AMENDMENT TO H.R. 5, AS REPORTED
OFFERED BY MR. YOUNG OF ALASKA AND MS.
GABBARD OF HAWAII

(Page and line nos. refer to Rules Committee Print 113-18)

Page 4, line 21, after the dollar amount insert “(reduced by $195,399,345)”.

Page 9, strike lines 2 and 3.

Page 11, strike line 3.

Page 11, strike lines 19 and 20.

Page 194, strike line 1 and all that follows through page 238, line 15.

Page 487, strike lines 13 through 16 and insert the following (and amend the table of contents accordingly):
TITLE VI—THE FEDERAL GOVERNMENT’S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION

SEC. 601. THE FEDERAL GOVERNMENT’S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION.

Title VI of the Act (20 U.S.C. 7301 et seq.) is amended to read as follows:

“TITLE VI—THE FEDERAL GOVERNMENT’S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION

“PART A—INDIAN EDUCATION

“SEC. 6101. STATEMENT OF POLICY.

“It is the policy of the United States to fulfill the Federal Government’s unique and continuing trust relationship with, and responsibility to, the Indian people for the education of Indian children. The Federal Government will continue to work with local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities toward the goal of ensuring that programs that serve Indian children are of the highest quality.
and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children.

"SEC. 6102. PURPOSE.

"It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

"(1) to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet State student academic achievement standards.

"(2) to ensure that Indian and Alaskan Native students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

"(3) to ensure that school leaders, teachers, and other staff who serve Indian and Alaska Native students have the ability to provide culturally appropriate and effective instruction to such students.

"SUBPART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 6111. PURPOSE.

"It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and orga-
organizations, and other entities to improve the academic achievement of American Indian and Alaska Native students by providing for their unique cultural, language, and educational needs and ensuring that they are prepared to meet State academic standards.

“SEC. 6112. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.

“(a) In General.—In accordance with this section and section 6113, the Secretary may make grants from allocations made under section 6113, to—

“(1) local educational agencies;

“(2) Indian tribes;

“(3) Indian organizations; and

“(4) Alaska Native Organizations

“(b) Local Educational Agencies.—

“(1) Enrollment Requirements.—A local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 6117 who were enrolled in the schools of the 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) Exclusion.—The requirement of para-
graph (1) shall not apply in Alaska, California, or
Oklahoma, or with respect to any local educational
agency located on, or in proximity to, an Indian res-
ervation.

“(c) Indian Tribes, Indian Organizations, Alas-
ka Native Organizations, and Consortia.—

“(1) In General.—If a local educational agen-
cy that is otherwise eligible for a grant under this
subpart does not establish a committee under section
6114(c)(4) for such grant, an Indian tribe, Indian
organization, Alaska Native Organization, or consor-
tium of such entities that represents not less than
1/3 of the eligible Indian or Alaska Native children
who are served by such local educational agency may
apply for such grant.

“(2) Special Rule.—

“(A) In General.—The Secretary shall
treat each Indian tribe, Indian organization,
Alaska Native Organization, or consortium of
such entities applying for a grant pursuant to
paragraph (1) as if such applicant were a local educational agency for purposes of this subpart.

“(B) EXCEPTIONS.—Notwithstanding subparagraph (A), such Indian tribe, Indian organization, Alaska Native Organization, or consortium of such entities shall not be subject to the requirements of section 6114(e)(5), 6118(c), or 6119.

“(3) ELIGIBILITY.—If more than 1 applicant qualifies to apply for a grant under paragraph (1), the entity that represents the most eligible Indian and Alaska Native children who are served by the local educational agency shall be eligible to receive the grant or the applicants may apply in consortium and jointly operate a program.

“(d) INDIAN AND ALASKA NATIVE COMMUNITY-BASED ORGANIZATIONS.—

“(1) IN GENERAL.—If no local educational agency pursuant to subsection (b), and no Indian tribe, tribal organization, Alaska Native Organization, or consortium pursuant to subsection (c), applies for a grant under this subpart, Indian and Alaska Native community-based organizations serving the community of the local educational agency may apply for the grant.
“(2) APPLICABILITY OF SPECIAL RULE.—The Secretary shall apply the special rule in subsection (c)(2) to a community-based organization applying or receiving a grant under paragraph (1) in the same manner as such rule applies to an Indian tribe, Indian organization, Alaska Native Organization, or consortium.

“(3) DEFINITION OF INDIAN AND ALASKA NATIVE COMMUNITY-BASED ORGANIZATIONS.—In this subsection, the term ‘Indian and Alaska Native community-based organizations’ means any organizations that—

“(A) are composed primarily of the family members of Indian or Alaska Native students, Indian or Alaska Native community members, tribal government education officials, and tribal members from a specific community;

“(B) assist in the social, cultural, and educational development of Indians or Alaska Natives in such community;

“(C) meet the unique cultural, language, and academic needs of Indian or Alaska Native students; and
“(D) demonstrate organizational and administrative capacity to effectively manage the grant.

“SEC. 6113. AMOUNT OF GRANTS.

“(a) AMOUNT OF GRANT AWARDS.—

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

“(A) the number of Indian children who are eligible under section 6117 and served by such agency; and

“(B) the greater of—

“(i) the average per pupil expenditure of the State in which such agency is located; or

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

“(2) REDUCTION.—The Secretary shall reduce the amount of each allocation otherwise determined under this section in accordance with subsection (e).

“(b) MINIMUM GRANT.—

“(1) IN GENERAL.—Notwithstanding subsection (e), an entity that is eligible for a grant under sec-
tion 6112, and a school that is operated or supported by the Bureau of Indian Education that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than $3,000.

“(2) CONSORTIA.—Local educational agencies may form a consortium for the purpose of obtaining grants under this subpart.

“(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grantees if the Secretary determines such increase is necessary to ensure the quality of the programs provided.

“(c) DEFINITION.—For the purpose of this section, the term average per pupil expenditure”, used with respect to a State, means an amount equal to—

“(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such 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 or the Tribally Controlled Schools Act of 1988; 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 6114, 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 6114(c)(5), section 6118(c), or section 6119.

“(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year to carry out this subpart 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.

“SEC. 6114. APPLICATIONS.

“(a) APPLICATION REQUIRED.—Each 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) shall include a description of a comprehensive program for meeting the needs of Indian and Alaska Native 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 American Indian and Alaska Native students;

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

“(B) includes academic content and student academic achievement goals for such children, and benchmarks for attaining such goals, that are based on State academic content and student academic achievement standards adopted under title I for all children;

“(3) explains how the local educational agency will use the funds made available under this subpart to supplement other Federal, State, and local programs that serve such students;
“(4) demonstrates how funds made available under this subpart will be used for activities described in section 6115;

“(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 or Alaska Native community are prepared to work with Indian and Alaska Native children;

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

“(C) those family members of Indian and Alaska Native children and representatives of tribes who are on the committee described in (e)(5) will participate in the planning of professional development materials

“(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 as-
sisted 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)(5); and

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

“(iii) the tribes whose children are served by the local educational agency

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

“(7) explicitly delineates—

“(A) a formal, collaborative process that the local educational agency used to directly involve tribes, Indian organizations, or Alaska Native Organizations in the development of the comprehensive programs and the results of such process; and

“(B) how the local educational agency plans to ensure that tribes, Indian organizations, or Alaska Native Organizations will play an active, meaningful, and ongoing role in the functioning of the comprehensive programs.
“(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 use funds received under this subpart only for activities described and authorized under this subpart;

“(3) 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; and

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

“(4) 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 or Alaska Native community; and

“(C) was developed by such agency in open consultation with the families of Indian or Alaska Native children, Indian or Alaska Native teachers, Indian or Alaska Native students from secondary schools, and representatives of tribes, Indian organizations, or Alaska Native Organizations in the community including through public hearings held by such agency to provide to the individuals described in this sub-paragraph a full opportunity to understand the
program and to offer recommendations regarding the program; and

“(5) 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) family members of Indian and Alaska Native children that are attending the local educational agency’s schools;

“(ii) teachers in the schools; and

“(iii) Indian and Alaska Native students attending secondary schools of the agency;

“(B) a majority of whose members are family members of Indian and Alaska Native children that are attending the local educational agency’s schools;

“(C) 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;

“(D) with respect to an application de-
scribing a schoolwide program in accordance
with section 6115(c), that has—

“(i) reviewed in a timely fashion the
program; and

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

“(iii) will directly enhance the edu-
cational experience of American Indian and
Alaska Native students; and

“(E) that has adopted reasonable bylaws
for the conduct of the activities of the com-
mittee and abides by such bylaws.

