

**§ 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 Improvement 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 clas-

sification 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, appointed by the Secretary, to whom the Secretary shall delegate all delegable functions relating to bilingual education. The Director shall also be assigned responsibility for recommending improvements and providing technical assistance to other Federal programs serving language-minority and limited-English-proficient students and their families and for assisting the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities which reflect the needs of language-minority and limited-English language proficient students.

**(2) Organization**

The Office shall be organized as the Director determines to be appropriate in order to carry out such functions and responsibilities effectively.

**(3) Inclusion**

The Secretary shall ensure that limited-English-proficient and language-minority stu-