

“(ii) Native Hawaiian students have the highest rates of drug and alcohol use in the State of Hawaii; and

“(iii) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and

“(H) Native Hawaiians now comprise over 23 percent of the students served by the State of Hawaii Department of Education, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

“(17) In the 1998 National Assessment of Educational Progress, Hawaiian fourth-graders ranked 39th among groups of students from 39 States in reading. Given that Hawaiian students rank among the lowest groups of students nationally in reading, and that Native Hawaiian students rank the lowest among Hawaiian students in reading, it is imperative that greater focus be placed on beginning reading and early education and literacy in Hawaii.

“(18) The findings described in paragraphs (16) and (17) are inconsistent with the high rates of literacy and integration of traditional culture and Western education historically achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by Kamehameha III.

“(19) Following the overthrow of the Kingdom of Hawaii in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period of Hawaii, and until 1986, use of the Hawaiian language as an instructional medium in education in public schools was declared unlawful. The declaration caused incalculable harm to a culture that placed a very high value on the power of language, as exemplified in the traditional saying: ‘I ka ‘ōlelo nō ke ola; I ka ‘ōlelo nō ka make. In the language rests life; In the language rests death.’

“(20) Despite the consequences of over 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

“(21) The State of Hawaii, in the constitution and statutes of the State of Hawaii—

“(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language;

“(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawaii, which may be used as the language of instruction for all subjects and grades in the public school system; and

“(C) promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education program and using community expertise as a suitable and essential means to further the program.”

2014—Par. (13)(E). Pub. L. 113-287 substituted “division A of subtitle III of title 54” for “the National Historic Preservation Act (16 U.S.C. 470 et seq.)”.

Par. (13)(H). Pub. L. 113-128 substituted “the Workforce Innovation and Opportunity Act” for “the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)”.

2010—Par. (16)(E). Pub. L. 111-256 substituted “mild intellectual disabilities,” for “mild mental retardation,”.

#### 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.

#### EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014

(July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of Title 29, Labor.

### § 7513. Purposes

The purposes of this part are to—

(1) authorize and develop innovative educational programs to assist Native Hawaiians;

(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, and to provide periodic assessment and data collection;

(3) supplement and expand programs and authorities in the area of education to further the purposes of this subchapter; and

(4) encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian education programs.

(Pub. L. 89-10, title VI, § 6203, formerly title VII, § 7203, as added Pub. L. 107-110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1937; renumbered title VI, § 6203, Pub. L. 114-95, title VI, § 6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046.)

#### PRIOR PROVISIONS

A prior section 7513, Pub. L. 89-10, title VII, § 7203, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3737, authorized foreign language assistance program, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107-110.

### § 7514. Native Hawaiian Education Council

#### (a) Grant authorized

In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs that receive funding under this part, the Secretary shall award a grant to the education council described under subsection (b).

#### (b) Education Council

##### (1) Eligibility

To be eligible to receive the grant under subsection (a), the council shall be an education council (referred to in this section as the “Education Council”) that meets the requirements of this subsection.

##### (2) Composition

The Education Council shall consist of 15 members, of whom—

(A) 1 shall be the President of the University of Hawaii (or a designee);

(B) 1 shall be the Governor of the State of Hawaii (or a designee);

(C) 1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);

(D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);

(E) 1 shall be the executive director of Hawaii’s Charter School Network (or a designee);

(F) 1 shall be the chief executive officer of the Kamehameha Schools (or a designee);

(G) 1 shall be the Chief Executive Officer of the Queen Liliuokalani Trust (or a designee);

(H) 1 shall be appointed by the Secretary, in a timely manner, and chosen from a list of 5 individuals who represent one or more private grant-making entities that is submitted to the Secretary by the Education Council;

(I) 1 shall be the Mayor of the County of Hawaii (or a designee);

(J) 1 shall be the Mayor of Maui County (or a designee from the Island of Maui);

(K) 1 shall be the Mayor of the County of Kauai (or a designee);

(L) 1 shall be appointed by the Secretary, in a timely manner, and chosen from a list of 5 individuals who are from the Island of Molokai or the Island of Lanai that is submitted to the Secretary by the Mayor of Maui County;

(M) 1 shall be the Mayor of the City and County of Honolulu (or a designee);

(N) 1 shall be the chairperson of the Hawaiian Homes Commission (or a designee); and

(O) 1 shall be the chairperson of the Hawaii Workforce Development Council (or a designee representing the private sector).

### **(3) Requirements**

Any designee serving on the Education Council shall demonstrate, as determined by the individual who appointed such designee with input from the Native Hawaiian community, not less than 5 years of experience as a consumer or provider of Native Hawaiian educational or cultural activities, with traditional cultural experience given due consideration.

### **(4) Limitation**

A member (including a designee), while serving on the Education Council, shall not be a direct recipient or administrator of grant funds that are awarded under this part.

### **(5) Term of members**

A member who is a designee shall serve for a term of not more than 4 years.

### **(6) Chair; Vice Chair**

#### **(A) Selection**

The Education Council shall select a Chairperson and a Vice Chairperson from among the members of the Education Council.

#### **(B) Term limits**

The Chairperson and Vice Chairperson shall each serve for a 2-year term.

