

**§ 3423c. Office of Indian Education****(a) Office of Indian Education**

There shall be an Office of Indian Education (referred to in this section as “the Office”) in the Department of Education.

**(b) Director****(1) Appointment and reporting**

The Office shall be under the direction of the Director, who shall be appointed by the Secretary and who shall report directly to the Assistant Secretary for Elementary and Secondary Education.

**(2) Duties**

The Director shall—

(A) be responsible for administering this title;<sup>1</sup>

(B) be involved in, and be primarily responsible for, the development of all policies affecting Indian children and adults under programs administered by the Office of Elementary and Secondary Education;

(C) coordinate the development of policy and practice for all programs in the Department relating to Indian persons; and

(D) assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities related to the education of Indian persons.

**(c) Indian preference in employment****(1) In general**

The Secretary shall give a preference to Indian persons in all personnel actions in the Office.

**(2) Implementation**

Such preference shall be implemented in the same fashion as the preference given to any veteran under section 45 of title 25.

(Pub. L. 96-88, title II, §215, as added Pub. L. 103-382, title III, §372(2), Oct. 20, 1994, 108 Stat. 3977.)

## REFERENCES IN TEXT

This title, referred to in subsec. (b)(2)(A), is title II of Pub. L. 96-88, Oct. 17, 1979, 93 Stat. 671, which is classified to this subchapter, but probably should have been a reference to part A of title IX of the Elementary and Secondary Education Act of 1965. Part A of title IX of that Act was classified generally to part A (§7801 et seq.) of subchapter IX of chapter 70 of this title, prior to general amendment by Pub. L. 107-110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1956. Provisions similar to those formerly appearing in part A of title IX are contained in part A of title VII of that Act, which is classified generally to part A (§7401 et seq.) of subchapter VII of chapter 70 of this title. For complete classification of the Elementary and Secondary Education Act of 1965 to the Code, see Short Title note set out under section 6301 of this title and Tables.

## PRIOR PROVISIONS

A prior section 215 of Pub. L. 96-88 was renumbered section 217 and is classified to section 3424 of this title.

Provisions similar to those in this section were contained in section 2641 of Title 25, Indians, prior to repeal by Pub. L. 103-382, §367.

## OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

The Office of Educational Research and Improvement was established by section 3419 of this title. Section

3419 was repealed and a new section 3419 establishing the Institute of Educational Sciences was enacted by Pub. L. 107-279, title IV, §402(2), Nov. 5, 2002, 116 Stat. 1985.

**§ 3423d. Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students****(a) Establishment**

There shall be, in the Department, an Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students through which the Secretary shall carry out functions relating to bilingual education.

**(b) Director****(1) In general**

The Office shall be headed by a Director of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students, appointed by the Secretary, to whom the Secretary shall delegate all delegable functions relating to bilingual education. The Director shall also be assigned responsibility for recommending improvements and providing technical assistance to other Federal programs serving language-minority and limited-English-proficient students and their families and for assisting the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities which reflect the needs of language-minority and limited-English language proficient students.

**(2) Organization**

The Office shall be organized as the Director determines to be appropriate in order to carry out such functions and responsibilities effectively.

**(3) Inclusion**

The Secretary shall ensure that limited-English-proficient and language-minority students are included in ways that are valid, reliable, and fair under all standards and assessment development conducted or funded by the Department.

(Pub. L. 96-88, title II, §216, as added Pub. L. 103-382, title III, §372(2), Oct. 20, 1994, 108 Stat. 3978; amended Pub. L. 107-110, title X, §1072(b), (c)(2)(B), (d), Jan. 8, 2002, 115 Stat. 2089.)

## CODIFICATION

Another section 216 of Pub. L. 96-88 was renumbered section 218 and is classified to section 3425 of this title.

## AMENDMENTS

2002—Pub. L. 107-110, §1072(c)(2)(B), substituted “Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students” for “Office of Bilingual Education and Minority Languages Affairs” in section catchline.

Subsec. (a). Pub. L. 107-110, §1072(b), substituted “Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students” for “Office of Bilingual Education and Minority Languages Affairs”.

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