



Tribal Education Departments National Assembly Proposed Statutory Language For the Reauthorization of the Elementary and Secondary Education Act

May 6, 2011

INTRODUCTION

This document includes TEDNA’s proposed language for the reauthorization of the Elementary and Secondary Education Act (ESEA). The proposed language accomplishes the policy goal of elevating the role of tribal education departments and agencies in Indian education by: 1) authorizing Indian tribes to be eligible for ESEA funds and to operate ESEA programs; 2) increasing accountability and consultation between Indian tribes, states, and local education agencies; and 3) authorizing intergovernmental cooperative agreements between Indian tribes, states, and local education agencies.

The document is organized by each existing Title of the No Child Left Behind Act. In each section there is a description of what the proposed language would accomplish and the proposed language.

PROPOSED LANGUAGE

TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

In Title I, the proposed language would require states to consult with Indian tribes in the development of Title I state plans, authorize Indian tribes to receive grants to participate in school improvement, innovative practices, and dropout prevention programs, and make Indian tribes accountable for improving the academic achievement of students, require states to disaggregate Native American student information by tribal membership, and generally incorporate Indian tribes and tribal education agencies into the programs authorized in each section.

“SEC. 1001. STATEMENT OF PURPOSE.

“(4) holding schools, local educational agencies, **Indian tribes**, and states accountable for improving the academic achievement of all students, and identifying and turning around low-performing schools that have failed to provide a high-quality education to their students, while providing alternatives to students in such schools to enable the students to receive a high-quality education;

“(11) coordinating services under all parts of this title with each other, with other educational services, and, to the extent feasible, with other **local, tribal, and state** agencies



providing services to youth, children, and families; and

“SEC. 1003. SCHOOL IMPROVEMENT.

“(b) Uses. Of the amount reserved under subsection (a) for any fiscal year, the State education agency or **tribal education agency**—

“(2) may, with the approval of the local educational agency or **tribal education agency**, directly provide for these activities or arrange for their provision through other entities such as school support teams, educational service agencies, **and tribal education agencies**.

“(c) PRIORITY.—The State educational agency, in allocating funds to local educational agencies under this section, shall give priority to local educational agencies and **tribal education agencies** that—

“(d) UNUSED FUNDS.—If, after consultation with local educational agencies and **tribal education agencies** in the State

“(g) ASSISTANCE FOR LOCAL SCHOOL IMPROVEMENT.—

“(1) PROGRAM AUTHORIZED.—The Secretary shall award grants to States to enable the States to provide subgrants to local educational agencies and **tribal education agencies** for the purpose of providing assistance for school improvement consistent with section 1116.

“(4) STATE APPLICATIONS.—Each State educational agency that desires to receive funds under this subsection shall submit an application to the Secretary at such time, and containing such information, as the Secretary shall reasonably require, except that such requirement shall be waived if a State educational agency submitted such information as part of its State plan under this part. Each State application shall describe how the State educational agency will allocate such funds in order to assist the State educational agency local educational agencies, **and tribal education agencies** in complying with school improvement, corrective action, and restructuring requirements of section 1116.

“(5) LOCAL EDUCATIONAL AGENCY GRANTS.—A grant to a local educational agency or **tribal education agency** under this subsection shall be—

“(6) PRIORITY.—The State, in awarding such grants, shall give priority to local educational agencies with and **tribal education agencies serving** the lowest-achieving schools that demonstrate—

“(7) ALLOCATION.—A State educational agency that receives a grant under this subsection shall allocate at least 95 percent of the grant funds directly to **local educational agencies** or **tribal education agencies** for schools identified for school improvement, corrective action, or restructuring to carry out activities under section 1116(b), or may,



with the approval of the local educational agency or **tribal education agency**, directly provide for these activities or arrange for their provision through other entities such as school support teams or education service agencies. **If the tribal education agency does not receive a grant under this subsection, it shall be considered an education service agency.**

“(9) LOCAL AWARDS.—Each local educational agency **or tribal education agency** that applies for assistance under this subsection shall describe how it will provide the lowest-achieving schools the resources necessary to meet goals under school and local educational agency improvement, corrective action, and restructuring plans under section 1116.

PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

“Subpart 1—Basic Program Requirements.

“SEC.1111. STATE PLANS.

“(a) PLANS REQUIRED.—

“(1) IN GENERAL.—For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, **Indian tribes**, teachers, principals, pupil services personnel, administrators (including administrators of programs described in other parts of this title), other staff, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, the Adult Education and Family Literacy Act, and the McKinney-Vento Homeless Assistance Act.

“(3)(c) ACADEMIC ASSESSMENTS.—

(A) IN GENERAL.—Each State plan shall demonstrate that the State educational agency, in consultation with **tribal education agencies** and local educational agencies, has implement a set of high quality, yearly student academic assessments

“(3)(c)(xii) produce individual student interpretive, descriptive, and diagnostic reports, consistent with clause

“(3)(c)(iii) that allow parents, teachers, **Indian tribes**, and principals to understand and address the specific academic needs of students, and include information regarding achievement on academic assessments aligned with State academic achievement standards, and that are provided to parents, teachers, **Indian tribes**, and principals, as soon as is practicably possible after the assessment is given, in an understandable and uniform format, and to the extent practicable, in a language that parents can understand;



“(3)(c)(xiii) enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, **by tribal membership**, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged, except that, in the case of a local educational agency or a school, such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student;

“(3)(c)(xv) enable itemized score analysis to be produced and reported, consistent with clause (iii) to local education agencies and schools, so that parents, teachers, principals, administrators, and **Indian tribes** can interpret and address the specific academic needs of students

“(c)(4) the State educational agency will work with other agencies, including educational service agencies, **tribal education agencies**, or other local consortia, and institutions to provide technical assistance to local educational agencies and schools, including technical assistance in providing professional development under section 1119, technical assistance under section 1117, and technical assistance relating to parental involvement under section 1118;

“(10) USE OF ACADEMIC ASSESSMENT RESULTS TO IMPROVE STUDENT ACADEMIC ACHIEVEMENT.—Each State plan shall describe how the State educational agency will ensure that the results of the State assessments described in paragraph (3)—

“(A) will be promptly provided to local educational agencies, schools, **Indian tribes**, and teachers in a manner that is clear and easy to understand, but not later than before the beginning of the next school year; and

“(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

“(5)(A) where educational service agencies exist, the State educational agency will consider providing professional development and technical assistance through such agencies; and

“(B) where educational service agencies do not exist, the State educational agency will consider providing professional development and technical assistance through other cooperative agreements such as through a consortium of local educational agencies or **tribal education agencies**;

“(6) the State educational agency will notify local educational agencies, **Indian tribes**,



and the public of the content and student academic achievement standards and academic assessments developed under this section, and of the authority to operate schoolwide programs, and will fulfill the State educational agency’s responsibilities regarding local educational agency improvement and school improvement under section 1116, including such corrective actions as are necessary;

Insert a new section (d)

SEC. 1111(d) Indian Tribe Involvement – Each State plan shall include an assurance that the state educational agency has consulted with the governing bodies of Indian tribes located within the state in the development of the state plan in order to improve the academic achievement, including cultural and language needs, of Indian students served under this title.”

