

1 **TITLE VI—FLEXIBILITY AND**
2 **ACCOUNTABILITY**

3 **PART A—[TO BE SUPPLIED]**

4 **PART B—RURAL EDUCATION INITIATIVE**

5 **SEC. 621. SMALL, RURAL SCHOOL ACHIEVEMENT PRO-**
6 **GRAM.**

7 Subpart 1 of part B of title VI (20 U.S.C. 7345 et
8 seq.) is amended—

9 (1) by striking section 6211;

10 (2) by redesignating sections 6212 and 6213 as
11 sections 6211 and 6212, respectively;

12 (3) in section 6211 (as redesignated by para-
13 graph (2))—

14 (A) in the heading, by striking “**GRANT**”;

15 (B) in subsection (b)(1), by striking “sec-
16 tion 6211(b)” and inserting “subsection (d)”;

17 (C) by redesignating subsection (d) as sub-
18 section (e); and

19 (D) by inserting after subsection (c) the
20 following:

21 “(d) **ELIGIBILITY.**—

1 “(1) IN GENERAL.—A local educational agency
2 shall be eligible to use the applicable funding in ac-
3 cordance with this subsection if—

4 “(A)(i)(I) the total number of students in
5 average daily attendance at all of the schools
6 served by the local educational agency is fewer
7 than 600; or

8 “(II) each county or locale in which a
9 school served by the local educational agency is
10 located has a total population density of fewer
11 than 10 persons per square mile; and

12 “(ii) each of the schools served by the local
13 educational agency is designated with a school
14 locale code of 41, 42, or 43, as determined by
15 the Secretary; or

16 “(B) the agency meets the criteria estab-
17 lished in subparagraph (A)(i) and the Sec-
18 retary, in accordance with paragraph (2),
19 grants the State educational agency’s request to
20 waive the criterion described in subparagraph
21 (A)(ii).

22 “(2) CERTIFICATION.—The Secretary shall de-
23 termine whether to waive the criterion described in
24 paragraph (1)(A)(ii) based on a demonstration by
25 the local educational agency, and with the concur-

1 rence of the State educational agency, that the local
2 educational agency is located in an area defined as
3 rural by a governmental agency of the State.”; and

4 (4) in section 6212(b) (as redesignated by para-
5 graph (2)), by striking “the provisions of law de-
6 scribed in section 6211(c) shall” and inserting “this
7 subpart”.

8 **SEC. 622. RURAL AND LOW-INCOME SCHOOL PROGRAM.**

9 Subpart 2 of part B of title VI (20 U.S.C. 7351 et
10 seq.) is amended—

11 (1) in section 6221—

12 (A) in subsection (b)(1)(B), by striking “6,
13 7, or 8” and inserting “41, 42, or 43”;

14 (B) in subsection (c)(1), by striking “Bu-
15 reau of Indian Affairs” and inserting [“Bureau
16 of Indian Affairs”]; and

17 (C) by adding at the end the following:

18 [“(d) SPECIAL ELIGIBILITY RULE.—A local edu-
19 cational agency that is eligible to receive a grant under
20 this subpart and is also eligible to receive a grant under
21 subpart 1, may receive a grant under this subpart for a
22 fiscal year only if the local educational agency does not
23 receive a grant under subpart 1 for such fiscal year.”;]
24 and]

25 (2) in section 6224(c)—

1 (A) by striking “the Workforce” and in-
2 serting “Labor”; and

3 (B) by striking “local educational agencies
4 and schools used funds provided under this sub-
5 part; and” and inserting the following:

6 “(2) local educational agencies and schools used
7 funds provided under this subpart; and”.

8 **SEC. 623. ALTERNATIVE USE OF FUNDS.**

9 Part B of title VI (20 U.S.C. 7341 et seq.) is amend-
10 ed—

11 (1) by redesignating subpart 3 as subpart 4;
12 and

13 (2) by inserting after section 6224 the fol-
14 lowing:

15 **“Subpart 3—Alternative Use of Funds**

16 **“SEC. 6225. ALTERNATIVE USE OF FUNDS.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) APPLICABLE FUNDING.—The term ‘appli-
19 cable funding’ means funds provided under any of
20 the following provisions:

21 “(A) Subpart 2 and section 2412(a)(2)(A).

22 “(B) Section 4114.

23 “(C) Part A of title V.

24 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
25 CY.—The term ‘eligible local educational agency’

1 means a local educational agency that is eligible to
2 receive funds under subpart 1 or 2.

3 “(b) ALTERNATIVE USES.—

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of law, an eligible local educational agency
6 may use applicable funding that the agency receives
7 from the State educational agency for a fiscal year
8 to carry out local activities authorized under any of
9 the following provisions:

10 “(A) Part A of title I.

11 “(B) Part A or D of title II.

12 “(C) Title III.

13 “(D) Part A or B of title IV.

14 “(E) Part A of title V.