“(6) the local educational agency conducted
adequate outreach to family members to meet the
requirements under subsection (c)(5).

“SEC. 6115. AUTHORIZED SERVICES AND ACTIVITIES.

“(a) GENERAL REQUIREMENTS.—Each local edu-
cational agency that receives a grant under this subpart
shall use the grant funds, in a manner consistent with the
purpose specified in section 6111, 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 6114(a) solely for the services and activities described in such application;

“(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 such agency.

“(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

“(1) activities that support Native American language immersion 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 content and student academic achievement standards;

“(5) integrated educational services in combination with other programs including programs that enhance student achievement by promoting increased involvement of parents and families in school activities;

“(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 Improvement Act of 2006, including programs for tech-prep education, 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 6111;

“(9) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;
“(10) activities that incorporate culturally and linguistically relevant curriculum content into classroom instruction that is responsive to the unique learning styles of Indian and Alaska Native children and ensures that children are better able to meet State standards;;

“(11) family literacy services;

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

“(13) dropout prevention strategies for Indian and Alaska Native students; and

“(14) strategies to meet the educational needs of at-risk Indian students in correctional facilities, including such strategies that support Indian and Alaska Native 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 1114 if—
“(1) the committee established pursuant to section 6114(e)(5) approves the use of the funds for the schoolwide program;

“(2) the schoolwide program is consistent with the purpose described in section 6111; and

“(3) the local educational agency identifies in its application how the use of such funds in a schoolwide program will produce benefits to the American Indian and Alaska Native 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 available locally or regionally.

“SEC. 6116. INTEGRATION OF SERVICES AUTHORIZED.

“(a) PLAN.—An entity receiving funds under this subpart may submit a plan to the Secretary for the integration of education and related services provided to Indian students.
“(b) CONSOLIDATION OF PROGRAMS.—Upon the receipt of an acceptable plan under subsection (a), the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the entity, shall authorize the entity to consolidate, in accordance with such plan, the federally funded education and related services programs of the entity and the Federal programs, or portions of the programs, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

“(c) PROGRAMS AFFECTED.—The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (a) shall include funds for any Federal program exclusively serving Indian children, or the funds reserved under any Federal program to exclusively serve Indian children, under which the entity is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services that would be used to serve Indian students.

“(d) PLAN REQUIREMENTS.—For a plan to be acceptable pursuant to subsection (b), the plan shall—

“(1) identify the programs or funding sources to be consolidated;
“(2) be consistent with the objectives of this section concerning authorizing the services to be integrated in a demonstration project;

“(3) describe a comprehensive strategy that identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the objectives set forth in this subpart;

“(4) describe the way in which services are to be integrated and delivered and the results expected from the plan;

“(5) identify the projected expenditures under the plan in a single budget;

“(6) identify the State, tribal, or local agency or agencies to be involved in the delivery of the services integrated under the plan;

“(7) identify any statutory provisions, regulations, policies, or procedures that the entity believes need to be waived in order to implement the plan;

“(8) set forth measures for academic content and student academic achievement goals designed to be met within a specific period of time; and

“(9) be approved by a committee formed in accordance with section 6114(c)(5), if such a committee exists.
“(e) PLAN REVIEW.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the Secretary of each Federal department providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal departmental regulations, policies, or procedures necessary to enable the entity to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected department shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by the entity or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the objectives of this subpart or those provisions of the statute from which the program involved derives authority that are specifically applicable to Indian students.

“(f) PLAN APPROVAL.—Within 90 days after the receipt of an entity’s plan by the Secretary, the Secretary shall inform the entity, in writing, of the Secretary’s approval or disapproval of the plan. If the plan is disapproved, the entity shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend the plan or to petition the Secretary to reconsider such disapproval.
“(g) Responsibilities of Department of Education.—Not later than 180 days after the date of enactment of the Student Success Act of 2013, the Secretary of Education, the Secretary of the Interior, the Secretary of the Department of Health and Human Services, and the head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement providing for the implementation and coordination of the demonstration projects authorized under this section. The lead agency head for a demonstration project under this section shall be—

“(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

“(2) the Secretary of Education, in the case of any other entity.

“(h) Responsibilities of Lead Agency.—The responsibilities of the lead agency shall include—

“(1) the use of a single report format related to the plan for the individual project, which shall be used by an eligible entity to report on the activities undertaken under the project;
“(2) the use of a single report format related
to the projected expenditures for the individual
project which shall be used by an eligible entity to
report on all project expenditures;

“(3) the development of a single system of Fed-
eral oversight for the project, which shall be imple-
mented by the lead agency; and

“(4) the provision of technical assistance to an
eligible entity appropriate to the project, except that
an eligible entity shall have the authority to accept
or reject the plan for providing such technical assist-
ance and the technical assistance provider.

“(i) REPORT REQUIREMENTS.—A single report for-
mat shall be developed by the Secretary, consistent with
the requirements of this section. Such report format shall
require that reports described in subsection (h), together
with records maintained on the consolidated program at
the local level, shall contain such information as will allow
a determination that the eligible entity has complied with
the requirements incorporated in its approved plan, in-
cluding making a demonstration of student academic
achievement, and will provide assurances to each Sec-
retary that the eligible entity has complied with all directly
applicable statutory requirements and with those directly
applicable regulatory requirements that have not been waived.

“(j) NO REDUCTION IN AMOUNTS.—In no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

“(k) INTERAGENCY FUND TRANSFERS AUTHORIZED.—The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the objectives of this section.

“(l) ADMINISTRATION OF FUNDS.—

“(1) IN GENERAL.—Program funds for the consolidated programs shall be administered in such a manner as to allow for a determination that funds from a specific program are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds granted that shall be allocated to such program.

“(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section shall be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under the approved plan to the individual programs under
which funds were authorized for the services or activities, nor shall the eligible entity be required to allocate expenditures among such individual programs.

“(m) OVERAGE.—The eligible entity may commingle all administrative funds from the consolidated programs and shall be entitled to the full amount of such funds (under each program’s or agency’s regulations). The overage (defined as the difference between the amount of the commingled funds and the actual administrative cost of the programs) shall be considered to be properly spent for Federal audit purposes, if the overage is used for the purposes provided for under this section.

“(n) FISCAL ACCOUNTABILITY.—Nothing in this part shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

“(o) REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.—

“(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of the Student Success Act of 2013, the Secretary of Education shall submit a preliminary report to the Committee on Education and the Workforce and the Committee on Natural Resources of the House of Representa-
tives. and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the status of the implementation of the demonstration projects authorized under this section.