Re-letter the existing d-m

“(e) PARENTAL INVOLVEMENT.—Each State plan shall describe how the State educational agency will support the collection and dissemination to local educational agencies and schools, and **Indian tribes** of effective parental involvement practices.

“(1) ANNUAL STATE REPORT CARD.—

“(C) REQUIRED INFORMATION.—The State shall include in its annual State report card—

“(i) information, in the aggregate, on student achievement at each proficiency level on the State academic assessments described in subsection (b)(3) (disaggregated by race, ethnicity, **tribal membership**, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which

“(D) OPTIONAL INFORMATION.—The State may include in its annual State report card such other information as the State believes will best provide parents, students, **Indian tribes**, and other members of the public with information regarding the progress of each of the State’s public elementary schools and public secondary schools. Such information may include information regarding—

“(E) PUBLIC DISSEMINATION.—The local educational agency shall, not later than the beginning of the 2002– 2003 school year, unless the local educational agency has received a 1-year extension pursuant to subparagraph (A), publicly disseminate the information described in this paragraph to all schools in the school district served by the local educational agency and to all parents of students attending those schools and to all **Indian tribes whose members attend those schools** in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand, and make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public



agencies, except that if a local educational agency issues a report card for all students, the local educational agency may include the information under this section as part of such report.

“(4)(H) List the names of the Indian tribes consulted in the development of this report, include specific tribal education agencies consulted.

“(6)(k) VOLUNTARY PARTNERSHIPS.—A State may enter into a voluntary partnership with another State or Indian tribes to develop and implement the academic assessments and standards required under this section. 115 Stat. 1462 (20 U.S.C. 6312)

“(m) SPECIAL RULE WITH RESPECT TO BUREAU-FUNDED SCHOOLS.—In determining the assessments to be used by each operated or funded by BIA school receiving funds under this part, the following shall apply:

“(1) Each such school that is accredited by the State in which it is operating shall use the assessments the State has developed and implemented to meet the requirements of this section, or such other appropriate assessment as approved by the Secretary of the Interior.

“(2) Each such school that is accredited by a regional accrediting organization shall adopt an appropriate assessment, in consultation with and with the approval of, the Secretary of the Interior and consistent with assessments adopted by other schools in the same State or region, that meets the requirements of this section.

“(3) Each such school that is accredited by a tribal accrediting agency or tribal education agencies shall use an assessment developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessment meets the requirements of this section.

“SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

Insert a new section

“(a) Plans Required.—

“(a)(2) Consortium.—A local educational agency and tribal educational agency may apply as a consortium to receive a subgrant under this part for any fiscal year for schools located on Indian reservations or former Indian reservations in Oklahoma. Consortia will be treated as a local educational agency for purposes of this section.

“(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section 9305.

“(b) PLAN PROVISIONS.—

“(1) IN GENERAL.—In order to help low-achieving children meet challenging achievement academic standards, each local educational agency plan shall include—

“(A)(i) to determine the success of children served under this part in meeting the State student academic achievement standards, and to provide information to teachers, parents,



Indian tribes, and students on the progress being made toward meeting the State student academic achievement standards described in section 1111(b)(1)(D)(ii);

“(c) ASSURANCES.—

“(1)(K) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, the **tribal education agency (if no consortium)**, and State educational agency and other agencies providing services to children, youth, and families with respect to a school in school improvement, corrective action, or restructuring under section 1116 if such a school requests assistance from the local educational agency in addressing major factors that have significantly affected student achievement at the school;

“(N) ensure that the results from the academic assessments required under section 1111(b)(3) will be provided to **Indian tribes**, parents and teachers as soon as is practicably possible after the test is taken, in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand; and

“(d) PLAN DEVELOPMENT AND DURATION.—

“(1) CONSULTATION.—Each local educational agency plan shall be developed in consultation with teachers, principals, administrators, (including administrators of programs described in other parts of this title), **Indian tribes (if no consortium)**, and other appropriate school personnel, and with parents of children in schools served under this part.

“SEC. 1116. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

“(C) publicize and disseminate the results of the local annual review described in paragraph (1) to parents, teachers, principals, schools, **Indian tribes**, and the community so that the teachers, principals, other staff, and schools can continually refine, in an instructionally useful manner, the program of instruction to help all children served under this part meet the challenging State student academic achievement standards established under section 1111(b)(1); and

“(14)(c) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—

“(1) IN GENERAL.—A State shall—

“(B) publicize and disseminate to local educational agencies, **Indian tribes**, teachers and other staff, parents, students, and the community the results of the State review, including statistically sound disaggregated results, as required by section 1111(b)(2).

“SEC. 1117. SCHOOL SUPPORT AND RECOGNITION.

“(a) SYSTEMS FOR SUPPORT. —

“(5)(A)(viii) representatives for tribal education agencies or tribal institutions of higher



education.

“(5)(B)(ii) collaborate with parents and school staff and the local educational agency, **tribal education agency,**

“(5)(B)(iii) evaluate, at least semiannually, the effectiveness of school personnel assigned to the school, including identifying outstanding teachers and principals, and make findings and recommendations to the school, the local education agency, **the tribal education agency,**

“(5)(B)(iv) make additional recommendations as the school implements the plan described in clause (ii) to the local educational agency, **the tribal education agency,**

“(5)(C) CONTINUATION OF ASSISTANCE.—After one school year, from the beginning of the activities, such school support team, in consultation with the local educational agency, **tribal educational agency,**

“(e) BUILDING CAPACITY FOR INVOLVEMENT.—To ensure effective involvement of parents and **Indian tribes,** and the community to improve student academic achievement, each school and local education agency assisted under this part –

Insert New Section (6)

“(6) shall consult with tribal education agencies, and may consult Indian tribes, to ensure effective involvement of Indian parents.

The remaining sections become 7-15

PART B—STUDENT READING SKILLS IMPROVEMENT GRANTS

“Subpart 1—Reading First

SEC. 1201. PURPOSES.

“(5) To strengthen coordination among **state education agencies, tribal education agencies, local education agencies,** and schools, early literacy programs, and family literacy programs to improve reading achievement for all children.