15 “(2) NOTIFICATION.—An eligible local edu-
16 cational agency shall notify the State educational
17 agency of the eligible local educational agency’s in-
18 tention to use applicable funding in accordance with
19 paragraph (1), by a date that is established by the
20 State educational agency for the notification.

21 “(c) DISBURSEMENT.—Each State educational agen-
22 cy that receives applicable funding for a fiscal year shall
23 disburse the applicable funding to local educational agen-
24 cies for alternative uses under this section for the fiscal
25 year at the same time as the State educational agency dis-

1 burses the applicable funding to local educational agencies
2 that do not intend to use the applicable funding for such
3 alternative uses for the fiscal year.”.

4 **SEC. 624. ANNUAL AVERAGE DAILY ATTENDANCE DETER-**
5 **MINATION.**

6 Section 6231 (20 U.S.C.7355) is amended—

7 (1) in subsection (a), by striking “section
8 6212” and inserting “section 6211”; and

9 (2) in subsection (b)—

10 (A) by striking “under section 6212 or
11 subpart 2, then” and inserting “under this
12 part, then”; and

13 (B) by striking “would have received under
14 section 6212 or subpart 2” and inserting
15 “would have received under this part”.

16 **SEC. 625. SUPPLEMENT, NOT SUPPLANT.**

17 Section 6232 (20 U.S.C. 7355a) is amended by strik-
18 ing “subpart 1 or subpart 2” and inserting “this part”.

19 **SEC. 626. AUTHORIZATION OF APPROPRIATIONS.**

20 Section 6234 (20 U.S.C. 7355c) is amended—

21 (1) by striking “2002” and inserting “2008”;

22 and

23 (2) by striking “\$300,000,000” and inserting

24 [“\$_____”].

1 **TITLE VII—INDIAN, NATIVE HA-**
2 **WAIAN, AND ALASKA NATIVE**
3 **EDUCATION**

4 **PART A—INDIAN EDUCATION**

5 **SEC. 711. PURPOSE.**

6 Section 7102 (20 U.S.C. 7402) is amended to read
7 as follows:

8 **“SEC. 7102. PURPOSE.**

9 “It is the purpose of this part to support the efforts
10 of local educational agencies, Indian tribes and organiza-
11 tions, postsecondary institutions, and other entities—

12 “(1) to improve the academic achievement of
13 Indian and Alaska Native students by comple-
14 menting and meeting their unique cultural, lan-
15 guage, and educational needs to ensure such stu-
16 dents meet challenging student academic achieve-
17 ment standards; and

18 “(2) to improve Indian and Alaska Native stu-
19 dents knowledge and understanding of Native com-
20 munities, languages, tribal histories, traditions, and
21 cultures.”.

22 **SEC. 712. FORMULA GRANT PURPOSE.**

23 Section 7111 (20 U.S.C. 7421) is amended by strik-
24 ing “that serve Indian students” and all that follows
25 through the period and inserting “designed to meet the

1 unique cultural, language, and educational needs of Indian
2 students and ensure such students meet challenging stu-
3 dent academic achievement standards, consistent with sec-
4 tion 1111(b).”.

5 **SEC. 713. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND**
6 **TRIBES.**

7 Section 7112(e) (20 U.S.C. 7422(e)) is amended to
8 read as follows:

9 “(c) INDIAN TRIBES.—If a local educational agency
10 that is otherwise eligible for a grant under this subpart
11 does not establish a committee under section 7114(e)(5)
12 for such grant—

13 “(1) an Indian tribe that represents not less
14 than $\frac{1}{3}$ of the eligible Indian children who are
15 served by such local educational agency may apply
16 for such grant; or

17 “(2) a consortium of Indian tribes representing
18 $\frac{1}{3}$ of the eligible Indian children who are served by
19 such local educational agency may apply for such
20 grant.”.

21 **SEC. 714. APPLICATIONS.**

22 (a) IN GENERAL.—Section 7114 (20 U.S.C. 7424)
23 is amended—

24 (1) in subsection (b)—

1 (A) in paragraph (2)(B), by striking “such
2 goals” and all that follows through the semi-
3 colon at the end and inserting “such goals, to
4 ensure such students meet challenging student
5 academic achievement standards”;

6 (B) in paragraph (3), by striking “, espe-
7 cially programs carried out under title I,”;

8 (C) in paragraph (5)(B), by striking “and”
9 after the semicolon;

10 (D) in paragraph (6)—

11 (i) in subparagraph (B)(i), by striking
12 “subsection (c)(4)” and inserting “sub-
13 section (c)(5)”;

14 (ii) in subparagraph (C), by striking
15 the period at the end and inserting “;
16 and”;

17 (E) by adding at the end the following:

18 “(7) describes how the local educational agency
19 will coordinate activities under this title with other
20 Federal programs supporting educational and re-
21 lated services administered by such agency.”;

22 (2) in subsection (c)—

23 (A) in paragraph (1), by striking “the edu-
24 cation of Indian children, and not to supplant
25 such funds” and inserting “services and activi-

1 ties consistent with those described in this sub-
2 part, and not to supplant such funds”;

3 (B) by redesignating paragraphs (2), (3),
4 and (4), as paragraphs (3), (4), and (5), re-
5 spectively; and

6 (C) by inserting after paragraph (1) the
7 following:

8 “(2) the local educational agency will use funds
9 received under this subpart only for activities de-
10 scribed and authorized under this subpart;”.

