

agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

**(d) Schools operated or supported by the Bureau of Indian Education**

**(1) In general**

Subject to subsection (e), in addition to the grants awarded under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

(A) the total number of Indian children enrolled in schools that are operated by—

- (i) the Bureau of Indian Education; or
- (ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act [25 U.S.C. 5321 et seq.] or the Tribally Controlled Schools Act of 1988 [25 U.S.C. 2501 et seq.]; and

(B) the greater of—

- (i) the average per pupil expenditure of the State in which the school is located; or
- (ii) 80 percent of the average per pupil expenditure of all the States.

**(2) Special rule**

Any school described in paragraph (1)(A) that wishes to receive an allocation under this subpart shall submit an application in accordance with section 7424 of this title, and shall otherwise be treated as a local educational agency for the purpose of this subpart, except that such school shall not be subject to section 7424(c)(4) of this title, section 7428(c) of this title, or section 7429 of this title.

**(e) Ratable reductions**

If the sums appropriated for any fiscal year under 7492(a)<sup>1</sup> of this title are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

(Pub. L. 89-10, title VI, §6113, formerly title VII, §7113, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1908, renumbered title VI, §6113, and amended Pub. L. 114-95, title VI, §§6001(a), (b)(1), (3), §6002(e), Dec. 10, 2015, 129 Stat. 2046, 2049.)

**Editorial Notes**

REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in subsec. (d)(1)(A)(ii), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, which is classified principally to subchapter I (§5321 et seq.) of chapter 46 of Title 25, Indians. For complete classification of this Act to the Code,

<sup>1</sup> So in original. Probably should be preceded by "section".

see Short Title note set out under section 5301 of Title 25 and Tables.

The Tribally Controlled Schools Act of 1988, referred to in subsec. (d)(1)(A)(ii), is part B (§5201-5212) of title V of Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 385, which is classified generally to chapter 27 (§2501 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of Title 25 and Tables.

PRIOR PROVISIONS

A prior section 7423, Pub. L. 89-10, title VII, §7113, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3720, related to program enhancement projects, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107-110.

A prior section 6113 of Pub. L. 89-10 was classified to section 7301b of this title, prior to repeal by Pub. L. 114-95.

AMENDMENTS

2015—Subsec. (a)(1)(A). Pub. L. 114-95, §6001(b)(3)(A), made technical amendment to reference in original act which appears in text as reference to section 7427 of this title.

Subsec. (b)(1). Pub. L. 114-95, §6002(e)(1), substituted "Bureau of Indian Education" for "Bureau of Indian Affairs".

Pub. L. 114-95, §6001(b)(3)(B), made technical amendment to reference in original act which appears in text as reference to section 7422 of this title.

Subsec. (d). Pub. L. 114-95, §6002(e)(2)(A), substituted "Indian Education" for "Indian Affairs" in heading.

Subsec. (d)(1)(A)(i). Pub. L. 114-95, §6002(e)(2)(B), substituted "Bureau of Indian Education" for "Bureau of Indian Affairs".

Subsec. (d)(2). Pub. L. 114-95, §6001(b)(3)(C), made technical amendment to references in original act which appear in text as references to sections 7424, 7424(c)(4), 7428(c), and 7429 of this title.

Subsec. (e). Pub. L. 114-95, §6001(b)(3)(D), substituted "7492(a) of this title" for "section 7492(a) of this title".

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

**§ 7424. Applications**

**(a) Application required**

Each entity described in section 7422(a) of this title 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) shall include a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency, 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 Indian students;

(2)(A) is consistent with the State, tribal, and local plans submitted under other provisions of this chapter; and

(B) includes program objectives and outcomes for activities under this subpart that are based on the same challenging State academic standards developed by the State under subchapter I for all students;

(3) explains how the grantee will use funds made available under this subpart to supplement other Federal, State, and local programs that meet the needs of Indian students;

(4) demonstrates how funds made available under this subpart will be used for activities described in section 7425 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;

(6) describes how the 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);

(ii) the community served by the local educational agency; and

(iii) the Indian tribes whose children are served by the local educational agency, consistent with section 1232g of this title (commonly referred to as the “Family Educational Rights and Privacy Act of 1974”); and

(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A); and

(7) describes the process the local educational agency used to meaningfully collaborate with Indian tribes located in the community in a timely, active, and ongoing manner in the development of the comprehensive program and the actions taken as a result of such collaboration.