“(2) Final Report.—Not later than 5 years after the date of enactment of the Student Success Act of 2013, the Secretary of Education shall submit a report to the Committee on Education and the Workforce and the Committee on Natural Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the results of the implementation of the demonstration projects authorized under this section. Such report shall identify statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section.

“(p) Definitions.—For the purposes of this section, the term Secretary” means—

“(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or
'(2) the Secretary of Education, in the case of any other entity.

"SEC. 6117. STUDENT ELIGIBILITY FORMS.

"(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart, and that otherwise meets the requirements of subsection (b).

"(b) FORMS.—The form described in subsection (a) shall include—

"(1) either—

"(A)(i) the name of the tribe or band of Indians (as defined in section 6151) with respect to which the child claims membership;

"(ii) the enrollment or membership number establishing the membership of the child (if readily available); and

"(iii) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or
“(B) the name, the enrollment or membership number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership data, of any parent or grandparent of the child from whom the child claims eligibility under this subpart, if the child is not a member of the tribe or band of Indians (as so defined);

“(2) a statement of whether the tribe or band of Indians (as so defined), with respect to which the child, or parent or grandparent of the child, claims membership, is federally recognized;

“(3) the name and address of the parent or legal guardian of the child;

“(4) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

“(5) any other information that the Secretary considers necessary to provide an accurate program profile.

“(c) Statutory Construction.—Nothing in this section shall be construed to affect a definition contained in section 6151.

“(d) Documentation and Types of Proof.—
“(1) Types of Proof.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 6113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

“(2) No New or Duplicative Determinations.—Once a child is determined to be an Indian eligible to be counted for such grant award, the local education agency shall maintain a record of such determination and shall not require a new or duplicate determination to be made for such child for a subsequent application for a grant under this subpart.

“(3) Previously Filed Forms.—An Indian student eligibility form that was on file as required by this section on the day before the date of enactment of the Student Success Act of 2013 and that met the requirements of this section, as this section was in effect on the day before the date of enact-
ment of such Act, shall remain valid for such Indian
student.

“(e) MONITORING AND EVALUATION REVIEW.—

“(1) IN GENERAL.—

“(A) REVIEW.—For each fiscal year, in
order to provide such information as is nec-
essary to carry out the responsibility of the Sec-
retary to provide technical assistance under this
subpart, the Secretary shall conduct a moni-
toring and evaluation review of a sampling of
the recipients of grants under this subpart. The
sampling conducted under this subparagraph
shall take into account the size of and the geo-
graphic location of each local educational agen-
cy.

“(B) EXCEPTION.—A local educational
agency may not be held liable to the United
States or be subject to any penalty, by reason
of the findings of an audit that relates to the
date of completion, or the date of submission,
of any forms used to establish, before April 28,
1988, the eligibility of a child for an entitle-
ment under the Indian Elementary and Sec-
ondary School Assistance Act.
“(2) False information.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

“(A) be ineligible to apply for any other grant under this subpart; and

“(B) be liable to the United States for any funds from the grant that have not been expended.

“(3) Excluded children.—A student who provides false information for the form required under subsection (a) shall not be counted for the purpose of computing the amount of a grant under section 6113.

“(f) Tribal grant and contract schools.—Notwithstanding any other provision of this section, in calculating the amount of a grant under this subpart to a tribal school that receives a grant or contract from the Bureau of Indian Education, the Secretary shall use only one of the following, as selected by the school:

“(1) A count of the number of students in the schools certified by the Bureau.

“(2) A count of the number of students for whom the school has eligibility forms that comply with this section.
“(g) TIMING OF CHILD COUNTS.—For purposes of determining the number of children to be counted in calculating the amount of a local educational agency’s grant under this subpart (other than in the case described in subsection (f)(1)), the local educational agency shall—

“(1) establish a date on, or a period not longer than 31 consecutive days during, which the agency counts those children, if that date or period occurs before the deadline established by the Secretary for submitting an application under section 6114; and

“(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

“SEC. 6118. PAYMENTS.

“(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount determined under section 6113. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

“(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this
subpart to a local educational agency for a fiscal year if,
for such fiscal year, the State in which the local edu-
cational agency is located takes into consideration pay-
ments made under this chapter in determining the eligi-
bility of the local educational agency for State aid, or the
amount of the State aid, with respect to the free public
education of children during such fiscal year or the pre-
ceding fiscal year.

“(e) Reduction of Payment for Failure to
Maintain Fiscal Effort.—

“(1) In general.—The Secretary may not pay
a local educational agency the full amount of a grant
award determined under section 6113 for any fiscal
year unless the State educational agency notifies the
Secretary, and the Secretary determines, that with
respect to the provision of free public education by
the local educational agency for the preceding fiscal
year, the combined fiscal effort of the local edu-
cational agency and the State, computed on either a
per student or aggregate expenditure basis, was not
less than 90 percent of the amount of the combined
fiscal effort, computed on the same basis, for the
second preceding fiscal year.

“(2) Failure to maintain effort.—If, for
the preceding fiscal year, the Secretary determines
that a local educational agency and State failed to maintain the combined fiscal effort for such agency at the level specified in paragraph (1), the Secretary shall—

“(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of the failure to maintain the fiscal effort at such level; and

“(B) not use the reduced amount of the agency and State expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

“(3) WAIVER.—

“(A) IN GENERAL.—The Secretary may waive the requirement of paragraph (1) for a local educational agency, for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a pre-
cipitous and unforeseen decline in the agency’s financial resources.

“(B) Future Determinations.—The Secretary shall not use the reduced amount of the agency’s expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

“(d) Reallocations.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

“(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

“(2) otherwise become available for reallocation under this subpart.

“SEC. 6119. State Educational Agency Review.

“Before submitting an application to the Secretary under section 6114, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational
agency comments on the application, the agency shall com-
ment on all applications submitted by local educational
agencies in the State and shall provide those comments
to the respective local educational agencies, with an oppor-
tunity to respond.

“SUBPART 2—SPECIAL PROGRAMS AND PROJECTS TO
IMPROVE EDUCATIONAL OPPORTUNITIES FOR IN-
DIAN CHILDREN AND YOUTH

“SEC. 6121. SPECIAL PROGRAMS AND PROJECTS TO IM-
PROVE EDUCATIONAL OPPORTUNITIES FOR
INDIAN CHILDREN AND YOUTH.

“(a) PURPOSE.—

“(1) IN GENERAL.—It is the purpose of this
section to support projects to develop, test, and dem-
onstrate the effectiveness of services and programs
to improve educational opportunities and achieve-
ment of Indian children and youth.

“(2) COORDINATION.—The Secretary shall take
the necessary actions to achieve the coordination of
activities assisted under this subpart with—

“(A) other programs funded under this
Act; and

“(B) other Federal programs operated for
the benefit of American Indian and Alaska Na-
tive children and youth.
“(b) ELIGIBLE ENTITIES.—In this section, the term 
eligible entity” means a State educational agency, local 
educational agency, Indian tribe, Indian organization, fed-
erally supported elementary school or secondary school for 
Indian students, Indian institution (including an Indian 
institution of higher education), Alaska Native Organization, 
or a consortium of such entities.

