# S 1262

Native Culture, Language, and Access for Success in Schools Act

**Congress:** 112 (2011–2013, Ended)
**Chamber:** Senate
**Policy Area:** Native Americans
**Introduced:** Jun 23, 2011
**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 574.
**Latest Action:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 574. (Dec 21, 2012)
**Official Text:** https://www.congress.gov/bill/112th-congress/senate-bill/1262

## Sponsor

**Name:** Sen. Akaka, Daniel K. [D-HI]
**Party:** Democratic • **State:** HI • **Chamber:** Senate

## Cosponsors (3 total)

| Cosponsor | Party / State | Role | Date Joined |
|---|---|---|---|
| Sen. Inouye, Daniel K. [D-HI] | D · HI | | Jun 23, 2011 |
| Sen. Johnson, Tim [D-SD] | D · SD | | Jun 23, 2011 |
| Sen. Udall, Tom [D-NM] | D · NM | | Jul 18, 2011 |

## Committee Activity

| Committee | Chamber | Activity | Date |
|---|---|---|---|
| Indian Affairs Committee | Senate | Reported By | Dec 21, 2012 |

## Subjects & Policy Tags

**Policy Area:**

Native Americans

## Related Bills

| Bill | Relationship | Last Action |
|---|---|---|
| 112 HR 3568 | Identical bill | **Mar 29, 2012:** Referred to the Subcommittee on Higher Education and Workforce Training. |
| 112 HR 3569 | Identical bill | **Mar 29, 2012:** Referred to the Subcommittee on Higher Education and Workforce Training. |
| 112 S 1519 | Related bill | **Sep 7, 2011:** Read twice and referred to the Committee on Indian Affairs. |

## Summary (as of Dec 21, 2012)

Native Culture, Language, and Access for Success in Schools Act - **Title I: Elementary and Secondary Education Act of 1965 - Subtitle A: Improving the Academic Achievement of the Disadvantaged -** (Sec. 111) Amends part A of title I (Improving the Academic Achievement of the Disadvantaged) of the Elementary and Secondary Education Act of 1965 (ESEA) to facilitate the inclusion of Indian tribes in the school improvement process.

Requires states, local educational agencies (LEAs), and schools to consult with Indian tribes in the development of school improvement programs.

Exempts students taught through Native American languages from the requirement that all students participate in the state assessments of student progress toward state academic performance standards in reading, math, and science.

Requires states to develop standards-based assessments and classroom lessons to accommodate diverse learning styles.

Allows states to use those assessments in place of the general assessments currently required for determining whether students are making adequate yearly progress (AYP) toward state academic performance standards in reading, math, and science.

Allows Indian schools for which the Secretary of the Interior has adopted an alternative definition of AYP to develop, with the Secretary of the Interior's approval, an appropriate assessment that is consistent with the requirements for state assessments.

Includes under-performing Indian children as eligible recipients of services under the program providing targeted, rather than school-wide, assistance to schools.

Establishes the process by which the Secretary of the Interior is to approve or disapprove applications by Indian tribes and Indian school boards to adopt a definition of AYP for their schools that is different than the general definition adopted by the Secretary of the Interior for Indian schools.

Establishes an Indian school turn around grant program to assist Indian tribes and Native Hawaiian educational organizations in improving low-performing Indian schools identified by their state. Requires states, annually, to identify as low-performing those Indian and Native Hawaiian schools that are identified as needing improvement and that: (1) are in the lowest-performing 5% of the state's public elementary schools; (2) are in the lowest-performing 5% of the state's public secondary schools that don't award a high school diploma; or (3) in the case of public secondary schools that award a diploma, are in the lowest-performing 5% of such schools in the state or graduate less than 60% of their students.

Awards competitive, renewable, four-year grants to Indian tribes and Native Hawaiian educational organizations to implement transformation, restart, or turnaround school intervention models at those low-performing schools.

Includes, as part of the transformation model: (1) replacing the principal with a principal that has had success in turning around a low-performing school, (2) rewarding staff that a rigorous evaluation system has shown to be effective and replacing staff have been shown to be ineffective, (3) providing staff with ongoing training and students with increased learning time.

