

parent or parents requesting anonymity, the Secretary shall certify to the Indian child's tribe, where the information warrants, that the child's parentage and other circumstances of birth entitle the child to enrollment under the criteria established by such tribe.

(Pub. L. 95-608, title III, §301, Nov. 8, 1978, 92 Stat. 3077.)

§ 1952. Rules and regulations

Within one hundred and eighty days after November 8, 1978, the Secretary shall promulgate such rules and regulations as may be necessary to carry out the provisions of this chapter.

(Pub. L. 95-608, title III, §302, Nov. 8, 1978, 92 Stat. 3077.)

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

§ 1961. Locally convenient day schools

(a) Sense of Congress

It is the sense of Congress that the absence of locally convenient day schools may contribute to the breakup of Indian families.

(b) Report to Congress; contents, etc.

The Secretary is authorized and directed to prepare, in consultation with appropriate agencies in the Department of Health and Human Services, a report on the feasibility of providing Indian children with schools located near their homes, and to submit such report to the Select Committee on Indian Affairs of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives within two years from November 8, 1978. In developing this report the Secretary shall give particular consideration to the provision of educational facilities for children in the elementary grades.

(Pub. L. 95-608, title IV, §401, Nov. 8, 1978, 92 Stat. 3078; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

"Department of Health and Human Services" substituted for "Department of Health, Education, and Welfare" in subsec. (b), pursuant to section 509(b) of Pub. L. 96-88 which is classified to section 3508(b) of Title 20, Education.

Select Committee on Indian Affairs of the Senate redesignated Committee on Indian Affairs of the Senate by section 25 of Senate Resolution No. 71, Feb. 25, 1993, One Hundred Third Congress.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 1962. Copies to the States

Within sixty days after November 8, 1978, the Secretary shall send to the Governor, chief justice of the highest court of appeal, and the attorney general of each State a copy of this chapter, together with committee reports and an explanation of the provisions of this chapter.

(Pub. L. 95-608, title IV, §402, Nov. 8, 1978, 92 Stat. 3078.)

§ 1963. Severability

If any provision of this chapter or the applicability thereof is held invalid, the remaining provisions of this chapter shall not be affected thereby.

(Pub. L. 95-608, title IV, §403, Nov. 8, 1978, 92 Stat. 3078.)

CHAPTER 22—BUREAU OF INDIAN AFFAIRS PROGRAMS

Sec.	
2000.	Declaration of policy.
2001.	Accreditation for the basic education of Indian children in Bureau of Indian Affairs schools.
2002.	National criteria for home-living situations.
2003.	Codification of regulations.
2004.	School boundaries.
2005.	Facilities construction.
2006.	Bureau of Indian Affairs education functions.
2007.	Allotment formula.
2008.	Administrative cost grants.
2009.	Division of Budget Analysis.
2010.	Uniform direct funding and support.
2011.	Policy for Indian control of Indian education.
2012.	Indian education personnel.
2013.	Computerized management information system.
2014.	Recruitment of Indian educators.
2015.	Annual report; audits.
2016.	Rights of Indian students.
2017.	Regulations.
2018.	Regional meetings and negotiated rule-making.
2019.	Early childhood development program.
2020.	Tribal departments or divisions of education.
2021.	Definitions.

CODIFICATION

Part B of title XI of the Education Amendments of 1978, comprising this chapter, was originally enacted as part B of title XI of Pub. L. 95-561, Nov. 1, 1978, 92 Stat. 2316, and amended by 1978 Reorg. Plan No. 2, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; Pub. L. 96-46, Aug. 6, 1979, 93 Stat. 338; Pub. L. 96-88, Oct. 17, 1979, 93 Stat. 668; Pub. L. 97-375, Dec. 21, 1982, 96 Stat. 1819; Pub. L. 98-511, Oct. 19, 1984, 98 Stat. 2366; Pub. L. 99-89, Aug. 15, 1985, 99 Stat. 379; Pub. L. 99-228, Dec. 28, 1985, 99 Stat. 1747; Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207; Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 130; Pub. L. 100-427, Sept. 9, 1988, 102 Stat. 1603; Pub. L. 101-301, May 24, 1990, 104 Stat. 206; Pub. L. 102-531, Oct. 27, 1992, 106 Stat. 3469; Pub. L. 103-382, Oct. 20, 1994, 108 Stat. 3518; Pub. L. 104-134, Apr. 26, 1996, 110 Stat. 1321; Pub. L. 104-140, May 2, 1996, 110 Stat. 1327; Pub. L. 105-244, Oct. 7, 1998, 112 Stat. 1581; Pub. L. 105-362, Nov. 10, 1998, 112 Stat. 3280; Pub. L. 106-554, Dec. 21, 2000, 114 Stat. 2763. Part B of title XI of the Act is shown herein, however, as having been added by Pub. L. 107-110 without reference to such intervening amendments because of the extensive amendment of the part's provisions by Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2007.

