

113TH CONGRESS  
1ST SESSION

# H. R. 2287

To amend the Elementary and Secondary Education Act of 1965 regarding  
Native Hawaiian education.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2013

Ms. GABBARD (for herself, Ms. HANABUSA, and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Elementary and Secondary Education Act  
of 1965 regarding Native Hawaiian education.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Native Hawaiian Edu-  
5 cation Act”.

6 **SEC. 2. FINDINGS.**

7 Section 7202 of the Elementary and Secondary Edu-  
8 cation Act of 1965 (20 U.S.C. 7512) is amended to read  
9 as follows:

1 **“SEC. 7202. FINDINGS.**

2 “Congress finds the following:

3 “(1) Native Hawaiians are a distinct and  
4 unique indigenous people with a historical continuity  
5 to the original inhabitants of the Hawaiian archi-  
6 pelago, whose society was organized as a nation and  
7 internationally recognized as a nation by the United  
8 States, the United Kingdom, France, and Japan, as  
9 evidenced by treaties governing friendship, com-  
10 merce, and navigation.

11 “(2) The United States has recognized and re-  
12 affirmed that—

13 “(A) Native Hawaiians have a cultural,  
14 historic, and land-based link to the indigenous  
15 people who exercised sovereignty over the Ha-  
16 waiian Islands, and that group has never relin-  
17 quished its claims to sovereignty or its sov-  
18 ereign lands;

19 “(B) the United States furnishes services  
20 to Native Hawaiians because of their unique  
21 status as the indigenous people of a once sov-  
22 ereign nation with whom the United States has  
23 established a trust relationship;

24 “(C) Congress has also delegated broad  
25 authority to administer a portion of the Federal  
26 trust responsibility to the State of Hawaii;

1           “(D) the political status of Native Hawai-  
2           ians is comparable to that of American Indians  
3           and Alaska Natives; and

4           “(E) the aboriginal, indigenous people of  
5           the United States have—

6                   “(i) a continuing right to autonomy in  
7                   their internal affairs; and

8                   “(ii) an ongoing right of self-deter-  
9                   mination and self-governance that has  
10                  never been extinguished.

11           “(3) The political relationship between the  
12           United States and the Native Hawaiian people has  
13           been recognized and reaffirmed by the United  
14           States, as evidenced by the inclusion of Native Ha-  
15           waiians in—

16                   “(A) the Native American Programs Act of  
17                   1974 (42 U.S.C. 2991 et seq.);

18                   “(B) Public Law 95–341 (commonly  
19                   known as the ‘American Indian Religious Free-  
20                   dom Act’ (42 U.S.C. 1996));

21                   “(C) the National Museum of the Amer-  
22                   ican Indian Act (20 U.S.C. 80q et seq.);

23                   “(D) the Native American Graves Protec-  
24                   tion and Repatriation Act (25 U.S.C. 3001 et  
25                   seq.);

1           “(E) the National Historic Preservation  
2 Act (16 U.S.C. 470 et seq.);

3           “(F) the Native American Languages Act  
4 (25 U.S.C. 2901 et seq.);

5           “(G) the American Indian, Alaska Native,  
6 and Native Hawaiian Culture and Art Develop-  
7 ment Act (20 U.S.C. 4401 et seq.);

8           “(H) the Workforce Investment Act of  
9 1998 (29 U.S.C. 2801 et seq.); and

10          “(I) the Older Americans Act of 1965 (42  
11 U.S.C. 3001 et seq.).

12          “(4) In 1993, 2005, and 2009, the Kameha-  
13 meha Schools Bishop Estate released the findings of  
14 the Native Hawaiian Educational Assessment Proj-  
15 ect, which found that despite the successes of the  
16 programs established under title IV of the Augustus  
17 F. Hawkins-Robert T. Stafford Elementary and Sec-  
18 ondary School Improvement Amendments of 1988,  
19 many of the same educational needs still existed for  
20 Native Hawaiians. Subsequent reports by the Kame-  
21 hameha Schools Bishop Estate and other organiza-  
22 tions have generally confirmed those findings. For  
23 example—

24           “(A) Native Hawaiian students continue to  
25 begin their school experience lagging behind

1 other students in terms of readiness factors  
2 such as vocabulary test scores;

3 “(B) Native Hawaiian students continue to  
4 score below national norms on standardized  
5 education achievement tests at all grade levels;

6 “(C) both public and private schools con-  
7 tinue to show a pattern of lower percentages of  
8 Native Hawaiian students in the uppermost  
9 achievement levels and in gifted and talented  
10 programs;

11 “(D) Native Hawaiian students continue to  
12 be overrepresented among students qualifying  
13 for special education programs provided to stu-  
14 dents with learning disabilities, mild mental re-  
15 tardation, emotional impairment, and other  
16 such disabilities;

17 “(E) Native Hawaiians continue to be  
18 underrepresented in institutions of higher edu-  
19 cation and among adults who have completed 4  
20 or more years of college; and

21 “(F) Native Hawaiians continue to be dis-  
22 proportionately represented in many negative  
23 social and physical statistics indicative of spe-  
24 cial educational needs.

