SUBCHAPTER VI—GENERAL PROVISIONS

§§ 6231 to 6235. Omitted

CODIFICATION

Sections 6231 to 6235 were omitted pursuant to section 6251 of this title which provided that the authority under this chapter terminated on Oct. 1, 2001.

Section 6231, Pub. L. 103–239, title VI, § 601, May 4, 1994, 108 Stat. 603, related to requirements applicable to programs under this chapter.

Section 6232, Pub. L. 103–239, title VI, § 602, May 4, 1994, 108 Stat. 604, related to sanctions.

Section 6233, Pub. L. 103–239, title VI, § 603, May 4, 1994, 108 Stat. 604, related to State authority.

Section 6234, Pub. L. 103–239, title VI, § 604, May 4, 1994, 108 Stat. 605, related to prohibition on Federal mandates, direction, and control.

Section 6235, Pub. L. 103–239, title VI, § 605, May 4, 1994, 108 Stat. 605; Pub. L. 105–362, title VIII, § 801(c)(6), Nov. 10, 1998, 112 Stat. 3288, authorized appropriations.

SUBCHAPTER VII—TECHNICAL PROVISIONS

§ 6251. Omitted

CODIFICATION

Section, Pub. L. 103–239, title VIII, § 802, May 4, 1994, 108 Stat. 608, provided that the authority under this chapter terminated on Oct. 1, 2001.

CHAPTER 70—STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Sec.
6301. Statement of purpose.
6302. Authorization of appropriations.
6303. School improvement.
6303a. Whole-school reform strategy.
6303b. Direct student services.
6304. State administration.

PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

SUBPART 1—BASIC PROGRAM REQUIREMENTS

6311. State plans.
6312. Local educational agency plans.
6313. Eligible school attendance areas.
6314. Schoolwide programs.
6315. Targeted assistance schools.
6316, 6317. Repealed.
6318. Parent and family engagement.
6319. Repealed.
6320. Participation of children enrolled in private schools.
6321. Fiscal requirements.
6322. Coordination requirements.

SUBPART 2—ALLOCATIONS

6331. Grants for the outlying areas and the Secretary of the Interior.
6332. Allocations to States.
6333. Basic grants to local educational agencies.
6334. Concentration grants to local educational agencies.
6335. Targeted grants to local educational agencies.
6336. Adequacy of funding to local educational agencies in fiscal years after fiscal year 2001.
6337. Education finance incentive grant program.
6338. Special allocation procedures.
6339. Carryover and waiver.

PART B—STATE ASSESSMENT GRANTS

6361. Grants for State assessments and related activities.
6362. State option to conduct assessment system audit.
6363. Allotment of appropriated funds.
6364. Innovative assessment and accountability demonstration authority.

PART C—EDUCATION OF MIGRATORY CHILDREN

6391. Program purposes.
6392. Program authorized.
6393. State allocations.
6394. State applications; services.
6395. Secretarial approval; peer review.
6396. Comprehensive needs assessment and service-delivery plan; authorized activities.
6397. Bypass.
6398. Coordination of migrant education activities.
6399. Definitions.

PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK

6421. Purpose and program authorization.
6422. Payments for programs under this part.

SUBPART 1—STATE AGENCY PROGRAMS

6431. Eligibility.
6432. Allocation of funds.
6433. State reallocation of funds.
6434. State plan and State agency applications.
6435. Use of funds.
6436. Institution-wide projects.
6437. Three-year programs or projects.
6438. Transition services.
6439. Technical assistance.

SUBPART 2—LOCAL AGENCY PROGRAMS

6451. Purpose.
6452. Programs operated by local educational agencies.
6453. Local educational agency applications.
6454. Uses of funds.
6455. Program requirements for correctional facilities receiving funds under this section.
6456. Accountability.

SUBPART 3—GENERAL PROVISIONS

6471. Program evaluations.
6472. Definitions.

PART E—FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING

6491. Flexibility for equitable per-pupil funding.

PART F—GENERAL PROVISIONS

6571. Federal regulations.
6572. Agreements and records.
6573. State administration.
6574. Repealed.
6575. Prohibition against Federal mandates, direction, or control.
6576. Rule of construction on equalized spending.
6577, 6578. Repealed.

SUBCHAPTER II—PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS

6601. Purpose.
6602. Definitions.
6603. Authorization of appropriations.

PART A—SUPPORTING EFFECTIVE INSTRUCTION

6611. Formula grants to States.
6612. Subgrants to local educational agencies.
6613. Local uses of funds.
6614. Reporting.

PART B—NATIONAL ACTIVITIES

6621. Reservations.

Sec.

SUBPART 1—TEACHER AND SCHOOL LEADER INCENTIVE PROGRAM

6631. Purposes; definitions.
6632. Teacher and school leader incentive fund grants.
6633. Reports.

SUBPART 2—LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION

6641. Purposes; definitions.
6642. Comprehensive literacy State development grants.
6643. Subgrants to eligible entities in support of birth through kindergarten entry literacy.
6644. Subgrants to eligible entities in support of kindergarten through grade 12 literacy.
6645. National evaluation and information dissemination.
6646. Innovative approaches to literacy.

SUBPART 3—AMERICAN HISTORY AND CIVICS EDUCATION

6661. Program authorized.
6662. Presidential and Congressional Academies for American History and Civics.
6663. National activities.

SUBPART 4—PROGRAMS OF NATIONAL SIGNIFICANCE

6671. Funding allotment.
6672. Supporting effective educator development.
6673. School leader recruitment and support.
6674. Technical assistance and national evaluation.
6675. STEM master teacher corps.

PART C—GENERAL PROVISIONS

6691. Supplement, not supplant.
6692. Rules of construction.

SUBCHAPTER III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

6801. Authorization of appropriations.

PART A—ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT, AND ACADEMIC ACHIEVEMENT ACT

6811. Short title.
6812. Purposes.

SUBPART 1—GRANTS AND SUBGRANTS FOR ENGLISH LANGUAGE ACQUISITION AND LANGUAGE ENHANCEMENT

6821. Formula grants to States.
6822. Native American and Alaska Native children in school.
6823. State and specially qualified agency plans.
6824. Within-State allocations.
6825. Subgrants to eligible entities.
6826. Local plans.

SUBPART 2—ACCOUNTABILITY AND ADMINISTRATION

6841. Reporting.
6842. Repealed.
6843. Biennial reports.
6844. Coordination with related programs.
6845. Rules of construction.
6846. Legal authority under State law.
6847. Civil rights.
6848. Programs for Native Americans and Puerto Rico.
6849. Prohibition.

SUBPART 3—NATIONAL ACTIVITIES

6861. National professional development project.

SUBPART 4—DEFINITIONS

6871. Repealed.

PART B—GENERAL PROVISIONS

7011. Definitions.

Sec.

7012. Repealed.
7013. National clearinghouse.
7014. Regulations.

SUBCHAPTER IV—21ST CENTURY SCHOOLS

PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

7101. General provisions.
7102, 7103. Repealed.

SUBPART 1—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

7111. Purpose.
7112. Definitions.
7113. Formula grants to States.
7114. State use of funds.
7115. Allocations to local educational agencies.
7116. Local educational agency applications.
7117. Activities to support well-rounded educational opportunities.
7118. Activities to support safe and healthy students.
7119. Activities to support the effective use of technology.
7120. Supplement, not supplant.
7121. Rule of construction.
7122. Authorization of appropriations.

SUBPART 2—INTERNET SAFETY

7131. Internet safety.

SUBPART 3—GUN POSSESSION

7151. Transferred.

SUBPART 4—GENERAL PROVISIONS

7161 to 7164. Repealed.
7165. Transferred.

PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

7171. Purpose; definitions.
7172. Allotments to States.
7173. State application.
7174. Local competitive subgrant program.
7175. Local activities.
7176. Authorization of appropriations.

PART C—EXPANDING OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS

7221. Purpose.
7221a. Program authorized.
7221b. Grants to support high-quality charter schools.
7221c. Facilities financing assistance.
7221d. National activities.
7221e. Federal formula allocation during first year and for successive enrollment expansions.
7221f. Solicitation of input from charter school operators.
7221g. Records transfer.
7221h. Paperwork reduction.
7221i. Definitions.
7221j. Authorization of appropriations.

PART D—MAGNET SCHOOLS ASSISTANCE

7231. Findings and purpose.
7231a. Definition.
7231b. Program authorized.
7231c. Eligibility.
7231d. Applications and requirements.
7231e. Priority.
7231f. Use of funds.
7231g. Repealed.
7231h. Limitations.
7231i. Repealed.
7231j. Authorization of appropriations; reservation.

PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

7241. Purposes.

Sec.
7242. Grants authorized.
7243. Applications.
7244. Uses of funds.
7245. Family engagement in Indian schools.
7246. Authorization of appropriations.

PART F—NATIONAL ACTIVITIES

7251. Authorization of appropriations; reservations.

SUBPART 1—EDUCATION INNOVATION AND RESEARCH

7261. Grants for education innovation and research.

SUBPART 2—COMMUNITY SUPPORT FOR SCHOOL SUCCESS

7271. Purposes.
7272. Definitions.
7273. Program authorized.
7274. Promise neighborhoods.
7275. Full-service community schools.

SUBPART 3—NATIONAL ACTIVITIES FOR SCHOOL SAFETY

7281. National activities for school safety.

SUBPART 4—ACADEMIC ENRICHMENT

7291. Awards for academic enrichment.
7292. Assistance for arts education.
7293. Ready to learn programming.
7294. Supporting high-ability learners and learning.

SUBCHAPTER V—FLEXIBILITY AND ACCOUNTABILITY

PART A—FUNDING TRANSFERABILITY FOR STATE AND LOCAL EDUCATIONAL AGENCIES

7305. Short title.
7305a. Purpose.
7305b. Transferability of funds.

PART B—RURAL EDUCATION INITIATIVE

7341. Short title.
7341a. Purpose.

SUBPART 1—SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM

7345. Use of applicable funding.
7345a. Grant program authorized.
7345b. Repealed.

SUBPART 2—RURAL AND LOW-INCOME SCHOOL PROGRAM

7351. Program authorized.
7351a. Uses of funds.
7351b. Applications.
7351c. Report.
7351d. Choice of participation.

SUBPART 3—GENERAL PROVISIONS

7355. Annual average daily attendance determination.
7355a. Supplement, not supplant.
7355b. Rule of construction.
7355c. Authorization of appropriations.

PART C—GENERAL PROVISIONS

7371. Prohibition against Federal mandates, direction, or control.
7372. Rule of construction on equalized spending.

SUBCHAPTER VI—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

PART A—INDIAN EDUCATION

7401. Statement of policy.
7402. Purpose.

SUBPART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

7421. Purpose.

Sec.
7422. Grants to local educational agencies and tribes.
7423. Amount of grants.
7424. Applications.
7425. Authorized services and activities.
7426. Integration of services authorized.
7427. Student eligibility forms.
7428. Payments.
7429. State educational agency review.

SUBPART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

7441. Improvement of educational opportunities for Indian children and youth.
7442. Professional development for teachers and education professionals.

SUBPART 3—NATIONAL ACTIVITIES

7451. National research activities.
7452. Grants to tribes for education administrative planning, development, and coordination.
7453. Native American and Alaska Native language immersion schools and programs.
7454 to 7456. Repealed or Transferred.

SUBPART 4—FEDERAL ADMINISTRATION

7471. National Advisory Council on Indian Education.
7472. Peer review.
7473. Preference for Indian applicants.
7474. Minimum grant criteria.

SUBPART 5—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

7491. Definitions.
7492. Authorizations of appropriations.

PART B—NATIVE HAWAIIAN EDUCATION

7511. Short title.
7512. Findings.
7513. Purposes.
7514. Native Hawaiian Education Council.
7515. Program authorized.
7516. Administrative provisions.
7517. Definitions.

PART C—ALASKA NATIVE EDUCATION

7541. Short title.
7542. Findings.
7543. Purposes.
7544. Program authorized.
7545. Administrative provisions.
7546. Definitions.

SUBCHAPTER VII—IMPACT AID

7701. Purpose.
7702. Payments relating to Federal acquisition of real property.
7703. Payments for eligible federally connected children.
7703a. Impact aid for children with severe disabilities.
7703b. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
7704. Policies and procedures relating to children residing on Indian lands.
7705. Application for payments under sections 7702 and 7703 of this title.
7707. Construction.
7708. Facilities.
7709. State consideration of payments in providing State aid.
7710. Federal administration.
7711. Administrative hearings and judicial review.

Sec.
7712. Forgiveness of overpayments.
7713. Definitions.
7713a. School facilities for children of Government employees and other residents in Indian reservations, national parks, and national monuments.
7714. Authorization of appropriations.

SUBCHAPTER VIII—GENERAL PROVISIONS

PART A—DEFINITIONS

7801. Definitions.
7802. Applicability of subchapter.
7803. Applicability to Bureau of Indian Education operated schools.

PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

7821. Consolidation of State administrative funds for elementary and secondary education programs.
7822. Single local educational agency States.
7823. Consolidation of funds for local administration.
7824. Consolidated set-aside for Department of the Interior funds.
7825. Department staff.

PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

7841. Purposes.
7842. Optional consolidated State plans or applications.
7843. Consolidated reporting.
7844. General applicability of State educational agency assurances.
7845. Consolidated local plans or applications.
7846. Other general assurances.

PART D—WAIVERS

7861. Waivers of statutory and regulatory requirements.

PART E—APPROVAL AND DISAPPROVAL OF STATE PLANS AND LOCAL APPLICATIONS

7871. Approval and disapproval of State plans.
7872. Approval and disapproval of local educational agency applications.

PART F—UNIFORM PROVISIONS

SUBPART 1—PRIVATE SCHOOLS

7881. Participation by private school children and teachers.
7882. Standards for by-pass.
7883. Complaint process for participation of private school children.
7884. By-pass determination process.
7885. Prohibition against funds for religious worship or instruction.
7886. Private, religious, and home schools.

SUBPART 2—OTHER PROVISIONS

7901. Maintenance of effort.
7902. Prohibition regarding State aid.
7903. Privacy of assessment results.
7904. School prayer.
7905. Equal access to public school facilities.
7906. Prohibited uses of funds.
7906a. Prohibition against Federal mandates, direction, or control.
7907. Prohibitions on Federal Government and use of Federal funds.
7908. Armed Forces recruiter access to students and student recruiting information.
7909. Prohibition on federally sponsored testing.
7910. Limitations on national testing or certification for teachers, principals, or other school leaders.

Sec.
7910a. Prohibition on requiring State participation.
7911. Prohibition on nationwide database.
7912. Unsafe school choice option.
7913. Prohibition on discrimination.
7914. Civil rights.
7915. Rulemaking.
7916. Severability.
7917. Transfer of school disciplinary records.
7918. Consultation with Indian tribes and tribal organizations.
7919. Outreach and technical assistance for rural local educational agencies.
7920. Consultation with the Governor.
7921. Local governance.
7922. Rule of construction regarding travel to and from school.
7923. Limitations on school-based health centers.
7924. State control over standards.
7925. Sense of Congress on protecting student privacy.
7926. Prohibition on aiding and abetting sexual abuse.
7927. Sense of Congress on restoration of State sovereignty over public education.
7928. Privacy.
7929. Analysis and periodic review of departmental guidance.
7930. Sense of Congress.
7931. Sense of Congress on early learning and child care.
7932. Technical assistance.
7933. Preventing improper use of taxpayer funds.
7934. Accountability to taxpayers through monitoring and oversight.

SUBPART 3—TEACHER LIABILITY PROTECTION

7941. Short title.
7942. Purpose.
7943. Definitions.
7944. Applicability.
7945. Preemption and election of State nonapplicability.
7946. Limitation on liability for teachers.
7947. Allocation of responsibility for noneconomic loss.
7948. Effective date.

SUBPART 4—GUN POSSESSION

7961. Gun-free requirements.

SUBPART 5—ENVIRONMENTAL TOBACCO SMOKE

7971. Short title.
7972. Definitions.
7973. Nonsmoking policy for children's services.
7974. Preemption.

PART G—EVALUATIONS

7981. Evaluations.

SUBCHAPTER X—PROGRAMS OF NATIONAL SIGNIFICANCE

PART A—FUND FOR THE IMPROVEMENT OF EDUCATION

8001 to 8007. Repealed.

PART B—GIFTED AND TALENTED CHILDREN

8031 to 8037. Repealed.

PART C—PUBLIC CHARTER SCHOOLS

SUBPART 1—BASIC CHARTER SCHOOL GRANT PROGRAM

8061 to 8067. Repealed.

SUBPART 2—CREDIT ENHANCEMENT INITIATIVES TO ASSIST CHARTER SCHOOL FACILITY ACQUISITION, CONSTRUCTION, AND RENOVATION

8071 to 8071j. Repealed.

PART D—ARTS IN EDUCATION

SUBPART 1—ARTS EDUCATION

8091. Repealed.

Sec.

SUBPART 2—CULTURAL PARTNERSHIPS FOR AT-RISK CHILDREN AND YOUTH

8101 to 8105. Repealed.

PART E—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

8131. Repealed.

PART F—CIVIC EDUCATION

8141 to 8143. Repealed.

PART G—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

8161. Repealed.

SUBPART 1—PROGRAM FOR MIDDLE AND SECONDARY SCHOOL STUDENTS

8171, 8172. Repealed.

SUBPART 2—PROGRAM FOR MIDDLE AND SECONDARY SCHOOL TEACHERS

8181, 8182. Repealed.

SUBPART 3—PROGRAMS FOR RECENT IMMIGRANTS, STUDENTS OF MIGRANT PARENTS AND OLDER AMERICANS

8191, 8192. Repealed.

SUBPART 4—GENERAL PROVISIONS

8201, 8202. Repealed.

PART H—DE LUGO TERRITORIAL EDUCATION IMPROVEMENT PROGRAM

8221 to 8224. Repealed.

PART I—21ST CENTURY COMMUNITY LEARNING CENTERS

8241 to 8247. Repealed.

PART J—URBAN AND RURAL EDUCATION ASSISTANCE

8271, 8272. Repealed.

SUBPART 1—URBAN EDUCATION DEMONSTRATION GRANTS

8281 to 8284. Repealed.

SUBPART 2—RURAL EDUCATION INITIATIVE

8291 to 8297. Repealed.

SUBPART 3—WHITE HOUSE CONFERENCES

8311, 8312. Repealed.

PART K—NATIONAL WRITING PROJECT

8331, 8332. Repealed.

PART L—PHYSICAL EDUCATION FOR PROGRESS

8351 to 8361. Repealed.

PART M—TERRITORIAL ASSISTANCE

8371. Repealed.

SUBCHAPTER XI—COORDINATED SERVICES

8401 to 8407. Repealed.

SUBCHAPTER XII—SCHOOL FACILITIES INFRASTRUCTURE IMPROVEMENT

8501 to 8513. Repealed.

SUBCHAPTER XIII—SUPPORT AND ASSISTANCE PROGRAMS TO IMPROVE EDUCATION

8601, 8602. Repealed.

PART A—COMPREHENSIVE REGIONAL ASSISTANCE CENTERS

8621 to 8625. Transferred.

PART B—NATIONAL DIFFUSION NETWORK

8651, 8652. Transferred.

PART C—EISENHOWER REGIONAL MATHEMATICS AND SCIENCE EDUCATION CONSORTIA

8671 to 8678. Transferred.

Sec.

PART D—TECHNOLOGY-BASED TECHNICAL ASSISTANCE

8701. Transferred.

SUBCHAPTER XIV—GENERAL PROVISIONS

PART A—DEFINITIONS

8801 to 8803. Repealed.

PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

8821 to 8826. Repealed.

PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

8851 to 8857. Repealed.

PART D—WAIVERS

8881. Repealed.

PART E—UNIFORM PROVISIONS

8891 to 8904. Repealed.

PART F—GUN POSSESSION

8921 to 8923. Repealed.

PART G—EVALUATIONS

8941. Repealed.

PART H—SENSE OF CONGRESS

8961, 8962. Repealed.