“(C) ANNUAL REPORTING.—

(V) Evidence of consultation with tribal education agencies.

“SEC. 1203. STATE FORMULA GRANT APPLICATIONS.

“(d) READING AND LITERACY PARTNERSHIPS.—

“(2) REQUIRED PARTICIPANTS. Add a New Section

“(2)(J) **A representative from each tribal education agency located in the state.**



“(3)(J) A representative of Indian tribes and/or representatives from tribal institutions of higher education.

“Subpart 2-Early Reading First

“SEC. 1221. PURPOSES: DEFINITIONS.

(b) DEFINITIONS.—For purpose of this subpart:

(1) Eligible Applicant.—The term “eligible applicant” means—

(C) Indian tribes

Current (C) becomes (D)

“PART E—NATIONAL ASSESSMENT OF TITLE I

“SEC. 1501. EVALUATIONS.

“(a) NATIONAL ASSESSMENT OF TITLE I.—

“(1) IN GENERAL.—The Secretary shall conduct a national assessment of the programs assisted under this title and the impact of this title on States, Indian tribes, tribal education agencies, local education agencies, schools, and students.

“(E) How schools, local education agencies, and States—

“(i) publicized and disseminated the local education agency report cards required under section 1111(h)(2) to teachers, school staff, students, parents, Indian tribes, and the community;

“SEC. 1502. DEMONSTRATIONS OF INNOVATIVE PRACTICES.

“(a) IN GENERAL.—From the funds appropriated for any fiscal year under section 1002(e)(1), the Secretary may award grants to State educational agencies, local educational agencies, tribal education agencies, other public agencies, nonprofit organizations, public or private partnerships involving business and industry organizations, and consortia of such entities to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State academic content standards and challenging State student academic achievement standards.

“(c) PARTNERSHIPS.—From funds appropriated under section 1002(e)(1) for any fiscal year, the Secretary may, directly or through grants or contracts, work in partnership with State educational agencies, tribal education agencies, local educational agencies, other public agencies, and nonprofit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve the quality of teaching and learning in schools assisted under this title.

PART F—COMPREHENSIVE SCHOOL REFORM

“SEC. 1603. STATE APPLICATIONS.



“(b)(2) how the state educational agency consulted the tribal education agencies in the state.

The next sections become (3)-(6).

“SEC. 1605. LOCAL APPLICATIONS.

“(b)(4) describe how the local educational agency will coordinate with tribal education agencies implement and achieve comprehensive schools reform.

“SEC. 1606. LOCAL USE OF FUNDS.

“(a) USES OF FUNDS.—

“(5) is supported by teachers, principals, administrators, school personnel staff, other professional staff and **Indian tribes**;

“(7) provides for the meaningful involvement of parents and **tribal education agencies**, the local community in planning, implementing, and evaluation school improvement activities consistent with 1118;

Part H.—SCHOOL DROPOUT PREVENTION

“Subpart 1—Coordinate National Strategy

“SEC. 1811. NATIONAL ACTIVITIES.

“(a) IN GENERAL.—The Secretary is authorized—

“(2) to establish a national clearinghouse of information on effective school dropout prevention and reentry programs that shall disseminate to State educational agencies, **tribal education agencies**, local educational agencies, and schools—

“(3) to provide technical assistance to State educational agencies, **tribal education agencies**, local educational agencies, and schools in designing and implementing programs and securing resources to implement effective school dropout prevention and reentry programs;

“(4) to establish and consult with an interagency working group that shall—

“(B) describe the ways in which State educational agencies, **tribal education agencies**, and local educational agencies can implement effective school dropout prevention and reentry programs using funds from a variety of Federal programs, including the programs under this part; and

PART H.—SCHOOL DROPOUT PREVENTION

“Subpart 2—School Dropout Prevention Initiative



“SEC.1822. PROGRAM AUTHORIZED.

“(b) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES, **TRIBAL EDUCATION AGENCIES, OR CONSORTIUM.**

“(1) IN GENERAL.—From amounts made available to a State educational agency under paragraph (2) or (3) of subsection (a), the State educational agency shall award subgrants, on a competitive basis, to local educational agencies that operate public schools that serve students in grades 6 through 12 and that have annual school dropout rates that are above the State average annual school dropout rate. **The State educational agency shall also award subgrants to tribal education agencies with local education agencies operating public schools within Indian reservations or former Indian reservation in Oklahoma that meet the same requirements. Consortia of tribal education agencies and local education agencies are also eligible to receive subgrants.** The purpose of such grants is to enable those schools, or the middle schools that feed students into those schools, to implement effective, sustainable, and coordinated school dropout prevention and reentry programs that involve activities such as—

“(2)A subgrant under this subpart, a local educational agency or **tribal education agency** shall submit an application and plan to the state educational agency at such time, in such manner, and accompanied by such information as the state educational agency may reasonably required.

Insert new section

“(b)(1)(H) **contain evidence of consultation with tribal education agencies.**

“(b)(2) Local Education Agency or **Tribal Education Agency.**—Each application and plan submitted under subsection (a) by a local education agency or **tribal education agency** shall contain, in addition to the requirements of paragraph (1),

“SEC. 1823. APPLICATIONS.

“(a) IN GENERAL.—To receive—

“(1) a grant under this subpart, a State educational agency, local educational agency, or **tribal education agency** shall submit an application and plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require; and

“(2) a subgrant under this subpart, a local educational agency, or **tribal education agency** submit an application and plan to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require.

“(b) CONTENTS.—



“(1) STATE EDUCATIONAL AGENCY, LOCAL EDUCATIONAL AGENCY AND **TRIBAL EDUCATION AGENCY**.—Each application and plan submitted under subsection (a) shall—

“(A) include an outline—

“(i) of the State educational agency’s, local educational agency’s, or **tribal education agency’s** strategy for reducing the State educational agency or local educational agency’s annual school dropout rate;

“SEC. 1825. STRATEGIES AND CAPACITY BUILDING.

Each local education agency or **tribal education agency** receiving a grant or subgrant under this subpart and each State educational agency receiving a grant a grant under this subpart shall implement scientifically based, sustainable, and widely replicated strategies for school dropout prevention and reentry.

“SEC. 1826. SELECTION OF LOCAL EDUCATIONAL AGENCIES FOR SUB GRANTS.

“(a) STATE EDUCATIONAL AGENCY REVIEW AND AWARD.—The State educational agency shall review applications submitted under section 1823(a)(2) and award subgrants to local educational agencies or **tribal education agencies** with the assistance and advice of a panel of experts on school dropout prevention and reentry.

