

1988, 102 Stat. 1609; Pub. L. 103-382, title III, § 382(c), Oct. 20, 1994, 108 Stat. 4017, related to payment of grants and investment of funds, prior to repeal by Pub. L. 107-110, title X, § 1043, Jan. 8, 2002, 115 Stat. 2063. See section 2506 of this title.

#### 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.

### § 2508. Role of the Director

Applications for grants under this chapter, and all application modifications, shall be reviewed and approved by personnel under the direction and control of the Director of the Office of Indian Education Programs. Required reports shall be submitted to education personnel under the direction and control of the Director of such Office.

(Pub. L. 100-297, title V, § 5209, as added Pub. L. 107-110, title X, § 1043, Jan. 8, 2002, 115 Stat. 2077.)

#### PRIOR PROVISIONS

A prior section 2508, Pub. L. 100-297, title V, § 5209, Apr. 28, 1988, 102 Stat. 394; Pub. L. 100-427, § 14, Sept. 9, 1988, 102 Stat. 1609; Pub. L. 101-301, § 5(b), May 24, 1990, 104 Stat. 207; Pub. L. 103-382, title III, § 382(d), (e), Oct. 20, 1994, 108 Stat. 4017, 4018, related to application with respect to Indian Self-Determination and Education Assistance Act, prior to repeal by Pub. L. 107-110, title X, § 1043, Jan. 8, 2002, 115 Stat. 2063. See section 2507 of this title.

#### 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.

### § 2509. Regulations

The Secretary is authorized to issue regulations relating to the discharge of duties specifically assigned to the Secretary in this chapter. For all other matters relating to the details of planning, developing, implementing, and evaluating grants under this chapter, the Secretary shall not issue regulations.

(Pub. L. 100-297, title V, § 5210, as added Pub. L. 107-110, title X, § 1043, Jan. 8, 2002, 115 Stat. 2077.)

#### PRIOR PROVISIONS

A prior section 2509, Pub. L. 100-297, title V, § 5210, Apr. 28, 1988, 102 Stat. 394, related to role of Director, prior to repeal by Pub. L. 107-110, title X, § 1043, Jan. 8, 2002, 115 Stat. 2063. See section 2508 of this title.

#### 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.

### § 2510. The tribally controlled grant school endowment program

#### (a) In general

##### (1) Establishment

Each school receiving a grant under this chapter may establish, at a federally insured financial institution, a trust fund for the purposes of this section.

### (2) Deposits and use

The school may provide—

(A) for deposit into the trust fund, only funds from non-Federal sources, except that the interest on funds received from grants provided under this chapter may be used for that purpose;

(B) for deposit into the trust fund, any earnings on funds deposited in the fund; and

(C) for the sole use of the school any non-cash, in-kind contributions of real or personal property, which may at any time be used, sold, or otherwise disposed of.

#### (b) Interest

Interest from the fund established under subsection (a) may periodically be withdrawn and used, at the discretion of the school, to defray any expenses associated with the operation of the school consistent with the purposes of this Act.<sup>1</sup>

(Pub. L. 100-297, title V, § 5211, as added Pub. L. 107-110, title X, § 1043, Jan. 8, 2002, 115 Stat. 2078.)

#### REFERENCES IN TEXT

This Act, referred to in subsec. (b), 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 2510, Pub. L. 100-297, title V, § 5211, Apr. 28, 1988, 102 Stat. 394, related to regulations, prior to repeal by Pub. L. 107-110, title X, § 1043, Jan. 8, 2002, 115 Stat. 2063. See section 2509 of this title.

#### 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.

### § 2511. Definitions

In this chapter:

#### (1) Bureau

The term “Bureau” means the Bureau of Indian Affairs of the Department of the Interior.

#### (2) Eligible Indian student

The term “eligible Indian student” has the meaning given such term in section 2007(f) of this title.

#### (3) Indian

The term “Indian” means a member of an Indian tribe, and includes individuals who are eligible for membership in a tribe, and the child or grandchild of such an individual.

#### (4) Indian tribe

The term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community, including an Alaska Native Village Corporation or Regional Corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.]), which is recognized as eli-

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

gible for the special programs and services provided by the United States to Indians because of their status as Indians.

**(5) Local educational agency**

The term “local educational agency” means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State or such combination of school districts or counties as are recognized in a State as an administrative agency for the State’s public elementary schools or secondary schools. Such term includes 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.)

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

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 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