§ 2000. Declaration of policy

Congress declares that the Federal Government has the sole responsibility for the operation and financial support of the Bureau of Indian Affairs funded school system that it has established on or near Indian reservations and Indian trust lands throughout the Nation for Indian children. It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children and for the oper-

ation and financial support of the Bureau of Indian Affairs-funded school system to work in full cooperation with tribes toward the goal of ensuring that the programs of the Bureau of Indian Affairs-funded school system are of the highest quality and provide for the basic elementary and secondary educational needs of Indian children, including meeting the unique educational and cultural needs of those children.

(Pub. L. 95-561, title XI, §1120, as added Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2007.)

EFFECTIVE DATE

Chapter 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.

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-110, title X, §1041, Jan. 8, 2002, 115 Stat. 2007, provided that: "This part [part D (§§1041-1045) of title X of Pub. L. 107-110, enacting this chapter and sections 2501 to 2511 of this title, amending section 13d-2 of this title, and repealing former sections 2501 to 2511 of this title] may be cited as the 'Native American Education Improvement Act of 2001'."

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-297, title V, §5101, Apr. 28, 1988, 102 Stat. 363, provided that: "This part [part A (§§5101-5120) of title V of Pub. L. 100-297, enacting sections 2008a, 2022a, and 2022b of this title, amending sections 2001 to 2005, 2008 to 2011, and 2019 of this title, repealing section 241bb-1 of Title 20, Education, enacting provisions set out as notes under section 2011 of this title and section 1411 of Title 20, and repealing provisions set out as a note under section 241aa of Title 20] may be cited as the 'Indian Education Amendments of 1988'."

SHORT TITLE OF 1985 AMENDMENT

Pub. L. 99-89, §1(a), Aug. 15, 1985, 99 Stat. 379, provided that: "This Act [amending sections 2001, 2004, 2006, 2008, 2009, 2016, 2020, 2021, and 2022 of this title, repealing section 2023 of this title, and enacting provisions formerly set out as a note under section 2001 of this title] may be cited as the 'Indian Education Technical Amendments Act of 1985'."

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-511, title V, §501(a), Oct. 19, 1984, 98 Stat. 2391, provided that: "This title [enacting sections 2020 to 2023 of this title, amending sections 2001, 2004, 2006, 2008, 2009, 2011, 2012, 2016, 2018 of this title, and sections 241aa to 241ff, 1211a, 1221g, 3385, 3385a, and 3385b of Title 20, Education, and enacting provisions set out as a note under section 241ff of Title 20] may be cited as the 'Indian Education Amendments of 1984'."

BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS

Pub. L. 112-74, div. E, title I, §115, Dec. 23, 2011, 125 Stat. 1009, as amended by Pub. L. 113-235, div. F, title I, §116, Dec. 16, 2014, 128 Stat. 2421; Pub. L. 114-113, div. G, title I, §113, Dec. 18, 2015, 129 Stat. 2550, provided that:

"(a)(1) Notwithstanding any other provision of law or Federal regulation, including section 586(c) of title 40, United States Code, the Director of the BLE [Bureau of Indian Education], or the Director's designee, is authorized to enter into agreements with public and private persons and entities that provide for such persons and entities to rent or lease the land or facilities of a Bureau-operated school for such periods of time as the school is Bureau operated, in exchange for a consideration (in the form of funds) that benefits the school, as determined by the head of the school.

"(2) Funds received under paragraph (1) shall be retained by the school and used for school purposes

otherwise authorized by law. Any funds received under paragraph (1) are hereby made available until expended for such purposes, notwithstanding section 3302 of title 31, United States Code.

"(3) Nothing in this section shall be construed to allow for the diminishment of, or otherwise affect, the appropriation of funds to the budget accounts for the operation and maintenance of Bureau-operated schools. No funds shall be withheld from the distribution to the budget of any Bureau-operated school due to the receipt by the school of a benefit in accordance with this section.

"(b) Notwithstanding any provision of title 5, United States Code, or any regulation promulgated under such title, education personnel who are under the direction and supervision of the Secretary of the Interior may participate in a fundraising activity for the benefit of a Bureau-operated school in an official capacity as part of their official duties. When participating in such an official capacity, the employee may use the employee's official title, position, and authority. Nothing in this subsection shall be construed to authorize participation in political activity (as such term is used in section 7324 of title 5, United States Code) otherwise prohibited by law.

"(c) The Secretary of the Interior shall promulgate regulations to carry out this section not later than 16 months after the date of the enactment of this Act [Dec. 23, 2011]. Such regulations shall include—

"(1) standards for the appropriate use of Bureau-operated school lands and facilities by third parties under a rental or lease agreement;

"(2) provisions for the establishment and administration of mechanisms for the acceptance of consideration for the use and benefit of a school in accordance with this section (including, in appropriate cases, the establishment and administration of trust funds);

"(3) accountability standards to ensure ethical conduct; and

"(4) provisions for monitoring the amount and terms of consideration received, the manner in which the consideration is used, and any results achieved by such use.

"(d) Provisions of this section shall apply to fiscal years 2012 through 2027."