“(b) ELIGIBILITY.—A local educational agency or **tribal education agencies** is eligible to receive a subgrant under this subpart if the local educational agency operate or **tribal education agency serves** a public school or operates public schools within **an Indian reservation or former Indian reservation in Oklahoma** (including a public alternative school)—

“SEC. 1827. COMMUNITY BASED ORGANIZATIONS.

“A local educational agency or **tribal education agency** that receives a grant or subgrant under this subpart and a State educational agency that receives a grant under this subpart may use the funds to secure necessary services from a community-based organization or other government agency if the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts.

“SEC. 1828. TECHNICAL ASSISTANCE.

“Notwithstanding any other provision of law, each local educational agency or **tribal education agency** that receives funds under this subpart shall use the funds to provide technical assistance to secondary schools served by the agency that have not made progress toward lowering annual school dropout rates after receiving assistance under this subpart for 2 fiscal years.

“SEC. 1830. REPORTING AND ACCOUNTABILITY.



“(a) LOCAL EDUCATIONAL AGENCY OR **TRIBAL EDUCATION AGENCIES** REPORTS.—

“(1) IN GENERAL.—To receive funds under this subpart for a fiscal year after the first fiscal year that a local educational agency or **tribal education agency** receives funds under this subpart, the local educational agency shall provide, on an annual basis, a report regarding the status of the implementation of activities funded under this subpart, and the dropout data for students at schools assisted under this subpart, disaggregated by race and ethnicity, **tribal membership** to the—

“PART I—GENERAL PROVISIONS

“SEC. 1901. FEDERAL REGULATIONS.

“(b) NEGOTIATED RULEMAKING PROCESS.—“(1) IN GENERAL.—Before publishing in the Federal Register proposed regulations to carry out this title, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, **Indian tribes**, and local administrators, parents, teachers, paraprofessionals, and members of local school boards and other organizations involved with the implementation and operation of programs under this title.

“SEC. 1901. DEFINITIONS.

“(8) Indian Tribe.—The term Indian tribe means any Indian tribe, band, nation, other organized group or community, including any Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS

The proposed language in Title II, Sections 2101-2351 would require states to consult with Indian tribes in the development of Title II plans, authorize teacher training in Native American history, culture, and language, authorize Indian tribes to receive subgrants to provide teacher training in Native American history, culture, and language, and authorize the teaching of Native American history and Indian tribal sovereignty.

“PART A—TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND

“SEC. 2101. PURPOSE.

“The purpose of this part is to provide grants to State educational agencies, local educational agencies, State agencies for higher education, **Indian tribes**, and eligible partnerships in order to—

“SEC. 2112. STATE APPLICATIONS.



“(b) CONTENTS.—“(7)(A) A description of how the State educational agency will ensure compliance with the requirements for professional development activities described in section 9101 and how the activities to be carried out under the grant will be developed collaboratively and based on the input of teachers, principals, parents, administrators, paraprofessionals, **Indian tribes**, and other school personnel.

“SEC. 2113. STATE USE OF FUNDS.

“(c) STATE ACTIVITIES.—The State educational agency for a State that receives a grant under section 2111 shall use the funds described in subsection (a)(3) to carry out one or more of the following activities, which may be carried out through a grant or contract with **an Indian tribe**, for-profit or nonprofit entity:

“(18) **Developing or providing assistance to teachers, administrators, and principals serving minority communities that supports culturally sensitive learning environments that reflect the local communities unique history, culture, and language.”**

“(19) **Develop or provide teacher training to align culture based curriculum to meet state academic standards that include the teaching of Native American history, culture, and language in schools serving a high population of Native American students.”**

“Subpart 2—Subgrants to Local Educational Agencies

“SEC. 2123. LOCAL USE OF FUNDS.

“(a) IN GENERAL.—A local educational agency that receives a subgrant under section 2121 shall use the funds made available through the subgrant to carry out one or more of the following activities, including carrying out the activities through a grant or contract with a **Indian tribe**, for-profit or nonprofit entity:

Add a New Section

“(9) **In areas with high populations of Native American students, provide training in the local tribes’ or tribe’s history, language, and culture**

“Subpart 3—Subgrants to Eligible Partnerships

“SEC. 2131. DEFINITIONS.

“(B) may include another local educational agency, **tribal education agency**, a public charter school, an elementary school or secondary school, an educational service agency, a nonprofit educational organization, another institution of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers and principals, a nonprofit cultural organization, an entity carrying out a prekindergarten program, a teacher organization, a principal organization, or a business.

Add a New Section



“SEC.2134. USE OF FUNDS.

“(a)(1)(C) teachers and principals working in schools with high populations of Native American students who are able to teach or assist with teaching core academic subjects using culturally appropriate techniques or Native American languages.”

“(a)(2)(C) may include activities of partnerships between one or more local educational agencies, tribal education agencies, one more schools served by such local education agencies, and one or more institutions of higher education for the purpose of improving teaching and learning at low-performing schools.

“Subpart 4—Accountability

“SEC. 2141. TECHNICAL ASSISTANCE AND ACCOUNTABILITY.

“(c) ACCOUNTABILITY.—

“(1) shall develop, in conjunction with the local educational agency, Indian tribes, teachers, and principals, professional development strategies and activities, based on scientifically based research, that the local educational agency will use to meet the annual measurable objectives described in section 1119(a)(2) and require such agency to utilize such strategies and activities; and

“SEC. 2344. WE THE PEOPLE PROGRAM.

“(a) THE CITIZEN AND THE CONSTITUTION.—“(1) EDUCATIONAL ACTIVITIES.—The Center for Civic Education—“(A) shall use funds made available under grants or contracts under section 2343(a)(1)—

“(iii) to provide a course of instruction on the basic principles of the Nation’s constitutional democracy and the history of the Constitution of the United States, including the Bill of Rights, and Indian tribal sovereignty;

“Subpart 4—Teaching of Traditional American History

“SEC. 2351. ESTABLISHMENT OF PROGRAM.

“(2) for the development, implementation, and strengthening of programs to teach traditional American history, which includes Native American history, as a separate academic subject (not as a component of social studies) within elementary school and secondary school curricula, including the implementation of activities—

“(b) REQUIRED PARTNERSHIP.—

“(4) Indian tribe.

“TITLE III—LANGUAGE INSTRUCTION FOR LIMITED ENGLISH PROFICIENCY AND IMMIGRANT STUDENTS



The proposed language in Title III makes the reference to a tribally sanctioned educational authority consistent with other references to tribal education agency and defines tribal education agencies.

“PART B—IMPROVING LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS

“SEC. 3203. NATIVE AMERICAN CHILDREN IN SCHOOL.