“(c) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—The Secretary shall award 
grants to eligible entities to enable such entities to 
carry out activities that meet the purpose of this 
section, including—

“(A) innovative programs related to the 
educational needs of educationally disadvan-
taged children and youth;

“(B) educational services that are not 
available to such children and youth in suffi-
cient quantity or quality, including remedial in-
struction, to raise the achievement of Indian 
and Alaska Native children in one or more of 
the core academic subjects of English, mathem-
atics, science, foreign languages, art, history, 
and geography;

“(C) bilingual and bicultural programs and 
projects;
“(D) special health and nutrition services, and other related activities, that address the special health, social, emotional, and psychological problems of Indian children;

“(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of high school graduation for Indian children;

“(F) comprehensive guidance, counseling, and testing services;

“(G) high quality early childhood education programs that are effective in preparing young children to make sufficient academic growth by the end of grade 3, including kindergarten and pre-kindergarten programs, family-based preschool programs that emphasize school readiness, screening and referral, and the provision of services to Indian children and youth with disabilities;

“(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to
aid such students in the transition from secondary to postsecondary education;

“(I) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-wage career;

“(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;

“(K) family literacy services;

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

“(M) high quality professional development of teaching professionals and paraprofessionals; or

“(N) other services that meet the purpose described in this section.

“(d) GRANT REQUIREMENTS AND APPLICATIONS.—

“(1) GRANT REQUIREMENTS.—
“(A) IN GENERAL.—The Secretary may make multiyear grants under subsection (c) for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

“(B) PRIORITY.—In making multiyear grants described in this paragraph, the Secretary shall give priority to entities submitting applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

“(C) PROGRESS.—The Secretary shall make a grant payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (3) and any subsequent modifications to such application.

“(2) DISSEMINATION GRANTS.—

“(A) IN GENERAL.—In addition to awarding the multiyear grants described in paragraph (1), the Secretary may award grants under sub-
section (c) to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

“(B) DETERMINATION.—The Secretary may award a dissemination grant described in this paragraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated—

“(i) has been adequately reviewed;

“(ii) has demonstrated educational merit; and

“(iii) can be replicated.

“(3) APPLICATION.—

“(A) IN GENERAL.—Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

“(B) CONTENTS.—Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (2), shall contain—

“(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved
in developing and implementing the activities for which assistance is sought;

“(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

“(iii) information demonstrating that the proposed program for the activities is a scientifically based research program, where applicable, which may include a program that has been modified to be culturally appropriate for students who will be served;

“(iv) a description of how the applicant will incorporate the proposed activities into the ongoing school program involved once the grant period is over; and

“(v) such other assurances and information as the Secretary may reasonably require.

“(e) 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.
“SEC. 6122. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.

“(a) PURPOSES.—The purposes of this section are—

“(1) to increase the number of qualified Indian and Alaska Native teachers and administrators serving Indian and Alaska Native students;

“(2) to provide training to qualified Indian and Alaska Native individuals to become educators and education support service professionals; and

“(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

“(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term eligible entity” means—

“(1) an institution of higher education, including an Indian institution of higher education;

“(2) a State educational agency or local educational agency, in consortium with an institution of higher education;

“(3) an Indian tribe or organization, in consortium with an institution of higher education; and

“(4) a Bureau-funded school (as defined in section 1146 of the Education Amendments of 1978).

“(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applica-
tions approved under this section to enable those entities
to carry out the activities described in subsection (d).

“(d) AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—Grant funds under this sec-
tion shall be used for activities to provide support
and training for Indian individuals in a manner con-
sistent with the purposes of this section. Such activi-
ties may include continuing programs, symposia,
workshops, conferences, and direct financial support,
and may include programs designed to train tribal
elders and seniors.

“(2) SPECIAL RULES.—

“(A) TYPE OF TRAINING.—For education
personnel, the training received pursuant to a
grant under this section may be inservice or
preservice training.

“(B) PROGRAM.—For individuals who are
being trained to enter any field other than
teaching, the training received pursuant to a
grant under this section shall be in a program
that results in a graduate degree.

“(e) APPLICATION.—Each eligible entity desiring a
grant under this section shall submit an application to the
Secretary at such time, in such manner, and accompanied
by such information, as the Secretary may reasonably re-
quire. At a minimum

“(f) SPECIAL RULE.—In awarding grants under this
section, the Secretary—

“(1) shall consider the prior performance of the
eligible entity; and

“(2) may not limit eligibility to receive a grant
under this section on the basis of—

“(A) the number of previous grants the
Secretary has awarded such entity; or

“(B) the length of any period during which
such entity received such grants.

“(g) GRANT PERIOD.—Each grant under this section
shall be awarded for a period of not more than 5 years.

“(h) SERVICE OBLIGATION.—

“(1) IN GENERAL.—The Secretary shall re-
quire, by regulation, that an individual who receives
training pursuant to a grant made under this sec-
tion—

“(A) perform work—

“(i) related to the training received
under this section; and

“(ii) that benefits Indian people; or

“(B) repay all or a prorated part of the as-
sistance received.
“(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning compliance with the work requirement under paragraph (1).

“SEC. 6123. TRIBAL EDUCATION AGENCIES COOPERATIVE AGREEMENTS.

“(a) PURPOSE.—Tribes may enter into written cooperative agreements with the State educational agency and the local educational agencies operating a school or schools within Indian lands. For purposes of this section, the term ‘Indian land’ has the meaning given that term in section 8013.

“(b) COOPERATIVE AGREEMENT.—If requested by the Indian tribe, the State educational agency or the local educational agency may enter into a cooperative agreement with the Indian tribe. Such cooperative agreement—

“(1) may authorize the tribe or such tribe’s respective tribal education agency to plan, conduct, consolidate, and administer programs, services, functions, and activities, or portions thereof, administered by the State educational agency or the local educational agency;
“(2) may authorize the tribe or such tribe’s respective tribal education agency to reallocate funds for such programs, services, functions, and activities, or portions thereof as necessary; and

“(3) shall—

“(A) only confer the tribe or such tribe’s respective tribal education agency with responsibilities to conduct activities described in paragraph (1) such that the burden assumed by the tribe or the tribal education agency for conducting such is commensurate with the benefit that doing so conveys to all parties of the agreement; and

“(B) be based solely on terms of the written agreement decided upon by the Indian tribe and the State educational agency or local education agency.

“(c) DISAGREEMENT.—Agreements shall only be valid if the Indian tribe and State educational agency or local educational agency agree fully in writing to all of the terms of the written cooperative agreement.

“(d) COMPLIANCE WITH APPLICABLE LAW.—Nothing in this section shall be construed to relieve any party to a cooperative agreement from complying with all applicable Federal, State, local laws. State and local edu-
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cational agencies are still the ultimate responsible, liable
parties for complying with all laws and funding require-
ments for any functions that are conveyed to tribes and
tribal education agencies through the cooperative agree-
ments.

“(e) DEFINITION.—For the purposes of this subpart,
the term ‘Indian Tribe’ means any tribe or band that is
officially recognized by the Secretary of the Interior.

“SUBPART 3—NATIONAL ACTIVITIES

“SEC. 6131. NATIONAL RESEARCH ACTIVITIES.

“(a) AUTHORIZED ACTIVITIES.—The Secretary may
use funds made available to carry out this subpart for each
fiscal year to—

“(1) conduct research related to effective ap-
proaches for improving the academic achievement
and development of Indian and Alaska Native chil-
dren and adults;

“(2) collect and analyze data on the educational
status and needs of Indian and Alaska Native stu-
dents; and

“(4) carry out other activities that are con-
sistent with the purpose of this part.