1           “(5) The number of Native Hawaiian students  
2 served by the State of Hawaii Department of Edu-  
3 cation has risen from 20 percent in 1980 to 26 per-  
4 cent in 2008, and there are, and will continue to be,  
5 geographically rural, isolated areas with a high Na-  
6 tive Hawaiian population density.

7           “(6) Despite the consequences of more than  
8 100 years of nonindigenous influence, the Native  
9 Hawaiian people are determined to preserve, de-  
10 velop, and transmit to future generations their an-  
11 cestral territory and their cultural identity, in ac-  
12 cordance with their own spiritual and traditional be-  
13 liefs, customs, practices, language, and social institu-  
14 tions.

15           “(7) The State of Hawaii, in the constitution  
16 and statutes of the State of Hawaii—

17           “(A) reaffirms and protects the unique  
18 right of the Native Hawaiian people to practice  
19 and perpetuate their culture and religious cus-  
20 toms, beliefs, practices, and language;

21           “(B) recognizes the traditional language of  
22 the Native Hawaiian people as an official lan-  
23 guage of the State of Hawaii, which may be  
24 used as the language of instruction for all sub-

1           jects and grades in the public school system;  
2           and

3                   “(C) promotes the study of the Hawaiian  
4           culture, language, and history by providing a  
5           Hawaiian education program and using commu-  
6           nity expertise as a suitable and essential means  
7           to further the program.”.

8   **SEC. 3. PURPOSES.**

9           Section 7203 of the Elementary and Secondary Edu-  
10          cation Act of 1965 (20 U.S.C. 7513) is amended to read  
11          as follows:

12   **“SEC. 7203. PURPOSES.**

13           “The purposes of this part are—

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

23                   “(2) to provide guidance to appropriate Fed-  
24           eral, State, and local agencies to more effectively  
25           and efficiently focus resources, including resources

1 made available under this part, on the development  
2 and implementation of—

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

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

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

9 “(3) to create a system by which information  
10 from programs funded under this part will be col-  
11 lected, analyzed, evaluated, reported, and used in de-  
12 cisionmaking activities regarding the types of grants  
13 awarded under this part.”.

14 **SEC. 4. NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.**

15 Section 7204 of the Elementary and Secondary Edu-  
16 cation Act of 1965 (20 U.S.C. 7514) is amended to read  
17 as follows:

18 **“SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL**  
19 **GRANT.**

20 “(a) GRANT AUTHORIZED.—In order to better effec-  
21 tuate the purposes of this part through the coordination  
22 of educational and related services and programs available  
23 to Native Hawaiians, including those programs that re-  
24 ceive funding under this part, the Secretary shall award



1 a grant to an education council, as described under sub-  
2 section (b).

3 “(b) EDUCATION COUNCIL.—

4 “(1) ELIGIBILITY.—To be eligible to receive the  
5 grant under subsection (a), the council shall be an  
6 education council (referred to in this section as the  
7 ‘Education Council’) that meets the requirements of  
8 this subsection.

9 “(2) COMPOSITION.—The Education Council  
10 shall consist of 15 members of whom—

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

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

15 “(C) 1 shall be the Superintendent of the  
16 State of Hawaii Department of Education (or a  
17 designee);

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

20 “(E) 1 shall be the executive director of  
21 Hawaii’s Charter School Network (or a des-  
22 ignee);

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

1           “(G) 1 shall be the Chief Executive Officer  
2 of the Queen Liliuokalani Trust (or a designee);

3           “(H) 1 shall be a member, selected by the  
4 other members of the Education Council, who  
5 represents a private grant-making entity;

6           “(I) 1 shall be the Mayor of the County of  
7 Hawaii (or a designee);

8           “(J) 1 shall be the Mayor of Maui County  
9 (or a designee from the Island of Maui);

10           “(K) 1 shall be the Mayor of the County  
11 of Kauai (or a designee);

12           “(L) 1 shall be appointed by the Mayor of  
13 Maui County from the Island of either Molokai  
14 or Lanai;

15           “(M) 1 shall be the Mayor of the City and  
16 County of Honolulu (or a designee);

17           “(N) 1 shall be the chairperson of the Ha-  
18 waiian Homes Commission (or a designee); and

19           “(O) 1 shall be the chairperson of the Ha-  
20 waii Workforce Development Council (or a des-  
21 ignee representing the private sector).