“(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this part for individuals served by elementary schools, secondary schools, and postsecondary schools operated predominately for Native American (including Alaska Native) children and youth, an Indian tribe, **a tribal education agency**, ~~a tribally sanctioned educational authority~~, a Native Hawaiian or Native American Pacific Islander native language education organization, or an elementary school or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency.

“PART C—GENERAL PROVISIONS

“SEC. 3301. DEFINITIONS.

“Except as otherwise provided, in this title:

“(2) COMMUNITY-BASED ORGANIZATION.—The term ‘community-based organization’ means a private nonprofit organization of demonstrated effectiveness, Indian tribe, **or tribal education agency**, ~~tribally sanctioned educational authority~~, that is representative of a community or significant segments of a community and that provides educational or related services to individuals in the community.

“(15) **Tribal Education Agency.—The term “Tribal education agency” means the authorized governmental agency of a federally-recognized American Indian and Alaska Native tribe (as defined in 25 U.S.C. §450b) that is primarily responsible for regulating, administering, or supervising the formal education of tribal members. “Tribal education agency” includes tribal education departments, tribal divisions of education, tribally sanctioned education authorities, tribal education administrative planning and development agencies, tribal education agencies, and tribal administrative education entities.**

“TITLE IV—21ST CENTURY SCHOOLS

The proposed Title IV language requires states to consult with Indian tribes in the development of state Title IV plans, authorizes Indian tribes to receive grants to reduce alcohol abuse, and operate mentoring programs and community learning centers.



“PART A—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

SEC. 4113. STATE APPLICATION.

“(a) IN GENERAL.—In order to receive an allotment under section 4111(b) for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

“(3) provides an assurance that the application was developed in consultation and coordination with appropriate State officials, **Indian tribes**, and others, including the chief executive officer, the chief State school officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations;

“SEC. 4114. LOCAL EDUCATIONAL AGENCY PROGRAM.

“(b) IN GENERAL.—(2) **Native American Children in School.—Tribal education agencies shall be authorized to operate programs and services authorized in this subpart in schools located on Indian reservations or former reservations in Oklahoma. Tribal education agencies shall be considered to be a local educational agency.**

“SEC. 4129. GRANTS TO REDUCE ALCOHOL ABUSE.

“(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, may award grants from funds made available to carry out this subpart under section 4003(2), on a competitive basis, to local educational agencies **or tribal education agencies** to enable such agencies to develop and implement innovative and effective programs to reduce alcohol abuse in secondary schools.

“(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a local educational agency **or tribal education agency** shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

“SEC. 4130. MENTORING PROGRAMS.

“(B) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

- “(i) a local educational agency;
- “(ii) a nonprofit, community-based organization;
- “(iii) **Indian tribe; or**
- “(iv) a partnership between a local educational agency, **Indian tribe** and a nonprofit, community-based organization

“PART B—21ST CENTURY COMMUNITY LEARNING CENTERS



“SEC. 4201. PURPOSE; DEFINITIONS.

“(B)(3) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a local educational agency, **Indian tribe, tribal education agency**, community-based organization, another public or private entity, or a consortium of two or more of such agencies, organizations, or entities.

TITLE V—PROMOTING INFORMED PARENTAL CHOICE AND INNOVATIVE PROGRAMS

The proposed language in Title V requires states to consult with Indian tribes in the development of state Title V plans, authorizes Indian tribes to receive grants for innovative education programs, character education, improvement of education, and to operate parental and local family information centers.

“PART A—INNOVATIVE PROGRAMS

“Subpart 3—Local Innovative Education Programs

SEC. 5122. STATE APPLICATIONS.

“(a)(8) **An assurance that the State education agency has consulted with the tribal education agencies in the State.**

“SEC. 5131. LOCAL USES OF FUNDS.

“(d) **Native American Children in School.—Tribal education agencies shall be authorized to operate programs and services authorized in this subpart in schools located on Indian reservations or former Indian reservations in Oklahoma. Tribal education agencies are eligible to receive grants for local education agencies authorized in this subpart.”**

“SEC. 5132. ADMINISTRATIVE AUTHORITY.

“In order to conduct the program use funds made available under this part to make grants to, and to enter into contracts with, local educational agencies, **Indian tribes**, institutions of higher education, libraries, museums, and other public and private nonprofit agencies, organizations, and institutions.

“SEC. 5143. FEDERAL ADMINISTRATION.

“(a) TECHNICAL ASSISTANCE.—The Secretary, upon request, shall provide technical assistance to State educational agencies, **tribal education agencies**, and local educational agencies under this part.

“SEC. 5145. DEFINITIONS.

“In this part:

“(1) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ means



a local educational agency, (tribal education agency as provided) or a consortium of such agencies.

“PART D— FUND FOR THE IMPROVEMENT OF EDUCATION

“Subpart 1—Fund for the Improvement of Education

“SEC. 5411. PROGRAMS AUTHORIZED.

“(a) AUTHORIZATION.—The Secretary is authorized to support nationally significant programs to improve the quality of elementary and secondary education at the State and local levels and help all children meet challenging State academic content and student academic achievement standards. The Secretary may carry out such programs directly, or through grants to, or contracts with—

- “(1) States or local educational agencies;
- “(2) institutions of higher education; and
- “(3) other public and private agencies, organizations, and
“(4) Indian tribes.

“(b) USES OF FUNDS.—Funds made available under section 5401 to carry out this subpart may be used for any of the following programs:

- “(3) Recognition programs, which may include financial awards to States, tribal education agencies, local educational agencies, and schools that have made the greatest progress, based on the Secretary’s determination or on a nomination by the State in which the school is located (or in the case of a Bureau funded school, by the Secretary of the Interior) in—

“Subpart 3—Partnerships in Character Education

“SEC. 5431. PARTNERSHIPS IN CHARACTER EDUCATION PROGRAM.

- “(a)(2)(i) a tribal education agency
- “(a)(2)(C) a local educational agency in partnership with one or more tribal education agency, nonprofit organizations or entities, including an institution of higher education.

“(d) USE OF FUNDS BY STATE EDUCATIONAL AGENCY RECIPIENTS.—Of the total funds received in any fiscal year under this section by an eligible entity that is a State educational agency—

- “(1) not more than 3 percent of such funds may be used for administrative purposes; and
- “(2) the remainder of such funds may be used for—“(A) collaborative initiatives with and between local educational agencies, tribal education agencies, and schools;

“Subpart 4—Smaller Learning Communities

“SEC. 5441. SMALLER LEARNING COMMUNITIES.



“(b)(4) The process to be used for involving students, parents, and **Indian tribes** other stakeholders in the development and implementation of the smaller learning community or communities.