“(b) ELIGIBILITY.—The Secretary may carry out any
of the activities described in subsection (a) directly or
through grants to, or contracts or cooperative agreements
with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

“(c) COORDINATION.—Research activities supported under this section—

“(1) shall be coordinated with appropriate offices within the Department; and

“(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education Programs, the Office of Educational Research and Improvement, the Bureau of Indian Education, and the Institute of Education Sciences.

“SEC. 6132. IMPROVEMENT OF ACADEMIC SUCCESS FOR STUDENTS THROUGH NATIVE AMERICAN LANGUAGE.

“(a) PURPOSE.—It is the purpose of this section to improve educational opportunities and academic achievement of Indian and Alaska Native students through Native American language programs and to foster the acquisition of Native American language.

“(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means a State educational
agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, Indian institution (including an Indian institution of higher education), or a consortium of such entities.

“(c) GRANTS AUTHORIZED.—The Secretary shall award grants to eligible entities to enable such entities to carry out the following activities:

“(1) Native American language programs that—

“(A) provide instruction through the use of a Native American language for not less than 10 children for an average of not less than 500 hours per year per student;

“(B) provide for the involvement of parents, caregivers, and families of students enrolled in the program;

“(C) utilize, and may include the development of, instructional courses and materials for learning Native American languages and for instruction through the use of Native American languages;

“(D) provide support for professional development activities; and
“(E) include a goal of all students achieving—

“(i) fluency in a Native American language; and

“(ii) academic proficiency in mathematics, English, reading or language arts, and science.

“(2) Native American language restoration programs that—

“(A) provide instruction in not less than 1 Native American language;

“(B) provide support for professional development activities for teachers of Native American languages;

“(C) develop instructional materials for the programs; and

“(D) include the goal of increasing proficiency and fluency in not less than 1 Native American language.

“(d) APPLICATION.—

“(1) IN GENERAL.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.
“(2) CERTIFICATION.—An eligible entity that submits an application for a grant to carry out the activity specified in subsection (c)(1), shall include in such application a certification that assures that such entity has experience and a demonstrated record of effectiveness in operating and administering a Native American language program or any other educational program in which instruction is conducted in a Native American language.

“(e) GRANT DURATION.—The Secretary shall make grants under this section only on a multi-year basis. Each such grant shall be for a period not to exceed 5 years.

“(f) DEFINITION.—In this section, the term ‘average’ means the aggregate number of hours of instruction through the use of a Native American language to all students enrolled in a Native American language program during a school year divided by the total number of students enrolled in the program.

“(g) ADMINISTRATIVE COSTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of the funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

“(2) EXCEPTION.—An elementary school or secondary school for Indian students that receives
funds from a recipient of a grant under subsection (e) for any fiscal year may use not more than 10 percent of the funds for administrative purposes.

“SEC. 6133. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING AND DEVELOPMENT.

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

“(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;

“(2) develop education codes for schools within the territorial jurisdiction of the tribe;

“(3) provide support services and technical assistance to schools serving children of the tribe; and

“(4) perform child-find screening services for the preschool-aged children of the tribe to—

“(A) ensure placement in appropriate educational facilities; and

“(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.

“(b) PERIOD OF GRANT.—Each grant awarded under this section may be awarded for a period of not more than
3 years. Such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

“(c) Application for Grant.—

“(1) In general.—Each Indian tribe and tribal organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

“(2) Contents.—Each application described in paragraph (1) shall contain—

“(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

“(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved.

“(3) Approval.—The Secretary may approve an application submitted by a tribe or tribal organi-
zation pursuant to this section only if the Secretary
is satisfied that such application, including any doc-
umentation submitted with the application—

“(A) demonstrates that the applicant has
consulted with other education entities, if any,
within the territorial jurisdiction of the appli-
cant who will be affected by the activities to be
conducted under the grant;

“(B) provides for consultation with such
other education entities in the operation and
evaluation of the activities conducted under the
grant; and

“(C) demonstrates that there will be ade-
quate resources provided under this section or
from other sources to complete the activities for
which assistance is sought, except that the
availability of such other resources shall not be
a basis for disapproval of such application.

“(d) RESTRICTION.—A tribe may not receive funds
under this section if such tribe receives funds under sec-
tion 1144 of the Education Amendments of 1978.
“SEC. 6141. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

“(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the Council”), which shall—

“(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

“(2) represent different geographic areas of the United States.

“(b) DUTIES.—The Council shall—

“(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

“(A) with respect to which the Secretary has jurisdiction; and

“(B)(i) that includes Indian children or adults as participants; or

“(ii) that may benefit Indian children or adults;
“(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

“(3) submit to Congress, not later than June 30 of each year, a report on the activities of the Council, including—

“(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

“(B) recommendations concerning the funding of any program described in subparagraph (A).

“SEC. 6142. PEER REVIEW.

“The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2 or subpart 3.

“SEC. 6143. PREFERENCE FOR INDIAN APPLICANTS.

“In making grants and entering into contracts or cooperative agreements under subpart 2 or subpart 3, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organiza-
tions, and institutions are eligible to apply for grants, con-
tracts, or cooperative agreements.

“SEC. 6144. MINIMUM GRANT CRITERIA.

“The Secretary may not approve an application for a grant, contract, or cooperative agreement under subpart 2 or subpart 3 unless the application is for a grant, con-
tract, or cooperative agreement that is—

“(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant, con-
tract, or cooperative agreement; and

“(2) based on relevant research findings.

“SUBPART 5—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

“SEC. 6151. DEFINITIONS.

“For the purposes of this part:

“(1) ADULT.—The term ‘adult’ means an indi-

vidual who—

“(A) has attained the age of 16 years; or

“(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

“(2) FREE PUBLIC EDUCATION.—The term ‘free public education’ means education that is—
“(A) provided at public expense, under public supervision and direction, and without tuition charge; and

“(B) provided as elementary or secondary education in the applicable State or to preschool children.

“(3) INDIAN.—The term ‘Indian’ means an individual who is—

“(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

“(i) any tribe or band terminated since 1940; and

“(ii) any tribe or band recognized by the State in which the tribe or band resides;

“(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

“(C) considered by the Secretary of the Interior to be an Indian for any purpose;

“(D) an Alaska Native, as defined in section 6206(1); or

“(E) a member of an organized Indian group that received a grant under the Indian
Education Act of 1988 as in effect the day preceding the date of enactment of the Improving America’s Schools Act of 1994.

“(4) ALASKA NATIVE ORGANIZATION.—The term ‘Alaska Native Organization’ has the same meaning as defined in section 6206(2).

“SEC. 6152. AUTHORIZATIONS OF APPROPRIATIONS.

“(a) SUBPART 1.—For the purpose of carrying out subpart 1, there are authorized to be appropriated $98,245,425 for each of fiscal years 2014 through 2019.

“(b) SUBPARTS 2 AND 3.—For the purpose of carrying out subparts 2 and 3, there are authorized to be appropriated $33,303,534 for each of fiscal years 2014 through 2019.

“PART B—ALASKA NATIVE EDUCATION

“SEC. 6201. SHORT TITLE.

“This part may be cited as the ‘Alaska Native Educational Equity, Support, and Assistance Act’.

“SEC. 6202. FINDINGS.

“Congress finds and declares the following:

“(1) The preservation of culture and language is critical to the attainment of educational success, to the betterment of the conditions, and to the long-term well-being, of Alaska Natives. Alaska Native
students must be afforded a culturally relevant education.

“(2) It is the policy of the Federal Government to maximize the leadership of and participation by Alaska Natives in the planning and the management of Alaska Native education programs and to support efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

“(3) Many Alaska Native children enter and exit school with serious educational disadvantages.