22           “(3) REQUIREMENTS.—Any designee serving on  
23 the Education Council shall demonstrate, as deter-  
24 mined by the individual who appointed such designee  
25 with input from the Native Hawaiian community,

1 not less than 5 years of experience as a consumer  
2 or provider of Native Hawaiian education or cultural  
3 activities, with traditional cultural experience given  
4 due consideration.

5 “(4) LIMITATION.—A member (including a des-  
6 ignee), while serving on the Education Council, shall  
7 not be a recipient of grant funds that are awarded  
8 under this part.

9 “(5) TERM OF MEMBERS.—A member who is a  
10 designee shall serve for a term of not more than 4  
11 years.

12 “(6) CHAIR, VICE CHAIR.—

13 “(A) SELECTION.—The Education Council  
14 shall select a Chair and a Vice Chair from  
15 among the members of the Education Council.

16 “(B) TERM LIMITS.—The Chair and Vice  
17 Chair shall each serve for a 2-year term.

18 “(7) ADMINISTRATIVE PROVISIONS RELATING  
19 TO EDUCATION COUNCIL.—The Education Council  
20 shall meet at the call of the Chair of the Council,  
21 or upon request by a majority of the members of the  
22 Education Council, but in any event not less often  
23 than every 120 days.

24 “(8) NO COMPENSATION.—None of the funds  
25 made available through the grant may be used to

1 provide compensation to any member of the Edu-  
2 cation Council or member of a working group estab-  
3 lished by the Education Council, for functions de-  
4 scribed in this section.

5 “(c) USE OF FUNDS FOR COORDINATION ACTIVI-  
6 TIES.—The Education Council shall use funds made avail-  
7 able through the grant to carry out each of the following  
8 activities:

9 “(1) Providing advice about the coordination,  
10 and serving as a clearinghouse for, the educational  
11 and related services and programs available to Na-  
12 tive Hawaiians, including the programs assisted  
13 under this part.

14 “(2) Assessing the extent to which such services  
15 and programs meet the needs of Native Hawaiians,  
16 and collecting data on the status of Native Hawaiian  
17 education.

18 “(3) Providing direction and guidance, through  
19 the issuance of reports and recommendations, to ap-  
20 propriate Federal, State, and local agencies in order  
21 to focus and improve the use of resources, including  
22 resources made available under this part, relating to  
23 Native Hawaiian education, and serving, where ap-  
24 propriate, in an advisory capacity.

1           “(4) Awarding grants, if such grants enable the  
2 Education Council to carry out the activities de-  
3 scribed in paragraphs (1) through (3).

4           “(5) Hiring an executive director who shall as-  
5 sist in executing the duties and powers of the Edu-  
6 cation Council, as described in subsection (d).

7           “(d) USE OF FUNDS FOR TECHNICAL ASSIST-  
8 ANCE.—The Education Council shall use funds made  
9 available through the grant to—

10           “(1) provide technical assistance to Native Ha-  
11 waiian organizations that are grantees or potential  
12 grantees under this part;

13           “(2) obtain from such grantees information and  
14 data regarding grants awarded under this part, in-  
15 cluding information and data about—

16           “(A) the effectiveness of such grantees in  
17 meeting the educational priorities established by  
18 the Education Council, as described in para-  
19 graph (6)(D), using metrics related to these  
20 priorities; and

21           “(B) the effectiveness of such grantees in  
22 carrying out any of the activities described in  
23 section 7205(c) that are related to the specific  
24 goals and purposes of each grantee’s grant  
25 project, using metrics related to these priorities;

1           “(3) assess and define the educational needs of  
2 Native Hawaiians;

3           “(4) assess the programs and services available  
4 to address the educational needs of Native Hawai-  
5 ians;

6           “(5) assess and evaluate the individual and ag-  
7 gregate impact achieved by grantees under this part  
8 in improving Native Hawaiian educational perform-  
9 ance and meeting the goals of this part, using  
10 metrics related to these goals;

