

Secretary shall certify to the Indian child's tribe, where the information warrants, that the child's parentage and other circumstances of birth entitle the child to enrollment under the criteria established by such tribe.

(Pub. L. 95-608, title III, §301, Nov. 8, 1978, 92 Stat. 3077.)

§ 1952. Rules and regulations

Within one hundred and eighty days after November 8, 1978, the Secretary shall promulgate such rules and regulations as may be necessary to carry out the provisions of this chapter.

(Pub. L. 95-608, title III, §302, Nov. 8, 1978, 92 Stat. 3077.)

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

§ 1961. Locally convenient day schools

(a) Sense of Congress

It is the sense of Congress that the absence of locally convenient day schools may contribute to the breakup of Indian families.

(b) Report to Congress; contents, etc.

The Secretary is authorized and directed to prepare, in consultation with appropriate agencies in the Department of Health and Human Services, a report on the feasibility of providing Indian children with schools located near their homes, and to submit such report to the Select Committee on Indian Affairs of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives within two years from November 8, 1978. In developing this report the Secretary shall give particular consideration to the provision of educational facilities for children in the elementary grades.

(Pub. L. 95-608, title IV, §401, Nov. 8, 1978, 92 Stat. 3078; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

"Department of Health and Human Services" substituted for "Department of Health, Education, and Welfare" in subsec. (b), pursuant to section 509(b) of Pub. L. 96-88 which is classified to section 3508(b) of Title 20, Education.

Select Committee on Indian Affairs of the Senate redesignated Committee on Indian Affairs of the Senate by section 25 of Senate Resolution No. 71, Feb. 25, 1993, One Hundred Third Congress.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress. Committee on Natural Resources of House of Representatives treated as referring to Committee on Resources of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

§ 1962. Copies to the States

Within sixty days after November 8, 1978, the Secretary shall send to the Governor, chief justice of the highest court of appeal, and the attorney general of each State a copy of this chapter, together with committee reports and an explanation of the provisions of this chapter.

(Pub. L. 95-608, title IV, §402, Nov. 8, 1978, 92 Stat. 3078.)

§ 1963. Severability

If any provision of this chapter or the applicability thereof is held invalid, the remaining provisions of this chapter shall not be affected thereby.

(Pub. L. 95-608, title IV, §403, Nov. 8, 1978, 92 Stat. 3078.)

CHAPTER 22—BUREAU OF INDIAN AFFAIRS PROGRAMS

- | | |
|---------------|---|
| Sec.
2001. | Standards for basic education of Indian children in Bureau of Indian Affairs schools. <ul style="list-style-type: none"> (a) Purpose. (b) Studies and surveys. (c) Revision of minimum academic standards. (d) Alternative or modified standards. (e) Waiver of standards. (f) Implementation of standards. (g) Annual plan for meeting of standards. (h) Closure or consolidation of schools. (i) Authorization of appropriations. (j) Alcohol and substance abuse prevention and treatment. (k) "Tribal governing body" defined. (l) Application for contracts or grants for non-Bureau funded schools or expansion of Bureau funded schools. |
| 2002. | National criteria for dormitory situations. <ul style="list-style-type: none"> (a) Study of costs. (b) Distribution and publication of criteria. (c) Implementation. (d) Waiver. (e) Authorization of appropriations. |
| 2003. | Regulations. <ul style="list-style-type: none"> (a) Incorporation of part 32 of title 25 of Code of Federal Regulations. (b) Application of parts 31, 33, 36, 39, 42, and 43 of title 25 of Code of Federal Regulations. (c) Regulations prescribed after June 30, 1989. (d) "Regulation" defined. |
| 2004. | School boundaries. <ul style="list-style-type: none"> (a) Establishment. (b) Alternative or revised boundaries. (c) Reservation as boundary. (d) Coordination and consultation with tribes and school boards. |
| 2005. | Facilities construction. <ul style="list-style-type: none"> (a) Compliance with health and safety standards. (b) Plan. (c) Priorities. (d) Hazardous conditions at Bureau schools. (e) Authorization of appropriations. |
| 2006. | Bureau of Indian Affairs education functions. <ul style="list-style-type: none"> (a) Formulation and establishment of policy and procedure; supervision of programs and expenditures. (b) Direction and supervision of personnel operations. (c) Evaluation of programs; services and support functions; technical and coordinating assistance. (d) Construction and improvement of facilities; operation and maintenance of facilities. (e) Acceptance of gifts and bequests. (f) "Functions" defined. |
| 2007. | Allotment formula. |

