years.

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

“(D) Such other statement of the rights and liabilities of the Secretary and of the individual, in accordance with the provisions of this section.

“(2) PERIOD OF OBLIGATED SERVICE.—

“(A) ELIGIBLE SCHOOLS.—An individual shall meet the requirement for the period of obligated service under the written contract between the individual and the Secretary, as described in

1       *paragraph (1), if such individual is employed*  
2       *full-time—*

3               “(i) *in a school funded by the Bureau*  
4               *of Indian Education; or*

5               “(ii) *in a public school that serves a*  
6               *significant number of Indian students.*

7               “(B) *DEFERMENT FOR ADVANCED STUDY.—*

8       *At the request of an individual who has entered*  
9       *into a contract described in this subsection and*  
10       *who has received a baccalaureate degree in edu-*  
11       *cation, the Secretary shall defer the period of ob-*  
12       *ligated service of such individual under such*  
13       *contract to enable such individual to complete a*  
14       *course of study leading to an advanced degree in*  
15       *education or needed to become certified or li-*  
16       *censed for an appropriate period (in years, as*  
17       *determined by the Secretary), subject to the fol-*  
18       *lowing conditions:*

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

23               “(ii) *The period of obligated service of*  
24               *the individual shall commence at the later*  
25               *of—*

1                   “(I) 90 days after the completion  
2                   of the advanced course of study;

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

7                   “(III) by a date specified by the  
8                   Secretary.

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

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

17                  “(ii) the period of obligated service  
18                  shall be equal to the greater of—

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

23                  “(II) 2 years; and

24                  “(iii) the amount of the monthly sti-  
25                  pend specified in subsection (d) shall be re-

1                   duced pro rata, as determined by the Sec-  
2                   retary, based on the number of hours of  
3                   study in which such individual is enrolled.

4           “(d) SCHOLARSHIP.—

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

10                   “(A) the tuition of the student for the school  
11                   year or, for a part-time student, the tuition for  
12                   the appropriate portion of the school 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 (adjusted  
18                   in accordance with paragraph (3)) for each of  
19                   the 12 consecutive months beginning with the  
20                   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 subparagraphs (A) and (B) of*  
 3        *paragraph (1). Payment to such institution may be*  
 4        *made without regard to subsections (a) and (b) of sec-*  
 5        *tion 3324 of title 31, United States Code.*

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

17        *“(e) LIABILITY; FAILURE TO COMPLETE THE PERIOD*  
 18       *OF OBLIGATED SERVICE; REPAYMENT.—*

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

24                *“(A) fails to maintain an acceptable level of*  
 25        *academic standing in the institution of higher*

1        *education in which the individual is enrolled (as*  
 2        *determined by the Secretary taking into account*  
 3        *the requirements of the educational institution*  
 4        *offering such course of study);*

5                *“(B) is dismissed from such institution of*  
 6        *higher education for disciplinary reasons;*

7                *“(C) voluntarily terminates the training in*  
 8        *such institution of higher education for which*  
 9        *such individual is provided a scholarship under*  
 10        *such contract before the completion of such train-*  
 11        *ing; or*

12                *“(D) fails to accept payment, or instructs*  
 13        *the institution of higher education in which such*  
 14        *individual is enrolled not to accept payment,*  
 15        *under this section.*

16                *“(2) FAILURE TO COMPLETE THE PERIOD OF OB-*  
 17        *LIGATED SERVICE.—*

18                *“(A) IN GENERAL.—Subject to subpara-*  
 19        *graph (C), if for any reason not specified in*  
 20        *paragraph (1), an individual breaches the writ-*  
 21        *ten contract under this section by failing either*  
 22        *to begin such individual’s period of obligated*  
 23        *service or failing to complete such obligation, the*  
 24        *United States shall be entitled to recover from*

1        *the individual an amount determined in accord-*  
 2        *ance with the following formula:*

$$A = 3Z((t-s)/t)$$

3        *“in which—*

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

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

13               *“(iii) ‘t’ is the total number of months in*  
 14       *the individual’s period of obligated service in ac-*  
 15       *cordance with subsection (c)(2); and*

16               *“(iv) ‘s’ is the number of months of such pe-*  
 17       *riod served by such individual in accordance*  
 18       *with this section.*

19               *“(B) AMOUNTS NOT PAID.—Amounts not paid*  
 20       *within such period shall be deemed a past-due obliga-*  
 21       *tion for purposes of section 1892 of the Social Secu-*  
 22       *rity Act (42 U.S.C. 1395ccc) and subject to collection*  
 23       *in the manner described under that section.*

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 section  
4           may petition the Secretary to delay the date on which  
5           the individual would otherwise be required to begin  
6           the period of obligated service if such individual has  
7           not succeeded in obtaining employment required by  
8           this section. In support of such petition, the indi-  
9           vidual shall supply such reasonable information as  
10          the Secretary may require. The Secretary shall retain  
11          full discretion whether to grant or decline such a  
12          delay and to determine the duration of any delay that  
13          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 pe-  
20               riod beginning on such date as shall be specified  
21               by the Secretary.

22               “(B) *RECOVERY OF DAMAGES.*—If damages  
23               described in subparagraph (A) are delinquent for  
24               3 months, the Secretary shall, for the purpose of  
25               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 recov-*  
 5                   *ery of such damages with collection agencies*  
 6                   *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 the*  
 10                   *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 such*  
 13                   *damages. Section 3718 of title 31, United States*  
 14                   *Code, shall apply to any such contract to the ex-*  
 15                   *tent not inconsistent 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-*

ment of a recipient of an Indian educator scholarship, if the Secretary determines that—

“(i) it is not possible for the recipient to meet the obligation or make the payment;

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

“(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

“(B) *PERMISSIBLE WAIVER*.—Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

“(6) *BANKRUPTCY*.—

“(A) *IN GENERAL*.—Subject to subparagraph (B), and notwithstanding any other provision of law, with respect to a recipient of an Indian educator scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11 of the United States Code.

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

3                   “*(i) such discharge is granted after the*  
 4                   *expiration of the 5-year period beginning*  
 5                   *on the initial date on which that payment*  
 6                   *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 for*  
 16           *recruitment and placement of kindergarten, elemen-*  
 17           *tary school, and secondary school teachers and ad-*  
 18           *ministrators in States with a substantial number of*  
 19           *Indian children;*

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

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

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

1 *subparts 1 through 5, shall not apply to a grant or scholar-*  
 2 *ship 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           (9) *by striking subparagraph (B) of section*  
 8 *2202(a)(2) (20 U.S.C. 6662(a)(2)) and inserting the*  
 9 *following:*

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

14                   “(i) *one-half of 1 percent to the Sec-*  
 15 *retary of the Interior for grants involving*  
 16 *schools funded by the Bureau of Indian*  
 17 *Education; and*

18                   “(ii) *the amount remaining after funds*  
 19 *are distributed in accordance with clause*  
 20 *(i), to the State educational agencies in pro-*  
 21 *portion to the number of children ages 5*  
 22 *through 17, who are from families with in-*  
 23 *comes below the poverty line and reside in*  
 24 *a State for the most recent fiscal year for*  
 25 *which satisfactory data are available, as*

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

4                   *(10) in section 2302(b)(2), by striking “or public*  
 5                   *charter schools” and inserting “, public charter*  
 6                   *schools, or schools funded by the Bureau of Indian*  
 7                   *Education”;* and

8                   *(11) in section 2304—*

9                   *(A) in subsection (a)(1)(B), by inserting “or*  
 10                  *with a school funded by the Bureau of Indian*  
 11                  *Education,” after section “2101,”; and*

12                  *(B) in subsection (d)(3), in the matter pre-*  
 13                  *ceding subparagraph (A), by striking “or public*  
 14                  *charter school” and inserting “public charter*  
 15                  *school, or school funded by the Bureau of Indian*  
 16                  *Education”.*

17                  ***Subtitle C—Native American***  
 18                  ***Languages Programs***

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

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

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

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

5 “(1) *to improve the academic achievement of*  
 6 *American Indian, Native Hawaiian, and Alaska Na-*  
 7 *tive students through Native American languages pro-*  
 8 *grams;*

9 “(2) *to foster the acquisition of Native American*  
 10 *languages; and*

11 “(3) *to provide support for the exceptional needs*  
 12 *of language learning for children in schools in which*  
 13 *the primary medium of education is through a Native*  
 14 *American language , as defined in section 103 of the*  
 15 *Native American Languages Act (25 U.S.C. 2902).*

16 “(b) *DEFINITIONS.*—*In this section:*

17 “(1) *AVERAGE.*—*The term ‘average’, when used*  
 18 *with respect to the number of hours of instruction*  
 19 *through the use of a Native American language,*  
 20 *means the aggregate number of hours of instruction*  
 21 *through the use of a Native American language to all*  
 22 *students enrolled in a Native American language pro-*  
 23 *gram during a school year divided by the total num-*  
 24 *ber of students enrolled in the program.*

25 “(2) *ELIGIBLE ENTITY.*—*The term ‘eligible enti-*  
 26 *ty’ means—*

1                   “(A) a local educational agency;

2                   “(B) an Indian tribe;

3                   “(C) an Indian organization or a Native  
4                   American language nest or Native American lan-  
5                   guage survival school;

6                   “(D) a federally supported elementary  
7                   school or secondary school for Indian children;

8                   “(E) a Native Hawaiian educational orga-  
9                   nization;

10                  “(F) an Indian institution (including a  
11                  Tribal College or University (as defined in sec-  
12                  tion 316 of the Higher Education Act of 1965  
13                  (20 U.S.C. 1059c)) and a Native American lan-  
14                  guage college);

15                  “(G) a consortium of any of the entities de-  
16                  scribed in subparagraphs (A) through (F); and

17                  “(H) a nonprofit organization that operates  
18                  Native American language nests or Native Amer-  
19                  ican language survival schools.

20                  “(3) NATIVE AMERICAN LANGUAGE COLLEGE.—  
21                  The term ‘Native American language college’ means—

22                         “(A) a Tribal College or University (as de-  
23                         fined in section 316 of the Higher Education Act  
24                         of 1965 (20 U.S.C. 1059c)) when control of a

1        *grant program rests with its Native American*  
 2        *language-speaking faculty; and*

3                *“(B) one single, State-governed institution*  
 4        *of higher education per State (which may oper-*  
 5        *ate as part of a larger institution of higher edu-*  
 6        *cation) which the State legislature has des-*  
 7        *ignated for the purpose of using and supporting*  
 8        *1 or more Native American languages in elemen-*  
 9        *tary through higher education.*

10              *“(4) NATIVE HAWAIIAN EDUCATIONAL ORGANIZA-*  
 11        *TION.—The term ‘Native Hawaiian educational orga-*  
 12        *nization’ has the meaning given the term in section*  
 13        *1116A(b)*

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 desiring  
 2           a grant under this section shall submit an applica-  
 3           tion to the Secretary at such time, in such manner,  
 4           and accompanied by such information as the Sec-  
 5           retary may reasonably require, in addition to the in-  
 6           formation 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 grant  
 17                 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 and  
5           materials for learning Native American  
6           languages and for instruction through the  
7           use of Native American languages;

8           “(iv) provide for teacher training; and

9           “(v) work toward a goal of all students  
10          participating in such a program achiev-  
11          ing—

12                   “(I) fluency in a Native American  
13                   language; and

14                   “(II) academic proficiency in  
15                   mathematics, English, reading or lan-  
16                   guage 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 training 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 culture  
9                   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 in  
24                  Native American language translation for fluent  
25                  speakers, training programs for Native American

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

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

8           “(f) *ASSURANCE.—An eligible entity awarded a grant*  
 9           *under this section shall provide an assurance that each in-*  
 10          *structor of a Native American language under a program*  
 11          *supported with grant funds under this section is certified*  
 12          *to teach such language by the Indian tribe or Native Ha-*  
 13          *waiian educational organization whose language will be*  
 14          *taught.*

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

18                 “(1) *carry out a comprehensive evaluation of the*  
 19                 *programs carried out by the grantee with grant funds;*  
 20                 *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 EDUCATIONAL AGENCY**  
 4 **AGREEMENTS.**

5 *Part A of title III of the Elementary and Secondary*  
 6 *Education Act of 1965 (20 U.S.C. 6801 et seq.) is amended*  
 7 *by adding at the end the following:*

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

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

12 *“(a) PURPOSE.—The purpose of this section is to fa-*  
 13 *cilitate efforts by tribal educational 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 OF TRIBAL EDUCATIONAL AGENCY.—*  
 21 *In this section, the term ‘tribal educational agency’ has the*  
 22 *meaning given the term in section 1116A(b).*

23 *“(c) AUTHORITY FOR ELIGIBLE TRIBAL EDUCATIONAL*  
 24 *AGENCIES.—*

1           “(1) *IN GENERAL.*—*In order to receive the au-*  
 2           *thority or funds described in paragraph (3), an eligi-*  
 3           *ble tribal educational agency shall enter into an*  
 4           *agreement, subject to approval by the Secretary, with*  
 5           *the appropriate State educational agency to assume*  
 6           *the State educational agency’s responsibility for car-*  
 7           *rying out activities specified in the agreement under*  
 8           *1 or more of the programs identified in paragraph*  
 9           *(3)(B)(ii) on the eligible tribal educational agency’s*  
 10          *reservation or tribal lands.*

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

15               “(A) *the eligible tribal educational agency’s*  
 16               *tribe must have a reservation or tribal lands*  
 17               *(which may be an Alaska Native village), as rec-*  
 18               *ognized under Federal or State law, on which 1*  
 19               *or more publicly administered schools are oper-*  
 20               *ating under State law; and*

21               “(B) *not less than 50 percent of the students*  
 22               *enrolled in each such school must be Indians.*

23          “(3) *ELIGIBLE TRIBAL EDUCATIONAL AGENCY*  
 24          *WITH AN APPROVED AGREEMENT.*—*In the case of an*  
 25          *eligible tribal educational agency that has an ap-*

1        *proved agreement in place, as described in paragraph*  
2        *(1), the Secretary shall, consistent with the agree-*  
3        *ment—*

4                *“(A) treat the eligible tribal educational*  
5                *agency as a State educational agency for the*  
6                *purposes of—*

7                        *“(i) carrying out on the reservation or*  
8                        *tribal lands, the activities specified in the*  
9                        *agreement under 1 or more of the programs*  
10                      *listed in subparagraph (B)(ii); and*

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

16                *“(B) provide to the eligible tribal edu-*  
17                *cational agency a proportion of the funds that*  
18                *are available to—*

19                      *“(i) carry out State-level activities;*  
20                      *and*

21                      *“(ii) as applicable, award subgrants*  
22                      *under 1 or more of the following programs,*  
23                      *as provided for in the agreement:*

24                                *“(I) State grants under part A of*  
25                                *title I.*

1                   “(II) Grants under this Act that  
2                   support school turnaround efforts.

3                   “(III) Grants under this Act for  
4                   the purpose of assessing achievement.

5                   “(IV) The teacher and principal  
6                   training and recruiting fund under  
7                   part A of title II.

8                   “(V) Grants under the English  
9                   Language Acquisition, Language En-  
10                  hancement, and Academic Achievement  
11                  Act under part A of title III.

12                  “(VI) The education of migratory  
13                  children program under part C of title  
14                  I.

15                  “(VII) Grants provided for the  
16                  education of homeless children and  
17                  youth.

18                  “(VIII) Prevention and interven-  
19                  tion programs for children and youth  
20                  who are neglected, delinquent, or at-  
21                  risk under part D of title I.

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

24                  “(4) ELIGIBLE TRIBAL EDUCATIONAL AGENCY  
25                  WITHOUT AN APPROVED AGREEMENT.—In the case of



1     *an eligible tribal educational agency that has not yet*  
 2     *entered into an agreement, as described in paragraph*  
 3     *(1), the Secretary may provide technical assistance to*  
 4     *the eligible tribal educational agency in order to fa-*  
 5     *cilitate such an agreement.*

6     “(d) *APPLICATIONS.—*

7         “(1) *IN GENERAL.—An eligible tribal edu-*  
 8     *cational agency that desires to receive the authority*  
 9     *or funds described in subsection (c)(3), pursuant to*  
 10    *an agreement with a State educational agency, shall*  
 11    *submit an application to the Secretary at such time,*  
 12    *in such manner, and containing such information*  
 13    *and assurances as the Secretary may require.*

14       “(2) *APPLICATION FROM AN ELIGIBLE TRIBAL*  
 15    *EDUCATIONAL AGENCY THAT HAS AN AGREEMENT.—*  
 16    *An application from an eligible tribal educational*  
 17    *agency that has an agreement in place with the State*  
 18    *educational agency and is seeking the Secretary’s ap-*  
 19    *proval of such agreement, in order to gain the author-*  
 20    *ity or funds described under subsection (c)(3), shall—*

21       “(A) *describe the eligible tribal educational*  
 22     *agency’s current role and responsibilities on the*  
 23     *reservation or tribal lands; and*

1           “(B) provide a copy of the agreement de-  
2           scribed in subsection (c)(1), which shall, at a  
3           minimum—

4                   “(i) identify each program listed in  
5                   subsection (c)(3)(B)(ii) for which the appli-  
6                   cant will assume some or all of the State-  
7                   level responsibility on the reservation or  
8                   tribal lands under the agreement;

9                   “(ii) describe the State-level activities  
10                  that the tribal educational agency will  
11                  carry out under such program, and the di-  
12                  vision of roles and responsibilities between  
13                  the tribal educational agency and the State  
14                  educational agency in carrying out such ac-  
15                  tivities, including, if applicable, any divi-  
16                  sion of responsibility for awarding sub-  
17                  grants to local educational agencies;

18                  “(iii) identify the administrative and  
19                  fiscal resources that the applicant will have  
20                  available to carry out such activities; and

21                  “(iv) provide evidence of any other col-  
22                  laboration with the State educational agen-  
23                  cy in administering State-level activities for  
24                  the programs listed in subsection  
25                  (c)(3)(B)(ii).

1           “(3) *APPLICATION FROM AN ELIGIBLE TRIBAL*  
 2           *EDUCATIONAL AGENCY THAT HAS NOT YET ENTERED*  
 3           *INTO AN AGREEMENT WITH A STATE EDUCATIONAL*  
 4           *AGENCY.*—*An application from an eligible tribal edu-*  
 5           *cational agency that has not yet entered into an*  
 6           *agreement with a State educational agency, as de-*  
 7           *scribed under subsection (c)(1), shall include a de-*  
 8           *scription of—*

9                   “(A) *the program authority that the eligible*  
 10           *tribal educational agency would like to obtain*  
 11           *and the State-level activities that the eligible*  
 12           *tribal educational agency would like to carry*  
 13           *out;*

14                   “(B) *the eligible tribal educational agency’s*  
 15           *role and responsibilities on the reservation or*  
 16           *tribal lands and administrative and fiscal capa-*  
 17           *bility and resources at the time of the applica-*  
 18           *tion; and*

19                   “(C) *the proposed process and time period*  
 20           *for entering into the agreement described under*  
 21           *subsection (c)(1).*

22           “(e) *SPECIAL RULE.*—*If the tribal educational agency*  
 23           *and State educational agency are unable to reach an agree-*  
 24           *ment that the Secretary approves, the Secretary may, at*  
 25           *the request of either agency and for a reasonable period,*

1 *use all or a portion of the State’s administrative funds for*  
 2 *a program listed in subsection (c)(3)(B)(ii) for which an*  
 3 *application is made, in order to facilitate an agreement*  
 4 *(such as through alternative dispute resolution).*

5 “(f) *REVIEW AND REPORTING.*—

6 “(1) *REVIEW.*—*The Secretary shall require an*  
 7 *eligible tribal educational agency and a State edu-*  
 8 *cational agency that have an approved agreement*  
 9 *to—*

10 “(A) *periodically review the agreement; and*

11 “(B) *if appropriate, revise the agreement*  
 12 *and submit the revised agreement to the Sec-*  
 13 *retary for approval.*

14 “(2) *REPORT.*—*An eligible tribal educational*  
 15 *agency and a State educational agency that have an*  
 16 *approved agreement shall report to the Secretary*  
 17 *every 2 years about the effectiveness of the agreement.*

18 “(g) *APPLICABILITY.*—*Notwithstanding any other pro-*  
 19 *vision of this part, the provisions of subparts 1, 2, 3, and*  
 20 *4 shall not apply to this subpart.”.*

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 and*  
 5     *Secondary Education Act of 1965 (20 U.S.C. 7131 et seq.)*  
 6     *is amended by adding at the end the following:*

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

9             *“(a) PROGRAM AUTHORIZED.—Not later than 1 year*  
 10     *after the date of enactment of the Native Culture, Language,*  
 11     *and Access for Success in Schools Act, and from funds made*  
 12     *available to carry out this subpart, the Secretary shall—*  
 13                 *“(1) establish a program to improve school envi-*  
 14                 *ronments and student skill development for healthy*  
 15                 *choices for Native American students in all public ele-*  
 16                 *mentary and secondary schools that are eligible to re-*  
 17                 *ceive support under part A of title VII, including—*

18                 *“(A) prevention regarding—*

19                         *“(i) alcohol and drug misuse;*

20                         *“(ii) suicide;*

21                         *“(iii) violence;*

22                         *“(iv) pregnancy; and*

23                         *“(v) obesity;*

24                         *“(B) nutritious eating programs; and*

1                   “(C) anger and conflict management pro-  
2                   grams;

3                   “(2) establish a program for school dropout pre-  
4                   vention for Native American students; and

5                   “(3) collaborate with the Secretary of Agriculture  
6                   to establish tribal-school specific school gardens and  
7                   nutrition programs that are within the tribal cultural  
8                   context.

9                   “(b) COOPERATION WITH INDIAN TRIBES.—In car-  
10                  rying out subsection (a), the Secretary shall, to the extent  
11                  practicable, work in cooperation with Indian tribes.”.

