

119TH CONGRESS
2D SESSION

S. _____

To improve the Indian School Equalization Formula of the Bureau of Indian Education, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. HEINRICH (for himself and Ms. LUMMIS) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To improve the Indian School Equalization Formula of the Bureau of Indian Education, and for other purposes.

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 “Indigenous Students
5 Excel through Parity Act of 2026”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are to study—

8 (1) the resources that Bureau-funded schools
9 need to provide competitive salaries and benefits to

1 recruit and retain high-quality teachers, administra-
2 tors, and all school staff;

3 (2) funding and other resources needed by the
4 Bureau of Indian Education to ensure that students
5 attending Bureau-funded schools receive a high-qual-
6 ity education; and

7 (3) potential revenue sources to bring Bureau
8 of Indian Education funding, resources, and salaries
9 into parity with other school systems.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) ASSISTANT SECRETARY.—The term “Assist-
13 ant Secretary” means the Assistant Secretary for
14 Indian Affairs.

15 (2) BUREAU-FUNDED SCHOOL.—The term “Bu-
16 reau-funded school” has the meaning given the term
17 in section 1141 of the Education Amendments of
18 1978 (25 U.S.C. 2021).

19 (3) INDIAN SCHOOL EQUALIZATION FOR-
20 MULA.—The term “Indian School Equalization For-
21 mula” means the Indian School Equalization For-
22 mula described in subparts B and C of part 39 of
23 title 25, Code of Federal Regulations (or successor
24 regulations).

1 (4) INDIAN SCHOOL EQUALIZATION PRO-
2 GRAM.—The term “Indian School Equalization Pro-
3 gram” means the Indian School Equalization Pro-
4 gram described in part 39 of title 25, Code of Fed-
5 eral Regulations (or successor regulations).

6 (5) INDIAN TRIBE.—The term “Indian Tribe”
7 means any Indian or Alaska Native Tribe, band, na-
8 tion, pueblo, village, or other community included on
9 the most recent list published by the Secretary
10 under section 104 of the Federally Recognized In-
11 dian Tribe List Act of 1994 (25 U.S.C. 5131).

12 (6) SECRETARY.—The term “Secretary” means
13 the Secretary of the Interior.

14 (7) TRIBALLY CONTROLLED SCHOOL.—The
15 term “tribally controlled school” has the meaning
16 given the term in section 5212 of the Tribally Con-
17 trolled Schools Act of 1988 (25 U.S.C. 2511).

18 **SEC. 4. INDIAN SCHOOL EQUALIZATION FORMULA STUDY.**

19 (a) STUDY REQUIRED.—

20 (1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of this Act, and in accordance
22 with paragraph (3), the Secretary, in coordination
23 with the Assistant Secretary and the Director of the
24 Bureau of Indian Education, shall carry out a study
25 relating to updating the Indian School Equalization

1 Formula, including by completing the process of de-
2 veloping alternative methods for the equitable dis-
3 tribution of the Indian School Equalization Formula,
4 with consideration given to the factors described in
5 paragraph (2).

6 (2) FACTORS DESCRIBED.—The factors referred
7 to in paragraph (1) are the following:

8 (A) Ensuring that the Indian School
9 Equalization Formula provides sufficient fund-
10 ing to adequately fund Bureau-funded schools,
11 including—

12 (i) schools operated by the Bureau of
13 Indian Education; and

14 (ii) tribally controlled schools.

15 (B) The highest rate of basic compensa-
16 tion, which shall be equal to the higher of—

17 (i) the highest quartile or average
18 State-by-State salaries for school teachers,
19 principals, other leadership positions, and
20 all school staff at public schools that are
21 not Bureau-funded schools; and

22 (ii) the rate of basic compensation for
23 teacher and teaching positions in the De-
24 partment of Defense as determined under
25 the Defense Department Overseas Teach-

1 ers Pay and Personnel Practices Act (20
2 U.S.C. 901 et seq.).

3 (3) REQUIREMENTS.—In carrying out the study
4 of the Indian School Equalization Formula under
5 paragraph (1), the Secretary shall—

6 (A) ensure that an updated Indian School
7 Equalization Formula provides sufficient fund-
8 ing to fully support salaries for school teachers,
9 principals, other leadership positions, and all
10 school staff at a rate commensurate with sala-
11 ries of non-Bureau of Indian Education teach-
12 ers, principals, other leadership positions, and
13 all school staff described in clauses (i) and (ii)
14 of paragraph (2)(B);

15 (B) consider the weights or ratios related
16 to—

17 (i) tribally controlled schools;

18 (ii) schools with fewer than 100 stu-
19 dents; and

20 (iii) schools located in rural areas; and

21 (C) ensure that, in an updated Indian
22 School Equalization Formula, that Havasupai
23 Elementary School is awarded an additional
24 cost factor of 12.5 Weighted Student Unit (as

1 defined in section 39.2 of title 25, Code of Fed-
2 eral Regulations (or a successor regulation)).

3 (b) REPORT.—The Secretary, in coordination with
4 the Assistant Secretary and the Director of the Bureau
5 of Indian Education, and in consultation with national or-
6 ganizations representing Indian Tribes and students at-
7 tending Bureau-funded schools, shall submit to Congress
8 and make publicly available to Indian Tribes a report de-
9 scribing—

10 (1) the adequacy of the Indian School Equali-
11 zation Formula and the Indian School Equalization
12 Program in fulfilling the needs of Bureau-funded
13 schools and tribally controlled schools; and

14 (2) recommendations for increasing or modi-
15 fying factors to improve the Indian School Equali-
16 zation Formula.

17 **SEC. 5. STUDY OF REVENUE RESOURCES.**

18 Not later than 1 year after the date of enactment
19 of this Act, the Secretary, in coordination with the Assist-
20 ant Secretary and the Director of the Bureau of Indian
21 Education, shall carry out a study to identify potential
22 revenue sources to bring Bureau-funded schools into par-
23 ity with other schools.