### **(7) Administrative provisions relating to Education Council**

The Education Council shall meet at the call of the Chairperson of the Council, or upon request by a majority of the members of the Education Council, but in any event not less often than every 120 days.

### **(8) No compensation**

None of the funds made available through the grant may be used to provide compensation to any member of the Education Council or member of a working group established by the Education Council, for functions described in this section.

### **(c) Use of funds for coordination activities**

The Education Council shall use funds made available through a grant under subsection (a) to carry out each of the following activities:

(1) Providing advice about the coordination of, and serving as a clearinghouse for, the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.

(2) Assessing the extent to which such services and programs meet the needs of Native Hawaiians, and collecting data on the status of Native Hawaiian education.

(3) Providing direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serving, where appropriate, in an advisory capacity.

(4) Awarding grants, if such grants enable the Education Council to carry out the activities described in paragraphs (1) through (3).

(5) Hiring an executive director, who shall assist in executing the duties and powers of the Education Council, as described in subsection (d).

### **(d) Use of funds for technical assistance**

The Education Council shall use funds made available through a grant under subsection (a) to—

(1) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;

(2) obtain from such grantees information and data regarding grants awarded under this part, including information and data about—

(A) the effectiveness of such grantees in meeting the educational priorities established by the Education Council, as described in paragraph (6)(D), using metrics related to these priorities; and

(B) the effectiveness of such grantees in carrying out any of the activities described in paragraph (3) of section 7515(a) of this title that are related to the specific goals and purposes of each grantee's grant project, using metrics related to these goals and purposes;

(3) assess and define the educational needs of Native Hawaiians;

(4) assess the programs and services available to address the educational needs of Native Hawaiians;

(5) assess and evaluate the individual and aggregate impact achieved by grantees under this part in improving Native Hawaiian educational performance and meeting the goals of this part, using metrics related to these goals; and

(6) prepare and submit to the Secretary, at the end of each calendar year, an annual report that contains—

(A) a description of the activities of the Education Council during the calendar year;

(B) a description of significant barriers to achieving the goals of this part;

(C) a summary of each community consultation session described in subsection (e); and

(D) recommendations to establish priorities for funding under this part, based on an assessment of—

- (i) the educational needs of Native Hawaiians;
- (ii) programs and services available to address such needs;
- (iii) the effectiveness of programs in improving the educational performance of Native Hawaiian students to help such students meet challenging State academic standards under section 6311(b)(1) of this title; and
- (iv) priorities for funding in specific geographic communities.

**(e) Use of funds for community consultations**

The Education Council shall use funds made available through the grant under subsection (a) to hold not less than 1 community consultation each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, at which—

- (1) not fewer than 3 members of the Education Council shall be in attendance;
- (2) the Education Council shall gather community input regarding—
  - (A) current grantees under this part, as of the date of the consultation;
  - (B) priorities and needs of Native Hawaiians; and
  - (C) other Native Hawaiian education issues; and
- (3) the Education Council shall report to the community on the outcomes of the activities supported by grants awarded under this part.

**(f) Funding**

For each fiscal year, the Secretary shall use the amount described in section 7515(c)(2) of this title, to make a payment under the grant. Funds made available through the grant shall remain available until expended.

(Pub. L. 89–10, title VI, § 6204, formerly title VII, § 7204, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1937; renumbered title VI, § 6204, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6003(b), Dec. 10, 2015, 129 Stat. 2046, 2063.)

PRIOR PROVISIONS

A prior section 7514, Pub. L. 89–10, title VII, § 7204, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3738, related to applications for grants, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 6003(b), amended section generally. Prior to amendment, section related to establishment of Native Hawaiian Education Council and individual island councils.

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.

**§ 7515. Program authorized**

**(a) General authority**

**(1) Grants and contracts**

The Secretary is authorized to make direct grants to, or enter into contracts with—

- (A) Native Hawaiian educational organizations;
- (B) Native Hawaiian community-based organizations;
- (C) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language;
- (D) charter schools; and
- (E) consortia of the organizations, agencies, and institutions described in subparagraphs (A) through (C),

to carry out programs that meet the purposes of this part.

**(2) Priorities**

In awarding grants or contracts to carry out activities described in paragraph (3), the Secretary shall give priority to entities proposing projects that are designed to address—

- (A) beginning reading and literacy among students in kindergarten through third grade;
- (B) the needs of at-risk children and youth;
- (C) needs in fields or disciplines in which Native Hawaiians are underemployed; and
- (D) the use of the Hawaiian language in instruction.

**(3) Authorized activities**

Activities provided through programs carried out under this part may include—

- (A) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of services for Native Hawaiian children from the prenatal period of the children through age 5;
- (B) the operation of family-based education centers that provide such services as—
  - (i) programs for Native Hawaiian parents and their infants from the prenatal period of the infants through age 3;
  - (ii) preschool programs for Native Hawaiians; and
  - (iii) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;
- (C) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through grade 3 and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in grades 5 and 6;
- (D) activities to meet the special needs of Native Hawaiian students with disabilities, including—
  - (i) the identification of such students and their needs;
  - (ii) the provision of support services to the families of such students; and