11           “(6) prepare and submit to the Secretary, at  
12 the end of each calendar year, an annual report that  
13 contains—

14           “(A) a description of the activities of the  
15 Education Council during the calendar year;

16           “(B) a description of significant barriers to  
17 achieving the goals of this part;

18           “(C) a summary of each community con-  
19 sultation session described in subsection (e);  
20 and

21           “(D) recommendations to establish prior-  
22 ities for funding under this part, based on an  
23 assessment of—

24           “(i) the educational needs of Native  
25 Hawaiians;

1                   “(ii) programs and services available  
2                   to address such needs;

3                   “(iii) the effectiveness of programs in  
4                   improving the educational performance of  
5                   Native Hawaiian students to help such stu-  
6                   dents meet challenging State student aca-  
7                   demic achievement standards; and

8                   “(iv) priorities for funding in specific  
9                   geographic communities.

10           “(e) USE OF FUNDS FOR COMMUNITY CONSULTA-  
11           TIONS.—The Education Council shall use funds made  
12           available through the grant under subsection (a) to hold  
13           not less than 1 community consultation each year on each  
14           of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and  
15           Kauai, at which—

16                   “(1) not less than 3 members of the Education  
17                   Council shall be in attendance;

18                   “(2) the Education Council shall gather com-  
19                   munity input regarding—

20                           “(A) current grantees under this part, as  
21                           of the date of the consultation;

22                           “(B) priorities and needs of Native Hawai-  
23                           ians; and

24                           “(C) other Native Hawaiian education  
25                           issues; and

1           “(3) the Education Council shall report to the  
2           community on the outcomes of the activities sup-  
3           ported by grants awarded under this part.

4           “(f) FUNDING.—For each fiscal year, the Secretary  
5           shall use the amount described in section 7206(d)(2), to  
6           make a payment under the grant. Funds made available  
7           through the grant shall remain available until expended.

8           “(g) REPORT.—Beginning not later than 2 years  
9           after the date of enactment of the Native Hawaiian Edu-  
10          cation Act, and for each subsequent year, the Secretary  
11          shall prepare and submit to the Committee on Education  
12          and the Workforce of the House of Representatives, and  
13          the Committee on Indian Affairs and the Committee on  
14          Health, Education, Labor, and Pensions of the Senate, a  
15          report that—

16                 “(1) summarizes the annual reports of the Edu-  
17          cation Council;

18                 “(2) describes the allocation and use of funds  
19          under this part and the information gathered since  
20          the first annual report submitted by the Education  
21          Council to the Secretary under this section; and

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



1 **SEC. 5. GRANT PROGRAM AUTHORIZED.**

2 Section 7205 of the Elementary and Secondary Edu-  
3 cation Act of 1965 (20 U.S.C. 7515 et seq.) is amended  
4 to read as follows:

5 **“SEC. 7205. GRANT PROGRAM AUTHORIZED.**

6 “(a) GRANTS AND CONTRACTS.—In order to carry  
7 out programs that meet the purposes of this part, the Sec-  
8 retary is authorized to award grants to, or enter into con-  
9 tracts with—

10 “(1) Native Hawaiian educational organiza-  
11 tions;

12 “(2) Native Hawaiian community-based organi-  
13 zations;

14 “(3) public and private nonprofit organizations,  
15 agencies, and institutions with experience in devel-  
16 oping or operating Native Hawaiian education and  
17 workforce development programs or programs of in-  
18 struction in the Native Hawaiian language;

19 “(4) charter schools; and

20 “(5) consortia of the organizations, agencies,  
21 and institutions described in paragraphs (1) through  
22 (4).

23 “(b) PRIORITY.—In awarding grants and entering  
24 into contracts under this part, the Secretary shall give pri-  
25 ority to—

1           “(1) programs that meet the educational pri-  
2           ority recommendations of the Education Council, as  
3           described under section 7204(d)(6)(E);

4           “(2) the repair and renovation of public schools  
5           that serve high concentrations of Native Hawaiian  
6           students;

7           “(3) programs designed to improve the aca-  
8           demic achievement of Native Hawaiian students by  
9           meeting their unique cultural and language needs in  
10          order to help such students meet challenging State  
11          student academic achievement standards, including  
12          activities relating to—

13               “(A) achieving competence in reading, lit-  
14               eracy, mathematics, and science for students in  
15               preschool through grade 3;

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

18               “(C) professional development for teachers  
19               and administrators;

20               “(D) the use of Native Hawaiian language  
21               and preservation or reclamation of Native Ha-  
22               waiian culture-based educational practices;

23               “(E) preparation for employment in fields  
24               in which Native Hawaiians are underemployed  
25               or underrepresented; and

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

3           “(4) programs in which a State educational  
4           agency, local educational agency, institution of high-  
5           er education, or a State educational agency or local  
6           educational agency in partnership with an institution  
7           of higher education apply for a grant or contract  
8           under this part as part of a partnership or consor-  
9           tium.