11 (b) TECHNICAL AMENDMENT.—Section 7113(d)(2)
12 (20 U.S.C. 2423(d)(2)) is amended by striking “section
13 7114(c)(4)” and inserting “section 7114(c)(5)”.

14 **SEC. 715. AUTHORIZED SERVICES AND ACTIVITIES.**

15 Section 7115 (20 U.S.C. 7425) is amended—

16 (1) in subsection (a), by adjusting the margin
17 of paragraph (1) to align with paragraphs (2) and
18 (3);

19 (2) in subsection (b)—

20 (A) by redesignating paragraphs (1)
21 through (11) as paragraphs (2) through (12),
22 respectively;

23 (B) by inserting before paragraph (2) (as
24 redesignated by subparagraph (A)) the fol-
25 lowing:

1 “(1) activities that support Native American
2 language programs and Native American language
3 restoration programs, including those authorized
4 under section 803 of the Native American Programs
5 Act of 1974, which may be taught by traditional
6 leaders;”;

7 (C) by striking paragraph (5) (as redesign-
8 ated by subparagraph (A)) and inserting the
9 following:

10 “(5) integrated educational services in combina-
11 tion with other programs, including programs that
12 promote parental involvement in school activities and
13 promote parental involvement to increase student
14 academic achievement, to meet the unique needs of
15 Indian children and their families;”;

16 (D) by striking paragraph (10) (as redesign-
17 ated by subparagraph (A)) and inserting the
18 following:

19 “(10) activities that incorporate Indian and
20 Alaska Native specific curriculum content compli-
21 menting Indian and Alaska Native language and cul-
22 ture into the curriculum used by the local edu-
23 cational agency, to ensure Indian and Alaska Native
24 students meet challenging student academic achieve-

1 ment standards, consistent with section 1111(b);”;
2 and

3 (E) in paragraph (12) (as redesignated by
4 subparagraph (A)), by striking “qualified tribal
5 elders and seniors” and inserting “traditional
6 leaders”; and

7 (3) in subsection (c)(1), by striking “section
8 7114(c)(4)” and inserting “section 7114(c)(5)”.

9 **SEC. 716. INTEGRATION OF SERVICES AUTHORIZED.**

10 Section 7116 (20 U.S.C. 7426) is amended—

11 (1) in subsection (d)(9), by striking “section
12 7114(c)(4)” and inserting “section 7114(c)(5)”;

13 (2) in subsection (g), in the matter preceding
14 paragraph (1)—

15 (A) by striking “the No Child Left Behind
16 Act of 2001” and inserting “**■**short title to be
17 supplied**■**”;

18 (B) by inserting “the Secretary of Health
19 and Human Services,” after “the Secretary of
20 the Interior,”; add

21 (C) by inserting “and coordination” after
22 “providing for the implementation”;

23 (3) by striking subsection (o) and inserting the
24 following:

1 “(o) REPORT ON STATUTORY OBSTACLES TO PRO-
2 GRAM INTEGRATION.—Not later than 3 years after the
3 date of enactment of the [short title], the Secretary of
4 Education shall submit a report to the Committee on Edu-
5 cation and Labor and the Committee on Natural Re-
6 sources of the House of Representatives and the Com-
7 mittee on Health, Education, Labor, and Pensions and the
8 Committee on Indian Affairs of the Senate on the results
9 of the implementation of the demonstration projects au-
10 thorized under this section. Such report shall identify stat-
11 utory barriers to the ability of participants to integrate
12 more effectively their education and related services to In-
13 dian students in a manner consistent with the objectives
14 of this section.”.

15 **SEC. 717. STUDENT ELIGIBILITY FORMS.**

16 Section 7117 (20 U.S.C. 7427) is amended—

17 (1) in subsection (b)(1)—

18 (A) in subparagraph (A)(ii), by inserting

19 “or membership” after “enrollment”; and

20 (B) in subparagraph (B), by inserting “or

21 membership” after “enrollment”; and

22 (2) by striking subsection (d) and inserting the
23 following:

24 “(d) FORMS AND STANDARDS OF PROOF.—

1 “(1) TYPES OF PROOF.—For purposes of deter-
2 mining whether a child is eligible to be counted for
3 the purpose of computing the amount of a grant
4 award under section 7113, the membership of the
5 child, or any parent or grandparent of the child, in
6 a tribe or band of Indians (as so defined) may be
7 established by proof other than an enrollment num-
8 ber, notwithstanding the availability of an enroll-
9 ment number for a member of such tribe or band.