Includes, as part of the restart model: (1) converting a school under a charter organization, education management

organization, or as an autonomous or redesigned school; (2) significantly changing the leadership and staffing of the school as part of that conversion; and (3) enrolling any former student who wishes to attend the school and is the appropriate age.

Includes, as part of the turnaround model: (1) replacing the principal with a principal that has had success in turning around a low-performing school, (2) giving that principal operational flexibility to fully implement a comprehensive approach to improve student outcomes, (3) using a comprehensive evaluation system to evaluate staff and remove at least 50% of them, (4) providing staff with ongoing training and students with increased learning time.

Prohibits states and LEAs from lowering their level of funding for the schools identified as low-performing.

Requires the Secretary of Education (Secretary) to reserve at least 10% of the school improvement funds under part A for these Indian and Native Hawaiian school improvement efforts.

Requires LEAs to establish mechanisms to overcome barriers to effective Indian parental involvement in their children's education.

Excepts Native language teachers from the requirement that teachers be highly qualified. Requires states to develop alternative licensure or certification requirements for those teachers.

(Sec. 112) Amends part D (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk) of title I of the ESEA to facilitate the inclusion of Indian children and youth in part D programs.

Directs the Secretary to reserve 4% of the part D appropriations each fiscal year for the Secretary of the Interior to provide educational services for at-risk Indian children.

Requires states and LEAs participating in part D programs to consult with Indian tribes in their state to determine the needs of Indian children and youth who are neglected, delinquent, or at-risk.

Establishes an Indian Children and Youth At-Risk Education Program. Directs the Secretary of the Interior to award competitive grants under such Program to Indian tribes with high numbers or percentages of children and youth in Indian juvenile detention facilities to: (1) implement high-quality and culturally appropriate education programs to prepare Indian children and youth who are in such facilities (or day programs for neglected or delinquent children and youth) for secondary school completion, training, employment, or further education; and (2) facilitate their transition from the correctional program to further education or employment. Directs the Secretary of the Interior, at the request of a tribe, to enter into a contract with the tribe under the Indian Self-Determination and Education Assistance Act for operation of the Program, in lieu of making a grant to the tribe.

Establishes an educational alternatives to detention program. Authorizes the Secretary to award grants under that program to Indian tribes, Indian schools, or correctional facilities, states, or LEAs in consortia with Indian tribes to provide educational alternatives for Indian youth sentenced to incarceration or juvenile detention. Includes as acceptable alternatives: (1) half- or full-day alternative education programs for disruptive youth who are temporarily suspended, (2) school-based drug and substance abuse prevention programs, (3) truancy prevention programs, (4) multi-year alternative educational programs, and (5) home or community detention programs. Directs the Secretary, at the request of a tribe and in lieu of making a grant to the tribe, to transfer program funding to the Secretary of the Interior who is to enter into a contract with the tribe under the Indian Self-Determination and Education Assistance Act for operation of the program.

Includes Indian tribes in the requirement that states and LEAs conducting programs under part D evaluate the success of

those programs at least once every three years and submit evaluation results to the state and Secretary. Requires Indian tribes to also submit the results to the Secretary of the Interior.

Directs the Secretary and the Secretary of the Interior to submit a report to Congress, within four years of this Act's enactment, that compiles demographic information about at-risk Indian youth, evaluates existing educational programs for such youth, and makes recommendations for the improvement of such programs.

(Sec. 113) Amends part I (General Provisions) of title I of the ESEA to require states to include representatives of state Indian tribes on their committee of practitioners that is to advise the state in carrying out its responsibilities under title I.

**Subtitle B: Preparing, Training, and Recruiting High-Quality Teachers and Principals -** (Sec. 121) Amends part A (Teacher and Principal Training and Recruiting Fund) of title II of the ESEA to enhance teacher and principal training and recruiting for Indian schools.

Treats Indian schools as high-need LEAs for purposes of part A programs.

Reserves 5% of the amounts appropriated for state and local activities under part A for the Secretary of the Interior to distribute to Indian schools. (Currently, 0.5% of those funds are reserved for Indian schools).

Requires Indian schools that receive such funding to carry out one or more of the activities to recruit, train, and retain highly-qualified teachers and principals that LEAs are authorized to engage in under part A. Allows Indian schools to use the funds to improve housing as needed to recruit and retain highly-qualified teachers and principals.