CODIFICATION

The Elementary and Secondary Education Act of 1965, comprising this chapter, was originally enacted as Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27, and amended by Pub. L. 89–750, Nov. 3, 1966, 80 Stat. 1191; Pub. L. 90–247, Jan. 2, 1968, 81 Stat. 783; Pub. L. 90–576, title III, § 307, Oct. 16, 1968, 82 Stat. 1097; Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 121; Pub. L. 92–318, June 23, 1972, 86 Stat. 235; Pub. L. 93–380, Aug. 21, 1974, 88 Stat. 484; Pub. L. 94–193, § 1(c), Dec. 31, 1975, 89 Stat. 1102; Pub. L. 94–273, §§ 2(12), 3(8), 49(a)–(c), Apr. 21, 1976, 90 Stat. 375, 376, 382; Pub. L. 94–482, Oct. 12, 1976, 90 Stat. 2081; Pub. L. 95–112, Aug. 24, 1977, 91 Stat. 911, and was classified to sections 241a et seq., 242 et seq., 331 et seq., 821 et seq., and 1801 et seq. of this title. The Act was subsequently extensively revised and restated by Pub. L. 95–561, Nov. 1, 1978, 92 Stat. 2143, and amended by Pub. L. 96–46, Aug. 6, 1979, 93 Stat. 338; Pub. L. 96–88, Oct. 17, 1979, 93 Stat. 668; Pub. L. 96–374, Oct. 3, 1980, 94 Stat. 1367; Pub. L. 96–470, Oct. 19, 1980, 94 Stat. 2237; Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 357; Pub. L. 98–211, Dec. 8, 1983, 97 Stat. 1412; Pub. L. 98–511, Oct. 19, 1984, 98 Stat. 2366; Pub. L. 98–524, Oct. 19, 1984, 98 Stat. 2435; Pub. L. 99–159, Nov. 22, 1985, 99 Stat. 887, and was classified to section 2701 et seq. of this title. The Act was subsequently extensively revised and restated by Pub. L. 100–297, Apr. 28, 1988, 102 Stat. 130, and amended by Pub. L. 100–569, Oct. 31, 1988, 102 Stat. 2862; Pub. L. 100–570, Oct. 31, 1988, 102 Stat. 2865; Pub. L. 100–690, Nov. 18, 1988, 102 Stat. 4181; Pub. L. 101–226, Dec. 12, 1989, 103 Stat. 1928; Pub. L. 101–250, Mar. 6, 1990, 104 Stat. 96; Pub. L. 101–476, Oct. 30, 1990, 104 Stat. 1103; Pub. L. 101–589, Nov. 16, 1990, 104 Stat. 2881; Pub. L. 101–600, Nov. 16, 1990, 104 Stat. 3042; Pub. L. 101–647, Nov. 29, 1990, 104 Stat. 4789; Pub. L. 102–62, June 27, 1991, 105 Stat. 305; Pub. L. 102–73, July 25, 1991, 105 Stat. 333; Pub. L. 102–103, Aug. 17, 1991, 105 Stat. 497; Pub. L. 102–325, July 23, 1992, 106 Stat. 448; Pub. L. 102–359, Aug. 26, 1992, 106 Stat. 962; Pub. L. 102–545, Oct. 27, 1992, 106 Stat. 3586; Pub. L. 103–227, Mar. 31, 1994, 108 Stat. 125; Pub. L. 103–252, May 18, 1994, 108 Stat. 623, and was classified to section 2701 et seq. of this title. The Act was subsequently extensively revised and restated by Pub. L. 103–382, Oct. 20, 1994, 108 Stat. 3518, and amended by Pub. L. 104–5, Mar. 23, 1995, 109 Stat. 72; Pub. L. 104–106, Feb. 10, 1996, 110 Stat. 186; Pub. L. 104–134, Apr. 26, 1996, 110 Stat. 1321; Pub. L. 104–140, May

2, 1996, 110 Stat. 1327; Pub. L. 104–193, Aug. 22, 1996, 110 Stat. 2105; Pub. L. 104–195, Sept. 16, 1996, 110 Stat. 2379; Pub. L. 104–201, Sept. 23, 1996, 110 Stat. 2422; Pub. L. 104–208, Sept. 30, 1996, 110 Stat. 3009; Pub. L. 105–18, June 12, 1997, 111 Stat. 158; Pub. L. 105–78, Nov. 13, 1997, 111 Stat. 1467; Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 936; Pub. L. 105–244, Oct. 7, 1998, 112 Stat. 1581; Pub. L. 105–277, Oct. 21, 1998, 112 Stat. 2681; Pub. L. 105–278, Oct. 22, 1998, 112 Stat. 2682; Pub. L. 105–332, Oct. 31, 1998, 112 Stat. 3076; Pub. L. 106–78, Oct. 22, 1999, 113 Stat. 1135; Pub. L. 106–113, Nov. 29, 1999, 113 Stat. 1501; Pub. L. 106–398, Oct. 30, 2000, 114 Stat. 1654; Pub. L. 106–400, Oct. 30, 2000, 114 Stat. 1675; Pub. L. 106–554, Dec. 21, 2000, 114 Stat. 2763; Pub. L. 107–20, July 24, 2001, 115 Stat. 155, and is classified to section 6301 et seq. of this title. Certain titles and parts of titles of the Act are shown, herein, however, as having been added by Pub. L. 107–110 without reference to such intervening amendments because of the extensive amendments, renumbering, and reorganization of these provisions by Pub. L. 107–110.

SUBCHAPTER I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

CODIFICATION

Title I of the Elementary and Secondary Education Act of 1965, comprising this subchapter, was originally enacted as part of Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27, amended, and subsequently revised, restated, and amended by other public laws. Title I is shown, herein, as having been added by Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1439, without reference to earlier amendments because of the extensive revision of the title's provisions by Pub. L. 107–110. See Codification note preceding this chapter.

§ 6301. Statement of purpose

The purpose of this subchapter is to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.

(Pub. L. 89–10, title I, § 1001, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1439; amended Pub. L. 114–95, title I, § 1001, Dec. 10, 2015, 129 Stat. 1814.)

PRIOR PROVISIONS

A prior section 6301, Pub. L. 89–10, title I, § 1001, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3519, declared policy and stated purpose of this subchapter, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1001 of Pub. L. 89–10 was classified to section 2701 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Another prior section 1001 of Pub. L. 89–10 was renumbered section 9001 and was classified to section 3381 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section set forth purpose of subchapter and included provisions relating to how this purpose could be accomplished.

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114–95, § 5, Dec. 10, 2015, 129 Stat. 1806, provided that:

''(a) IN GENERAL.—Except as otherwise provided in this Act [see Tables for classification], or an amendment made by this Act, this Act, and the amendments made by this Act, shall be effective upon the date of enactment of this Act [Dec. 10, 2015].

''(b) NONCOMPETITIVE PROGRAMS.—With respect to noncompetitive programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq) and the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) under which any funds are allotted by the Secretary of Education to recipients on the basis of a formula, the amendments made by this Act shall be effective beginning on July 1, 2016, except as otherwise provided in such amendments.

''(c) COMPETITIVE PROGRAMS.—With respect to programs that are conducted by the Secretary of Education on a competitive basis (and are not programs described in subsection (b)) under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the amendments made by this Act with respect to appropriations for use under such programs shall be effective beginning on October 1, 2016, except as otherwise provided in such amendments.

''(d) IMPACT AID.—With respect to title VII of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7701 et seq.], as amended by this Act, the amendments made by this Act shall take effect with respect to appropriations for use under such title beginning fiscal year 2017, except as otherwise provided in such amendments.

''(e) TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

''(1) EFFECTIVE DATES FOR SECTION 1111 OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Notwithstanding any other provision of this Act, or the amendments made by this Act, and subject to paragraph (2) of this subsection—

''(A) section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)), as in effect on the day before the date of enactment of this Act, shall be effective through the close of August 1, 2016;

''(B) subsections (c) and (d) of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311), as amended by this Act, shall take effect beginning with school year 2017–2018; and

''(C) section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)), as amended by this Act, and any other provision of section 1111 of such Act (20 U.S.C. 6311), as amended by this Act, which is not described in subparagraph (B) of this paragraph, shall take effect in a manner consistent with subsection (a).

''(2) SPECIAL RULE.—

''(A) IN GENERAL.—Notwithstanding any other provision of this Act (including subsection (b) and paragraph (1)), any school or local educational agency described in subparagraph (B) shall continue to implement interventions applicable to such school or local educational agency under clause (i) or (ii) of subparagraph (B) until—

''(i) the State plan for the State in which the school or agency is located under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311), as amended by this Act, is approved under such section (20 U.S.C. 6311); or

''(ii) subsections (c) and (d) of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311), as amended by this Act, take effect in accordance with paragraph (1)(B),

whichever occurs first.

''(B) CERTAIN SCHOOLS AND LOCAL EDUCATIONAL AGENCIES.—A school or local educational agency shall be subject to the requirements of subparagraph (A), if such school or local educational agency has been identified by the State in which the school or local educational agency is located—

''(i) as in need of improvement, corrective action, or restructuring under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), as in effect on the day before the date of enactment of this Act; or

''(ii) as a priority or focus school under a waiver granted by the Secretary of Education under section 9401 [now 8401] of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7861), as in effect on the day before the date of enactment of this Act.''

EFFECTIVE DATE

Pub. L. 107–110, § 5, Jan. 8, 2002, 115 Stat. 1427, provided that:

''(a) IN GENERAL.—Except as otherwise provided in this Act [see Tables for classification], this Act, and the amendments made by this Act, shall be effective upon the date of enactment of this Act [Jan. 8, 2002].

''(b) NONCOMPETITIVE PROGRAMS.—With respect to noncompetitive programs under which any funds are allotted by the Secretary of Education to recipients on the basis of a formula, this Act, and the amendments made by this Act, shall take effect on July 1, 2002.

''(c) COMPETITIVE PROGRAMS.—With respect to programs that are conducted by the Secretary on a competitive basis, this Act, and the amendments made by this Act, shall take effect with respect to appropriations for use under those programs for fiscal year 2002.

''(d) IMPACT AID.—With respect to title VIII (Impact Aid) [probably meant title VIII (now VII) of Pub. L. 89–10, 20 U.S.C. 7701 et seq.], this Act, and the amendments made by this Act, shall take effect with respect to appropriations for use under that title for fiscal year 2002.''

SHORT TITLE OF 2015 AMENDMENT

Pub. L. 114–95, § 1, Dec. 10, 2015, 129 Stat. 1802, provided that: ''This Act [see Tables for classification] may be cited as the 'Every Student Succeeds Act'.''

SHORT TITLE OF 2013 AMENDMENT

Pub. L. 112–239, div. A, title V, § 563(a), Jan. 2, 2013, 126 Stat. 1744, provided that: ''This section [amending sections 7702, 7703, and 7710 of this title and enacting provisions set out as a note under section 7702 of this title] may be cited as the 'Impact Aid Improvement Act of 2012'.''

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107–110, § 1, Jan. 8, 2002, 115 Stat. 1425, provided that: ''This title [probably means Pub. L. 107–110, see Tables for classification] may be cited as the 'No Child Left Behind Act of 2001'.''

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106–554, § 1(a)(4) [div. B, title XVI, § 1601], Dec. 21, 2000, 114 Stat. 2763, 2763A–328, provided that: ''This title [amending sections 6302, 6311, 6361 to 6368, 6369b, 6394, 6661a, 6661i, and 8801 of this title and sections 2023 and 2026 of Title 25, Indians, and enacting provisions set out as a note under section 6361 of this title] may be cited as the 'Literacy Involves Families Together Act'.''

Pub. L. 106–554, § 1(a)(4) [div. B, title XVII, § 1701], Dec. 21, 2000, 114 Stat. 2763, 2763A–335, provided that: ''This title [enacting part F of subchapter III of this chapter, amending section 9134 of this title and section 254 of Title 47, Telecommunications, and enacting provisions set out as notes under sections 7001 and 9134 of this title and sections 254, 609, and 902 of Title 47] may be cited as the 'Children's Internet Protection Act'.''

Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1801], Oct. 30, 2000, 114 Stat. 1654, 1654A–368, provided that: ''This title [amending sections 1228, 7701 to 7703, 7705, 7707, 7709 to 7713, and 7714 of this title, repealing section 7706 of this title, and enacting provisions set out as notes under sections 7701, 7703, and 7711 of this title] may be cited as the 'Impact Aid Reauthorization Act of 2000'.''

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105–278, § 1, Oct. 22, 1998, 112 Stat. 2682, provided that: ''This Act [enacting sections 8065a to 8065d of this title and amending sections 7331, 7351, 8061 to 8065, 8066, 8067, and 8801 of this title] may be cited as the 'Charter School Expansion Act of 1998'.''

Pub. L. 105–277, div. D, title I, § 121, Oct. 21, 1998, 112 Stat. 2681–756, provided that: ''This subtitle [subtitle C (§§ 121, 122) of title I of Pub. L. 105–277, enacting section 7144 of this title] may be cited as the 'Drug-Free Schools Quality Assurance Act'.''

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103–382, § 1, Oct. 20, 1994, 108 Stat. 3518, provided that: ''This Act [see Tables for classification] may be cited as the 'Improving America's Schools Act of 1994'.''

Pub. L. 103–227, title X, § 1031, Mar. 31, 1994, 108 Stat. 270, provided that: ''This part [part B (§§ 1031, 1032) of title X of Pub. L. 103–227, enacting section 3351 of this title and amending sections 3381 to 3384 and 3386 of this title] may be cited as the 'Gun-Free Schools Act of 1994'.''

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102–545, § 1, Oct. 27, 1992, 106 Stat. 3586, provided that: ''This Act [see Tables for classification] may be cited as the 'Ready to Learn Act'.''

SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102–103, title I, § 101, Aug. 17, 1991, 105 Stat. 497, provided that: ''This title [see Tables for classification] may be cited as the 'National Dropout Prevention Act of 1991'.''

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–600, § 1, Nov. 16, 1990, 104 Stat. 3042, provided that: ''This Act [see Tables for classification] may be cited as the 'School Dropout Prevention and Basic Skills Improvement Act of 1990'.''

SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101–226, § 1, Dec. 12, 1989, 103 Stat. 1928, provided that: ''This Act [see Tables for classification] may be cited as the 'Drug-Free Schools and Communities Act Amendments of 1989'.''

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100–569, title II, § 201, Oct. 31, 1988, 102 Stat. 2862, provided that: ''This title [see Tables for classification] may be cited as the 'National Geography Studies Centers Act'.''

Pub. L. 100–297, § 1(a), Apr. 28, 1988, 102 Stat. 130, provided that: ''This Act [see Tables for classification] may be cited as the 'Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988'.''

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98–511, § 1, Oct. 19, 1984, 98 Stat. 2366, provided that: ''This Act [see Tables for classification] may be cited as the 'Education Amendments of 1984'.''

Pub. L. 98–511, title IV, § 401(a), Oct. 19, 1984, 98 Stat. 2389, provided that: ''This title [see Tables for classification] may be cited as the 'Women's Educational Equity Amendments of 1984'.''

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95–561, § 1, Nov. 1, 1978, 92 Stat. 2143, provided: ''That this Act [see Tables for classification] may be cited as the 'Education Amendments of 1978'.''

SHORT TITLE OF 1977 AMENDMENT

Pub. L. 95–112, § 1, Sept. 24, 1977, 91 Stat. 911, provided: ''That this Act [see Tables for classification] may be cited as the 'Education Amendments of 1977'.''

SHORT TITLE OF 1974 AMENDMENT

Pub. L. 93–380, § 1, Aug. 21, 1974, 88 Stat. 484, provided: ''That this Act [see Tables for classification] may be cited as the 'Education Amendments of 1974'.''

SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 121 [see Tables for classification], is popularly known as the ''Elementary and Secondary Education Amendments of 1970''.

SHORT TITLE OF 1968 AMENDMENT

Pub. L. 90–247, § 1, Jan. 2, 1968, 81 Stat. 783, provided that: ''This Act [see Tables for classification] may be

cited as the 'Elementary and Secondary Education Amendments of 1967'.''

SHORT TITLE OF 1966 AMENDMENT

Pub. L. 89–750, § 1, Nov. 3, 1966, 80 Stat. 1191, provided: ''That this Act [see Tables for classification] may be cited as the 'Elementary and Secondary Education Amendments of 1966'.''

SHORT TITLE

Section 1 of Pub. L. 89–10, as added by Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3519, as amended by Pub. L. 107–110, § 6(1), Jan. 8, 2002, 115 Stat. 1427, provided that: ''This Act [enacting this chapter] may be cited as the 'Elementary and Secondary Education Act of 1965'.''

Pub. L. 89–10, title X, § 10971, as added by Pub. L. 106–554, § 1(a)(1) [title IX, § 901], Dec. 21, 2000, 114 Stat. 2763, 2763A–89, which provided that subpart 2 (§§ 10971–10978) of part J of title X of Pub. L. 89–10, enacting subpart 2 of part J of former subchapter X of this chapter, could be cited as the ''Rural Education Achievement Program'', was repealed by Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986.

Pub. L. 89–10, title X, § 10999A, as added by Pub. L. 106–554, § 1(a)(1) [title VII, § 701], Dec. 21, 2000, 114 Stat. 2763, 2763A–76, which provided that part L (§§ 10999A–10999L) of title X of Pub. L. 89–10, enacting part L of former subchapter X of this chapter, could be cited as the ''Physical Education for Progress Act'', was repealed by Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986.

CONTINUATION OF AWARDS

Pub. L. 107–110, title II, § 202, Jan. 8, 2002, 115 Stat. 1688, provided that: ''Notwithstanding any other provision of this Act [see Tables for classification] or the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.], in the case of—

''(1) a person or entity that, prior to the date of enactment of this Act [Jan. 8, 2002], was awarded funds appropriated under the Department of Education Appropriations Act, 2001 [Pub. L. 106–554, § 1(a)(1) [title III], see Tables for classification] for new teacher recruitment initiatives; or

''(2) a person or agency that, prior to the date of enactment of this Act [Jan. 8, 2002], was awarded a grant or contract under part K of title X of the Elementary and Secondary Education Act of 1965 ([formerly] 20 U.S.C. 8331 et seq.),

the Secretary of Education shall continue to provide funds in accordance with the terms of such award until the date on which the award period terminates.''

Pub. L. 107–110, title V, § 502, Jan. 8, 2002, 115 Stat. 1873, provided that:

''(a) IN GENERAL.—Notwithstanding any other provision of this Act [see Tables for classification] or the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), in the case of any agency or consortium that was awarded a grant under section 5111 of the Elementary and Secondary Education Act of 1965 ([formerly] 20 U.S.C. 7211) or any person or agency that was awarded a contract or grant under part B, D, or E of title X of the Elementary and Secondary Education Act of 1965 ([formerly] 20 U.S.C. 8031 et seq., 8091 et seq., 8131 et seq.), prior to the date of enactment of this Act [Jan. 8, 2002], the Secretary of Education shall continue to provide funds in accordance with the terms of such award until the date on which the award period terminates under such terms.

''(b) SPECIAL RULE.—Notwithstanding any other provision of this Act, any person or agency that was awarded or entered into a grant, contract, or cooperative agreement under part B of title V of the Elementary and Secondary Education Act of 1965 ([formerly] 20 U.S.C. 7231 et seq.), prior to the date of enactment of this Act [Jan. 8, 2002] shall continue to receive funds in accordance with the terms of such grant, contract, or agreement until the date on which the grant, contract, or agreement period terminates under such terms.''

Pub. L. 107–110, title X, § 1052, Jan. 8, 2002, 115 Stat. 2083, provided that: ''Notwithstanding any other provision of this Act [see Tables for classification] or the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), in the case of a person or entity that was awarded a grant, relating to preparing tomorrow's teachers to use technology, that was made pursuant to section 3122 of the Elementary and Secondary Education Act of 1965 ([formerly] 20 U.S.C. 6832) prior to the date of enactment of this Act [Jan. 8, 2002], the Secretary of Education shall continue to provide funds in accordance with the terms of such award until the date on which the award period terminates.''

TRANSITION PROVISIONS

Pub. L. 114–95, § 4, Dec. 10, 2015, 129 Stat. 1805, provided that:

''(a) FUNDING AUTHORITY.—

''(1) MULTI-YEAR AWARDS.—

''(A) PROGRAMS NO LONGER AUTHORIZED.—Except as otherwise provided in this Act [see Tables for classification] or the amendments made by this Act, the recipient of a multiyear award under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as in effect on the day before the date of enactment of this Act [Dec. 10, 2015], under a program that is not authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by this Act, and—

''(i) that is not substantively similar to a program authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by this Act, shall continue to receive funds in accordance with the terms of such prior award, except that no additional funds for such program may be awarded after September 30, 2016; and

''(ii) that is substantively similar to a program authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by this Act, shall continue to receive funds in accordance with the terms of such prior award.

''(B) AUTHORIZED PROGRAMS.—Except as otherwise provided in this Act, or the amendments made by this Act, the recipient of a multiyear award under a program that was authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as in effect on the day before the date of enactment of this Act, and that is authorized under such Act (20 U.S.C. 6301 et seq.), as amended by this Act, shall continue to receive funds in accordance with the terms of such prior award.

''(2) PLANNING AND TRANSITION.—Notwithstanding any other provision of law, a recipient of funds under a program described in paragraph (1)(A)(ii) or (1)(B) may use funds awarded to the recipient under such program, to carry out necessary and reasonable planning and transition activities in order to ensure the recipient's compliance with the amendments to such program made by this Act.

''(b) ORDERLY TRANSITION.—Subject to subsection (a)(1)(A)(i), the Secretary shall take such steps as are necessary to provide for the orderly transition to, and implementation of, programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et. seq.), as amended by this Act, from programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as in effect on the day before the date of enactment of this Act.

''(c) TERMINATION OF CERTAIN WAIVERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, and subject to section 5(e)(2) [set out as an Effective Date of 2015 Amendment note above], a waiver described in paragraph (2) shall be null and void and have no legal effect on or after August 1, 2016.

''(2) WAIVERS.—A waiver shall be subject to paragraph (1) if the waiver was granted by the Secretary

of Education to a State or consortium of local educational agencies under the program first introduced in a letter to chief State school officers dated September 23, 2011, and authorized under section 9401 [now 8401] of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7861), as in effect on the day before the date of enactment of this Act.''

Pub. L. 107–110, § 4, Jan. 8, 2002, 115 Stat. 1426, provided that:

''(a) MULTI-YEAR AWARDS.—Except as otherwise provided in this Act [see Tables for classification], the recipient of a multi-year award under the Elementary and Secondary Education Act of 1965 [Pub. L. 89–10, 20 U.S.C. 6301 et seq., prior to general amendment by Pub. L. 107–110], as that Act was in effect prior to the date of enactment of this Act [Jan. 8, 2002], shall continue to receive funds in accordance with the terms of that award, except that no additional funds may be awarded after September 30, 2002.

''(b) PLANNING AND TRANSITION.—Notwithstanding any other provision of law, a recipient of funds under the Elementary and Secondary Education Act of 1965, as that Act was in effect prior to the date of enactment of this Act, may use funds available to the recipient under that predecessor authority to carry out necessary and reasonable planning and transition activities in order to ensure an orderly implementation of programs authorized by this Act, and the amendments made by this Act.

''(c) ORDERLY TRANSITION.—The Secretary shall take such steps as are necessary to provide for the orderly transition to, and implementation of, programs authorized by this Act, and by the amendments made by this Act, from programs authorized by the Elementary and Secondary Education Act of 1965, as that Act was in effect prior to the date of enactment of this Act.''

Pub. L. 103–382, § 3(b), Oct. 20, 1994, 108 Stat. 3519, provided that: ''Notwithstanding any other provision of law, a recipient of funds under the Elementary and Secondary Education Act of 1965 [Pub. L. 89–10, formerly chapter 47 (§ 2701 et seq.) of this title, prior to general amendment by Pub. L. 103–382, § 101], as such Act was in effect on the day preceding the date of enactment of this Act [Oct. 20, 1994], may use funds available to such recipient under such predecessor authority to carry out necessary and reasonable planning and transition activities in order to ensure a smooth implementation of programs authorized by this Act [see Tables for classification].''

BUDGET COMPLIANCE

Pub. L. 103–382, title V, § 561, Oct. 20, 1994, 108 Stat. 4058, provided that: ''Any authority or requirement to make funds available under this Act [see Tables for classification] shall be effective only to the extent provided in appropriations Acts.''

