

(5) Native Hawaiian organization

The term “Native Hawaiian organization” means a private nonprofit organization that—

(A) serves the interests of Native Hawaiians;

(B) has Native Hawaiians in substantive and policymaking positions within the organization; and

(C) is recognized by the Governor of Hawaii for the purpose of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

(6) Office of Hawaiian Affairs

The term “Office of Hawaiian Affairs” means the Office of Hawaiian Affairs established by the Constitution of the State of Hawaii.

(Pub. L. 89–10, title VII, §7207, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1941.)

PART C—ALASKA NATIVE EDUCATION

§ 7541. Short title

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

(Pub. L. 89–10, title VII, §7301, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1942.)

PRIOR PROVISIONS

Provisions naming former part C (§7931 et seq.) of subchapter IX of this chapter as the “Alaska Native Educational Equity, Support and Assistance Act” were contained in section 7931 of this title, prior to the general amendment of subchapter IX by Pub. L. 107–110.

A prior section 7541, Pub. L. 89–10, title VII, §7301, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3739, set forth findings and purpose of emergency immigrant education program, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6961 of this title.

§ 7542. Findings

Congress finds and declares the following:

(1) The attainment of educational success is critical to the betterment of the conditions, long-term well-being, and preservation of the culture of Alaska Natives.

(2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs.

(3) Alaska Native children enter and exit school with serious educational handicaps.

(4) The educational achievement of Alaska Native children is far below national norms. Native performance on standardized tests is low, Native student dropout rates are high, and Natives are significantly underrepresented among holders of baccalaureate degrees in the State of Alaska. As a result, Native students are being denied their opportunity to become full participants in society by grade school and high school educations that are condemning an entire generation to an underclass status and a life of limited choices.

(5) The programs authorized in this part, combined with expanded Head Start, infant learning, and early childhood education programs, and parent education programs, are essential if educational handicaps are to be overcome.

(6) The sheer magnitude of the geographic barriers to be overcome in delivering educational services in rural Alaska and Alaska villages should be addressed through the development and implementation of innovative, model programs in a variety of areas.

(7) Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

(Pub. L. 89–10, title VII, §7302, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1942.)

PRIOR PROVISIONS

A prior section 7542, Pub. L. 89–10, title VII, §7302, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3739, related to State administrative costs, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6962 of this title.

§ 7543. Purposes

The purposes of this part are as follows:

(1) To recognize the unique educational needs of Alaska Natives.

(2) To authorize the development of supplemental educational programs to benefit Alaska Natives.

(3) To supplement existing programs and authorities in the area of education to further the purposes of this part.

(4) To provide direction and guidance to appropriate Federal, State and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.

(Pub. L. 89–10, title VII, §7303, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1943.)

PRIOR PROVISIONS

A prior section 7543, Pub. L. 89–10, title VII, §7303, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3739, related to withholding, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6963 of this title.

§ 7544. Program authorized**(a) General authority****(1) Grants and contracts**

The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organizations with experience in developing or operating programs to benefit Alaska Natives, and consortia of organizations and entities described in this paragraph to carry out programs that meet the purposes of this part.

(2) Permissible activities

Activities provided through programs carried out under this part may include the following:

(A) The development and implementation of plans, methods, and strategies to improve the education of Alaska Natives.

(B) The development of curricula and educational programs that address the educational needs of Alaska Native students, including the following:

(i) Curriculum materials that reflect the cultural diversity or the contributions of Alaska Natives.

(ii) Instructional programs that make use of Native Alaskan languages.

(iii) Networks that introduce successful programs, materials, and techniques to urban and rural schools.

(C) Professional development activities for educators, including the following:

(i) Programs to prepare teachers to address the cultural diversity and unique needs of Alaska Native students.

(ii) In-service programs to improve the ability of teachers to meet the unique needs of Alaska Native students.

(iii) Recruitment and preparation of teachers who are Alaska Native, reside in communities with high concentrations of Alaska Native students, or are likely to succeed as teachers in isolated, rural communities and engage in cross-cultural instruction in Alaska.

(D) The development and operation of home instruction programs for Alaska Native preschool children, to ensure the active involvement of parents in their children's education from the earliest ages.

(E) Family literacy services.

(F) The development and operation of student enrichment programs in science and mathematics that—

(i) are designed to prepare Alaska Native students from rural areas, who are preparing to enter secondary school, to excel in science and math;

(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs; and

(iii) may include activities that recognize and support the unique cultural and educational needs of Alaska Native children, and incorporate appropriately qualified Alaska Native elders and seniors.

(G) Research and data collection activities to determine the educational status and needs of Alaska Native children and adults.

(H) Other research and evaluation activities related to programs carried out under this part.

(I) Remedial and enrichment programs to assist Alaska Native students in performing at a high level on standardized tests.

(J) Education and training of Alaska Native students enrolled in a degree program that will lead to certification or licensing as teachers.

(K) Parenting education for parents and caregivers of Alaska Native children to improve parenting and caregiving skills (including skills relating to discipline and cognitive development), including parenting education provided through in-home visitation of new mothers.

