

**(f) Administrative costs**

The Secretary shall, out of funds appropriated under subsection (g) of this section, include in the grants provided under subsection (a) of this section amounts for administrative costs incurred by the tribe, tribal organization, or consortium of tribes in establishing and maintaining the early childhood development program.

**(g) Authorization of appropriations**

There are authorized to be appropriated to carry out this section such sums as may be necessary.

(Pub. L. 95-561, title XI, §1139, as added Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2058.)

## REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (e), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended. Part B of title I of the Act is classified generally to part B (§6361 et seq.) of subchapter I of chapter 70 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 20 and Tables.

## PRIOR PROVISIONS

A prior section 2019, Pub. L. 95-561, title XI, §1139, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 4011, related to promulgation of regulations, prior to repeal by Pub. L. 105-362, title VIII, §801(c)(5), Nov. 10, 1998, 112 Stat. 3288. See section 2017 of this title.

Another prior section 2019, Pub. L. 95-561, title XI, §1139, Nov. 1, 1978, 92 Stat. 2328; Pub. L. 100-297, title V, §5117, Apr. 28, 1988, 102 Stat. 382; Pub. L. 100-427, §1(c)(1), (2), Sept. 9, 1988, 102 Stat. 1603; Pub. L. 101-301, §5(a), May 24, 1990, 104 Stat. 207, defined terms used in this chapter, prior to the general amendment of this chapter by Pub. L. 103-382.

**§ 2020. Tribal departments or divisions of education****(a) In general**

Subject to the availability of appropriations, the Secretary shall make grants and provide technical assistance to tribes for the development and operation of tribal departments or divisions of education for the purpose of planning and coordinating all educational programs of the tribe.

**(b) Applications**

For a tribe to be eligible to receive a grant under this section, the governing body of the tribe shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

**(c) Diversity**

The Secretary shall award grants under this section in a manner that fosters geographic and population diversity.

**(d) Use**

Tribes that receive grants under this section shall use the funds made available through the grants—

(1) to facilitate tribal control in all matters relating to the education of Indian children on reservations (and on former Indian reservations in Oklahoma);

(2) to provide for the development of coordinated educational programs (including all pre-

school, elementary, secondary, and higher or vocational educational programs funded by tribal, Federal, or other sources) on reservations (and on former Indian reservations in Oklahoma) by encouraging tribal administrative support of all Bureau-funded educational programs as well as encouraging tribal cooperation and coordination with entities carrying out all educational programs receiving financial support from other Federal agencies, State agencies, or private entities; and

(3) to provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs.

**(e) Priorities**

In making grants under this section, the Secretary shall give priority to any application that—

(1) includes—

(A) assurances that the applicant serves three or more separate Bureau-funded schools; and

(B) assurances from the applicant that the tribal department of education to be funded under this section will provide coordinating services and technical assistance to all of such schools;

(2) includes assurances that all education programs for which funds are provided by such a contract or grant will be monitored and audited, by or through the tribal department of education, to ensure that the programs meet the requirements of law; and

(3) provides a plan and schedule that—

(A) provides for—

(i) the assumption, by the tribal department of education, of all assets and functions of the Bureau agency office associated with the tribe, to the extent the assets and functions relate to education; and

(ii) the termination by the Bureau of such functions and office at the time of such assumption; and

(B) provides that the assumption shall occur over the term of the grant made under this section, except that, when mutually agreeable to the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.

**(f) Time period of grant**

Subject to the availability of appropriated funds, a grant provided under this section shall be provided for a period of 3 years. If the performance of the grant recipient is satisfactory to the Secretary, the grant may be renewed for additional 3-year terms.

**(g) Terms, conditions, or requirements**

A tribe that receives a grant under this section shall comply with regulations relating to grants made under section 450h(a) of this title that are in effect on the date that the tribal governing body submits the application for the grant under subsection (b) of this section. The Secretary shall not impose any terms, condi-

tions, or requirements on the provision of grants under this section that are not specified in this section.