Pub. L. 100–297, title VI, § 6302, Apr. 28, 1988, 102 Stat. 431, provided that: ''Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974 [2 U.S.C. 651]) which is provided under this Act [see Tables for classification] shall be effective for any fiscal year only to the extent or in such amounts as are provided in appropriation Acts.''

EX. ORD. NO. 13153. ACTIONS TO IMPROVE LOW-PERFORMING SCHOOLS

Ex. Ord. No. 13153, May 3, 2000, 65 F.R. 26475, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Elementary and Secondary Education Act of 1965 (ESEA) [20 U.S.C. 6301 et seq.], the Department of Education Appropriations Act, 2000 (as contained in Public Law 106–113) [Pub. L. 106–113, div. B, § 1000(a)(4) [title III], Nov. 29, 1999, 113 Stat. 1535, 1501A–242, see Tables for classification], and in order to take actions to improve low-performing schools, it is hereby ordered as follows:

SECTION 1. *Policy*. Since 1993, this Administration has sought to raise standards for students and to increase accountability in public education while investing more resources in elementary and secondary schools. While much has been accomplished—there has been progress in math and reading achievement, particularly for low-achieving students and students in our highest poverty schools—much more can be done, especially for low-performing schools.

SEC. 2. *Technical Assistance and Capacity Building*. (a) The Secretary of Education (''Secretary'') shall work with State and local educational agencies (''LEAs'') to develop and implement a comprehensive strategy for providing technical assistance and other assistance to States and LEAs to strengthen their capacity to improve the performance of schools identified as low performing. This comprehensive strategy shall include a number of steps, such as:

(1) providing States, school districts, and schools receiving funds from the school improvement fund established by Public Law 106–113, as well as other districts and schools identified for school improvement or corrective action under Title I of the ESEA [20 U.S.C. 6301 et seq.], with access to the latest research and information on best practices, including research on instruction and educator professional development, and with the opportunity to learn from exemplary schools and exemplary State and local intervention strategies and from each other, in order to improve achievement for all students in the low-performing schools;

(2) determining effective ways of providing low-performing schools with access to resources from other Department of Education programs, such as funds from the Comprehensive School Reform Demonstration Program, the Reading Excellence Act [Pub. L. 105–277, div. A, § 101(f) [title VIII], Oct. 21, 1998, 112 Stat. 2681–337, 2681–391, see Tables for classification], the Eisenhower Professional Development Program, the Class Size Reduction Program, and the 21st Century Community Learning Centers Program, and to make effective use of these funds and Title I funds;

(3) providing States and LEAs with information on effective strategies to improve the quality of the teaching force, including strategies for recruiting and retaining highly qualified teachers in high-poverty schools, and implementing research-based professional development programs aligned with challenging standards;

(4) helping States and school districts build partnerships with technical assistance providers, including, but not limited to, federally funded laboratories and centers, foundations, businesses, community-based organizations, institutions of higher education, reform model providers, and other organizations that can help local schools improve;

(5) identifying previously low-performing schools that have made significant achievement gains, and States and school districts that have been effective in improving the achievement of all students in low-performing schools, which can serve as models and resources;

(6) providing assistance and information on how to effectively involve parents in the school-improvement process, including effectively involving and informing parents at the beginning of the school year about improvement goals for their school as well as the goals for their own children, and reporting on progress made in achieving these goals;

(7) providing States and LEAs with information on effective approaches to school accountability, including the effectiveness of such strategies as school reconstitution, peer review teams, and financial rewards and incentives;

(8) providing LEAs with information and assistance on the design and implementation of approaches to choice among public schools that create incentives for improvement throughout the local educational agency, especially in the lowest-performing schools, and that maximize the opportunity of students in low-performing schools to attend a higher-performing public school;

(9) exploring the use of well-trained tutors to raise student achievement through initiatives such as ''America Reads,'' ''America Counts,'' and other work-study opportunities to help low-performing schools;

(10) using a full range of strategies for disseminating information about effective practices, including interactive electronic communications;

(11) working with the Department of Interior, Bureau of Indian Affairs (BIA), to provide technical assistance to BIA-funded low-performing schools; and

(12) taking other steps that can help improve the quality of teaching and instruction in low-performing schools.

(b) The Secretary shall, to the extent permitted by law, take whatever steps the Secretary finds necessary and appropriate to redirect the resources and technical assistance capability of the Department of Education (''Department'') to assist States and localities in improving low-performing schools, and to ensure that the dissemination of research to help turn around low-performing schools is a priority of the Department.

SEC. 3. *School Improvement Report*. To monitor the progress of LEAs and schools in turning around failing schools, including those receiving grants from the School Improvement Fund, the Secretary shall prepare an annual School Improvement Report, to be published in September of each year, beginning in 2000. The report shall:

(a) describe trends in the numbers of LEAs and schools identified as needing improvement and subsequent changes in the academic performance of their students;

(b) identify best practices and significant research findings that can be used to help turn around low-performing LEAs and schools; and

(c) document ongoing efforts as a result of this order and other Federal efforts to assist States and local school districts in intervening in low-performing schools, including improving teacher quality. This report shall be publicly accessible.

SEC. 4. *Compliance Monitoring System*. Consistent with the implementation of the School Improvement Fund, the Secretary shall strengthen the Department's monitoring of ESEA requirements for identifying and turning around low-performing schools, as well as any new requirements established for the School Improvement Fund by Public Law 106–113. The Secretary shall give priority to provisions that have the greatest bearing on identifying and turning around low-performing schools, including sections 1116 and 1117 of the ESEA [former 20 U.S.C. 6316, 6317], and to developing an ongoing, focused, and systematic process for monitoring these provisions. This improved compliance monitoring shall be designed to:

(a) ensure that States and LEAs comply with ESEA requirements;

(b) assist States and LEAs in implementing effective procedures and strategies that reflect the best research available, as well as the experience of successful schools, school districts, and States as they address similar objectives and challenges; and

(c) assist States, LEAs, and schools in making the most effective use of available Federal resources.

SEC. 5. *Consultation*. The Secretary shall, where appropriate, consult with executive agencies, State and local education officials, educators, community-based groups, and others in carrying out this Executive order.

SEC. 6. *Judicial Review*. This order is intended only to improve the internal management of the executive branch and is not intended to, and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON.

DEFINITIONS

Pub. L. 100–297, title VI, § 6301, Apr. 28, 1988, 102 Stat. 431, provided that: ''Except as otherwise provided, for the purpose of this Act [see Tables for classification] the terms used in this Act have the meanings provided under section 1471 of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 [formerly 20 U.S.C. 2891].''

§ 6302. Authorization of appropriations

(a) Local educational agency grants

There are authorized to be appropriated to carry out the activities described in part A—

(1) $15,012,317,605 for fiscal year 2017;

(2) $15,457,459,042 for fiscal year 2018;

(3) $15,897,371,442 for fiscal year 2019; and

(4) $16,182,344,591 for fiscal year 2020.

(b) State assessments

There are authorized to be appropriated to carry out the activities described in part B, $378,000,000 for each of fiscal years 2017 through 2020.

(c) Education of migratory children

There are authorized to be appropriated to carry out the activities described in part C, $374,751,000 for each of fiscal years 2017 through 2020.

(d) Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk

There are authorized to be appropriated to carry out the activities described in part D, $47,614,000 for each of fiscal years 2017 through 2020.

(e) Federal activities

For the purpose of carrying out evaluation activities related to subchapter I under section 7981 of this title, there are authorized to be appropriated $710,000 for each of fiscal years 2017 through 2020.

(f) Sense of Congress regarding adjustments to authorizations of appropriations provided in this chapter for future budget agreements

It is the sense of Congress that if legislation is enacted that revises the limits on discretionary spending established under section 901(c) of title 2, the levels of appropriations authorized throughout this chapter should be adjusted in a manner that is consistent with the adjustments in nonsecurity category funding provided for under the revised limits on discretionary spending.

(Pub. L. 89–10, title I, § 1002, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1440; amended Pub. L. 114–95, title I, § 1002, Dec. 10, 2015, 129 Stat. 1814.)

PRIOR PROVISIONS

A prior section 6302, Pub. L. 89–10, title I, § 1002, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3522; amended Pub. L. 106–554, § 1(a)(4) [div. B, title XVI, § 1602], Dec. 21, 2000, 114 Stat. 2763, 2763A–328, authorized appropriations, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1002 of Pub. L. 89–10 was renumbered section 9002 and was classified to section 3382 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (i)

relating to authorization of appropriations for fiscal years 2002 through 2007.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6303. School improvement

(a) State reservations

To carry out subsection (b) and the State educational agency's statewide system of technical assistance and support for local educational agencies, each State shall reserve the greater of—

(1) 7 percent of the amount the State receives under subpart 2 of part A; or

(2) the sum of the amount the State—

(A) reserved for fiscal year 2016 under this subsection, as in effect on the day before December 10, 2015; and

(B) received for fiscal year 2016 under subsection (g), as in effect on the day before December 10, 2015.

(b) Uses

Of the amount reserved under subsection (a) for any fiscal year, the State educational agency—

(1)(A) shall allocate not less than 95 percent of that amount to make grants to local educational agencies on a formula or competitive basis, to serve schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 6311(d) of this title; or

(B) may, with the approval of the local educational agency, directly provide for these activities or arrange for their provision through other entities such as school support teams, educational service agencies, or nonprofit or for-profit external providers with expertise in using evidence-based strategies to improve student achievement, instruction, and schools; and

(2) shall use the funds not allocated to local educational agencies under paragraph (1) to carry out this section, which shall include—

(A) establishing the method, consistent with paragraph (1)(A), the State will use to allocate funds to local educational agencies under such paragraph, including ensuring—

(i) the local educational agencies receiving an allotment under such paragraph represent the geographic diversity of the State; and

(ii) that allotments are of sufficient size to enable a local educational agency to effectively implement selected strategies;

(B) monitoring and evaluating the use of funds by local educational agencies receiving an allotment under such paragraph; and

(C) as appropriate, reducing barriers and providing operational flexibility for schools in the implementation of comprehensive support and improvement activities or targeted support and improvement activities under section 6311(d) of this title.

(c) Duration

The State educational agency shall award each subgrant under subsection (b) for a period of not more than 4 years, which may include a planning year.

(d) Rule of construction

Nothing in this section shall be construed as prohibiting a State from allocating subgrants under this section to a statewide school district, consortium of local educational agencies, or an educational service agency that serves schools implementing comprehensive support and improvement activities or targeted support and improvement activities, if such entities are legally constituted or recognized as local educational agencies in the State.

(e) Application

To receive an allotment under subsection (b)(1), a local educational agency shall submit an application to the State educational agency at such time, in such form, and including such information as the State educational agency may require. Each application shall include, at a minimum—

(1) a description of how the local educational agency will carry out its responsibilities under section 6311(d) of this title for schools receiving funds under this section, including how the local educational agency will—

(A) develop comprehensive support and improvement plans under section 6311(d)(1) of this title for schools receiving funds under this section;

(B) support schools developing or implementing targeted support and improvement plans under section 6311(d)(2) of this title, if funds received under this section are used for such purpose;

(C) monitor schools receiving funds under this section, including how the local educational agency will carry out its responsibilities under clauses (iv) and (v) of section 6311(d)(2)(B) of this title if funds received under this section are used to support schools implementing targeted support and improvement plans;

(D) use a rigorous review process to recruit, screen, select, and evaluate any external partners with whom the local educational agency will partner;

(E) align other Federal, State, and local resources to carry out the activities supported with funds received under subsection (b)(1); and

(F) as appropriate, modify practices and policies to provide operational flexibility that enables full and effective implementation of the plans described in paragraphs (1) and (2) of section 6311(d) of this title; and

(2) an assurance that each school the local educational agency proposes to serve will receive all of the State and local funds it would have received in the absence of funds received under this section.

(f) Priority

The State educational agency, in allocating funds to local educational agencies under this section, shall give priority to local educational agencies that—

(1) serve high numbers, or a high percentage of, elementary schools and secondary schools implementing plans under paragraphs (1) and (2) of section 6311(d) of this title;

(2) demonstrate the greatest need for such funds, as determined by the State; and

(3) demonstrate the strongest commitment to using funds under this section to enable the lowest-performing schools to improve student achievement and student outcomes.

(g) Unused funds

If, after consultation with local educational agencies in the State, the State educational agency determines that the amount of funds reserved to carry out subsection (b) is greater than the amount needed to provide the assistance described in that subsection, the State educational agency shall allocate the excess amount to local educational agencies in accordance with—

(1) the relative allocations the State educational agency made to those agencies for that fiscal year under subpart 2 of part A; or

(2) section 6338(c) of this title.

(h) Special rule

Notwithstanding any other provision of this section, the amount of funds reserved by the State educational agency under subsection (a) for fiscal year 2018 and each subsequent fiscal year shall not decrease the amount of funds each local educational agency receives under subpart 2 of part A below the amount received by such local educational agency under such subpart for the preceding fiscal year.

(i) Reporting

The State shall include in the report described in section 6311(h)(1) of this title a list of all the local educational agencies and schools that received funds under this section, including the amount of funds each school received and the types of strategies implemented in each school with such funds.

(Pub. L. 89–10, title I, § 1003, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1442; amended Pub. L. 114–95, title I, § 1003, Dec. 10, 2015, 129 Stat. 1815.)

PRIOR PROVISIONS

A prior section 6303, Pub. L. 89–10, title I, § 1003, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3522, related to reservation and allocation for school improvement, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1003 of Pub. L. 89–10 was renumbered section 9003 and was classified to section 3383 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (g) relating to State reservations of amounts, uses of amounts, priority in allocating funds, allocation of unused funds, special rule limiting decrease of amounts received under subpart 2 of part A, reporting of list of recipient schools and percentage of students from families with incomes below poverty line, and grants program for assistance for local school improvement.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6303a. Whole-school reform strategy

Funds available for school improvement grants for fiscal year 2014 and thereafter may be used by a local educational agency to implement a whole-school reform strategy for a school using an evidence-based strategy that ensures whole-school reform is undertaken in partnership with a strategy developer offering a whole-school reform program that is based on at least a moderate level of evidence that the program will have a statistically significant effect on student outcomes, including at least one well-designed and well-implemented experimental or quasi-experimental study.

(Pub. L. 114–113, div. H, title III, Dec. 18, 2015, 129 Stat. 2627.)

CODIFICATION

Section was enacted as part of the Department of Education Appropriations Act, 2016, and also as part of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2016, and the Consolidated Appropriations Act, 2016, and not as part of the Elementary and Secondary Education Act of 1965 which comprises this chapter.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation act:

Pub. L. 113–235, div. G, title III, Dec. 16, 2014, 128 Stat. 2493.

§ 6303b. Direct student services

(a) State reservation

(1) In general

(A) States

Each State educational agency, after meaningful consultation with geographically diverse local educational agencies described in subparagraph (B), may reserve not more than 3 percent of the amount the State educational agency receives under subpart 2 of part A for each fiscal year to carry out this section.

(B) Consultation

A State educational agency shall consult under subparagraph (A) with local educational agencies that include—

(i) suburban, rural, and urban local educational agencies;

(ii) local educational agencies serving a high percentage of schools identified by the State for comprehensive support and improvement under section 6311(c)(4)(D)(i) of this title; and

(iii) local educational agencies serving a high percentage of schools implementing targeted support and improvement plans under section 6311(d)(2) of this title.

(2) Program administration

Of the funds reserved under paragraph (1)(A), the State educational agency may use not more than 1 percent to administer the program described in this section.

(b) Awards

(1) In general

From the amount reserved under subsection (a) by a State educational agency, the State

educational agency shall award grants to geographically diverse local educational agencies described in subsection (a)(1)(B)(i).

(2) Priority

In making such awards, the State educational agency shall prioritize awards to local educational agencies serving the highest percentage of schools, as compared to other local educational agencies in the State—

(A) identified by the State for comprehensive support and improvement under section 6311(c)(4)(D)(i) of this title; or

(B) implementing targeted support and improvement plans under section 6311(d)(2) of this title.

(c) Local use of funds

A local educational agency receiving an award under this section—

(1) may use not more than 1 percent of its award for outreach and communication to parents about available direct student services described in paragraph (3) in the local educational agency and State;

(2) may use not more than 2 percent of its award for administrative costs related to such direct student services;

(3) shall use the remainder of the award to pay the costs associated with one or more of the following direct student services—

(A) enrollment and participation in academic courses not otherwise available at a student's school, including—

(i) advanced courses; and

(ii) career and technical education coursework that—

(I) is aligned with the challenging State academic standards; and

(II) leads to industry-recognized credentials that meet the quality criteria established by the State under section 3153(a) of title 29;

(B) credit recovery and academic acceleration courses that lead to a regular high school diploma;

(C) activities that assist students in successfully completing postsecondary level instruction and examinations that are accepted for credit at institutions of higher education (including Advanced Placement and International Baccalaureate courses), which may include reimbursing low-income students to cover part or all of the costs of fees for such examinations;

(D) components of a personalized learning approach, which may include high-quality academic tutoring; and

(E) in the case of a local educational agency that does not reserve funds under section 6311(d)(1)(D)(v) of this title, transportation to allow a student enrolled in a school identified for comprehensive support and improvement under section 6311(c)(4)(D)(i) of this title to transfer to another public school (which may include a charter school) that has not been identified by the State under such section; and

(4) in paying the costs associated with the direct student services described in paragraph (3), shall—

(A) first, pay such costs for students who are enrolled in schools identified by the State for comprehensive support and improvement under section 6311(c)(4)(D)(i) of this title;

(B) second, pay such costs for low-achieving students who are enrolled in schools implementing targeted support and improvement plans under section 6311(d)(2) of this title; and

(C) with any remaining funds, pay such costs for other low-achieving students served by the local educational agency.

(d) Application

A local educational agency desiring to receive an award under subsection (b) shall submit an application to the State educational agency at such time and in such manner as the State educational agency shall require. At a minimum, each application shall describe how the local educational agency will—

(1) provide adequate outreach to ensure parents can exercise a meaningful choice of direct student services for their child's education;

(2) ensure parents have adequate time and information to make a meaningful choice prior to enrolling their child in a direct student service;

(3) in the case of a local educational agency offering public school choice under this section, ensure sufficient availability of seats in the public schools the local educational agency will make available for public school choice options;

(4) prioritize services to students who are lowest-achieving;

(5) select providers of direct student services, which may include one or more of—

(A) the local educational agency or other local educational agencies;

(B) community colleges or other institutions of higher education;

(C) non-public entities;

(D) community-based organizations; or

(E) in the case of high-quality academic tutoring, a variety of providers of such tutoring that are selected and approved by the State and appear on the State's list of such providers required under subsection (e)(2);

(6) monitor the provision of direct student services; and

(7) publicly report the results of direct student service providers in improving relevant student outcomes in a manner that is accessible to parents.

(e) Providers and schools

A State educational agency that reserves an amount under subsection (a) shall—

(1) ensure that each local educational agency that receives an award under this section and intends to provide public school choice under subsection (c)(3)(E) can provide a sufficient number of options to provide a meaningful choice for parents;

(2) compile and maintain an updated list of State-approved high-quality academic tutoring providers that—

(A) is developed using a fair negotiation and rigorous selection and approval process;

(B) provides parents with meaningful choices;

(C) offers a range of tutoring models, including online and on campus; and

(D) includes only providers that—

(i) have a demonstrated record of success in increasing students' academic achievement;

(ii) comply with all applicable Federal, State, and local health, safety, and civil rights laws; and

(iii) provide instruction and content that is secular, neutral, and non-ideological;

(3) ensure that each local educational agency receiving an award is able to provide an adequate number of high-quality academic tutoring options to ensure parents have a meaningful choice of services;

(4) develop and implement procedures for monitoring the quality of services provided by direct student service providers; and

(5) establish and implement clear criteria describing the course of action for direct student service providers that are not successful in improving student academic outcomes, which, for a high-quality academic tutoring provider, may include a process to remove State approval under paragraph (2).

(Pub. L. 89–10, title I, § 1003A, as added Pub. L. 114–95, title I, § 1004, Dec. 10, 2015, 129 Stat. 1817.)

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6304. State administration

(a) In general

Except as provided in subsection (b) of this section, to carry out administrative duties assigned under parts A, C, and D of this subchapter, each State may reserve the greater of—

(1) 1 percent of the amounts received under such parts; or

(2) $400,000 ($50,000 in the case of each outlying area).

(b) Exception

If the sum of the amounts appropriated for parts A, C, and D of this subchapter is equal to or greater than $14,000,000,000, then the reservation described in subsection (a)(1) of this section shall not exceed 1 percent of the amount the State would receive, if $14,000,000,000 were allocated among the States for parts A, C, and D of this subchapter.

(Pub. L. 89–10, title I, § 1004, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1444.)

PRIOR PROVISIONS

A prior section 1004 of Pub. L. 89–10 was renumbered section 9004 and was classified to section 3384 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

SUBPART 1—BASIC PROGRAM REQUIREMENTS

§ 6311. State plans

(a) Filing for grants

(1) In general

For any State desiring to receive a grant under this part, the State educational agency shall file with the Secretary a plan that is—

(A) developed by the State educational agency with timely and meaningful consultation with the Governor, members of the State legislature and State board of education (if the State has a State board of education), local educational agencies (including those located in rural areas), representatives of Indian tribes located in the State, teachers, principals, other school leaders, charter school leaders (if the State has charter schools), specialized instructional support personnel, paraprofessionals, administrators, other staff, and parents; and

(B) is coordinated with other programs under this chapter, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Rehabilitation Act of 1973 (20 U.S.C. 701 et seq.),[1] the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.),[2] the Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.), the Education[3] Technical Assistance Act of 2002 (20 U.S.C. 9601 et. seq.), the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621 et seq.), the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.), and the Adult Education and Family Literacy Act (29 U.S.C. 3271 et seq.).

(2) Limitation

Consultation required under paragraph (1)(A) shall not interfere with the timely submission of the plan required under this section.

(3) Consolidated plan

A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 7842 of this title.

(4) Peer review and Secretarial approval

(A) In general

The Secretary shall—

(i) establish a peer-review process to assist in the review of State plans;

(ii) establish multidisciplinary peer-review teams and appoint members of such teams—

(I) who are representative of—

(aa) parents, teachers, principals, other school leaders, specialized in-

[1] So in original. Probably should be "(29 U.S.C. 701 et seq.),".