“(4) Overcoming the magnitude of the geographic challenges, historical inequities, and other barriers to successfully improving educational outcomes for Alaska Native students in rural, village, and urban settings is challenging. Significant disparities between academic achievement of Alaska Native students and non-Native students continues, including lower graduation rates, increased school dropout rates, and lower achievement scores on standardized tests.

“(5) The preservation of Alaska Native cultures and languages and the integration of Alaska Native cultures and languages into education, positive identity development for Alaska Native students, and
local, place-based, and culture-based programming are critical to the attainment of educational success and the long-term well-being of Alaska Native students.

“(6) Improving educational outcomes for Alaska Native students increases access to employment opportunities.

“(7) The programs and activities authorized under this part give priority to Alaska Native organizations as a means of increasing Alaska Native parents’ and community involvement in the promotion of academic success of Alaska Native students.

“(8) The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for Alaska Native students. In 1983, pursuant to Public Law 98–63, Alaska ceased to receive educational funding from the Bureau of Indian Affairs. The Bureau of Indian Education does not operate any schools in Alaska, nor operate or fund Alaska Native education programs. The program under this part supports the Federal trust responsibility of the United States to Alaska Natives.
The purposes of this part are as follows:

(1) To recognize and address the unique educational needs of Alaska Natives.

(2) To recognize the role of Alaska Native languages and cultures in the educational success and long-term well-being of Alaska Native students.

(3) To integrate Alaska Native cultures and languages into education, develop Alaska Native students’ positive identity, and support local place-based and culture-based curriculum and programming.

(4) To authorize the development, management, and expansion of effective supplemental educational programs to benefit Alaska Natives.

(5) To provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.

(6) To ensure the maximum participation by Alaska Native educators and leaders in the planning, development, management, and evaluation of programs designed to serve Alaska Natives students, and to ensure Alaska Native organizations play a
meaningful role in supplemental educational services
provided to Alaska Native students.

“SEC. 6204. PROGRAM AUTHORIZED.

“(a) GENERAL AUTHORITY.—

“(1) GRANTS AND CONTRACTS.—The Secretary
is authorized to make grants to, or enter into con-
tracts with, Alaska Native organizations, State edu-
cational agencies, local educational agencies, edu-
cational entities with experience in developing or op-
erating Alaska Native educational programs or pro-
grams of instruction conducted in Alaska Native lan-
guages, cultural and community-based organizations
with experience in developing or operating programs
to benefit the educational needs of Alaska Natives,
and consortia of organizations and entities described
in this paragraph, to carry out programs that meet
the purposes of this part.

“(2) ADDITIONAL REQUIREMENT.—A State edu-
cational agency, local educational agency, edu-
cational entity with experience in developing or oper-
ating Alaska Native educational programs or pro-
grams of instruction conducted in Alaska Native lan-
guages, cultural and community-based organization
with experience in developing or operating programs
to benefit the educational needs of Alaska Natives,
or consortium of such organizations and entities is eligible for an award under this part only as part of a partnership involving an Alaska Native organization.

“(3) MANDATORY ACTIVITIES.—Activities provided through the programs carried out under this part shall include the following which shall only be provided specifically in the context of elementary and secondary education:

“(A) The development and implementation of plans, methods, and strategies to improve the education of Alaska Natives.

“(B) The collection of data to assist in the evaluation of the programs carried out under this part.

“(4) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include the following which shall only be provided specifically in the context of elementary and secondary education:

“(A) The development of curricula and programs that address the educational needs of Alaska Native students, including the following:
“(i) Curriculum materials that reflect the cultural diversity, languages, history, or the contributions of Alaska Natives.

“(ii) Instructional programs that make use of Alaska Native languages and cultures.

“(iii) Networks that develop, test, and disseminate best practices and introduce successful programs, materials, and techniques to meet the educational needs of Alaska Native students in urban and rural schools.

“(B) Training and professional development activities for educators, including the following:

“(i) Pre-service and in-service training and professional development programs to prepare teachers to develop appreciation for and understanding of Alaska Native cultures, values, ways of knowing and learning in order to effectively address the cultural diversity and unique needs of Alaska Native students.

“(ii) Recruitment and preparation of teachers who are Alaska Native.
“(iii) Programs that will lead to the certification and licensing of Alaska Native teachers, principals, and superintendents.

“(C) The development and operation of student enrichment programs, including those in science, technology, engineering, and mathematics that—

“(i) are designed to prepare Alaska Native students to excel in such subjects;

“(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs; and

“(iii) include activities that recognize and support the unique cultural and educational needs of Alaska Native children, and incorporate appropriately qualified Alaska Native elders and other tradition bearers.

“(D) Research and data collection activities to determine the educational status and needs of Alaska Native children.

“(E) Other research and evaluation activities related to programs carried out under this part.
“(F) Remedial and enrichment programs to assist Alaska Native students to be college or career ready upon graduation from high school.

“(G) Culturally based education programs designed and provided by an entity with demonstrated experience in—

“(i) providing programs of study, both on site and in local schools, to share the rich and diverse cultures of Alaska Native peoples among youth, elders, teachers, and the larger community;

“(ii) instructing Alaska Native youth in leadership, communication, Native culture, arts, and languages;

“(iii) increasing the high school graduation rate of Alaska Native students who are served;

“(iv) providing instruction in Alaska Native history and ways of living to students and teachers in the local school district;

“(v) providing intergenerational learning and internship opportunities to Alaska Native youth and young adults; and
“(vi) providing cultural immersion activities aimed at Alaska Native cultural preservation.

“(H) Statewide on-site exchange programs, for both students and teachers, that work to facilitate cultural relationships between urban and rural Alaskans to build mutual respect and understanding, and foster a statewide sense of common identity through host family, school, and community cross-cultural immersion.

“(I) Education programs for at-risk urban Alaska Native students in kindergarten through grade 12 that work to increase graduation rates among such students and that—

“(i) include culturally-informed curriculum intended to preserve and promote Alaska Native culture;

“(ii) partner effectively with the local school district by providing a school-within-a school program model;

“(iii) provide high-quality academic instruction, small classroom sizes, and social-emotional support for students from elementary school through high school, including residential support;
“(iv) work with parents to increase parental involvement in their students’ education;

“(v) work to improve academic proficiency and increase graduation rates;

“(vi) provide college preparation and career planning; and

“(vii) incorporate a strong data collection and continuous evaluation component at all levels of the program.

“(J) Statewide programs that provide technical assistance and support to schools and communities to engage adults in promoting the academic progress and overall well-being of Alaska Native people through child and youth development, positive youth-adult relationships, improved conditions for learning (school climate, student connection to school and community), and increased connections between schools and families.

“(K) Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing tech-prep, mentoring, training, and apprenticeship activities.
“(L) Support for the development and operational activities of regional vocational schools in rural areas of Alaska to provide students with necessary resources to prepare for skilled employment opportunities.

“(M) Other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

“(N) Regional leadership academies that demonstrate effectiveness in building respect, understanding, and fostering a sense of Alaska Native identity to promote their pursuit of and success in completing higher education or career training.

“(b) Limitation on Administrative Costs.—Not more than 5 percent of funds provided to an award recipient under this part for any fiscal year may be used for administrative purposes.

“(c) Priorities.—In awarding grants or contracts to carry out activities described in this subpart, the Secretary shall give priority to applications from Alaska Native Organizations. Such priority shall be explicitly delineated in the Secretary’s process for evaluating applications and applied consistently and transparently to all applications from Alaska Native Organizations.
“(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this part $31,453,135 for each of fiscal years 2014 through 2019.