12                  ***Subtitle E—Centers for Innovation***  
13                  ***in Tribally Directed Education***

14                  **SEC. 151. CENTERS FOR INNOVATION IN TRIBALLY DI-**  
15                  **RECTED EDUCATION.**

16                  (a) IN GENERAL.—Part A of title V (20 U.S.C. 7201  
17                  et seq.) is amended—

18                         (1) by redesignating subpart 4 as subpart 5;

19                         (2) by redesignating sections 5141 through 5146  
20                         as sections 5151 through 5156, respectively; and

21                         (3) by inserting after section 5133 the following:

1       **“Subpart 4—Centers for Innovation in Tribally**  
 2                               **Directed Education**

3       **“SEC. 5141. PURPOSE.**

4           *“In order to carry out the United States’ unique and*  
 5 *continuing trust responsibility to the Indian people for the*  
 6 *education of Indian children and to meet the unique edu-*  
 7 *cational and cultural needs of such children, it is the pur-*  
 8 *pose of this subpart to provide technical and professional*  
 9 *expertise to Indian tribes to enable such tribes to build and*  
 10 *maintain the capacity to effectively exercise their right and*  
 11 *authority to direct the delivery of educational services to*  
 12 *Indian children.*

13       **“SEC. 5142. REQUIREMENTS FOR CENTERS.**

14           *“(a) DEFINITIONS.—In this section:*

15                       *“(1) ELIGIBLE ENTITY.—The term ‘eligible enti-*  
 16 *ty’ means—*

17                               *“(A) an Indian tribe;*

18                               *“(B) an institution of higher education, in-*  
 19 *cluding a tribally controlled college or univer-*  
 20 *sity;*

21                               *“(C) an Indian organization, as defined in*  
 22 *section 263.20 of title 34, Code of Federal Regu-*  
 23 *lations;*

24                               *“(D) a Native Hawaiian educational orga-*  
 25 *nization, as defined in section 1116A(b);*

1                   “(E) a public or private nonprofit organi-  
2                   zation; or

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

5                   “(2) *TRIBALLY CONTROLLED COLLEGE OR UNI-*  
6                   *VERSITY.*—The term ‘tribally controlled college or  
7                   university’ has the meaning given the term ‘Tribal  
8                   College or University’ (as defined in section 316 of the  
9                   Higher Education Act of 1965 (20 U.S.C. 1059c)).

10                  “(b) *ESTABLISHMENT OF CENTERS.*—Through grants  
11                  or contracts authorized under subsection (c), the Secretary  
12                  shall establish 2 Centers for Innovation and Excellence in  
13                  Tribally Directed Education (referred to in this subpart as  
14                  the ‘Centers’) to provide technical and professional assist-  
15                  ance, as described in subsection (e), to Indian tribes, tribal  
16                  educational agencies, as designated by Indian tribes, and  
17                  Native Hawaiian educational organizations to enable those  
18                  entities to build and maintain the capacity to carry out  
19                  their authorities and responsibilities for directing and over-  
20                  seeing the education of their Native children.

21                  “(c) *GRANTS AUTHORIZED.*—

22                  “(1) *IN GENERAL.*—The Secretary is authorized  
23                  to award grants to, or enter into contracts with, 2 eli-  
24                  gible entities to establish the Centers and carry out  
25                  activities that meet the purposes of this subpart.



1           “(2) *GRANT DURATION.*—*Each grant awarded or*  
 2           *contract entered into under this subpart shall be for*  
 3           *a period of not less than 4 years and not more than*  
 4           *6 years. A grant or contract awarded under this sub-*  
 5           *part shall be eligible for renewal.*

6           “(d) *APPLICATIONS; PRIORITY.*—

7           “(1) *IN GENERAL.*—*Each eligible entity desiring*  
 8           *a grant or contract under this subpart shall submit*  
 9           *an application to the Secretary at such time, in such*  
 10           *manner, and accompanied by such information, in*  
 11           *addition to the information described in paragraph*  
 12           *(2), as the Secretary may reasonably require.*

13           “(2) *CONTENTS.*—*An eligible entity shall include*  
 14           *in its application under this subpart the following:*

15           “(A) *A description of the extent of the enti-*  
 16           *ty’s knowledge of the structures of Indian tribal*  
 17           *or Native Hawaiian governments and any expe-*  
 18           *rience in working with or for tribal or Native*  
 19           *Hawaiian governments or their agencies.*

20           “(B) *A description of the extent of the enti-*  
 21           *ty’s experience working with Indian tribes, Na-*  
 22           *tive Hawaiians, schools funded by the Bureau of*  
 23           *Indian Education, and local educational agen-*  
 24           *cies with high concentrations of Indian or Native*  
 25           *Hawaiian children.*

1           “(C) *A description of the extent of the enti-*  
2           *ty’s knowledge of, or experience with, culturally*  
3           *based education programs and language immer-*  
4           *sion programs.*

5           “(D) *An assurance that the entity will, if*  
6           *awarded a grant or contract under this subpart,*  
7           *establish an advisory board, which shall guide*  
8           *the entity’s performance of the grant and shall be*  
9           *comprised of the following:*

10           “(i) *Tribal or Native Hawaiian gov-*  
11           *ernmental officials.*

12           “(ii) *Tribal or Native Hawaiian edu-*  
13           *cation officials.*

14           “(iii) *Individuals experienced in teach-*  
15           *ing or leadership positions in schools funded*  
16           *by the Bureau of Indian Education or*  
17           *schools that are served by a local edu-*  
18           *cational agency and have high concentra-*  
19           *tions of Indian or Native Hawaiian chil-*  
20           *dren.*

21           “(iv) *Education researchers with ex-*  
22           *pertise in teaching and learning strategies*  
23           *for Indian or Native Hawaiian children.*

1                   “(v) *Parents of Indian or Native Ha-*  
 2                   *waiian children enrolled in an elementary*  
 3                   *school or secondary school.*

4                   “(3) *PRIORITY.—In awarding grants or entering*  
 5                   *into contracts under this subpart, the Secretary shall*  
 6                   *give preference to eligible entities that are tribally*  
 7                   *controlled colleges or universities, or consortia which*  
 8                   *include one or more tribally controlled colleges or uni-*  
 9                   *versities.*

10                  “(e) *USE OF FUNDS.—An eligible entity receiving a*  
 11                  *grant or contract under this subpart shall use the funds*  
 12                  *provided under this subpart for any of the following:*

13                   “(1) *Programs designed to build capacity within*  
 14                   *Indian tribal governments to exercise policymaking,*  
 15                   *operational, and oversight authority over educational*  
 16                   *programs serving the children of such tribes, to estab-*  
 17                   *lish effective consultation procedures with State edu-*  
 18                   *cational agencies and local educational agencies, and*  
 19                   *to collaborate with Federal, State, and local agencies.*

20                   “(2) *Activities to assist Indian tribes in estab-*  
 21                   *lishing tribal educational agencies and developing*  
 22                   *operational and organizational protocols compatible*  
 23                   *with tribal structures and responsive to tribal objec-*  
 24                   *tives.*

1           “(3) *Strategies to enhance and maintain effective*  
2           *involvement of parents of Indian or Native Hawaiian*  
3           *children in their children’s educational program.*

4           “(4) *Assistance with development or review of*  
5           *curriculum and assessments that are culturally ap-*  
6           *propriate and effective for Indian or Native Hawai-*  
7           *ian students.*

8           “(5) *Development of professional development*  
9           *programs for teachers of Indian or Native Hawaiian*  
10          *children.*

11          “(6) *Collection and dissemination of best prac-*  
12          *tices regarding culturally appropriate curriculum*  
13          *and teaching techniques.*

14          “(7) *Development of programs to assist teachers*  
15          *of Indian or Native Hawaiian children in use of*  
16          *achievement data to improve the effectiveness of edu-*  
17          *cational programs.*

18          “(8) *Assistance to Indian tribes or Native Ha-*  
19          *waiian educational organizations in developing pro-*  
20          *grams to address behavioral issues in elementary and*  
21          *secondary schools such as truancy, bullying, gangs,*  
22          *and violence.*

23          “(9) *Assistance to Indian tribes or Native Ha-*  
24          *waiian educational organizations in development of*

1        *community-specific academic achievement standards,*  
 2        *assessments, and remedial requirements.*

3            “(10) *Such other activities consistent with the*  
 4        *purposes of this subpart.*”.

5        (b) *CONFORMING AMENDMENT.*—Section 5122(a)(3) of  
 6        *the Elementary and Secondary Education Act of 1965 (25*  
 7        *U.S.C. 7213a(a)(3)) is amended by striking “5142” and in-*  
 8        *serting “5152”.*

9        **SEC. 152. AUTHORIZATION OF APPROPRIATIONS.**

10        *Section 5156 of the Elementary and Secondary Edu-*  
 11        *cation Act of 1965 (as redesignated by section 151(2)) (20*  
 12        *U.S.C. 7217e) is amended—*

13            (1) *in the matter preceding paragraph (1)—*

14            (A) *by striking “There are” and inserting*

15            “(a) *IN GENERAL.*—*There are*”; and

16            (B) *by striking “this part” and inserting*

17            “*this part (except for subpart 4)*”; and

18            (2) *by adding at the end the following:*

19            “(b) *CENTERS FOR INNOVATION IN TRIBALLY DI-*  
 20        *RECTED EDUCATION.*—*There are authorized to be appro-*  
 21        *priated to carry out subpart 4 \$3,000,000 for fiscal year*  
 22        *2012 and such sums as may be necessary for each of the*  
 23        *5 succeeding fiscal years.*”.

1 ***Subtitle F—Indian, Native Hawai-***  
 2 ***ian, and Alaska Native Edu-***  
 3 ***cation***

4 ***PART I—INDIAN EDUCATION***

5 ***SEC. 161. PURPOSE.***

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

8 *(1) by striking subsection (a) and inserting the*  
 9 *following:*

10 *“(a) PURPOSE.—It is the purpose of this subpart to*  
 11 *support the efforts of local educational agencies, Indian*  
 12 *tribes and organizations, postsecondary institutions, and*  
 13 *other entities to improve the academic achievement of Amer-*  
 14 *ican Indian, Native Hawaiian, and Alaska Native students*  
 15 *by meeting their unique cultural, language, and educational*  
 16 *needs.”; and*

17 *(2) in subsection (b)—*

18 *(A) by redesignating paragraphs (3) and*  
 19 *(4) as paragraphs (4) and (5), respectively; and*

20 *(B) by inserting after paragraph (2) the fol-*  
 21 *lowing:*

22 *“(3) strengthening American Indian, Native Ha-*  
 23 *waiian, and Alaska Native students’ knowledge of*  
 24 *their languages, history, traditions, and cultures;”.*

1 **SEC. 162. PURPOSE OF FORMULA GRANTS.**

2        *Section 7111 of the Elementary and Secondary Edu-*  
 3 *cation Act of 1965 (20 U.S.C. 7421) is amended to read*  
 4 *as follows:*

5 **“SEC. 7111. PURPOSE.**

6        *“It is the purpose of this subpart to support the efforts*  
 7 *of local educational agencies to develop elementary school*  
 8 *and secondary school programs for Indian students that are*  
 9 *designed to meet the unique cultural, language, and edu-*  
 10 *cational needs of such students.”.*

11 **SEC. 163. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND**  
 12 **TRIBES.**

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

15            *(1) in subsection (a)—*

16                    *(A) by striking “The Secretary” and insert-*  
 17 *ing the following:*

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

19                    *(B) by adding at the end the following:*

20            *“(2) CONSORTIA.—*

21                    *“(A) IN GENERAL.—Two or more local edu-*  
 22 *cational agencies may form a consortium to apply for*  
 23 *and carry out a program under this subpart, as long*  
 24 *as each local educational agency participating in the*  
 25 *consortium—*

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

5           “(ii) shall be subject to all requirements, as-  
6           surances, and obligations applicable to local edu-  
7           cational agencies under this subpart.

8           “(B) *APPLICABILITY.*—The Secretary shall treat  
9           each consortium described in subparagraph (A) as if  
10          such consortium were a local educational agency for  
11          purposes of this subpart.”;

12          (2) in subsection (b)—

13               (A) by striking paragraph (1) and inserting  
14               the following:

15               “(1) *ENROLLMENT REQUIREMENTS.*—

16                       “(A) *IN GENERAL.*—Subject to subpara-  
17                       graph (B), a local educational agency shall be el-  
18                       igible for a grant under this subpart for any fis-  
19                       cal year if the number of Indian children eligible  
20                       under section 7117 who were enrolled in the  
21                       schools of the agency, and to whom the agency  
22                       provided free public education, during the pre-  
23                       ceding fiscal year—

24                       “(i) was at least 10; or



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

4                   “(B) *SPECIAL RULE.*—Notwithstanding any  
 5                   other provision of this Act, in any case where an  
 6                   Indian tribe that represents a plurality of the el-  
 7                   igible Indian children who are served by a local  
 8                   educational agency eligible for a grant under  
 9                   this subpart requests that the local educational  
 10                  agency enter into a cooperative agreement with  
 11                  such tribe to assist in the planning and oper-  
 12                  ation of the program funded by such grant, the  
 13                  local educational agency shall enter into such an  
 14                  agreement as a condition for receiving funds  
 15                  under this subpart.”; and

16                  (B) in paragraph (2), by striking “a res-  
 17                  ervation” and inserting “an Indian reserva-  
 18                  tion”;

19                  (3) in subsection (c)—

20                  (A) in paragraph (1), by striking “such  
 21                  grant, an” and all that follows through the pe-  
 22                  riod at the end of paragraph (1) inserting the  
 23                  following: “such grant, any of the following enti-  
 24                  ties may apply for such grant:

1           “(A) *An Indian tribe that represents a plu-*  
 2           *rality of the eligible Indian children who are*  
 3           *served by such local educational agency.*

4           “(B) *A consortium of Indian tribes rep-*  
 5           *resenting a plurality of the eligible Indian chil-*  
 6           *dren who are served by such local educational*  
 7           *agency.”; and*

8           *(B) in paragraph (2)—*

9                     *(i) by inserting “or consortium of In-*  
 10                    *dian tribes” after “each Indian tribe”;*

11                   *(ii) by inserting “or such consortium”*  
 12                    *after “such Indian tribe”; and*

13                   *(iii) by inserting “or consortium” after*  
 14                    *“any such tribe”; and*

15           *(4) by adding at the end the following:*

16           “(d) *INDIAN COMMITTEE.—If neither a local edu-*  
 17           *cational agency pursuant to subsection (b), nor an Indian*  
 18           *tribe or consortium of Indian tribes pursuant to subsection*  
 19           *(c), applies for a grant under this subpart, a committee*  
 20           *of Indian individuals in the community of the local edu-*  
 21           *cational agency may apply for such grant and the Sec-*  
 22           *retary shall apply the special rule in subsection (c)(2) to*  
 23           *such committee in the same manner as such rule applies*  
 24           *to an Indian tribe or a consortium of Indian tribes.”.*

1 **SEC. 164. AMOUNT OF GRANTS.**

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

4 *(1) in subsection (b)—*

5 *(A) in paragraph (1), by striking “\$3,000”*  
 6 *and inserting “\$10,000”;*

7 *(B) in paragraph (2)—*

8 *(i) by inserting “and Indian tribes”*  
 9 *after “Local educational agencies”; and*

10 *(ii) by inserting “and operating pro-*  
 11 *grams” after “obtaining grants”; and*

12 *(C) by striking “\$4,000” and inserting*  
 13 *“\$15,000”; and*

14 *(2) in subsection (d)—*

15 *(A) in the subsection heading, by striking*  
 16 *“AFFAIRS” and inserting “EDUCATION”; and*

17 *(B) in paragraph (1)(A)(i), by striking “Af-*  
 18 *fairs” and inserting “Education”.*

19 **SEC. 165. APPLICATIONS.**

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

22 *(1) in subsection (b)—*

23 *(A) in paragraph (2)—*

24 *(i) in subparagraph (A), by striking*  
 25 *“is consistent with the State and local” and*

1                   insert “supports the State, tribal, and  
2                   local”; and

3                   (ii) in subparagraph (B), by striking  
4                   “, that are” and all that follows through  
5                   “all children”;

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

8                   (C) in paragraph (5)—

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

11                  (ii) by adding at the end the following:

12                  “(C) the parents of Indian children and  
13                  representatives of Indian tribes on the committee  
14                  described in subsection (c)(5) will participate in  
15                  the planning of the professional development ma-  
16                  terials; and”;

17                  (D) in paragraph (6)(B)—

18                  (i) in clause (i)—

19                   (I) by striking “subsection (c)(4)”  
20                   and inserting “subsection (c)(5)”;

21                   (II) by striking “and” after the  
22                   semicolon; and

23                   (ii) by adding at the end the following:

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 fol-  
9                   lowing:

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;”; and

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

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 ac-  
22                   tivities address the unique cultural, language,  
23                   and educational needs of Indian students;”; and  
24                   (3) by adding at the end the following:

1       “(d) *OUTREACH.*—*The Secretary shall monitor the ap-*  
 2       *plications for grants under this subpart to identify eligible*  
 3       *local educational agencies and schools funded by the Bureau*  
 4       *of Indian Education that have not applied for grants, and*  
 5       *shall undertake appropriate outreach activities to encourage*  
 6       *and assist such entities to submit applications.*”.

7       **SEC. 166. AUTHORIZED SERVICES AND ACTIVITIES.**

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

10               *(1) in subsection (b)—*

11                       *(A) by redesignating paragraphs (1)*  
 12                       *through (11) as paragraphs (2) through (12), re-*  
 13                       *spectively;*

14                       *(B) by inserting before paragraph (2) (as*  
 15                       *redesignated by subparagraph (A)) the following:*

16                       *“(1) the activities that support Native American*  
 17                       *language programs and Native American language*  
 18                       *restoration programs, such as those programs de-*  
 19                       *scribed in section 7123;”;*

20                       *(C) in paragraph (4) (as redesignated by*  
 21                       *subparagraph (A)), by striking “and directly*  
 22                       *support the attainment of challenging State aca-*  
 23                       *demic content and student academic achievement*  
 24                       *standards”;*

1           (D) in paragraph (5) (as redesignated by  
 2           subparagraph (A)), by striking “that meet the  
 3           needs of Indian children and their families” and  
 4           inserting “, including programs that promote  
 5           parental involvement in school activities and  
 6           promote parental involvement to increase student  
 7           achievement, in order to meet the unique needs  
 8           of Indian children and their families”;

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

12          (F) in paragraph (12) (as redesignated by  
 13          subparagraph (A)), by striking “, and incor-  
 14          porate appropriately qualified tribal elders and  
 15          seniors”; and

16          (2) in subsection (c)—

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

19               (B) in paragraph (2), by striking the period  
 20               and inserting “; and”; and

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

22               “(3) the local educational agency identifies in its  
 23               application how the use of such funds in a schoolwide  
 24               program will produce benefits to the Indian students

1       *that would not be achieved if the funds were not used*  
 2       *in a schoolwide program.”.*

3   **SEC. 167. STUDENT ELIGIBILITY FORMS.**

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

6           *(1) by striking “For purposes” and inserting the*  
 7   *following:*

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

9           *(2) by adding at the end the following:*

10          *“(2) RECORDS.—Once a child is determined to*  
 11   *be an Indian eligible to be counted for such grant*  
 12   *award, the local educational agency shall maintain a*  
 13   *record of such determination and the local edu-*  
 14   *cational agency and Secretary shall not require a new*  
 15   *or duplicate determination to be made for such child*  
 16   *for a subsequent application for a grant under this*  
 17   *subpart.”.*

18   **SEC. 168. TECHNICAL ASSISTANCE.**

19       *Subpart 1 of part A of title VII of the Elementary*  
 20   *and Secondary Education Act of 1965 (20 U.S.C. 7421 et*  
 21   *seq.) is further amended by adding at the end the following:*

22   **“SEC. 7120. TECHNICAL ASSISTANCE.**

23       *“The Secretary shall, directly or through a contract,*  
 24   *provide technical assistance to a local educational agency*  
 25   *or Indian tribe upon request (in addition to any technical*



1 assistance available under any other provision of this Act  
 2 or available through the Institute of Education Sciences)  
 3 to support the services and activities provided under this  
 4 subpart, including technical assistance for—

5           “(1) the development of applications under this  
 6 subpart;

7           “(2) the improvement in the quality of imple-  
 8 mentation, content of activities, and evaluation of ac-  
 9 tivities supported under this subpart; and

10           “(3) the integration of activities under this title  
 11 with other educational activities established by the  
 12 local educational agency.”.