Requires LEAs that receive funding under part A to consider the needs of Indian children when using program funds to recruit, train, and retain highly-qualified teachers and principals.

Includes Tribal Colleges or Universities in the partnerships eligible for subgrants under part A.

Establishes an Indian educator scholarship program for Indians who are studying full- or part-time in an accredited institution of higher education (IHE) and pursuing a course of study in elementary and secondary education or school administration. Requires scholarship recipients to commit to full-time employment in an Indian school or public school serving a significant number of Indian students for a period equal to the greater of: (1) one year for the equivalent of each school year for which the individual was provided a scholarship, or (2) two years. Directs the Secretary to transmit the names and educational credentials of scholarship recipients to Indian schools, tribal educational agencies, and state clearinghouses for the recruitment and placement of school teachers and administrators in states with a substantial number of Indian children. Authorizes appropriations for the program for FY2012-FY2017.

Amends part B (Mathematics and Science Partnerships) of title II of the ESEA to require the Secretary to allot 0.5% of the funds made available under part B for a fiscal year and not reserved for existing partnership programs to the Secretary of the Interior for Mathematics and Science Partnerships grants involving Indian schools. (The program provides for the recruitment and training of mathematics and science teachers and the development of rigorous curricula in those fields.)

Includes Indian schools in the Troops-to-Teachers Program under part C (Innovation for Teacher Quality) of title II of the ESEA. (The Troops-to-Teachers Program provides military personnel with teacher certification stipends in exchange for three years of service in an elementary or secondary school.)

**Subtitle C: Native American Languages Programs** - (Sec. 131) Amends title III (Language Instruction for Limited English Proficient and Immigrant Students) of the ESEA to require the Secretary to award renewable grants to certain

Indian, Native Hawaiian, and educational organizations for: (1) Native American language programs, which provide instruction through the use of a Native American language for at least 10 children for an average of at least 500 hours; and (2) Native American language restoration programs, which teach students a Native American language and provide training for the teachers of those languages.

Requires grant applicants to have at least three years of experience operating or administering a Native American language program or any other educational program delivered in a Native American language.

Directs the Secretary, after the fourth year of a grant, to conduct a comprehensive evaluation of the grantee's program and report its findings to the grantee, the tribes whose children are served by the program, and the parents of those children.

Authorizes appropriations for such grants for FY2012-FY2017.

(Sec. 132) Authorizes tribes to enter into agreements with states to assume state responsibilities and receive a portion of their federal grants for administering and implementing specified ESEA education programs on tribal lands. Lists those programs as programs providing grants for: (1) school improvement under part A of title I; (2) school turnaround efforts; (3) student achievement assessments; (4) recruiting, retaining, and training teachers and principals under part A of title II; (5) English language acquisition and enhancement under part A of title III; (6) the education of migratory children under part C of title I; (7) the education of homeless children and youth; and (8) prevention and intervention efforts for children and youth who are neglected, delinquent, or at-risk under part D of title I. Subjects those agreements to the Secretary's approval and requires the parties to those agreements to report to the Secretary every two years regarding their effectiveness.

**Subtitle D: 21st Century Schools** - (Sec. 141) Requires the Secretary to establish a safe and healthy schools for Native American students program under title IV (21st Century Schools) of the ESEA, which shall include: (1) a program to improve school environments and Native American students' ability to make healthy choices in all public elementary and secondary schools that are eligible for funding under part A (Indian Education) of title VIII; (2) a program to prevent Native American students from dropping out of school; and (3) Indian school garden and nutrition programs that fit the tribal cultural context.

**Subtitle E: Centers for Innovation in Tribally Directed Education -** (Sec. 151) Amends part A (Innovative Programs) of title V (Promoting Informed Parental Choice and Innovative Programs) of the ESEA to direct the Secretary to establish two Centers for Innovation and Excellence in Tribally Directed Education to provide technical and professional assistance to Indian tribes and Native Hawaiian educational organizations that enables them to build and maintain their capacity to direct and oversee the education of their children.

Authorizes the Secretary to award grants, or enter into contracts with, two eligible entities to establish and operate the Centers.

Makes Indian tribes, IHEs, Indian organizations, Native Hawaiian educational organizations, nonprofit organizations, and consortia of such entities eligible for the grants or contracts. Favors tribally controlled colleges or universities or consortia that include them.

(Sec. 152) Authorizes appropriations for the Centers for FY2012-FY2017.

**Subtitle F: Indian, Native Hawaiian, and Alaska Native Education - Part I: Indian Education -** (Sec. 161) Amends

title VII (Indian, Native Hawaiian, and Alaska Native Education) of the ESEA to require the efforts funded under title VII to improve the academic achievement of American Indian, Native Hawaiian, and Alaska Native students by meeting their unique cultural, language, and educational needs.

(Sec. 163) Amends part A (Indian Education) of title VII to allow LEAs to apply for formula grants for Indian education as part of a consortium of LEAs.

Requires an LEA grantees to honor a request by an Indian tribe that represents a plurality of the the Indian children who are served by the LEA to enter into a cooperative agreement allowing the tribe to assist in the planning and operation of the grant-funded program.

Allows a committee of Indians in the LEA's community to apply for a formula grant for Indian education if neither an LEA nor an Indian tribe or consortium of tribes representing a plurality of the LEA's Indian children applies for the grant.

(Sec. 164) Increases the minimum grant amount available to LEAs and Indian schools under the formula grant program.

(Sec. 165) Directs the Secretary to engage in outreach to encourage LEAs and Indian schools to apply for the formula grants.

(Sec. 166) Includes activities that support Native American language programs and Native American language restoration programs among the activities that may be funded under the formula grant program.

(Sec. 168) Directs the Secretary to provide technical assistance to LEAs and Indian tribes upon request to support activities under the formula grant program.

(Sec. 169) Amends the competitive Indian education grant programs under part A to include Tribal Colleges or Universities as eligible recipients of: (1) grants to improve educational opportunities for Indian children; and (2) professional development grants to support training for Indians who are, or wish to become, teachers or educational professionals.

Requires Indian schools applying for the professional development grants to be in a consortium with a Tribal College or University.

Gives professional development grant priority to tribally chartered IHEs.

(Sec. 170) Authorizes an Indian tribe to enter into a cooperative agreement with a state or LEA to assume the role of the state or LEA with respect to schools on Indian land.

Directs the Secretary to resolve disagreements that arise when an Indian tribe requests but cannot achieve such an agreement with a state or LEA.

(Sec. 171) Establishes the Tribal Educational Agency Pilot Project that provides up to five Indian tribes each year with federal funding, and allows them to administer all state functions authorized under the ESEA, for Indian schools, or schools on Indian lands or serving Indian students. Requires the Secretary to report to Congress, three years after this Act's enactment regarding the Project.

(Sec. 172) Establishes a program awarding grants to LEAs, IHEs, and nonprofit organizations to create or expand teacher and administrator pipelines for teachers and administrators of Native American students. Gives grant priority to Tribal Colleges and Universities. Requires each grantee to create a program that prepares, recruits, and provides

continuing education for teachers and administrators of Native American or Native Hawaiian educational organization students. Allows grantees to provide incentives to teachers and principals who commit to serve in high-need Indian or Native Hawaiian schools.

(Sec. 173) Establishes a National Board certification incentive demonstration program. Authorizes the Secretary to award grants under the program to eligible entities to cover the costs teachers of Indians or Native Hawaiians incur in obtaining National Board certification and to boost their compensation if they continue to teach at the grantees' schools. Defines the "eligible entities" as: (1) states or LEAs in consortia with IHEs; (2) Indian tribes or organizations or Native Hawaiian educational organizations in consortia with LEAs; or (3) Indian schools.

(Sec. 174) Establishes a tribal language immersion schools program to assist elementary and secondary schools and Tribal Colleges or Universities in using an American Indian, Alaska Native, or Native Hawaiian language as the primary language of instruction at the schools. Authorizes the Secretary to award grants to those schools to develop and maintain, or to improve and expand, programs that support articulated Native language learning in kindergarten through postsecondary education programs. Requires grantees to have native language speakers who provide the basic education offered by the school for at least 900 hours each academic year. Authorizes appropriations for the program for the first full fiscal year following this Act's enactment and each of the following four fiscal years.

