

114TH CONGRESS
1ST SESSION

S. 410

To strengthen Indian education, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2015

Mr. UDALL (for himself and Mr. HEINRICH) introduced the following bill;
which was read twice and referred to the Committee on Indian Affairs

A BILL

To strengthen Indian education, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Building upon Unique
5 Indian Learning and Development Act”.

6 **SEC. 2. IN-SCHOOL FACILITY INNOVATION PROGRAM CON-**
7 **TEST.**

8 (a) IN GENERAL.—The Secretary of the Interior
9 shall—

10 (1) establish an in-school facility innovation
11 program contest in which institutions of higher edu-
12 cation, including Tribal Colleges and Universities (as

1 defined in section 316 of the Higher Education Act
 2 of 1965 (20 U.S.C. 1059c)), are encouraged to con-
 3 sider solving the problem of how to improve school
 4 facilities for tribal schools and schools served by the
 5 Bureau of Indian Education as part of problem-
 6 based learning in their coursework and through ex-
 7 tracurricular opportunities; and

8 (2) establish an advisory group for the contest
 9 described in paragraph (1) that shall include stu-
 10 dents enrolled at a Tribal College or University, a
 11 representative from the Bureau of Indian Education,
 12 and engineering and fiscal advisors.

13 (b) SUBMISSION OF FINALISTS TO THE INDIAN AF-
 14 FAIRS COMMITTEE.—The Secretary of the Interior shall
 15 submit the finalists to the Committee on Indian Affairs
 16 of the Senate.

17 (c) WINNERS.—The Secretary of the Interior shall—

18 (1) determine the winners of the program con-
 19 test conducted under this section; and

20 (2) award the winners appropriate recognition
 21 and reward.

22 **SEC. 3. DEPARTMENT OF THE INTERIOR AND DEPARTMENT**
 23 **OF EDUCATION JOINT OVERSIGHT BOARD.**

24 (a) IN GENERAL.—The Secretary of Education and
 25 the Secretary of the Interior shall jointly establish a De-

1 partment of the Interior and Department of Education
 2 Joint Oversight Board that shall—

3 (1) be co-chaired by both Departments; and

4 (2) coordinate technical assistance, resource
 5 distribution, and capacity building between the 2 de-
 6 partments on the education of and for Native Amer-
 7 ican students.

8 (b) INFORMATION TO BE SHARED.—The Joint Over-
 9 sight Board shall facilitate the communication, collabora-
 10 tion, and coordination between the Department of the In-
 11 terior and the Department of Education regarding edu-
 12 cation policies, access to and eligibility for Federal re-
 13 sources, budget and school leadership development, and
 14 other issues, as appropriate.

15 **SEC. 4. IMPROVE SUPPORT FOR TEACHERS AND ADMINIS-**
 16 **TRATORS OF NATIVE AMERICAN STUDENTS.**

17 Subpart 2 of part A of title VII of the Elementary
 18 and Secondary Education Act of 1965 (20 U.S.C. 7441
 19 et seq.) is amended by adding at the end the following:

20 **“SEC. 7123. TEACHER AND ADMINISTRATOR PIPELINE FOR**
 21 **TEACHERS AND ADMINISTRATORS OF NATIVE**
 22 **AMERICAN STUDENTS.**

23 “(a) GRANTS AUTHORIZED.—The Secretary shall
 24 award grants to eligible entities to enable such entities to
 25 create or expand a teacher or administrator, or both, pipe-

1 line for teachers and administrators of Native American
2 students.

3 “(b) ELIGIBLE ENTITY.—In this section, the term
4 ‘eligible entity’ means—

5 “(1) a local educational agency;

6 “(2) an institution of higher education;

7 “(3) a Tribal College or University (as defined
8 in section 316 of the Higher Education Act of
9 1965); or

10 “(4) a nonprofit organization.

