

the purpose of carrying the provisions of sections 5342 to 5348 of this title into effect: *Provided*, That such minimum standards of service are not less than the highest maintained by the States or Territories within which said contract or contracts, as herein provided, are to be effective.

(Apr. 16, 1934, ch. 147, §3, 48 Stat. 596; June 4, 1936, ch. 490, §3, 49 Stat. 1459.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 454 of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1936—Act June 4, 1936, substituted “within which” for “with which”.

§ 5345. Contracts for education in public schools; submission of education plan by contractor as prerequisite; criteria for approval of plan by Secretary of the Interior; participation by non-Indian students

The Secretary of the Interior shall not enter into any contract for the education of Indians unless the prospective contractor has submitted to, and has had approved by the Secretary of the Interior, an education plan, which plan, in the determination of the Secretary, contains educational objectives which adequately address the educational needs of the Indian students who are to be beneficiaries of the contract and assures that the contract is capable of meeting such objectives: *Provided*, That where students other than Indian students participate in such programs, money expended under such contract shall be prorated to cover the participation of only the Indian students.

(Apr. 16, 1934, ch. 147, §4, as added Pub. L. 93-638, title II, §202, Jan. 4, 1975, 88 Stat. 2213.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 455 of this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 4 of act Apr. 16, 1934, ch. 147, 48 Stat. 596; June 4, 1936, ch. 490, 49 Stat. 1458, directed Secretary of the Interior to report to Congress any contracts made under provisions of sections 5342 to 5344 of this title, prior to repeal by Pub. L. 86-533, §1(15), June 29, 1960, 74 Stat. 248.

§ 5346. Local committee of Indian parents in school districts having school boards composed of non-Indian majority

(a) Election; functions

Whenever a school district affected by a contract or contracts for the education of Indians pursuant to sections 5342 to 5348 of this title has a local school board not composed of a majority of Indians, the parents of the Indian children enrolled in the school or schools affected by such contract or contracts shall elect a local committee from among their number. Such com-

mittee shall fully participate in the development of, and shall have the authority to approve or disapprove programs to be conducted under such contract or contracts, and shall carry out such other duties, and be so structured, as the Secretary of the Interior shall by regulation provide: *Provided, however*, That, whenever a local Indian committee or committees established pursuant to section 7424(c)(4) of title 20 or an Indian advisory school board or boards established pursuant to sections 5342 to 5348 of this title prior to January 4, 1975, exists in such school district, such committee or board may, in the discretion of the affected tribal governing body or bodies, be utilized for the purposes of this section.

(b) Revocation of contracts

The Secretary of the Interior may, in his discretion, revoke any contract if the contractor fails to permit a local committee to perform its duties pursuant to subsection (a) of this section.

(Apr. 16, 1934, ch. 147, §5, as added Pub. L. 93-638, title II, §202, Jan. 4, 1975, 88 Stat. 2213; amended Pub. L. 103-382, title III, §393(d), Oct. 20, 1994, 108 Stat. 4027; Pub. L. 107-110, title VII, §702(e), Jan. 8, 2002, 115 Stat. 1947; Pub. L. 114-95, title IX, §9215(a), Dec. 10, 2015, 129 Stat. 2166.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 456 of this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 5 of act Apr. 16, 1934, ch. 147, 48 Stat. 596, which excluded Oklahoma from the application of contract provisions, was omitted in the general amendment of act Apr. 16, 1934, by act June 4, 1936, ch. 490, 49 Stat. 1458.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-95 made technical amendment to reference in original act which appears in text as reference to section 7424(c)(4) of title 20.

2002—Subsec. (a). Pub. L. 107-110 substituted reference to section 7424(c)(4) of title 20 for reference to section 7814(c)(4) of title 20.

1994—Subsec. (a). Pub. L. 103-382 substituted reference to section 7814(c)(4) of title 20 for reference to section 241dd(b)(2)(B)(ii) of title 20.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 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 an Effective Date note under section 6301 of Title 20, Education.