(Sec. 175) Authorizes the Secretary to make grants to, or enter into contracts with states, LEAs, Indian tribes or organizations, IHEs, and nonprofit organizations to improve the collection, coordination, and electronic exchange of Indian student records between states, LEAs, and Indian schools. Gives grant priority to Indian entities or consortia that include such entities.

Directs the Secretary to assist the Secretary of the Interior, states, and Indian schools in developing effective methods for: (1) the electronic transfer of Indian student records; (2) determining the number of Indian children in each state, disaggregated by the LEA in which they reside; and (3) determining the extent to which Indian children under age 18 have dropped out of school.

Requires the Secretary to provide funds to the Secretary of the Interior and award grants to, or enter into agreements with, states and LEAs to link Indian student records systems so that health and educational information can be electronically exchanged among states, LEAs, and schools.

Directs the Secretary to identify the data elements that the Secretary of the Interior and states are to collect and maintain regarding Indian students. Lists the minimum information that must be collected and retained.

Requires Indian schools and states and LEAs assisted under the ESEA to make student records available at no cost to requesting educational agencies and schools if the request is made to meet the needs of an Indian child who is or was enrolled in an ESEA-assisted school.

Directs the Secretary to report to Congress, within two years of this Act's enactment, regarding the implementation of this section and the collection, coordination, and exchange of health and educational information on Indian children.

Requires the Secretary to direct the National Center for Education Statistics to collect data on Indian children.

(Sec. 176) Reauthorizes appropriations for formula grants to LEAs for Indian education for FY2012-FY2017.

**Part II: Native Hawaiian Education -** (Sec. 177) Amends the Native Hawaiian Education Act to require the Secretary to award a grant to an education council to oversee the educational programs available to Native Hawaiian students and

provide technical assistance to Native Hawaiian organizations that apply for or receive program grants. Requires the council to: (1) be composed of 15 members from certain educational, governmental, Trust, and grant-making entities; and (2) hold at least one community consultation each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai regarding Native Hawaiian education grants and other issues. Eliminates the requirement that the council meet at least four times each year with an island council composed of parents, students, and other Native Hawaiian education stakeholders.

(Sec. 180) Gives priority for grants under such Act to programs that: (1) meet the educational priorities established by the council; and (2) involve states, LEAs, or IHEs in partnerships or consortia. Requires the Secretary to use grant funds to support: (1) the development of a body of Native Hawaiian law; (2) access to Hawaiian culture and history through digital archives; (3) informal education programs that connect traditional Hawaiian knowledge, science, astronomy, and the environment through state museums or learning centers; and (4) public charter schools serving high concentrations of Native Hawaiian students.

(Sec. 181) Authorizes appropriations for such grants through FY2016.

**Subtitle G: Impact Aid** - (Sec. 185) Amends the impact aid program under title VIII of the ESEA (the program compensates LEAs for the financial burden of federal activities affecting their school districts) to require LEAs that claim children residing on Indian lands for impact aid purposes to provide Indian tribes with an annual summary of the funding received and the programs available for those children.

Directs the Secretary to: (1) conduct annual outreach to Indian tribes regarding the impact aid program; and (2) submit an annual report to Congress regarding Indian participation in that outreach and Indian complaints regarding LEA administration of the program.

Requires the Secretary to complete impact aid payments to eligible LEAs that claim children residing on Indian lands within three fiscal years of their appropriation.

**Subtitle H: General Provisions** - (Sec. 191) Amends title IX (General Provisions) of the ESEA to consider teachers of Native American or Hawaiian language, history, or culture in a state or any Indian school to be highly qualified for purposes of the ESEA if they are certified by an Indian tribe or Native Hawaiian educational organization as highly qualified to teach those subjects.

(Sec. 192) Gives Indian schools the same eligibility and consideration for any competitive program under the ESEA as LEAs are given.

Directs the Secretary to provide outreach and technical assistance to Indian schools to encourage and enable them to apply for those programs.

Requires the Secretary to collaborate with the Secretary of the Interior to provide training and technical assistance to the Bureau of Indian Education (BIE), Indian tribes, and Indian schools regarding: (1) curriculum selection, (2) the development and use of appropriate assessments, and (3) effective instructional practices.

(Sec. 193) Requires all ESEA public school assistance programs to reserve 1% of their funding to provide Indian schools with the technical expertise and capacity to compete for such assistance.