[2] So in original. Probably should be "9857 et seq.),".

[3] So in original. Probably should be "Educational".

structional support personnel, State educational agencies, local educational agencies, and the community (including the business community); and

(bb) researchers who are familiar with—

(AA) the implementation of academic standards, assessments, or accountability systems; and

(BB) how to meet the needs of disadvantaged students, children with disabilities, and English learners, the needs of low-performing schools, and other educational needs of students;

(II) that include, to the extent practicable, majority representation of individuals who, in the most recent 2 years, have had practical experience in the classroom, school administration, or State or local government (such as direct employees of a school, local educational agency, or State educational agency); and

(III) who represent a regionally diverse cross-section of States;

(iii) make available to the public, including by such means as posting to the Department's website, the list of peer reviewers who have reviewed State plans under this section;

(iv) ensure that the peer-review teams consist of varied individuals so that the same peer reviewers are not reviewing all of the State plans;

(v) approve a State plan not later than 120 days after its submission, unless the Secretary meets the requirements of clause (vi);

(vi) have the authority to disapprove a State plan only if—

(I) the Secretary—

(aa) determines how the State plan fails to meet the requirements of this section;

(bb) immediately provides to the State, in writing, notice of such determination, and the supporting information and rationale to substantiate such determination;

(cc) offers the State an opportunity to revise and resubmit its State plan, and provides the State—

(AA) technical assistance to assist the State in meeting the requirements of this section;

(BB) in writing, all peer-review comments, suggestions, recommendations, or concerns relating to its State plan; and

(CC) a hearing, unless the State declines the opportunity for such hearing; and

(II) the State—

(aa) does not revise and resubmit its State plan; or

(bb) in a case in which a State revises and resubmits its State plan after a hearing is conducted under subclause (I)(cc)(CC), or after the State has declined the opportunity for such a hearing, the Secretary determines that such revised State plan does not meet the requirements of this section.

(B) Purpose of peer review

The peer-review process shall be designed to—

(i) maximize collaboration with each State;

(ii) promote effective implementation of the challenging State academic standards through State and local innovation; and

(iii) provide transparent, timely, and objective feedback to States designed to strengthen the technical and overall quality of the State plans.

(C) Standard and nature of review

Peer reviewers shall conduct an objective review of State plans in their totality and out of respect for State and local judgments, with the goal of supporting State- and local-led innovation and providing objective feedback on the technical and overall quality of a State plan.

(D) Prohibition

Neither the Secretary nor the political appointees of the Department, may attempt to participate in, or influence, the peer-review process.

(5) Public review

All written communications, feedback, and notifications under this subsection shall be conducted in a manner that is transparent and immediately made available to the public on the Department's website, including—

(A) plans submitted or resubmitted by a State;

(B) peer-review guidance, notes, and comments and the names of the peer reviewers (once the peer reviewers have completed their work);

(C) State plan determinations by the Secretary, including approvals or disapprovals; and

(D) notices and transcripts of hearings under this section.

(6) Duration of the plan

(A) In general

Each State plan shall—

(i) remain in effect for the duration of the State's participation under this part; and

(ii) be periodically reviewed and revised as necessary by the State educational agency to reflect changes in the State's strategies and programs under this part.

(B) Additional information

(i) In general

If a State makes significant changes to its plan at any time, such as the adoption of new challenging State academic standards or new academic assessments under subsection (b), or changes to its accountability system under subsection (c), such information shall be submitted to the Secretary in the form of revisions or amendments to the State plan.

(ii) Review of revised plans

The Secretary shall review the information submitted under clause (i) and approve changes to the State plan, or disapprove such changes in accordance with paragraph (4)(A)(vi), within 90 days, without undertaking the peer-review process under such paragraph.

(iii) Special rule for standards

If a State makes changes to its challenging State academic standards, the requirements of subsection (b)(1), including the requirement that such standards need not be submitted to the Secretary pursuant to subsection (b)(1)(A), shall still apply.

(7) Failure to meet requirements

If a State fails to meet any of the requirements of this section, the Secretary may withhold funds for State administration under this part until the Secretary determines that the State has fulfilled those requirements.

(8) Public comment

Each State shall make the State plan publicly available for public comment for a period of not less than 30 days, by electronic means and in an easily accessible format, prior to submission to the Secretary for approval under this subsection. The State, in the plan it files under this subsection, shall provide an assurance that public comments were taken into account in the development of the State plan.

(b) Challenging academic standards and academic assessments

(1) Challenging State academic standards

(A) In general

Each State, in the plan it files under subsection (a), shall provide an assurance that the State has adopted challenging academic content standards and aligned academic achievement standards (referred to in this chapter as ''challenging State academic standards''), which achievement standards shall include not less than 3 levels of achievement, that will be used by the State, its local educational agencies, and its schools to carry out this part. A State shall not be required to submit such challenging State academic standards to the Secretary.

(B) Same standards

Except as provided in subparagraph (E), the standards required by subparagraph (A) shall—

(i) apply to all public schools and public school students in the State; and

(ii) with respect to academic achievement standards, include the same knowledge, skills, and levels of achievement expected of all public school students in the State.

(C) Subjects

The State shall have such academic standards for mathematics, reading or language arts, and science, and may have such standards for any other subject determined by the State.

(D) Alignment

(i) In general

Each State shall demonstrate that the challenging State academic standards are aligned with entrance requirements for credit-bearing coursework in the system of public higher education in the State and relevant State career and technical education standards.

(ii) Rule of construction

Nothing in this chapter shall be construed to authorize public institutions of higher education to determine the specific challenging State academic standards required under this paragraph.

(E) Alternate academic achievement standards for students with the most significant cognitive disabilities

(i) In general

The State may, through a documented and validated standards-setting process, adopt alternate academic achievement standards for students with the most significant cognitive disabilities, provided those standards—

(I) are aligned with the challenging State academic content standards under subparagraph (A);

(II) promote access to the general education curriculum, consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

(III) reflect professional judgment as to the highest possible standards achievable by such students;

(IV) are designated in the individualized education program developed under section 614(d)(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(3)) for each such student as the academic achievement standards that will be used for the student; and

(V) are aligned to ensure that a student who meets the alternate academic achievement standards is on track to pursue postsecondary education or employment, consistent with the purposes of Public Law 93–112 [29 U.S.C. 701 et seq.], as in effect on July 22, 2014.

(ii) Prohibition on any other alternate or modified academic achievement standards

A State shall not develop, or implement for use under this part, any alternate academic achievement standards for children with disabilities that are not alternate academic achievement standards that meet the requirements of clause (i).

(F) English language proficiency standards

Each State plan shall demonstrate that the State has adopted English language proficiency standards that—

(i) are derived from the 4 recognized domains of speaking, listening, reading, and writing;

(ii) address the different proficiency levels of English learners; and

(iii) are aligned with the challenging State academic standards.

(G) Prohibitions

(i) Standards review or approval

A State shall not be required to submit any standards developed under this subsection to the Secretary for review or approval.

(ii) Federal control

The Secretary shall not have the authority to mandate, direct, control, coerce, or exercise any direction or supervision over any of the challenging State academic standards adopted or implemented by a State.

(H) Existing standards

Nothing in this part shall prohibit a State from revising, consistent with this section, any standards adopted under this part before or after December 10, 2015.

(2) Academic assessments

(A) In general

Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high-quality student academic assessments in mathematics, reading or language arts, and science. The State retains the right to implement such assessments in any other subject chosen by the State.

(B) Requirements

The assessments under subparagraph (A) shall—

(i) except as provided in subparagraph (D), be—

(I) the same academic assessments used to measure the achievement of all public elementary school and secondary school students in the State; and

(II) administered to all public elementary school and secondary school students in the State;

(ii) be aligned with the challenging State academic standards, and provide coherent and timely information about student attainment of such standards and whether the student is performing at the student's grade level;

(iii) be used for purposes for which such assessments are valid and reliable, consistent with relevant, nationally recognized professional and technical testing standards, objectively measure academic achievement, knowledge, and skills, and be tests that do not evaluate or assess personal or family beliefs and attitudes, or publicly disclose personally identifiable information;

(iv) be of adequate technical quality for each purpose required under this chapter and consistent with the requirements of this section, the evidence of which shall be made public, including on the website of the State educational agency;

(v)(I) in the case of mathematics and reading or language arts, be administered—

(aa) in each of grades 3 through 8; and

(bb) at least once in grades 9 through 12;

(II) in the case of science, be administered not less than one time during—

(aa) grades 3 through 5;

(bb) grades 6 through 9; and

(cc) grades 10 through 12; and

(III) in the case of any other subject chosen by the State, be administered at the discretion of the State;

(vi) involve multiple up-to-date measures of student academic achievement, including measures that assess higher-order thinking skills and understanding, which may include measures of student academic growth and may be partially delivered in the form of portfolios, projects, or extended performance tasks;

(vii) provide for—

(I) the participation in such assessments of all students;

(II) the appropriate accommodations, such as interoperability with, and ability to use, assistive technology, for children with disabilities (as defined in section 602(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(3))), including students with the most significant cognitive disabilities, and students with a disability who are provided accommodations under an Act other than the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), necessary to measure the academic achievement of such children relative to the challenging State academic standards or alternate academic achievement standards described in paragraph (1)(E); and

(III) the inclusion of English learners, who shall be assessed in a valid and reliable manner and provided appropriate accommodations on assessments administered to such students under this paragraph, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency, as determined under subparagraph (G);

(viii) at the State's discretion—

(I) be administered through a single summative assessment; or

(II) be administered through multiple statewide interim assessments during the course of the academic year that result in a single summative score that provides valid, reliable, and transparent information on student achievement or growth;

(ix) notwithstanding clause (vii)(III), provide for assessments (using tests in English) of reading or language arts of any student who has attended school in the United States (not including the Commonwealth of Puerto Rico) for 3 or more consecutive school years, except that if the

local educational agency determines, on a case-by-case individual basis, that academic assessments in another language or form would likely yield more accurate and reliable information on what such student knows and can do, the local educational agency may make a determination to assess such student in the appropriate language other than English for a period that does not exceed 2 additional consecutive years, provided that such student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what such student knows and can do on tests (written in English) of reading or language arts;

(x) produce individual student interpretive, descriptive, and diagnostic reports, consistent with clause (iii), regarding achievement on such assessments that allow parents, teachers, principals, and other school leaders to understand and address the specific academic needs of students, and that are provided to parents, teachers, and school leaders, as soon as is practicable after the assessment is given, in an understandable and uniform format, and to the extent practicable, in a language that parents can understand;

(xi) enable results to be disaggregated within each State, local educational agency, and school by—

(I) each major racial and ethnic group;

(II) economically disadvantaged students as compared to students who are not economically disadvantaged;

(III) children with disabilities as compared to children without disabilities;

(IV) English proficiency status;

(V) gender; and

(VI) migrant status,

except that such disaggregation shall not be required in the case of a State, local educational agency, or a school in which the number of students in a subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student;

(xii) enable itemized score analyses to be produced and reported, consistent with clause (iii), to local educational agencies and schools, so that parents, teachers, principals, other school leaders, and administrators can interpret and address the specific academic needs of students as indicated by the students' achievement on assessment items; and

(xiii) be developed, to the extent practicable, using the principles of universal design for learning.

(C) Exception for advanced mathematics in middle school

A State may exempt any 8th grade student from the assessment in mathematics described in subparagraph (B)(v)(I)(aa) if—

(i) such student takes the end-of-course assessment the State typically administers to meet the requirements of subparagraph (B)(v)(I)(bb) in mathematics;

(ii) such student's achievement on such end-of-course assessment is used for purposes of subsection (c)(4)(B)(i), in lieu of such student's achievement on the mathematics assessment required under subparagraph (B)(v)(I)(aa), and such student is counted as participating in the assessment for purposes of subsection (c)(4)(B)(vi);[4] and

(iii) in high school, such student takes a mathematics assessment pursuant to subparagraph (B)(v)(I)(bb) that—

(I) is any end-of-course assessment or other assessment that is more advanced than the assessment taken by such student under clause (i) of this subparagraph; and

(II) shall be used to measure such student's academic achievement for purposes of subsection (c)(4)(B)(i).

(D) Alternate assessments for students with the most significant cognitive disabilities

(i) Alternate assessments aligned with alternate academic achievement standards

A State may provide for alternate assessments aligned with the challenging State academic standards and alternate academic achievement standards described in paragraph (1)(E) for students with the most significant cognitive disabilities, if the State—

(I) consistent with clause (ii), ensures that, for each subject, the total number of students assessed in such subject using the alternate assessments does not exceed 1 percent of the total number of all students in the State who are assessed in such subject;

(II) ensures that the parents of such students are clearly informed, as part of the process for developing the individualized education program (as defined in section 614(d)(1)(A) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)))—

(aa) that their child's academic achievement will be measured based on such alternate standards; and

(bb) how participation in such assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma;

(III) promotes, consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the involvement and progress of students with the most significant cognitive disabilities in the general education curriculum;

(IV) describes in the State plan the steps the State has taken to incorporate universal design for learning, to the extent feasible, in alternate assessments;

(V) describes in the State plan that general and special education teachers, and other appropriate staff—

[4] So in original. No subsec. (c)(4)(B)(vi) has been enacted.

(aa) know how to administer the alternate assessments; and

(bb) make appropriate use of accommodations for students with disabilities on all assessments required under this paragraph;

(VI) develops, disseminates information on, and promotes the use of appropriate accommodations to increase the number of students with significant cognitive disabilities—

(aa) participating in academic instruction and assessments for the grade level in which the student is enrolled; and

(bb) who are tested based on challenging State academic standards for the grade level in which the student is enrolled; and

(VII) does not preclude a student with the most significant cognitive disabilities who takes an alternate assessment based on alternate academic achievement standards from attempting to complete the requirements for a regular high school diploma.

(ii) Special rules

(I) Responsibility under IDEA

Subject to the authority and requirements for the individualized education program team for a child with a disability under section 614(d)(1)(A)(i)(VI)(bb) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)(i)(VI)(bb)), such team, consistent with the guidelines established by the State and required under section 612(a)(16)(C) of such Act (20 U.S.C. 1412(c)(16)(C))[5] and clause (i)(II) of this subparagraph, shall determine when a child with a significant cognitive disability shall participate in an alternate assessment aligned with the alternate academic achievement standards.

(II) Prohibition on local cap

Nothing in this subparagraph shall be construed to permit the Secretary or a State educational agency to impose on any local educational agency a cap on the percentage of students administered an alternate assessment under this subparagraph, except that a local educational agency exceeding the cap applied to the State under clause (i)(I) shall submit information to the State educational agency justifying the need to exceed such cap.

(III) State support

A State shall provide appropriate oversight, as determined by the State, of any local educational agency that is required to submit information to the State under subclause (II).

(IV) Waiver authority

This subparagraph shall be subject to the waiver authority under section 7861 of this title.

[5] So in original. Probably should be ''(20 U.S.C. 1412(a)(16)(C))''.

(E) State authority

If a State educational agency provides evidence, which is satisfactory to the Secretary, that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority, under State law, to adopt challenging State academic standards, and academic assessments aligned with such standards, which will be applicable to all students enrolled in the State's public elementary schools and secondary schools, then the State educational agency may meet the requirements of this subsection by—

(i) adopting academic standards and academic assessments that meet the requirements of this subsection, on a statewide basis, and limiting their applicability to students served under this part; or

(ii) adopting and implementing policies that ensure that each local educational agency in the State that receives grants under this part will adopt academic content and student academic achievement standards, and academic assessments aligned with such standards, which—

(I) meet all of the criteria in this subsection and any regulations regarding such standards and assessments that the Secretary may publish; and

(II) are applicable to all students served by each such local educational agency.

(F) Language assessments

(i) In general

Each State plan shall identify the languages other than English that are present to a significant extent in the participating student population of the State and indicate the languages for which annual student academic assessments are not available and are needed.

(ii) Secretarial assistance

The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible academic assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate academic assessment measures in the needed languages, but shall not mandate a specific academic assessment or mode of instruction.

(G) Assessments of English language proficiency

(i) In general

Each State plan shall demonstrate that local educational agencies in the State will provide for an annual assessment of English proficiency of all English learners in the schools served by the State educational agency.

(ii) Alignment

The assessments described in clause (i) shall be aligned with the State's English language proficiency standards described in paragraph (1)(F).

(H) Locally-selected assessment

(i) In general

Nothing in this paragraph shall be construed to prohibit a local educational agency from administering a locally-selected assessment in lieu of the State-designed academic assessment under subclause (I)(bb) and subclause (II)(cc) of subparagraph (B)(v), if the local educational agency selects a nationally-recognized high school academic assessment that has been approved for use by the State as described in clause (iii) or (iv) of this subparagraph.

(ii) State technical criteria

To allow for State approval of nationally-recognized high school academic assessments that are available for local selection under clause (i), a State educational agency shall establish technical criteria to determine if any such assessment meets the requirements of clause (v).

(iii) State approval

If a State educational agency chooses to make a nationally-recognized high school assessment available for selection by a local educational agency under clause (i), which has not already been approved under this clause, such State educational agency shall—

(I) conduct a review of the assessment to determine if such assessment meets or exceeds the technical criteria established by the State educational agency under clause (ii);

(II) submit evidence in accordance with subsection (a)(4) that demonstrates such assessment meets the requirements of clause (v); and

(III) after fulfilling the requirements of subclauses (I) and (II), approve such assessment for selection and use by any local educational agency that requests to use such assessment under clause (i).

(iv) Local educational agency option

(I) Local educational agency

If a local educational agency chooses to submit a nationally-recognized high school academic assessment to the State educational agency, subject to the approval process described in subclause (I) and subclause (II) of clause (iii) to determine if such assessment fulfills the requirements of clause (v), the State educational agency may approve the use of such assessment consistent with clause (i).

(II) State educational agency

Upon such approval, the State educational agency shall approve the use of such assessment in any other local educational agency in the State that subsequently requests to use such assessment without repeating the process described in subclauses (I) and (II) of clause (iii).

(v) Requirements

To receive approval from the State educational agency under clause (iii), a locally-selected assessment shall—

(I) be aligned to the State's academic content standards under paragraph (1), address the depth and breadth of such standards, and be equivalent in its content coverage, difficulty, and quality to the State-designed assessments under this paragraph (and may be more rigorous in its content coverage and difficulty than such State-designed assessments);

(II) provide comparable, valid, and reliable data on academic achievement, as compared to the State-designed assessments, for all students and for each subgroup of students defined in subsection (c)(2), with results expressed in terms consistent with the State's academic achievement standards under paragraph (1), among all local educational agencies within the State;

(III) meet the requirements for the assessments under subparagraph (B) of this paragraph, including technical criteria, except the requirement under clause (i) of such subparagraph; and

(IV) provide unbiased, rational, and consistent differentiation between schools within the State to meet the requirements of subsection (c).

(vi) Parental notification

A local educational agency shall notify the parents of high school students served by the local educational agency—

(I) of its request to the State educational agency for approval to administer a locally-selected assessment; and

(II) upon approval, and at the beginning of each subsequent school year during which the locally selected assessment will be administered, that the local educational agency will be administering a different assessment than the State-designed assessments under subclause (I)(bb) and subclause (II)(cc) of subparagraph (B)(v).

(I) Deferral

A State may defer the commencement, or suspend the administration, but not cease the development, of the assessments described in this paragraph, for 1 year for each year for which the amount appropriated for grants under part B is less than $369,100,000.

(J) Adaptive assessments

(i) In general

Subject to clause (ii), a State retains the right to develop and administer computer adaptive assessments as the assessments described in this paragraph, provided the computer adaptive assessments meet the requirements of this paragraph, except that—

(I) subparagraph (B)(i) shall not be interpreted to require that all students taking the computer adaptive assessment be administered the same assessment items; and

(II) such assessment—

(aa) shall measure, at a minimum, each student's academic proficiency based on the challenging State aca-

demic standards for the student's grade level and growth toward such standards; and

(bb) may measure the student's level of academic proficiency and growth using items above or below the student's grade level, including for use as part of a State's accountability system under subsection (c).

(ii) Students with the most significant cognitive disabilities and English learners

In developing and administering computer adaptive assessments—

(I) as the assessments allowed under subparagraph (D), a State shall ensure that such computer adaptive assessments—

(aa) meet the requirements of this paragraph, including subparagraph (D), except such assessments shall not be required to meet the requirements of clause (i)(II); and

(bb) assess the student's academic achievement to measure, in the subject being assessed, whether the student is performing at the student's grade level; and

(II) as the assessments required under subparagraph (G), a State shall ensure that such computer adaptive assessments—

(aa) meet the requirements of this paragraph, including subparagraph (G), except such assessment shall not be required to meet the requirements of clause (i)(II); and

(bb) assess the student's language proficiency, which may include growth towards such proficiency, in order to measure the student's acquisition of English.

(K) Rule of construction on parent rights

Nothing in this paragraph shall be construed as preempting a State or local law regarding the decision of a parent to not have the parent's child participate in the academic assessments under this paragraph.

(L) Limitation on assessment time

Subject to Federal or State requirements related to assessments, evaluations, and accommodations, each State may, at the sole discretion of such State, set a target limit on the aggregate amount of time devoted to the administration of assessments for each grade, expressed as a percentage of annual instructional hours.

(3) Exception for recently arrived English learners

(A) Assessments

With respect to recently arrived English learners who have been enrolled in a school in one of the 50 States in the United States or the District of Columbia for less than 12 months, a State may choose to—

(i) exclude—

(I) such an English learner from one administration of the reading or language arts assessment required under paragraph (2); and

(II) such an English learner's results on any of the assessments required under paragraph (2)(B)(v)(I) or (2)(G) for the first year of the English learner's enrollment in such a school for the purposes of the State-determined accountability system under subsection (c); or

(ii)(I) assess, and report the performance of, such an English learner on the reading or language arts and mathematics assessments required under paragraph (2)(B)(v)(I) in each year of the student's enrollment in such a school; and

(II) for the purposes of the State-determined accountability system—

(aa) for the first year of the student's enrollment in such a school, exclude the results on the assessments described in subclause (I);

(bb) include a measure of student growth on the assessments described in subclause (I) in the second year of the student's enrollment in such a school; and

(cc) include proficiency on the assessments described in subclause (I) in the third year of the student's enrollment in such a school, and each succeeding year of such enrollment.

