

§ 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”.

which appears in text as reference to section 7427 of this title.

Subsec. (b)(1). Pub. L. 114-95, § 6002(e)(1), substituted “Bureau of Indian Education” for “Bureau of Indian Affairs”.

Pub. L. 114-95, § 6001(b)(3)(B), made technical amendment to reference in original act which appears in text as reference to section 7422 of this title.

Subsec. (d). Pub. L. 114-95, § 6002(e)(2)(A), substituted “Indian Education” for “Indian Affairs” in heading.

Subsec. (d)(1)(A)(i). Pub. L. 114-95, § 6002(e)(2)(B), substituted “Bureau of Indian Education” for “Bureau of Indian Affairs”.

Subsec. (d)(2). Pub. L. 114-95, § 6001(b)(3)(C), made technical amendment to references in original act which appear in text as references to sections 7424, 7424(c)(4), 7428(c), and 7429 of this title.

Subsec. (e). Pub. L. 114-95, § 6001(b)(3)(D), substituted “7492(a) of this title” for “section 7492(a) 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.

§ 7424. Applications

(a) Application required

Each entity described in section 7422(a) of this title that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) Comprehensive program required

Each application submitted under subsection (a) shall include a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

(1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of Indian students;

(2)(A) is consistent with the State, tribal, and local plans submitted under other provisions of this chapter; and

(B) includes program objectives and outcomes for activities under this subpart that are based on the same challenging State academic standards developed by the State under subchapter I for all students;

(3) explains how the grantee will use funds made available under this subpart to supplement other Federal, State, and local programs that meet the needs of Indian students;

(4) demonstrates how funds made available under this subpart will be used for activities described in section 7425 of this title;

(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs;

(6) describes how the local educational agency—

(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

(B) will provide the results of each assessment referred to in subparagraph (A) to—

(i) the committee described in subsection (c)(4);

(ii) the community served by the local educational agency; and

(iii) the Indian tribes whose children are served by the local educational agency, consistent with section 1232g of this title (commonly referred to as the “Family Educational Rights and Privacy Act of 1974”); and

(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A); and

(7) describes the process the local educational agency used to meaningfully collaborate with Indian tribes located in the community in a timely, active, and ongoing manner in the development of the comprehensive program and the actions taken as a result of such collaboration.

(c) Assurances

Each application submitted under subsection (a) shall include assurances that—

(1) the local educational agency will use funds received under this subpart only to supplement the funds that, in the absence of the Federal funds made available under this subpart, such agency would make available for services described in this subsection, and not to supplant such funds;

(2) the local educational agency will prepare and submit to the Secretary such reports, in such form and containing such information, as the Secretary may require to—

(A) carry out the functions of the Secretary under this subpart;

(B) determine the extent to which activities carried out with funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian students served by such agency, and meet program objectives and outcomes for activities under this subpart; and

(C) determine the extent to which such activities by the local educational agency address the unique cultural, language, and educational needs of Indian students;

(3) the program for which assistance is sought—

(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the Indian students for whom the local educational agency is providing an education;

(B) will use the best available talents and resources, including individuals from the Indian community; and

(C) was developed by such agency in open consultation with parents of Indian children