

Jan. 8, 2002, 115 Stat. 1907; renumbered title VI, § 6102, and amended Pub. L. 114-95, title VI, §§ 6001(a), (b)(1), 6002(b), Dec. 10, 2015, 129 Stat. 2046, 2047.)

PRIOR PROVISIONS

A prior section 7402, Pub. L. 89-10, title VII, § 7102, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3716, set forth findings, policy, and purpose of Bilingual Education Act, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107-110.

A prior section 6102 of Pub. L. 89-10 was classified to section 7312 of this title, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107-110.

Another prior section 6102 of Pub. L. 89-10 was classified to section 3262 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

Prior sections 7403 to 7405 were omitted in the general amendment of former subchapter VII of this chapter by Pub. L. 107-110.

Section 7403, Pub. L. 89-10, title VII, § 7103, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3718, authorized appropriations for bilingual education.

Section 7404, Pub. L. 89-10, title VII, § 7104, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3718, related to Native American and Alaska Native children in school.

Section 7405, Pub. L. 89-10, title VII, § 7105, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3719, related to residents of territories and freely associated nations.

AMENDMENTS

2015—Pub. L. 114-95, § 6002(b), amended section generally. Prior to amendment, text read as follows:

“(a) PURPOSE.—It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet the same challenging State student academic achievement standards as all other students are expected to meet.

“(b) PROGRAMS.—This part carries out the purpose described in subsection (a) of this section by authorizing programs of direct assistance for—

“(1) meeting the unique educational and culturally related academic needs of American Indians and Alaska Natives;

“(2) the education of Indian children and adults;

“(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

“(4) research, evaluation, data collection, and technical assistance.”

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.

SUBPART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

§ 7421. Purpose

It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, and other entities in developing elementary school and secondary school programs for Indian students that are designed to—

(1) meet the unique cultural, language, and educational needs of such students; and

(2) ensure that all students meet the challenging State academic standards.

(Pub. L. 89-10, title VI, § 6111, formerly title VII, § 7111, as added Pub. L. 107-110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1908; renumbered title VI, § 6111, and amended Pub. L. 114-95, title VI, §§ 6001(a), (b)(1), 6002(c), Dec. 10, 2015, 129 Stat. 2046, 2047.)

PRIOR PROVISIONS

A prior section 7421, Pub. L. 89-10, title VII, § 7111, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3719, related to financial assistance for bilingual education, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107-110.

A prior section 6111 of Pub. L. 89-10 was classified to section 7301 of this title, prior to repeal by Pub. L. 114-95.

AMENDMENTS

2015—Pub. L. 114-95, § 6002(c), amended section generally. Prior to amendment, text read as follows: “It is the purpose of this subpart to support local educational agencies in their efforts to reform elementary school and secondary school programs that serve Indian students in order to ensure that such programs—

“(1) are based on challenging State academic content and student academic achievement standards that are used for all students; and

“(2) are designed to assist Indian students in meeting those standards.”

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.

§ 7422. Grants to local educational agencies and tribes

(a) In general

The Secretary may make grants, from allocations made under section 7423 of this title, and in accordance with this section and section 7423 of this title, to—

(1) local educational agencies;

(2) Indian tribes, as provided under subsection (c)(1);

(3) Indian organizations, as provided under subsection (c)(1);

(4) consortia of 2 or more local educational agencies, Indian tribes, Indian organizations, or Indian community-based organizations, if each local educational agency participating in such a consortium, if applicable—

(A) provides an assurance that the eligible Indian children served by such local educational agency will receive the services of the programs funded under this subpart; and

(B) is subject to all the requirements, assurances, and obligations applicable to local educational agencies under this subpart; and

(5) Indian community-based organizations, as provided under subsection (d)(1).

(b) Local educational agencies

(1) Enrollment requirements

Subject to paragraph (2), a local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 7427 of this

title who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

(A) was at least 10; or

(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

(2) Cooperative agreements

A local educational agency may enter into a cooperative agreement with an Indian tribe under this subpart if such Indian tribe—

(A) represents not less than 25 percent of the eligible Indian children who are served by such local educational agency; and

(B) requests that the local educational agency enter into a cooperative agreement under this subpart.

(3) Exclusion

The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, a reservation.

(c) Indian tribes and Indian organizations

(1) In general

If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 7424(c)(4) of this title for such grant, an Indian tribe, an Indian organization, or a consortium of such entities, that represents more than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.

(2) Special rule

(A) In general

The Secretary shall treat each Indian tribe, Indian organization, or consortium of such entities applying for a grant pursuant to paragraph (1) as if such tribe, Indian organization, or consortium were a local educational agency for purposes of this subpart.

(B) Exceptions

Notwithstanding subparagraph (A), such Indian tribe, Indian organization, or consortium shall not be subject to the requirements of subsections (b)(7) or (c)(4) of section 7424 of this title or section 7428(c) or 7429 of this title.

(3) Assurance to serve all Indian children

An Indian tribe, Indian organization, or consortium of such entities that is eligible to apply for a grant under paragraph (1) shall include, in the application required under section 7424 of this title, an assurance that the entity will use the grant funds to provide services to all Indian students served by the local educational agency.

(d) Indian community-based organization

(1) In general

If no local educational agency pursuant to subsection (b), and no Indian tribe, Indian organization, or consortium pursuant to subsection (c), applies for a grant under this subpart in a particular community, an Indian

community-based organization serving the community of the local educational agency may apply for such grant.

(2) Applicability of special rule

The Secretary shall apply the special rule in subsection (c)(2) to an Indian community-based organization applying for a grant under paragraph (1) in the same manner as such rule applies to an Indian tribe, Indian organization, or consortium described in that subsection.

(3) Definition of Indian community-based organization

In this subsection, the term “Indian community-based organization” means any organization that—

(A) is composed primarily of Indian parents, family members, and community members, tribal government education officials, and tribal members, from a specific community;

(B) assists in the social, cultural, and educational development of Indians in such community;

(C) meets the unique cultural, language, and academic needs of Indian students; and

(D) demonstrates organizational and administrative capacity to manage the grant.

(Pub. L. 89–10, title VI, §6112, formerly title VII, §7112, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1908; renumbered title VI, §6112, and amended Pub. L. 114–95, title VI, §§6001(a), (b)(1), (2), 6002(d), Dec. 10, 2015, 129 Stat. 2046, 2048.)

PRIOR PROVISIONS

A prior section 7422, Pub. L. 89–10, title VII, §7112, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3719, related to program development and implementation grants, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6112 of Pub. L. 89–19 was classified to section 7301a of this title, prior to repeal by Pub. L. 114–95.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, §6002(d)(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “The Secretary may make grants, from allocations made under section 7423 of this title, to local educational agencies and Indian tribes, in accordance with this section and section 7423 of this title.”

Subsec. (b)(1). Pub. L. 114–95, §6002(d)(2)(A), substituted “Subject to paragraph (2), a local educational agency shall” for “A local educational agency shall” in introductory provisions.

Pub. L. 114–95, §6001(b)(2), made technical amendment to reference in original act which appears in introductory provisions as reference to section 7427 of this title.

Subsec. (b)(2), (3). Pub. L. 114–95, §6002(d)(2)(B), (C), added par. (2) and redesignated former par. (2) as (3).

Subsecs. (c), (d). Pub. L. 114–95, §6002(d)(3), added subsecs. (c) and (d) and struck out former subsec. (c) which allowed certain Indian tribes to apply for grants.

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.

§ 7423. Amount of grants**(a) Amount of grant awards****(1) In general**

Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency that has an approved application under this subpart an amount equal to the product of—

(A) the number of Indian children who are eligible under section 7427 of this title and served by such agency; and

(B) the greater of—

(i) the average per pupil expenditure of the State in which such agency is located; or

(ii) 80 percent of the average per pupil expenditure of all the States.

(2) Reduction

The Secretary shall reduce the amount of each allocation otherwise determined under this section in accordance with subsection (e).

(b) Minimum grant**(1) In general**

Notwithstanding subsection (e), an entity that is eligible for a grant under section 7422 of this title, and a school that is operated or supported by the Bureau of Indian Education that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than \$3,000.

(2) Consortia

Local educational agencies may form a consortium for the purpose of obtaining grants under this subpart.

(3) Increase

The Secretary may increase the minimum grant under paragraph (1) to not more than \$4,000 for all grantees if the Secretary determines such increase is necessary to ensure the quality of the programs provided.

(c) Definition

For the purpose of this section, the term “average per pupil expenditure”, used with respect to a State, means an amount equal to—

(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

(d) Schools operated or supported by the Bureau of Indian Education**(1) In general**

Subject to subsection (e), in addition to the grants awarded under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

(A) the total number of Indian children enrolled in schools that are operated by—

(i) the Bureau of Indian Education; or

(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act [25 U.S.C. 5321 et seq.] or the Tribally Controlled Schools Act of 1988 [25 U.S.C. 2501 et seq.]; and

(B) the greater of—

(i) the average per pupil expenditure of the State in which the school is located; or

(ii) 80 percent of the average per pupil expenditure of all the States.

(2) Special rule

Any school described in paragraph (1)(A) that wishes to receive an allocation under this subpart shall submit an application in accordance with section 7424 of this title, and shall otherwise be treated as a local educational agency for the purpose of this subpart, except that such school shall not be subject to section 7424(c)(4) of this title, section 7428(c) of this title, or section 7429 of this title.

(e) Ratable reductions

If the sums appropriated for any fiscal year under 7492(a)¹ of this title are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

(Pub. L. 89–10, title VI, § 6113, formerly title VII, § 7113, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1908, renumbered title VI, § 6113, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), (3), § 6002(e), Dec. 10, 2015, 129 Stat. 2046, 2049.)

REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in subsec. (d)(1)(A)(ii), is title I of Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2206, which is classified principally to subchapter I (§ 5321 et seq.) of chapter 46 of title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 25 and Tables.

The Tribally Controlled Schools Act of 1988, referred to in subsec. (d)(1)(A)(ii), is part B (§ 5201–5212) of title V of Pub. L. 100–297, Apr. 28, 1988, 102 Stat. 385, as amended, which is classified generally to chapter 27 (§ 2501 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of Title 25 and Tables.

PRIOR PROVISIONS

A prior section 7423, Pub. L. 89–10, title VII, § 7113, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3720, related to program enhancement projects, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6113 of Pub. L. 89–10 was classified to section 7301b of this title, prior to repeal by Pub. L. 114–95.

AMENDMENTS

2015—Subsec. (a)(1)(A). Pub. L. 114–95, § 6001(b)(3)(A), made technical amendment to reference in original act

¹ So in original. Probably should be preceded by “section”.