“SEC. 6205. ADMINISTRATIVE PROVISIONS.

“(a) Application Required.—

“(1) In general.—No grant may be made under this part, and no contract may be entered into under this part, unless the Alaska Native organization or entity seeking the grant or contract submits an application to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this part.

“(2) Requirement for certain applicants.—An applicant described in section 6204(a)(2) shall, in the application submitted under this paragraph—

“(A) demonstrate that an Alaska Native organization was directly involved in the development of the program for which the application seeks funds and explicitly delineate the meaningful role that the Alaska Native organization will play in the implementation and evaluation of the program for which funding is sought; and
“(B) provide a copy of the Alaska Native organization’s governing document.

“(b) CONSULTATION REQUIRED.—Each applicant for an award under this part shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

“(c) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for an award under this part shall inform each local educational agency serving students who would participate in the program to be carried out under the grant or contract about the application.

“(d) CONTINUATION AWARDS.—An applicant described in section 6204(a)(2) that receives funding under this part shall periodically demonstrate to the Secretary, during the term of the award, that the applicant is continuing to meet the requirements of subsection (a)(2)(A).

“SEC. 6206. DEFINITIONS.

“In this part:

“(1) ALASKA NATIVE.—The term ‘Alaska Native’ has the same meaning as the term ‘Native’ has in section 3(b) of the Alaska Native Claims Settlement Act and their descendants.

“(2) ALASKA NATIVE ORGANIZATION.—The term ‘Alaska Native organization’ means a federally recognized tribe, consortium of tribes, regional non-
profit Native association, and an organization,
that—

“(A) has or commits to acquire expertise
in the education of Alaska Natives; and

“(B) has Alaska Natives in substantive
and policymaking positions within the organiza-
tion.

“PART C—NATIVE HAWAIIAN EDUCATION

“SEC. 6301. FINDINGS.

“Congress finds the following:

“(1) Native Hawaiians are a distinct and
unique indigenous people with a historical continuity
to the original inhabitants of the Hawaiian archi-
pelago, whose society was organized as a nation and
internationally recognized as a nation by the United
States, and many other countries.

“(2) Native Hawaiians have a cultural, historic,
and land-based link to the indigenous people who ex-
ercised sovereignty over the Hawaiian Islands.

“(3) The political status of Native Hawaiians is
comparable to that of American Indians and Alaska
Natives.

“(4) The political relationship between the
United States and the Native Hawaiian people has
been recognized and reaffirmed by the United
States, as evidenced by the inclusion of Native Hawaiians in many Federal statutes, including—

“(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);


“(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

“(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

“(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

“(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

“(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

“(H) the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

“(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

“(5) Many Native Hawaiian students lag behind other students in terms of—
“(A) school readiness factors;

“(B) scoring below national norms on education achievement tests at all grade levels;

“(C) underrepresentation in the uppermost achievement levels and in gifted and talented programs;

“(D) overrepresentation among students qualifying for special education programs;

“(E) underrepresentation in institutions of higher education and among adults who have completed 4 or more years of college;

“(6) The percentage of Native Hawaiian students served by the State of Hawaii Department of Education rose 30 percent from 1980 to 2008, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

“(7) The Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

“SEC. 6302. PURPOSES.

“(The purposes of this part are—
“(1) to authorize, develop, implement, assess, and evaluate innovative educational programs, Native Hawaiian language medium programs, Native Hawaiian culture-based education programs, and other education programs to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs in order to help such students meet challenging State student academic achievement standards;

“(2) to provide guidance to appropriate Federal, State, and local agencies to more effectively and efficiently focus resources, including resources made available under this part, on the development and implementation of—

“(A) innovative educational programs for Native Hawaiians;

“(B) rigorous and substantive Native Hawaiian language programs; and

“(C) Native Hawaiian culture-based educational programs; and

“(3) to create a system by which information from programs funded under this part will be collected, analyzed, evaluated, reported, and used in decisionmaking activities regarding the types of grants awarded under this part.
“SEC. 6303. NATIVE HAWAIIAN EDUCATION COUNCIL

GRANT.

“(a) Grant Authorized.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs that receive funding under this part, the Secretary shall award a grant to an education council, as described under subsection (b).

“(b) Education Council.—

“(1) Eligibility.—To be eligible to receive the grant under subsection (a), the council shall be an education council (referred to in this section as the ‘Education Council’) that meets the requirements of this subsection.

“(2) Composition.—The Education Council shall consist of 15 members of whom—

“(A) 1 shall be the President of the University of Hawaii (or a designee);

“(B) 1 shall be the Governor of the State of Hawaii (or a designee);

“(C) 1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);

“(D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);
“(E) I shall be the executive director of Hawaii’s Charter School Network (or a designee);

“(F) I shall be the chief executive officer of the Kamehameha Schools (or a designee);

“(G) I shall be the Chief Executive Officer of the Queen Lili‘uokalani Trust (or a designee);

“(H) I shall be a member, selected by the other members of the Education Council, who represents a private grant-making entity;

“(I) I shall be the Mayor of the County of Hawaii (or a designee);

“(J) I shall be the Mayor of Maui County (or a designee from the Island of Maui);

“(K) I shall be the Mayor of the County of Kauai (or a designee);

“(L) I shall be appointed by the Mayor of Maui County from the Island of either Molokai or Lanai;

“(M) I shall be the Mayor of the City and County of Honolulu (or a designee);

“(N) I shall be the chairperson of the Hawaiian Homes Commission (or a designee); and
“(O) 1 shall be the chairperson of the Hawaii Workforce Development Council (or a designee representing the private sector).

“(3) REQUIREMENTS.—Any designee serving on the Education Council shall demonstrate, as determined by the individual who appointed such designee with input from the Native Hawaiian community, not less than 5 years of experience as a consumer or provider of Native Hawaiian education or cultural activities, with traditional cultural experience given due consideration.

“(4) LIMITATION.—A member (including a designee), while serving on the Education Council, shall not be a recipient of grant funds that are awarded under this part.

“(5) TERM OF MEMBERS.—A member who is a designee shall serve for a term of not more than 4 years.

“(6) CHAIR, VICE CHAIR.—

“(A) SELECTION.—The Education Council shall select a Chair and a Vice Chair from among the members of the Education Council.

“(B) TERM LIMITS.—The Chair and Vice Chair shall each serve for a 2-year term.
“(7) Administrative provisions relating to education council.—The Education Council shall meet at the call of the Chair of the Council, or upon request by a majority of the members of the Education Council, but in any event not less often than every 120 days.

“(8) No compensation.—None of the funds made available through the grant may be used to provide compensation to any member of the Education Council or member of a working group established by the Education Council, for functions described in this section.

“(c) Use of funds for coordination activities.—The Education Council shall use funds made available through the grant to carry out each of the following activities:

“(1) Providing advice about the coordination, and serving as a clearinghouse for, the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.

“(2) Assessing the extent to which such services and programs meet the needs of Native Hawaiians, and collecting data on the status of Native Hawaiian education.
“(3) Providing direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serving, where appropriate, in an advisory capacity.

“(4) Awarding grants, if such grants enable the Education Council to carry out the activities described in paragraphs (1) through (3).

“(5) Hiring an executive director who shall assist in executing the duties and powers of the Education Council, as described in subsection (d).