10 “(2) PREVIOUSLY FILED FORMS.—An Indian
11 student eligibility form that was on file as required
12 by this section on the day before the date of enact-
13 ment of the **【short title to be supplied】** and that
14 met the requirements of this section, as this section
15 was in effect on the day before the date of enact-
16 ment of such Act, shall remain valid for such Indian
17 student.”;

18 (3) by striking subsection (e);

19 (4) by redesignating subsection (f) as sub-
20 section (e);

21 (5) in subsection (e) (as redesignated by para-
22 graph (4)), by striking paragraph (1)(B) and insert-
23 ing the following:

24 “(B) EXCEPTION.—A local educational
25 agency may not be held liable to the United

1 States or be subject to any penalty, by reason
2 of the findings of an audit that relates to the
3 date of completion, or the date of submission,
4 of any forms used to establish, before April 28,
5 1988, the eligibility of a child for an entitle-
6 ment under the Indian Elementary and Sec-
7 ondary School Assistance Act.”; and

8 (6) by inserting after subsection (e) (as redesign-
9 nated by paragraph (4)) the following:

10 “(f) TECHNICAL ASSISTANCE.—The Secretary shall
11 either directly or through a contract provide technical as-
12 sistance to a local educational agency upon request, in ad-
13 dition to any technical assistance available under section
14 1116 or available through the Institute of Education
15 Sciences, to support the services and activities described
16 under this section, including for the—

17 “(1) development of applications under this sec-
18 tion;

19 “(2) improvement in the quality of implementa-
20 tion, content of activities, and evaluation of activities
21 supported under this subpart;

22 “(3) integration of activities under this title
23 with other educational activities established by the
24 local educational agency; and

1 “(4) coordination of activities under this title
2 with programs administered by each Federal agency
3 providing grants for the provision of educational and
4 related services.”.

5 **SEC. 718. IMPROVEMENT OF ACADEMIC SUCCESS FOR STU-**
6 **DENTS THROUGH NATIVE AMERICAN LAN-**
7 **GUAGE.**

8 Section 7121 (20 U.S.C. 7441) is amended to read
9 as follows:

10 **“SEC. 7121. IMPROVEMENT OF ACADEMIC SUCCESS FOR**
11 **STUDENTS THROUGH NATIVE AMERICAN**
12 **LANGUAGE.**

13 “(a) **PURPOSE.**—It is the purpose of this section to
14 improve educational opportunities and academic achieve-
15 ment of Indian and Alaska Native students through Na-
16 tive American languages programs and to foster the acqui-
17 sition of Native American languages.

18 “(b) **ELIGIBLE ENTITIES.**—In this section, the term
19 ‘eligible entity’ means a State educational agency, local
20 educational agency, Indian tribe, Indian organization, fed-
21 erally supported elementary school or secondary school for
22 Indian students, Indian institution (including an Indian
23 institution of higher education), or a consortium of such
24 entities.

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

4 “(1) Native American language programs
5 that—

6 “(A) provide instruction through the use of
7 a Native American language for not less than
8 10 children for an average of not less than 500
9 hours per year per student;

10 “(B) provide for the involvement of par-
11 ents (or legal guardians) of students enrolled in
12 the program;

13 “(C) utilize, and may include the develop-
14 ment of instructional courses and materials for
15 learning Native American languages and for in-
16 struction through the use of Native American
17 languages;

18 “(D) provide support for professional de-
19 velopment activities; and

20 “(E) include a goal of all students achiev-
21 ing—

22 “(i) fluency in a Native American lan-
23 guage; and

1 “(ii) academic proficiency in mathe-
2 matics, English, reading or language arts,
3 and science.

4 “(2) Native American language restoration pro-
5 grams that—

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

8 “(B) provide support for professional de-
9 velopment activities for teachers of Native
10 American languages;

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

13 “(D) include the goal of increasing pro-
14 ficiency and fluency in not less than 1 Native
15 language.

16 “(d) APPLICATION.—

17 “(1) IN GENERAL.—An eligible entity that de-
18 sires to receive a grant under this section shall sub-
19 mit an application to the Secretary at such time, in
20 such manner, and accompanied by such information
21 as the Secretary may require.

22 “(2) CERTIFICATION.—An eligible entity that
23 submits an application for a grant to carry out the
24 activity specified in subsection (c)(1), shall include
25 in such application a certification that assures that

1 such entity has not less than 3 years of experience
2 in operating and administering a Native American
3 language program or any other educational program
4 in which instruction is conducted in a Native Amer-
5 ican language.

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

9 “(f) DEFINITION.—In this section, the term ‘average’
10 means the aggregate number of hours of instruction
11 through the use of a Native American language to all stu-
12 dents enrolled in a Native language program during a
13 school year divided by the total number of students en-
14 rolled in the program.

15 “(g) ADMINISTRATIVE COSTS.—Not more than 5 per-
16 cent of the funds provided to a grantee under this subpart
17 for any fiscal year may be used for administrative pur-
18 poses.”.