**Title II: Amendments to Other Laws** - (Sec. 201) Amends the American Recovery and Reinvestment Act of 2009 to require the Secretary to reserve for Indian schools 1% to 5% of the amounts appropriated for the state incentive grant

and innovation fund programs. Requires states to ensure that high-quality early learning services are provided to Indian children under the state incentive grant program. Allows states to satisfy that requirement through subgrants to Indian tribes.

(Sec. 202) Amends the Internal Revenue Code to exclude qualified Indian education benefits and qualified Indian cultural benefits from gross income. Defines a "qualified Indian education benefit" as any educational grant or benefit provided to a member of an Indian tribe, including any spouse or dependent of such a member, by the federal government or an Indian tribe or tribal organization. Defines a "qualified Indian cultural benefit" as any grant or benefit provided to a member of an Indian tribe, including any spouse or dependent of such a member, by the federal government or an Indian tribe or tribal organization for the study of the language, culture, and ways of life of the tribe.

(Sec. 203) Amends the Education Amendments of 1978 to require the Secretary of the Interior to establish the Tribal Education Policy Advisory Group (TEPAG) to advise the Secretary and the Assistant Secretary on all policies, guidelines, programmatic issues, and budget development for the school system funded by the BIE. Requires the TEPAG to be composed of 26 members, including the Secretary, the Assistant Secretary for Indian Affairs, the Director of the BIE, a national tribal organization member, and 22 tribal officials from each education line office of the BIE.

(Sec. 204) Directs the Director of the Office of Indian Education Programs in the Department of Education to make an annual report to Congress and Indian schools on the amount necessary to sustain academic and residential programs at Indian schools.

(Sec. 205) Gives priority for grants to develop and operate tribal educational agencies to tribal applicants that make assurances that the educational agencies will provide coordinating services and technical assistance to all schools located on their lands. Directs the Secretary to provide grant recipients with technical assistance in building their capacity to deliver high-quality education programs. Authorizes appropriations for the grant program for FY2012-2017.

(Sec. 206) Amends the Indian Self-Determination and Education Assistance Act to require the Secretary of the Interior to: (1) establish a qualified school construction bond escrow account, and (2) transfer to such account amounts reserved under the Internal Revenue Code and amounts received from other sources for the construction, rehabilitation, and repair of Indian schools.

(Sec. 207) Amends the Equity in Educational Land-Grant Status Act of 1994 to make Keweenaw Bay Ojibwa Community College, College of the Muscogee Nation, and Comanche Nation College, 1994 Land Grant Institutions. Replaces references to Crownpoint Institute of Technology and Fort Balknap College as 1994 Institutions, with their current names, Navajo Technical College and Aaniiih Nakoda College, respectively. Removes Si Tanka/Huron University from the list of those institutions.

(Sec. 208) Amends the Workforce Investment Act of 1998 to direct the Secretary to establish an American Indian, Native Hawaiian, and Tribal College or University Adult Education and Literacy Program providing grants and technical assistance to Tribal Colleges or Universities and Native Hawaiian educational organizations to develop and implement programs to enhance life skills and transition individuals to employability and postsecondary education.

(Sec. 209) Amends the Tribally Controlled Schools Act of 1988 to establish a process by which the Secretary is to approve or disapprove the request of a school board of a tribally controlled school to amend the terms of their grant under that Act.

(Sec. 210) Amends the Higher Education Act of 1965 to deem Tribal Colleges or Universities as eligible to receive

funding under the HEA's institutional aid program if they are: (1) eligible to receive funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978 or the Navajo Community College Assistance Act of 1978, or (2) a 1994 Land Grant Institution.

(Sec. 211) Directs the Secretary to establish an American Indian Language Vitalization and Training Program awarding competitive grants to Tribal Colleges and Universities to promote the preservation, revitalization, relevancy, and use of American Indian languages. Includes in such Program: (1) innovative American Indian language programs for students in prekindergarten through grade 16; (2) professional development for Tribal College or University faculty and in-service training for prekindergarten through grade 16 staff; and (3) research on Native language instruction, best practices, and pedagogy. Authorizes appropriations for such Program for FY2012 and each subsequent fiscal year.