13 **SEC. 169. AMENDMENTS RELATING TO TRIBAL COLLEGES**  
 14 **AND UNIVERSITIES.**

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

18           (1) in section 7121(b), by striking “Indian insti-  
 19 tution (including an Indian institution of higher edu-  
 20 cation)” and inserting “Tribal College or University,  
 21 as defined in section 316(b) of the Higher Education  
 22 Act of 1965”; and

23           (2) in section 7122—

24               (A) in subsection (b)—

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

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

6                   (ii) in paragraph (4), by striking the  
 7                   period and inserting “, in consortium with  
 8                   not less than 1 Tribal College or University,  
 9                   as defined in section 316(b) of the Higher  
 10                  Education Act of 1965.”; and

11                  (B) in subsection (f)—

12                   (i) by redesignating paragraphs (1)  
 13                   and (2) as paragraphs (2) and (3), respec-  
 14                   tively;

15                   (ii) by inserting after “the Secretary—  
 16                   ” the following:

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

19                   (iii) in paragraph (2), as redesignated  
 20                   by clause (i), by striking “shall” and insert-  
 21                   ing “may”; and

22                   (iv) in paragraph (3), as redesignated  
 23                   by clause (i), by striking “basis of—” and  
 24                   all that follows through “grants” and in-  
 25                   serting “basis of the length of any period

1                   *during which the eligible entity has received*  
 2                   *a grant or grants”.*

3   **SEC. 170. TRIBAL EDUCATIONAL AGENCY COOPERATIVE**  
 4                   **AGREEMENTS.**

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

8   **“SEC. 7123. TRIBAL EDUCATIONAL AGENCY COOPERATIVE**  
 9                   **AGREEMENTS.**

10           “(a) *IN GENERAL.*—Notwithstanding any other provi-  
 11   *sion of this Act, an Indian tribe may enter into a coopera-*  
 12   *tive agreement with a State educational agency or a local*  
 13   *educational agency that serves a school that is within the*  
 14   *Indian lands of such Indian tribe.*

15           “(b) *COOPERATIVE AGREEMENT.*—Upon the request of  
 16   *an Indian tribe that includes, within the Indian lands of*  
 17   *the tribe, a school served by a State educational agency or*  
 18   *a local educational agency that receives assistance under*  
 19   *this Act, the State educational agency or local educational*  
 20   *agency shall enter into a cooperative agreement with the*  
 21   *Indian tribe with respect to such school. The Indian tribe*  
 22   *and the State educational agency or local educational agen-*  
 23   *cy, as the case may be, shall determine the terms of the*  
 24   *agreement, and the agreement may—*

1           “(1) authorize the tribal educational agency of  
2           the Indian tribe to plan, conduct, consolidate, and  
3           administer programs, services, functions, and activi-  
4           ties, or portions thereof, administered by the State  
5           educational agency or local educational agency; and

6           “(2) authorize the tribal educational agency to  
7           reallocate funds for such programs, services, functions,  
8           and activities, or portions thereof as necessary.

9           “(c) *DISAGREEMENT.*—If an Indian tribe has re-  
10          quested a cooperative agreement under subsection (b) with  
11          a State educational agency or local educational agency that  
12          receives assistance under this Act, and the Indian tribe and  
13          State educational agency or local educational agency can-  
14          not reach an agreement, the Indian tribe agency may sub-  
15          mit to the Secretary the information that the Secretary de-  
16          termines relevant to make a determination. The Secretary  
17          shall provide notice to the affected State educational agency  
18          or local educational agency not later than 30 days after  
19          receiving the Indian tribe’s educational organization’s sub-  
20          mission. After such notice is made, the State educational  
21          agency or local educational agency has 30 days to submit  
22          information that the Secretary determines relevant in rela-  
23          tion to the disagreement. After the 30 days provided to the  
24          State educational agency or local educational agency has  
25          elapsed, the Secretary shall make a determination.

1       “(d) *CONSORTIUM OF TRIBES.*—Nothing in this sec-  
 2       tion shall preclude the development and submission of a sin-  
 3       gle tribal educational agencies pilot project cooperative  
 4       agreement by the participating Indian tribes of an inter-  
 5       tribal consortium.

6       “(e) *DEFINITIONS.*—In this section:

7               “(1) *INDIAN LAND.*—The term ‘Indian land’ has  
 8       the meaning given the term ‘Indian lands’ in section  
 9       8013.

10              “(2) *INDIAN TRIBE.*—The term ‘Indian tribe’  
 11       means any Indian tribe, band, nation, other orga-  
 12       nized group or community, including any Native vil-  
 13       lage or Regional Corporation or Village Corporation  
 14       as defined in or established pursuant to the Alaska  
 15       Native Claims Settlement Act, that is recognized as  
 16       eligible for the special programs and services provided  
 17       by the United States to Indians because of their sta-  
 18       tus as Indians.”.

19       **SEC. 171. TRIBAL EDUCATIONAL AGENCIES PILOT PROJECT.**

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

23       **“SEC. 7124. TRIBAL EDUCATIONAL AGENCIES PILOT**  
 24       **PROJECT.**

25       “(a) *AUTHORIZATION.*—

1           “(1) *IN GENERAL.*—*There is established a pilot*  
 2           *project to be known as the ‘Tribal Educational Agen-*  
 3           *cy Pilot Project’ that authorizes not more than 5*  
 4           *qualifying Indian tribes per year to be eligible to op-*  
 5           *erate programs authorized under a title under this*  
 6           *Act (referred to in this section as ‘title programs’) for*  
 7           *schools that meet the eligibility criteria described in*  
 8           *subsection (d).*

9           “(2) *TITLE PROGRAMS.*—*Title programs may in-*  
 10          *clude all grants, including grants allocated through*  
 11          *formulas and discretionary grants allocated on a*  
 12          *competitive basis, that are awarded under this Act.*

13          “(3) *REPORTING REQUIREMENTS.*—

14               “(A) *INDIAN TRIBES.*—*Each Indian tribe*  
 15               *receiving a grant under this section is required*  
 16               *to comply with the reporting requirements of*  
 17               *each title the Indian tribe administers pursuant*  
 18               *to the pilot project grant under this section.*

19               “(B) *STATE EDUCATIONAL AGENCIES.*—  
 20               *State educational agencies are not required to re-*  
 21               *port on title programs operated by Indian Tribes*  
 22               *pursuant to the pilot project grant under this*  
 23               *section.*

24          “(b) *PLANNING PHASE.*—

1           “(1) *IN GENERAL.*—*Each Indian tribe seeking to*  
 2           *participate in the Tribal Educational Agencies Pilot*  
 3           *Project shall complete a planning phase. The plan-*  
 4           *ning phase shall include—*

5                     “(A) *the development of an education plan*  
 6                     *for the schools that meet the eligibility criteria*  
 7                     *described in subsection (d) and that will be*  
 8                     *served under the pilot project; and*

9                     “(B) *demonstrated coordination and col-*  
 10                    *laboration partnerships, including cooperative*  
 11                    *agreements with each local educational agency*  
 12                    *that serves a school meeting the criteria described*  
 13                    *in subsection (d).*

14           “(2) *EXEMPTION.*—*The Secretary may waive the*  
 15           *planning phase, upon the application of an Indian*  
 16           *tribe, if the Indian tribe has—*

17                     “(A) *been operating a tribal educational*  
 18                     *agency successfully for 2 or more years; and*

19                     “(B) *demonstrated compliance with the fis-*  
 20                     *cal accountability provision of 5(f)(1) of the In-*  
 21                     *Indian Self-Determination and Education Assist-*  
 22                     *ance Act (25 U.S.C. 450c(f)(1)), relating to the*  
 23                     *submission of a single-agency audit report re-*  
 24                     *quired by chapter 75 of title 31, United States*  
 25                     *Code.*

1       “(c) *FUNDING AGREEMENT.*—*After an Indian tribe*  
 2 *has successfully completed the planning phase, the Secretary*  
 3 *shall award a grant to, and enter into a funding agreement*  
 4 *with, the Indian tribe to enable the tribal educational agen-*  
 5 *cy of the tribe to administer all title programs described*  
 6 *in subsection (a) for the schools that meet the eligibility cri-*  
 7 *teria described in subsection (d). All funding in the agree-*  
 8 *ment will be distributed to the Indian tribe’s tribal edu-*  
 9 *cational agency. Each funding agreement shall—*

10               “(1) *identify schools to be served by the Indian*  
 11 *tribe;*

12               “(2) *identify the title programs, services, func-*  
 13 *tions, and activities that the tribal educational agen-*  
 14 *cy will be administering for such schools;*

15               “(3) *determine the amount of funds to be pro-*  
 16 *vided to the Indian tribe by the allocations or grant*  
 17 *amounts that would otherwise be provided to the*  
 18 *State educational agency, as appropriate;*

19               “(4) *provide assurances that the Indian tribe*  
 20 *will comply with the reporting requirements of each*  
 21 *title for which it receives funding; and*

22               “(5) *ensure that the Secretary provides such*  
 23 *funds directly to the tribe to administer such pro-*  
 24 *grams.*



1       “(d) *ELIGIBILITY.*—*In order to serve a school through*  
 2 *a funding agreement under this section, the Indian tribe*  
 3 *shall demonstrate—*

4               “(1) *that the school meets 1 or more of the fol-*  
 5 *lowing criteria—*

6                       “(A) *the school is funded by the Bureau of*  
 7 *Indian Affairs, whether directly or through a*  
 8 *contract or compact with an Indian tribe or a*  
 9 *tribal consortium;*

10                      “(B) *the school receives payments under this*  
 11 *title because of students living on Indian land;*

12                      “(C) *the school is located on Indian land;*  
 13 *and*

14                      “(D) *a majority of the students in the school*  
 15 *are American Indian or Alaska Native; and*

16       “(2) *that the Indian tribe—*

17                      “(A) *has the capacity to administer the*  
 18 *functions for which the Indian tribe applies for*  
 19 *such funds, including compliance with the fiscal*  
 20 *accountability provision of 5(f)(1) of the Indian*  
 21 *Self-Determination and Education Assistance*  
 22 *Act (25 U.S.C. 450c(f)(1)), relating to the sub-*  
 23 *mission of a single-agency audit report required*  
 24 *by chapter 75 of title 31, United States Code;*  
 25 *and*

1                   “(B) satisfies such other factors that the  
2                   Secretary determines appropriate.

3           “(e) *GEOGRAPHICAL DIVERSITY.*—In awarding grants  
4 under this section, the Secretary shall ensure that grants  
5 are provided and grant amounts are used in a manner that  
6 results in national geographic diversity among Indian  
7 tribes applying for grants under this section.

8           “(f) *CONSORTIUM OF TRIBES.*—Nothing in this section  
9 shall preclude the development and submission of a single  
10 tribal educational agencies pilot project by the partici-  
11 pating Indian tribes of an intertribal consortium.

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

15               “(1) identifies the relative costs and benefits of  
16 tribal educational agencies, as demonstrated by the  
17 grants;

18               “(2) identifies the funds transferred to each trib-  
19 al educational agency and the corresponding reduc-  
20 tion in the Federal bureaucracy; and

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

23          “(h) *DEFINITIONS.*—In this section:

24               “(1) *FUNDING AGREEMENT.*—The term funding  
25 agreement means any agreement by which the Sec-

1        *retary awards grants authorized in this Act to an In-*  
 2        *dian tribe to administer in schools meeting the cri-*  
 3        *teria in subsection (d).*

4            “(2) *INDIAN LAND.*—*The term ‘Indian land’ has*  
 5        *the meaning given the term ‘Indian lands’ in section*  
 6        *8013.*

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

16          “(i) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
 17       *authorized to be appropriated to carry out this section*  
 18       *\$25,000,000 for fiscal year 2012 and each of the 5 suc-*  
 19       *ceeding fiscal years..”.*

20        **SEC. 172. IMPROVING SUPPORT FOR TEACHERS AND AD-**  
 21                                **MINISTRATORS OF NATIVE AMERICAN STU-**  
 22                                **DENTS.**

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

1   **“SEC. 7125. TEACHER AND ADMINISTRATOR PIPELINE FOR**  
 2                   **TEACHERS AND ADMINISTRATORS OF NATIVE**  
 3                   **AMERICAN STUDENTS.**

4           “(a) *GRANTS AUTHORIZED.*—*The Secretary shall*  
 5   *award grants to eligible entities to enable such entities to*  
 6   *create or expand a pipeline for teachers and administrators*  
 7   *of Native American students.*

8           “(b) *ELIGIBLE ENTITY.*—*In this section, the term ‘eli-*  
 9   *gible entity’ means—*

10               “(1) *a local educational agency;*

11               “(2) *an institution of higher education; or*

12               “(3) *a nonprofit organization.*

13           “(c) *PRIORITY.*—*In awarding grants under this sec-*  
 14   *tion, the Secretary shall give priority to Tribal Colleges and*  
 15   *Universities (as defined in section 316(b) of the Higher*  
 16   *Education Act of 1965).*

17           “(d) *ACTIVITIES.*—*An eligible entity that receives a*  
 18   *grant under this section shall create a program that shall*  
 19   *prepare, recruit, and provide continuing education for*  
 20   *teachers and administrators of Native American or Native*  
 21   *Hawaiian educational organization students, in particular*  
 22   *for teachers of—*

23               “(1) *science, technology, engineering, and mathe-*  
 24   *matics;*

25               “(2) *subjects that lead to health professions; and*

1           “(3) green skills and ‘middle skills’, including  
2           electrical, welding, technology, plumbing, and green  
3           jobs.

4           “(e) *INCENTIVES FOR TEACHERS AND ADMINISTRA-*  
5 *TORS.—An eligible entity that receives a grant under this*  
6 *section may provide incentives to teachers and principals*  
7 *who make a commitment to serve high-need, high-poverty,*  
8 *tribal schools or Native Hawaiian schools, including in the*  
9 *form of scholarships, loan forgiveness, incentive pay, or*  
10 *housing allowances.*

11          “(f) *SCHOOL AND COMMUNITY ORIENTATION.—An eli-*  
12 *gible entity that receives a grant under this section shall*  
13 *develop an evidence-based, culturally based school and com-*  
14 *munity orientation for new teachers and administrators of*  
15 *Native American or Native Hawaiian students.”.*

16 **SEC. 173. NATIONAL BOARD CERTIFICATION INCENTIVE**  
17 **DEMONSTRATION PROGRAM.**

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

21 **“SEC. 7126. NATIONAL BOARD CERTIFICATION INCENTIVE**  
22 **DEMONSTRATION PROGRAM.**

23          “(a) *PURPOSES.—The purposes of this section are—*  
24               “(1) *to improve the skills of qualified individuals*  
25           *that teach Indian or Native Hawaiian people; and*

1           “(2) to provide an incentive for qualified teach-  
 2           ers to continue to utilize their enhanced skills in  
 3           schools serving Indian or Native Hawaiian commu-  
 4           nities.

5           “(b) *ELIGIBLE ENTITIES*.—For the purpose of this sec-  
 6           tion, the term ‘eligible entity’ means—

7           “(1) a State educational agency or local edu-  
 8           cational agency, in consortium with an institution of  
 9           higher education;

10          “(2) an Indian tribe or organization or Native  
 11          Hawaiian educational organization, in consortium  
 12          with a local educational agency; or

13          “(3) a Bureau-funded school (as defined in sec-  
 14          tion 1146 of the Education Amendments of 1978).

15          “(c) *PROGRAM AUTHORIZED*.—For fiscal years 2012  
 16          through 2018, the Secretary is authorized to award grants  
 17          to eligible entities having applications approved under this  
 18          section to enable those entities—

19          “(1) to reimburse individuals who teach Indian  
 20          people with out-of-pocket costs associated with obtain-  
 21          ing National Board Certification; and

22          “(2) to provide a minimum of \$5,000, but not  
 23          more than \$10,000, increase in annual compensation  
 24          for National Board Certified individuals for the dura-  
 25          tion of the Demonstration Project.

1       “(d) *APPLICATION.—Each eligible entity desiring a*  
 2 *grant under this section shall submit an application to the*  
 3 *Secretary at such time, in such manner, and accompanied*  
 4 *by such information, as the Secretary may require. In re-*  
 5 *viewing applications under this section, the Secretary shall*  
 6 *ensure that the eligible entities—*

7               “(1) *are located within the boundaries of a res-*  
 8 *ervation or on land of the Department of Hawaiian*  
 9 *Home Lands; and*

10              “(2) *maintain an average enrollment of at least*  
 11 *30 percent of students that reside within the bound-*  
 12 *aries of a reservation.*

13       “(e) *RESTRICTIONS ON COMPENSATION INCREASES.—*  
 14 *The Secretary shall require and ensure that National Board*  
 15 *Certified individuals continue to teach at the eligible entity*  
 16 *as a condition of receiving annual compensation increases*  
 17 *provided for in this section.*

18       “(f) *PROGRESS REPORTS.—In fiscal years 2015 and*  
 19 *2018, the Comptroller General of the United States shall*  
 20 *provide a report on the progress of the entities receiving*  
 21 *awards in meeting applicable progress standards.”.*

22 **SEC. 174. TRIBAL LANGUAGE IMMERSION SCHOOLS.**

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

1 **“SEC. 7127. TRIBAL LANGUAGE IMMERSION SCHOOLS.**

2       “(a) *PURPOSE.*—*It is the purpose of this section to es-*  
 3 *tablish a grant program to permit eligible schools to use*  
 4 *American Indian, Alaska Native, and Native Hawaiian*  
 5 *languages as the primary language of instruction of all cur-*  
 6 *riculum taught at the schools (referred to in this section*  
 7 *as ‘immersion schools’)* *in order to increase the number of*  
 8 *American Indian, Alaska Native, and Native Hawaiian*  
 9 *graduates at all levels of education, and to increase the pro-*  
 10 *ficiencies of these students in the curriculum being taught.*

11       “(b) *PROGRAM AUTHORIZED.*—*From the amounts*  
 12 *made available to carry out this section, the Secretary may*  
 13 *award grants to eligible schools to develop and maintain,*  
 14 *or to improve and expand, programs that support articu-*  
 15 *lated Native language learning in kindergarten through*  
 16 *postsecondary education programs.*

17       “(c) *ELIGIBLE SCHOOL; DEFINITION.*—*In this sec-*  
 18 *tion—*

19               “(1) *the term ‘eligible school’ means a school that*  
 20 *provides elementary or secondary education or a*  
 21 *Tribal College or University, including an elementary*  
 22 *or secondary school operated by a Tribal College or*  
 23 *University, that has, or can present a plan for devel-*  
 24 *opment of, an immersion school or courses in which*  
 25 *instruction is provided for a minimum 900 hours per*  
 26 *academic year; and*



1           “(2) the term ‘Tribal College or University’ has  
2           the meaning given that term in section 316(b) of the  
3           Higher Education Act of 1965.

4           “(d) APPLICATION.—An eligible school seeking a grant  
5           under this section shall submit an application to the Sec-  
6           retary at such time and in such manner as the Secretary  
7           may require, that includes the following information:

8           “(1) The number of students attending the school.

9           “(2) The current number of hours of Native  
10          American language instruction being provided to stu-  
11          dents at the school, if any.

12          “(3) The status of the school with regard to any  
13          applicable Tribal Education Department or agency,  
14          public education system, or accrediting body.

15          “(4) A statement that the school is engaged in  
16          meeting targeted proficiency levels for students as  
17          may be required by applicable Federal, State, or trib-  
18          al law.

19          “(5) A statement identifying how the proficiency  
20          levels for students being educated, or to be educated,  
21          at the tribal language immersion school are, or will  
22          be, assessed.

23          “(6) A list of the instructors at the tribal lan-  
24          guage immersion school and their qualifications.

1           “(7) *A list of any partners or subcontractors*  
 2           *with the tribal language immersion school who may*  
 3           *assist in the provision of instruction in the immer-*  
 4           *sion setting, and the role of such partner or subcon-*  
 5           *tractor.*

6           “(8) *Any other information that the Secretary*  
 7           *may require.*

8           “(e) *ADDITIONAL ELIGIBILITY REQUIREMENTS.—*  
 9           *When submitting an application for a grant under this sec-*  
 10          *tion, each eligible school shall submit:*

11           “(1) *A certificate from a federally recognized In-*  
 12           *dian tribe, or a letter from any organized American*  
 13           *Indian, Alaska Native, or Native Hawaiian commu-*  
 14           *nity, on whose lands the school is located, or which*  
 15           *is served by the school, or from a Tribal College or*  
 16           *University (as defined in section 316 of the Higher*  
 17           *Education Act of 1965 (20 U.S.C. 1059c)) that is op-*  
 18           *erating the school, indicating that the school has the*  
 19           *capacity to provide language immersion education*  
 20           *and that there are sufficient native speakers at the*  
 21           *school or available to be hired by the school who are*  
 22           *trained as educators who can provide the education*  
 23           *services required by the school in the native language*  
 24           *used at the immersion school and who will satisfy*

1       *any requirements of any applicable law for educators*  
 2       *generally.*

3               “(2) *An assurance that the school will partici-*  
 4       *pate in data collection conducted by the Secretary*  
 5       *that will determine best practices and further aca-*  
 6       *ademic evaluation of the immersion school.*

7               “(3) *A demonstration of the capacity to have na-*  
 8       *tive language speakers provide the basic education of-*  
 9       *fered by the school for the minimum 900 hours per*  
 10       *academic year as required under the grant.*

11              “(f) *ACTIVITIES AUTHORIZED.—The following activi-*  
 12       *ties are the activities that may be carried out by the eligible*  
 13       *schools that receive a grant under this section:*

14               “(1) *Development of an articulated instructional*  
 15       *curriculum for the language of the Indian tribe or*  
 16       *American Indian, Alaska Native, or Hawaiian com-*  
 17       *munity served by the school applying for the grant.*

18               “(2) *In-service and preservice development of*  
 19       *teachers and paraprofessionals who will be providing*  
 20       *the instruction in the native language involved.*

21               “(3) *Development of contextual, experiential pro-*  
 22       *grams, and curriculum materials related to the indig-*  
 23       *enous language of the community which the immer-*  
 24       *sion school serves.*

1       “(g) *NUMBER, AMOUNT, AND DIVERSITY OF LAN-*  
 2 *GUAGES IN GRANTS.*—Based on the amount appropriated  
 3 by Congress as authorized by this section, and the number  
 4 of eligible schools applying for a grant under this section,  
 5 the Secretary may determine the amounts and length of  
 6 each grant made under this section and shall ensure, to the  
 7 maximum extent practicable, that diversity in languages is  
 8 represented in such grants.

9       “(h) *REPORT TO SECRETARY.*—Each eligible school re-  
 10 ceiving a grant under this section shall provide an annual  
 11 report to the Secretary at such time, in such manner, and  
 12 containing such information as the Secretary may require.