10          “(c) AUTHORIZED ACTIVITIES.—Activities provided  
11 through programs carried out under this part may in-  
12 clude—

13           “(1) the development and maintenance of a  
14           statewide Native Hawaiian early education and care  
15           system to provide a continuum of high-quality early  
16           learning services for Native Hawaiian children from  
17           the prenatal period through the age of kindergarten  
18           entry;

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

21           “(A) programs for Native Hawaiian par-  
22           ents and infants from the prenatal period  
23           through age 3;

24           “(B) early care and education programs  
25           for Native Hawaiians; and

1           “(C) research on, and development and as-  
2           sessment of, family-based, early childhood, and  
3           preschool programs for Native Hawaiians;

4           “(3) activities that enhance beginning reading  
5           and literacy in either the Hawaiian or the English  
6           language among Native Hawaiian students in kin-  
7           dergarten through grade 3 and assistance in ad-  
8           dressing the distinct features of combined English  
9           and Hawaiian literacy for Hawaiian speakers in  
10          grades 5 and 6;

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

13               “(A) the identification of such students  
14               and their needs;

15               “(B) the provision of support services to  
16               the families of such students; and

17               “(C) other activities consistent with the re-  
18               quirements of the Individuals with Disabilities  
19               Education Act;

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

23               “(A) educational, psychological, and devel-  
24               opmental activities designed to assist in the  
25               educational progress of such students; and

1           “(B) activities that involve the parents of  
2           such students in a manner designed to assist in  
3           the educational progress of such students;

4           “(6) the development of academic and voca-  
5           tional curricula to address the needs of Native Ha-  
6           waiian children and adults, including curricula mate-  
7           rials in the Hawaiian language and mathematics and  
8           science curricula that incorporate Native Hawaiian  
9           tradition and culture;

10          “(7) professional development activities for edu-  
11          cators, including—

12               “(A) the development of programs to pre-  
13               pare prospective teachers to address the unique  
14               needs of Native Hawaiian students within the  
15               context of Native Hawaiian culture, language,  
16               and traditions;

17               “(B) in-service programs to improve the  
18               ability of teachers who teach in schools with  
19               high concentrations of Native Hawaiian stu-  
20               dents to meet the unique needs of such stu-  
21               dents; and

22               “(C) the recruitment and preparation of  
23               Native Hawaiians, and other individuals who  
24               live in communities with a high concentration of  
25               Native Hawaiians, to become teachers;

1           “(8) the operation of community-based learning  
2           centers that address the needs of Native Hawaiian  
3           families and communities through the coordination  
4           of public and private programs and services, includ-  
5           ing—

6                   “(A) early care and education programs;

7                   “(B) before- and after-school programs  
8                   and weekend academies;

9                   “(C) career and technical and adult edu-  
10                  cation programs; and

11                  “(D) programs that recognize and support  
12                  the unique cultural and educational needs of  
13                  Native Hawaiian children, and incorporate ap-  
14                  propriately qualified Native Hawaiian elders  
15                  and seniors;

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

19                   “(A) subject to subsection (f), the provi-  
20                   sion of full or partial scholarships for under-  
21                   graduate or graduate study that are awarded to  
22                   students based on their academic promise and  
23                   financial need, with a priority, at the graduate  
24                   level, given to students entering professions in  
25                   which Native Hawaiians are underrepresented;

1           “(B) family literacy services;

2           “(C) counseling and support services for  
3 students receiving scholarship assistance;

4           “(D) counseling and guidance for Native  
5 Hawaiian secondary school students who have  
6 the potential to receive scholarships;

7           “(E) assistance with completing the college  
8 admissions and financial aid application pro-  
9 cesses; and

10          “(F) faculty development activities de-  
11 signed to promote the matriculation of Native  
12 Hawaiian students;

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

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

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

21          “(d) **ADDITIONAL ACTIVITIES.**—Notwithstanding  
22 any other provision of this part, funds made available to  
23 carry out this section as of the day before the date of en-  
24 actment of the Native Hawaiian Education Act shall re-

1 main available until expended. The Secretary shall use  
2 such funds to support the following:

3           “(1) The development of a body of Native Ha-  
4 waiian law.