“(b)(5) Any cooperation or collaboration among community agencies, **Indian tribes**, organizations, businesses, and others to develop or implement a plan to create the smaller learning community or communities.

“(c) **Native American Children in School.**—For the purpose of carrying out programs under this program for individuals served by elementary schools, secondary schools, and postsecondary schools operated predominately for Native American children and youth, a consortium of tribal education agency and/or a tribal education agency and local education agency may apply cooperatively for grants authorized by this subpart. Existing section (c) becomes (d)

“(d) **AUTHORIZED ACTIVITIES.**—Funds under this section may be used for one or more of the following:

“(4) To develop and implement strategies to include parents, **Indian tribes**, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities as facilitators of activities that enable teachers to participate in professional development activities and provide links between students and their community.

“Subpart 11—Community Technology Centers

“SEC. 5512. ELIGIBILITY AND APPLICATION REQUIREMENTS.

“(a) **ELIGIBLE APPLICANTS.**—In order to be eligible to receive an award under this subpart, an applicant shall—

“(1) be an entity (such as a foundation, museum, library, for-profit business, public or private nonprofit organization, or community-based organization), an institution of higher education, a State educational agency, **tribal education agency**, a local education agency, or a consortium of such entities, institutions, or agencies; and

“Subpart 16—Parental Assistance and Local Family Information Centers

“SEC. 5562. GRANTS AUTHORIZED.

“(a) **PARENTAL INFORMATION AND RESOURCE CENTERS.**—The Secretary is authorized to award grants in each fiscal year to nonprofit organizations (including statewide nonprofit organizations) or **tribal education agency**, and consortia of such organizations and local educational agencies, to establish school-linked or school-based parental information and resource centers that provide comprehensive training, information, and support to—



“SEC. 5563. APPLICATIONS.

“(a) SUBMISSION.—Each nonprofit organization (including a statewide nonprofit organization) or **tribal education agency**, or a consortia of such an organization and a local educational agency, that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“Subpart 16—Parental Assistance and Local Family Information Centers

“SEC. 5562. GRANTS AUTHORIZED.

“(a) PARENTAL INFORMATION AND RESOURCE CENTERS.—The Secretary is authorized to award grants in each fiscal year to nonprofit organizations (including statewide nonprofit organizations) or **Indian tribe**, and consortia of such organizations and local educational agencies, to establish school-linked or school-based parental information and resource centers that provide comprehensive training, information, and support to—

“SEC. 5563. APPLICATIONS.

“(a) SUBMISSION.—Each nonprofit organization (including a statewide nonprofit organization) or **Indian tribe**, or a consortia of such an organization and a local educational agency, that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

The proposed language in Title VII adds new findings to support the policy goals of increasing the role of tribal governments and tribal education agencies in Indian education, meeting the trust responsibility, encouraging cooperative agreements between Indian tribes, states, and local educational agencies, and increasing Native American language and culture into school curriculum. It authorizes Indian tribes to be the primary eligible entity for Indian education formula grants and increases the amount authorized for tribal education agencies to \$25 million. It also authorizes the Tribal Education Agencies Demonstration Project.

“PART A—INDIAN EDUCATION

“SEC. 7102. PURPOSE AND FINDINGS.

“(b) Findings. **Congress finds that federal education programs better serve Native American students when Indian tribes, parents, and communities operate such programs. Native American students have historically performed lower on standardized tests and dropout of high school at a higher rate than any other student group. The federal**



education programs authorized in this Act can better serve Native American students by increasing the role of Indian tribes in the administration, operation, and reporting of such programs. States and local education agencies that serve Native American students are encouraged to work closely with tribal education agencies, Indian tribes, parents, and communities to develop joint strategies to improve the administration of programs authorized in this Act.

“(c) Congress finds that preservation of Native American language and culture is critical to achieving the federal Indian policy of self-determination and increasing tribal sovereignty. Native American students perform better in education learning environments that incorporate local Native American culture and language. Congress supports cooperative agreements between states, local education agencies, and Indian tribes that encourage curriculum, teacher training and professional development activities in Native American language and culture.

“(d) Congress further finds that the federal trust responsibility to Indian tribes applies to Native American students attending all types of school systems on and off Indian reservations and former Indian reservations in Oklahoma. All federal agencies administering federal education programs and services, specifically the Department of Education and Department of the Interior shall interpret and implement this Act in a manner most beneficial to Native American students.

“Subpart 1—Formula Grants to Local Educational Agencies and **Indian Tribes**

TEDNA proposes to strike all of Sections 7111-7115, 7117-7118, and replace these sections with the language below. We have noted the proposed new text in red font in these sections below. Section 7116 has no proposed amendments.

SEC. 7111. PURPOSE.

“It is the purpose of this subpart to support **Indian tribes** and local educational agencies in their efforts to reform elementary school and secondary school programs that serve Indian students in order to ensure that such programs—

“(1) are based on challenging State or **Tribal academic content** and student academic achievement standards that are used for all students; and

“(2) are designed to assist Indian students in meeting those standards.

SEC. 7112. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND **INDIAN TRIBES.**

“(b) **Indian tribes**

“(1) **Where local education agencies that serve Indian children eligible under section 7427 of this title are located on or near an Indian reservation or former Indian reservation**



in Oklahoma, Indian tribes shall be eligible for grants under this subpart for any fiscal year.

“(2) Indian tribes eligible for grants under this subpart are not subject to section 7424(c)(4), section 7428(c), or section 7429 of this title.

“(a) Local educational agencies

“(1) Local educational agencies that serve Indian children eligible under section 7427 of this title **that are not located on or near Indian reservations shall be eligible** for grants under this subpart for any fiscal year if the number of eligible Indian children who were enrolled in the schools of a local educational agency, and to whom the agency provided free public education during the preceding fiscal year—

“(A) was at least 10; or

“(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

“(2) **If an Indian tribe that is otherwise eligible for a grant under this subpart does not apply for such grant, a local educational agency that serves Indian children eligible under section 7423 of this title may apply for such grant.**

SEC. 7113. AMOUNT OF GRANTS.

“(a) Amount of grant awards

“(1) In general.—Except as provided in subsection (b) of this section and paragraph (2), the Secretary shall allocate to each **Indian tribe** and local educational agency that has an approved application under this subpart and amount equal to the product of—

“(A) the number of Indian children who are eligible under section 7427 of this title and served by a local educational agency; and

“(1) the greater of—

(i) the average per pupil expenditure of the State in which the local educational agencies are located; or

(ii) 80 percent of the average per pupil expenditure of all the States.