13       “(i) *AUTHORIZATION OF APPROPRIATIONS.*—Notwith-  
 14 standing any other section authorizing funds to be appro-  
 15 priated for carrying out the purposes of this title, there is  
 16 authorized to be appropriated to carry out this section  
 17 \$5,000,000 for the first full fiscal year following the date  
 18 of enactment of this section, and such sums as are necessary  
 19 in the 4 following fiscal years.”.

20 **SEC. 175. COORDINATION OF INDIAN STUDENT INFORMA-**  
 21 **TION.**

22       Subpart 3 of part A of title VII of the Elementary  
 23 and Secondary Education Act of 1965 (20 U.S.C. 7451 et  
 24 seq.) is amended by adding at the end the following:

1   **“SEC. 7137. COORDINATION OF INDIAN STUDENT INFORMA-**  
2                                   **TION.**

3           “(a) *PURPOSE.*—*Consonant with the unique and con-*  
4   *tinuing trust responsibility of the United States to Indian*  
5   *people for the education of Indian children as described in*  
6   *section 7101, it is the purpose of this section to enable the*  
7   *Secretary to establish or improve the effectiveness and effi-*  
8   *ciency of programs for coordination among educational*  
9   *agencies and schools for the linkage and exchange of student*  
10 *records of Indian children.*

11          “(b) *GRANTS AUTHORIZED.*—

12               “(1) *IN GENERAL.*—*The Secretary, in consulta-*  
13   *tion with the Secretary of the Interior, the States, and*  
14   *Indian tribes, is authorized to make grants to, or*  
15   *enter into contracts with, State educational agencies,*  
16   *local educational agencies, Indian tribes, Indian or-*  
17   *ganizations, tribal educational agencies, institutions*  
18   *of higher education, other public and private non-*  
19   *profit organizations, and consortia of all such enti-*  
20   *ties, to improve the collection, coordination, and elec-*  
21   *tronic exchange of Indian student records between*  
22   *State educational agencies, local educational agencies,*  
23   *and elementary schools and secondary schools funded*  
24   *by the Bureau of Indian Education.*

25               “(2) *PREFERENCE.*—*In awarding grants under*  
26   *this section, the Secretary shall give preference to—*

1                   “(A) *entities that are Indian tribes, Indian*  
2                   *organizations, tribal educational agencies; or*

3                   “(B) *consortia that include 1 or more such*  
4                   *entities.*

5                   “(3) *GRANT DURATION.—Each grant awarded*  
6                   *under this section shall be for a duration of not more*  
7                   *than 5 years.*

8                   “(c) *ASSISTANCE.—*

9                   “(1) *IN GENERAL.—The Secretary shall assist*  
10                  *the Secretary of the Interior, the States, and elemen-*  
11                  *tary schools and secondary schools funded by the Bu-*  
12                  *reau of Indian Education in developing effective*  
13                  *methods for—*

14                  “(A) *the electronic transfer of student*  
15                  *records of Indian children;*

16                  “(B) *the determination of the number of In-*  
17                  *dian children in each State, disaggregated by the*  
18                  *local educational agency in which such children*  
19                  *reside; and*

20                  “(C) *the determination of the extent to*  
21                  *which Indian children under the age of 18 who*  
22                  *have not achieved a secondary school diploma*  
23                  *are not enrolled in any school.*

24                  “(2) *INFORMATION SYSTEMS.—*

1           “(A) *IN GENERAL.*—Using amounts made  
2           available under subsection (e), the Secretary, in  
3           consultation with the Secretary of the Interior,  
4           the States, and elementary schools and secondary  
5           schools funded by the Bureau of Indian Edu-  
6           cation, shall award grants or contracts to, or  
7           enter agreements with, State educational agen-  
8           cies and local educational agencies, and provide  
9           funds to the Secretary of the Interior in accord-  
10          ance with subsection (e)(2) in order to ensure the  
11          linkage of Indian student records systems for the  
12          purpose of electronically exchanging, among and  
13          between State educational agencies, local edu-  
14          cational agencies, and schools, health and edu-  
15          cational information regarding all Indian stu-  
16          dents. The Secretary of Education shall ensure  
17          such linkage occurs in a cost-effective manner,  
18          and to the extent practicable, utilizes systems, if  
19          any, used prior to the date of enactment of this  
20          section.

21          “(B) *DATA ELEMENTS.*—The Secretary  
22          shall identify the data elements that each State  
23          receiving assistance under this subsection and  
24          the Secretary of the Interior shall collect and

1        *maintain for each Indian student enrolled in a*  
 2        *school, which, at a minimum, shall include—*

3                *“(i) the student’s enrollment and*  
 4                *disenrollment in any elementary and sec-*  
 5                *ondary school, and the grade levels success-*  
 6                *fully completed at such school;*

7                *“(ii) the student’s immunization*  
 8                *records and other health information;*

9                *“(iii) the student’s elementary and sec-*  
 10                *ondary academic history (including partial*  
 11                *credit), credit accrual, and results from any*  
 12                *assessments required by Federal law;*

13                *“(iv) other academic information es-*  
 14                *sential to ensuring that Indian children*  
 15                *achieve high standards; and*

16                *“(v) the student’s eligibility for services*  
 17                *under the Individuals with Disabilities*  
 18                *Education Act.*

19                *“(C) NOTICE AND COMMENT.—After ful-*  
 20                *filling the consultation required under subpara-*  
 21                *graph (A), the Secretary shall publish a notice*  
 22                *in the Federal Register seeking public comment*  
 23                *on the proposed data elements that the Secretary*  
 24                *of the Interior and each State shall be required*  
 25                *to collect for purposes of electronic transfer of In-*



1        *dian student information with respect to schools*  
2        *assisted under this Act and the requirements the*  
3        *Secretary of the Interior and the States shall*  
4        *meet for immediate electronic access to such in-*  
5        *formation. Such publication shall occur not later*  
6        *than 180 days after the date of enactment of this*  
7        *section.*

8        “(3) *NO COST FOR CERTAIN TRANSFERS.*—A  
9        *State educational agency or local educational agency*  
10       *receiving assistance under this Act, or an elementary*  
11       *school or secondary school funded by the Bureau of*  
12       *Indian Education, shall make student records avail-*  
13       *able at the request of any other educational agency or*  
14       *school at no cost to the requesting agency or school if*  
15       *the request is made in order to meet the needs of an*  
16       *Indian child who is enrolled, or was enrolled, in the*  
17       *school receiving assistance under this Act.*

18       “(d) *REPORT TO CONGRESS.*—

19       “(1) *IN GENERAL.*—Not later than 2 years after  
20       *the date of enactment of this section, the Secretary*  
21       *shall prepare and submit, to the Committee on*  
22       *Health, Education, Labor, and Pensions and the*  
23       *Committee on Indian Affairs of the Senate, and the*  
24       *Committee on Education and the Workforce of the*  
25       *House of Representatives a report—*

1           “(A) describing the status of the implemen-  
2           tation of this section; and

3           “(B) including recommendations from the  
4           Secretary and the Secretary of the Interior re-  
5           garding the collection, coordination and ex-  
6           change of health and educational information on  
7           Indian children by the Secretary of the Interior,  
8           the States, and elementary schools and secondary  
9           schools funded by the Bureau of Indian Edu-  
10          cation.

11          “(2) *REQUIRED CONTENTS.*—The Secretary shall  
12          include in the report and recommendations described  
13          in paragraph (1)—

14               “(A) a report on the progress made by the  
15               Secretary of the Interior, the States, and elemen-  
16               tary schools and secondary schools funded by the  
17               Bureau of Indian Education in developing and  
18               linking electronic records transfer systems;

19               “(B) recommendations for the development,  
20               linkage, and maintenance of such systems;

21               “(C) recommendations for measures that  
22               may be taken to ensure the continuity and en-  
23               hancement of services to Indian students;

24               “(D) a report from the Secretary of the In-  
25               terior describing the extent to which funding

1        *supplied to elementary schools and secondary*  
 2        *schools funded by the Bureau of Indian Edu-*  
 3        *cation pursuant to subsection (e)(2)(B) is suffi-*  
 4        *cient to enable those schools to develop and oper-*  
 5        *ate electronic records transfer systems; and*

6                *“(E) a report on recommendations made by*  
 7        *Indian tribes, Indian organizations, tribal de-*  
 8        *partments of education, and elementary schools*  
 9        *and secondary schools funded by the Bureau of*  
 10        *Indian Education, and consortia of such entities,*  
 11        *regarding implementation of this section and the*  
 12        *extent to which such recommendations were*  
 13        *taken into account.*

14                *“(3) PUBLICATION IN FEDERAL REGISTER.—Not*  
 15        *later than 14 days after the report described in para-*  
 16        *graph (1) is submitted to Congress, the Secretary*  
 17        *shall publish such report in the Federal Register.*

18                *“(e) AVAILABILITY OF FUNDS.—*

19                *“(1) RESERVATION.—For the purpose of car-*  
 20        *rying out this section in any fiscal year, the Sec-*  
 21        *retary shall reserve \$20,000,000 of the amount appro-*  
 22        *priated pursuant to section 7152(c).*

23                *“(2) ALLOTMENT FOR THE SECRETARY OF THE*  
 24        *INTERIOR.—*

1           “(A) *IN GENERAL.*—*From the amounts re-*  
2           *served pursuant to paragraph (1), the Secretary*  
3           *shall transfer to the Secretary of the Interior*  
4           *\$8,000,000 for each fiscal year to be used as de-*  
5           *scribed in subparagraph (B).*

6           “(B) *DISTRIBUTION AND USE OF FUNDS.*—  
7           *The Secretary of the Interior shall distribute all*  
8           *funds transferred pursuant to subparagraph (A)*  
9           *to elementary schools and secondary schools*  
10          *funded by the Bureau of Indian Education for*  
11          *use by such schools to pay the costs of estab-*  
12          *lishing and participating in systems for the or-*  
13          *derly linkage and exchange of student records of*  
14          *Indian children. To facilitate such establishment*  
15          *and participation by such schools, the Secretary*  
16          *of the Interior shall, at the request of any such*  
17          *school, supply technical assistance. Amounts re-*  
18          *quired to be supplied to elementary and sec-*  
19          *ondary schools operated by Indian tribes or trib-*  
20          *al organizations pursuant to contracts issued*  
21          *under authority of the Indian Self-Determina-*  
22          *tion and Education Assistance Act (25 U.S.C.*  
23          *450 et seq.) or pursuant to grants issued under*  
24          *authority of the Tribally Controlled Schools Act*  
25          *(25 U.S.C. 2501 et seq.) shall be added to the re-*

1           *spective contracts or grants of such tribes or trib-*  
 2           *al organizations.*

3           “(f) *DATA COLLECTION.—The Secretary shall direct*  
 4           *the National Center for Education Statistics to collect data*  
 5           *on Indian children.*

6           “(g) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
 7           *authorized to be appropriated to carry out this section*  
 8           *\$20,000,000 for each of fiscal years 2012 through 2017.”.*

9           **SEC. 176. AUTHORIZATION OF APPROPRIATIONS.**

10          *Section 7152 (20 U.S.C. 7492) is amended to read as*  
 11          *follows:*

12          **“SEC. 7152. AUTHORIZATIONS OF APPROPRIATIONS.**

13           “(a) *SUBPART 1.—For the purpose of carrying out*  
 14           *subpart 1, there are authorized to be appropriated—*

15                   “(1) *\$130,000,000 for fiscal year 2012; and*

16                   “(2) *such sums as may be necessary for each of*  
 17           *fiscal years 2013 through 2017.*

18           “(b) *SUBPART 2.—For the purpose of carrying out*  
 19           *subpart 2, there are authorized to be appropriated—*

20                   “(1) *\$50,000,000 for fiscal year 2012; and*

21                   “(2) *such sums as may be necessary for each of*  
 22           *fiscal years 2013 through 2017.*

23           “(c) *SUBPART 3.—For the purpose of carrying out sub-*  
 24           *part 3, there are authorized to be appropriated—*

25                   “(1) *\$25,000,000 for fiscal year 2012; and*

1           “(2) such sums as may be necessary for each of  
2       *fiscal years 2013 through 2017.*”.

3           ***PART II—NATIVE HAWAIIAN EDUCATION***

4       ***SEC. 177. FINDINGS.***

5           *Section 7202 (20 U.S.C. 7511 et seq.) is amended to*  
6       *read as follows:*

7       ***“SEC. 7202. FINDINGS.***

8           *“Congress finds the following:*

9           *“(1) Native Hawaiians are a distinct and*  
10       *unique indigenous people with a historical continuity*  
11       *to the original inhabitants of the Hawaiian archi-*  
12       *pelago, whose society was organized as a nation and*  
13       *internationally recognized as a nation by the United*  
14       *States, the United Kingdom, France, and Japan, as*  
15       *evidenced by treaties governing friendship, commerce,*  
16       *and navigation.*

17           *“(2) The United States has recognized and re-*  
18       *affirmed that—*

19           *“(A) Native Hawaiians have a cultural,*  
20       *historic, and land-based link to the indigenous*  
21       *people who exercised sovereignty over the Hawai-*  
22       *ian Islands, and that group has never relin-*  
23       *quished its claims to sovereignty or its sovereign*  
24       *lands;*

1           “(B) *The United States furnishes services to*  
2           *Native Hawaiians because of their unique status*  
3           *as the indigenous people of a once sovereign na-*  
4           *tion with whom the United States has established*  
5           *a trust relationship;*

6           “(C) *Congress has also delegated broad au-*  
7           *thority to administer a portion of the Federal*  
8           *trust responsibility to the State of Hawaii;*

9           “(D) *the political status of Native Hawai-*  
10          *ians is comparable to that of American Indians*  
11          *and Alaska Natives; and*

12          “(E) *the aboriginal, indigenous people of*  
13          *the United States have—*

14               “(i) *a continuing right to autonomy in*  
15               *their internal affairs; and*

16               “(ii) *an ongoing right of self-deter-*  
17               *mination and self-governance that has never*  
18               *been extinguished.*

19          “(3) *The political relationship between the*  
20          *United States and the Native Hawaiian people has*  
21          *been recognized and reaffirmed by the United States,*  
22          *as evidenced by the inclusion of Native Hawaiians*  
23          *in—*

24               “(A) *the Native American Programs Act of*  
25               *1974 (42 U.S.C. 2991 et seq.);*

1           “(B) *Public Law 95-341 (commonly known*  
 2           *as the ‘American Indian Religious Freedom Act’*  
 3           *(42 U.S.C. 1996);*

4           “(C) *the National Museum of the American*  
 5           *Indian Act (20 U.S.C. 80q et seq.);*

6           “(D) *the Native American Graves Protec-*  
 7           *tion and Repatriation Act (25 U.S.C. 3001 et*  
 8           *seq.);*

9           “(E) *the National Historic Preservation Act*  
 10          *(16 U.S.C. 470 et seq.);*

11          “(F) *the Native American Languages Act*  
 12          *(25 U.S.C. 2901 et seq.);*

13          “(G) *the American Indian, Alaska Native,*  
 14          *and Native Hawaiian Culture and Art Develop-*  
 15          *ment Act (20 U.S.C. 4401 et seq.);*

16          “(H) *the Workforce Investment Act of 1998*  
 17          *(29 U.S.C. 2801 et seq.); and*

18          “(I) *the Older Americans Act of 1965 (42*  
 19          *U.S.C. 3001 et seq.).*

20          “(4) *In 1993, 2005, and 2009 the Kamehameha*  
 21          *Schools Bishop Estate released the findings of the Na-*  
 22          *tive Hawaiian Educational Assessment Project, which*  
 23          *found that despite the successes of the programs estab-*  
 24          *lished under title IV of the Augustus F. Hawkins-Rob-*  
 25          *ert T. Stafford Elementary and Secondary School Im-*



1        *provement Amendments of 1988 (20 U.S.C. 4901),*  
2        *many of the same educational needs still existed for*  
3        *Native Hawaiians. Subsequent reports by the Kame-*  
4        *hameha Schools Bishop Estate and other organiza-*  
5        *tions have generally confirmed those findings. For ex-*  
6        *ample—*

7                *“(A) Native Hawaiian students continue to*  
8                *begin their school experience lagging behind other*  
9                *students in terms of readiness factors such as vo-*  
10               *cabulary test scores;*

11               *“(B) Native Hawaiian students continue to*  
12               *score below national norms on standardized edu-*  
13               *cation achievement tests at all grade levels;*

14               *“(C) both public and private schools con-*  
15               *tinue to show a pattern of lower percentages of*  
16               *Native Hawaiian students in the uppermost*  
17               *achievement levels and in gifted and talented*  
18               *programs;*

19               *“(D) Native Hawaiian students continue to*  
20               *be overrepresented among students qualifying for*  
21               *special education programs provided to students*  
22               *with learning disabilities, mild mental retarda-*  
23               *tion, emotional impairment, and other such dis-*  
24               *abilities;*

1           “(E) Native Hawaiians continue to be  
 2           underrepresented in institutions of higher edu-  
 3           cation and among adults who have completed 4  
 4           or more years of college; and

5           “(F) Native Hawaiians continue to be dis-  
 6           proportionately represented in many negative so-  
 7           cial and physical statistics indicative of special  
 8           educational needs.

9           “(5) The number of Native Hawaiian students  
 10          served by the State of Hawaii Department of Edu-  
 11          cation has risen from 20 percent in 1980 to 26 per-  
 12          cent in 2008, and there are, and will continue to be,  
 13          geographically rural, isolated areas with a high Na-  
 14          tive Hawaiian population density.

15          “(6) Despite the consequences of over 100 years  
 16          of nonindigenous influence, the Native Hawaiian peo-  
 17          ple are determined to preserve, develop, and transmit  
 18          to future generations their ancestral territory and  
 19          their cultural identity, in accordance with their own  
 20          spiritual and traditional beliefs, customs, practices,  
 21          language, and social institutions.

22          “(7) The State of Hawaii, in the constitution  
 23          and statutes of the State of Hawaii—

24                 “(A) reaffirms and protects the unique right  
 25                 of the Native Hawaiian people to practice and

1       *perpetuate their culture and religious customs,*  
 2       *beliefs, practices, and language;*

3               *“(B) recognizes the traditional language of*  
 4       *the Native Hawaiian people as an official lan-*  
 5       *guage of the State of Hawaii, which may be used*  
 6       *as the language of instruction for all subjects*  
 7       *and grades in the public school system; and*

8               *“(C) promotes the study of the Hawaiian*  
 9       *culture, language, and history by providing a*  
 10       *Hawaiian education program and using commu-*  
 11       *nity expertise as a suitable and essential means*  
 12       *to further the program.”.*

13   **SEC. 178. PURPOSES.**

14       *Section 7203 (20 U.S.C. 7513) is amended to read as*  
 15   *follows:*

16   **“SEC. 7203. PURPOSES.**

17       *“The purposes of this part are—*

18               *“(1) to authorize, develop, implement, assess, and*  
 19       *evaluate innovative educational programs, Native*  
 20       *Hawaiian language medium programs, Native Ha-*  
 21       *waiian culture-based education programs, and other*  
 22       *education programs to improve the academic achieve-*  
 23       *ment of Native Hawaiian students by meeting their*  
 24       *unique cultural and language needs in order to help*  
 25       *such students meet challenging State academic con-*

1        *tent standards and challenging State student aca-*  
 2        *demic achievement standards;*

3                *“(2) to provide guidance to appropriate Federal,*  
 4        *State, and local agencies to more effectively and effi-*  
 5        *ciently focus resources, including resources made*  
 6        *available under this part, on the development and im-*  
 7        *plementation of—*

8                *“(A) innovative educational programs for*  
 9        *Native Hawaiians;*

10               *“(B) rigorous and substantive Native Ha-*  
 11        *waiian language programs; and*

12               *“(C) Native Hawaiian culture-based edu-*  
 13        *cational programs; and*

14               *“(3) to create a system by which information*  
 15        *from programs funded under this part will be col-*  
 16        *lected, analyzed, evaluated, reported, and used in de-*  
 17        *cisionmaking activities regarding the types of grants*  
 18        *awarded under this part.”.*

19    **SEC. 179. NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.**

20        *Section 7204 (20 U.S.C. 7514) is amended to read as*  
 21        *follows:*

22    **“SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL**  
 23        **GRANT.**

24        *“(a) GRANT AUTHORIZED.—In order to better effec-*  
 25        *tuate the purposes of this part through the coordination of*

1 *educational and related services and programs available to*  
 2 *Native Hawaiians, including those programs that receive*  
 3 *funding under this part, the Secretary shall award a grant*  
 4 *to an education council, as described under subsection (b).*

5 “(b) *EDUCATION COUNCIL.*—

6 “(1) *ELIGIBILITY.*—*To be eligible to receive the*  
 7 *grant under subsection (a), the council shall be an*  
 8 *education council (referred to in this section as the*  
 9 *‘Education Council’)* *that meets the requirements of*  
 10 *this subsection.*

11 “(2) *COMPOSITION.*—*The education council shall*  
 12 *consist of 15 members of whom—*

13 “(A) *1 shall be the President of the Univer-*  
 14 *sity of Hawaii (or a designee);*

15 “(B) *1 shall be the Governor of the State of*  
 16 *Hawaii (or a designee);*

17 “(C) *1 shall be the Superintendent of the*  
 18 *State of Hawaii Department of Education (or a*  
 19 *designee);*

20 “(D) *1 shall be the chairperson of the Office*  
 21 *of Hawaiian Affairs (or a designee);*

22 “(E) *1 shall be the executive director of Ha-*  
 23 *waii’s Charter School Network (or a designee);*

24 “(F) *1 shall be the chief executive officer of*  
 25 *the Kamehameha Schools (or a designee);*

1                   “(G) 1 shall be the chairperson of the Queen  
2                   *Liliuokalani Trust (or a designee);*