THERAPEUTIC MODEL DEMONSTRATION SCHOOLS

Pub. L. 103-382, title V, §566, Oct. 20, 1994, 108 Stat. 4059, provided that:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Indian Affairs, is authorized to establish demonstration schools, based on the therapeutic model described in this section, to provide services necessary to achieve positive changes in the attitudes, behavior, and academic performance of Indian youth attending off-reservation boarding schools.

"(2) PURPOSE.—The purpose of the therapeutic model demonstration schools is—

"(A) to provide a program, based on an annual written plan, linking clinicians, counselors, and mental health professionals with academic program personnel in a culturally sensitive residential program tailored to the particular needs of Indian students;

"(B) to provide for a continued evaluation of the planning and implementation of the therapeutic model in the designated schools; and

"(C) to determine what steps the Bureau of Indian Affairs must take and what resources are required to transform existing off-reservation boarding schools to meet the needs of chemically dependent, emotionally disturbed, socially troubled, or other at-risk Indian youth who attend such schools.

"(b) LOCATION.—The Secretary shall initiate the therapeutic model at two schools during school years 1994 through 1996, and shall give priority to—

"(1) one school that is the recipient of a grant under section 5204 of the August [Augustus] F. Haw-

kins—Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 [25 U.S.C. 2503] during the 1994–1995 school year; and

“(2) one school operated by the Bureau of Indian Affairs during the 1995–1996 school year.

“(c) SERVICES.—The demonstration schools shall provide an integrated residential environment that may include—

“(1) mental health services;

“(2) education;

“(3) recreation therapy;

“(4) social service programs;

“(5) substance abuse education and prevention; and

“(6) other support services for aftercare.

“(d) STAFFING.—The demonstration schools shall be staffed with health and social service professionals, and educators, and may include—

“(1) clinical psychologists;

“(2) child psychologists;

“(3) substance abuse counselors;

“(4) social workers; and

“(5) health educators.

“(e) ENROLLMENT.—Notwithstanding any other provision of law, the Secretary of the Interior may limit the enrollment at the demonstration schools.

“(f) ASSISTANCE.—The Secretary is authorized to enter into agreements with other organizations and agencies, including the Indian Health Service, to carry out this section.

“(g) REPORT.—Not later than July 31 of each year, the Secretary of the Interior shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Education and Labor [now Committee on Education and the Workforce] of the House of Representatives on the progress of the Department of the Interior in the development of the demonstration schools.”

§ 2001. Accreditation for the basic education of Indian children in Bureau of Indian Affairs schools

(a) Purpose; declarations of purpose

(1) Purpose

The purpose of the accreditation required under this section shall be to ensure that Indian students being served by a school funded by the Bureau of Indian Affairs are provided with educational opportunities that equal or exceed those for all other students in the United States.

(2) Declarations of purpose

Local school boards for schools operated by the Bureau of Indian Affairs, in cooperation and consultation with the appropriate tribal governing bodies and their communities, are encouraged to adopt declarations of purpose for education for their communities, taking into account the implications of such declarations on education in their communities and for their schools. In adopting such declarations of purpose, the school boards shall consider the effect the declarations may have on the motivation of students and faculties.

(b) Accreditation

(1) Deadline

(A) In general

Not later than 24 months after January 8, 2002, each Bureau-funded school shall, to the extent that necessary funds are provided, be a candidate for accreditation or be accredited—

(i) by a tribal accrediting body, if the accreditation standards of the tribal accred-

iting body have been accepted by formal action of the tribal governing body and such accreditation is acknowledged by a generally recognized State certification or regional accrediting agency;

(ii) by a regional accreditation agency;

(iii) by State accreditation standards for the State in which the Bureau-funded school is located; or

(iv) in the case of a Bureau-funded school that is located on a reservation that is located in more than one State, in accordance with the State accreditation standards of one State as selected by the tribal government.

(B) Feasibility study

Not later than 12 months after January 8, 2002, the Secretary of the Interior and the Secretary of Education shall, in consultation with Indian tribes, Indian education organizations, and accrediting agencies, develop and submit to the appropriate committees of Congress a report on the desirability and feasibility of establishing a tribal accreditation agency that would—

(i) review and acknowledge the accreditation standards for Bureau-funded schools; and

(ii) establish accreditation procedures to facilitate the application, review of the standards and review processes, and recognition of qualified and credible tribal departments of education as accrediting bodies serving tribal schools.

(2) Determination of accreditation to be applied

The accreditation type applied for each school shall be determined by the tribal governing body, or the school board, if authorized by the tribal governing body.

(3) Assistance to school boards

(A) In general

The Secretary, through contracts and grants, shall provide technical and financial assistance to Bureau-funded schools, to the extent that necessary amounts are made available, to enable such schools to obtain the accreditation required under this subsection, if the school boards request that such assistance, in part or in whole, be provided.

(B) Entities through which assistance may be provided

The Secretary may provide such assistance directly or through the Department of Education, an institution of higher education, a private not-for-profit organization or for-profit organization, an educational service agency, or another entity with demonstrated experience in assisting schools in obtaining accreditation.

(4) Application of current standards during accreditation

A Bureau-funded school that is seeking accreditation shall remain subject to the standards issued under this section¹ and in effect on

¹ See References in Text note below.