(B) English learner subgroup

With respect to a student previously identified as an English learner and for not more than 4 years after the student ceases to be identified as an English learner, a State may include the results of the student's assessments under paragraph (2)(B)(v)(I) within the English learner subgroup of the subgroups of students (as defined in subsection (c)(2)(D)) for the purposes of the State-determined accountability system.

(c) Statewide accountability system

(1) In general

Each State plan shall describe a statewide accountability system that complies with the requirements of this subsection and subsection (d).

(2) Subgroup of students

In this subsection and subsection (d), the term ''subgroup of students'' means—

(A) economically disadvantaged students;

(B) students from major racial and ethnic groups;

(C) children with disabilities; and

(D) English learners.

(3) Minimum number of students

Each State shall describe—

(A) with respect to any provisions under this part that require disaggregation of information by each subgroup of students—

(i) the minimum number of students that the State determines are necessary to be included to carry out such requirements and how that number is statistically sound, which shall be the same State-determined number for all students and for each subgroup of students in the State;

(ii) how such minimum number of students was determined by the State, includ-

ing how the State collaborated with teachers, principals, other school leaders, parents, and other stakeholders when determining such minimum number; and

(iii) how the State ensures that such minimum number is sufficient to not reveal any personally identifiable information.

(4) Description of system

The statewide accountability system described in paragraph (1) shall be based on the challenging State academic standards for reading or language arts and mathematics described in subsection (b)(1) to improve student academic achievement and school success. In designing such system to meet the requirements of this part, the State shall carry out the following:

(A) Establishment of long-term goals

Establish ambitious State-designed long-term goals, which shall include measurements of interim progress toward meeting such goals—

(i) for all students and separately for each subgroup of students in the State—

(I) for, at a minimum, improved—

(aa) academic achievement, as measured by proficiency on the annual assessments required under subsection (b)(2)(B)(v)(I); and

(bb) high school graduation rates, including—

(AA) the four-year adjusted cohort graduation rate; and

(BB) at the State's discretion, the extended-year adjusted cohort graduation rate, except that the State shall set a more rigorous long-term goal for such graduation rate, as compared to the long-term goal set for the four-year adjusted cohort graduation rate;

(II) for which the term set by the State for such goals is the same multi-year length of time for all students and for each subgroup of students in the State; and

(III) that, for subgroups of students who are behind on the measures described in items (aa) and (bb) of subclause (I), take into account the improvement necessary on such measures to make significant progress in closing statewide proficiency and graduation rate gaps; and

(ii) for English learners, for increases in the percentage of such students making progress in achieving English language proficiency, as defined by the State and measured by the assessments described in subsection (b)(2)(G), within a State-determined timeline.

(B) Indicators

Except for the indicator described in clause (iv), annually measure, for all students and separately for each subgroup of students, the following indicators:

(i) For all public schools in the State, based on the long-term goals established under subparagraph (A), academic achievement—

(I) as measured by proficiency on the annual assessments required under subsection (b)(2)(B)(v)(I); and

(II) at the State's discretion, for each public high school in the State, student growth, as measured by such annual assessments.

(ii) For public elementary schools and secondary schools that are not high schools in the State—

(I) a measure of student growth, if determined appropriate by the State; or

(II) another valid and reliable statewide academic indicator that allows for meaningful differentiation in school performance.

(iii) For public high schools in the State, and based on State-designed long term goals established under subparagraph (A)—

(I) the four-year adjusted cohort graduation rate; and

(II) at the State's discretion, the extended-year adjusted cohort graduation rate.

(iv) For public schools in the State, progress in achieving English language proficiency, as defined by the State and measured by the assessments described in subsection (b)(2)(G), within a State-determined timeline for all English learners—

(I) in each of the grades 3 through 8; and

(II) in the grade for which such English learners are otherwise assessed under subsection (b)(2)(B)(v)(I) during the grade 9 through grade 12 period, with such progress being measured against the results of the assessments described in subsection (b)(2)(G) taken in the previous grade.

(v)(I) For all public schools in the State, not less than one indicator of school quality or student success that—

(aa) allows for meaningful differentiation in school performance;

(bb) is valid, reliable, comparable, and statewide (with the same indicator or indicators used for each grade span, as such term is determined by the State); and

(cc) may include one or more of the measures described in subclause (II).

(II) For purposes of subclause (I), the State may include measures of—

(III)[6] student engagement;

(IV)[6] educator engagement;

(V)[6] student access to and completion of advanced coursework;

(VI)[6] postsecondary readiness;

(VII)[6] school climate and safety; and

(VIII)[6] any other indicator the State chooses that meets the requirements of this clause.

[6] So in original. Designations (III) to (VIII) probably should be (aa) to (ff), respectively.

(C) Annual meaningful differentiation

Establish a system of meaningfully differentiating, on an annual basis, all public schools in the State, which shall—

(i) be based on all indicators in the State's accountability system under subparagraph (B), for all students and for each of[7] subgroup of students, consistent with the requirements of such subparagraph;

(ii) with respect to the indicators described in clauses (i) through (iv) of subparagraph (B) afford—

(I) substantial weight to each such indicator; and

(II) in the aggregate, much greater weight than is afforded to the indicator or indicators utilized by the State and described in subparagraph (B)(v), in the aggregate; and

(iii) include differentiation of any such school in which any subgroup of students is consistently underperforming, as determined by the State, based on all indicators under subparagraph (B) and the system established under this subparagraph.

(D) Identification of schools

Based on the system of meaningful differentiation described in subparagraph (C), establish a State-determined methodology to identify—

(i) beginning with school year 2017–2018, and at least once every three school years thereafter, one statewide category of schools for comprehensive support and improvement, as described in subsection (d)(1), which shall include—

(I) not less than the lowest-performing 5 percent of all schools receiving funds under this part in the State;

(II) all public high schools in the State failing to graduate one third or more of their students; and

(III) public schools in the State described under subsection (d)(3)(A)(i)(II); and

(ii) at the discretion of the State, additional statewide categories of schools.

(E) Annual measurement of achievement

(i) Annually measure the achievement of not less than 95 percent of all students, and 95 percent of all students in each subgroup of students, who are enrolled in public schools on the assessments described under subsection (b)(2)(v)(I).

(ii) For the purpose of measuring, calculating, and reporting on the indicator described in subparagraph (B)(i), include in the denominator the greater of—

(I) 95 percent of all such students, or 95 percent of all such students in the subgroup, as the case may be; or

(II) the number of students participating in the assessments.

(iii) Provide a clear and understandable explanation of how the State will factor the requirement of clause (i) of this subparagraph into the statewide accountability system.

(F) Partial attendance

(i) In the case of a student who has not attended the same school within a local educational agency for at least half of a school year, the performance of such student on the indicators described in clauses (i), (ii), (iv), and (v) of subparagraph (B)—

(I) may not be used in the system of meaningful differentiation of all public schools as described in subparagraph (C) for such school year; and

(II) shall be used for the purpose of reporting on the State and local educational agency report cards under subsection (h) for such school year.

(ii) In the case of a high school student who has not attended the same school within a local educational agency for at least half of a school year and has exited high school without a regular high school diploma and without transferring to another high school that grants a regular high school diploma during such school year, the local educational agency shall, in order to calculate the graduation rate pursuant to subparagraph (B)(iii), assign such student to the high school—

(I) at which such student was enrolled for the greatest proportion of school days while enrolled in grades 9 through 12; or

(II) in which the student was most recently enrolled.

(5) Accountability for charter schools

The accountability provisions under this chapter shall be overseen for charter schools in accordance with State charter school law.

(d) School support and improvement activities

(1) Comprehensive support and improvement

(A) In general

Each State educational agency receiving funds under this part shall notify each local educational agency in the State of any school served by the local educational agency that is identified for comprehensive support and improvement under subsection (c)(4)(D)(i).

(B) Local educational agency action

Upon receiving such information from the State, the local educational agency shall, for each school identified by the State and in partnership with stakeholders (including principals and other school leaders, teachers, and parents), locally develop and implement a comprehensive support and improvement plan for the school to improve student outcomes, that—

(i) is informed by all indicators described in subsection (c)(4)(B), including student performance against State-determined long-term goals;

(ii) includes evidence-based interventions;

(iii) is based on a school-level needs assessment;

(iv) identifies resource inequities, which may include a review of local educational

[7] So in original. The word ''of'' probably should not appear.

agency and school-level budgeting, to be addressed through implementation of such comprehensive support and improvement plan;

(v) is approved by the school, local educational agency, and State educational agency; and

(vi) upon approval and implementation, is monitored and periodically reviewed by the State educational agency.

(C) State educational agency discretion

With respect to any high school in the State identified under subsection (c)(4)(D)(i)(II), the State educational agency may—

(i) permit differentiated improvement activities that utilize evidence-based interventions in the case of such a school that predominantly serves students—

(I) returning to education after having exited secondary school without a regular high school diploma; or

(II) who, based on their grade or age, are significantly off track to accumulate sufficient academic credits to meet high school graduation requirements, as established by the State; and

(ii) in the case of such a school that has a total enrollment of less than 100 students, permit the local educational agency to forego implementation of improvement activities required under this paragraph.

(D) Public school choice

(i) In general

A local educational agency may provide all students enrolled in a school identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i) with the option to transfer to another public school served by the local educational agency, unless such an option is prohibited by State law.

(ii) Priority

In providing students the option to transfer to another public school, the local educational agency shall give priority to the lowest-achieving children from low-income families, as determined by the local educational agency for the purposes of allocating funds to schools under section 6313(a)(3) of this title.

(iii) Treatment

A student who uses the option to transfer to another public school shall be enrolled in classes and other activities in the public school to which the student transfers in the same manner as all other students at the public school.

(iv) Special rule

A local educational agency shall permit a student who transfers to another public school under this paragraph to remain in that school until the student has completed the highest grade in that school.

(v) Funding for transportation

A local educational agency may spend an amount equal to not more than 5 percent of its allocation under subpart 2 of this part to pay for the provision of transportation for students who transfer under this paragraph to the public schools to which the students transfer.

(2) Targeted support and improvement

(A) In general

Each State educational agency receiving funds under this part shall, using the meaningful differentiation of schools described in subsection (c)(4)(C)—

(i) notify each local educational agency in the State of any school served by the local educational agency in which any subgroup of students is consistently underperforming, as described in subsection (c)(4)(C)(iii); and

(ii) ensure such local educational agency provides notification to such school with respect to which subgroup or subgroups of students in such school are consistently underperforming as described in subsection (c)(4)(C)(iii).

(B) Targeted support and improvement plan

Each school receiving a notification described in this paragraph, in partnership with stakeholders (including principals and other school leaders, teachers and parents), shall develop and implement a school-level targeted support and improvement plan to improve student outcomes based on the indicators in the statewide accountability system established under subsection (c)(4), for each subgroup of students that was the subject of notification that—

(i) is informed by all indicators described in subsection (c)(4)(B), including student performance against long-term goals;

(ii) includes evidence-based interventions;

(iii) is approved by the local educational agency prior to implementation of such plan;

(iv) is monitored, upon submission and implementation, by the local educational agency; and

(v) results in additional action following unsuccessful implementation of such plan after a number of years determined by the local educational agency.

(C) Additional targeted support

A plan described in subparagraph (B) that is developed and implemented in any school receiving a notification under this paragraph from the local educational agency in which any subgroup of students, on its own, would lead to identification under subsection (c)(4)(D)(i)(I) using the State's methodology under subsection (c)(4)(D) shall also identify resource inequities (which may include a review of local educational agency and school level budgeting), to be addressed through implementation of such plan.

(D) Special rule

The State educational agency, based on the State's differentiation of schools under subsection (c)(4)(C) for school year 2017–2018, shall notify local educational agencies of

any schools served by the local educational agency in which any subgroup of students, on its own, would lead to identification under subsection (c)(4)(D)(i)(I) using the State's methodology under subsection (c)(4)(D), after which notification of such schools under this paragraph shall result from differentiation of schools pursuant to subsection (c)(4)(C)(iii).

(3) Continued support for school and local educational agency improvement

To ensure continued progress to improve student academic achievement and school success in the State, the State educational agency—

(A) shall—

(i) establish statewide exit criteria for—

(I) schools identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i), which, if not satisfied within a State-determined number of years (not to exceed four years), shall result in more rigorous State-determined action, such as the implementation of interventions (which may include addressing school-level operations); and

(II) schools described in paragraph (2)(C), which, if not satisfied within a State-determined number of years, shall, in the case of such schools receiving assistance under this part, result in identification of the school by the State for comprehensive support and improvement under subsection (c)(4)(D)(i)(III);

(ii) periodically review resource allocation to support school improvement in each local educational agency in the State serving—

(I) a significant number of schools identified for comprehensive support and improvement under subsection (c)(4)(D)(i); and

(II) a significant number of schools implementing targeted support and improvement plans under paragraph (2); and

(iii) provide technical assistance to each local educational agency in the State serving a significant number of—

(I) schools implementing comprehensive support and improvement plans under paragraph (1); or

(II) schools implementing targeted support and improvement plans under paragraph (2); and

(B) may—

(i) take action to initiate additional improvement in any local educational agency with—

(I) a significant number of schools that are consistently identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i) and not meeting exit criteria established by the State under subparagraph (A)(i)(I); or

(II) a significant number of schools implementing targeted support and improvement plans under paragraph (2); and

(ii) consistent with State law, establish alternative evidence-based State determined strategies that can be used by local educational agencies to assist a school identified for comprehensive support and improvement under subsection (c)(4)(D)(i).

(4) Rule of construction for collective bargaining

Nothing in this subsection shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employers and their employees.

(e) Prohibition

(1) In general

Nothing in this chapter shall be construed to authorize or permit the Secretary—

(A) when promulgating any rule or regulation, to promulgate any rule or regulation on the development or implementation of the statewide accountability system established under this section that would—

(i) add new requirements that are inconsistent with or outside the scope of this part;

(ii) add new criteria that are inconsistent with or outside the scope of this part; or

(iii) be in excess of statutory authority granted to the Secretary;

(B) as a condition of approval of the State plan, or revisions or amendments to, the State plan, or approval of a waiver request submitted under section 7861 of this title, to—

(i) require a State to add any requirements that are inconsistent with or outside the scope of this part;

(ii) require a State to add or delete one or more specific elements of the challenging State academic standards; or

(iii) prescribe—

(I) numeric long-term goals or measurements of interim progress that States establish for all students, for any subgroups of students, and for English learners with respect to English language proficiency, under this part, including—

(aa) the length of terms set by States in designing such goals; or

(bb) the progress expected from any subgroups of students in meeting such goals;

(II) specific academic assessments or assessment items that States or local educational agencies use to meet the requirements of subsection (b)(2) or otherwise use to measure student academic achievement or student growth under this part;

(III) indicators that States use within the State accountability system under this section, including any requirement to measure student growth, or, if a State chooses to measure student growth, the specific metrics used to measure such growth under this part;

(IV) the weight of any measure or indicator used to identify or meaningfully differentiate schools, under this part;

(V) the specific methodology used by States to meaningfully differentiate or identify schools under this part;

(VI) any specific school support and improvement strategies or activities that State or local educational agencies establish and implement to intervene in, support, and improve schools and improve student outcomes under this part;

(VII) exit criteria established by States under subsection (d)(3)(A)(i);

(VIII) provided that the State meets the requirements in subsection (c)(3), a minimum number of students established by a State under such subsection;

(IX) any aspect or parameter of a teacher, principal, or other school leader evaluation system within a State or local educational agency;

(X) indicators or specific measures of teacher, principal, or other school leader effectiveness or quality; or

(XI) the way in which the State factors the requirement under subsection (c)(4)(E)(i) into the statewide accountability system under this section; or

(C) to issue new non-regulatory guidance that—

(i) in seeking to provide explanation of requirements under this section for State or local educational agencies, either in response to requests for information or in anticipation of such requests, provides a strictly limited or exhaustive list to illustrate successful implementation of provisions under this section; or

(ii) purports to be legally binding; or

(D) to require data collection under this part beyond data derived from existing Federal, State, and local reporting requirements.

(2) Defining terms

In carrying out this part, the Secretary shall not, through regulation or as a condition of approval of the State plan or revisions or amendments to the State plan, promulgate a definition of any term used in this part, or otherwise prescribe any specification for any such term, that is inconsistent with or outside the scope of this part or is in violation of paragraph (1).

(f) Existing State law

Nothing in this section shall be construed to alter any State law or regulation granting parents authority over schools that repeatedly failed to make adequate yearly progress under this part, as in effect on the day before December 10, 2015.

(g) Other plan provisions

(1) Descriptions

Each State plan shall describe—

(A) how the State will provide assistance to local educational agencies and individual elementary schools choosing to use funds under this part to support early childhood education programs;

(B) how low-income and minority children enrolled in schools assisted under this part are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers, and the measures the State educational agency will use to evaluate and publicly report the progress of the State educational agency with respect to such description (except that nothing in this subparagraph shall be construed as requiring a State to develop or implement a teacher, principal, or other school leader evaluation system);

(C) how the State educational agency will support local educational agencies receiving assistance under this part to improve school conditions for student learning, including through reducing—

(i) incidences of bullying and harassment;

(ii) the overuse of discipline practices that remove students from the classroom; and

(iii) the use of aversive behavioral interventions that compromise student health and safety;

(D) how the State will support local educational agencies receiving assistance under this part in meeting the needs of students at all levels of schooling (particularly students in the middle grades and high school), including how the State will work with such local educational agencies to provide effective transitions of students to middle grades and high school to decrease the risk of students dropping out;

(E) the steps a State educational agency will take to ensure collaboration with the State agency responsible for administering the State plans under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq. and 670 et seq.) to ensure the educational stability of children in foster care, including assurances that—

(i) any such child enrolls or remains in such child's school of origin, unless a determination is made that it is not in such child's best interest to attend the school of origin, which decision shall be based on all factors relating to the child's best interest, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement;

(ii) when a determination is made that it is not in such child's best interest to remain in the school of origin, the child is immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment;

(iii) the enrolling school shall immediately contact the school last attended by

any such child to obtain relevant academic and other records; and

(iv) the State educational agency will designate an employee to serve as a point of contact for child welfare agencies and to oversee implementation of the State agency responsibilities required under this subparagraph, and such point of contact shall not be the State's Coordinator for Education of Homeless Children and Youths under section 722(d)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(d)(3));

(F) how the State educational agency will provide support to local educational agencies in the identification, enrollment, attendance, and school stability of homeless children and youths; and

(G) such other factors the State educational agency determines appropriate to provide students an opportunity to achieve the knowledge and skills described in the challenging State academic standards.

(2) Assurances

Each State plan shall contain assurances that—

(A) the State will make public any methods or criteria the State is using to measure teacher, principal, or other school leader effectiveness for the purpose of meeting the requirements described in paragraph (1)(B);

(B) the State educational agency will notify local educational agencies, Indian tribes and tribal organizations, schools, teachers, parents, and the public of the challenging State academic standards, academic assessments, and State accountability system, developed under this section;

(C) the State educational agency will assist each local educational agency and school affected by the State plan to meet the requirements of this part;

(D) the State will participate in the biennial State academic assessments in reading and mathematics in grades 4 and 8 of the National Assessment of Educational Progress carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(3)) if the Secretary pays the costs of administering such assessments;

(E) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources to improve educational opportunities and reduce unnecessary fiscal and accounting requirements;

(F) the State educational agency will support the collection and dissemination to local educational agencies and schools of effective parent and family engagement strategies, including those included in the parent and family engagement policy under section 6318 of this title;

(G) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;

(H) the State educational agency will ensure that local educational agencies, in developing and implementing programs under this part, will, to the extent feasible, work in consultation with outside intermediary organizations (such as educational service agencies), or individuals, that have practical expertise in the development or use of evidence-based strategies and programs to improve teaching, learning, and schools;

(I) the State educational agency has appropriate procedures and safeguards in place to ensure the validity of the assessment process;

(J) the State educational agency will ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification;

(K) the State educational agency will coordinate activities funded under this part with other Federal activities as appropriate;

(L) the State educational agency has involved the committee of practitioners established under section 6573(b) of this title in developing the plan and monitoring its implementation;

(M) the State has professional standards for paraprofessionals working in a program supported with funds under this part, including qualifications that were in place on the day before December 10, 2015; and

(N) the State educational agency will provide the information described in clauses (ii), (iii), and (vii) of subsection (h)(1)(C) to the public in an easily accessible and user-friendly manner that can be cross-tabulated by, at a minimum, each major racial and ethnic group, gender, English proficiency status, and children with or without disabilities, which—

(i) may be accomplished by including such information on the annual State report card described subsection (h)(1)(C); and

(ii) shall be presented in a manner that—

(I) is first anonymized and does not reveal personally identifiable information about an individual student;

(II) does not include a number of students in any subgroup of students that is insufficient to yield statistically reliable information or that would reveal personally identifiable information about an individual student; and

(III) is consistent with the requirements of section 1232g of this title (commonly known as the ''Family Educational Rights and Privacy Act of 1974'').

(3) Rules of construction

Nothing in paragraph (2)(N) shall be construed to—

(A) require groups of students obtained by any entity that cross-tabulates the information provided under such paragraph to be considered subgroups of students, as defined

in subsection (c)(2), for the purposes of the State accountability system under subsection (c); or

(B) require or prohibit States or local educational agencies from publicly reporting data in a cross-tabulated manner, in order to meet the requirements of paragraph (2)(N).

(4) Technical assistance

Upon request by a State educational agency, the Secretary shall provide technical assistance to such agency to—

(A) meet the requirements of paragraph (2)(N); or

(B) in the case of a State educational agency choosing, at its sole discretion, to disaggregate data described in clauses (ii) and (iii)(II) of subsection (h)(1)(C) for Asian and Native Hawaiian or Pacific Islander students using the same race response categories as the decennial census of the population, assist such State educational agency in such disaggregation and in using such data to improve academic outcomes for such students.

(h) Reports

(1) Annual State report card

(A) In general

A State that receives assistance under this part shall prepare and disseminate widely to the public an annual State report card for the State as a whole that meets the requirements of this paragraph.