Sec.		Sec.	
	(a) Factors considered; revision to reflect standards.	2014.	Bureau education policies.
	(b) Pro rata allotment.	2015.	Uniform education procedures and practices.
	(c) Annual adjustment; reservation of amount for training.	2016.	Recruitment of Indian educators.
	(d) Reservation of amount for emergencies.	2017.	Biennial report.
	(e) Supplemental appropriations.	2018.	Rights of Indian students.
	(f) "Eligible Indian student" defined.	2019.	Repealed.
	(g) Tuition.	2020.	Voluntary services.
	(h) Funds available without fiscal year limitation.	2021.	Proration of pay.
	(i) Students boarding at Richfield Dormitory, Richfield, Utah.		(a) Election of employee.
2008.	Administrative cost grants.		(b) Change of election.
	(a) Purpose; effect upon appropriated amounts.		(c) Lump sum payment.
	(b) Determination of amount; reduction for Federal education program payments; reimbursement by Federal departments or agencies.		(d) "Educator" and "education position" defined.
	(c) Administrative cost percentage rate.	2022.	Extracurricular activities.
	(d) Administrative cost account; availability of funds; effect upon indirect cost recovery determinations.		(a) Stipend.
	(e) Definitions.		(b) Election not to receive stipend.
	(f) Studies for determination of factors affecting costs, minimum and maximum base rates, and standard direct cost base; report to Congress.		(c) Coverage of Bureau employees.
	(g) Authorization of appropriations; procedure where amount of funds necessary exceeds appropriated amount.	2023.	Early childhood development program.
	(h) Amounts for fiscal years 1989, 1990, and 1991.		(a) In general.
	(i) Application of section to certain tribally controlled schools.		(b) Amount of grant.
2009.	Division of Budget Analysis.		(c) Application.
	(a) Establishment.		(d) Functions of programs.
	(b) Functions.		(e) Administrative costs.
	(c) Annual reports.		(f) Authorization of appropriations.
2010.	Uniform direct funding and support.	2024.	Tribal departments of education.
	(a) Establishment of system.		(a) In general.
	(b) Local financial plans for expenditure of funds.		(b) Grants.
	(c) Use of self-determination grant funds.		(c) Priorities.
	(d) Technical assistance and training.		(d) Terms, conditions, or requirements.
	(e) Summer program of academic and support services.		(e) Authorization of appropriations.
	(f) Cooperative agreements.	2025.	Payments.
	(g) Product or result of student projects.	2026.	Definitions.
	(h) Federal matching funds requirements.		
2011.	Policy for Indian control of Indian education.		
	(a) Facilitation of Indian control.		
	(b) Consultation with tribes.		
2012.	Education personnel.		
	(a) In general.		
	(b) Regulations.		
	(c) Qualifications of educators.		
	(d) Hiring of educators.		
	(e) Discharge and conditions of employment of educators.		
	(f) Indian preferences.		
	(g) Applicability of chapter 51 of title 5.		
	(h) Compensation or annual salary.		
	(i) Annual and sick leave.		
	(j) Liquidation of remaining leave upon termination.		
	(k) Transfer of remaining leave upon transfer, promotion, or reemployment.		
	(l) Ineligibility for employment of voluntarily terminated educators.		
	(m) Dual compensation.		
	(n) Definitions.		
	(o) Covered individuals; election.		
	(p) Furlough without consent.		
2013.	Management information system.		

CODIFICATION

Part B of title XI of the Education Amendments of 1978, comprising this chapter, was originally enacted as part B of title XI of Pub. L. 95-561, Nov. 1, 1978, 92 Stat. 2316, and amended by 1978 Reorg. Plan No. 2, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; Pub. L. 96-46, Aug. 6, 1979, 93 Stat. 338; Pub. L. 96-88, Oct. 17, 1979, 93 Stat. 668; Pub. L. 97-375, Dec. 21, 1982, 96 Stat. 1819; Pub. L. 98-511, Oct. 19, 1984, 98 Stat. 2366; Pub. L. 99-89, Aug. 15, 1985, 99 Stat. 379; Pub. L. 99-228, Dec. 28, 1985, 99 Stat. 1747; Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207; Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 130; Pub. L. 100-427, Sept. 9, 1988, 102 Stat. 1603; Pub. L. 101-301, May 24, 1990, 104 Stat. 206; Pub. L. 102-531, Oct. 27, 1992, 106 Stat. 3469. Part B of title XI of the Act is shown herein, however, as having been added by Pub. L. 103-382 without reference to such intervening amendments because of the extensive amendment of the part's provisions by Pub. L. 103-382, title III, § 381, Oct. 20, 1994, 108 Stat. 3979.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2503, 2504, 2505 of this title; title 20 section 3489.

§ 2001. Standards for basic education of Indian children in Bureau of Indian Affairs schools

(a) Purpose

(1) The purpose of the standards developed under this section shall be to afford Indian students being served by a Bureau funded school with the same opportunities as all other students to achieve the National Education Goals embodied in the Goals 2000: Educate America Act [20 U.S.C. 5801 et seq.]. Consistent with the provisions of this section and section 2011 of this title, the Secretary shall take such actions as are necessary to coordinate standards developed and implemented under this section with those in the State improvement plans developed and implemented pursuant to the Goals 2000: Educate America Act for the States in which each Bureau funded school operates. In developing