(Sec. 212) Amends the Education Amendments of 1978 to require the Secretary to submit to Congress information and requests for the full funding of administrative costs grants required to be paid to Indian tribes and tribal organizations for tribally operated schools.

(Sec. 213) Amends the General Education Provisions Act to allow the release of student education records to authorized representatives of Indian tribes without the written consent of their parents.

**Title III: Additional Education Provisions** - (Sec. 301) Directs the Secretary to: (1) expand programs for Native American school children that support learning in their Native language and culture and provide English language instruction, and (2) conduct research on culture- and language-based education to identify the factors that improve education and health outcomes.

(Sec. 302) Directs the Secretary of the Interior, through the BIE, to establish a program providing matching grants to public and nonprofit private agencies to assist Native Americans in ensuring the survival and continuing vitality of Native American languages.

Authorizes the use of such grants to: (1) establish and support community Native American language projects; (2) train Native Americans to teach or translate Native American languages; (3) develop and disseminate materials for use in teaching and enhancing Native American languages; (4) gather oral testimony to record and preserve a Native American language; and (5) establish specified educational programs referred to as Native American language nests, Native American language survival schools, and Native American language restoration programs.

Requires the Secretary of the Interior to appoint a panel of experts in Native American language and culture to assist the Secretary in administering the program and preserving its products.

Requires copies of those products to be transmitted to the Institute of American Indian and Alaska Native Culture and Arts Development, except when an Indian tribe, in an exercise of sovereignty over its language and culture, elects to block such a transfer.

Authorizes appropriations for the grant program for FY2013-FY2018.

Repeals the current grant program to ensure the survival and continuing vitality of Native American languages under the Native American Programs Act of 1974.

(Sec. 303) Directs the Secretary of the Interior to establish an in-school facility innovation program contest that recognizes and rewards IHEs that solve the problem of how to improve Indian school facilities for problem-based learning.

Requires the Secretary of the Interior to establish an advisory group for the contest that includes students enrolled at a Tribal College or University, a representative from the BIE, and engineering and fiscal advisors.

(Sec. 304) Requires, beginning July 1, 2008, any funds (except for construction funds) held by a tribally controlled grant or contract school, upon retrocession to or re-assumption by the BIE, to remain available for a five-year period for the benefit of the programs approved for such a school on October 1, 1995.

(Sec. 305) Requires the Secretary and the Secretary of the Interior to establish a Department of the Interior and Department of Education Joint Oversight Board to coordinate Indian education policies and assistance.

(Sec. 306) Requires the Secretary to study and report to Congress within two years of this Act's enactment on the feasibility of entering into self-governance compacts and contracts with Indian tribal governments that wish to operate public schools on their lands.

Includes in that study the feasibility of providing assistance to Indian tribes in developing the capacity to administer the educational programs and services currently provided by states and LEAs.

(Sec. 307) Directs the Secretary to establish the Center for Indigenous Excellence to support the development and demonstration of Native American language and culture-based education.

Considers as eligible operators of such Center: (1) a tribally sanctioned educational authority, (2) a Native American language college, (3) a Native Hawaiian or Native American Pacific Islander native language and culture-based educational organization, and (4) an IHE or LEA with a commitment to serving Native American communities.

Authorizes the Center to partner with other entities in this country and provide them with assistance in curriculum development, technology development, teacher and staff training, research, and sustaining Native American language nests, Native American survival schools, and Native American language schools.

Authorizes appropriations for the Center for FY2012-FY2018.

## Actions Timeline

- **Dec 21, 2012:** Committee on Indian Affairs. Reported by Senator Akaka with an amendment in the nature of a substitute. With written report No. 112-262.
- **Dec 21, 2012:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 574.
- **Oct 20, 2011:** Committee on Indian Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jun 30, 2011:** Committee on Indian Affairs. Hearings held. Hearings printed: S.Hrg. 112-328.
- **Jun 23, 2011:** Introduced in Senate
- **Jun 23, 2011:** Sponsor introductory remarks on measure. (CR S4077-4078)
- **Jun 23, 2011:** Read twice and referred to the Committee on Indian Affairs. (text of measure as introduced: CR S4078-4096)

Generated by **LegiList** — https://legilist.com · Public data belongs to the public.