

eral Register, a detailed plan to bring all Bureau-funded schools that provide home-living (dormitory) situations up to the standards established under this section.

**(2) Components of plan**

The plan described in paragraph (1) shall include—

- (A) a statement of the relative needs of each Bureau-funded home-living (dormitory) school;
- (B) projected future needs of each Bureau-funded home-living (dormitory) school;
- (C) detailed information on the status of each school in relation to the standards established under this section;
- (D) specific cost estimates for meeting each standard for each such school;
- (E) aggregate cost estimates for bringing all such schools into compliance with the criteria established under this section; and
- (F) specific timelines for bringing each school into compliance with such standards.

**(d) Waiver**

**(1) In general**

A tribal governing body or local school board may, in accordance with this subsection, waive the standards established under this section for a school described in subsection (a) of this section.

**(2) Inappropriate standards**

**(A) In general**

A tribal governing body, or the local school board so designated by the tribal governing body, may waive, in whole or in part, the standards established under this section if such standards are determined by such body or board to be inappropriate for the needs of students from that tribe.

**(B) Alternative standards**

The tribal governing body or school board involved shall, not later than 60 days after providing a waiver under subparagraph (A) for a school, submit to the Director a proposal for alternative standards that take into account the specific needs of the tribe's children. Such alternative standards shall be established by the Director for the school involved unless specifically rejected by the Director for good cause and in writing provided to the affected tribes or local school board.

**(e) Closure for failure to meet standards prohibited**

No school in operation on or before July 1, 1999 (regardless of compliance or noncompliance with the standards established under this section), may be closed, transferred to another authority, or consolidated, and no program of such a school may be substantially curtailed, because the school failed to meet such standards.

(Pub. L. 95-561, title XI, § 1122, as added Pub. L. 107-110, title X, § 1042, Jan. 8, 2002, 115 Stat. 2019.)

PRIOR PROVISIONS

A prior section 2002, Pub. L. 95-561, title XI, § 1122, as added Pub. L. 103-382, title III, § 381, Oct. 20, 1994, 108 Stat. 3984; amended Pub. L. 105-362, title VIII, § 801(c)(2), Nov. 10, 1998, 112 Stat. 3288, related to national criteria

for dormitory situations, prior to the general amendment of this chapter by Pub. L. 107-110.

Another prior section 2002, Pub. L. 95-561, title XI, § 1122, Nov. 1, 1978, 92 Stat. 2318; Pub. L. 96-46, § 2(b)(5), Aug. 6, 1979, 93 Stat. 341; Pub. L. 96-88, title III, § 301(a)(1), title V, § 507, Oct. 17, 1979, 93 Stat. 677, 692; Pub. L. 100-297, title V, § 5105, Apr. 28, 1988, 102 Stat. 367, related to national criteria for dormitory situations, prior to the general amendment of this chapter by Pub. L. 103-382.

**§ 2003. Codification of regulations**

**(a) Part 32 of Title 25, Code of Federal Regulations**

The provisions of part 32 of title 25, Code of Federal Regulations, as in effect on January 1, 1987, are incorporated into this Act and shall be treated as though such provisions are set forth in this subsection. Such provisions may be altered only by means of an Act of Congress. To the extent that such provisions of part 32 do not conform with this Act or any statutory provision of law enacted before November 1, 1978, the provisions of this Act and the provisions of such other statutory law shall govern.

**(b) Definition of regulation**

In this section, the term “regulation” means any rule, regulation, guideline, interpretation, order, or requirement of general applicability prescribed by any officer or employee of the executive branch.

(Pub. L. 95-561, title XI, § 1123, as added Pub. L. 107-110, title X, § 1042, Jan. 8, 2002, 115 Stat. 2019.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), means Pub. L. 95-561, Nov. 1, 1978, 92 Stat. 2143, as amended, known as the Education Amendments of 1978. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note set out under section 6301 of Title 20, Education, and Tables.

PRIOR PROVISIONS

A prior section 2003, Pub. L. 95-561, title XI, § 1123, as added Pub. L. 103-382, title III, § 381, Oct. 20, 1994, 108 Stat. 3985, related to the incorporation of regulations into, or the application of regulations to, Pub. L. 95-561, prior to the general amendment of this chapter by Pub. L. 107-110.

Another prior section 2003, Pub. L. 95-561, title XI, § 1123, Nov. 1, 1978, 92 Stat. 2319; Pub. L. 100-297, title V, § 5106, Apr. 28, 1988, 102 Stat. 367, related to the incorporation of regulations into, or the application of regulations to, Pub. L. 95-561, prior to the general amendment of this chapter by Pub. L. 103-382.

**§ 2004. School boundaries**

**(a) Establishment by Secretary**

The Secretary shall establish, by regulation, separate geographical attendance areas for each Bureau-funded school.

**(b) Establishment by tribal body**

In any case where there is more than one Bureau-funded school located on an Indian reservation, at the direction of the tribal governing body, the relevant school boards of the Bureau-funded schools on the reservation may, by mutual consent, establish the relevant attendance areas for such schools, subject to the approval of the tribal governing body. Any such boundaries so established shall be accepted by the Secretary.