3                   “(H) 1 shall be a member, selected by the  
4                   *other members of the Education Council, who*  
5                   *represents a private grant-making entity;*

6                   “(I) 1 shall be the Mayor of the County of  
7                   *Hawaii (or a designee);*

8                   “(J) 1 shall be the Mayor of Maui County  
9                   *(or a designee from the Island of Maui);*

10                  “(K) 1 shall be the Mayor of the County of  
11                  *Kauai (or a designee);*

12                  “(L) 1 shall be appointed by the Mayor of  
13                  *Maui County from the Island of either Molokai*  
14                  *or Lanai;*

15                  “(M) 1 shall be the Mayor of the City and  
16                  *County of Honolulu (or a designee);*

17                  “(N) 1 shall be the chairperson of the Ha-  
18                  *waiian Homes Commission (or a designee); and*

19                  “(O) 1 shall be the chairperson of the Ha-  
20                  *waii Workforce Development Council (or a des-*  
21                  *ignee representing the private sector).*

22                  “(3) *LIMITATION.*—A member (including a des-  
23                  *ignee), while serving on the Education Council, shall*  
24                  *not be a recipient of grant funds that are awarded*  
25                  *under this part.*

1           “(4) *TERM OF MEMBERS.*—*A member who is a*  
 2           *designee shall serve for a term of not more than 4*  
 3           *years.*

4           “(5) *CHAIR, VICE CHAIR.*—

5                 “(A) *SELECTION.*—*The Education Council*  
 6                 *shall select a Chair and a Vice Chair from*  
 7                 *among the members of the Education Council.*

8                 “(B) *TERM LIMITS.*—*The Chair and Vice*  
 9                 *Chair shall each serve for a 2-year term.*

10           “(6) *ADMINISTRATIVE PROVISIONS RELATING TO*  
 11           *EDUCATION COUNCIL.*—*The Education Council shall*  
 12           *meet at the call of the Chair of the Council, or upon*  
 13           *request by a majority of the members of the Edu-*  
 14           *cation Council, but in any event not less often than*  
 15           *every 120 days.*

16           “(7) *NO COMPENSATION.*—*None of the funds*  
 17           *made available through the grant may be used to pro-*  
 18           *vide compensation to any member of the Education*  
 19           *Council or member of a working group established by*  
 20           *the Education Council, for functions described in this*  
 21           *section.*

22           “(c) *USE OF FUNDS FOR COORDINATION ACTIVI-*  
 23           *TIES.*—*The Education Council shall use funds made avail-*  
 24           *able through the grant to carry out each of the following*  
 25           *activities:*

1           “(1) *Providing advice about the coordination,*  
2           *and serving as a clearinghouse for, the educational*  
3           *and related services and programs available to Native*  
4           *Hawaiians, including the programs assisted under*  
5           *this part.*

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

10          “(3) *Providing direction and guidance, through*  
11          *the issuance of reports and recommendations, to ap-*  
12          *propriate Federal, State, and local agencies in order*  
13          *to focus and improve the use of resources, including*  
14          *resources made available under this part, relating to*  
15          *Native Hawaiian education, and serving, where ap-*  
16          *propriate, in an advisory capacity.*

17          “(4) *Awarding grants, if such grants enable the*  
18          *education council to carry out the activities described*  
19          *in paragraphs (1) through (3).*

20          “(5) *Hiring an Executive Director who shall as-*  
21          *sist in executing the duties and powers of the edu-*  
22          *cation council, as described in subsection (d).*

23          “(d) *USE OF FUNDS FOR TECHNICAL ASSISTANCE.—*  
24          *The education council shall use funds made available*  
25          *through the grant to—*



1           “(1) provide technical assistance to Native Ha-  
2           waiian organizations that are grantees or potential  
3           grantees under this part;

4           “(2) obtain from such grantees information re-  
5           garding grants awarded under this part, including  
6           information about—

7                   “(A) the effectiveness of such grantees in  
8                   meeting the educational priorities established by  
9                   the education council, as described in paragraph  
10                  (6)(E); and

11                   “(B) the effectiveness of such grantees in  
12                   carrying out any of the activities described in  
13                   section 7205(c) that are related to the specific  
14                   goals and purposes of each grantee’s grant  
15                   project;

16           “(3) assess and define the educational needs of  
17           Native Hawaiians;

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

20           “(5) assess and evaluate the individual and ag-  
21           gregate impact achieved by grantees in improving  
22           Native Hawaiian educational performance and meet-  
23           ing the goals of this part;

1           “(6) prepare and submit to the Secretary, at the  
2           end of each calendar year, an annual report that con-  
3           tains—

4                   “(A) a description of the activities of the  
5                   education council during the calendar year;

6                   “(B) recommendations of the education  
7                   council, if any, regarding priorities established  
8                   under section 7205(b);

9                   “(C) a description of significant barriers to  
10                  achieving the goals of this part;

11                  “(D) a summary of each community con-  
12                  sultation session described in subsection (e);

13                  “(E) recommendations to establish prior-  
14                  ities for funding under this part, based on an as-  
15                  sessment of—

16                          “(i) the educational needs of Native  
17                          Hawaiians;

18                          “(ii) programs and services available  
19                          to address such needs;

20                          “(iii) the effectiveness of programs in  
21                          improving the educational performance of  
22                          Native Hawaiian students to help such stu-  
23                          dents meet challenging State student aca-  
24                          demic achievement standards; and

1                   “(iv) priorities for funding in specific  
2                   geographic communities.

3           “(e) *USE OF FUNDS FOR COMMUNITY CONSULTA-*  
4 *TIONS.—The Education Council shall use funds made avail-*  
5 *able though the grant to hold not less than one community*  
6 *consultation each year on each of the islands of Hawaii,*  
7 *Maui, Molokai, Lanai, Oahu, and Kauai, at which—*

8                   “(1) not less than 3 members of the Education  
9           Council shall be in attendance;

10                  “(2) the Education Council shall gather commu-  
11           nity input regarding—

12                   “(A) current grantees, as of the date of the  
13           consultation;

14                   “(B) priorities and needs of Native Hawai-  
15           ians; and

16                   “(C) other Native Hawaiian education  
17           issues; and

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

21           “(f) *FUNDING.—For each fiscal year, the Secretary*  
22 *shall use the amount described in section 7206(d), to make*  
23 *a payment under the grant. Funds made available through*  
24 *the grant shall remain available until expended.*

1       “(g) *REPORT.*—Not later than 2 years after the date  
 2 of enactment of the Native Culture, Language, and Access  
 3 for Success in Schools Act the Secretary shall prepare and  
 4 submit to the Committee on Education and the Workforce  
 5 of the House of Representatives, and the Committee on In-  
 6 dian Affairs and the Committee on Health, Education,  
 7 Labor, and Pensions of the Senate a report that—

8               “(1) summarizes the annual reports of the Edu-  
 9 cation Council;

10              “(2) describes the allocation and use of funds  
 11 under this part and the information gathered since  
 12 the first annual report submitted by the Education  
 13 Council to the Secretary under this section; and

14              “(3) contains recommendations for changes in  
 15 Federal, State, and local policy to advance the pur-  
 16 poses of this part.”.

17 **SEC. 180. GRANT PROGRAM AUTHORIZED.**

18       Section 7205 (20 U.S.C. 7515 *et seq.*) is amended to  
 19 read as follows:

20 **“SEC. 7205. GRANT PROGRAM AUTHORIZED.**

21       “(a) *GRANTS AND CONTRACTS.*—In order to carry out  
 22 programs that meet the purposes of this part, the Secretary  
 23 is authorized to award grants to, or enter into contracts  
 24 with—

1           “(1) *Native Hawaiian educational organiza-*  
2       *tions;*

3           “(2) *Native Hawaiian community-based organi-*  
4       *zations;*

5           “(3) *public and private nonprofit organizations,*  
6       *agencies, and institutions with experience in devel-*  
7       *oping or operating Native Hawaiian programs or*  
8       *programs of instruction in the Native Hawaiian lan-*  
9       *guage;*

10          “(4) *charter schools; and*

11          “(5) *consortia of the organizations, agencies, and*  
12       *institutions described in paragraphs (1) through (4).*

13       “(b) *PRIORITY.—In awarding grants and entering*  
14       *into contracts under this part, the Secretary shall give pri-*  
15       *ority to—*

16           “(1) *programs that meet the educational prior-*  
17       *ities established by the Education Council under sec-*  
18       *tion 7204(c)(6)(E); and*

19           “(2) *programs in which a State educational*  
20       *agency, local educational agency, institution of higher*  
21       *education, or a State educational agency or local edu-*  
22       *cational agency in partnership with an institution of*  
23       *higher education apply for a grant or contract under*  
24       *this part as part of a partnership or consortium.*

1       “(c) *AUTHORIZED ACTIVITIES.*—Activities provided  
2 through programs carried out under this part may in-  
3 clude—

4               “(1) the development and maintenance of a  
5 statewide Native Hawaiian early education and care  
6 system to provide a continuum of high-quality early  
7 learning services for Native Hawaiian children from  
8 the prenatal period through the age of kindergarten  
9 entry;

10              “(2) the operation of family-based education cen-  
11 ters that provide such services as—

12                      “(A) programs for Native Hawaiian par-  
13 ents and their infants from the prenatal period  
14 through age 3;

15                      “(B) preschool programs for Native Hawai-  
16 ians; and

17                      “(C) research on, and development and as-  
18 sessment of, family-based, early childhood and  
19 preschool programs for Native Hawaiians;

20              “(3) activities that enhance beginning reading  
21 and literacy in either the Hawaiian or the English  
22 language among Native Hawaiian students in kinder-  
23 garten through grade 3 and assistance in addressing  
24 the distinct features of combined English and Hawai-

1        *ian literacy for Hawaiian speakers in grades 5 and*  
 2        *6;*

3                *“(4) activities to meet the special needs of Native*  
 4        *Hawaiian students with disabilities, including—*

5                        *“(A) the identification of such students and*  
 6        *their needs;*

7                        *“(B) the provision of support services to the*  
 8        *families of such students; and*

9                        *“(C) other activities consistent with the re-*  
 10        *quirements of the Individuals with Disabilities*  
 11        *Education Act;*

12                *“(5) activities that address the special needs of*  
 13        *Native Hawaiian students who are gifted and tal-*  
 14        *ented, including—*

15                        *“(A) educational, psychological, and devel-*  
 16        *opmental activities designed to assist in the edu-*  
 17        *cational progress of such students; and*

18                        *“(B) activities that involve the parents of*  
 19        *such students in a manner designed to assist in*  
 20        *the educational progress of such students;*

21                *“(6) the development of academic and vocational*  
 22        *curricula to address the needs of Native Hawaiian*  
 23        *children and adults, including curricula materials in*  
 24        *the Hawaiian language and mathematics and science*

1       *curricula that incorporate Native Hawaiian tradition*  
2       *and culture;*

3               “(7) *professional development activities for edu-*  
4       *cators, including—*

5                       “(A) *the development of programs to pre-*  
6       *pare prospective teachers to address the unique*  
7       *needs of Native Hawaiian students within the*  
8       *context of Native Hawaiian culture, language,*  
9       *and traditions;*

10                      “(B) *in-service programs to improve the*  
11       *ability of teachers who teach in schools with high*  
12       *concentrations of Native Hawaiian students to*  
13       *meet the unique needs of such students; and*

14                      “(C) *the recruitment and preparation of*  
15       *Native Hawaiians, and other individuals who*  
16       *live in communities with a high concentration of*  
17       *Native Hawaiians, to become teachers;*

18               “(8) *the operation of community-based learning*  
19       *centers that address the needs of Native Hawaiian*  
20       *families and communities through the coordination of*  
21       *public and private programs and services, includ-*  
22       *ing—*

23                      “(A) *preschool programs;*

24                      “(B) *after-school programs;*



1           “(C) career and technical and adult edu-  
2 cation programs; and

3           “(D) programs that recognize and support  
4 the unique cultural and educational needs of Na-  
5 tive Hawaiian children, and incorporate appro-  
6 priately qualified Native Hawaiian elders and  
7 seniors;

8           “(9) activities, including program co-location, to  
9 enable Native Hawaiians to enter and complete pro-  
10 grams of postsecondary education, including—

11           “(A) provision of full or partial scholar-  
12 ships for undergraduate or graduate study that  
13 are awarded to students based on their academic  
14 promise and financial need, with a priority, at  
15 the graduate level, given to students entering  
16 professions in which Native Hawaiians are  
17 underrepresented;

18           “(B) family literacy services;

19           “(C) counseling and support services for  
20 students receiving scholarship assistance;

21           “(D) counseling and guidance for Native  
22 Hawaiian secondary school students who have  
23 the potential to receive scholarships; and

1                   “(E) faculty development activities designed  
2                   to promote the matriculation of Native Hawai-  
3                   ian students;

4                   “(10) research and data collection activities to  
5                   determine the educational status and needs of Native  
6                   Hawaiian children and adults;

7                   “(11) other research and evaluation activities re-  
8                   lated to programs carried out under this part; and

9                   “(12) other activities, consistent with the pur-  
10                  poses of this part, to meet the educational needs of  
11                  Native Hawaiian children and adults.

12               “(d) *ADDITIONAL ACTIVITIES.*—Notwithstanding any  
13 other provision of this part, funds made available to carry  
14 out this section as of the day before the date of enactment  
15 of the Native Culture, Language, and Access for Success in  
16 Schools Act shall remain available until expended. The Sec-  
17 retary shall use such funds to support the following:

18               “(1) The development of a body of Native Ha-  
19 waiian law.

20               “(2) The perpetuation of, and expansion of ac-  
21 cess to, Hawaiian culture and history through digital  
22 archives.

23               “(3) Informal education programs that connect  
24 traditional Hawaiian knowledge, science, astronomy,

1       *and the environment through State museums or*  
 2       *learning centers.*

3               “(4) *Public charter schools serving high con-*  
 4       *centrations of Native Hawaiian students.*

5       “(e) *ADMINISTRATIVE COSTS.—*

6               “(1) *IN GENERAL.—Except as provided in para-*  
 7       *graph (2), not more than 5 percent of funds provided*  
 8       *to a recipient of a grant or contract under this sec-*  
 9       *tion for any fiscal year may be used for administra-*  
 10       *tive purposes.*

11              “(2) *EXCEPTION.—The Secretary may waive the*  
 12       *requirement of paragraph (1) for a nonprofit entity*  
 13       *that receives funding under this section. The Sec-*  
 14       *retary may allow not more than 10 percent of funds*  
 15       *provided to such nonprofit entity under this section*  
 16       *for any fiscal year to be used for administrative pur-*  
 17       *poses.*

18       “(f) *SCHOLARSHIP RULE AND CONDITIONS.—*

19              “(1) *INSTITUTIONS OUTSIDE HAWAII.—The Sec-*  
 20       *retary may not establish a policy under this section*  
 21       *that prevents a Native Hawaiian student enrolled at*  
 22       *a 2- or 4-year degree granting institution of higher*  
 23       *education outside of the State of Hawaii from receiv-*  
 24       *ing a scholarship pursuant to subsection (d)(9)(A).*

1           “(2) *SCHOLARSHIP CONDITIONS.*—*The Secretary*  
 2           *shall establish conditions for receipt of a scholarship*  
 3           *awarded under subsection (d)(9)(A). The conditions*  
 4           *shall require that an individual seeking such a schol-*  
 5           *arship enter into a contract to provide professional*  
 6           *services to the Native Hawaiian community, either*  
 7           *during the scholarship period or upon completion of*  
 8           *a program of postsecondary education.”.*

9   **SEC. 181. ADMINISTRATIVE PROVISIONS; AUTHORIZATION**  
 10                   **OF APPROPRIATIONS.**

11           *Section 7206 (20 U.S.C. 7516) is amended to read as*  
 12           *follows:*

13   **“SEC. 7206. ADMINISTRATIVE PROVISIONS.**

14           “(a) *APPLICATION REQUIRED.*—*No grant may be*  
 15           *made under this part, and no contract may be entered into*  
 16           *under this part, unless the entity seeking the grant or con-*  
 17           *tract submits an application to the Secretary at such time,*  
 18           *in such manner, and containing such information as the*  
 19           *Secretary may determine to be necessary to carry out the*  
 20           *provisions of this part.*

21           “(b) *DIRECT GRANT APPLICATIONS.*—*The Secretary*  
 22           *shall provide a copy of all direct grant applications to the*  
 23           *Education Council.*

24           “(c) *SUPPLEMENT NOT SUPPLANT.*—

1           “(1) *IN GENERAL.*—*Except as provided in para-*  
 2           *graph (2), funds made available under this part shall*  
 3           *be used to supplement, and not supplant, any State*  
 4           *or local funds used to achieve the purposes of this*  
 5           *part.*

6           “(2) *EXCEPTION.*—*Paragraph (1) shall not*  
 7           *apply to any nonprofit entity or Native Hawaiian*  
 8           *community-based organization that receives a grant*  
 9           *or other funds under this part.*

10          “(d) *AUTHORIZATION OF APPROPRIATIONS.*—

11           “(1) *IN GENERAL.*—*There are authorized to be*  
 12           *appropriated to carry out this section 7204 and sec-*  
 13           *tion 7205 such sums as may be necessary for fiscal*  
 14           *year 2011 and each of the 5 succeeding fiscal years.*

15           “(2) *RESERVATION.*—*Of the funds appropriated*  
 16           *under this subsection, the Secretary shall reserve, for*  
 17           *each fiscal year after the date of enactment of the Na-*  
 18           *tive Culture, Language, and Access for Success in*  
 19           *Schools Act not less than \$500,000 for the grant to the*  
 20           *Education Council under section 7204.*

21           “(3) *AVAILABILITY.*—*Funds appropriated under*  
 22           *this subsection shall remain available until ex-*  
 23           *pended.”.*

24          **SEC. 182. DEFINITIONS.**

25          *Section 7207 (20 U.S.C. 7517) is amended—*

1           (1) by redesignating paragraphs (1) through (6)  
2           and paragraphs (2) through (7) respectively; and

3           (2) by inserting before paragraph (2) (as redesign-  
4           nated by paragraph (1)) the following:

5           “(1) *COMMUNITY CONSULTATION.*—The term  
6           ‘community consultation’ means a public gathering—

7                   “(A) to discuss Native Hawaiian education  
8                   concerns; and

9                   “(B) about which the public has been given  
10                  not less than 30 days notice.”.

## 11           ***Subtitle G—Impact Aid***

### 12   ***SEC. 185. IMPACT AID.***

13           Section 8004 of the Elementary and Secondary Edu-  
14           cation Act of 1965 (20 U.S.C. 7704) is amended—

15           (1) by redesignating subsections (c) through (f)  
16           as subsections (d) through (g), respectively;

17           (2) by inserting after subsection (b) the fol-  
18           lowing:

19           “(c) *ANNUAL SUMMARY.*—On an annual basis, a local  
20           educational agency that claims children residing on Indian  
21           lands for the purpose of receiving funds under section 8003  
22           shall provide Indian tribes with—

23                   “(1) a summary of programs and activities that  
24                   were created for the claimed children, or in which the  
25                   claimed children participate; and

1           “(2) the funding received under section 8003 in  
2           the prior and current fiscal years attributable to such  
3           claimed children.”;

4           (3) in subsection (e), as redesignated by para-  
5           graph (1)—

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

8                 (B) in paragraph (2), by striking the period  
9                 and inserting a semicolon; and

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

11                “(3) conduct annual outreach to Indian tribes  
12                about the impact aid program supported under this  
13                title and the provisions of this section; and

14                “(4) submit an annual report, to the Committee  
15                on Indian Affairs and the Committee on Health,  
16                Education, Labor, and Pensions of the Senate, and  
17                the Committee on Natural Resources and the Com-  
18                mittee on Education and the Workforce of the House  
19                of Representatives, that includes, with respect to the  
20                preceding year—

21                       “(A) a summary of the dates for, types of,  
22                       and Indian tribes attending the outreach con-  
23                       ducted pursuant to paragraph (3);

1           “(B) a summary of the complaints filed  
2           under subsection (f) and the disposition of such  
3           complaints pursuant to this section; and

4           “(C) any other information the Secretary  
5           determines appropriate regarding this section.”;  
6           and

7           (4) by inserting after subsection (g), as redesign-  
8           ated by paragraph (1), the following:

9           “(h) *TIMELY PAYMENTS.*—

10           “(1) *IN GENERAL.*—Subject to paragraph (2), the  
11           Secretary shall pay a local educational agency that  
12           claims children residing on Indian lands for the pur-  
13           pose of receiving funds under section 8003 the full  
14           amount that the agency is eligible to receive under  
15           this title for a fiscal year not later than September  
16           30 of the second fiscal year following the fiscal year  
17           for which such amount has been appropriated if, not  
18           later than 1 calendar year following the fiscal year in  
19           which such amount has been appropriated, such local  
20           educational agency submits to the Secretary all the  
21           data and information necessary for the Secretary to  
22           pay the full amount that the agency is eligible to re-  
23           ceive under this title for such fiscal year.

