

## EFFECTIVE DATE

Pub. L. 101-392, title VII, §702, Sept. 25, 1990, 104 Stat. 843, provided that:

“(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act [enacting subchapter II of chapter 44 of this title, this section, sections 2311a, 2327, 2328, 2394 to 2394e, 2395 to 2395e, 2396 to 2396m, 2411 to 2420a, 2424, 2466b to 2466e, 2468, 2468b to 2468e, and 3423a of this title, and subchapter III of chapter 20 of Title 25, Indians, amending sections 2301, 2311 to 2313, 2321 to 2324, 2352, 2361 to 2363, 2382, 2391, 2392, 2401 to 2404, 2421 to 2423, 2451, 2463, and 2471 of this title, section 1812 of Title 25, and sections 49f, 1533, 1604, and 1661c of Title 29, Labor, repealing sections 1131, 2371 to 2373, 2376 to 2378, 2431, 2462, 2464, 2465, and 3423 of this title, and amending provisions set out as a note under section 2301 of this title] shall take effect on July 1, 1991.

“(b) SPECIAL RULE.—Sections 3, 115, 116, 504, and 512 and part H of title III of the Carl D. Perkins Vocational and Applied Technology Education Act [former sections 2302, 2325, 2326, 2466a, and 2468a of this title and former part H (§2397 et seq.) of subchapter III of chapter 44 of this title] (as amended by this Act) shall take effect upon the enactment of this Act [Sept. 25, 1990].”

**§ 3423b. Office of Non-Public Education**

There shall be in the Department an Office of Non-Public Education to ensure the maximum potential participation of non-public school students in all Federal educational programs for which such students are eligible.

(Pub. L. 96-88, title II, §214, as added Pub. L. 103-382, title II, §271(c), Oct. 20, 1994, 108 Stat. 3929.)

## PRIOR PROVISIONS

A prior section 214 of Pub. L. 96-88 was renumbered section 212 and is classified to section 3423a of this title.

Another prior section 214 of Pub. L. 96-88 was renumbered section 217 and is classified to section 3424 of this title.

**§ 3423c. Office of Indian Education****(a) Office of Indian Education**

There shall be an Office of Indian Education (referred to in this section as “the Office”) in the Department of Education.

**(b) Director****(1) Appointment and reporting**

The Office shall be under the direction of the Director, who shall be appointed by the Secretary and who shall report directly to the Assistant Secretary for Elementary and Secondary Education.

**(2) Duties**

The Director shall—

(A) be responsible for administering part A of title VI of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7401 et seq.];

(B) be involved in, and be primarily responsible for, the development of all policies affecting Indian children and adults under programs administered by the Office of Elementary and Secondary Education;

(C) coordinate the development of policy and practice for all programs in the Department relating to Indian persons; and

(D) assist the Assistant Secretary of the Office of Educational Research and Improve-

ment in identifying research priorities related to the education of Indian persons.

**(c) Indian preference in employment****(1) In general**

The Secretary shall give a preference to Indian persons in all personnel actions in the Office.

**(2) Implementation**

Such preference shall be implemented in the same fashion as the preference given to any veteran under section 45 of title 25.

(Pub. L. 96-88, title II, §215, as added Pub. L. 103-382, title III, §372(2), Oct. 20, 1994, 108 Stat. 3977; amended Pub. L. 114-95, title IX, §9215(v), Dec. 10, 2015, 129 Stat. 2171.)

## REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (b)(2)(A), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27. Part A of title VI of the Act is classified generally to part A (§7401 et seq.) of subchapter VI of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

## PRIOR PROVISIONS

A prior section 215 of Pub. L. 96-88 was renumbered section 217 and is classified to section 3424 of this title.

Provisions similar to those in this section were contained in section 2641 of Title 25, Indians, prior to repeal by Pub. L. 103-382, §367.

## AMENDMENTS

2015—Subsec. (b)(2)(A). Pub. L. 114-95 substituted “be responsible for administering part A of title VI of the Elementary and Secondary Education Act of 1965” for “be responsible for administering 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.

## OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

The Office of Educational Research and Improvement was established by section 3419 of this title. Section 3419 was repealed and a new section 3419 establishing the Institute of Educational Sciences was enacted by Pub. L. 107-279, title IV, §402(2), Nov. 5, 2002, 116 Stat. 1985.

**§ 3423d. Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students****(a) Establishment**

There shall be, in the Department, an Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students through which the Secretary shall carry out functions relating to bilingual education.

**(b) Director****(1) In general**

The Office shall be headed by a Director of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students, ap-