

(2) Assess the extent to which such services and programs meet the needs of Native Hawaiians, and collect data on the status of Native Hawaiian education.

(3) Provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serve, where appropriate, in an advisory capacity.

(4) Make direct grants, if such grants enable the Education Council to carry out the duties of the Education Council, as described in paragraphs (1) through (3).

**(e) Additional duties of the Education Council**

**(1) In general**

The Education Council shall provide copies of any reports and recommendations issued by the Education Council, including any information that the Education Council provides to the Secretary pursuant to subsection (i) of this section, to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Indian Affairs of the Senate.

**(2) Annual report**

The Education Council shall prepare and submit to the Secretary an annual report on the Education Council's activities.

**(3) Island council support and assistance**

The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) of this section as the Secretary determines to be appropriate, in a manner that supports the distinct needs of each island council.

**(f) Establishment of island councils**

**(1) In general**

In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Secretary is authorized to facilitate the establishment of Native Hawaiian education island councils (hereafter in this part referred to as an "island council") for the following islands:

- (A) Hawaii.
- (B) Maui.
- (C) Molokai.
- (D) Lanai.
- (E) Oahu.
- (F) Kauai.
- (G) Niihau.

**(2) Composition of island councils**

Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of individuals concerned with the educational needs of all age groups, from children in preschool through adults. At least three-fourths of the members of each island council shall be Native Hawaiians.

**(g) Administrative provisions relating to Education Council and island councils**

The Education Council and each island council shall meet at the call of the chairperson of the appropriate council, or upon the request of the majority of the members of the appropriate council, but in any event not less often than four times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

**(h) Compensation**

Members of the Education Council and each island council shall not receive any compensation for service on the Education Council and each island council, respectively.

**(i) Report**

Not later than 4 years after January 8, 2002, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Indian Affairs of the Senate a report that summarizes the annual reports of the Education Council, describes the allocation and use of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

(Pub. L. 89-10, title VII, §7204, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1937.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (g), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 7514, Pub. L. 89-10, title VII, §7204, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3738, related to applications for grants, prior to the general amendment of this subchapter by Pub. L. 107-110. See section 7259b of this title.

**§ 7515. Program authorized**

**(a) General authority**

**(1) Grants and contracts**

The Secretary is authorized to make direct grants to, or enter into contracts with—

- (A) Native Hawaiian educational organizations;
- (B) Native Hawaiian community-based organizations;
- (C) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language; and
- (D) consortia of the organizations, agencies, and institutions described in subparagraphs (A) through (C),

to carry out programs that meet the purposes of this part.

**(2) Priorities**

In awarding grants or contracts to carry out activities described in paragraph (3), the Secretary shall give priority to entities proposing projects that are designed to address—

(A) beginning reading and literacy among students in kindergarten through third grade;

(B) the needs of at-risk children and youth;

(C) needs in fields or disciplines in which Native Hawaiians are underemployed; and

(D) the use of the Hawaiian language in instruction.

**(3) Authorized activities**

Activities provided through programs carried out under this part may include—

(A) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of services for Native Hawaiian children from the prenatal period of the children through age 5;

(B) the operation of family-based education centers that provide such services as—

(i) programs for Native Hawaiian parents and their infants from the prenatal period of the infants through age 3;

(ii) preschool programs for Native Hawaiians; and

(iii) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;

(C) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through third grade and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in fifth and sixth grade;

(D) activities to meet the special needs of Native Hawaiian students with disabilities, including—

(i) the identification of such students and their needs;

(ii) the provision of support services to the families of those students; and

(iii) other activities consistent with the requirements of the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.];

(E) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

(i) educational, psychological, and developmental activities designed to assist in the educational progress of those students; and

(ii) activities that involve the parents of those students in a manner designed to assist in the students' educational progress;

(F) the development of academic and vocational curricula to address the needs of Native Hawaiian children and adults, including curriculum materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