24           “(2) *PAYMENTS WITH RESPECT TO FISCAL YEARS*  
25           *IN WHICH INSUFFICIENT FUNDS ARE APPRO-*



1        *PRIATED.—For a fiscal year in which the amount ap-*  
 2        *propriated under section 8014 is insufficient to pay*  
 3        *the full amount a local educational agency is eligible*  
 4        *to receive under this title, paragraph (1) shall be ap-*  
 5        *plied by substituting ‘is available to pay the agency’*  
 6        *for ‘the agency is eligible to receive’ each place it ap-*  
 7        *pears.”.*

## 8        ***Subtitle H—General Provisions***

### 9        ***SEC. 191. HIGHLY QUALIFIED DEFINITION.***

10        *Section 9109(23) of the Elementary and Secondary*  
 11        *Education Act of 1965 (20 U.S.C. 7801(23)) is amended—*

12                *(1) in subparagraph (B)(ii)(II), by striking “;*  
 13                *and” and inserting a semicolon;*

14                *(2) in subparagraph (C)(ii)(VII), by striking the*  
 15                *period and inserting “; and”; and*

16                *(3) by adding at the end the following:*

17                        *“(D) when used with respect to any public*  
 18                        *elementary school or secondary school teacher*  
 19                        *teaching Native American or Hawaiian lan-*  
 20                        *guage, history, or culture in a State or any Bu-*  
 21                        *reau of Indian Affairs funded or operated school,*  
 22                        *means a teacher certified by an Indian tribe or*  
 23                        *Native Hawaiian educational organization as*  
 24                        *highly qualified to teach such subjects.”.*

1 **SEC. 192. APPLICABILITY OF ESEA TO BUREAU OF INDIAN**  
 2 **EDUCATION SCHOOLS.**

3 *Section 9103 (20 U.S.C. 7821) is amended to read as*  
 4 *follows:*

5 **“SEC. 9103. APPLICABILITY TO BUREAU OF INDIAN EDU-**  
 6 **CATION SCHOOLS.**

7 *“(a) IN GENERAL.—For the purpose of any competi-*  
 8 *tive program under this Act, a school described in sub-*  
 9 *section (b) shall have the same eligibility for and be given*  
 10 *the same consideration as a local educational agency with*  
 11 *regard to such program.*

12 *“(b) DESCRIPTION OF SCHOOLS.—A school described*  
 13 *in this subsection is—*

14 *“(1) a school funded by the Bureau of Indian*  
 15 *Education (including a school operated under a con-*  
 16 *tract or grant with the Bureau of Indian Education),*  
 17 *or a consortium of such schools; or*

18 *“(2) a school funded by the Bureau of Indian*  
 19 *Education in consortium with an Indian tribe, an*  
 20 *institution of higher education, a tribal organization,*  
 21 *or a community organization.*

22 *“(c) OUTREACH.—The Secretary shall perform out-*  
 23 *reach to schools and consortia described in subsection (b)*  
 24 *to encourage such schools and consortia to apply for each*  
 25 *competitive program under this Act, and shall provide tech-*

1 nical assistance as needed to enable such schools and con-  
 2 sortia to submit applications for such programs.

3 “(d) *COLLABORATION.*—The Secretary shall collabo-  
 4 rate with the Secretary of the Interior to provide training  
 5 and technical assistance to the Bureau of Indian Edu-  
 6 cation, Indian tribes, and schools operated under contracts  
 7 and grants from the Bureau of Indian Education, regard-  
 8 ing—

9 “(1) curriculum selection, including development  
 10 of culturally appropriate curricula;

11 “(2) the development and use of appropriate as-  
 12 sessments; and

13 “(3) effective instructional practices.”.

14 **SEC. 193. INCREASED ACCESS TO RESOURCES FOR TRIBAL**  
 15 **SCHOOLS, SCHOOLS SERVED BY THE BUREAU**  
 16 **OF INDIAN EDUCATION, AND NATIVE AMER-**  
 17 **ICAN STUDENTS.**

18 (a) *TECHNICAL ASSISTANCE AND CAPACITY BUILD-*  
 19 *ING.*—Subpart 2 of part E of title IX of the Elementary  
 20 and Secondary Education Act of 1965 (20 U.S.C. 7901 et  
 21 seq.) is amended by adding at the end the following:

1 **“SEC. 9537. TECHNICAL ASSISTANCE AND CAPACITY BUILD-**  
 2 **ING FOR TRIBAL SCHOOLS AND SCHOOLS**  
 3 **SERVED BY THE BUREAU OF INDIAN EDU-**  
 4 **CATION.**

5 *“Notwithstanding any other provision of this Act, the*  
 6 *Secretary shall ensure that any program supported with*  
 7 *funds provided under this Act that awards grants, con-*  
 8 *tracts, or other assistance to public schools, provides a 1*  
 9 *percent reservation for technical assistance or capacity*  
 10 *building for tribal schools or schools served by the Bureau*  
 11 *of Indian Education to ensure such tribal schools or schools*  
 12 *served by the Bureau of Indian Education are provided the*  
 13 *assistance to compete for such grants, contracts, or other*  
 14 *assistance.”.*

15 **TITLE II—AMENDMENTS TO**  
 16 **OTHER LAWS**

17 **SEC. 201. AMENDMENTS TO THE AMERICAN RECOVERY AND**  
 18 **REINVESTMENT ACT OF 2009 TO PROVIDE**  
 19 **FUNDING FOR INDIAN PROGRAMS.**

20 *Title XIV of Division A of the American Recovery and*  
 21 *Reinvestment Act of 2009 (Public Law 111–5; 123 Stat.*  
 22 *279) is amended—*

23 *(1) by striking subsection (a) of section 14001*  
 24 *and inserting the following:*

25 *“(a) OUTLYING AREAS; BUREAU OF INDIAN EDU-*  
 26 *CATION.—*

1           “(1) *OUTLYING AREAS.*—*From the amount ap-*  
 2           *propriated to carry out this title, the Secretary of*  
 3           *Education shall first allocate up to one-half of one*  
 4           *percent to the outlying areas on the basis of their re-*  
 5           *spective needs, as determined by the Secretary, in*  
 6           *consultation with the Secretary of the Interior, for ac-*  
 7           *tivities consistent with this title under such terms and*  
 8           *conditions as the Secretary may determine.*

9           “(2) *BUREAU OF INDIAN EDUCATION.*—*From the*  
 10          *amounts appropriated to carry out section 14006 and*  
 11          *section 14007, the Secretary of Education shall allo-*  
 12          *cate not less than 1 percent, but not more than 5 per-*  
 13          *cent, to the schools funded by the Bureau of Indian*  
 14          *Education on the basis of their respective needs, as*  
 15          *determined by the Secretary of Education, in con-*  
 16          *sultation with the Secretary of the Interior, for activi-*  
 17          *ties consistent with such sections under such terms*  
 18          *and conditions as the Secretary may determine.”; and*

19          *(2) in section 14005(d), by striking paragraph*  
 20          *(6) (as added by section 1832(b) of the Department*  
 21          *of Defense and Full-Year Continuing Appropriations*  
 22          *Act, 2011 (Public Law 112–10, 125 Stat. 164)) and*  
 23          *inserting the following:*

24          “(6) *IMPROVING EARLY CHILDHOOD CARE AND*  
 25          *EDUCATION.*—*The State will take actions to—*

1           “(A) increase the number and percentage of  
 2           low-income and disadvantaged children in each  
 3           age group of infants, toddlers, and preschoolers  
 4           who are enrolled in high-quality early learning  
 5           programs;

6           “(B) design and implement an integrated  
 7           system of high-quality early learning programs  
 8           and services;

9           “(C) in collaboration with Indian tribes in  
 10          the State, ensure that the actions described in  
 11          subparagraphs (A) and (B) are taken to ensure  
 12          that high-quality early learning programs and  
 13          services are provided to Indian children in the  
 14          State, which may be accomplished through sub-  
 15          grants to such tribes; and

16          “(D) ensure that any use of assessments  
 17          conforms with the recommendations of the Na-  
 18          tional Research Council’s reports on early child-  
 19          hood.”.

20   **SEC. 202. QUALIFIED SCHOLARSHIPS FOR EDUCATION AND**  
 21           **CULTURAL BENEFITS.**

22          (a) *IN GENERAL.*—Section 117 of the Internal Revenue  
 23          Code of 1986 is amended by adding at the end the following  
 24          new subsection:

25          “(e) *INDIAN EDUCATION AND CULTURAL BENEFITS.*—

1           “(1) *IN GENERAL.*—*Except as otherwise provided*  
 2           *in this subsection, gross income does not include the*  
 3           *value of—*

4                     “(A) *any qualified Indian education ben-*  
 5                     *efit, or*

6                     “(B) *any qualified Indian cultural benefit.*

7           “(2) *QUALIFIED INDIAN EDUCATION BENEFIT.*—  
 8           *For purposes of this subsection, the term ‘qualified*  
 9           *Indian education benefit’ means—*

10                    “(A) *any educational grant or benefit pro-*  
 11                    *vided, directly or indirectly, to a member of an*  
 12                    *Indian tribe, including a spouse or dependent of*  
 13                    *such a member, by the Federal Government*  
 14                    *through a grant to or a contract or compact with*  
 15                    *an Indian tribe or tribal organization or*  
 16                    *through a third-party program funded by the*  
 17                    *Federal Government, and*

18                    “(B) *any educational grant or benefit pro-*  
 19                    *vided or purchased by an Indian tribe or tribal*  
 20                    *organization to or for a member of an Indian*  
 21                    *tribe, including a spouse or dependent of such a*  
 22                    *member.*

23           “(3) *QUALIFIED INDIAN CULTURAL BENEFIT.*—  
 24           *For purposes of this subsection, the term ‘qualified*  
 25           *Indian cultural benefit’ means—*

1           “(A) *any grant or benefit provided, directly*  
 2           *or indirectly, to a member of an Indian tribe,*  
 3           *including a spouse or dependent of such a mem-*  
 4           *ber, by the Federal Government through a grant*  
 5           *to or a contract or compact with an Indian tribe*  
 6           *or tribal organization or through a third-party*  
 7           *program funded by the Federal Government, for*  
 8           *the study of the language, culture, and ways of*  
 9           *life of the tribe, and*

10           “(B) *any grant or benefit provided or pur-*  
 11           *chased by an Indian tribe or tribal organization*  
 12           *to or for a member of an Indian tribe, including*  
 13           *a spouse or dependent of such a member, for the*  
 14           *study of the language, culture, and ways of life*  
 15           *of the tribe.*

16           “(4) *DEFINITIONS.—For purposes of this sub-*  
 17           *section—*

18           “(A) *INDIAN TRIBE.—The term ‘Indian*  
 19           *tribe’ has the meaning given such term by sec-*  
 20           *tion 45A(c)(6).*

21           “(B) *TRIBAL ORGANIZATION.—The term*  
 22           *‘tribal organization’ has the meaning given such*  
 23           *term by section 4(l) of the Indian Self-Deter-*  
 24           *mination and Education Assistance Act.*



1                   “(C) *DEPENDENT.*—*The term ‘dependent’*  
 2                   *has the meaning given such term by section 152,*  
 3                   *determined without regard to subsections (b)(1),*  
 4                   *(b)(2), and (d)(1)(B) thereof.*

5                   “(5) *DENIAL OF DOUBLE BENEFIT.*—*This sub-*  
 6                   *section shall not apply to the amount of any qualified*  
 7                   *Indian education benefit or qualified Indian cultural*  
 8                   *benefit which is not includible in gross income of the*  
 9                   *beneficiary of such benefit by reason of any other pro-*  
 10                   *vision of this title, or to the amount of any such ben-*  
 11                   *efit for which a deduction is allowed to such bene-*  
 12                   *ficiary under any other provision of this title.”.*

13                   “(b) *EFFECTIVE DATE.*—*The amendment made by this*  
 14                   *section shall apply to amounts received after the date of*  
 15                   *enactment of this Act.*

16   **SEC. 203. TRIBAL EDUCATION POLICY ADVISORY GROUP.**

17                   *Section 1126 of the Education Amendments of 1978*  
 18                   *(25 U.S.C. 2006) is amended by adding at the end the fol-*  
 19                   *lowing:*

20                   “(h) *TRIBAL EDUCATION POLICY ADVISORY GROUP.*—

21                   “(1) *ESTABLISHMENT.*—*Not later than 120 days*  
 22                   *after the date of enactment of this subsection, the Sec-*  
 23                   *retary, acting through the Assistant Secretary for In-*  
 24                   *dian Affairs, shall establish a Tribal Education Pol-*  
 25                   *icy Advisory Group (referred to in this subsection as*

1       the ‘TEPAG’) to advise the Secretary and the Assist-  
 2       ant Secretary on all policies, guidelines, pro-  
 3       grammatic issues, and budget development for the  
 4       school system funded by the Bureau of Indian Edu-  
 5       cation.

6               “(2) DUTIES.—

7               “(A) IN GENERAL.—The Secretary shall  
 8       consult with the TEPAG prior to proposing any  
 9       regulations, establishing or changing any poli-  
 10      cies, or submitting any budget proposal applica-  
 11      ble to the Bureau of Indian Education school  
 12      system.

13              “(B) RECOMMENDATIONS.—The Secretary  
 14      shall include in the proposed budget developed  
 15      annually for the Bureau of Indian Education  
 16      any recommendations made by the TEPAG re-  
 17      sulting from the consultation under subpara-  
 18      graph (A).

19              “(C) SUPPLEMENT, NOT SUPPLANT.—The  
 20      consultation required by subparagraph (A) shall  
 21      be in addition to and shall not replace the con-  
 22      sultation requirement of section 1131.

23              “(3) COMPOSITION.—

1           “(A) *IN GENERAL.*—*The TEPAG shall be*  
 2           *composed of 26 members, who shall be selected in*  
 3           *accordance with subparagraphs (B) through (D).*

4           “(B) *TRIBAL MEMBERS.*—

5           “(i) *IN GENERAL.*—*The TEPAG shall*  
 6           *be composed of 22 elected or appointed trib-*  
 7           *al officials (or designated employees of the*  
 8           *officials with authority to act on behalf of*  
 9           *the officials), 1 from each education line of-*  
 10          *fice of the Bureau of Indian Education, who*  
 11          *shall act as principal members of the*  
 12          *TEPAG.*

13          “(ii) *SELECTION PROCESS.*—*The tribes*  
 14          *and schools served by each education line of-*  
 15          *fice shall establish a process to select the*  
 16          *principal member and alternate member of*  
 17          *that education line office to TEPAG.*

18          “(iii) *ALTERNATES.*—*The alternate*  
 19          *member of an education line office selected*  
 20          *under clause (ii) may participate in*  
 21          *TEPAG meetings in the absence of the prin-*  
 22          *cipal member of that education line office.*

23          “(C) *NATIONAL TRIBAL ORGANIZATION*  
 24          *MEMBER.*—*The Secretary shall appoint a prin-*  
 25          *cipal member and an alternate member to the*

1        *TEPAG from among national organizations*  
 2        *comprised of Indian tribes, who shall be elected*  
 3        *or appointed tribal officials (or designated em-*  
 4        *ployees of the officials with authority to act on*  
 5        *behalf of the officials).*

6                “(D) *FEDERAL MEMBERS.*—*The Secretary,*  
 7        *the Assistant Secretary for Indian Affairs, and*  
 8        *the Director of the Bureau of Indian Education*  
 9        *shall be ex officio members of the TEPAG.*

10              “(4) *ADMINISTRATION.*—

11              “(A) *MEETINGS.*—*The TEPAG shall meet*  
 12        *in person not less than 3 times per fiscal year*  
 13        *and may hold additional meetings by telephone*  
 14        *conference call.*

15              “(B) *PROTOCOLS.*—*The Secretary and the*  
 16        *TEPAG shall jointly develop protocols for the op-*  
 17        *eration and administration of TEPAG.*

18              “(C) *NONAPPLICABILITY OF FACA.*—*The*  
 19        *Federal Advisory Committee Act (5 U.S.C. App.)*  
 20        *shall not apply to the TEPAG.*

21              “(D) *SUPPORT.*—

22              “(i) *IN GENERAL.*—*The Secretary shall*  
 23        *be responsible for all costs associated with*  
 24        *carrying out the functions of the TEPAG,*  
 25        *including reimbursement for the travel,*

lodging, and per diem expenses of each principal or alternate TEPAG member selected under subparagraphs (B) and (C) of paragraph 3.

“(ii) *ADDITIONAL REQUEST.*—

“(I) *IN GENERAL.*—To facilitate the work of the TEPAG, the Secretary 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 Secretary shall take into consideration the amount of funding requested by the TEPAG for technical and substantive 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           (1) in subsection (c)—

2                   (A) in the matter preceding paragraph (1),  
3           by striking “Assistant Secretary for Indian Af-  
4           fairs” and inserting “Secretary”;

5                   (B) in paragraph (2), by striking “and”  
6           after the semicolon;

7                   (C) by redesignating paragraph (3) as  
8           paragraph (4); and

9                   (D) by inserting after paragraph (2) the fol-  
10          lowing:

11                   “(3) a determination of the amount necessary to  
12          sustain academic and residential programs at Bu-  
13          reau-funded schools, calculated pursuant to subpart H  
14          of part 39 of title 25, Code of Federal Regulations (or  
15          successor regulations); and”; and

16                   (2) in subsection (d), by striking “Assistant Sec-  
17          retary for Indian Affairs” and inserting “Secretary”.

18   **SEC. 205. TRIBAL EDUCATIONAL AGENCIES.**

19          Section 1140 of the Education Amendments of 1978  
20   (25 U.S.C. 2020) is amended—

21                   (1) in the section heading, by striking “**TRIBAL**  
22          **DEPARTMENTS OR DIVISIONS OF EDUCATION**”  
23          and inserting “**TRIBAL EDUCATIONAL AGEN-**  
24          **CIES**”;

1           (2) *by amending subsection (a) to read as fol-*  
 2       *lows:*

3       “(a) *IN GENERAL.—The Secretary shall make grants*  
 4       *and provide technical assistance to Indian tribes for the de-*  
 5       *velopment and operation of tribal educational agencies for*  
 6       *the purpose of planning and coordinating all educational*  
 7       *programs of Indian tribes and building the capacities of*  
 8       *tribal educational agencies.”;*

9           (3) *in subsection (d), by striking “Tribes that”*  
 10       *and inserting “Indian tribes that”;*

11          (4) *in subsection (e)—*

12               (A) *by striking paragraph (1) and inserting*  
 13       *the following:*

14               “(1) *includes assurances from the applicant that*  
 15       *the tribal educational agency to be funded under this*  
 16       *section will provide coordinating services and tech-*  
 17       *nical assistance to all schools located on its lands;”;*

18               (B) *in paragraph (2), by striking “tribal*  
 19       *department of education” and inserting “tribal*  
 20       *educational agency”;* and

21               (C) *in paragraph (3)(A)—*

22                       (i) *by striking the matter preceding*  
 23       *clause (i) and inserting the following: “If*  
 24       *schools funded or supported by the Bureau*

1                   of Indian Education are located within the  
2                   tribe's territory, provides for—"; and

3                   (ii) in clause (i), by striking "tribal  
4                   department of education" and inserting  
5                   "tribal educational agency"; and

6                   (5) by striking subsection (h) and inserting the  
7                   following:

8                   “(h) *CAPACITY BUILDING AND TECHNICAL ASSIST-*  
9 *ANCE.—Each recipient of a grant under this section shall*  
10 *use the grant in ways that will build such recipient's capac-*  
11 *ity to continue to plan and develop high-quality education*  
12 *programs. The Secretary shall provide technical assistance*  
13 *to such recipients to assist with capacity building.*

14                  “(i) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
15 *authorized to be appropriated to carry out this section*  
16 *\$25,000,000 for fiscal year 2012 and for each of the suc-*  
17 *ceeding 5 fiscal years.”.*

18 **SEC. 206. QUALIFIED SCHOOL CONSTRUCTION BOND ES-**  
19 **CROW ACCOUNT.**

20                  *Part B of title II of the Indian Self-Determination and*  
21 *Education Assistance Act (25 U.S.C. 458) is amended by*  
22 *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 granted  
 5 under section 54F(d)(4) of the Internal Revenue Code of  
 6 1986, the Secretary shall establish a qualified school con-  
 7 struction bond escrow account for the purpose of imple-  
 8 menting section 54F of the Internal Revenue Code of 1986.

9 “(b) *TRANSFER TO ESCROW ACCOUNT.*—

10 “(1) *IN GENERAL.*—The Secretary shall allocate  
 11 to the escrow account described in subsection (a)  
 12 amounts described in section 54F(d)(4) of the Inter-  
 13 nal Revenue Code of 1986.

14 “(2) *OTHER FUNDS.*—The Secretary shall accept  
 15 and disburse to the escrow account described in sub-  
 16 section (a) amounts received to carry out this section  
 17 from other sources, including other Federal agencies,  
 18 non-Federal public agencies, and private sources.”.

19 **SEC. 207. EQUITY IN EDUCATIONAL LAND-GRANT STATUS**  
 20 **ACT OF 1994.**

21 *Section 532 of the Equity in Educational Land-Grant*  
 22 *Status Act of 1994 (7 U.S.C. 301 note) is amended—*

23 (1) *in paragraph (5), by striking “Crownpoint*  
 24 *Institute of Technology” and inserting “Navajo Tech-*  
 25 *nical College (formerly Crownpoint Institute of Tech-*  
 26 *nology)”;*

1           (2) in paragraph (10), by striking “Fort  
2       *Belknap College*” and insert “*Aaniiih Nakoda College*  
3       *(formerly Fort Belknap College)*”;

4           (3) by striking paragraph (27);

5           (4) by redesignating paragraphs (28) through  
6       (34) as paragraphs (27) through (33), respectively;  
7       and

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

9           “(34) *Keweenaw Bay Ojibwa Community Col-*  
10       *lege.*

11          “(35) *College of the Muscogee Nation.*

12          “(36) *Comanche Nation College.*”.