(B) Implementation

The State report card required under this paragraph shall be—

(i) concise;

(ii) presented in an understandable and uniform format that is developed in consultation with parents and, to the extent practicable, in a language that parents can understand; and

(iii) widely accessible to the public, which shall include making available on a single webpage of the State educational agency's website, the State report card, all local educational agency report cards for each local educational agency in the State required under paragraph (2), and the annual report to the Secretary under paragraph (5).

(C) Minimum requirements

Each State report card required under this subsection shall include the following information:

(i) A clear and concise description of the State's accountability system under subsection (c), including—

(I) the minimum number of students that the State determines are necessary to be included in each of the subgroups of students, as defined in subsection (c)(2), for use in the accountability system;

(II) the long-term goals and measurements of interim progress for all students and for each of the subgroups of students, as defined in subsection (c)(2);

(III) the indicators described in subsection (c)(4)(B) used to meaningfully differentiate all public schools in the State;

(IV) the State's system for meaningfully differentiating all public schools in the State, including—

(aa) the specific weight of the indicators described in subsection (c)(4)(B) in such differentiation;

(bb) the methodology by which the State differentiates all such schools;

(cc) the methodology by which the State differentiates a school as consistently underperforming for any subgroup of students described in section (c)(4)(C)(iii), including the time period used by the State to determine consistent underperformance; and

(dd) the methodology by which the State identifies a school for comprehensive support and improvement as required under subsection (c)(4)(D)(i);

(V) the number and names of all public schools in the State identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i) or implementing targeted support and improvement plans under subsection (d)(2); and

(VI) the exit criteria established by the State as required under clause (i) of subsection (d)(3)(A), including the length of years established under clause (i)(II) of such subsection.

(ii) For all students and disaggregated by each subgroup of students described in subsection (b)(2)(B)(xi), homeless status, status as a child in foster care, and status as a student with a parent who is a member of the Armed Forces (as defined in section 101(a)(4) of title 10) on active duty (as defined in section 101(d)(5)[8] of such title), information on student achievement on the academic assessments described in subsection (b)(2) at each level of achievement, as determined by the State under subsection (b)(1).

(iii) For all students and disaggregated by each of the subgroups of students, as defined in subsection (c)(2), and for purposes of subclause (II) of this clause, homeless status and status as a child in foster care—

(I) information on the performance on the other academic indicator under subsection (c)(4)(B)(ii) for public elementary schools and secondary schools that are not high schools, used by the State in the State accountability system; and

(II) high school graduation rates, including four-year adjusted cohort graduation rates and, at the State's discretion, extended-year adjusted cohort graduation rates.

(iv) Information on the number and percentage of English learners achieving English language proficiency.

(v) For all students and disaggregated by each of the subgroups of students, as de-

[8] So in original. Probably should be "101(d)(1)".

fined in subsection (c)(2), information on the performance on the other indicator or indicators of school quality or student success under subsection (c)(4)(B)(v) used by the State in the State accountability system.

(vi) Information on the progress of all students and each subgroup of students, as defined in subsection (c)(2), toward meeting the State-designed long term goals under subsection (c)(4)(A), including the progress of all students and each such subgroup of students against the State measurements of interim progress established under such subsection.

(vii) For all students and disaggregated by each subgroup of students described in subsection (b)(2)(B)(xi), the percentage of students assessed and not assessed.

(viii) Information submitted by the State educational agency and each local educational agency in the State, in accordance with data collection conducted pursuant to section 3413(c)(1) of this title, on—

(I) measures of school quality, climate, and safety, including rates of in-school suspensions, out-of-school suspensions, expulsions, school-related arrests, referrals to law enforcement, chronic absenteeism (including both excused and unexcused absences), incidences of violence, including bullying and harassment; and

(II) the number and percentage of students enrolled in—

(aa) preschool programs; and

(bb) accelerated coursework to earn postsecondary credit while still in high school, such as Advanced Placement and International Baccalaureate courses and examinations, and dual or concurrent enrollment programs.

(ix) The professional qualifications of teachers in the State, including information (that shall be presented in the aggregate and disaggregated by high-poverty compared to low-poverty schools) on the number and percentage of—

(I) inexperienced teachers, principals, and other school leaders;

(II) teachers teaching with emergency or provisional credentials; and

(III) teachers who are not teaching in the subject or field for which the teacher is certified or licensed.

(x) The per-pupil expenditures of Federal, State, and local funds, including actual personnel expenditures and actual nonpersonnel expenditures of Federal, State, and local funds, disaggregated by source of funds, for each local educational agency and each school in the State for the preceding fiscal year.

(xi) The number and percentages of students with the most significant cognitive disabilities who take an alternate assessment under subsection (b)(2)(D), by grade and subject.

(xii) Results on the State academic assessments in reading and mathematics in grades 4 and 8 of the National Assessment of Educational Progress carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(3)), compared to the national average of such results.

(xiii) Where available, for each high school in the State, and beginning with the report card prepared under this paragraph for 2017, the cohort rate (in the aggregate, and disaggregated for each subgroup of students defined in subsection (c)(2)), at which students who graduate from the high school enroll, for the first academic year that begins after the students' graduation—

(I) in programs of public postsecondary education in the State; and

(II) if data are available and to the extent practicable, in programs of private postsecondary education in the State or programs of postsecondary education outside the State.

(xiv) Any additional information that the State believes will best provide parents, students, and other members of the public with information regarding the progress of each of the State's public elementary schools and secondary schools, which may include the number and percentage of students attaining career and technical proficiencies ([9]as defined by section 113(b) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2323(b)) and reported by States only in a manner consistent with section 113(c) of such Act (20 U.S.C. 2323(c)).

(D) Rules of construction

Nothing in subparagraph (C)(viii) shall be construed as requiring—

(i) reporting of any data that are not collected in accordance with section 3413(c)(1) of this title; or

(ii) disaggregation of any data other than as required under subsection (b)(2)(B)(xi).

(2) Annual local educational agency report cards

(A) Preparation and dissemination

A local educational agency that receives assistance under this part shall prepare and disseminate an annual local educational agency report card that includes information on such agency as a whole and each school served by the agency.

(B) Implementation

Each local educational agency report card shall be—

(i) concise;

(ii) presented in an understandable and uniform format, and to the extent practicable, in a language that parents can understand; and

(iii) accessible to the public, which shall include—

(I) placing such report card on the website of the local educational agency; and

[9] So in original. There is no corresponding closing parenthesis.

(II) in any case in which a local educational agency does not operate a website, providing the information to the public in another manner determined by the local educational agency.

(C) Minimum requirements

The State educational agency shall ensure that each local educational agency collects appropriate data and includes in the local educational agency's annual report the information described in paragraph (1)(C), disaggregated in the same manner as required under such paragraph, except for clause (xii) of such paragraph, as applied to the local educational agency and each school served by the local educational agency, including—

(i) in the case of a local educational agency, information that shows how students served by the local educational agency achieved on the academic assessments described in subsection (b)(2) compared to students in the State as a whole;

(ii) in the case of a school, information that shows how the school's students' achievement on the academic assessments described in subsection (b)(2) compared to students served by the local educational agency and the State as a whole; and

(iii) any other information that the local educational agency determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school served by the local educational agency, whether or not such information is included in the annual State report card.

(D) Additional information

In the case of a local educational agency that issues a report card for all students, the local educational agency may include the information under this section as part of such report.

(3) Preexisting report cards

A State educational agency or local educational agency may use public report cards on the performance of students, schools, local educational agencies, or the State, that were in effect prior to December 10, 2015, for the purpose of this subsection, so long as any such report card is modified, as may be needed, to contain the information required by this subsection, and protects the privacy of individual students.

(4) Cost reduction

Each State educational agency and local educational agency receiving assistance under this part shall, wherever possible, take steps to reduce data collection costs and duplication of effort by obtaining the information required under this subsection through existing data collection efforts.

(5) Annual State report to the Secretary

Each State educational agency receiving assistance under this part shall report annually to the Secretary, and make widely available within the State—

(A) information on the achievement of students on the academic assessments required by subsection (b)(2), including the disaggregated results for the subgroups of students as defined in subsection (c)(2);

(B) information on the acquisition of English proficiency by English learners;

(C) the number and names of each public school in the State—

(i) identified for comprehensive support and improvement under subsection (c)(4)(D)(i); and

(ii) implementing targeted support and improvement plans under subsection (d)(2); and

(D) information on the professional qualifications of teachers in the State, including information on the number and the percentage of the following teachers:

(i) Inexperienced teachers.

(ii) Teachers teaching with emergency or provisional credentials.

(iii) Teachers who are not teaching in the subject or field for which the teacher is certified or licensed.

(6) Report to Congress

The Secretary shall transmit annually to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that provides national and State-level data on the information collected under paragraph (5). Such report shall be submitted through electronic means only.

(i) Privacy

(1) In general

Information collected or disseminated under this section (including any information collected for or included in the reports described in subsection (h)) shall be collected and disseminated in a manner that protects the privacy of individuals consistent with section 1232g of this title (commonly known as the ''Family Educational Rights and Privacy Act of 1974'') and this chapter.

(2) Sufficiency

The reports described in subsection (h) shall only include data that are sufficient to yield statistically reliable information.

(3) Disaggregation

Disaggregation under this section shall not be required if such disaggregation will reveal personally identifiable information about any student, teacher, principal, or other school leader, or will provide data that are insufficient to yield statistically reliable information.

(j) Voluntary partnerships

A State retains the right to enter into a voluntary partnership with another State to develop and implement the challenging State academic standards and assessments required under this section, except that the Secretary shall not attempt to influence, incentivize, or coerce State—

(1) adoption of the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant

number of States, or assessments tied to such standards; or

(2) participation in such partnerships.

(k) Special rule with respect to Bureau-funded schools

In determining the assessments to be used by each school operated or funded by the Bureau of Indian Education receiving funds under this part, the following shall apply until the requirements of section 7824(c) of this title have been met:

(1) Each such school that is accredited by the State in which it is operating shall use the assessments and other academic indicators the State has developed and implemented to meet the requirements of this section, or such other appropriate assessment and academic indicators as approved by the Secretary of the Interior.

(2) Each such school that is accredited by a regional accrediting organization (in consultation with and with the approval of the Secretary of the Interior, and consistent with assessments and academic indicators adopted by other schools in the same State or region) shall adopt an appropriate assessment and other academic indicators that meet the requirements of this section.

(3) Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use an assessment and other academic indicators developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessment and academic indicators meet the requirements of this section.

***(l)* Construction**

Nothing in this part shall be construed to prescribe the use of the academic assessments described in this part for student promotion or graduation purposes.

(Pub. L. 89–10, title I, § 1111, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1444; amended Pub. L. 107–279, title IV, § 404(d)(1), Nov. 5, 2002, 116 Stat. 1985; Pub. L. 108–446, title III, § 305(g)(1), Dec. 3, 2004, 118 Stat. 2805; Pub. L. 109–270, § 2(f)(1), Aug. 12, 2006, 120 Stat. 747; Pub. L. 114–95, title I, § 1005, Dec. 10, 2015, 129 Stat. 1820.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsecs. (a)(1)(B) and (b)(1)(E)(i)(II), (2)(B)(vii)(II), (D)(i)(III), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§ 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (a)(1)(B), is Pub. L. 93–112, Sept. 26, 1973, 87 Stat. 355, which is classified generally to chapter 16 (§ 701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

The Carl D. Perkins Career and Technical Education Act of 2006, referred to in subsec. (a)(1)(B), is Pub. L. 88–210, Dec. 18, 1963, 77 Stat. 403, as amended generally by Pub. L. 109–270, § 1(b), Aug. 12, 2006, 120 Stat. 683, which is classified generally to chapter 44 (§ 2301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of this title and Tables.

The Workforce Innovation and Opportunity Act, referred to in subsec. (a)(1)(B), is Pub. L. 113–128, July 22, 2014, 128 Stat. 1425, which enacted chapter 32 (§ 3101 et seq.) of Title 29, Labor, repealed chapter 30 (§ 2801 et seq.) of Title 29 and chapter 73 (§ 9201 et seq.) of this title, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 29 and Tables.

The Head Start Act, referred to in subsec. (a)(1)(B), is subchapter B (§ 635 et seq.) of chapter 8 of subtitle A of title VI of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 499, which is classified generally to subchapter II (§ 9831 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of Title 42 and Tables.

The Child Care and Development Block Grant Act of 1990, referred to in subsec. (a)(1)(B), is subchapter C (§ 658A et seq.) of chapter 8 of subtitle A of title VI of Pub. L. 97–35, as added by Pub. L. 101–508, title V, § 5082(2), Nov. 5, 1990, 104 Stat. 1388–236, which is classified generally to subchapter II–B (§ 9857 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 9857(a) of Title 42 and Tables.

The Education Sciences Reform Act of 2002, referred to in subsec. (a)(1)(B), is title I of Pub. L. 107–279, Nov. 5, 2002, 116 Stat. 1941, which is classified generally to subchapter I (§ 9501 et seq.) of chapter 76 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9501 of this title and Tables.

The Educational Technical Assistance Act of 2002, referred to in subsec. (a)(1)(B), is title II of Pub. L. 107–279, Nov. 5, 2002, 116 Stat. 1975, which is classified generally to subchapter II (§ 9601 et seq.) of chapter 76 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9501 of this title and Tables.

The National Assessment of Educational Progress Authorization Act, referred to in subsec. (a)(1)(B), is title III of Pub. L. 107–279, Nov. 5, 2002, 116 Stat. 1982, which is classified generally to subchapter III (§ 9621 et seq.) of chapter 76 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9501 of this title and Tables.

The McKinney-Vento Homeless Assistance Act, referred to in subsec. (a)(1)(B), is Pub. L. 100–77, July 22, 1987, 101 Stat. 482, which is classified principally to chapter 119 (§ 11301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of Title 42 and Tables.

The Adult Education and Family Literacy Act, referred to in subsec. (a)(1)(B), is title II of Pub. L. 113–128, July 22, 2014, 128 Stat. 1608, which is classified generally to subchapter II (§ 3271 et seq.) of chapter 32 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 29 and Tables.

Public Law 93–112, referred to in subsec. (b)(1)(E)(i)(V), is Pub. L. 93–112, Sept. 26, 1973, 87 Stat. 355, known as the Rehabilitation Act of 1973, which is classified generally to chapter 16 (§ 701 et seq.) of Title 29, Labor. July 22, 2014, refers to the date of enactment of title IV (§ 401 et seq.) of Pub. L. 113–128, 128 Stat. 1631, which amended numerous sections in the Act. For complete classification of Pub. L. 93–112 to the Code, see Short Title note set out under section 701 of Title 29 and Tables. For complete classification of title IV of Pub. L. 113–128 to the Code, see Tables.

The Social Security Act, referred to in subsec. (g)(1)(E), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Parts B and E of title IV of the Act are classified generally to parts B (§ 620 et seq.) and E (§ 670 et seq.), respectively, of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 6311, Pub. L. 89–10, title I, § 1111, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3523; amended Pub. L. 104–134, title I, § 101(d) [title VII, § 703(b)(1)], Apr. 26, 1996, 110 Stat. 1321–211, 1321–254; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 106–554, § 1(a)(4) [div. B, title XVI, § 1603], Dec. 21, 2000, 114 Stat. 2763, 2763A–328, related to State plans, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1111 of Pub. L. 89–10 was classified to section 2768 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section related to State plan to adopt challenging academic standards to be applied to all schools and children in the State and penalties for failure to meet deadlines enacted in 1994 and 2001.

2006—Subsec. (a)(1). Pub. L. 109–270 substituted ''Carl D. Perkins Career and Technical Education Act of 2006'' for ''Carl D. Perkins Vocational and Technical Education Act of 1998''.

2004—Subsec. (b)(2)(I)(ii). Pub. L. 108–446 substituted ''section 612(a)(16)(A)'' for ''section 612(a)(17)(A)''.

2002—Subsec. (c)(2). Pub. L. 107–279 substituted ''section 9622(b)(2) of this title'' for ''section 9010(b)(2) of this title''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, with separate effective dates for subsecs. (b)(2), (c), and (d) and with special rules for implementation of interventions at certain schools and local educational agencies, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6312. Local educational agency plans

(a) Plans required

(1) Subgrants

A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that—

(A) is developed with timely and meaningful consultation with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders (in a local educational agency that has charter schools), administrators (including administrators of programs described in other parts of this subchapter), other appropriate school personnel, and with parents of children in schools served under this part; and

(B) as appropriate, is coordinated with other programs under this chapter, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Rehabilitation Act of 1973 (20 U.S.C. 701 et seq.),[1] the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.), the Adult Education and Family Literacy Act (29 U.S.C. 3271 et seq.), and other Acts as appropriate.

(2) Consolidated application

The plan may be submitted as part of a consolidated application under section 7845 of this title.

(3) State approval

(A) In general

Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

(B) Approval

The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan—

(i) provides that schools served under this part substantially help children served under this part meet the challenging State academic standards; and

(ii) meets the requirements of this section.

(4) Duration

Each local educational agency plan shall be submitted for the first year for which this part is in effect following December 10, 2015, and shall remain in effect for the duration of the agency's participation under this part.

(5) Review

Each local educational agency shall periodically review and, as necessary, revise its plan.

(6) Rule of construction

Consultation required under paragraph (1)(A) shall not interfere with the timely submission of the plan required under this section.

(b) Plan provisions

To ensure that all children receive a high-quality education, and to close the achievement gap between children meeting the challenging State academic standards and those children who are not meeting such standards, each local educational agency plan shall describe—

(1) how the local educational agency will monitor students' progress in meeting the challenging State academic standards by—

(A) developing and implementing a well-rounded program of instruction to meet the academic needs of all students;

(B) identifying students who may be at risk for academic failure;

(C) providing additional educational assistance to individual students the local educational agency or school determines need help in meeting the challenging State academic standards; and

(D) identifying and implementing instructional and other strategies intended to strengthen academic programs and improve school conditions for student learning;

(2) how the local educational agency will identify and address, as required under State plans as described in section 6311(g)(1)(B) of this title, any disparities that result in low-income students and minority students being taught at higher rates than other students by

[1] So in original. Probably should be ''(29 U.S.C. 701 et seq.),''.

ineffective, inexperienced, or out-of-field teachers;

(3) how the local educational agency will carry out its responsibilities under paragraphs (1) and (2) of section 6311(d) of this title;

(4) the poverty criteria that will be used to select school attendance areas under section 6313 of this title;

(5) in general, the nature of the programs to be conducted by such agency's schools under sections 6314 and 6315 of this title and, where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs;

(6) the services the local educational agency will provide homeless children and youths, including services provided with funds reserved under section 6313(c)(3)(A) of this title, to support the enrollment, attendance, and success of homeless children and youths, in coordination with the services the local educational agency is providing under the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.);

(7) the strategy the local educational agency will use to implement effective parent and family engagement under section 6318 of this title;

(8) if applicable, how the local educational agency will support, coordinate, and integrate services provided under this part with early childhood education programs at the local educational agency or individual school level, including plans for the transition of participants in such programs to local elementary school programs;

(9) how teachers and school leaders, in consultation with parents, administrators, paraprofessionals, and specialized instructional support personnel, in schools operating a targeted assistance school program under section 6315 of this title, will identify the eligible children most in need of services under this part;

(10) how the local educational agency will implement strategies to facilitate effective transitions for students from middle grades to high school and from high school to postsecondary education including, if applicable—

(A) through coordination with institutions of higher education, employers, and other local partners; and

(B) through increased student access to early college high school or dual or concurrent enrollment opportunities, or career counseling to identify student interests and skills;

(11) how the local educational agency will support efforts to reduce the overuse of discipline practices that remove students from the classroom, which may include identifying and supporting schools with high rates of discipline, disaggregated by each of the subgroups of students, as defined in section 6311(c)(2) of this title;

(12) if determined appropriate by the local educational agency, how such agency will support programs that coordinate and integrate—

(A) academic and career and technical education content through coordinated instructional strategies, that may incorporate experiential learning opportunities and promote skills attainment important to in-demand occupations or industries in the State; and

(B) work-based learning opportunities that provide students in-depth interaction with industry professionals and, if appropriate, academic credit; and

(13) any other information on how the local educational agency proposes to use funds to meet the purposes of this part, and that the local educational agency determines appropriate to provide, which may include how the local educational agency will—

(A) assist schools in identifying and serving gifted and talented students; and

(B) assist schools in developing effective school library programs to provide students an opportunity to develop digital literacy skills and improve academic achievement.

(c) Assurances

Each local educational agency plan shall provide assurances that the local educational agency will—

(1) ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

(2) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 6320 of this title, and timely and meaningful consultation with private school officials regarding such services;

(3) participate, if selected, in the National Assessment of Educational Progress in reading and mathematics in grades 4 and 8 carried out under section 9622(b)(3) of this title;

(4) coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as services for English learners, children with disabilities, migratory children, American Indian, Alaska Native, and Native Hawaiian children, and homeless children and youths, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;

(5) collaborate with the State or local child welfare agency to—

(A) designate a point of contact if the corresponding child welfare agency notifies the local educational agency, in writing, that the agency has designated an employee to serve as a point of contact for the local educational agency; and

(B) by not later than 1 year after December 10, 2015, develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care, which procedures shall—

(i) ensure that children in foster care needing transportation to the school of or-

igin will promptly receive transportation in a cost-effective manner and in accordance with section 675(4)(A) of title 42; and

(ii) ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide transportation to the school of origin if—

(I) the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;

(II) the local educational agency agrees to pay for the cost of such transportation; or

(III) the local educational agency and the local child welfare agency agree to share the cost of such transportation; and[2]

(6) ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification; and

(7) in the case of a local educational agency that chooses to use funds under this part to provide early childhood education services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)).

(d) Special rule

For local educational agencies using funds under this part for the purposes described in subsection (c)(7), the Secretary shall—

(1) consult with the Secretary of Health and Human Services and establish procedures (taking into consideration existing State and local laws, and local teacher contracts) to assist local educational agencies to comply with such subsection; and

(2) disseminate to local educational agencies the education performance standards in effect under section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)), and such agencies affected by such subsection (c)(7) shall plan to comply with such subsection (taking into consideration existing State and local laws, and local teacher contracts), including by pursuing the availability of other Federal, State, and local funding sources to assist with such compliance.