11 “(c) PRIORITY.—In awarding grants under this sec-
12 tion, the Secretary shall give priority to Tribal Colleges
13 and Universities (as defined in section 316 of the Higher
14 Education Act of 1965).

15 “(d) ACTIVITIES.—An eligible entity that receives a
16 grant under this section shall create a program that shall
17 prepare, recruit, and provide continuing education for
18 teachers and administrators of Native American students,
19 in particular for teachers of—

20 “(1) science, technology, engineering, and
21 mathematics;

22 “(2) subjects that lead to health professions;
23 and

1 “(3) green skills and ‘middle skills’, including
 2 electrical, welding, technology, plumbing, and green
 3 jobs.

4 “(e) INCENTIVES FOR TEACHERS AND ADMINISTRA-
 5 TORS.—An eligible entity that receives a grant under this
 6 section may provide incentives to teachers and principals
 7 who make a commitment to serve high-need, high-poverty,
 8 tribal schools, including in the form of scholarships, loan
 9 forgiveness, incentive pay, or housing allowances.

10 “(f) SCHOOL AND COMMUNITY ORIENTATION.—An
 11 eligible entity that receives a grant under this section shall
 12 develop an evidence-based, culturally-based school and
 13 community orientation for new teachers and administra-
 14 tors of Native American students.”.

15 **SEC. 5. NATIVE AMERICAN STUDENT SUPPORT.**

16 (a) STANDARDS-BASED ASSESSMENTS.—Section
 17 1111(b)(3) of the Elementary and Secondary Education
 18 Act of 1965 (20 U.S.C. 6311(b)(3)) is amended by adding
 19 at the end the following:

20 “(E) STANDARDS-BASED EDUCATION AS-
 21 SESSMENTS.—Notwithstanding any other provi-
 22 sion of this Act, a State, in consultation with
 23 Indian tribes or Tribal Colleges and Univer-
 24 sities (as defined in section 316 of the Higher
 25 Education Act of 1965), shall develop stand-

1 ards-based education assessments and class-
 2 room lessons to accommodate diverse learning
 3 styles, which assessments may be used by the
 4 State in place of the general assessments de-
 5 scribed in subparagraph (A).”.

6 (b) SUPPORT.—The Secretary of Education shall ex-
 7 pand programs for Native American school children—

8 (1) to provide support for learning in the chil-
 9 dren’s Native language and culture; and

10 (2) to provide English language instruction.

11 (c) RESEARCH.—The Comptroller General of the
 12 United States shall conduct research on culture- and lan-
 13 guage-based education to identify the factors that improve
 14 education and health outcomes.

15 (d) NATIVE LANGUAGE TEACHING.—Section 1119 of
 16 the Elementary and Secondary Education Act of 1965 (20
 17 U.S.C. 6319) is amended by adding at the end the fol-
 18 lowing:

19 “(m) QUALIFICATIONS FOR NATIVE LANGUAGE
 20 TEACHERS.—

21 “(1) IN GENERAL.—Notwithstanding any other
 22 provision of law, the requirements of subsection (a)
 23 for local educational agencies and States with re-
 24 spect to highly qualified teachers shall not apply to
 25 a teacher of a Native language.

1 “(2) ALTERNATIVE LICENSURE OR CERTIFI-
 2 CATION.—Each State educational agency receiving
 3 assistance under this part shall, through collabora-
 4 tion with Indian tribes or Tribal Colleges and Uni-
 5 versities (as defined in section 316 of the Higher
 6 Education Act of 1965), as appropriate, develop a li-
 7 censure or certification process for teachers of a Na-
 8 tive language.”.

9 (e) REAUTHORIZATION OF THE GRANT PROGRAM TO
 10 ENSURE THE SURVIVAL AND CONTINUING VITALITY OF
 11 NATIVE AMERICAN LANGUAGES.—Section 816(e) of the
 12 Native American Programs Act of 1974 (42 U.S.C.
 13 2992d(e)) is amended by striking “2008, 2009, 2010,
 14 2011, and 2012” and inserting “2015, 2016, 2017, 2018,
 15 and 2019”.

