

§ 7824. Consolidated set-aside for Department of the Interior funds

(a) General authority

(1) Transfer

The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of subchapter VI, and the education for homeless children and youth program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11431 et seq.], the amounts allotted to the Department of the Interior under those programs.

(2) Agreement

(A) In general

The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those program funds under terms that the Secretary determines best meet the purposes of those programs.

(B) Contents

The agreement shall—

- (i) set forth the plans of the Secretary of the Interior for the use of the amount transferred and the achievement measures to assess program effectiveness, including program objectives; and
- (ii) be developed in consultation with Indian tribes.

(b) Administration

The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for its costs related to the administration of the funds transferred under this section.

(c) Accountability system

(1) For the purposes of part A of subchapter I, the Secretary of Interior, in consultation with the Secretary, if the Secretary of the Interior requests the consultation, using a negotiated rulemaking process to develop regulations for implementation no later than the 2017-2018 academic year, shall define the standards, assessments, and accountability system consistent with section 6311 of this title, for the schools funded by the Bureau of Indian Education on a national, regional, or tribal basis, as appropriate, taking into account the unique circumstances and needs of such schools and the students served by such schools.

(2) The tribal governing body or school board of a school funded by the Bureau of Indian Affairs may waive, in part or in whole, the requirements established pursuant to paragraph (1) where such requirements are determined by such body or school board to be inappropriate. If such requirements are waived, the tribal governing body or school board shall, within 60 days, submit to the Secretary of Interior a proposal for alternative standards, assessments, and an accountability system, if applicable, consistent with section 6311 of this title, that takes into account the unique circumstances and needs of such school or schools and the students served.

The Secretary of the Interior and the Secretary shall approve such standards, assessments, and accountability system unless the Secretary determines that the standards, assessments, and accountability system do not meet the requirements of section 6311 of this title, taking into account the unique circumstances and needs of such school or schools and the students served.

(3) TECHNICAL ASSISTANCE.—The Secretary of Interior and the Secretary shall, either directly or through a contract, provide technical assistance, upon request, to a tribal governing body or school board of a school funded by the Bureau of Indian Affairs that seeks a waiver under paragraph (2).

(Pub. L. 89–10, title VIII, § 8204, formerly title IX, § 9204, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1968; renumbered title VIII, § 8204, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(2), 8007, Dec. 10, 2015, 129 Stat. 2088, 2089, 2100.)

REFERENCES IN TEXT

The McKinney-Vento Homeless Assistance Act, referred to in subsec. (a)(1), is Pub. L. 100–77, July 22, 1987, 101 Stat. 482, as amended. Subtitle B of title VII of the Act is classified generally to part B (§11431 et seq.) of subchapter VI of chapter 119 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of Title 42 and Tables.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114–95, § 8007(1)(A), substituted “part A of subchapter VI” for “part A of subchapter VII”.

Subsec. (a)(2)(B). Pub. L. 114–95, § 8007(1)(B), added subpar. (B) and struck out former subpar. (B). Prior to amendment, text read as follows: “The agreement shall—

“(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred and the achievement measures to assess program effectiveness, including measurable goals and objectives; and

“(ii) be developed in consultation with Indian tribes.”

Subsec. (c). Pub. L. 114–95, § 8007(2), added subsec. (c).

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.

§ 7825. Department staff

The Secretary shall—

(1) not later than 60 days after December 10, 2015, identify the number of Department full-time equivalent employees who worked on or administered each education program or project authorized under this chapter, as such program or project was in effect on the day before December 10, 2015, and publish such information on the Department’s website;

(2) not later than 60 days after December 10, 2015, identify the number of full-time equivalent employees who worked on or administered each program or project authorized under this chapter, as such program or project was in effect on the day before December 10, 2015, that has been eliminated or consolidated since December 10, 2015;

(3) not later than 1 year after December 10, 2015, reduce the workforce of the Department by the number of full-time equivalent employees the Department identified under paragraph (2); and

(4) not later than 1 year after December 10, 2015, report to Congress on—

(A) the number of full-time equivalent employees associated with each program or project authorized under this chapter and administered by the Department;

(B) the number of full-time equivalent employees who were determined to be associated with eliminated or consolidated programs or projects described in paragraph (2);

(C) how the Secretary has reduced the number of full-time equivalent employees as described in paragraph (3);

(D) the average salary of the full-time equivalent employees described in subparagraph (B) whose positions were eliminated; and

(E) the average salary of the full-time equivalent employees who work on or administer a program or project authorized by the Department under this chapter, disaggregated by employee function within each such program or project.

(Pub. L. 89-10, title VIII, § 8205, as added Pub. L. 114-95, title VIII, § 8008, Dec. 10, 2015, 129 Stat. 2101.)

PRIOR PROVISIONS

Prior sections 7831 to 7835 were omitted in the general amendment of former subchapter IX of this chapter by Pub. L. 107-110.

Section 7831, Pub. L. 89-10, title IX, § 9121, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3782, related to improvement of educational opportunities for Indian children.

Section 7832, Pub. L. 89-10, title IX, § 9122, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3784, related to professional development.

Section 7833, Pub. L. 89-10, title IX, § 9123, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3786, authorized fellowships for Indian students.

Section 7834, Pub. L. 89-10, title IX, § 9124, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3787; amended Pub. L. 105-244, title IX, § 901(d), Oct. 7, 1998, 112 Stat. 1828, related to gifted and talented Indian students.

Section 7835, Pub. L. 89-10, title IX, § 9125, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3789, related to grants to tribes for education administrative planning and development.

EFFECTIVE DATE

Section 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 an Effective Date of 2015 Amendment note under section 6301 of this title.

PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

§ 7841. Purposes

The purposes of this part are—

(1) to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery;

(2) to provide greater flexibility to State and local authorities through consolidated plans, applications, and reporting; and

(3) to enhance the integration of programs under this chapter with State and local programs.

(Pub. L. 89-10, title VIII, § 8301, formerly title IX, § 9301, as added Pub. L. 107-110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1968; renumbered title VIII, § 8301, Pub. L. 114-95, title VIII, § 8001(a)(3), Dec. 10, 2015, 129 Stat. 2088, 2089.)

§ 7842. Optional consolidated State plans or applications

(a) General authority

(1) Simplification

In order to simplify application requirements and reduce the burden for State educational agencies under this chapter, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which, after consultation with the Governor, a State educational agency may submit a consolidated State plan or a consolidated State application meeting the requirements of this section for—

(A) each of the covered programs in which the State participates; and

(B) such other programs as the Secretary may designate.

(2) Consolidated applications and plans

After consultation with the Governor, a State educational agency that submits a consolidated State plan or a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which the consolidated State plan or consolidated State application under this section applies.

(b) Collaboration

(1) In general

In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

(2) Contents

Through the collaborative process described in paragraph (1), the Secretary shall establish, for each program under this chapter to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or consolidated State application.

(3) Necessary materials

The Secretary shall require only descriptions, information, assurances (including assurances of compliance with applicable provisions regarding participation by private school children and teachers), and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.

(Pub. L. 89-10, title VIII, § 8302, formerly title IX, § 9302, as added Pub. L. 107-110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1968; renumbered title VIII,