5           “(2) The repair and renovation of public  
6 schools that serve high concentrations of Native Ha-  
7 waiian students.

8           “(3) The perpetuation of, and expansion of ac-  
9 cess to, Hawaiian culture and history through digital  
10 archives.

11           “(4) Informal education programs that connect  
12 traditional Hawaiian knowledge, science, astronomy,  
13 and the environment through State museums or  
14 learning centers.

15           “(5) Public charter schools serving high con-  
16 centrations of Native Hawaiian students.

17           “(e) ADMINISTRATIVE COSTS.—

18           “(1) IN GENERAL.—Except as provided in para-  
19 graph (2), not more than 5 percent of funds pro-  
20 vided to a recipient of a grant or contract under this  
21 section for any fiscal year may be used for adminis-  
22 trative purposes.

23           “(2) EXCEPTION.—The Secretary may waive  
24 the requirement of paragraph (1) for a nonprofit en-  
25 tity that receives funding under this section and



1 allow not more than 10 percent of funds provided to  
2 such nonprofit entity under this section for any fis-  
3 cal year to be used for administrative purposes.

4 “(f) SCHOLARSHIP RULE AND CONDITIONS.—

5 “(1) INSTITUTIONS OUTSIDE HAWAII.—The  
6 Secretary shall not establish a policy under this sec-  
7 tion that prevents a Native Hawaiian student en-  
8 rolled at a 2- or 4-year degree-granting institution  
9 of higher education outside of the State of Hawaii  
10 from receiving a scholarship pursuant to subsection  
11 (c)(9)(A).

12 “(2) SCHOLARSHIP CONDITIONS.—The Sec-  
13 retary shall establish conditions for receipt of a  
14 scholarship awarded under subsection (c)(9)(A). The  
15 conditions shall require that an individual seeking  
16 such a scholarship enter into a contract to provide  
17 professional services to the Native Hawaiian commu-  
18 nity, either during the scholarship period or upon  
19 completion of a program of postsecondary edu-  
20 cation.”.

21 **SEC. 6. ADMINISTRATIVE PROVISIONS; AUTHORIZATION OF**  
22 **APPROPRIATIONS.**

23 Section 7206 of the Elementary and Secondary Edu-  
24 cation Act of 1965 (20 U.S.C. 7516) is amended to read  
25 as follows:

1 **“SEC. 7206. ADMINISTRATIVE PROVISIONS.**

2       “(a) APPLICATION REQUIRED.—No grant may be  
3 made under this part, and no contract may be entered into  
4 under this part, unless the entity seeking the grant or con-  
5 tract submits an application to the Secretary at such time,  
6 in such manner, and containing such information as the  
7 Secretary may determine to be necessary to carry out the  
8 provisions of this part.

9       “(b) DIRECT GRANT APPLICATIONS.—The Secretary  
10 shall provide a copy of all direct grant applications to the  
11 Education Council.

12       “(c) SUPPLEMENT NOT SUPPLANT.—

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

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

22       “(d) AUTHORIZATION OF APPROPRIATIONS.—

23               “(1) IN GENERAL.—There are authorized to be  
24 appropriated to carry out this section, and sections  
25 7204 and 7205, such sums as may be necessary for

1 fiscal year 2014 and each of the 5 succeeding fiscal  
2 years.

3 “(2) RESERVATION.—Of the funds appro-  
4 priated under this subsection, the Secretary shall re-  
5 serve, for each fiscal year after the date of enact-  
6 ment of the Native Hawaiian Education Act not less  
7 than \$500,000 for the grant to the Education Coun-  
8 cil under section 7204.

9 “(3) AVAILABILITY.—Funds appropriated  
10 under this subsection shall remain available until ex-  
11 pended.”.

12 **SEC. 7. DEFINITIONS.**

13 Section 7207 of the Elementary and Secondary Edu-  
14 cation Act of 1965 (20 U.S.C. 7517) is amended—

15 (1) by redesignating paragraphs (1) through  
16 (6) as paragraphs (2) through (7), respectively; and

17 (2) by inserting before paragraph (2) (as reded-  
18 igned by paragraph (1)) the following:

19 “(1) COMMUNITY CONSULTATION.—The term  
20 ‘community consultation’ means a public gath-  
21 ering—

22 “(A) to discuss Native Hawaiian education  
23 concerns; and

1                   “(B) about which the public has been given  
2                   not less than 30 days notice.”.

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