**(c) Assurances**

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

(1) the 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 agency would make available for services described in this subsection, and not to supplant such funds;

(2) the 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;

(B) determine the extent to which activities carried out with funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian students served by such agency, and meet program objectives and outcomes for activities under this subpart; and

(C) determine the extent to which such activities by the local educational agency address the unique cultural, language, and educational needs of Indian students;

(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 Indian 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 such agency in open consultation with parents of Indian children and teachers, representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve if such tribes have any children in such school, Indian organizations, and, if appropriate, Indian students from secondary schools, including through public hearings held by such agency to provide to the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program;

(4) the local educational agency developed the program with the participation and written approval of a committee—

(A) that is composed of, and selected by—

(i) parents and family members of Indian children in the local educational agency’s schools;

(ii) representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve if such tribes have any children in such school;

(iii) teachers in the schools; and

(iv) if appropriate, Indian students attending secondary schools of the agency;

(B) a majority of whose members are parents and family members of Indian children;

(C) with respect to an application describing a schoolwide program in accordance with section 7425(c) of this title, that has—

(i) reviewed in a timely fashion the program;

(ii) determined that the program will not diminish the availability of culturally related activities for Indian students; and

(iii) determined that the program will directly enhance the educational experience of Indian students; and

(D) that has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws;

(5) the local educational agency will coordinate activities under this subchapter with

other Federal programs supporting educational and related services administered by such agency;

(6) the local educational agency conducted outreach to parents and family members to meet the requirements under this paragraph;

(7) the local educational agency will use funds received under this subpart only for activities described and authorized in this subpart; and

(8) the local educational agency has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents and family members of the children, and representatives of the area, to be served.

**(d) Technical assistance**

The Secretary shall, directly or by contract, provide technical assistance to a local educational agency or Bureau of Indian Education school upon request (in addition to any technical assistance available under other provisions of this chapter or available through the Institute of Education Sciences) to support the services and activities provided under this subpart, including technical assistance for—

(1) the development of applications under this subpart, including identifying eligible entities that have not applied for such grants and undertaking appropriate activities to encourage such entities to apply for grants under this subpart;

(2) improvement in the quality of implementation, content, and evaluation of activities supported under this subpart; and

(3) integration of activities under this subpart with other educational activities carried out by the local educational agency.

(Pub. L. 89–10, title VI, § 6114, formerly title VII, § 7114, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1910, renumbered title VI, § 6114, and amended Pub. L. 114–95, title VI, § 6001(a), (b)(1), (4), § 6002(f), Dec. 10, 2015, 129 Stat. 2046, 2049.)

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 7424, Pub. L. 89–10, title VII, § 7114, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3721, related to comprehensive school grants, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

**AMENDMENTS**

2015—Subsec. (a). Pub. L. 114–95, § 6002(f)(1), substituted “Each entity described in section 7422(a) of this title” for “Each local educational agency”.

Subsec. (b)(1). Pub. L. 114–95, § 6002(f)(2)(A), substituted “Indian” for “American Indian and Alaska Native”.

Subsec. (b)(2)(A). Pub. L. 114–95, § 6002(f)(2)(B)(i), substituted “is consistent with the State, tribal, and local plans” for “is consistent with the State and local plans”.

Subsec. (b)(2)(B). Pub. L. 114–95, § 6002(f)(2)(B)(ii), added subpar. (B) and struck out former subpar. (B) which read as follows: “includes academic content and student academic achievement goals for such children,

and benchmarks for attaining such goals, that are based on the challenging State academic content and student academic achievement standards adopted under subchapter I of this chapter for all children;”.

Subsec. (b)(3). Pub. L. 114–95, § 6002(f)(2)(C), added par. (3) and struck out former par. (3) which read as follows: “explains how Federal, State, and local programs, especially programs carried out under subchapter I of this chapter, will meet the needs of such students;”.

Subsec. (b)(4). Pub. L. 114–95, § 6001(b)(4)(A), made technical amendment to reference in original act which appears in text as reference to section 7425 of this title.

Subsec. (b)(6)(B)(iii). Pub. L. 114–95, § 6002(f)(2)(E)(i), added cl. (iii).

Subsec. (b)(7). Pub. L. 114–95, § 6002(f)(2)(D), (E)(ii), (F), added par. (7).

Subsec. (c)(1). Pub. L. 114–95, § 6002(f)(3)(A), substituted “for services described in this subsection,” for “for the education of Indian children.”

Subsec. (c)(2)(B). Pub. L. 114–95, § 6002(f)(3)(B)(ii), substituted “served by such agency, and meet program objectives and outcomes for activities under this subpart; and” for “served by such agency;”.

Subsec. (c)(2)(C). Pub. L. 114–95, § 6002(f)(3)(B)(i), (iii), added subpar. (C).

Subsec. (c)(3)(A). Pub. L. 114–95, § 6002(f)(3)(C)(i), substituted “Indian” for “American Indian and Alaska Native”.

Subsec. (c)(3)(C). Pub. L. 114–95, § 6002(f)(3)(C)(ii), inserted “representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve if such tribes have any children in such school, Indian organizations,” after “parents of Indian children and teachers,” and struck out “and” after semicolon.

Subsec. (c)(4)(A)(i). Pub. L. 114–95, § 6002(f)(3)(D)(i)(I), inserted “and family members” after “parents”.

Subsec. (c)(4)(A)(ii) to (iv). Pub. L. 114–95, § 6002(f)(3)(D)(i)(II), (III), added cl. (ii) and redesignated former cls. (ii) and (iii) as (iii) and (iv), respectively.