(e) Parents right-to-know

(1) Information for parents

(A) In general

At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following:

(i) Whether the student's teacher—

(I) has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;

(II) is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and

(III) is teaching in the field of discipline of the certification of the teacher.

(ii) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

(B) Additional information

In addition to the information that parents may request under subparagraph (A), a school that receives funds under this part shall provide to each individual parent of a child who is a student in such school, with respect to such student—

(i) information on the level of achievement and academic growth of the student, if applicable and available, on each of the State academic assessments required under this part; and

(ii) timely notice that the student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

(2) Testing transparency

(A) In general

At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the local educational agency will provide the parents on request (and in a timely manner), information regarding any State or local educational agency policy regarding student participation in any assessments mandated by section 6311(b)(2) of this title and by the State or local educational agency, which shall include a policy, procedure, or parental right to opt the child out of such assessment, where applicable.

(B) Additional information

Subject to subparagraph (C), each local educational agency that receives funds under this part shall make widely available through public means (including by posting in a clear and easily accessible manner on the local educational agency's website and, where practicable, on the website of each school served by the local educational agency) for each grade served by the local educational agency, information on each assessment required by the State to comply with section 6311 of this title, other assessments required by the State, and where such infor-

[2] So in original. The word ''and'' probably should not appear.

mation is available and feasible to report, assessments required districtwide by the local educational agency, including—

(i) the subject matter assessed;

(ii) the purpose for which the assessment is designed and used;

(iii) the source of the requirement for the assessment; and

(iv) where such information is available—

(I) the amount of time students will spend taking the assessment, and the schedule for the assessment; and

(II) the time and format for disseminating results.

(C) Local educational agency that does not operate a website

In the case of a local educational agency that does not operate a website, such local educational agency shall determine how to make the information described in subparagraph (A) widely available, such as through distribution of that information to the media, through public agencies, or directly to parents.

(3) Language instruction

(A) Notice

Each local educational agency using funds under this part or subchapter III to provide a language instruction educational program as determined under subchapter III shall, not later than 30 days after the beginning of the school year, inform parents of an English learner identified for participation or participating in such a program, of—

(i) the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program;

(ii) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

(iii) the methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;

(iv) how the program in which their child is, or will be, participating will meet the educational strengths and needs of their child;

(v) how such program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;

(vi) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for English learners, and the expected rate of graduation from high school (including four-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program) if funds under this part are used for children in high schools;

(vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child, as described in section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)); and

(viii) information pertaining to parental rights that includes written guidance—

(I) detailing the right that parents have to have their child immediately removed from such program upon their request;

(II) detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

(III) assisting parents in selecting among various programs and methods of instruction, if more than 1 program or method is offered by the eligible entity.

(B) Special rule applicable during the school year

For those children who have not been identified as English learners prior to the beginning of the school year but are identified as English learners during such school year, the local educational agency shall notify the children's parents during the first 2 weeks of the child being placed in a language instruction educational program consistent with subparagraph (A).

(C) Parental participation

(i) In general

Each local educational agency receiving funds under this part shall implement an effective means of outreach to parents of English learners to inform the parents regarding how the parents can—

(I) be involved in the education of their children; and

(II) be active participants in assisting their children to—

(aa) attain English proficiency;

(bb) achieve at high levels within a well-rounded education; and

(cc) meet the challenging State academic standards expected of all students.

(ii) Regular meetings

Implementing an effective means of outreach to parents under clause (i) shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this part or subchapter III.

(D) Basis for admission or exclusion

A student shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

(4) Notice and format

The notice and information provided to parents under this subsection shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

(Pub. L. 89–10, title I, § 1112, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1462; amended Pub. L. 107–279, title IV, § 404(d)(2), Nov. 5, 2002, 116 Stat. 1985; Pub. L. 109–270, § 2(f)(2), Aug. 12, 2006, 120 Stat. 747; Pub. L. 110–134, § 29(a), Dec. 12, 2007, 121 Stat. 1448; Pub. L. 114–95, title I, § 1006, Dec. 10, 2015, 129 Stat. 1852.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (a)(1)(B), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§ 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (a)(1)(B), is Pub. L. 93–112, Sept. 26, 1973, 87 Stat. 355, which is classified generally to chapter 16 (§ 701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

The Carl D. Perkins Career and Technical Education Act of 2006, referred to in subsec. (a)(1)(B), is Pub. L. 88–210, Dec. 18, 1963, 77 Stat. 403, as amended generally by Pub. L. 109–270, § 1(b), Aug. 12, 2006, 120 Stat. 683, which is classified generally to chapter 44 (§ 2301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of this title and Tables.

The Workforce Innovation and Opportunity Act, referred to in subsec. (a)(1)(B), is Pub. L. 113–128, July 22, 2014, 128 Stat. 1425, which enacted chapter 32 (§ 3101 et seq.) of Title 29, Labor, repealed chapter 30 (§ 2801 et seq.) of Title 29 and chapter 73 (§ 9201 et seq.) of this title, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 29 and Tables.

The Head Start Act, referred to in subsec. (a)(1)(B), is subchapter B (§ 635 et seq.) of chapter 8 of subtitle A of title VI of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 499, which is classified generally to subchapter II (§ 9831 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of Title 42 and Tables.

The McKinney-Vento Homeless Assistance Act, referred to in subsecs. (a)(1)(B) and (b)(6), is Pub. L. 100–77, July 22, 1987, 101 Stat. 482, which is classified principally to chapter 119 (§ 11301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of Title 42 and Tables.

The Adult Education and Family Literacy Act, referred to in subsec. (a)(1)(B), is title II of Pub. L. 113–128, July 22, 2014, 128 Stat. 1608, which is classified generally to subchapter II (§ 3271 et seq.) of chapter 32 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 29 and Tables.

PRIOR PROVISIONS

A prior section 6312, Pub. L. 89–10, title I, § 1112, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3529, related to local educational agency plans, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section related to local educational agency plan to help low-achieving children meet challenging academic achievement standards.

2007—Subsec. (c)(1)(G). Pub. L. 110–134, § 29(a)(1), substituted ''education performance standards in effect under section 9836a(a)(1)(B) of title 42'' for ''performance standards established under section 9836a(a) of title 42''.

Subsec. (c)(2)(B). Pub. L. 110–134, § 29(a)(2), substituted ''education performance standards in effect under section 9836a(a)(1)(B) of title 42'' for ''Head Start performance standards as in effect under section 9836a(a) of title 42''.

2006—Subsec. (a)(1). Pub. L. 109–270 substituted ''Carl D. Perkins Career and Technical Education Act of 2006'' for ''Carl D. Perkins Vocational and Technical Education Act of 1998''.

2002—Subsec. (b)(1)(F). Pub. L. 107–279 substituted ''section 9622(b)(2) of this title'' for ''section 9010(b)(2) of this title''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6313. Eligible school attendance areas

(a) Determination

(1) In general

A local educational agency shall use funds received under this part only in eligible school attendance areas.

(2) Eligible school attendance areas

For the purposes of this part—

(A) the term ''school attendance area'' means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and

(B) the term ''eligible school attendance area'' means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families served by the local educational agency as a whole.

(3) Ranking order

(A) Ranking

Except as provided in subparagraph (B), if funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

(i) annually rank, without regard to grade spans, such agency's eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest according to the percentage of children from low-income families; and

(ii) serve such eligible school attendance areas in rank order.

(B) Exception

A local educational agency may lower the threshold in subparagraph (A)(i) to 50 percent for high schools served by such agency.

(4) Remaining funds

If funds remain after serving all eligible school attendance areas under paragraph (3), a local educational agency shall—

(A) annually rank such agency's remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency according to the percentage of children from low-income families; and

(B) serve such eligible school attendance areas in rank order either within each grade-span grouping or within the local educational agency as a whole.

(5) Measures

(A) In general

Except as provided in subparagraph (B), a local educational agency shall use the same measure of poverty, which measure shall be the number of children aged 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act [42 U.S.C. 601 et seq.], or the number of children eligible to receive medical assistance under the Medicaid Program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

(i) to identify eligible school attendance areas;

(ii) to determine the ranking of each area; and

(iii) to determine allocations under subsection (c).

(B) Secondary schools

For measuring the number of students in low-income families in secondary schools, the local educational agency shall use the same measure of poverty, which shall be—

(i) the measure described under subparagraph (A); or

(ii) subject to meeting the conditions of subparagraph (C), an accurate estimate of the number of students in low-income families in a secondary school that is calculated by applying the average percentage of students in low-income families of the elementary school attendance areas as calculated under subparagraph (A) that feed into the secondary school to the number of students enrolled in such school.

(C) Measure of poverty

The local educational agency shall have the option to use the measure of poverty described in subparagraph (B)(ii) after—

(i) conducting outreach to secondary schools within such agency to inform such schools of the option to use such measure; and

(ii) a majority of such schools have approved the use of such measure.

(6) Exception

This subsection shall not apply to a local educational agency with a total enrollment of less than 1,000 children.

(7) Waiver for desegregation plans

The Secretary may approve a local educational agency's written request for a waiver of the requirements of subsections (a) and (c) of this section, and permit such agency to treat as eligible, and serve, any school that children attend with a State-ordered, court-ordered school desegregation plan or a plan that continues to be implemented in accordance with a State-ordered or court-ordered desegregation plan, if—

(A) the number of economically disadvantaged children enrolled in the school is at least 25 percent of the school's total enrollment; and

(B) the Secretary determines on the basis of a written request from such agency and in accordance with such criteria as the Secretary establishes, that approval of that request would further the purposes of this part.

(b) Local educational agency discretion

(1) In general

Notwithstanding subsection (a)(2) of this section, a local educational agency may—

(A) designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;

(B) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency;

(C) designate and serve a school attendance area or school that is not eligible under this section, but that was eligible and that was served in the preceding fiscal year, but only for 1 additional fiscal year; and

(D) elect not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if—

(i) the school meets the comparability requirements of section 6321(c) of this title;

(ii) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of section 6314 or 6315 of this title; and

(iii) the funds expended from such other sources equal or exceed the amount that would be provided under this part.

(2) Special rule

Notwithstanding paragraph (1)(D), the number of children attending private elementary schools and secondary schools who are to receive services, and the assistance such children are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is assisted under subparagraph (A).

(c) Allocations

(1) In general

A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under subsections (a) and (b) of this section, in rank order, on the basis of the total number of children from low-income families in each area or school.

(2) Special rule

(A) In general

Except as provided in subparagraph (B), the per-pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be at least 125 percent of the per-pupil amount of funds a local educational agency received for that year under the poverty criteria described by the local educational agency in the plan submitted under section 6312 of this title, except that this paragraph shall not apply to a local educational agency that only serves schools in which the percentage of such children is 35 percent or greater.

(B) Exception

A local educational agency may reduce the amount of funds allocated under subparagraph (A) for a school attendance area or school by the amount of any supplemental State and local funds expended in that school attendance area or school for programs that meet the requirements of section 6314 or 6315 of this title.

(3) Reservation of funds

(A) In general

A local educational agency shall reserve such funds as are necessary under this part, determined in accordance with subparagraphs (B) and (C), to provide services comparable to those provided to children in schools funded under this part to serve—

(i) homeless children and youths, including providing educationally related support services to children in shelters and other locations where children may live;

(ii) children in local institutions for neglected children; and

(iii) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day programs.

(B) Method of determination

The share of funds determined under subparagraph (A) shall be determined—

(i) based on the total allocation received by the local educational agency; and

(ii) prior to any allowable expenditures or transfers by the local educational agency.

(C) Homeless children and youths

Funds reserved under subparagraph (A)(i) may be—

(i) determined based on a needs assessment of homeless children and youths in the local educational agency, taking into consideration the number and needs of homeless children and youths in the local educational agency, and which needs assessment may be the same needs assessment as conducted under section 11433(b)(1) of title 42; and

(ii) used to provide homeless children and youths with services not ordinarily provided to other students under this part, including providing—

(I) funding for the liaison designated pursuant to section 11432(g)(1)(J)(ii) of title 42; and

(II) transportation pursuant to section 11432(g)(1)(J)(iii) of such title.

(4) Financial incentives and rewards reservation

A local educational agency may reserve such funds as are necessary from those funds received by the local educational agency under subchapter II of this chapter, and not more than 5 percent of those funds received by the local educational agency under subpart 2 of this part, to provide financial incentives and rewards to teachers who serve in schools eligible under this section and identified for comprehensive support and improvement activities or targeted support and improvement activities under section 6311(d) of this title for the purpose of attracting and retaining qualified and effective teachers.

(5) Early childhood education

A local educational agency may reserve funds made available to carry out this section to provide early childhood education programs for eligible children.

(Pub. L. 89–10, title I, § 1113, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1469; amended Pub. L. 114–95, title I, § 1007, Dec. 10, 2015, 129 Stat. 1859.)

REFERENCES IN TEXT

The Richard B. Russell National School Lunch Act, referred to in subsec. (a)(5)(A), is act June 4, 1946, ch. 281, 60 Stat. 230, which is classified generally to chapter 13 (§ 1751 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of Title 42 and Tables.

The Social Security Act, referred to in subsec. (a)(5)(A), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Part A of title IV of the Act is classified generally to part A (§ 601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 6313, Pub. L. 89–10, title I, § 1113, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3532; amended Pub. L. 104–193, title I, § 110(j)(1), Aug. 22, 1996, 110 Stat. 2172; Pub. L. 106–78, title VII, § 752(b)(10), Oct. 22, 1999, 113 Stat. 1169, related to eligible school attendance areas, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a)(3). Pub. L. 114–95, § 1007(1)(A), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: ''If funds allocated in accordance with subsection (c) of this section are insufficient to serve all eligible school attendance areas, a local educational agency shall—

''(A) annually rank, without regard to grade spans, such agency's eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest according to the percentage of children from low-income families; and

''(B) serve such eligible school attendance areas in rank order.''

Subsec. (a)(5). Pub. L. 114–95, § 1007(1)(B), added par. (5) and struck out former par. (5). Prior to amendment, text read as follows: ''The local educational agency shall use the same measure of poverty, which measure shall be the number of children ages 5 through 17 in poverty counted in the most recent census data ap-

proved by the Secretary, the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

''(A) to identify eligible school attendance areas;

''(B) to determine the ranking of each area; and

''(C) to determine allocations under subsection (c) of this section.''

Subsec. (b)(1)(D)(i). Pub. L. 114–95, § 1007(2), made technical amendment to reference in original act which appears in text as reference to section 6321(c) of this title.

Subsec. (c)(3). Pub. L. 114–95, § 1007(3)(A), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: ''A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

''(A) homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children may live;

''(B) children in local institutions for neglected children; and

''(C) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day school programs.''

Subsec. (c)(4). Pub. L. 114–95, § 1007(3)(B), substituted ''comprehensive support and improvement activities or targeted support and improvement activities under section 6311(d)'' for ''school improvement, corrective action, and restructuring under section 6316(b)''.

Subsec. (c)(5). Pub. L. 114–95, § 1007(3)(C), added par. (5).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6314. Schoolwide programs

(a) In general

(1) Use of funds for schoolwide programs

(A) Eligibility

A local educational agency may consolidate and use funds under this part, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families.

(B) Exception

A school that serves an eligible school attendance area in which less than 40 percent of the children are from low-income families, or a school for which less than 40 percent of the children enrolled in the school are from such families, may operate a schoolwide program under this section if the school receives a waiver from the State educational agency to do so, after taking into account how a schoolwide program will best serve the needs of the students in the school served under this part in improving academic achievement and other factors.

(2) Identification of students not required

(A) In general

No school participating in a schoolwide program shall be required to identify—

(i) particular children under this part as eligible to participate in a schoolwide program; or

(ii) individual services as supplementary.

(B) Supplemental funds

In accordance with the method of determination described in section 6321(b)(2) of this title, a school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and English learners.

(3) Exemption from statutory and regulatory requirements

(A) Exemption

Except as provided in paragraph (2), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive formula grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), except as provided in section 613(a)(2)(D) of such Act (20 U.S.C. 1413(a)(2)(D))), or any discretionary grant program administered by the Secretary, to support schoolwide programs if the intent and purposes of such other programs are met.

(B) Requirements

A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, student and parental participation and involvement, services to private school children, comparability of services, maintenance of effort, uses of Federal funds to supplement, not supplant non-Federal funds (in accordance with the method of determination described in section 6321(b)(2) of this title), or the distribution of funds to State educational agencies or local educational agencies that apply to the receipt of funds from such programs.

(C) Records

A school that chooses to consolidate and use funds from different Federal programs under this section shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as the school maintains records that demonstrate that the schoolwide program, considered as a whole, addresses the intent and purposes of each of the Federal pro-

grams that were consolidated to support the schoolwide program.

(b) Schoolwide program plan

An eligible school operating a schoolwide program shall develop a comprehensive plan (or amend a plan for such a program that was in existence on the day before December 10, 2015) that—

(1) is developed during a 1-year period, unless—

(A) the local educational agency determines, in consultation with the school, that less time is needed to develop and implement the schoolwide program; or

(B) the school is operating a schoolwide program on the day before December 10, 2015, in which case such school may continue to operate such program, but shall develop amendments to its existing plan during the first year of assistance after that date to reflect the provisions of this section;

(2) is developed with the involvement of parents and other members of the community to be served and individuals who will carry out such plan, including teachers, principals, other school leaders, paraprofessionals present in the school, administrators (including administrators of programs described in other parts of this subchapter), the local educational agency, to the extent feasible, tribes and tribal organizations present in the community, and, if appropriate, specialized instructional support personnel, technical assistance providers, school staff, if the plan relates to a secondary school, students, and other individuals determined by the school;

(3) remains in effect for the duration of the school's participation under this part, except that the plan and its implementation shall be regularly monitored and revised as necessary based on student needs to ensure that all students are provided opportunities to meet the challenging State academic standards;

(4) is available to the local educational agency, parents, and the public, and the information contained in such plan shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand; and

(5) if appropriate and applicable, is developed in coordination and integration with other Federal, State, and local services, resources, and programs, such as programs supported under this chapter, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 6311(d) of this title;

(6) is based on a comprehensive needs assessment of the entire school that takes into account information on the academic achievement of children in relation to the challenging State academic standards, particularly the needs of those children who are failing, or are at-risk of failing, to meet the challenging State academic standards and any other factors as determined by the local educational agency; and

(7) includes a description of—

(A) the strategies that the school will be implementing to address school needs, including a description of how such strategies will—

(i) provide opportunities for all children, including each of the subgroups of students (as defined in section 6311(c)(2) of this title) to meet the challenging State academic standards;

(ii) use methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education; and

(iii) address the needs of all children in the school, but particularly the needs of those at risk of not meeting the challenging State academic standards, through activities which may include—

(I) counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students' skills outside the academic subject areas;

(II) preparation for and awareness of opportunities for postsecondary education and the workforce, which may include career and technical education programs and broadening secondary school students' access to coursework to earn postsecondary credit while still in high school (such as Advanced Placement, International Baccalaureate, dual or concurrent enrollment, or early college high schools);

(III) implementation of a schoolwide tiered model to prevent and address problem behavior, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

(IV) professional development and other activities for teachers, paraprofessionals, and other school personnel to improve instruction and use of data from academic assessments, and to recruit and retain effective teachers, particularly in high-need subjects; and

(V) strategies for assisting preschool children in the transition from early childhood education programs to local elementary school programs; and

(B) if programs are consolidated, the specific State educational agency and local educational agency programs and other Federal programs that will be consolidated in the schoolwide program.

(c) Preschool programs

A school that operates a schoolwide program under this section may use funds available under this part to establish or enhance preschool programs for children who are under 6 years of age.

(d) Delivery of services

The services of a schoolwide program under this section may be delivered by nonprofit or for-profit external providers with expertise in using evidence-based or other effective strategies to improve student achievement.

(e) Use of funds for dual or concurrent enrollment programs

(1) In general

A secondary school operating a schoolwide program under this section may use funds received under this part to operate dual or concurrent enrollment programs that address the needs of low-achieving secondary school students and those at risk of not meeting the challenging State academic standards.

(2) Flexibility of funds

A secondary school using funds received under this part for a dual or concurrent enrollment program described in paragraph (1) may use such funds for any of the costs associated with such program, including the costs of—

(A) training for teachers, and joint professional development for teachers in collaboration with career and technical educators and educators from institutions of higher education, where appropriate, for the purpose of integrating rigorous academics in such program;

(B) tuition and fees, books, required instructional materials for such program, and innovative delivery methods; and

(C) transportation to and from such program.

(3) Rule of construction

Nothing in this subsection shall be construed to impose on any State any requirement or rule regarding dual or concurrent enrollment programs that is inconsistent with State law.

(Pub. L. 89–10, title I, § 1114, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1471; amended Pub. L. 109–270, § 2(f)(3), Aug. 12, 2006, 120 Stat. 747; Pub. L. 114–95, title I, § 1008, Dec. 10, 2015, 129 Stat. 1862.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsecs. (a)(3)(A) and (b)(7)(A)(iii)(III), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§ 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

PRIOR PROVISIONS

A prior section 6314, Pub. L. 89–10, title I, § 1114, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3534; amended Pub. L. 105–332, § 3(c)(1), Oct. 31, 1998, 112 Stat. 3125, related to schoolwide programs, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 1008(1), added subsec. (a) and struck out former subsec. (a) which consisted of pars. (1) to (4) relating to general use of funds for schoolwide programs, nonidentification of students, exemption from statutory and regulatory requirements, and professional development.

Subsec. (b). Pub. L. 114–95, § 1008(2), added subsec. (b) and struck out former subsec. (b) which consisted of pars. (1) and (2) relating to components of a schoolwide program and development of plan.

Subsecs. (c) to (e). Pub. L. 114–95, § 1008(3), added subsecs. (c) to (e) and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows: ''A school that is eligible for a schoolwide program under this section may use funds made available under this part to establish or enhance prekindergarten programs for children below the age of 6, such as Even Start programs or Early Reading First programs.''