19 **SEC. 719. DEFINITIONS.**

20 Section 7151 (20 U.S.C. 7491) is amended—

21 (1) by striking paragraph (2);

22 (2) by redesignating paragraph (3) as para-
23 graph (2); and

24 (3) by adding at the end the following:

1 “(3) TRADITIONAL LEADERS.—The term ‘tradi-
2 tional leaders’ has the meaning given the term in the
3 Native American Languages Act of 1990 (25 U.S.C.
4 2902).”.

5 **SEC. 720. AUTHORIZATION OF APPROPRIATIONS.**

6 Section 7152 (20 U.S.C. 7492) is amended **[TO BE**
7 **SUPPLIED]**

8 **PART B—NATIVE HAWAIIAN EDUCATION**

9 **SEC. 731. PURPOSES.**

10 Section 7203 (20 U.S.C. 7513) is amended to read
11 as follows:

12 **“SEC. 7203. PURPOSES.**

13 “The purposes of this part are to—

14 “(1) authorize, develop, implement, assess, and
15 evaluate innovative educational programs, Native
16 Hawaiian language medium programs, Native Ha-
17 waiian culture-based education programs, and other
18 education programs to improve the academic
19 achievement of Native Hawaiian students by meet-
20 ing their unique cultural and language needs to help
21 such students meet challenging State academic con-
22 tent standards and challenging State student aca-
23 demic achievement standards;

24 “(2) provide guidance to appropriate Federal,
25 State, and local agencies to more effectively and effi-

1 ciently focus resources, including resources made
2 available under this part, on the development and
3 implementation of—

4 “(A) innovative educational programs for
5 Native Hawaiians;

6 “(B) rigorous and substantive Native Ha-
7 waiian language programs; and

8 “(C) Native Hawaiian culture-based edu-
9 cational programs;

10 “(3) create a system by which information from
11 programs funded under this part will be collected,
12 analyzed, evaluated, reported, and used in decision
13 making activities with respect to the types of grants
14 awarded under this part; and

15 “(4) develop, increase, and expand programs to
16 advance the purposes described in paragraphs (1)
17 through (3).”.

18 **SEC. 732. NATIVE HAWAIIAN EDUCATION COUNCIL.**

19 Section 7204 (20 U.S.C. 7514) is amended to read
20 as follows:

21 **“SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL.**

22 “(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDU-
23 CATION COUNCIL.—In order to better effectuate the pur-
24 poses of this part through the coordination of educational
25 and related services and programs available to Native Ha-

1 waiians, including those programs receiving funding under
2 this part, the Secretary shall establish a Native Hawaiian
3 Education Council (referred to in this part as the ‘Edu-
4 cation Council’).

5 “(b) COMPOSITION.—

6 “(1) IN GENERAL.—The Education Council
7 shall consist of 11 members of whom—

8 “(A) 1 shall be the President of the Uni-
9 versity of Hawaii (or a designee);

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

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

15 “(D) 1 shall be the chairperson of the Of-
16 fice of Hawaiian Affairs (or a designee);

17 “(E) 1 shall be the chief executive officer
18 of the Council for Native Hawaiian Advance-
19 ment (or a designee);

20 “(F) 1 shall be the chief executive officer
21 of the Kamehameha Schools (or a designee);

22 “(G) 1 shall be the individual who served
23 as chairperson of the entity known as the Na-
24 tive Hawaiian Education Council on the day be-

1 fore the date of enactment of the **【short title】**
2 (or a designee);

3 “(H) 1 shall be the chief executive officer
4 of the Hawaii Community Foundation (or a
5 designee); and

6 “(I) 3 shall be individuals selected by the
7 members of the Education Council appointed
8 under subparagraphs (B), (D), (E), (F), and
9 (H), by a majority vote and in accordance with
10 the requirements of subsection (c)(2), who—

11 “(i) shall serve for a term of 4 years;
12 and

13 “(ii) may not be recipients of any
14 Federal funds provided for Native Hawai-
15 ian education.

16 “(2) NONVOTING MEMBERS.—A member of the
17 Education Council appointed under subparagraph
18 (A) or (C) of paragraph (1) shall be a nonvoting
19 member of the Education Council.

20 “(c) VACANCIES.—A vacancy on the Education Coun-
21 cil—

22 “(1) shall not affect the powers of the Edu-
23 cation Council; and

1 “(2) shall be filled by an individual selected by
2 a majority vote of the members of the Education
3 Council, which individual—

4 “(A) shall have experience relating to—

5 “(i) the provision of grants to non-
6 profit educational programs or other pro-
7 grams providing services to Native Hawai-
8 ians; or

9 “(ii) designing, managing, and super-
10 vising the assessment and evaluation of
11 such a program; and

12 “(B)(i) shall serve for a term of 4 years;

13 and

14 “(ii) may, by a majority vote of the mem-
15 bers of the Education Council, serve for a sec-
16 ond consecutive term of 4 years.

