

cludes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

**(6) Secretary**

The term “Secretary” means the Secretary of the Interior.

**(7) Tribal governing body**

The term “tribal governing body” means, with respect to any school that receives assistance under this Act,<sup>1</sup> the recognized governing body of the Indian tribe involved.

**(8) Tribal organization**

**(A) In general**

The term “tribal organization” means—  
 (i) the recognized governing body of any Indian tribe; or  
 (ii) any legally established organization of Indians that—

- (I) is controlled, sanctioned, or chartered by such governing body or is democratically elected by the adult members of the Indian community to be served by such organization; and
- (II) includes the maximum participation of Indians in all phases of the organization’s activities.

**(B) Authorization**

In any case in which a grant is provided under this chapter to an organization to provide services through a tribally controlled school benefiting more than one Indian tribe, the approval of the governing bodies of Indian tribes representing 80 percent of the students attending the tribally controlled school shall be considered a sufficient tribal authorization for such grant.

**(9) Tribally controlled school**

The term “tribally controlled school” means a school that—

- (A) is operated by an Indian tribe or a tribal organization, enrolling students in kindergarten through grade 12, including a pre-school;
- (B) is not a local educational agency; and
- (C) is not directly administered by the Bureau of Indian Affairs.

(Pub. L. 100-297, title V, §5212, as added Pub. L. 107-110, title X, §1043, Jan. 8, 2002, 115 Stat. 2078.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (4), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

This Act, referred to in par. (7), is Pub. L. 100-297 and probably should be “this part”, meaning part B of title V of Pub. L. 100-297, known as the Tribally Controlled Schools Act of 1988, which is classified generally to this chapter. For complete classification of part B to the Code, see Short Title note set out under section 2501 of this title and Tables.

PRIOR PROVISIONS

A prior section 2511, Pub. L. 100-297, title V, §5212, Apr. 28, 1988, 102 Stat. 394, defined terms, prior to repeal

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

by Pub. L. 107-110, title X, §1043, Jan. 8, 2002, 115 Stat. 2063.

EFFECTIVE DATE

Section effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as a note under section 6301 of Title 20, Education.

**CHAPTER 28—INDIAN EDUCATION PROGRAM**

**SUBCHAPTER I—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN**

**§§ 2601 to 2606. Repealed. Pub. L. 103-382, title III, §367, Oct. 20, 1994, 108 Stat. 3976**

Section 2601, Pub. L. 100-297, title V, §5311, Apr. 28, 1988, 102 Stat. 395, related to policy declaration concerning academic needs of Indian students.

Section 2602, Pub. L. 100-297, title V, §5312, Apr. 28, 1988, 102 Stat. 396; Pub. L. 100-427, §15, Sept. 9, 1988, 102 Stat. 1610, related to grants to local educational agencies for education of Indian children.

Section 2603, Pub. L. 100-297, title V, §5313, Apr. 28, 1988, 102 Stat. 398, related to permissible uses of Federal funds.

Section 2604, Pub. L. 100-297, title V, §5314, Apr. 28, 1988, 102 Stat. 398; Pub. L. 100-427, §16, Sept. 9, 1988, 102 Stat. 1610; Pub. L. 101-301, §5(c), May 24, 1990, 104 Stat. 207, related to applications for grants and conditions for approval.

Section 2605, Pub. L. 100-297, title V, §5315, Apr. 28, 1988, 102 Stat. 402; Pub. L. 100-427, §17, Sept. 9, 1988, 102 Stat. 1611, related to payments to local educational agencies.

Section 2606, Pub. L. 100-297, title V, §5316, Apr. 28, 1988, 102 Stat. 402, authorized appropriations for Indian education and permitted Secretary to reallocate funds.

SHORT TITLE

Pub. L. 100-297, title V, §5301, Apr. 28, 1988, 102 Stat. 395, provided that part C (§§5301-5352) of title V of Pub. L. 100-297, enacting this chapter, repealing sections 241aa, 241bb, 241cc to 241ff, 1211a, 1221f to 1221h, and 3385 to 3385b of Title 20, Education, and repealing provisions set out as notes under sections 241aa and 1411 of Title 20, could be cited as the “Indian Education Act of 1988”, prior to repeal by Pub. L. 103-382, title III, §367, Oct. 20, 1994, 108 Stat. 3976.

**SUBCHAPTER II—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN**

**§§ 2621 to 2624. Repealed. Pub. L. 103-382, title III, §367, Oct. 20, 1994, 108 Stat. 3976**

Section 2621, Pub. L. 100-297, title V, §5321, Apr. 28, 1988, 102 Stat. 403; Pub. L. 100-427, §18, Sept. 9, 1988, 102 Stat. 1612, related to improvement of educational opportunities for Indian children.

Section 2622, Pub. L. 100-297, title V, §5322, Apr. 28, 1988, 102 Stat. 406, related to special educational training programs for teachers of Indian children.

Section 2623, Pub. L. 100-297, title V, §5323, Apr. 28, 1988, 102 Stat. 407; Pub. L. 100-427, §19(a), Sept. 9, 1988, 102 Stat. 1612, provided for fellowships for Indian students.

Section 2624, Pub. L. 100-297, title V, §5324, Apr. 28, 1988, 102 Stat. 408; Pub. L. 100-427, §20, Sept. 9, 1988, 102 Stat. 1612; Pub. L. 101-301, §5(d)(2), May 24, 1990, 104 Stat. 208, authorized programs for gifted and talented Indian children.