16 **SEC. 6. INCREASED ACCESS TO RESOURCES FOR TRIBAL**
 17 **SCHOOLS, SCHOOLS SERVED BY THE BUREAU**
 18 **OF INDIAN EDUCATION, AND NATIVE AMER-**
 19 **ICAN STUDENTS.**

20 (a) RESERVATION FOR BUREAU-FUNDED SCHOOLS
 21 AND PROGRAMS AND SCHOOLS OPERATED BY A TRIBE
 22 OR TRIBAL ORGANIZATION.—

23 (1) IN GENERAL.—The Secretary of Education
 24 shall ensure that any program administered by the
 25 Department of Education that awards grants, con-

tracts, or other assistance to benefit elementary schools and secondary schools (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) or prekindergarten or early childhood programs, provides a reservation, as described in this subsection, for 1 or more of the following categories of entities, as determined appropriate by the Secretary of Education for each such grant, contract, or assistance program:

(A) Bureau-funded schools (as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)).

(B) Prekindergarten programs or early childhood programs or services operated by a tribe or Indian organization (as defined in such section).

(C) Elementary schools or secondary schools operated by a tribe or Indian organization (as defined in such section).

(2) AMOUNT OF RESERVATION.—

(A) EXISTING RESERVATION OF FUNDS.—

In the case of a grant, contract, or assistance program provided by the Department of Education to benefit elementary schools and sec-

1 ondary schools (as such terms are defined in
2 section 9101 of the Elementary and Secondary
3 Education Act of 1965 (20 U.S.C. 7801)) or
4 prekindergarten or early childhood programs
5 for which funds are reserved for entities de-
6 scribed in paragraph (1), or for a group that
7 may include such entities—

8 (i) if the existing reservation of funds
9 is for an amount that is less than 0.5 per-
10 cent, the amount of such reservation shall
11 be increased to 0.5 percent; and

12 (ii) if the existing reservation of funds
13 is for an amount that is equal to or greater
14 than 0.5 percent, the amount of such res-
15 ervation shall be maintained.

16 (B) NO EXISTING RESERVATION OF
17 FUNDS.—In the case of a grant, contract, or as-
18 sistance program provided by the Department
19 of Education to benefit elementary schools and
20 secondary schools (as such terms are defined in
21 section 9101 of the Elementary and Secondary
22 Education Act of 1965 (20 U.S.C. 7801)) or
23 prekindergarten or early childhood programs
24 for which no funds are reserved for the entities
25 described in paragraph (1), the Secretary of

1 Education shall reserve 0.5 percent of such
2 funds for such entities, as determined by the
3 Secretary of Education in accordance with
4 paragraph (1).

5 (3) USE OF RESERVED FUNDS.—Funds re-
6 served under this section shall be used in accordance
7 with the uses of funds described for each particular
8 grant, contract, or assistance program. In addition
9 to program support, such reserved funds may be
10 used, in an amount determined by the Secretary of
11 Education, for technical assistance or capacity build-
12 ing to ensure that the schools or programs described
13 in paragraph (1) are provided the assistance to com-
14 pete for such grants, contracts, or other assistance.

15 (4) EFFECT ON OTHER LAWS.—The Secretary
16 of Education shall carry out this subsection notwith-
17 standing any other provision of law.