**(h) Authorization of appropriations**

There are authorized to be appropriated to carry out this section \$2,000,000.

(Pub. L. 95-561, title XI, §1140, as added Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2059.)

PRIOR PROVISIONS

A prior section 2020, Pub. L. 95-561, title XI, §1140, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 4011, related to voluntary services, prior to the general amendment of this chapter by Pub. L. 107-110. See section 2012 of this title.

Another prior section 2020, Pub. L. 95-561, title XI, §1140, as added Pub. L. 98-511, title V, §511, Oct. 19, 1984, 98 Stat. 2397; amended Pub. L. 99-89, §8, Aug. 15, 1985, 99 Stat. 383, related to voluntary services, prior to the general amendment of this chapter by Pub. L. 103-382.

**§ 2021. Definitions**

For the purposes of this chapter, unless otherwise specified:

**(1) Agency school board**

The term “agency school board” means a body—

(A) the members of which are appointed by all of the school boards of the schools located within an agency, including schools operated under contract or grant; and

(B) the number of such members is determined by the Secretary, in consultation with the affected tribes;

except that, in agencies serving a single school, the school board of such school shall fulfill these duties, and in agencies having schools or a school operated under contract or grant, one such member at least shall be from such a school.

**(2) Bureau**

The term “Bureau” means the Bureau of Indian Affairs of the Department of the Interior.

**(3) Bureau-funded school**

The term “Bureau-funded school” means—

(A) a Bureau school;

(B) a contract or grant school; or

(C) a school for which assistance is provided under the Tribally Controlled Schools Act of 1988 [25 U.S.C. 2501 et seq.].

**(4) Bureau school**

The term “Bureau school” means a Bureau-operated elementary or secondary day or boarding school or a Bureau-operated dormitory for students attending a school other than a Bureau school.

**(5) Complementary educational facilities**

The term “complementary educational facilities” means educational program functional spaces such as libraries, gymnasiums, and cafeterias.

**(6) Contract or grant school**

The term “contract or grant school” means an elementary school, secondary school, or dormitory that receives financial assistance for its operation under a contract, grant, or

agreement with the Bureau under section 450f, 450h(a), or 458d of this title, or under the Tribally Controlled Schools Act of 1988 [25 U.S.C. 2501 et seq.].

**(7) Director**

The term “Director” means the Director of the Office of Indian Education Programs.

**(8) Education line officer**

The term “education line officer” means a member of the education personnel under the supervision of the Director of the Office, whether located in a central, area, or agency office.

**(9) Family literacy services**

The term “family literacy services” has the meaning given that term in section 7801<sup>1</sup> of title 20.

**(10) Financial plan**

The term “financial plan” means a plan of services provided by each Bureau school.

**(11) Indian organization**

The term “Indian organization” means any group, association, partnership, corporation, or other legal entity owned or controlled by a federally recognized Indian tribe or tribes, or a majority of whose members are members of federally recognized tribes.

**(12) Inherently Federal functions**

The term “inherently Federal functions” means functions and responsibilities which, under section 2006(c) of this title, are non-contractable, including—

(A) the allocation and obligation of Federal funds and determinations as to the amounts of expenditures;

(B) the administration of Federal personnel laws for Federal employees;

(C) the administration of Federal contracting and grant laws, including the monitoring and auditing of contracts and grants in order to maintain the continuing trust, programmatic, and fiscal responsibilities of the Secretary;

(D) the conducting of administrative hearings and deciding of administrative appeals;

(E) the determination of the Secretary’s views and recommendations concerning administrative appeals or litigation and the representation of the Secretary in administrative appeals and litigation;

(F) the issuance of Federal regulations and policies as well as any documents published in the Federal Register;

(G) reporting to Congress and the President;

(H) the formulation of the Secretary’s and the President’s policies and their budgetary and legislative recommendations and views; and

(I) the nondelegable statutory duties of the Secretary relating to trust resources.

**(13) Local educational agency**

The term “local educational agency” means a board of education or other legally con-

<sup>1</sup> See References in Text note below.