

each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, at which—

- (1) not fewer than 3 members of the Education Council shall be in attendance;
- (2) the Education Council shall gather community input regarding—
 - (A) current grantees under this part, as of the date of the consultation;
 - (B) priorities and needs of Native Hawaiians; and
 - (C) other Native Hawaiian education issues; and
- (3) the Education Council shall report to the community on the outcomes of the activities supported by grants awarded under this part.

(f) Funding

For each fiscal year, the Secretary shall use the amount described in section 7515(c)(2) of this title, to make a payment under the grant. Funds made available through the grant shall remain available until expended.

(Pub. L. 89–10, title VI, §6204, formerly title VII, §7204, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1937; renumbered title VI, §6204, and amended Pub. L. 114–95, title VI, §§6001(a), (b)(1), 6003(b), Dec. 10, 2015, 129 Stat. 2046, 2063.)

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 former subchapter VII of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, §6003(b), amended section generally. Prior to amendment, section related to establishment of Native Hawaiian Education Council and individual island councils.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 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;
- (D) charter schools; and
- (E) 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 Sec-

retary 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 grade 3 and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in grades 5 and 6;
- (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 such 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 educational progress of such students;
- (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 high concentrations of Native Hawaiian students to meet the unique needs of such students; 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 students, parents, families, and communities through the coordination of public and private programs and services, including—

- (i) early childhood education programs;
- (ii) before, after, and summer school programs, expanded learning time, or week-end academies;
- (iii) career and technical 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) family literacy services; and
- (ii) counseling, guidance, and support services for 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.

(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 \$32,397,000 for each of fiscal years 2017 through 2020.

(2) Reservation

Of the funds appropriated under this subsection, the Secretary shall reserve \$500,000 for each of fiscal years 2017 through 2020 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 VI, §6205, formerly title VII, §7205, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1939; renumbered title VI, §6205, and amended Pub. L. 114–95, title VI, §§6001(a), (b)(1), (10), 6003(c), Dec. 10, 2015, 129 Stat. 2046, 2047, 2066.)

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 former subchapter VII of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a)(1)(D), (E). Pub. L. 114–95, §6003(c)(1)(A), added subpar. (D) and redesignated former subpar. (D) as (E).

Subsec. (a)(3)(C). Pub. L. 114–95, §6003(c)(1)(B)(i), substituted “grade 3” for “third grade” and “grades 5 and 6” for “fifth and sixth grade”.

Subsec. (a)(3)(D)(ii). Pub. L. 114–95, §6003(c)(1)(B)(ii), substituted “of such students” for “of those students”.

Subsec. (a)(3)(E)(ii). Pub. L. 114–95, §6003(c)(1)(B)(iii), substituted “educational progress of such students” for “students’ educational progress”.

Subsec. (a)(3)(G)(ii). Pub. L. 114–95, §6003(c)(1)(B)(iv), substituted “high concentrations of Native Hawaiian students to meet the unique needs of such students; and” for “concentrations of Native Hawaiian students to meet those students’ unique needs; and”.

Subsec. (a)(3)(H). Pub. L. 114–95, §6003(c)(1)(B)(v)(I), substituted “students, parents, families,” for “families” in introductory provisions.

Subsec. (a)(3)(H)(i). Pub. L. 114–95, §6003(c)(1)(B)(v)(II), substituted “early childhood education programs” for “preschool programs”.

Subsec. (a)(3)(H)(ii). Pub. L. 114–95, §6003(c)(1)(B)(v)(III), added cl. (ii) and struck out former cl. (ii) which read as follows: “after-school programs;”.

Subsec. (a)(3)(H)(iii). Pub. L. 114–95, §6003(c)(1)(B)(v)(IV), substituted “career and technical education programs” for “vocational and adult education programs”.

Subsec. (a)(3)(I). Pub. L. 114–95, §6003(c)(1)(B)(vi), added cls. (i) and (ii) and struck out former cls. (i) to (v) which read as follows:

“(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;”.

Subsec. (a)(4). Pub. L. 114–95, §6003(c)(1)(C), struck out par. (4). Text read as follows:

“(A) INSTITUTIONS OUTSIDE HAWAII.—The Secretary shall not establish a policy under this section that pre-

vents 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.”

Subsec. (c)(1). Pub. L. 114-95, §6003(c)(2)(A), substituted “\$32,397,000 for each of fiscal years 2017 through 2020” for “such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years”.

Pub. L. 114-95, §6001(b)(10)(A), made technical amendment to reference in original act which appears in text as reference to section 7514 of this title.

Subsec. (c)(2). Pub. L. 114-95, §6003(c)(2)(B), substituted “for each of fiscal years 2017 through 2020” for “for fiscal year 2002 and each of the 5 succeeding fiscal years”.

Pub. L. 114-95, §6001(b)(10)(B), made technical amendment to reference in original act which appears in text as reference to section 7514 of this title.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 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 VI, §6206, formerly title VII, §7206, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1941; renumbered title VI, §6206, Pub. L. 114-95, title VI, §6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046.)

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 former subchapter VII of this chapter by Pub. L. 107-110.

§ 7517. Definitions

In this part:

(1) Community consultation

The term “community consultation” means a public gathering—

(A) to discuss Native Hawaiian education concerns; and

(B) about which the public has been given not less than 30 days notice.

(2) 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.

(3) 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.

(4) 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.

(5) Native Hawaiian language

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

(6) 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

(C) is recognized by the Governor of Hawaii for the purpose of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

(7) Office of Hawaiian Affairs

The term “Office of Hawaiian Affairs” means the Office of Hawaiian Affairs established by the Constitution of the State of Hawaii.

(Pub. L. 89-10, title VI, §6207, formerly title VII, §7207, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1941; renumbered title VI, §6207, and amended Pub. L. 114-95, title VI,