

(h) Study on adequacy of funds and formulas**(1) Study**

The Comptroller General of the United States shall conduct a study to determine the adequacy of funding, and formulas used by the Bureau to determine funding, for programs operated by Bureau-funded schools, taking into account unique circumstances applicable to Bureau-funded schools. The study shall analyze existing information gathered and contained in germane studies that have been conducted or are currently being conducted with regard to Bureau-funded schools.

(2) Action

Upon completion of the study, the Secretary of the Interior shall take such action as necessary to ensure distribution of the findings of the study to all affected Indian tribes, local school boards, and associations of local school boards.

(Pub. L. 95-561, title XI, §1121, as added Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2007.)

REFERENCES IN TEXT

This section, referred to in subsec. (b)(4) and the second place appearing in subsec. (c)(1), mean section 1121 of Pub. L. 95-561, prior to the general amendment of this chapter by Pub. L. 107-110. See Prior Provisions notes below.

The Indian Self-Determination Act, referred to in subsec. (b)(8)(D)–(F), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to part A (§450f et seq.) of subchapter II of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

The Tribally Controlled Schools Act of 1988, referred to in subsecs. (b)(8)(D)–(F) and (d)(7)(C), is part B (§§5201-5212) of title V of Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 385, as amended, which is classified generally to chapter 27 (§2501 et seq.) of this title. Sections 5204 and 5207 of the Act were classified to sections 2503 and 2506, respectively, of this title, prior to repeal by Pub. L. 107-110, title X, §1043, Jan. 8, 2002, 115 Stat. 2063. Pub. L. 107-110 enacted new sections 5204 and 5207 which are classified to sections 2503 and 2506, respectively, of this title. Pub. L. 107-110 enacted new sections 5203 and 5206 of Pub. L. 100-297, relating to subject matter similar to that of former sections 5204 and 5207, respectively, which are classified to sections 2502 and 2505, respectively, of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables.

The Indian Self-Determination and Education Assistance Act referred to in subsec. (e)(4)(C), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, as amended, which is classified principally to part A (§450 et seq.) of subchapter II of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

PRIOR PROVISIONS

A prior section 2001, Pub. L. 95-561, title XI, §1121, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 3979; amended Pub. L. 104-134, title I, §101(d) [title VII, §703(d)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-255; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 105-362, title VIII, §801(c)(1), Nov. 10, 1998, 112 Stat. 3287, related to standards for basic education of Indian children in Bureau of Indian Affairs schools, prior to the general amendment of this chapter by Pub. L. 107-110.

Another prior section 2001, Pub. L. 95-561, title XI, §1121, Nov. 1, 1978, 92 Stat. 2316; Pub. L. 96-46, §2(b)(2)–(4), Aug. 6, 1979, 93 Stat. 341; Pub. L. 96-88, title

III, §301(a)(1), title V, §507, Oct. 17, 1979, 93 Stat. 677, 692; Pub. L. 98-511, title V, §502, Oct. 19, 1984, 98 Stat. 2391; Pub. L. 99-89, §2, Aug. 15, 1985, 99 Stat. 379; Pub. L. 99-570, title IV, §4133(b)(3), Oct. 27, 1986, 100 Stat. 3207-134; Pub. L. 100-297, title V, §§5102, 5104, Apr. 28, 1988, 102 Stat. 363, 365; Pub. L. 100-427, §1(a), (b), Sept. 9, 1988, 102 Stat. 1603; Pub. L. 102-531, title III, §312(b), Oct. 27, 1992, 106 Stat. 3504, related to standards for basic education of Indian children in Bureau or contract schools, prior to the general amendment of this chapter by Pub. L. 103-382.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2005, 2007, 2010, 2015 of this title.

§ 2002. National criteria for home-living situations**(a) Revision of standards****(1) In general**

The Secretary, in consultation with the Secretary of Education, Indian organizations and tribes, and Bureau-funded schools, shall revise the national standards for home-living (dormitory) situations to include such factors as heating, lighting, cooling, adult-child ratios, needs for counselors (including special needs related to off-reservation home-living (dormitory) situations), therapeutic programs, space, and privacy.

(2) Implementation

Such standards shall be implemented in Bureau-operated schools, and shall serve as minimum standards for contract or grant schools.

(3) Revision after establishment

Once established, any revisions of such standards shall be developed according to the requirements established under section 2017 of this title.

(b) Implementation

The Secretary shall implement the revised standards established under this section immediately upon completion of the standards.

(c) Plan**(1) In general**

The Secretary shall submit to the appropriate committees of Congress, the tribes, and the affected schools, and publish in the Federal Register, a detailed plan to bring all Bureau-funded schools that provide home-living (dormitory) situations up to the standards established under this section.

