

§ 2002. National criteria for home-living situations

(a) Revision of standards

(1) In general

The Secretary, in consultation with the Secretary of Education, Indian organizations and tribes, and Bureau-funded schools, shall revise the national standards for home-living (dormitory) situations to include such factors as heating, lighting, cooling, adult-child ratios, needs for counselors (including special needs related to off-reservation home-living (dormitory) situations), therapeutic programs, space, and privacy.

(2) Implementation

Such standards shall be implemented in Bureau-operated schools, and shall serve as minimum standards for contract or grant schools.

(3) Revision after establishment

Once established, any revisions of such standards shall be developed according to the requirements established under section 2017 of this title.

(b) Implementation

The Secretary shall implement the revised standards established under this section immediately upon completion of the standards.

(c) Plan

(1) In general

The Secretary shall submit to the appropriate committees of Congress, the tribes, and the affected schools, and publish in the Federal Register, a detailed plan to bring all Bureau-funded schools that provide home-living (dormitory) situations up to the standards established under this section.

(2) Components of plan

The plan described in paragraph (1) shall include—

- (A) a statement of the relative needs of each Bureau-funded home-living (dormitory) school;
- (B) projected future needs of each Bureau-funded home-living (dormitory) school;
- (C) detailed information on the status of each school in relation to the standards established under this section;
- (D) specific cost estimates for meeting each standard for each such school;
- (E) aggregate cost estimates for bringing all such schools into compliance with the criteria established under this section; and
- (F) specific timelines for bringing each school into compliance with such standards.

(d) Waiver

(1) In general

A tribal governing body or local school board may, in accordance with this subsection, waive the standards established under this section for a school described in subsection (a).

(2) Inappropriate standards

(A) In general

A tribal governing body, or the local school board so designated by the tribal gov-

erning body, may waive, in whole or in part, the standards established under this section if such standards are determined by such body or board to be inappropriate for the needs of students from that tribe.

(B) Alternative standards

The tribal governing body or school board involved shall, not later than 60 days after providing a waiver under subparagraph (A) for a school, submit to the Director a proposal for alternative standards that take into account the specific needs of the tribe's children. Such alternative standards shall be established by the Director for the school involved unless specifically rejected by the Director for good cause and in writing provided to the affected tribes or local school board.

(e) Closure for failure to meet standards prohibited

No school in operation on or before July 1, 1999 (regardless of compliance or noncompliance with the standards established under this section), may be closed, transferred to another authority, or consolidated, and no program of such a school may be substantially curtailed, because the school failed to meet such standards.

(Pub. L. 95-561, title XI, § 1122, as added Pub. L. 107-110, title X, § 1042, Jan. 8, 2002, 115 Stat. 2018.)

PRIOR PROVISIONS

A prior section 2002, Pub. L. 95-561, title XI, § 1122, as added Pub. L. 103-382, title III, § 381, Oct. 20, 1994, 108 Stat. 3984; amended Pub. L. 105-362, title VIII, § 801(c)(2), Nov. 10, 1998, 112 Stat. 3288, related to national criteria for dormitory situations, prior to the general amendment of this chapter by Pub. L. 107-110.

Another prior section 2002, Pub. L. 95-561, title XI, § 1122, Nov. 1, 1978, 92 Stat. 2318; Pub. L. 96-46, § 2(b)(5), Aug. 6, 1979, 93 Stat. 341; Pub. L. 96-88, title III, § 301(a)(1), title V, § 507, Oct. 17, 1979, 93 Stat. 677, 692; Pub. L. 100-297, title V, § 5105, Apr. 28, 1988, 102 Stat. 367, related to national criteria for dormitory situations, prior to the general amendment of this chapter by Pub. L. 103-382.

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.

§ 2003. Codification of regulations

(a) Part 32 of Title 25, Code of Federal Regulations

The provisions of part 32 of title 25, Code of Federal Regulations, as in effect on January 1, 1987, are incorporated into this Act and shall be treated as though such provisions are set forth in this subsection. Such provisions may be altered only by means of an Act of Congress. To the extent that such provisions of part 32 do not conform with this Act or any statutory provision of law enacted before November 1, 1978, the provisions of this Act and the provisions of such other statutory law shall govern.

(b) Definition of regulation

In this section, the term "regulation" means any rule, regulation, guideline, interpretation, order, or requirement of general applicability prescribed by any officer or employee of the executive branch.