18 (b) SAFE AND HEALTHY SCHOOLS FOR NATIVE
19 AMERICAN STUDENTS.—Subpart 2 of part A of title IV
20 of the Elementary and Secondary Education Act of 1965
21 (20 U.S.C. 7131 et seq.) is amended by adding at the end
22 the following:

1 **“SEC. 4131. SAFE AND HEALTHY SCHOOLS FOR NATIVE**
2 **AMERICAN STUDENTS.**

3 “From funds made available to carry out this sub-
4 part, the Secretary shall—

5 “(1) establish a program to improve school en-
6 vironments and student skill development for healthy
7 choices for Native American students, including—

8 “(A) prevention regarding—

9 “(i) alcohol and drug misuse;

10 “(ii) suicide;

11 “(iii) violence;

12 “(iv) pregnancy; and

13 “(v) obesity;

14 “(B) nutritious eating programs; and

15 “(C) anger and conflict management pro-
16 grams;

17 “(2) establish a program for school dropout
18 prevention for Native American students; and

19 “(3) collaborate with the Secretary of Agri-
20 culture to establish tribal-school specific school gar-
21 dens and nutrition programs that are within the
22 tribal cultural context.”.

23 **SEC. 7. FUNDS FOR IMPACT AID.**

24 In addition to amounts otherwise appropriated to
25 carry out title VIII of the Elementary and Secondary Edu-
26 cation Act of 1965 (20 U.S.C. 7701 et seq.), there are

1 authorized to be appropriated, and there are appropriated,
 2 out of any money in the Treasury not otherwise appro-
 3 priated, to carry out such title VIII the following:

4 (1) \$750,000,000 for fiscal year 2016.

5 (2) \$750,000,000 for fiscal year 2017.

6 (3) \$750,000,000 for fiscal year 2018.

7 **SEC. 8. FORWARD FUNDING FOR TRIBAL COLLEGES.**

8 For carrying out the following programs, there are
 9 authorized to be appropriated \$31,500,000 for fiscal year
 10 2016 which shall become available on July 1, 2016, and
 11 shall remain available through September 30, 2017:

12 (1) Programs under title V of the Tribally Con-
 13 trolled Colleges and Universities Assistance Act of
 14 1978 (25 U.S.C. 1861 et seq.).

15 (2) The Institute of American Indian and Alas-
 16 ka Native Culture and Arts Development established
 17 under the American Indian, Alaska Native, and Na-
 18 tive Hawaiian Culture and Art Development Act (20
 19 U.S.C. 4401 et seq.).

20 (3) Institutional operations grants for the Has-
 21 kell Indian Nations University and Southwestern In-
 22 dian Polytechnic Institute under the authority of the
 23 Act of November 2, 1921 (25 U.S.C. 13), popularly
 24 known as the Snyder Act.

1 (4) Scholarships and adult education and spe-
 2 cial higher education scholarships under the author-
 3 ity of the Act of November 2, 1921 (25 U.S.C. 13),
 4 popularly known as the Snyder Act.

5 **SEC. 9. DEFINITION OF TRIBAL SCHOOL.**

6 (a) ESEA DEFINITION.—Section 9101 of the Ele-
 7 mentary and Secondary Education Act of 1965 (20 U.S.C.
 8 7801) is amended by adding at the end the following:

9 “(44) TRIBAL SCHOOL.—The term ‘tribal
 10 school’ means—

11 “(A) a school that is a Bureau-funded
 12 school, as defined in section 1141 of the Edu-
 13 cation Amendments of 1978 (25 U.S.C. 2021);

14 “(B) a prekindergarten program, early
 15 childhood program or service, or elementary
 16 school or secondary school, operated by an In-
 17 dian tribe or tribal organization (as defined in
 18 section 4 of the Indian Self-Determination and
 19 Education Assistance Act (25 U.S.C. 450b));

20 “(C) a school that is located on Indian
 21 lands (as defined in section 8013); or

22 “(D) a school in which a predominance of
 23 the students who attend the school are Native
 24 American or Alaska Native students, as deter-
 25 mined by the Secretary.”.

1 (b) DEFINITION FOR THIS ACT.—In this Act, the
2 term “tribal school” has the meaning given the term in
3 section 9101 of the Elementary and Secondary Education
4 Act of 1965 (20 U.S.C. 7801) (as amended by subsection
5 (a)).

