

TITLE 25 - INDIANS
CHAPTER 27 - TRIBALLY CONTROLLED SCHOOL GRANTS

§ 2511. Definitions

In this chapter:

(1) Bureau

The term “Bureau” means the Bureau of Indian Affairs of the Department of the Interior.

(2) Eligible Indian student

The term “eligible Indian student” has the meaning given such term in section 2007 (f) of this title.

(3) Indian

The term “Indian” means a member of an Indian tribe, and includes individuals who are eligible for membership in a tribe, and the child or grandchild of such an individual.

(4) Indian tribe

The term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community, including an Alaska Native Village Corporation or Regional Corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.]), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(5) Local educational agency

The term “local educational agency” means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State or such combination of school districts or counties as are recognized in a State as an administrative agency for the State’s public elementary schools or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(6) Secretary

The term “Secretary” means the Secretary of the Interior.

(7) Tribal governing body

The term “tribal governing body” means, with respect to any school that receives assistance under this Act,¹ the recognized governing body of the Indian tribe involved.

(8) Tribal organization

(A) In general

The term “tribal organization” means—

(i) the recognized governing body of any Indian tribe; or

(ii) any legally established organization of Indians that—

(I) is controlled, sanctioned, or chartered by such governing body or is democratically elected by the adult members of the Indian community to be served by such organization; and

(II) includes the maximum participation of Indians in all phases of the organization’s activities.

(B) Authorization

In any case in which a grant is provided under this chapter to an organization to provide services through a tribally controlled school benefiting more than one Indian tribe, the approval of the

NB: This unofficial compilation of the U.S. Code is current as of Jan. 3, 2005 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

governing bodies of Indian tribes representing 80 percent of the students attending the tribally controlled school shall be considered a sufficient tribal authorization for such grant.

(9) Tribally controlled school

The term “tribally controlled school” means a school that—

- (A) is operated by an Indian tribe or a tribal organization, enrolling students in kindergarten through grade 12, including a preschool;
- (B) is not a local educational agency; and
- (C) is not directly administered by the Bureau of Indian Affairs.

Footnotes

¹ See References in Text note below.

(Pub. L. 100–297, title V, § 5212, as added Pub. L. 107–110, title X, § 1043, Jan. 8, 2002, 115 Stat. 2078.)

References in Text

The Alaska Native Claims Settlement Act, referred to in par. (4), is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

This Act, referred to in par. (7), is Pub. L. 100–297 and probably should be “this part”, meaning part B of title V of Pub. L. 100–297, known as the Tribally Controlled Schools Act of 1988, which is classified generally to this chapter. For complete classification of part B to the Code, see Short Title note set out under section 2501 of this title and Tables.

Prior Provisions

A prior section 2511, Pub. L. 100–297, title V, § 5212, Apr. 28, 1988, 102 Stat. 394, defined terms, prior to repeal by Pub. L. 107–110, title X, § 1043, Jan. 8, 2002, 115 Stat. 2063.

Effective Date

Section effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107–110, set out as a note under section 6301 of Title 20, Education.