“(d) USE OF FUNDS FOR TECHNICAL ASSISTANCE.—The Education Council shall use funds made available through the grant to—

“(1) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;

“(2) obtain from such grantees information and data regarding grants awarded under this part, including information and data about—

“(A) the effectiveness of such grantees in meeting the educational priorities established by the Education Council, as described in para-
graph (6)(D), using metrics related to these priorities; and

“(B) the effectiveness of such grantees in carrying out any of the activities described in section 6304(c) that are related to the specific goals and purposes of each grantee’s grant project, using metrics related to these priorities;

“(3) assess and define the educational needs of Native Hawaiians;

“(4) assess the programs and services available to address the educational needs of Native Hawaiians;

“(5) assess and evaluate the individual and aggregate impact achieved by grantees under this part in improving Native Hawaiian educational performance and meeting the goals of this part, using metrics related to these goals;

“(6) prepare and submit to the Secretary, at the end of each calendar year, an annual report that contains—

“(A) a description of the activities of the Education Council during the calendar year;

“(B) a description of significant barriers to achieving the goals of this part;
“(C) a summary of each community consultation session described in subsection (e); and

“(D) recommendations to establish priorities for funding under this part, based on an assessment of—

“(i) the educational needs of Native Hawaiians;

“(ii) programs and services available to address such needs;

“(iii) the effectiveness of programs in improving the educational performance of Native Hawaiian students to help such students meet challenging State student academic achievement standards; and

“(iv) priorities for funding in specific geographic communities.

“(e) USE OF FUNDS FOR COMMUNITY CONSULTATIONS.—The Education Council shall use funds made available though the grant under subsection (a) to hold not less than 1 community consultation each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, at which—

“(1) not less than 3 members of the Education Council shall be in attendance;
“(2) the Education Council shall gather community input regarding—

“(A) current grantees under this part, as of the date of the consultation;

“(B) priorities and needs of Native Hawaiians; and

“(C) other Native Hawaiian education issues; and

“(3) the Education Council shall report to the community on the outcomes of the activities supported by grants awarded under this part.

“(f) FUNDING.—For each fiscal year, the Secretary shall use the amount described in section 6305(d)(2), to make a payment under the grant. Funds made available through the grant shall remain available until expended.

“(g) REPORT.—Beginning not later than 2 years after the date of enactment of the Student Success Act, and for each subsequent year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives, and the Committee on Indian Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate, a report that—

“(1) summarizes the annual reports of the Education Council;
“(2) describes the allocation and use of funds under this part and the information gathered since the first annual report submitted by the Education Council to the Secretary under this section; and

“(3) contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

“SEC. 6304. GRANT PROGRAM AUTHORIZED.

“(a) GRANTS AND CONTRACTS.—In order to carry out programs that meet the purposes of this part, the Secretary is authorized to award grants to, or enter into contracts with—

“(1) Native Hawaiian educational organizations;

“(2) Native Hawaiian community-based organizations;

“(3) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian education and workforce development programs or programs of instruction in the Native Hawaiian language;

“(4) charter schools; and

“(5) consortia of the organizations, agencies, and institutions described in paragraphs (1) through (4).
“(b) PRIORITY.—In awarding grants and entering into contracts under this part, the Secretary shall give priority to—

“(1) programs that meet the educational priority recommendations of the Education Council, as described under section 6303(d)(6)(D);

“(2) the repair and renovation of public schools that serve high concentrations of Native Hawaiian students;

“(3) programs designed to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs in order to help such students meet challenging State student academic achievement standards, including activities relating to—

“(A) achieving competence in reading, literacy, mathematics, and science for students in preschool through grade 3;

“(B) the educational needs of at-risk children and youth;

“(C) professional development for teachers and administrators;

“(D) the use of Native Hawaiian language and preservation or reclamation of Native Hawaiian culture-based educational practices; and
“(E) other programs relating to the activities described in this part; and

“(4) programs in which a local educational agency, institution of higher education, or a State educational agency in partnership with a nonprofit entity serving underserved communities within the Native Hawaiian population apply for a grant or contract under this part as part of a partnership or consortium.

“(c) AUTHORIZED ACTIVITIES.—Activities provided through programs carried out under this part may include—

“(1) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of high-quality early learning services for Native Hawaiian children from the prenatal period through the age of kindergarten entry;

“(2) the operation of family-based education centers that provide such services as—

“(A) early care and education programs for Native Hawaiians; and

“(B) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;
“(3) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through grade 3 and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in grades 5 and 6;

“(4) activities to meet the special needs of Native Hawaiian students with disabilities, including—

“(A) the identification of such students and their needs;

“(B) the provision of support services to the families of such students; and

“(C) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

“(5) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

“(A) educational, psychological, and developmental activities designed to assist in the educational progress of such students; and

“(B) activities that involve the parents of such students in a manner designed to assist in the educational progress of such students;
“(6) the development of academic and vocational curricula to address the needs of Native Hawaiian students, including curricula materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

“(7) professional development activities for educators, including—

“(A) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

“(B) in-service programs to improve the ability of teachers who teach in schools with high concentrations of Native Hawaiian students to meet the unique needs of such students; and

“(C) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

“(8) the operation of community-based learning centers that address the needs of Native Hawaiian students, parents, families, and communities
through the coordination of public and private pro-
grams and services, including—

“(A) early education programs;

“(B) before, after, and Summer school
programs, expanded learning time, or weekend
academies;

“(C) career and technical education pro-
grams; and

“(D) programs that recognize and support
the unique cultural and educational needs of
Native Hawaiian children, and incorporate ap-
propriately qualified Native Hawaiian elders
and seniors;

“(9) activities, including program co-location,
that ensure Native Hawaiian students graduate col-
lege and career ready including—

“(A) family literacy services;

“(B) counseling, guidance, and support
services for students; and

“(C) professional development activities de-
dsigned to help educators improve the college
and career readiness of Native Hawaiian stu-
dents;
“(10) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

“(11) other research and evaluation activities related to programs carried out under this part; and

“(12) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

“(d) ADDITIONAL ACTIVITIES.—Notwithstanding any other provision of this part, funds made available to carry out this section as of the day before the date of enactment of the Student Success Act shall remain available until expended. The Secretary shall use such funds to support the following:

“(1) The repair and renovation of public schools that serve high concentrations of Native Hawaiian students.

“(2) The perpetuation of, and expansion of 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.
“(4) Public charter schools serving high concentrations of Native Hawaiian students.

“(e) ADMINISTRATIVE COSTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of funds provided to a recipient of a grant or contract under this section for any fiscal year may be used for administrative purposes.

“(2) EXCEPTION.—The Secretary may waive the requirement of paragraph (1) for a nonprofit entity that receives funding under this section and allow not more than 10 percent of funds provided to such nonprofit entity under this section for any fiscal year to be used for administrative purposes.

“SEC. 6305. ADMINISTRATIVE PROVISIONS.

“(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

“(b) DIRECT GRANT APPLICATIONS.—The Secretary shall provide a copy of all direct grant applications to the Education Council.
“(c) SUPPLEMENT NOT SUPPLANT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), funds made available under this part shall be used to supplement, and not supplant, any State or local funds used to achieve the purposes of this part.

“(2) EXCEPTION.—Paragraph (1) shall not apply to any nonprofit entity or Native Hawaiian community-based organization that receives a grant or other funds under this part.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this part $32,397,259 for each of fiscal years 2014 through 2019.

“(2) RESERVATION.—Of the funds appropriated under this subsection, the Secretary shall reserve, for each fiscal year after the date of enactment of the Student Success Act not less than $500,000 for the grant to the Education Council under section 6303.

“(3) AVAILABILITY.—Funds appropriated under this subsection shall remain available until expended.”.