(L) Cultural education programs operated by the Alaska Native Heritage Center and designed to share the Alaska Native culture with students.

(M) A cultural exchange program operated by the Alaska Humanities Forum and designed to share Alaska Native culture with urban students in a rural setting, which shall be known as the Rose Cultural Exchange Program.

(N) Activities carried out through Even Start programs carried out under subpart 3 of part B of subchapter I of this chapter and Head Start programs carried out under the Head Start Act [42 U.S.C. 9831 et seq.], including the training of teachers for programs described in this subparagraph.

(O) Other early learning and preschool programs.

(P) Dropout prevention programs operated by the Cook Inlet Tribal Council's Partners for Success program.

(Q) An Alaska Initiative for Community Engagement program.

(R) Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing tech-prep, mentoring, training, and apprenticeship activities.

(S) Provision of operational support and purchasing of equipment, to develop regional vocational schools in rural areas of Alaska, including boarding schools, for Alaska Native students in grades 9 through 12, or at higher levels of education, to provide the students with necessary resources to prepare for skilled employment opportunities.

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

(3) Home instruction programs

Home instruction programs for Alaska Native preschool children carried out under paragraph (2)(D) may include the following:

(A) Programs for parents and their infants, from the prenatal period of the infant through age 3.

(B) Preschool programs.

(C) Training, education, and support for parents in such areas as reading readiness, observation, story telling, and critical thinking.

(b) Limitation on administrative costs

Not more than 5 percent of funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

(c) Priorities

In awarding grants or contracts to carry out activities described in subsection (a)(2) of this section, except for activities listed in subsection (d)(2) of this section, the Secretary shall give

priority to applications from Alaska Native regional nonprofit organizations, or consortia that include at least one Alaska Native regional nonprofit organization.

(d) Authorization of appropriations

(1) In general

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

(2) Availability of funds

Of the funds appropriated and made available under this section for a fiscal year, the Secretary shall make available—

(A) not less than \$1,000,000 to support activities described in subsection (a)(2)(K) of this section;

(B) not less than \$1,000,000 to support activities described in subsection (a)(2)(L) of this section;

(C) not less than \$1,000,000 to support activities described in subsection (a)(2)(M) of this section;

(D) not less than \$2,000,000 to support activities described in subsection (a)(2)(P) of this section; and

(E) not less than \$2,000,000 to support activities described in subsection (a)(2)(Q) of this section.

(Pub. L. 89–10, title VII, §7304, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1943; amended Pub. L. 108–11, title II, §2504, Apr. 16, 2003, 117 Stat. 599.)

REFERENCES IN TEXT

The Head Start Act, referred to in subsec. (a)(2)(N), is subchapter B (§635 et seq.) of chapter 8 of subtitle A of title VI of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 499, as amended, which is classified generally to subchapter II (§9831 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 7544, Pub. L. 89–10, title VII, §7304, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3740, related to State allocations, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6964 of this title.

AMENDMENTS

2003—Subsec. (a)(2)(P). Pub. L. 108–11 substituted “operated by” for “such as”.

§ 7545. Administrative provisions

(a) Application required

No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this part.

(b) Applications

A State educational agency or local educational agency may apply for an award under this part only as part of a consortium involving an Alaska Native organization. The consortium may include other eligible applicants.

(c) Consultation required

Each applicant for an award under this part shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

(d) Local educational agency coordination

Each applicant for an award under this part shall inform each local educational agency serving students who would participate in the program to be carried out under the grant or contract about the application.

(Pub. L. 89–10, title VII, §7305, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1946.)

PRIOR PROVISIONS

A prior section 7545, Pub. L. 89–10, title VII, §7305, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3741, related to State applications, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6965 of this title.

§ 7546. Definitions

In this part:

(1) Alaska Native

The term “Alaska Native” has the same meaning as the term “Native” has in section 1602(b) of title 43.

(2) Alaska Native organization

The term “Alaska Native organization” means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, and another organization that—

(A) has or commits to acquire expertise in the education of Alaska Natives; and

(B) has Alaska Natives in substantive and policymaking positions within the organization.

(Pub. L. 89–10, title VII, §7306, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1946.)

PRIOR PROVISIONS

A prior section 7546, Pub. L. 89–10, title VII, §7306, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3743, related to administrative provisions, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6966 of this title.

Prior sections 7547 to 7602 were omitted in the general amendment of this subchapter by Pub. L. 107–110.

Section 7547, Pub. L. 89–10, title VII, §7307, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3743, related to uses of funds. See section 6967 of this title.

Section 7548, Pub. L. 89–10, title VII, §7308, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3744, related to reports. See section 6968 of this title.

Section 7549, Pub. L. 89–10, title VII, §7309, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3744, authorized appropriations.

Section 7571, Pub. L. 89–10, title VII, §7401, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3744, related to release time. See section 6981 of this title.

Section 7572, Pub. L. 89–10, title VII, §7402, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3744, related to acquisition or development of education technology.

Section 7573, Pub. L. 89–10, title VII, §7403, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3744, related to notification of awards. See section 6982 of this title.

Section 7574, Pub. L. 89–10, title VII, §7404, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3744, related to continued eligibility for grants.