§ 5347. Reimbursement to school districts for educating non-resident students

Any school district educating Indian students who are members of recognized Indian tribes, who do not normally reside in the State in which such school district is located, and who are residing in Federal boarding facilities for the purposes of attending public schools within such district may, in the discretion of the Secretary of the Interior, be reimbursed by him for

the full per capita costs of educating such Indian students.

(Apr. 16, 1934, ch. 147, § 6, as added Pub. L. 93-638, title II, § 202, Jan. 4, 1975, 88 Stat. 2214.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 457 of this title prior to editorial reclassification and renumbering as this section.

§ 5348. Computation of student count

(a) Definitions

For the purposes of sections 5342 to 5348 of this title, the following definitions apply:

(1) Contracting party

The term “contracting party” means an entity that has a contract through a program authorized under sections 5342 to 5348 of this title.

(2) Eligible entity

The term “eligible entity” means an entity that is eligible to apply for a contract for a supplemental or operational support program under sections 5342 to 5348 of this title, as outlined in section 5342 of this title.

(3) Existing contracting party

The term “existing contracting party” means a contracting party that has a contract under sections 5342 to 5348 of this title that is in effect on December 31, 2018.

(4) JOM Modernization Act

The term “JOM Modernization Act” means the Johnson-O’Malley Supplemental Indian Education Program Modernization Act.

(5) New contracting party

The term “new contracting party” means an entity that enters into a contract under sections 5342 to 5348 of this title after December 31, 2018.

(6) Secretary

The term “Secretary” means the Secretary of the Interior.

(b) Determination of the number of eligible Indian students

(1) Initial determinations

(A) In general

The Secretary shall make an initial determination of the number of eligible Indian students served or potentially served by each eligible entity in accordance with subparagraph (B).

(B) Process for making the initial determination

(i) Preliminary report

Not later than 180 days after December 31, 2018, the Secretary shall publish a preliminary report describing the number of eligible Indian students served or potentially served by each eligible entity, using the most applicable and accurate data (as determined by the Secretary in consultation with eligible entities) from the fiscal

year preceding the fiscal year for which the initial determination is to be made from—

(I) the Bureau of the Census;

(II) the National Center for Education Statistics; or

(III) the Office of Indian Education of the Department of Education.

(ii) Data reconciliation

To improve the accuracy of the preliminary report described in clause (i) prior to publishing, the Secretary shall reconcile the data described in the preliminary report with—

(I) each existing contracting party’s data regarding the number of eligible Indian students served by the existing contracting party for the fiscal year preceding the fiscal year for which the initial determination is made; and

(II) identifiable tribal enrollment information.

(iii) Comment period

After publishing the preliminary report under clause (i) in accordance with clause (ii), the Secretary shall establish a 60-day comment period to gain feedback about the preliminary report from eligible entities, which the Secretary shall take into consideration in preparing the final report described in clause (iv).

(iv) Final report

Not later than 120 days after concluding the consultation described in clause (iii), the Secretary shall publish a final report on the initial determination of the number of eligible Indian students served or potentially served by each eligible entity, including justification for not including any feedback gained during such consultation, if applicable.

(2) Subsequent academic years

For each academic year following the fiscal year for which an initial determination is made under paragraph (1) to determine the number of eligible Indian students served or potentially served by a contracting party, the Secretary shall determine the number of eligible Indian students served by the contracting party based on the reported eligible Indian student count numbers identified through the reporting process described in subsection (c).

(c) Contracting party student count reporting compliance

(1) In general

For each academic year following the fiscal year for which an initial determination is made under subsection (b) to determine the number of eligible Indian students served or potentially served by a contracting party, the contracting party shall submit to the Secretary a report describing the number of eligible Indian students who were served using amounts allocated to such party under sections 5342 to 5348 of this title during the previous fiscal year. The report shall also include an accounting of the amounts and purposes for which the contract funds were expended.