13       **SEC. 208. WORKFORCE INVESTMENT ACT OF 1998.**

14       *Title II of the Workforce Investment Act of 1998 (20*  
15       *U.S.C. 9201 et seq.) is amended—*

16           (1) in section 203—

17               (A) in paragraph (5)(D), by inserting “, in-  
18       *cluding a Tribal College or University*” after  
19       *“education”*;

20               (B) in paragraph (15), by amending sub-  
21       *paragraph (B) to read as follows:*

22               “(B) *a Tribal College or University; or*”;

23               (C) by redesignating paragraph (18) as  
24       *paragraph (19); and*

1                   (D) by inserting after paragraph (17) the  
2                   following:

3                   “(18) *TRIBAL COLLEGE OR UNIVERSITY.*—The  
4                   term ‘Tribal College or University’ has the meaning  
5                   given the term in section 316(b) of the Higher Edu-  
6                   cation Act of 1965.”;

7                   (2) in section 211(a)—

8                   (A) in paragraph (2), by striking “; and”  
9                   and inserting a semicolon;

10                  (B) in paragraph (3), by striking the period  
11                  and inserting “; and”; and

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

13                  “(4) shall reserve 1.5 percent to carry out section  
14                  244, except that the amount so reserved shall not ex-  
15                  ceed \$8,000,000.”; and

16                  (3) by inserting after section 243 the following:

17                  **“SEC. 244. AMERICAN INDIAN, NATIVE HAWAIIAN, AND TRIB-**  
18                                 **AL COLLEGE OR UNIVERSITY ADULT EDU-**  
19                                 **CATION AND LITERACY PROGRAM.**

20                  “(a) *ESTABLISHMENT AND PURPOSE.*—The Secretary  
21                  shall establish and carry out an American Indian, Native  
22                  Hawaiian, and Tribal College or University Adult Edu-  
23                  cation and Literacy Grant Program to enable Tribal Col-  
24                  leges or Universities and Native Hawaiian educational or-  
25                  ganizations to develop and implement innovative, effective,

1 *and replicable programs designed to enhance life skills and*  
 2 *transition individuals to employability and postsecondary*  
 3 *education and to provide technical assistance to such insti-*  
 4 *tutions and organizations for program administration.*

5       “(b) *APPLICATION.*—*To be eligible to receive a grant*  
 6 *under this section, a Tribal College or University or a Na-*  
 7 *tive Hawaiian educational organization shall submit to the*  
 8 *Secretary an application at such time and in such manner*  
 9 *as the Secretary may reasonably require. The Secretary*  
 10 *shall, to the extent practicable, prescribe a simplified and*  
 11 *streamlined format for such applications that takes into ac-*  
 12 *count the limited number of institutions that are eligible*  
 13 *for assistance under this section.*

14       “(c) *ELIGIBLE ACTIVITIES.*—*Activities that may be*  
 15 *carried out under a grant awarded under this section in-*  
 16 *clude—*

17               “(1) *adult education and literacy services, in-*  
 18               *cluding workplace literacy services;*

19               “(2) *family literacy services;*

20               “(3) *English literacy programs, including lim-*  
 21               *ited English proficiency programs;*

22               “(4) *civil engagement and community participa-*  
 23               *tion, including U.S. citizenship skills;*

24               “(5) *opportunities for American Indians, Native*  
 25               *Hawaiians, and Alaska Natives to qualify for a sec-*

1       ondary school diploma, or its recognized equivalent;  
2       and

3               “(6) demonstration and research projects and  
4       professional development activities designed to develop  
5       and identify the most successful methods and tech-  
6       niques for addressing the educational needs of Amer-  
7       ican Indian and Native Hawaiian adults.

8       “(d) GRANTS AND CONTRACTS.—Funding shall be  
9       awarded under this section to Tribal Colleges or Univer-  
10      sities or Native Hawaiian educational organizations on a  
11      competitive basis through grants, contracts, or cooperative  
12      agreements of not less than 3 years in duration.

13       “(e) CONSIDERATION AND INCLUSION.—In making  
14      awards under this section, the Secretary may take into ac-  
15      count the considerations set forth in section 231(e). In no  
16      case shall the Secretary make an award to a Tribal College  
17      or University or Native Hawaiian educational organiza-  
18      tion that does not include in its application a description  
19      of a multiyear strategy, including performance measures,  
20      for increasing the number of adult American Indian, Native  
21      Hawaiian, or Alaska Natives that attain a secondary di-  
22      ploma or recognized equivalent.

23       “(f) DEFINITION OF NATIVE HAWAIIAN EDUCATIONAL  
24      ORGANIZATION.—The term ‘Native Hawaiian educational  
25      organization’ means a Native Hawaiian educational orga-

1 nization, as defined in section 1116A(b), that operates an  
 2 institution of higher education on land of the Department  
 3 of Hawaiian Home Lands (as defined in such section).”.

4 **SEC. 209. TECHNICAL AMENDMENTS TO TRIBALLY CON-**  
 5 **TROLLED SCHOOLS ACT OF 1988.**

6 (a) *GRANTS AUTHORIZED.*—Section 5203(b)(3) of the  
 7 Tribally Controlled Schools Act of 1988 (25 U.S.C.  
 8 2502(b)(3)) is amended—

9 (1) by striking “as defined in section  
 10 1128(h)(1)” and inserting “as defined in section  
 11 1128(a)(1)”; and

12 (2) by striking “under section 1128 of such” and  
 13 inserting “under section 1128(c) of that”.

14 (b) *AMENDMENTS TO GRANTS.*—Section 5203 of the  
 15 Tribally Controlled Schools Act of 1988 (25 U.S.C. 2502)  
 16 is amended by adding at the end the following:

17 “(h) *AMENDMENTS TO GRANTS.*—

18 “(1) *IN GENERAL.*—At the request of the school  
 19 board of a tribally controlled school, the Secretary  
 20 shall approve a request to amend a grant issued to  
 21 that school board under this part unless the Secretary,  
 22 not later than 90 days after the date of receipt of the  
 23 request, provides written notification to the school  
 24 board that contains a specific finding that clearly

1       *demonstrates, or is supported by a controlling legal*  
2       *authority, that—*

3               “(A) *the services to be rendered to the eligi-*  
4               *ble Indian students under the proposed amend-*  
5               *ment to the grant do not meet the requirements*  
6               *of this part;*

7               “(B) *adequate protection of trust resources*  
8               *is not assured;*

9               “(C) *the grant or the proposed amendment*  
10              *to the grant cannot be properly completed or*  
11              *maintained;*

12              “(D) *the amount of funds proposed under*  
13              *the amendment is in excess of the applicable*  
14              *funding level for the grant, as determined under*  
15              *section 5204; or*

16              “(E) *the program, function, service, or ac-*  
17              *tivity (or portion of the program, function, serv-*  
18              *ice, or activity) that is the subject of the pro-*  
19              *posed amendment is beyond the scope of pro-*  
20              *grams, functions, services, or activities covered*  
21              *under this part because the proposed amendment*  
22              *includes activities that cannot lawfully be car-*  
23              *ried out by the grantee.*

24              “(2) *APPEALS.—The Secretary shall provide the*  
25              *school board of a tribally controlled school with a*

1        *hearing on the record in the same manner as pro-*  
 2        *vided under section 102 of the Indian Self-Determina-*  
 3        *tion and Education Assistance Act (25 U.S.C.*  
 4        *450f).”.*

5        *(c) COMPOSITION OF GRANTS.—Section 5204(b) of the*  
 6        *Tribally Controlled Schools Act of 1988 (25 U.S.C. 2503(b))*  
 7        *is amended—*

8                *(1) in paragraph (4)(B)(iv), by striking “section*  
 9                *5209(e)” and inserting “section 5208(e)”; and*

10                *(2) in paragraph (5)(B), by striking “section*  
 11                *5209(e)” and inserting “section 5208(e)”.*

12        *(d) DURATION OF ELIGIBILITY DETERMINATION.—*  
 13        *Section 5206(c) of the Tribally Controlled Schools Act of*  
 14        *1988 (25 U.S.C. 2505(c)) is amended—*

15                *(1) in paragraph (2), by striking “section*  
 16                *5206(b)(1)(A)” and inserting “section 5205(b)(1)(A)”;*  
 17                *and*

18                *(2) in paragraph (4)(A), by striking “section*  
 19                *5206(f)(1)(C)” and inserting “section 5205(f)(1)(C)”.*

20        **SEC. 210. EXEMPTION FROM ELIGIBILITY APPLICATION.**

21        *Paragraph (1) of section 316(d) of the Higher Edu-*  
 22        *cation Act of 1965 (20 U.S.C. 1059c(d)) is amended to read*  
 23        *as follows:*

24                *“(1) INSTITUTIONAL ELIGIBILITY.—*



“(A) *IN GENERAL.*—Notwithstanding any other provision of this title, a Tribal College or University shall be deemed eligible to receive funding under this section if such institution is—

“(i) eligible to receive funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 *et seq.*) or the Navajo Community College Assistance Act of 1978 (25 U.S.C. 640a note); or

“(ii) is an institution listed in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note).

“(B) *EXEMPTION.*—Sections 312(b) and 313(d) shall not apply to institutions that are eligible to receive funds under this section.”.

**SEC. 211. TRIBAL COLLEGES AND UNIVERSITIES AMERICAN  
INDIAN LANGUAGE VITALIZATION AND  
TRAINING PROGRAM.**

*Part A of title III of the Higher Education Act of 1965 (20 U.S.C. 1057 et seq.) is amended by adding at the end the following:*

1   **“SEC. 320A. AMERICAN INDIAN LANGUAGE VITALIZATION**  
2                   **AND TRAINING PROGRAM.**

3           “(a) *DEFINITION OF ELIGIBLE INSTITUTION.*—*In this*  
4 *section, the term ‘eligible institution’ means a Tribal Col-*  
5 *lege or University, as defined in section 316(b)(3).*

6           “(b) *PROGRAM AUTHORIZED.*—

7                   “(1) *IN GENERAL.*—*The Secretary, acting*  
8 *through the Assistant Secretary for Postsecondary*  
9 *Education, shall establish a program, to be known as*  
10 *the ‘American Indian Language Vitalization and*  
11 *Training Program’, to award grants, on a competi-*  
12 *tive basis, to eligible institutions to enable the eligible*  
13 *institutions to promote the preservation, revitaliza-*  
14 *tion, relevancy, and use of American Indian lan-*  
15 *guages.*

16                   “(2) *DURATION.*—*A grant under this section*  
17 *shall be for a period of not less than 5 years and not*  
18 *more than 10 years.*

19           “(c) *APPLICATION.*—

20                   “(1) *IN GENERAL.*—*An eligible institution desir-*  
21 *ing to receive a grant under this section shall submit*  
22 *an application to the Secretary at such time as the*  
23 *Secretary may reasonably require.*

24                   “(2) *STREAMLINED PROCESS.*—*The Secretary*  
25 *shall establish application requirements in such a*  
26 *manner as to simplify and streamline the process for*

1       *applying for grants under this section and in a man-*  
2       *ner that is consistent with subsection (e)(3).*

3               “(3) *PROGRAM PLAN.*—

4               “(A) *IN GENERAL.*—*An application under*  
5       *paragraph (1) shall include a plan for the pro-*  
6       *gram proposed to be carried out by the eligible*  
7       *institution using the grant.*

8               “(B) *INCLUSIONS.*—*The program plan de-*  
9       *scribed in subparagraph (A) shall include—*

10              “(i) *a description of a 5-year strategy*  
11       *of the eligible institution for meeting the*  
12       *needs of American Indians or Alaska Na-*  
13       *tives, as appropriate, in the area served by*  
14       *the eligible institution;*

15              “(ii) *an identification of the popu-*  
16       *lation to be served by the eligible institu-*  
17       *tion;*

18              “(iii) *an identification of the status of*  
19       *American Indian language understanding*  
20       *and use within that population and a de-*  
21       *scription of the manner in which the pro-*  
22       *gram will help preserve and revitalize the*  
23       *relevant American Indian language;*

24              “(iv) *a description of the services to be*  
25       *provided under the program, including the*

1           *manner in which the services will be inte-*  
 2           *grated with other appropriate activities;*  
 3           *and*

4           “(v) a description, to be prepared in  
 5           *consultation with the Secretary, of the per-*  
 6           *formance measures to be used to assess the*  
 7           *performance of the tribal college or univer-*  
 8           *sity in carrying out the program.*

9           “(C) *REQUIREMENT.*—A program plan  
 10          *shall be consistent with the purposes of this sec-*  
 11          *tion, as determined by the Secretary.*

12          “(d) *ACTIVITIES.*—An eligible institution that receives  
 13          *a grant under this subsection shall use the grant to carry*  
 14          *out activities relating to the purpose of this section, includ-*  
 15          *ing—*

16               “(1) *curricula development and academic in-*  
 17               *struction, including educational activities, programs,*  
 18               *and partnerships relating to students in prekind-*  
 19               *ergarten through grade 16;*

20               “(2) *professional development for Tribal College*  
 21               *or University faculty and in-service training pro-*  
 22               *grams for prekindergarten through grade 16 instruc-*  
 23               *tors and administrators;*

1           “(3) *innovative American Indian language pro-*  
 2           *grams for students in prekindergarten through grade*  
 3           *16, including language immersion programs; and*

4           “(4) *research on Native language instruction,*  
 5           *best practices, and pedagogy, including comparative*  
 6           *practices.*

7           “(e) *SPECIAL RULES.—*

8           “(1) *CONCURRENT FUNDING.—An eligible insti-*  
 9           *tution that receives funds under this section may con-*  
 10          *currently receive funds under section 316.*

11          “(2) *EXEMPTION.—Sections 312(b) and 313(d)*  
 12          *shall not apply to institutions that are eligible by def-*  
 13          *inition to receive funds under this section.*

14          “(3) *INSTITUTIONAL ELIGIBILITY.—Notwith-*  
 15          *standing any other provision of this title, a Tribal*  
 16          *College or University shall be deemed eligible to re-*  
 17          *ceive funding under this section if such institution*  
 18          *is—*

19                 “(A) *eligible to receive funding under the*  
 20                 *Tribally Controlled Colleges and Universities As-*  
 21                 *sistance Act of 1978 (25 U.S.C. 1801 et seq.) or*  
 22                 *the Navajo Community College Assistance Act of*  
 23                 *1978 (25 U.S.C. 640a note); or*

1                   “(B) is cited in section 532 of the Equity  
2                   in Educational Land-Grant Status Act of 1994  
3                   (7 U.S.C. 301 note).

4                   “(f) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
5                   authorized to be appropriated to carry out this subsection  
6                   \$15,000,000 for fiscal year 2012 and for each subsequent  
7                   fiscal year.”.

8                   **SEC. 212. ADMINISTRATIVE COST GRANTS FOR TRIBALLY**  
9                   **OPERATED SCHOOLS.**

10                  Section 1128(l)(1) of the Education Amendments of  
11                  1978 (25 U.S.C. 2008(l)(1)) is amended—

12                   (1) by striking “2002” and inserting “2013”;  
13                  and

14                   (2) by striking “at the discretion of the Sec-  
15                  retary,”.

16                  **SEC. 213. TRIBAL MEMBER STUDENT RECORDS.**

17                  Section 444(b)(1)(C) of the General Education Provi-  
18                  sions Act (commonly referred to as the “Family Edu-  
19                  cational Rights and Privacy Act of 1974”) (20 U.S.C.  
20                  1232g(b)(1)(C)) is amended—

21                   (1) by striking “ (3), or (ii)” and inserting “(3),  
22                  (ii)”;

23                   (2) by striking “or (III) State educational au-  
24                  thorities, under the conditions set forth in paragraph  
25                  (3)” and inserting “(III) authorized representatives of

1        *Indian tribes, or (IV) State educational authorities,*  
 2        *under the conditions set forth in paragraph (3)’’.*

3                    ***TITLE III—ADDITIONAL***  
 4                    ***EDUCATION PROVISIONS***

5    ***SEC. 301. NATIVE AMERICAN STUDENT SUPPORT.***

6        *(a) SUPPORT.—The Secretary of Education shall ex-*  
 7        *pand programs for Native American school children—*

8                    *(1) to provide support for learning in their Na-*  
 9                    *tive language and culture; and*

10                   *(2) to provide English language instruction.*

11        *(b) RESEARCH.—The Secretary of Education shall*  
 12        *conduct research on culture- and language-based education*  
 13        *to identify the factors that improve education and health*  
 14        *outcomes.*

15    ***SEC. 302. ENSURING THE SURVIVAL AND CONTINUING VI-***  
 16                    ***TALITY OF NATIVE AMERICAN LANGUAGES.***

17        *(a) DEFINITIONS.—In this section:*

18                   *(1) DIRECTOR.—The term “Director” means the*  
 19                   *Director of the Bureau of Indian Education.*

20                   *(2) ELIGIBLE ENTITY.—The term “eligible enti-*  
 21                   *ty” means any agency or organization that is eligible*  
 22                   *for financial assistance under section 803(a) of the*  
 23                   *Native American Programs Act of 1974 (42 U.S.C.*  
 24                   *2991b(a)).*

1           (3) *NATIVE AMERICAN LANGUAGE NEST.*—*The*  
 2           *term “Native American language nest” has the mean-*  
 3           *ing given the term in section 803C(b)(7)(A) of the Na-*  
 4           *tive American Programs Act of 1974 (42 U.S.C.*  
 5           *2991b–3(b)(7)(A)).*

6           (4) *NATIVE AMERICAN LANGUAGE SURVIVAL*  
 7           *SCHOOL.*—*The term “Native American language sur-*  
 8           *vival school” has the meaning given the term in sec-*  
 9           *tion 803C(b)(7)(B) of the Native American Programs*  
 10          *Act of 1974 (42 U.S.C. 2991b–3(b)(7)(B)).*

11          (5) *SECRETARY.*—*The term “Secretary” means*  
 12          *the Secretary of the Interior, acting through the Di-*  
 13          *rector.*

14          (b) *ESTABLISHMENT OF GRANT PROGRAM.*—*The Sec-*  
 15          *retary shall establish a program to provide eligible entities*  
 16          *with grants for the purpose of assisting Native Americans*  
 17          *to ensure the survival and continuing vitality of Native*  
 18          *American languages.*

19          (c) *USE OF AMOUNTS.*—

20               (1) *IN GENERAL.*—*An eligible entity may use*  
 21               *amounts received under this section to carry out ac-*  
 22               *tivities that ensure the survival and continuing vital-*  
 23               *ity of Native American languages, including—*

24                       (A) *the establishment and support of com-*  
 25                       *munity Native American language projects de-*



1       *signed to bring older and younger Native Ameri-*  
2       *cans together to facilitate and encourage the*  
3       *transfer of Native American language skills from*  
4       *1 generation to another;*

5               *(B) the establishment of projects that train*  
6       *Native Americans to—*

7                   *(i) teach a Native American language*  
8               *to others; or*

9                   *(ii) serve as interpreters or translators*  
10           *of a Native American language;*

11               *(C) the development, printing, and dissemi-*  
12       *nation of materials to be used for the teaching*  
13       *and enhancement of a Native American lan-*  
14       *guage;*

15               *(D) the establishment or support of a*  
16       *project to train Native Americans to produce or*  
17       *participate in television or radio programs to be*  
18       *broadcast in a Native American language;*

19               *(E) the compilation, transcription, and*  
20       *analysis of oral testimony to record and preserve*  
21       *a Native American language;*

22               *(F) the purchase of equipment, including*  
23       *audio and video recording equipment, computers,*  
24       *and software, required to carry out a Native*  
25       *American language project; and*

1                   (G)(i) *the establishment of Native American*  
 2                   *language nests, which are site-based educational*  
 3                   *programs that—*

4                   (I) *provide instruction and child care*  
 5                   *through the use of a Native American lan-*  
 6                   *guage for at least 10 children under the age*  
 7                   *of 7 for an average of at least 500 hours per*  
 8                   *year per student;*

9                   (II) *provide classes in a Native Amer-*  
 10                  *ican language for parents (or legal guard-*  
 11                  *ians) of students enrolled in a Native Amer-*  
 12                  *ican language nest (including Native Amer-*  
 13                  *ican language-speaking parents); and*

14                  (III) *ensure that a Native American*  
 15                  *language is the dominant medium of in-*  
 16                  *struction in the Native American language*  
 17                  *nest;*

18                  (ii) *the establishment of Native American*  
 19                  *language survival schools, which are site-based*  
 20                  *educational programs for school-age students*  
 21                  *that—*

22                  (I) *provide an average of at least 500*  
 23                  *hours of instruction through the use of 1 or*  
 24                  *more Native American languages for at*  
 25                  *least 15 students for whom a Native Amer-*

1            *ican language survival school is the prin-*  
 2            *cipal place of instruction;*

3            *(II) develop instructional courses and*  
 4            *materials for learning Native American*  
 5            *languages and for instruction through the*  
 6            *use of Native American languages;*

7            *(III) provide for teacher training;*

8            *(IV) work toward a goal of all students*  
 9            *achieving—*

10            *(aa) fluency in a Native Amer-*  
 11            *ican language; and*

12            *(bb) academic proficiency in*  
 13            *mathematics, reading (or language*  
 14            *arts), and science; and*

15            *(V) are located in areas that have high*  
 16            *numbers or percentages of Native American*  
 17            *students; and*

18            *(iii) the establishment of Native American*  
 19            *language restoration programs, which are edu-*  
 20            *cational programs that—*

21            *(I) operate at least 1 Native American*  
 22            *language program for the community which*  
 23            *the educational program serves;*

24            *(II) provide training programs for*  
 25            *teachers of Native American languages;*

1                   (III) develop instructional materials  
2                   for the Native American language restora-  
3                   tion programs;

4                   (IV) work toward a goal of increasing  
5                   proficiency and fluency in at least 1 Native  
6                   American language; and

7                   (V) provide instruction in at least 1  
8                   Native American language.