“(2) Reduction

[No change to this section]

“(b) Minimum grant

“(1) [No change to this section]

“(2) Consortia.—**Indian tribes** and local educational agencies may form a consortium for the purpose of obtaining grants under this subpart.

“(c) Definition [No change to this section]



“(d) Schools operated or supported by the BIA [No change to this section]

“(e) Ratable reductions.—If the sums appropriated for any fiscal year under section 7152(a) of this title are insufficient to pay in full the amounts determined for **Indian tribes** or local educational agencies under subsection (a)(1) of this section and for the Secretary of the Interior under subsection (d) of this section, each of those amounts shall be ratably reduced.

SEC. 7114. APPLICATIONS.

“(a) Application required.—Each **Indian tribe** or local educational agency that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(b) Comprehensive program required.—Each application submitted under subsection (a) of this section shall include a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency and **Indian tribe**, including the language and cultural needs of the children, that—

“(1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

“(2) (A) is consistent with the State, **Tribal**, and local plans submitted under other provisions of this chapter; and (B) includes academic content and student academic achievement goals for such children, and benchmarks for attaining such goals, that are based on the challenging State or **Tribal** academic content and student academic achievement standards adopted under subchapter I of this chapter for all children;

“(3) explains how Federal, State, **Tribal**, and local programs, especially programs carried out under subchapter I of this chapter, will meet the needs of such students;

“(4) demonstrates how funds made available under this subpart will be used for activities described in section 7115 of this title;

“(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; and

“(6) describes how the **Indian tribe** or local educational agency—

(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who



do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);
(B) will provide the results of each assessment referred to in subparagraph (A) to—
 (i) the committee described in subsection (c)(4) of this section; and
 (ii) the community served by the **Indian tribe** or local educational agency; and
 (iii) **the Indian tribes represented by the Indian children served**; and
(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A).

“(c) Assurances

Each application submitted under subsection (a) of this section shall include assurances that—

- “(1) the **Indian tribe** or local educational agency will use funds received under this subpart only to supplement the funds that, in the absence of the Federal funds made available under this subpart, such tribe or agency would make available for the education of Indian children, and not to supplant such funds;
- “(2) the **Indian tribe** or local educational agency will prepare and submit to the Secretary such reports, in such form and containing such information, as the Secretary may require to—
 - (A) carry out the functions of the Secretary under this subpart; and
 - (B) determine the extent to which activities carried out with funds provided to the **Indian tribe** or local educational agency under this subpart are effective improving the educational achievement of Indian students served by such agency;
- “(3) the program for which assistance is sought—
 - (A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;
 - (B) will use the best available talents and resources, including individuals from the Indian community; and
 - (C) was developed by the **Indian tribe** or local educational agency in open consultation with parents of Indian children and teachers, and if appropriate, Indian students from secondary schools, including through public hearings held by **such tribe** or agency to provide the individuals described in this subparagraph a full opportunity to understand the program to offer recommendations regarding the program; and
- “(4) **in instances where the local educational agency is located on or near an Indian Reservation or former Indian Reservation in Oklahoma and the local educational agency is the grantee, the local education agency will develop the program with the participation and written approval of the tribal education agency; and**



“(5) [This becomes the former section 7424(c)(4) on Indian parent committees, but no changes to the section]

SEC. 7115. GRANTS TO INDIAN TRIBES AND LOCAL EDUCATIONAL AGENCIES, AUTHORIZED SERVICES AND ACTIVITIES.

“(a) General requirements.—Each **Indian tribe** or local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 7421 of this title, for services and activities that—

“(1) are designed to carry out the comprehensive programs of the **Indian tribe** and local educational agency for Indian students, and described in the application of the **Indian tribe** or agency submitted to the Secretary under section 7424(a) of this title;

“(2) are designed with special regard for the language and cultural needs of the Indian students; and

“(3) supplement and enrich the regular school program of the local educational agency.

“(b) Particular activities

The services and activities referred to in subsection (a) of this section may include--

“(1) culturally related activities that support the program described in the application submitted by the **Indian tribe** or local educational agency;

“(2) early childhood and family programs that emphasize school readiness;

“(3) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State or **Tribal academic** content and student academic achievement standards;

“(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

“(5) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Career and Technical Education Act of 2006, including programs for tech-prep education, mentoring, and apprenticeship;

“(6) activities to educate individuals concerning substance abuse and to prevent substance abuse;

“(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 7421 of this title;



“(8) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

“(9) activities that incorporate American Indian and Alaska Native specific curriculum content, consistent with State or Tribal standards, into the curriculum used by the local educational agency;

“(10) family literacy services and **parent training**; and

“(11) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors.

“(c) Schoolwide programs

Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 6314 of this title if—

“(1) **where the local educational agency is located on or near an Indian reservation or former Indian reservation in Oklahoma, the Indian tribe approves the use of the funds for the schoolwide program; or**

“(2) **where the local education agency is not located on or near an Indian reservation or former Indian reservation in Oklahoma, the committee established pursuant to section 7424(c)(4) of this title approves the use of the funds for the schoolwide program; and**

“(3) the schoolwide program is consistent with the purpose described in section 7421 of this title.

SEC. 7116. GRANTS TO INDIAN TRIBES AND LOCAL EDUCATIONAL AGENCIES, INTEGRATION OF SERVICES AUTHORIZED.

[No changes to this section]

SEC. 7117. GRANTS TO INDIAN TRIBES AND LOCAL EDUCATIONAL AGENCIES, STUDENT ELIGIBILITY FORMS.

“(h) Timing of child counts.—For purposes of determining the number of children to be counted in calculating the amount of an **Indian tribe** or local educational agency's grant under this subpart (other than in the case described in subsection (g)(1) of this section), the local educational agency shall—



SEC. 7118. GRANTS TO INDIAN TRIBES AND LOCAL EDUCATIONAL AGENCIES, PAYMENTS.

“(a) In general.—Subject to subsections (b) and (c) of this section, the Secretary shall pay to each **Indian tribe** or local educational agency that submits an application that is approved by the Secretary under this subpart the amount determined under section 7423 of this title. The Secretary shall notify the **Indian tribe** or the local education agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

SEC. 7119. GRANTS TO INDIAN TRIBES AND LOCAL EDUCATIONAL AGENCIES, STATE EDUCATIONAL AGENCY REVIEW.

“Before submitting an application to the Secretary under section 7114, an **Indian tribe** or local education agency shall submit the application to the State educational agency, which may comment on such application. If the State education agency comments on the application, the agency shall comment on all applications submitted by **Indian tribes** and local educational agencies in the State and shall provide those comments to the respective **Indian tribes** and local educational agencies, with an opportunity to respond.

Add a New Subpart:

“Subpart 2— Tribal Education Agencies Pilot Project.