17 “(d) CHAIR, VICE CHAIR, SECRETARY, AND TREAS-
18 URER.—

19 “(1) SELECTION.—The Education Council shall
20 select a Chair, Vice Chair, Secretary, and Treasurer
21 from among the members of the Education Council.

22 “(2) SERVICE AS EXECUTIVE BOARD.—The
23 Chair, Vice Chair, Secretary, and Treasurer selected
24 under paragraph (1) shall serve as the executive
25 board of the Education Council.

1 “(e) NATIVE HAWAIIAN EDUCATION COUNCIL
2 GRANT.—The Secretary shall make a grant to the Edu-
3 cation Council to carry out the following activities:

4 “(1) Coordinate the educational and related
5 services and programs available to Native Hawai-
6 ians, including the programs assisted under this
7 part.

8 “(2) Assess the extent to which such services
9 and programs meet the needs of Native Hawaiians,
10 and collect data on the status of Native Hawaiian
11 education.

12 “(3) Provide direction and guidance, through
13 the issuance of reports and recommendations, to ap-
14 propriate Federal, State, and local agencies in order
15 to focus and improve the use of resources, including
16 resources made available under this part, relating to
17 Native Hawaiian education, and serve, where appro-
18 priate, in an advisory capacity.

19 “(4) Make grants, if such grants enable the
20 Education Council to carry out the duties of the
21 Education Council, as described in paragraphs (1)
22 through (3).

23 “(f) DUTIES AND POWERS OF THE EDUCATION
24 COUNCIL.—

1 “(1) IN GENERAL.—The Education Council
2 shall—

3 “(A) obtain from the Secretary informa-
4 tion regarding grants awarded under this part;

5 “(B) provide technical assistance to Native
6 Hawaiian organizations that are grantees or po-
7 tential grantees under this part;

8 “(C) assess and define the educational
9 needs of Native Hawaiians;

10 “(D) assess the programs and services cur-
11 rently available to address the educational
12 needs of Native Hawaiians;

13 “(E) assess and evaluate the individual
14 and aggregate impact achieved by grantees in
15 improving Native Hawaiian educational per-
16 formance and meeting the goals of this part;

17 “(F) make recommendations to the Sec-
18 retary to establish priorities for funding under
19 this part, based on an assessment of—

20 “(i) the educational needs of Native
21 Hawaiians;

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

24 “(iii) the effectiveness of existing pro-
25 grams in improving the educational per-

1 performance of Native Hawaiians to help such
2 students meet challenging State student
3 academic achievement standards; and

4 “(G) prepare and submit to the Secretary
5 annual reports that contain—

6 “(i) a description of the activities of
7 the Education Council during the pre-
8 ceding calendar year;

9 “(ii) recommendations of the Edu-
10 cation Council, if any, regarding priorities
11 established under [section 7205(b);] and

12 “(iii) significant barriers to achieving
13 the goals of this part.

14 “(2) PRIORITIES.—The Education Council may
15 make recommendations under paragraph (1)(F) for
16 priorities for funding in specific geographic commu-
17 nities.

18 “(g) ESTABLISHMENT OF COMMUNITY COUNCILS.—
19 The Education Council may—

20 “(1) establish such community councils, includ-
21 ing Kupuna councils, and other working groups as
22 the Education Council determines to be necessary to
23 advise and assist the Education Council in carrying
24 out the duties under subsection (f)(1); and

1 “(2) from the funds made available to the Edu-
2 cation Council under section 7205(d)(1), provide
3 such administrative and financial support to those
4 community councils as the Education Council deter-
5 mines to be appropriate.

6 “(h) ADMINISTRATIVE PROVISIONS RELATING TO
7 EDUCATION COUNCIL.—The Education Council shall
8 meet at the call of the Chair of the Council, or upon re-
9 quest by a majority of the members of the Education
10 Council, but in any event not less often than every 120
11 days. The provisions of the Federal Advisory Committee
12 Act (5 U.S.C. App) shall not apply to the Education Coun-
13 cil.

14 “(i) FUNDING.—

15 “(1) IN GENERAL.—For each fiscal year, the
16 Secretary shall provide to the Education Council (in-
17 cluding through grants and contracts) the amount
18 described in section 7205(d)(1), to remain available
19 until expended.

20 “(2) NO COMPENSATION.—Each member of the
21 Education Council, and each member of a commu-
22 nity council, Kupuna council, or other working group
23 established by the Education Council, shall serve
24 without compensation.

1 “(j) REPORT.—Not later than 4 years after the date
2 of enactment of the **【short title】**, the Secretary shall pre-
3 pare and submit to the Committee on Education and
4 Labor of the House of Representatives, and the Com-
5 mittee on Indian Affairs and the Committee on Health,
6 Education, Labor, and Pensions of the Senate a report
7 that—

8 “(1) summarizes the annual reports of the Edu-
9 cation Council;

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

14 “(3) contains recommendations for changes in
15 Federal, State, and local policy to advance the pur-
16 poses of this part.”.