9                   (2) NATIVE AMERICAN LANGUAGE RESTORATION  
10                  PROGRAMS.—An eligible entity carrying out a pro-  
11                  gram described in paragraph (1)(G)(iii) may use  
12                  amounts made available under this section to carry  
13                  out—

14                  (A) Native American language programs,  
15                  including—

16                   (i) Native American language immer-  
17                   sion programs;

18                   (ii) Native American language and  
19                   culture camps;

20                   (iii) Native American language pro-  
21                   grams provided in coordination and co-  
22                   operation with educational entities;

23                   (iv) Native American language pro-  
24                   grams provided in coordination and co-

1           *operation with local institutions of higher*  
 2           *education;*

3           (v) *Native American language pro-*  
 4           *grams that use a master-apprentice model*  
 5           *of learning languages; and*

6           (vi) *Native American language pro-*  
 7           *grams provided through a regional program*  
 8           *to better serve geographically dispersed stu-*  
 9           *dents;*

10          (B) *Native American language teacher*  
 11          *training programs, including—*

12           (i) *training programs in Native Amer-*  
 13           *ican language translation for fluent speak-*  
 14           *ers;*

15           (ii) *training programs for Native*  
 16           *American language teachers; and*

17           (iii) *training programs for teachers in*  
 18           *the use of Native American language mate-*  
 19           *rials, tools, and interactive media to teach*  
 20           *Native American language; and*

21          (C) *the development of Native American*  
 22          *language materials, including books, audio and*  
 23          *visual tools, and interactive media programs.*

24          (d) *APPLICATIONS.—*

1           (1) *IN GENERAL.*—Subject to paragraph (2), in  
 2           awarding a grant under this section, the Secretary  
 3           shall select applicants from among eligible entities on  
 4           the basis of applications submitted to the Secretary at  
 5           such time, in such form, and containing such infor-  
 6           mation as the Secretary requires.

7           (2) *REQUIREMENTS.*—An application under  
 8           paragraph (1) shall include, at a minimum—

9                   (A) a detailed description of the current sta-  
 10                  tus of the Native American language to be ad-  
 11                  dressed by the project for which a grant is re-  
 12                  quested, including a description of existing pro-  
 13                  grams and projects, if any, in support of that  
 14                  language;

15                  (B) a detailed description of the project for  
 16                  which the grant is requested;

17                  (C) a statement that the objectives of the  
 18                  project are in accordance with the purposes of  
 19                  this section;

20                  (D) a detailed description of the plan of the  
 21                  applicant to evaluate the project;

22                  (E) if appropriate, an identification of op-  
 23                  portunities for the replication or modification of  
 24                  the project for use by other Native Americans;

1           (F) a plan for the preservation of the prod-  
 2           ucts of the Native American language project for  
 3           the benefit of future generations of Native Ameri-  
 4           cans and other interested persons; and

5           (G) in the case of an application for a  
 6           grant to carry out any purpose specified in sub-  
 7           section (c)(1)(G)(iii), a certification by the ap-  
 8           plicant that the applicant has not less than 3  
 9           years of experience in operating and admin-  
 10          istering a Native American language survival  
 11          school, a Native American language nest, or any  
 12          other educational program in which instruction  
 13          is conducted in a Native American language.

14          (3) *PARTICIPATING ORGANIZATIONS.*—If an ap-  
 15          plicant determines that the objectives of a proposed  
 16          Native American language project would be accom-  
 17          plished more effectively through a partnership with  
 18          an educational entity, the applicant shall identify the  
 19          educational entity as a participating organization in  
 20          the application.

21          (e) *LIMITATIONS ON FUNDING.*—

22               (1) *FEDERAL SHARE.*—The Federal share of the  
 23               total cost of a program under this section shall not  
 24               exceed 80 percent.

25               (2) *NON-FEDERAL SHARE.*—

1           (A) *IN GENERAL.*—*The non-Federal share of*  
2           *the cost of a program under this section may be*  
3           *provided in cash or fairly evaluated in-kind con-*  
4           *tributions, including facilities, equipment, or*  
5           *services.*

6           (B) *SOURCE OF NON-FEDERAL SHARE.*—  
7           *The non-Federal share—*

8                   (i) *may be provided from any private*  
9                   *or non-Federal source; and*

10                   (ii) *may include amounts (including*  
11                   *interest) distributed to an Indian tribe—*

12                           (I) *by the Federal Government*  
13                           *pursuant to the satisfaction of a claim*  
14                           *made under Federal law;*

15                           (II) *from amounts collected and*  
16                           *administered by the Federal Govern-*  
17                           *ment on behalf of an Indian tribe or*  
18                           *the members of an Indian tribe; or*

19                           (III) *by the Federal Government*  
20                           *for general tribal administration or*  
21                           *tribal development under a formula or*  
22                           *subject to a tribal budgeting priority*  
23                           *system, including—*



1                   (aa) amounts involved in the  
2                   settlement of land or other judg-  
3                   ment claims;

4                   (bb) severance or other roy-  
5                   alty payments; or

6                   (cc) payments under the In-  
7                   dian Self-Determination Act (25  
8                   U.S.C. 450f et seq.) or a tribal  
9                   budget priority system.

10           (3) *DURATION*.—

11                   (A) *IN GENERAL*.—Subject to subparagraph  
12                   (B), the Secretary may make grants made under  
13                   this section on a 1-year, 2-year, or 3-year basis.

14                   (B) *NATIVE AMERICAN LANGUAGE RESTORA-*  
15                   *TION PROGRAM*.—The Secretary shall only make  
16                   a grant available under subsection (c)(1)(G)(iii)  
17                   on a 3-year basis.

18           (f) *ADMINISTRATION*.—

19                   (1) *IN GENERAL*.—The Secretary shall carry out  
20                   this section through the Bureau of Indian Education.

21                   (2) *EXPERT PANEL*.—

22                   (A) *IN GENERAL*.—Not later than 180 days  
23                   after date of enactment of this section, the Sec-  
24                   retary shall appoint a panel of experts for the  
25                   purpose of assisting the Secretary to review—

1                   (i) applications submitted under sub-  
2                   section (d);

3                   (ii) evaluations carried out to comply  
4                   with subsection (d)(2)(C); and

5                   (iii) the preservation of products re-  
6                   quired by subsection (d)(2)(F).

7                   (B) COMPOSITION.—

8                   (i) IN GENERAL.—The panel shall in-  
9                   clude—

10                   (I) a designee of the Institute of  
11                   American Indian and Alaska Native  
12                   Culture and Arts Development;

13                   (II) representatives of national,  
14                   tribal, and regional organizations that  
15                   focus on Native American language or  
16                   Native American cultural research, de-  
17                   velopment, or training; and

18                   (III) other individuals who are  
19                   recognized as experts in the area of Na-  
20                   tive American language.

21                   (ii)           RECOMMENDATIONS.—Rec-  
22                   ommendations for appointments to the  
23                   panel shall be solicited from Indian tribes  
24                   and tribal organizations.

1                   (C) *DUTIES.*—*The duties of the panel shall*  
 2                   *include—*

3                   (i) *making recommendations regarding*  
 4                   *the development and implementation of reg-*  
 5                   *ulations, policies, procedures, and rules of*  
 6                   *general applicability with respect to the ad-*  
 7                   *ministration of this section;*

8                   (ii) *reviewing applications received*  
 9                   *under subsection (d);*

10                  (iii) *providing to the Secretary a list*  
 11                  *of recommendations for the approval of ap-*  
 12                  *plications in accordance with—*

13                         (I) *regulations issued by the Sec-*  
 14                         *retary; and*

15                         (II) *the relative need for the*  
 16                         *project; and*

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

19                  (3) *PRODUCTS GENERATED BY PROJECTS.*—

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

1                   *(i) shall be transmitted to the Institute*  
 2                   *of American Indian and Alaska Native Cul-*  
 3                   *ture and Arts Development; and*

4                   *(ii) may be transmitted, at the discre-*  
 5                   *tion of the grantee, to national and regional*  
 6                   *repositories of similar material.*

7                   *(B) EXEMPTION.—*

8                   *(i) IN GENERAL.—In accordance with*  
 9                   *the Federal recognition of the sovereign au-*  
 10                   *thority of each Indian tribe over all aspects*  
 11                   *of the culture and language of that Indian*  
 12                   *tribe and subject to clause (ii), an Indian*  
 13                   *tribe may make a determination—*

14                   *(I) not to transmit a copy of a*  
 15                   *product under subparagraph (A);*

16                   *(II) not to permit the redistribu-*  
 17                   *tion of a copy of a product transmitted*  
 18                   *under subparagraph (A); or*

19                   *(III) to restrict in any manner*  
 20                   *the use or redistribution of a copy of a*  
 21                   *product transmitted under subpara-*  
 22                   *graph (A).*

23                   *(ii) RESTRICTIONS.—Clause (i) does*  
 24                   *not authorize an Indian tribe—*

1                   (I) to limit the access of the Sec-  
 2                   retary to a product described in sub-  
 3                   paragraph (A) for purposes of admin-  
 4                   istering this section or evaluating the  
 5                   product; or

6                   (II) to sell a product described in  
 7                   subparagraph (A), or a copy of that  
 8                   product, for profit to the entities re-  
 9                   ferred to in subparagraph (A).

10       (g) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
 11       authorized to be appropriated to carry out this section such  
 12       sums as are necessary for each of fiscal years 2013 through  
 13       2018.

14       (h) *REPEAL; CONFORMING AMENDMENTS.*—

15               (1) *REPEAL.*—Section 803C of the Native Amer-  
 16       ican Programs Act of 1974 (42 U.S.C. 2991b–3) is re-  
 17       pealed.

18               (2) *CONFORMING AMENDMENTS.*—Section 816 of  
 19       the Native American Programs Act of 1974 (42  
 20       U.S.C. 2992d) is amended—

21                   (A) in subsection (a), by striking “sections  
 22                   803(d), 803A, 803C, 804, subsection (e) of this  
 23                   section” and inserting “sections 803(d), 803A,  
 24                   and 804, subsection (d)”;

1                   (B) in subsection (b), by striking “other  
 2                   than sections 803(d), 803A, 803C, 804, sub-  
 3                   section (e) of this section” and inserting “sec-  
 4                   tions 803(d), 803A, and 804, subsection (d)”;  
 5                   and

6                   (C) by striking subsection (e).

7 **SEC. 303. IN-SCHOOL FACILITY INNOVATION PROGRAM**

8                   **CONTEST.**

9                   (a) *IN GENERAL.*—The Secretary of the Interior  
 10 shall—

11                   (1) establish an in-school facility innovation pro-  
 12 gram contest in which institutions of higher edu-  
 13 cation, including a Tribal College or University (as  
 14 defined in section 316 of the Higher Education Act  
 15 of 1965 (20 U.S.C. 1059c)), are encouraged to con-  
 16 sider solving the problem of how to improve school fa-  
 17 cilities for tribal schools and schools served by the Bu-  
 18 reau of Indian Education for problem-based learning  
 19 in their coursework and through extracurricular op-  
 20 portunities; and

21                   (2) establish an advisory group for the contest  
 22 described in paragraph (1) that shall include students  
 23 enrolled at a Tribal College or University, a rep-  
 24 resentative from the Bureau of Indian Education,  
 25 and engineering and fiscal advisors.

1       (b) *SUBMISSION OF FINALISTS TO THE INDIAN AF-*  
 2 *FAIRS COMMITTEE.*—*The Secretary of the Interior shall*  
 3 *submit the finalists to the Committee on Indian Affairs of*  
 4 *the Senate.*

5       (c) *WINNERS.*—*The Secretary of the Interior shall—*

6           (1) *determine the winners of the program contest*  
 7 *conducted under this section; and*

8           (2) *award the winners appropriate recognition*  
 9 *and reward.*

10 **SEC. 304. RETROCESSION OR REASSUMPTION OF CERTAIN**  
 11 **SCHOOL FUNDS.**

12       *Notwithstanding any other provision of law, beginning*  
 13 *July 1, 2008, any funds (including investments and interest*  
 14 *earned, except for construction funds) held by a Public Law*  
 15 *100–297 grant or a Public Law 93–638 contract school*  
 16 *shall, upon retrocession to or reassumption by the Bureau*  
 17 *of Indian Education, remain available to the Bureau for*  
 18 *a period of 5 years from the date of retrocession or re-*  
 19 *assumption for the benefit of the programs approved for the*  
 20 *school on October 1, 1995.*

21 **SEC. 305. DEPARTMENT OF THE INTERIOR AND DEPART-**  
 22 **MENT OF EDUCATION JOINT OVERSIGHT**  
 23 **BOARD.**

24       (a) *IN GENERAL.*—*The Secretary of Education and the*  
 25 *Secretary of the Interior shall jointly establish a Depart-*

1 *ment of the Interior and Department of Education Joint*  
 2 *Oversight Board, that shall—*

3 *(1) be co-chaired by both Departments; and*

4 *(2) coordinate technical assistance, resource dis-*  
 5 *tribution, and capacity building between the 2 de-*  
 6 *partments on the education of and for Native Amer-*  
 7 *ican students.*

8 *(b) INFORMATION TO BE SHARED.—The Joint Over-*  
 9 *sight Board shall facilitate the communication, collabora-*  
 10 *tion, and coordination between the 2 departments of edu-*  
 11 *cation policies, access to and eligibility for Federal re-*  
 12 *sources, and budget and school leadership development, and*  
 13 *other issues, as appropriate.*

14 **SEC. 306. TRIBAL SELF-GOVERNANCE FEASIBILITY STUDY.**

15 *(a) STUDY.—The Secretary of Education shall conduct*  
 16 *a study to determine the feasibility of entering into self-*  
 17 *governance compacts and contracts with Indian tribal gov-*  
 18 *ernments who wish to operate public schools that reside*  
 19 *within their lands.*

20 *(b) CONSIDERATIONS.—In conducting the study de-*  
 21 *scribed in subsection (a), the Secretary of Education shall*  
 22 *consider the feasibility of—*

23 *(1) assigning and paying to an Indian tribe all*  
 24 *expenditures for the provision of services and related*  
 25 *administration funds that the Secretary would other-*



1        *wise pay to a State educational agency and a local*  
2        *educational agency for 1 or more public schools lo-*  
3        *cated on the Indian lands of such Indian tribe;*

4            *(2) providing assistance to Indian tribes in de-*  
5        *veloping capacity to administer all programs and*  
6        *services that are currently under the jurisdiction of*  
7        *the State educational agency or local educational*  
8        *agency; and*

9            *(3) authorizing the Secretary to treat an Indian*  
10       *tribe as a State for the purposes of carrying out pro-*  
11       *grams and services funded by the Secretary that are*  
12       *currently under the jurisdiction of the State.*

13        *(c) REPORT.—Not later than 2 years after the date of*  
14       *enactment of this Act, the Secretary of Education shall sub-*  
15       *mit to the Committee on Indian Affairs and the Committee*  
16       *on Health, Education, Labor, and Pensions of the Senate*  
17       *and the Committee on Education and the Workforce of the*  
18       *House of Representatives a report that includes—*

19            *(1) the results of the study conducted under sub-*  
20        *section (a);*

21            *(2) a summary of any consultation that occurred*  
22        *between the Secretary and Indian tribes in con-*  
23        *ducting this study;*

24            *(3) projected costs and savings associated with*  
25        *the Department of Education entering into self-gov-*

ernance contracts and compacts with Indian tribes,  
and any estimated impact on programs and services  
described in paragraphs (2) and (3) of subsection (b)  
in relation to probable costs and savings; and

(4) legislative actions that would be required to  
authorize the Secretary to enter into self-governance  
compacts and contracts with Indian tribes to provide  
such programs and services.

(d) *DEFINITIONS.—In this section:*

(1) *INDIAN TRIBE.—The term “Indian Tribe”*  
*means any Indian tribe, band, nation, other orga-*  
*nized group or community, including any Native vil-*  
*lage or Regional Corporation or Village Corporation*  
*as defined in or established pursuant to the Alaska*  
*Native Claims Settlement Act, that is recognized as*  
*eligible for the special programs and services provided*  
*by the United States to Indians because of their sta-*  
*tus as Indians.*

(2) *INDIAN LANDS.—The term “Indian lands”*  
*has the meaning given that term in section 8013 of*  
*the Elementary and Secondary Education Act of*  
*1965 (20 U.S.C. 7713).*

**SEC. 307. ESTABLISHMENT OF CENTER FOR INDIGENOUS  
EXCELLENCE.**

(a) *DEFINITIONS.—In this section:*

1           (1) *INSTITUTION OF HIGHER EDUCATION.*—*The*  
 2           *term “institution of higher education” shall have the*  
 3           *meaning given such term in section 101 of the Higher*  
 4           *Education Act of 1965 (20 U.S.C. 1001).*

5           (2) *NATIVE AMERICAN AND NATIVE AMERICAN*  
 6           *LANGUAGE.*—*The terms “Native American” and “Na-*  
 7           *tive American language” shall have the meanings*  
 8           *given such terms in section 103 of the Native Amer-*  
 9           *ican Languages Act (25 U.S.C. 2902).*

10          (3) *NATIVE AMERICAN LANGUAGE NEST; NATIVE*  
 11          *AMERICAN SURVIVAL SCHOOL.*—*The terms “Native*  
 12          *American language nest” and “Native American lan-*  
 13          *guage survival school” shall have the meanings given*  
 14          *such terms in section 803C(b)(7) of the Native Amer-*  
 15          *ican Programs Act of 1974 (42 U.S.C. 2991b–3).*

16          (4) *NATIVE HAWAIIAN OR NATIVE AMERICAN PA-*  
 17          *CIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL OR-*  
 18          *GANIZATION.*—*The term “Native Hawaiian or Native*  
 19          *American Pacific Islander native language edu-*  
 20          *cational organization” shall have the meaning given*  
 21          *such term in section 3301 of the Elementary and Sec-*  
 22          *ondary Education Act of 1965 (20 U.S.C. 7011).*

23          (5) *SECRETARY.*—*The term “Secretary” means*  
 24          *the Secretary of Education.*

1           (6) *STEM*.—The term “STEM” means a science,  
2           technology, engineering, and mathematics program.

3           (7) *TRIBALLY SANCTIONED EDUCATIONAL AU-*  
4           *THORITY*.—The term “tribally sanctioned educational  
5           authority” shall have the meaning given such term in  
6           section 3301 of the Elementary and Secondary Edu-  
7           cation Act of 1965 (20 U.S.C. 7011).

8           (b) *IN GENERAL*.—There shall be established a Center  
9           for Indigenous Excellence to—

10           (1) support Native American governments, com-  
11           munities, schools, and programs in the development  
12           and demonstration of Native American language and  
13           culture-based education from the preschool to grad-  
14           uate education levels as appropriate for their distinc-  
15           tive populations, circumstances, visions, and holistic  
16           approaches for the benefit of the entire community;

17           (2) provide direction to Federal, State, and local  
18           government entities relative to Native American lan-  
19           guage and culture-based education;

20           (3) demonstrate nationally and internationally  
21           recognized educational best practices through inte-  
22           grated programming in Native American language  
23           and culture-based education from the preschool to  
24           graduate education levels that benefit the entire spe-

1        *cific indigenous group regardless of its geographic*  
 2        *dispersal, including—*

3                *(A) teacher certification;*

4                *(B) curriculum and materials development;*

5                *(C) distance education support;*

6                *(D) research; and*

7                *(E) holistic approaches;*

8                *(4) serve as an alternative pathway of choice for*  
 9        *meeting federally mandated academic assessments,*  
 10        *teacher qualifications, and curriculum design for Na-*  
 11        *tive American language nests and Native American*  
 12        *language survival schools;*

13                *(5) serve as a coordinating entity and depository*  
 14        *for federally funded research into Native American*  
 15        *language and culture-based education including*  
 16        *STEM applications that will address workforce needs*  
 17        *of Native American communities;*

18                *(6) provide direction in the development of such*  
 19        *schools by giving priority support to programming*  
 20        *that follows best practices in Native American lan-*  
 21        *guage nests and Native American language survival*  
 22        *schools;*

23                *(7) provide support in programming through the*  
 24        *recognition and funding of demonstration sites to host*  
 25        *those seeking to replicate best practices; and*

1           (8) *provide financial support for distinct needs*  
 2           *of successful Native American language nests and Na-*  
 3           *tive American language survival schools.*

4           (c) *ELIGIBLE ENTITIES.*—*For the purpose of deter-*  
 5           *mining the site of the Center for Indigenous Excellence, the*  
 6           *Secretary shall consider the following to be an eligible enti-*  
 7           *ty:*

8           (1) *A tribally sanctioned educational authority.*

9           (2) *A Native American language college.*

10          (3) *A Native Hawaiian or Native American Pa-*  
 11          *cific Islander native language and culture-based edu-*  
 12          *cational organization.*

13          (4) *An institution of higher education with a*  
 14          *commitment to serve Native American communities.*

15          (5) *A local educational agency with a commit-*  
 16          *ment to serve Native American communities.*

17          (d) *CRITERIA FOR SELECTION.*—*The Secretary shall*  
 18          *determine the site of the Center for Indigenous Excellence*  
 19          *based on—*

20          (1) *a record of excellence, on a national and*  
 21          *international level, with regard to Native American*  
 22          *language and culture-based education;*

23          (2) *a high representation of Native Americans*  
 24          *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 United*  
 11          *States with expertise appropriate to the mission of the*  
 12          *Center and include such entities in its work.*

13          (2) *ASSISTANCE TO PARTNERS.—The Center*  
 14          *shall provide assistance to partners, to the extent*  
 15          *practicable, in curriculum development, technology*  
 16          *development, teacher and staff training, research, and*  
 17          *sustaining Native American language nests, Native*  
 18          *American survival schools, and Native American lan-*  
 19          *guage schools.*

20          (f) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
 21          *authorized to be appropriated to carry out this section*  
 22          *\$2,000,000 for fiscal year 2012 and such sums as may be*  
 23          *necessary for each of the fiscal years 2013 through 2018.*

Calendar No. 574

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 1262**

[Report No. 112-262]

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## A BILL

To improve Indian education, and for other  
purposes.

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DECEMBER 21, 2012

Reported with an amendment