

CHARTER

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Authority

The National Advisory Council on Indian Education (Council) is authorized by section 7141 of the Elementary and Secondary Education Act of 1965 (ESEA), 20 U.S.C. 7471. The Council is governed by the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. II, which sets forth requirements for the formation and use of advisory committees.

Purpose and Functions

The Council --

1. Advises the Secretary of Education concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under Title VII, Part A of the ESEA, with respect to which the Secretary has jurisdiction and that includes Indian children or adults as participants or that may benefit Indian children or adults;
2. Makes recommendations to the Secretary for filling the position of the Director of Indian Education whenever a vacancy occurs; and
3. Submits to the Congress, not later than June 30 of each year, a report on the activities of the Council, including any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants or that may benefit Indian children or adults, and recommendations concerning the funding of any such program.
4. In accordance with section 2(b) of Executive Order 13336, at the request of the Executive Order Interagency Working Group, may provide that group with information and advice concerning American Indian and Alaska Native Education.

Structure

The Council consists of fifteen members who are Indian (including Alaska Native) as defined in 20 U.S.C. 7491(3), and are appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations. The fifteen members represent different

geographic areas of the United States. These members serve as Special Government Employees (SGEs). The SGEs are asked to provide their own best judgment without representing any particular point of view, group or special interest, and more importantly, in a manner that is free from any conflict of interest. The SGEs provide advice and recommendations based on the member's judgment formed by their expertise and experience.

The Assistant Secretary for Elementary and Secondary Education appoints a Designated Federal Officer for the Council. The Council may establish such subcommittees as it deems necessary to carry out its functions. The Council keeps the Department of Education (the Department) Committee Management Officer informed of the subcommittee structure, including membership, functions, and estimated frequency of meetings. A subcommittee acts under the policies governing the Council as a whole and presents recommendations to the Council for further deliberation.

Meetings

The Council and any subcommittee meet at the call of the Designated Federal Officer in consultation with the Chairperson. The Chairperson sets the agenda for the meeting with the approval of the Designated Federal Officer. Eight members of the Council constitute a quorum.

Meetings are open to the public unless the Assistant Secretary for Elementary and Secondary Education, in concurrence with the General Counsel of the Department, determines otherwise in accordance with section 10(d) of the Federal Advisory Committee Act. Advance notice of all meetings is given to the public. Meetings are conducted and records of proceedings are kept as required by applicable law.

Estimated Annual Cost

Members of the Council who are not full-time employees of the Federal Government are entitled to receive compensation for meetings at a rate determined by the Secretary, plus per diem and travel expenses in accordance with Federal Travel Regulations. The number and frequency of Council meetings will depend upon available funds. The estimated annual cost for the Council is \$45,000. This includes compensation and travel expenses for members to attend two meetings per year (at approximately \$27,000) and to provide staff support at 0.3 FTE (\$18,000).

Reports

The Council submits to the Congress, not later than June 30 of each year, a report on the activities of the Council, including any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants or that may benefit Indian children or adults, and recommendations concerning the funding of any such program. The report includes a list of Council meetings held and a summary of Council activities conducted and recommendations made during the preceding fiscal year. Copies of the report should be submitted to the Assistant Secretary for Elementary and Secondary Education and to the Committee Management Officer.

Termination Date

The Council is hereby rechartered in accordance with section 14(b) of the Federal Advisory Committee Act. This charter expires two years from date of filing. The duration of the Council within the meaning of section 14(a) of FACA is provided by its enabling legislation.

Approved:

/s/

4/10/2007

Secretary

Date

Establishment Date:

Filing Date: