

1979, 93 Stat. 341; Pub. L. 98-511, title V, §508, Oct. 19, 1984, 98 Stat. 2397, related to establishment of a computerized management information system, prior to the general amendment of this chapter by Pub. L. 103-382.

AMENDMENTS

1998—Subsec. (h)(3)(B)(iv). Pub. L. 105-362 struck out cl. (iv) which read as follows: “On or before February 1 of each year, the Secretary shall submit to Congress a report describing the requests and grants of authority under this subparagraph during the previous fiscal year and listing the positions contracted under those grants of authority.”

ADJUSTMENTS TO RATES OF BASIC COMPENSATION OR ANNUAL SALARY RATES FOR EDUCATION POSITIONS

Pub. L. 104-208, div. A, title I, §101(d) [title I], Sept. 30, 1996, 110 Stat. 3009-181, 3009-193, provided in part: “That in fiscal year 1997 and thereafter, notwithstanding the provisions of 25 U.S.C. 2012(h)(1)(A) and (B), upon the recommendation of either (i) a local school board and school supervisor for an education position in a Bureau of Indian Affairs operated school, or (ii) an Agency school board and education line officer for an Agency education position, the Secretary shall establish adjustments to the rates of basic compensation or annual salary rates established under 25 U.S.C. 2012(h)(1)(A) and (B) for education positions at the school or the Agency, at a level not less than that for comparable positions in the nearest public school district, and the adjustment shall be deemed to be a change to basic pay and shall not be subject to collective bargaining: *Provided further*, That any reduction to rates of basic compensation or annual salary rates below the rates established under 25 U.S.C. 2012(h)(1)(A) and (B) shall apply only to educators appointed after June 30, 1997, and shall not affect the right of an individual employed on June 30, 1997, in an education position, to receive the compensation attached to such position under 25 U.S.C. 2012(h)(1)(A) and (B) so long as the individual remains in the same position at the same school”.

Similar provisions were contained in the following prior appropriation act:

Pub. L. 104-134, title I, §101(c) [title I], Apr. 26, 1996, 110 Stat. 1321-156, 1321-171; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.

Pub. L. 105-83, title I, Nov. 14, 1997, 111 Stat. 1555, provided in part: “That beginning in fiscal year 1998 and thereafter and notwithstanding 25 U.S.C. 2012(h)(1)(B), when the rates of basic compensation for teachers and counselors at Bureau-operated schools are established at the rates of basic compensation applicable to comparable positions in overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act [20 U.S.C. 901 et seq.], such rates shall become effective with the start of the next academic year following the issuance of the Department of Defense salary schedule and shall not be effected retroactively”.

Similar provisions were contained in the following prior appropriation act:

Pub. L. 104-208, div. A, title I, §101(d) [title I], Sept. 30, 1996, 110 Stat. 3009-181, 3009-193.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2021, 2022 of this title.

§ 2013. Management information system

The Secretary shall establish within the Office, within 1 year after October 19, 1984, a computerized management information system, which shall provide information to the Office. Such information shall include—

- (1) student enrollment;

- (2) curriculum;
- (3) staff;
- (4) facilities;
- (5) community demographics;
- (6) student assessment information; and
- (7) information on the administrative and program costs attributable to each Bureau program, divided into discreet elements.

(Pub. L. 95-561, title XI, §1133, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 4010.)

PRIOR PROVISIONS

A prior section 2013, Pub. L. 95-561, title XI, §1133, Nov. 1, 1978, 92 Stat. 2327, related to Bureau education policies, practices, and procedures, prior to the general amendment of this chapter by Pub. L. 103-382.

§ 2014. Bureau education policies

Within 180 days of November 1, 1978, the Secretary shall develop, publish in the Federal Register, and submit to all agency and area offices of the Bureau, all tribal governments, and the appropriate committees of the Congress, a draft set of education policies, procedures, and practices for education-related action of the Bureau. The Secretary shall, within 1 year of November 1, 1978, provide that such uniform policies, procedures, and practices shall be finalized and promulgated. Thereafter, such policies, procedures, and practices and their periodic revisions, shall serve as the foundation for future Bureau actions in education.

(Pub. L. 95-561, title XI, §1134, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 4010.)

CODIFICATION

“November 1, 1978”, substituted in text for “the date of enactment of this Act”, which was translated as meaning the date of enactment of Pub. L. 95-561, which enacted this chapter.

PRIOR PROVISIONS

A prior section 2014, Pub. L. 95-561, title XI, §1134, Nov. 1, 1978, 92 Stat. 2327, related to uniform education procedures and practices by Bureau divisions, prior to the general amendment of this chapter by Pub. L. 103-382.

§ 2015. Uniform education procedures and practices

The Secretary shall cause the various divisions of the Bureau to formulate uniform procedures and practices with respect to such concerns of those divisions as relate to education, and shall report such practices and procedures to the Congress.

(Pub. L. 95-561, title XI, §1135, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 4010.)

PRIOR PROVISIONS

A prior section 2015, Pub. L. 95-561, title XI, §1135, Nov. 1, 1978, 92 Stat. 2327, related to recruitment policy for Indian educators and promotion plan for Bureau employees, prior to the general amendment of this chapter by Pub. L. 103-382.

§ 2016. Recruitment of Indian educators

The Secretary shall institute a policy for the recruitment of qualified Indian educators and a

detailed plan to promote employees from within the Bureau. Such plan shall include opportunities for acquiring work experience prior to actual work assignment.