Subsec. (c)(4)(B). Pub. L. 114–95, § 6002(f)(3)(D)(ii), added subpar. (B) and struck out former subpar. (B) which read as follows: “a majority of whose members are parents of Indian children;”.

Subsec. (c)(4)(C). Pub. L. 114–95, § 6002(f)(3)(D)(iii), (iv), redesignated subpar. (D) as (C) and struck out former subpar. (C) which read as follows: “that has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;”.

Subsec. (c)(4)(C)(ii). Pub. L. 114–95, § 6002(f)(3)(D)(v)(II), substituted “Indian” for “American Indian and Alaska Native”.

Subsec. (c)(4)(C)(iii). Pub. L. 114–95, § 6002(f)(3)(D)(v)(I), (III), added cl. (iii).

Subsec. (c)(4)(D). Pub. L. 114–95, § 6002(f)(3)(D)(iv), (vi), redesignated subpar. (E) as (D) and substituted semicolon for period at end. Former subpar. (D) redesignated (C).

Pub. L. 114–95, § 6001(b)(4)(B), made technical amendment to reference in original act which appears in text of introductory provisions as reference to section 7425(c) of this title.

Subsec. (c)(4)(E). Pub. L. 114–95, § 6002(f)(3)(D)(iv), (vi), redesignated subpar. (E) as (D).

Subsec. (c)(5) to (8). Pub. L. 114–95, § 6002(f)(3)(E), added pars. (5) to (8).

Subsec. (d). Pub. L. 114–95, § 6002(f)(4), added subsec. (d).

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF 2015 AMENDMENT**

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub.

L. 114-95, set out as a note under section 6301 of this title.

### § 7425. Authorized services and activities

#### (a) General requirements

Each 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 program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 7424(a) of this title solely for the services and activities described in such application;
- (2) are designed to be responsive to the language and cultural needs of the Indian students; and
- (3) supplement and enrich the regular school program of such agency.

#### (b) Particular activities

The services and activities referred to in subsection (a) may include—

- (1) activities that support Native American language programs and Native American language restoration programs, which may be taught by traditional leaders;
- (2) culturally related activities that support the program described in the application submitted by the local educational agency;
- (3) early childhood and family programs that emphasize school readiness;
- (4) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State academic standards;
- (5) integrated educational services in combination with other programs that meet the needs of Indian children and their families, including programs that promote parental involvement in school activities and increase student achievement;
- (6) 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 (20 U.S.C. 2301 et seq.), including programs for mentoring and apprenticeship;
- (7) activities to educate individuals so as to prevent violence, suicide, and substance abuse;
- (8) 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;
- (9) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;
- (10) family literacy services;
- (11) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors;
- (12) dropout prevention strategies for Indian students; and
- (13) strategies to meet the educational needs of at-risk Indian students in correctional facilities, including such strategies that support

Indian students who are transitioning from such facilities to schools served by local educational agencies.

#### (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) the committee established pursuant to section 7424(c)(4) of this title approves the use of the funds for the schoolwide program;
- (2) the schoolwide program is consistent with the purpose described in section 7421 of this title; and
- (3) the local educational agency identifies in its application how the use of such funds in a schoolwide program will produce benefits to Indian students that would not be achieved if the funds were not used in a schoolwide program.

#### (d) Limitation on administrative costs

Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

#### (e) Limitation on the use of funds

Funds provided to a grantee under this subpart may not be used for long-distance travel expenses for training activities that are available locally or regionally.

(Pub. L. 89-10, title VI, §6115, formerly title VII, §7115, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1912; amended Pub. L. 109-270, §2(f)(4), Aug. 12, 2006, 120 Stat. 747, renumbered title VI, §6115, and amended Pub. L. 114-95, title VI, §§6001(a), (b)(1), (5), 6002(g), Dec. 10, 2015, 129 Stat. 2046, 2052; Pub. L. 115-224, title III, §302(2), July 31, 2018, 132 Stat. 1623.)

### Editorial Notes

#### REFERENCES IN TEXT

The Carl D. Perkins Career and Technical Education Act of 2006, referred to in subsec. (b)(6), is Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended generally by Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 683, which is classified generally to chapter 44 (§2301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of this title and Tables.

#### PRIOR PROVISIONS

A prior section 7425, Pub. L. 89-10, title VII, §7115, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3722, related to systemwide improvement grants, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107-110.

#### AMENDMENTS

2018—Subsec. (b)(6). Pub. L. 115-224 substituted “mentoring” for “tech-prep education, mentoring.”

2015—Subsec. (a). Pub. L. 114-95, §6001(b)(5)(A)(i), made technical amendment to reference in original act which appears in text of introductory provisions as reference to section 7421 of this title.

Subsec. (a)(1). Pub. L. 114-95, §6002(g)(1)(A), inserted “solely for the services and activities described in such application” before semicolon.

Pub. L. 114-95, §6001(b)(5)(A)(ii), made technical amendment to reference in original act which appears in text as reference to section 7424(a) of this title.