(2) Components of plan

The plan described in paragraph (1) shall include—

(A) a statement of the relative needs of each Bureau-funded home-living (dormitory) school;

(B) projected future needs of each Bureau-funded home-living (dormitory) school;

(C) detailed information on the status of each school in relation to the standards established under this section;

(D) specific cost estimates for meeting each standard for each such school;

(E) aggregate cost estimates for bringing all such schools into compliance with the criteria established under this section; and

(F) specific timelines for bringing each school into compliance with such standards.

(d) Waiver

(1) In general

A tribal governing body or local school board may, in accordance with this subsection, waive the standards established under this section for a school described in subsection (a) of this section.

(2) Inappropriate standards

(A) In general

A tribal governing body, or the local school board so designated by the tribal governing body, may waive, in whole or in part, the standards established under this section if such standards are determined by such body or board to be inappropriate for the needs of students from that tribe.

(B) Alternative standards

The tribal governing body or school board involved shall, not later than 60 days after providing a waiver under subparagraph (A) for a school, submit to the Director a proposal for alternative standards that take into account the specific needs of the tribe's children. Such alternative standards shall be established by the Director for the school involved unless specifically rejected by the Director for good cause and in writing provided to the affected tribes or local school board.

(e) Closure for failure to meet standards prohibited

No school in operation on or before July 1, 1999 (regardless of compliance or noncompliance with the standards established under this section), may be closed, transferred to another authority, or consolidated, and no program of such a school may be substantially curtailed, because the school failed to meet such standards.

(Pub. L. 95-561, title XI, §1122, as added Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2018.)

PRIOR PROVISIONS

A prior section 2002, Pub. L. 95-561, title XI, §1122, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 3984; amended Pub. L. 105-362, title VIII, §801(c)(2), Nov. 10, 1998, 112 Stat. 3288, related to national criteria for dormitory situations, prior to the general amendment of this chapter by Pub. L. 107-110.

Another prior section 2002, Pub. L. 95-561, title XI, §1122, Nov. 1, 1978, 92 Stat. 2318; Pub. L. 96-46, §2(b)(5), Aug. 6, 1979, 93 Stat. 341; Pub. L. 96-88, title III, §301(a)(1), title V, §507, Oct. 17, 1979, 93 Stat. 677, 692; Pub. L. 100-297, title V, §5105, Apr. 28, 1988, 102 Stat. 367, related to national criteria for dormitory situations, prior to the general amendment of this chapter by Pub. L. 103-382.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2002, 2007, 2015 of this title.

§ 2003. Codification of regulations

(a) Part 32 of Title 25, Code of Federal Regulations

The provisions of part 32 of title 25, Code of Federal Regulations, as in effect on January 1, 1987, are incorporated into this Act and shall be

treated as though such provisions are set forth in this subsection. Such provisions may be altered only by means of an Act of Congress. To the extent that such provisions of part 32 do not conform with this Act or any statutory provision of law enacted before November 1, 1978, the provisions of this Act and the provisions of such other statutory law shall govern.

(b) Definition of regulation

In this section, the term “regulation” means any rule, regulation, guideline, interpretation, order, or requirement of general applicability prescribed by any officer or employee of the executive branch.

(Pub. L. 95-561, title XI, §1123, as added Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2019.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), means Pub. L. 95-561, Nov. 1, 1978, 92 Stat. 2143, as amended, known as the Education Amendments of 1978. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note set out under section 6301 of Title 20, Education, and Tables.

PRIOR PROVISIONS

A prior section 2003, Pub. L. 95-561, title XI, §1123, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 3985, related to the incorporation of regulations into, or the application of regulations to, Pub. L. 95-561, prior to the general amendment of this chapter by Pub. L. 107-110.

Another prior section 2003, Pub. L. 95-561, title XI, §1123, Nov. 1, 1978, 92 Stat. 2319; Pub. L. 100-297, title V, §5106, Apr. 28, 1988, 102 Stat. 367, related to the incorporation of regulations into, or the application of regulations to, Pub. L. 95-561, prior to the general amendment of this chapter by Pub. L. 103-382.

§ 2004. School boundaries

(a) Establishment by Secretary

The Secretary shall establish, by regulation, separate geographical attendance areas for each Bureau-funded school.

(b) Establishment by tribal body

In any case where there is more than one Bureau-funded school located on an Indian reservation, at the direction of the tribal governing body, the relevant school boards of the Bureau-funded schools on the reservation may, by mutual consent, establish the relevant attendance areas for such schools, subject to the approval of the tribal governing body. Any such boundaries so established shall be accepted by the Secretary.

(c) Boundary revisions

(1) Notice

On or after July 1, 2001, no geographical attendance area shall be revised or established with respect to any Bureau-funded school unless the tribal governing body or the local school board concerned (if so designated by the tribal governing body) has been afforded—

(A) at least 6 months notice of the intention of the Bureau to revise or establish such attendance area; and

(B) the opportunity to propose alternative boundaries.

(2) Revision process

Any tribe may petition the Secretary for revision of existing attendance area boundaries.