(Pub. L. 95-561, title XI, §1136, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 4010.)

PRIOR PROVISIONS

A prior section 2016, Pub. L. 95-561, title XI, §1136, Nov. 1, 1978, 92 Stat. 2327; Pub. L. 97-375, title II, §208(b), Dec. 21, 1982, 96 Stat. 1825; Pub. L. 98-511, title V, §509, Oct. 19, 1984, 98 Stat. 2397; Pub. L. 99-89, §7, Aug. 15, 1985, 99 Stat. 383, related to annual reports to Congressional committees and audits, prior to the general amendment of this chapter by Pub. L. 103-382.

A prior section 2016a, Pub. L. 100-297, title VI, §6210, Apr. 28, 1988, 102 Stat. 427, directed Assistant Secretary of the Interior for Bureau of Indian Affairs to submit to appropriate committees of Congress, the President, and the Secretary by September 30 of every other year a report on education of Indian children, prior to repeal by Pub. L. 100-427, §27, Sept. 9, 1988, 102 Stat. 1614.

§ 2017. Biennial report

(a) The Secretary shall submit to each appropriate committee of the Congress a detailed biennial report on the state of education within the Bureau and any problems encountered in the field of education during the 2-year period covered by the report. Such report shall contain suggestions for improving the Bureau educational system and increasing local Indian control of such system. Such report shall also include the current status of tribally controlled community colleges. The annual budget submission for the Bureau's education programs shall, among other things, include—

(1) information on the funds provided previously private schools under section 458d of this title and recommendations with respect to the future use of such funds;

(2) the needs and costs of operation and maintenance of tribally controlled community colleges eligible for assistance under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) and recommendations with respect to meeting such needs and costs; and

(3) the plans required by sections 2001(g), 2002(c), and 2005(b),¹ of this title.

(b) The Inspector General of the Department of the Interior shall establish a system to ensure that financial and compliance audits are conducted of each Bureau school at least once in every three years. Audits of Bureau schools shall be based upon the extent to which such school has complied with its local financial plan under section 2010² of this title.

(Pub. L. 95-561, title XI, §1137, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 4011; amended Pub. L. 105-244, title IX, §901(d), Oct. 7, 1998, 112 Stat. 1828; Pub. L. 105-362, title VIII, §801(c)(4), Nov. 10, 1998, 112 Stat. 3288.)

REFERENCES IN TEXT

The Tribally Controlled College or University Assistance Act of 1978, referred to in subsec. (a)(2), is Pub. L.

¹ So in original. The comma probably should not appear.

² See References in Text note below.

95-471, Oct. 17, 1978, 92 Stat. 1325, as amended, which is classified principally to chapter 20 (§1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

Section 2005(b) of this title, referred to in subsec. (a)(3), was omitted from the Code.

Section 2010 of this title, referred to in subsec. (b), was in the original "section 1129", meaning section 1129 of Pub. L. 95-561, which is classified to section 2009 of this title, and was translated as reading "section 1130" to reflect the probable intent of Congress, because section 2010, not section 2009, contains provisions relating to local financial plans.

PRIOR PROVISIONS

A prior section 2017, Pub. L. 95-561, title XI, §1137, Nov. 1, 1978, 92 Stat. 2327, related to constitutional and civil rights of Indian children attending Bureau schools, prior to the general amendment of this chapter by Pub. L. 103-382.

AMENDMENTS

1998—Pub. L. 105-362, §801(c)(4)(A), substituted "Biennial report" for "Annual report" in section catchline.

Subsec. (a). Pub. L. 105-362, §801(c)(4)(B), in first sentence, substituted "biennial report" for "annual report" and "during the 2-year period covered by the report" for "during the year".

Subsec. (a)(2). Pub. L. 105-244 substituted "Tribally Controlled College or University Assistance Act of 1978" for "Tribally Controlled Community College Assistance Act of 1978".

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

§ 2018. Rights of Indian students

Within six months of November 1, 1978, the Secretary shall prescribe such rules and regulations as are necessary to ensure the constitutional and civil rights of Indian students attending Bureau schools, including such students' right to privacy under the laws of the United States, such students' right to freedom of religion and expression and such students' right to due process in connection with disciplinary actions, suspensions, and expulsions.

(Pub. L. 95-561, title XI, §1138, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 4011.)

CODIFICATION

"November 1, 1978" substituted in text for "the date of enactment of this Act", which was translated as meaning the date of enactment of Pub. L. 95-561, which enacted this chapter.

PRIOR PROVISIONS

A prior section 2018, Pub. L. 95-561, title XI, §1138, Nov. 1, 1978, 92 Stat. 2327; Pub. L. 98-511, title V, §510, Oct. 19, 1984, 98 Stat. 2397, related to regulations implementing administrative provisions, prior to the general amendment of this chapter by Pub. L. 103-382.

§ 2019. Repealed. Pub. L. 105-362, title VIII, § 801(c)(5), Nov. 10, 1998, 112 Stat. 3288

Section, Pub. L. 95-561, title XI, §1139, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 4011, related to promulgation of regulations.

A prior section 2019, Pub. L. 95-561, title XI, §1139, Nov. 1, 1978, 92 Stat. 2328; Pub. L. 100-297, title V, §5117,