17 **SEC. 733. PROGRAM AUTHORIZED.**

18 Section 7205 (20 U.S.C. 7515 et seq.) is amended
19 to read as follows:

20 **“SEC. 7205. PROGRAM AUTHORIZED.**

21 “(a) GRANTS AND CONTRACTS.—In order to carry
22 out programs that meet the purposes of this part, the Sec-
23 retary is authorized to make direct grants to, or enter into
24 contracts with—

1 “(1) Native Hawaiian educational organiza-
2 tions;

3 “(2) Native Hawaiian community-based organi-
4 zations;

5 “(3) public and private nonprofit organizations,
6 agencies, and institutions with experience in devel-
7 oping or operating Native Hawaiian programs or
8 programs of instruction in the Native Hawaiian lan-
9 guage; and

10 “(4) consortia of the organizations, agencies,
11 and institutions described in paragraphs (1) through
12 (3).

13 “(b) PRIORITY.—In providing grants and entering
14 into contracts under this part, the Secretary shall give pri-
15 ority to—

16 “(1) programs designed to improve the aca-
17 demic achievement of Native Hawaiian students by
18 meeting their unique cultural and language needs to
19 help such students meet challenging State academic
20 content standards and challenging State student
21 academic achievement standards, including activities
22 relating to—

23 “(A) achieving competence in reading, lit-
24 eracy, mathematics, and science for students in
25 preschool through grade 3;

1 “(B) the educational needs of at-risk chil-
2 dren and youth;

3 “(C) professional development for teachers
4 and administrators;

5 “(D) the use of Native Hawaiian language
6 and Native Hawaiian culture-based educational
7 practices;

8 “(E) preparation for employment in fields
9 in which Native Hawaiians are underemployed
10 or underrepresented; and

11 “(F) other programs relating to the activi-
12 ties described in this part; and

13 “(2) programs that meet the educational prior-
14 ities established by the Education Council under
15 **【section 7204(g)(1)(F).】**

16 “(c) AUTHORIZED ACTIVITIES.—Activities provided
17 through programs carried out under this part may in-
18 clude—

19 “(1) the development and maintenance of a
20 statewide Native Hawaiian early education and care
21 system to provide a continuum of services for Native
22 Hawaiian children from the prenatal period of the
23 children through age 5;

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

1 “(A) programs for Native Hawaiian par-
2 ents and their infants from the prenatal period
3 of the infants through age 3;

4 “(B) preschool programs for Native Ha-
5 waiians; and

6 “(C) research on, and development and as-
7 sessment of, family-based, early childhood, and
8 preschool programs for Native Hawaiians;

9 “(3) activities that enhance beginning reading
10 and literacy in either the Hawaiian or the English
11 language among Native Hawaiian students in kin-
12 dergarten through third grade and assistance in ad-
13 dressing the distinct features of combined English
14 and Hawaiian literacy for Hawaiian speakers in fifth
15 and sixth grade;

16 “(4) activities to meet the special needs of Na-
17 tive Hawaiian students with disabilities, including—

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

20 “(B) the provision of support services to
21 the families of those students; and

22 “(C) other activities consistent with the re-
23 quirements of the Individuals with Disabilities
24 Education Act;

1 “(5) activities that address the special needs of
2 Native Hawaiian students who are gifted and tal-
3 ented, including—

4 “(A) educational, psychological, and devel-
5 opmental activities designed to assist in the
6 educational progress of such students; and

7 “(B) activities that involve the parents of
8 such students in a manner designed to assist in
9 the students’ educational progress;

10 “(6) the development of academic and voca-
11 tional curricula to address the needs of Native Ha-
12 waiian children and adults, including curriculum ma-
13 terials in the Hawaiian language and mathematics
14 and science curricula that incorporate Native Hawai-
15 ian tradition and culture;

16 “(7) professional development activities for edu-
17 cators, including—

18 “(A) the development of programs to pre-
19 pare prospective teachers to address the unique
20 needs of Native Hawaiian students within the
21 context of Native Hawaiian culture, language,
22 and traditions;

23 “(B) in-service programs to improve the
24 ability of teachers who teach in schools with

1 concentrations of Native Hawaiian students to
2 meet those students' unique needs; and

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

7 “(8) the operation of community-based learning
8 centers that address the needs of Native Hawaiian
9 families and communities through the coordination
10 of public and private programs and services, includ-
11 ing—

12 “(A) preschool programs;

13 “(B) after-school programs;

14 “(C) career and technical and adult edu-
15 cation programs; and

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

21 “(9) activities, including program co-location, to
22 enable Native Hawaiians to enter and complete pro-
23 grams of postsecondary education, including—

24 “(A) provision of full or partial scholar-
25 ships for undergraduate or graduate study that

1 are awarded to students based on their aca-
2 demic promise and financial need, with a pri-
3 ority, at the graduate level, given to students
4 entering professions in which Native Hawaiians
5 are underrepresented;

6 “(B) family literacy services;

7 “(C) counseling and support services for
8 students receiving scholarship assistance;

9 “(D) counseling and guidance for Native
10 Hawaiian secondary students who have the po-
11 tential to receive scholarships; and

12 “(E) faculty development activities de-
13 signed to promote the matriculation of Native
14 Hawaiian students;

15 “(10) research and data collection activities to
16 determine the educational status and needs of Na-
17 tive Hawaiian children and adults;

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

20 “(12) other activities, consistent with the pur-
21 poses of this part, to meet the educational needs of
22 Native Hawaiian children and adults.