“(a) There is established a pilot project to be known as the “Tribal Education Agency Pilot Project” that authorizes up to five qualifying Indian tribes to be eligible to receive grants from the Secretary to administer state education functions authorized in this Act.

“(b) The Secretary shall select up to five qualifying Indian tribes to participate in the Tribal Education Agency Pilot Project. A qualifying Indian tribe must demonstrate that—

“(1) The school or schools with respect to which the Indian tribe seeks to administer state education functions and receive grant awards is or are located on or near the Indian tribe’s reservation or former Indian reservation in Oklahoma;

“(2) A majority of the students in the school or schools are Native American; and

“(3) It has the capacity to administer the functions for which it applies, including:

(i) Compliance with the fiscal accountability provision of 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

“(4) It satisfies such other factors that the Secretary deems appropriate.



“(c) Each Indian tribe participating in the Tribal Education Agency Pilot Project must enter into a cooperative agreement with the state education agency and the local education agency or agencies operating the school or schools with respect to which the Indian tribe will be administering state education agency functions under this Act.

“Subpart 3—National Activities

“SEC. 7135. GRANTS TO INDIAN TRIBES FOR TRIBAL EDUCATION AGENCIES.

“(a) IN GENERAL.—The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a tribal education agency—

Add a new Section

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$25,000,000.”

“SEC. 7152. AUTHORIZATIONS OF APPROPRIATIONS.

“(a) SUBPART 1.—For the purpose of carrying out subpart 1, there are authorized to be appropriated \$200,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

“(b) SUBPARTS 2 AND 3.—For the purpose of carrying out subparts 2 and 3, there are authorized to be appropriated \$50,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

TITLE VIII—IMPACT AID GRANTS

The proposed language in Title VIII authorizes Indian tribes to eligible for Impact Aid grants if the Indian tribe represents 1/3 of the claimed children residing on Indian lands, and cooperative agreements between Indian tribes and local educational agencies to administer such funds.

In 20 U.S.C. Section 7704, Policies and Procedures relating to children residing on Indian lands, add a new Section 7704(g), that provides,

Add a New Section

SEC. 7704(g). Indian tribes.—

“(1) In General.—An Indian tribe that represents not less than 1/3 of the claimed children residing on Indian lands for the purpose of receiving funds under section 7703 of this Title may apply for such funds.

“(2) Special Rule.—The Secretary shall treat each Indian tribe applying for funds under Section 7703 of this Title as if such Indian tribe were a local educational agency for



purposes of this Title, except that any such Indian tribe is not subject to Section 7704 of this Title."

Add a new Section 7704(h), that provides,

"SEC. 7704(h) Cooperative Agreements.—

“(1) Where an Indian tribe receives funds under Section 7704(g) of this Title, the Secretary shall, if specifically requested by the Indian tribe, implement any cooperative agreement entered into between the Indian tribe and the local educational agency which meets the requirements of paragraph (2) and involves education matters for which the funds may be used. The Indian tribe and the local education agency shall determine the terms of the agreement.

“(2) Each agreement entered into pursuant to the authority provided in paragraph (1) shall confer a benefit upon the parties commensurate with the burden assumed, though this requirement shall not be construed so as to require equal expenditures or an exchange of similar services."

“Title IX—GENERAL PROVISIONS

The proposed language in Title IX allows an Indian tribe to certify highly qualified teachers of the specific Indian tribe’s language, culture and/or history.

“Part A Definitions.

SEC. 9101(23) HIGHLY QUALIFIED.—The term ‘highly qualified’—

“(D) When used with respect to any teacher certified through a Indian tribe (P.L. 101-477) teaching in a public or tribal elementary or secondary school, means that the teacher has met the tribal requirements and is deemed highly qualified to teach the language, culture and/or history specified by the Indian tribe.

“Title X—REPEALS, REDESIGNATIONS, AND AMENDMENTS TO OTHER STATUTES

The proposed language in Title X amends language in the authorization of appropriations for tribal education agencies to make it consistent with the new definition of tribal education agencies proposed in this document, strikes the requirement of an applicant serving three Bureau of Indian Education schools, and authorizes the funding to be used for capacity building and technical assistance. The proposed language in Part F amends the Family Educational Rights and Privacy Act to allow Indian tribes to receive tribal member student records.

“PART B—BUREAU OF INDIAN AFFAIRS PROGRAMS



“SEC. 1140. TRIBAL EDUCATION AGENCIES.

“(a) IN GENERAL—The Secretary shall make grants and provide technical assistance to **Indian** tribes for the development and operation of **tribal education agencies** for the purpose of planning and coordinating all educational programs of **Indian** tribes and **building the capacities of tribal education agencies.**

“(d) USE.—**Indian** tribes that receive grants under this section shall use the funds made available through the grants—

“(e) PRIORITIES.—In making grants under this section, the Secretary shall give priority to any application that—

“(1) includes—

~~“(A) assurances that the applicant serves three or more separate Bureau-funded schools; and~~

“(A) assurances from the applicant that the **tribal education agency** to be funded under this section will provide coordinating services and technical assistance to all schools located on its lands;

“(2) includes assurances that all education programs for which funds are provided by such a contract or grant will be monitored and audited, by or through the **tribal education agency**, to ensure that the programs meet the requirements of law; and

“(3) provides a plan and schedule that—

“(A) **If Bureau of Indian education schools are located within the tribe’s territory**, provides for—

“(i) the assumption, by the tribal **education agency**, of all assets and functions of the Bureau agency office associated with the tribe, to the extent the assets and functions relate to education; and

“(h) CAPACITY BUILDING AND TECHNICAL ASSISTANCE

“Each recipient of a grant under this subpart shall use the grant in ways that will build such recipient’s capacity to continue to plan and develop high-quality education programs. The Secretary will provide technical assistance to such recipients to assist with capacity building.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$25,000,000.

“SEC. 1141. DEFINITIONS.

For the purposes of this part, unless otherwise specified:

“(21) Tribal Education Agency.—The term “Tribal education agency” means the authorized governmental agency of a federally-recognized American Indian and Alaska Native tribe (as defined in 25 U.S.C. §450b) that is primarily responsible for regulating, administering, or supervising the formal education of tribal members. “Tribal education agency” includes tribal education departments, tribal divisions of education, tribally



sanctioned education authorities, tribal education administrative planning and development agencies, tribal education agencies, and tribal administrative education entities.

PART F—GENERAL EDUCATION PROVISIONS ACT

SEC. 1061 STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS.

Section ____, of the General Education Provisions Act (20 U.S.C. 1232g(b)) is amended—

“(1)(C)(i)(IV) Indian tribes.