(G) professional development activities for educators, including—

(i) the development of programs to prepare prospective teachers to address the

unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

(ii) in-service programs to improve the ability of teachers who teach in schools with concentrations of Native Hawaiian students to meet those students' unique needs; and

(iii) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

(H) the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services, including—

(i) preschool programs;

(ii) after-school programs;

(iii) vocational and adult education programs; and

(iv) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;

(I) activities, including program co-location, to enable Native Hawaiians to enter and complete programs of postsecondary education, including—

(i) provision of full or partial scholarships for undergraduate or graduate study that are awarded to students based on their academic promise and financial need, with a priority, at the graduate level, given to students entering professions in which Native Hawaiians are underrepresented;

(ii) family literacy services;

(iii) counseling and support services for students receiving scholarship assistance;

(iv) counseling and guidance for Native Hawaiian secondary students who have the potential to receive scholarships; and

(v) faculty development activities designed to promote the matriculation of Native Hawaiian students;

(J) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

(K) other research and evaluation activities related to programs carried out under this part; and

(L) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

**(4) Special rule and conditions**

**(A) Institutions outside Hawaii**

The Secretary shall not establish a policy under this section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree granting institution of higher education outside of the State of Hawaii from receiving a scholarship pursuant to paragraph (3)(I).

**(B) Scholarship conditions**

The Secretary shall establish conditions for receipt of a scholarship awarded under paragraph (3)(I). The conditions shall require that an individual seeking such a scholarship enter into a contract to provide professional services, either during the scholarship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.

**(b) Administrative costs**

Not more than 5 percent of funds provided to a recipient of a grant or contract under subsection (a) of this section for any fiscal year may be used for administrative purposes.

**(c) Authorization of appropriations****(1) In general**

There are authorized to be appropriated to carry out this section and section 7514 of this title such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

**(2) Reservation**

Of the funds appropriated under this subsection, the Secretary shall reserve \$500,000 for fiscal year 2002 and each of the 5 succeeding fiscal years to make a direct grant to the Education Council to carry out section 7514 of this title.

**(3) Availability**

Funds appropriated under this subsection shall remain available until expended.

(Pub. L. 89-10, title VII, §7205, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1939.)

## REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (a)(3)(D)(iii), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

## PRIOR PROVISIONS

A prior section 7515, Pub. L. 89-10, title VII, §7205, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3738, related to elementary school foreign language incentive program, prior to the general amendment of this subchapter by Pub. L. 107-110. See section 7259c of this title.

**§ 7516. 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 at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

**(b) Special rule**

Each applicant for a grant or contract under this part shall submit the application for comment to the local educational agency serving students who will participate in the program to

be carried out under the grant or contract, and include those comments, if any, with the application to the Secretary.

(Pub. L. 89-10, title VII, §7206, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1941.)

## PRIOR PROVISIONS

A prior section 7516, Pub. L. 89-10, title VII, §7206, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3739, authorized appropriations for foreign language assistance, prior to the general amendment of this subchapter by Pub. L. 107-110.

**§ 7517. Definitions**

In this part:

**(1) Native Hawaiian**

The term “Native Hawaiian” means any individual who is—

(A) a citizen of the United States; and

(B) a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii, as evidenced by—

(i) genealogical records;

(ii) Kupuna (elders) or Kamaaina (long-term community residents) verification; or

(iii) certified birth records.

**(2) Native Hawaiian community-based organization**

The term “Native Hawaiian community-based organization” means any organization that is composed primarily of Native Hawaiians from a specific community and that assists in the social, cultural, and educational development of Native Hawaiians in that community.

**(3) Native Hawaiian educational organization**

The term “Native Hawaiian educational 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;

(C) incorporates Native Hawaiian perspective, values, language, culture, and traditions into the core function of the organization;

(D) has demonstrated expertise in the education of Native Hawaiian youth; and

(E) has demonstrated expertise in research and program development.

**(4) Native Hawaiian language**

The term “Native Hawaiian language” means the single Native American language indigenous to the original inhabitants of the State of Hawaii.

**(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