23 “(d) SPECIAL RULE AND CONDITIONS.—

24 “(1) INSTITUTIONS OUTSIDE HAWAII.—The
25 Secretary may not establish a policy under this sec-

1 tion that prevents a Native Hawaiian student en-
2 rolled at a 2- or 4-year degree granting institution
3 of higher education outside of the State of Hawaii
4 from receiving a scholarship pursuant to subsection
5 (c)(9)(A).

6 “(2) SCHOLARSHIP CONDITIONS.—The Sec-
7 retary shall establish conditions for receipt of a
8 scholarship awarded under subsection (c)(9)(A). The
9 conditions shall require that an individual seeking
10 such a scholarship enter into a contract to provide
11 professional services, either during the scholarship
12 period or upon completion of a program of postsec-
13 ondary education, to the Native Hawaiian commu-
14 nity.

15 “(e) TREATMENT OF FUNDS.—

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

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

25 **【“(f) ADMINISTRATIVE COSTS.—】**

1 【“(1) IN GENERAL.—Except as provided in
2 paragraph (2), funds made available under this sec-
3 tion shall be used to supplement, and not supplant,
4 any State or local funds used to achieve the pur-
5 poses of this part.】

6 【“(2) EXCEPTION.—Paragraph (1) shall not
7 apply to any nonprofit entity or Native Hawaiian
8 community-based organization that receives a grant
9 or other funds under this section.】

10 “(g) AUTHORIZATION OF APPROPRIATIONS.—

11 “(1) IN GENERAL.—There are authorized to be
12 appropriated to carry out this section and section
13 7204 such sums as may be necessary for fiscal year
14 2008 and each of the 5 succeeding fiscal years.

15 “(2) RESERVATION.—Of the funds appro-
16 priated under this subsection, the Secretary shall re-
17 serve, for each of fiscal years 2008 through 2013—

18 “(A) not less than \$750,000 for the Edu-
19 cation Council;

20 “(B) not less than \$1,250,000 for the Na-
21 tive Hawaiian Law School Center of Excellence
22 at the University of Hawaii School of Law; and

23 【“(C) not less than \$1,250,000 to the
24 State of Hawaii Department of Education for
25 use by Hawaii 3R’s for the repair, renovation,

1 and restoration of public schools and Native
2 Hawaiian charter schools serving high con-
3 centrations of Native Hawaiian students.】

4 “(3) AVAILABILITY.—Funds appropriated
5 under this subsection shall remain available until ex-
6 pended.”.

7 **SEC. 734. DEFINITIONS.**

8 Section 7207 (20 U.S.C. 7517) is amended—

9 (1) by redesignating paragraphs (1) through
10 (6) as paragraphs (5) through (10), respectively;
11 and

12 (2) by inserting before paragraph (5) (as reded-
13 igned by paragraph (1)) the following:

14 “(1) COMMUNITY COUNCIL.—The term ‘com-
15 munity council’ means a group that—

16 “(A) is comprised of a majority of Native
17 Hawaiians who live in a particular geographic
18 area; and

19 “(B) is created for the express purpose of
20 receiving and providing information to the Edu-
21 cation Council.

22 “(2) COUNCIL FOR NATIVE HAWAIIAN AD-
23 VANCEMENT.—The term ‘Council for Native Hawai-
24 ian Advancement’ means the nonprofit member-
25 based association of Native Hawaiian organizations.

1 【“(3) HAWAII 3R’S.—The term ‘Hawaii 3R’s’
2 means the nonprofit entity that supports the repair,
3 renovation, and restoration of public schools through
4 public-private partnerships, including through con-
5 tributions of financial resources, professional serv-
6 ices, equipment, time, and labor to enhance learning
7 environments.】

8 “(4) KUPUNA COUNCIL.—The term ‘Kupuna
9 council’ means a council composed of elders who are
10 knowledgeable and skilled in Native Hawaiian lan-
11 guage and cultural practices.”.

12 **PART C—ALASKA NATIVE EDUCATION**

13 **SEC. 741. PROGRAM AUTHORIZED.**

14 Section 7304(d) (20 U.S.C. 7544(d)) is amended—

15 (1) in paragraph (1), by striking “2002” and
16 inserting “2008”; and

17 (2) in paragraph (2)(D), by striking
18 “\$2,000,000” and inserting “\$3,000,000”.