2006—Subsec. (b)(2)(B)(v). Pub. L. 109–270 substituted ''the Carl D. Perkins Career and Technical Education Act of 2006'' for ''Carl D. Perkins Vocational and Technical Education Act of 1998''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6315. Targeted assistance schools

(a) In general

In all schools selected to receive funds under section 6313(c) of this title that are ineligible for a schoolwide program under section 6314 of this title, have not received a waiver under section 6314(a)(1)(B) of this title to operate such a schoolwide program, or choose not to operate such a schoolwide program, a local educational agency serving such school may use funds received under this part only for programs that provide services to eligible children under subsection (c) identified as having the greatest need for special assistance.

(b) Targeted assistance school program

To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the challenging State academic standards, each targeted assistance program under this section shall—

(1) determine which students will be served;

(2) serve participating students identified as eligible children under subsection (c), including by—

(A) using resources under this part to help eligible children meet the challenging State academic standards, which may include programs, activities, and academic courses necessary to provide a well-rounded education;

(B) using methods and instructional strategies to strengthen the academic program of the school through activities, which may include—

(i) expanded learning time, before- and after-school programs, and summer programs and opportunities; and

(ii) a schoolwide tiered model to prevent and address behavior problems, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

(C) coordinating with and supporting the regular education program, which may include services to assist preschool children in the transition from early childhood education programs such as Head Start, the literacy program under subpart 2 of part B of

subchapter II, or State-run preschool programs to elementary school programs;

(D) providing professional development with resources provided under this part, and, to the extent practicable, from other sources, to teachers, principals, other school leaders, paraprofessionals, and, if appropriate, specialized instructional support personnel, and other school personnel who work with eligible children in programs under this section or in the regular education program;

(E) implementing strategies to increase the involvement of parents of eligible children in accordance with section 6318 of this title; and[1]

(F) if appropriate and applicable, coordinating and integrating Federal, State, and local services and programs, such as programs supported under this chapter, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and comprehensive support and improvement activities or targeted support and improvement activities under section 6311(d) of this title; and

(G) provide[2] to the local educational agency assurances that the school will—

(i) help provide an accelerated, high-quality curriculum;

(ii) minimize the removal of children from the regular classroom during regular school hours for instruction provided under this part; and

(iii) on an ongoing basis, review the progress of eligible children and revise the targeted assistance program under this section, if necessary, to provide additional assistance to enable such children to meet the challenging State academic standards.

(c) Eligible children

(1) Eligible population

(A) In general

The eligible population for services under this section is—

(i) children not older than age 21 who are entitled to a free public education through grade 12; and

(ii) children who are not yet at a grade level at which the local educational agency provides a free public education.

(B) Eligible children from eligible population

From the population described in subparagraph (A), eligible children are children identified by the school as failing, or most at risk of failing, to meet the challenging State academic standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade 2 shall be selected solely on the basis of criteria, including objective criteria, established by the local educational agency and supplemented by the school.

(2) Children included

(A) In general

Children who are economically disadvantaged, children with disabilities, migrant children or English learners, are eligible for services under this part on the same basis as other children selected to receive services under this part.

(B) Head Start and preschool children

A child who, at any time in the 2 years preceding the year for which the determination is made, participated in a Head Start program, the literacy program under subpart 2 of part B of subchapter II, or in preschool services under this subchapter, is eligible for services under this part.

(C) Migrant children

A child who, at any time in the 2 years preceding the year for which the determination is made, received services under part C of this subchapter is eligible for services under this part.

(D) Neglected or delinquent children

A child in a local institution for neglected or delinquent children and youth or attending a community day program for such children is eligible for services under this part.

(E) Homeless children

A child who is homeless and attending any school served by the local educational agency is eligible for services under this part.

(3) Special rule

Funds received under this part may not be used to provide services that are otherwise required by law to be made available to children described in paragraph (2) but may be used to coordinate or supplement such services.

(d) Integration of professional development

To promote the integration of staff supported with funds under this part into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this part may—

(1) participate in general professional development and school planning activities; and

(2) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

(e) Special rules

(1) Simultaneous service

Nothing in this section shall be construed to prohibit a school from serving students under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.

(2) Comprehensive services

If—

(A) health, nutrition, and other social services are not otherwise available to eligi-

[1] So in original. The word ''and'' probably should not appear.

[2] So in original. Probably should be ''providing''.

ble children in a targeted assistance school and such school, if appropriate, has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers; and

(B) funds are not reasonably available from other public or private sources to provide such services, then a portion of the funds provided under this part may be used as a last resort to provide such services, including—

(i) the provision of basic medical equipment, such as eyeglasses and hearing aids;

(ii) compensation of a coordinator;

(iii) family support and engagement services;

(iv) integrated student supports; and

(v) professional development necessary to assist teachers, specialized instructional support personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.

(f) Use of funds for dual or concurrent enrollment programs

A secondary school operating a targeted assistance program under this section may use funds received under this part to provide dual or concurrent enrollment program services described under section 6314(e) of this title to eligible children under subsection (c)(1)(B) who are identified as having the greatest need for special assistance.

(g) Prohibition

Nothing in this section shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to require a local educational agency or school to submit the results of a comprehensive needs assessment or plan under section 6314(b) of this title, or a program described in subsection (b), for review or approval by the Secretary.

(h) Delivery of services

The services of a targeted assistance program under this section may be delivered by nonprofit or for-profit external providers with expertise in using evidence-based or other effective strategies to improve student achievement.

(Pub. L. 89–10, title I, §1115, as added Pub. L. 107–110, title I, §101, Jan. 8, 2002, 115 Stat. 1475; amended Pub. L. 114–95, title I, §1009, Dec. 10, 2015, 129 Stat. 1865.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (b)(2)(B)(ii), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

PRIOR PROVISIONS

A prior section 6315, Pub. L. 89–10, title I, §1115, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3539, related to targeted assistance schools, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, §1009(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: ''In all schools selected to receive funds under section 6313(c) of this title that are ineligible for a schoolwide program under section 6314 of this title, or that choose not to operate such a schoolwide program, a local educational agency serving such school may use funds received under this part only for programs that provide services to eligible children under subsection (b) of this section identified as having the greatest need for special assistance.''

Subsec. (b). Pub. L. 114–95, §1009(3), added subsec. (b) and struck out former subsec. (b). Prior to amendment, subsec. (b) consisted of pars. (1) and (2) relating to general components of a targeted assistance school program and coordination of resources and review and revision of program.

Pub. L. 114–95, §1009(2), redesignated subsec. (c) as (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 114–95, §1009(2), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (b).

Subsec. (c)(1)(B). Pub. L. 114–95, §1009(4)(A), substituted ''the challenging State academic standards'' for ''the State's challenging student academic achievement standards'' and ''criteria, including objective criteria, established by the local educational agency and supplemented by the school'' for ''such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures''.

Subsec. (c)(2)(A). Pub. L. 114–95, §1009(4)(B)(i), substituted ''English learners'' for ''limited English proficient children''.

Subsec. (c)(2)(B). Pub. L. 114–95, §1009(4)(B)(ii), in heading, substituted ''Head Start and preschool children'' for ''Head Start, Even Start, or Early Reading First children'' and, in text, substituted ''Head Start program, the literacy program under subpart 2 of part B of subchapter II,'' for ''Head Start, Even Start, or Early Reading First program,''.

Subsec. (c)(2)(C). Pub. L. 114–95, §1009(4)(B)(iii), substituted ''Migrant children'' for ''Part C children'' in heading.

Subsec. (e)(2)(B)(iii) to (v). Pub. L. 114–95, §1009(5)(A), added cls. (iii) and (iv), redesignated former cl. (iii) as (v), and, in cl. (v), substituted ''specialized instructional support'' for ''pupil services''.

Subsec. (e)(3). Pub. L. 114–95, §1009(5)(B), struck out par. (3). Text read as follows: ''Each school receiving funds under this part for any fiscal year shall devote sufficient resources to carry out effectively the professional development activities described in subparagraph (F) of subsection (c)(1) of this section in accordance with section 6319 of this title for such fiscal year, and a school may enter into a consortium with another school to carry out such activities.''

Subsecs. (f) to (h). Pub. L. 114–95, §1009(6), added subsecs. (f) to (h).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§§ 6316, 6317. Repealed. Pub. L. 114–95, title I, § 1000(1), Dec. 10, 2015, 129 Stat. 1814

Section 6316, Pub. L. 89–10, title I, §1116, as added Pub. L. 107–110, title I, §101, Jan. 8, 2002, 115 Stat. 1478, related to academic assessment and local educational agency and school improvement.

A prior section 6316, Pub. L. 89–10, title I, §1115A, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3542, related to school choice, prior to the general amendment of this subchapter by Pub. L. 107–110.

Section 6317, Pub. L. 89–10, title I, §1117, as added Pub. L. 107–110, title I, §101, Jan. 8, 2002, 115 Stat. 1498; amended Pub. L. 107–279, title IV, §404(d)(3), Nov. 5, 2002, 116 Stat. 1985; Pub. L. 108–446, title II, §201(b)(3), Dec. 3, 2004, 118 Stat. 2802, related to school support and recognition.

A prior section 6317, Pub. L. 89–10, title I, § 1116, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3542; amended Pub. L. 104–134, title I, § 101(d) [title VII, § 703(b)(2)], Apr. 26, 1996, 110 Stat. 1321–211, 1321–255; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327, related to assessment and local educational agency and school improvement, prior to the general amendment of this subchapter by Pub. L. 107–110.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6318. Parent and family engagement

(a) Local educational agency policy

(1) In general

A local educational agency may receive funds under this part only if such agency conducts outreach to all parents and family members and implements programs, activities, and procedures for the involvement of parents and family members in programs assisted under this part consistent with this section. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children.

(2) Written policy

Each local educational agency that receives funds under this part shall develop jointly with, agree on with, and distribute to, parents and family members of participating children a written parent and family engagement policy. The policy shall be incorporated into the local educational agency's plan developed under section 6312 of this title, establish the agency's expectations and objectives for meaningful parent and family involvement, and describe how the agency will—

(A) involve parents and family members in jointly developing the local educational agency plan under section 6312 of this title, and the development of support and improvement plans under paragraphs (1) and (2) of section 6311(d) of this title.

(B) provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the local educational agency in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;

(C) coordinate and integrate parent and family engagement strategies under this part with parent and family engagement strategies, to the extent feasible and appropriate, with other relevant Federal, State, and local laws and programs;

(D) conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools served under this part, including identifying—

(i) barriers to greater participation by parents in activities authorized by this section (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background);

(ii) the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and

(iii) strategies to support successful school and family interactions;

(E) use the findings of such evaluation in subparagraph (D) to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parent and family engagement policies described in this section; and

(F) involve parents in the activities of the schools served under this part, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the local educational agency to adequately represent the needs of the population served by such agency for the purposes of developing, revising, and reviewing the parent and family engagement policy.

(3) Reservation

(A) In general

Each local educational agency shall reserve at least 1 percent of its allocation under subpart 2 to assist schools to carry out the activities described in this section, except that this subparagraph shall not apply if 1 percent of such agency's allocation under subpart 2 for the fiscal year for which the determination is made is $5,000 or less. Nothing in this subparagraph shall be construed to limit local educational agencies from reserving more than 1 percent of its allocation under subpart 2 to assist schools to carry out activities described in this section.

(B) Parent and family member input

Parents and family members of children receiving services under this part shall be involved in the decisions regarding how funds reserved under subparagraph (A) are allotted for parental involvement activities.

(C) Distribution of funds

Not less than 90 percent of the funds reserved under subparagraph (A) shall be distributed to schools served under this part, with priority given to high-need schools.

(D) Use of funds

Funds reserved under subparagraph (A) by a local educational agency shall be used to carry out activities and strategies consistent with the local educational agency's parent and family engagement policy, including not less than 1 of the following:

(i) Supporting schools and nonprofit organizations in providing professional development for local educational agency

and school personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents and family members.

(ii) Supporting programs that reach parents and family members at home, in the community, and at school.

(iii) Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.

(iv) Collaborating, or providing subgrants to schools to enable such schools to collaborate, with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement.

(v) Engaging in any other activities and strategies that the local educational agency determines are appropriate and consistent with such agency's parent and family engagement policy.

(b) School parent and family engagement policy

(1) In general

Each school served under this part shall jointly develop with, and distribute to, parents and family members of participating children a written parent and family engagement policy, agreed on by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f) of this section. Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school.

(2) Special rule

If the school has a parent and family engagement policy that applies to all parents and family members, such school may amend that policy, if necessary, to meet the requirements of this subsection.

(3) Amendment

If the local educational agency involved has a school district-level parent and family engagement policy that applies to all parents and family members in all schools served by the local educational agency, such agency may amend that policy, if necessary, to meet the requirements of this subsection.

(4) Parental comments

If the plan under section 6312 of this title is not satisfactory to the parents of participating children, the local educational agency shall submit any parent comments with such plan when such local educational agency submits the plan to the State.

(c) Policy involvement

Each school served under this part shall—

(1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain the requirements of this part, and the right of the parents to be involved;

(2) offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement;

(3) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the planning, review, and improvement of the school parent and family engagement policy and the joint development of the schoolwide program plan under section 6314(b) of this title, except that if a school has in place a process for involving parents in the joint planning and design of the school's programs, the school may use that process, if such process includes an adequate representation of parents of participating children;

(4) provide parents of participating children—

(A) timely information about programs under this part;

(B) a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels of the challenging State academic standards; and

(C) if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible; and

(5) if the schoolwide program plan under section 6314(b) of this title is not satisfactory to the parents of participating children, submit any parent comments on the plan when the school makes the plan available to the local educational agency.

(d) Shared responsibilities for high student academic achievement

As a component of the school-level parent and family engagement policy developed under subsection (b) of this section, each school served under this part shall jointly develop with parents for all children served under this part a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall—

(1) describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under this part to meet the challenging State academic standards, and the ways in which each parent will be responsible for supporting their children's learning; volunteering in their child's classroom; and participating, as appropriate, in decisions relating to the education

of their children and positive use of extracurricular time; and

(2) address the importance of communication between teachers and parents on an ongoing basis through, at a minimum—

(A) parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;

(B) frequent reports to parents on their children's progress;

(C) reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities; and

(D) ensuring regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.

(e) Building capacity for involvement

To ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community to improve student academic achievement, each school and local educational agency assisted under this part—

(1) shall provide assistance to parents of children served by the school or local educational agency, as appropriate, in understanding such topics as the challenging State academic standards, State and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of their children;

(2) shall provide materials and training to help parents to work with their children to improve their children's achievement, such as literacy training and using technology (including education about the harms of copyright piracy), as appropriate, to foster parental involvement;

(3) shall educate teachers, specialized instructional support personnel, principals, and other school leaders, and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;

(4) shall, to the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with other Federal, State, and local programs, including public preschool programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children;

(5) shall ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand;

(6) may involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training;

(7) may provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such training;

(8) may pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;

(9) may train parents to enhance the involvement of other parents;

(10) may arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation;

(11) may adopt and implement model approaches to improving parental involvement;

(12) may establish a districtwide parent advisory council to provide advice on all matters related to parental involvement in programs supported under this section;

(13) may develop appropriate roles for community-based organizations and businesses in parent involvement activities; and

(14) shall provide such other reasonable support for parental involvement activities under this section as parents may request.

(f) Accessibility

In carrying out the parent and family engagement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports required under section 6311 of this title in a format and, to the extent practicable, in a language such parents understand.

(g) Family engagement in education programs

In a State operating a program under part E of subchapter IV, each local educational agency or school that receives assistance under this part shall inform parents and organizations of the existence of the program.

(h) Review

The State educational agency shall review the local educational agency's parent and family engagement policies and practices to determine if the policies and practices meet the requirements of this section.

(Pub. L. 89–10, title I, § 1116, formerly § 1118, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1501; renumbered § 1116 and amended Pub. L. 114–95, title I, §§ 1000(2), 1010, Dec. 10, 2015, 129 Stat. 1814, 1868.)

PRIOR PROVISIONS

A prior section 6318, Pub. L. 89–10, title I, § 1117, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat.

3548, related to State assistance for school support and improvement, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1116 of Pub. L. 89–10 was classified to section 6316 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 1116 of Pub. L. 89–10 was classified to section 6317 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 1010(1), substituted ''Parent and family engagement'' for ''Parental involvement'' in section catchline.

Subsec. (a)(1). Pub. L. 114–95, § 1010(2)(A), inserted ''conducts outreach to all parents and family members and'' after ''only if such agency'' and ''and family members'' after ''and procedures for the involvement of parents''.

Subsec. (a)(2). Pub. L. 114–95, § 1010(2)(B)(ii), added subpars. (A) to (F) and struck out former subpars. (A) to (F) which related to description of how the agency would involve parents in development of plan, provide support in implementing parent involvement activities, build capacity for strong parental involvement, integrate parental involvement strategies under this part with strategies under other programs, conduct an annual evaluation of effectiveness of parental involvement policy, and involve parents in the activities of schools served under this part.

Pub. L. 114–95, § 1010(2)(B)(i), in introductory provisions, substituted ''parents and family members'' for ''parents'', ''written parent and family engagement policy'' for ''written parent involvement policy'', and ''expectations and objectives for meaningful parent and family involvement'' for ''expectations for parent involvement''.

Subsec. (a)(3)(A). Pub. L. 114–95, § 1010(2)(C)(i), added subpar. (A) and struck out former subpar. (A). Prior to amendment, text read as follows: ''Each local educational agency shall reserve not less than 1 percent of such agency's allocation under subpart 2 of this part to carry out this section, including promoting family literacy and parenting skills, except that this paragraph shall not apply if 1 percent of such agency's allocation under subpart 2 of this part for the fiscal year for which the determination is made is $5,000 or less.''

Subsec. (a)(3)(B). Pub. L. 114–95, § 1010(2)(C)(ii), substituted ''Parent and family member input'' for ''Parental input'' in heading and ''Parents and family members of children'' for ''Parents of children'' in text.

Subsec. (a)(3)(C). Pub. L. 114–95, § 1010(2)(C)(iii), substituted ''90 percent'' for ''95 percent'' and inserted '', with priority given to high-need schools'' after ''schools served under this part''.

Subsec. (a)(3)(D). Pub. L. 114–95, § 1010(2)(C)(iv), added subpar. (D).

Subsec. (b). Pub. L. 114–95, § 1010(3)(A), substituted ''parent and family engagement policy'' for ''parental involvement policy'' in heading.

Subsec. (b)(1). Pub. L. 114–95, § 1010(3)(B), substituted ''parents and family members of participating children'' for ''parents of participating children'' and ''written parent and family engagement policy'' for ''written parental involvement policy''.

Subsec. (b)(2). Pub. L. 114–95, § 1010(3)(C), substituted ''parent and family engagement policy'' for ''parental involvement policy'' and ''parents and family members'' for ''parents''.

Subsec. (b)(3). Pub. L. 114–95, § 1010(3)(D), substituted ''parent and family engagement policy that applies to all parents and family members in all schools served by the local educational agency'' for ''parental involvement policy that applies to all parents''.

Subsec. (c)(3). Pub. L. 114–95, § 1010(4)(A), substituted ''parent and family engagement policy'' for ''parental involvement policy'' and ''6314(b)'' for ''6314(b)(2)''.

Subsec. (c)(4)(B). Pub. L. 114–95, § 1010(4)(B), substituted ''the achievement levels of the challenging State academic standards'' for ''the proficiency levels students are expected to meet''.

Subsec. (c)(5). Pub. L. 114–95, § 1010(4)(C), substituted ''6314(b)'' for ''6314(b)(2)''.

Subsec. (d). Pub. L. 114–95, § 1010(5)(A), substituted ''parent and family engagement policy'' for ''parental involvement policy'' in introductory provisions.

Subsec. (d)(1). Pub. L. 114–95, § 1010(5)(B), substituted ''the challenging State academic standards'' for ''the State's student academic achievement standards'' and struck out '', such as monitoring attendance, homework completion, and television watching'' after ''children's learning''.

Subsec. (d)(2)(D). Pub. L. 114–95, § 1010(5)(C), added subpar. (D).

Subsec. (e)(1). Pub. L. 114–95, § 1010(6)(A), substituted ''the challenging State academic standards'' for ''the State's academic content standards and State student academic achievement standards''.

Subsec. (e)(2). Pub. L. 114–95, § 1010(6)(B), inserted ''(including education about the harms of copyright piracy)'' after ''technology''.

Subsec. (e)(3). Pub. L. 114–95, § 1010(6)(C), substituted ''specialized instructional support personnel, principals, and other school leaders'' for ''pupil services personnel, principals''.

Subsec. (e)(4). Pub. L. 114–95, § 1010(6)(D), substituted ''other Federal, State, and local programs, including public preschool programs,'' for ''Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other programs,''.

Subsec. (f). Pub. L. 114–95, § 1010(7), added subsec. (f) and struck out former subsec. (f). Prior to amendment, text read as follows: ''In carrying out the parental involvement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under section 6311 of this title in a format and, to the extent practicable, in a language such parents understand.''

Subsec. (g). Pub. L. 114–95, § 1010(8), added subsec. (g) and struck out former subsec. (g). Prior to amendment, text read as follows: ''In a State where a parental information and resource center is established to provide training, information, and support to parents and individuals who work with local parents, local educational agencies, and schools receiving assistance under this part, each local educational agency or school that receives assistance under this part and is located in the State shall assist parents and parental organizations by informing such parents and organizations of the existence and purpose of such centers.''

Subsec. (h). Pub. L. 114–95, § 1010(9), substituted ''parent and family engagement policies'' for ''parental involvement policies''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6319. Repealed. Pub. L. 114–95, title I, § 1000(1), Dec. 10, 2015, 129 Stat. 1814

Section, Pub. L. 89–10, title I, § 1119, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1505, related to qualifications for teachers and paraprofessionals.

A prior section 6319, Pub. L. 89–10, title I, § 1118, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3550, related to parental involvement, prior to the general amendment of this subchapter by Pub. L. 107–110.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive pro-

grams, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6320. Participation of children enrolled in private schools

(a) General requirement

(1) In general

To the extent consistent with the number of eligible children identified under section 6315(c) of this title in the school district served by a local educational agency who are enrolled in private elementary schools and secondary schools, a local educational agency shall—

(A) after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis and individually or in combination, as requested by the officials to best meet the needs of such children, special educational services, instructional services (including evaluations to determine the progress being made in meeting such students' academic needs), counseling, mentoring, one-on-one tutoring, or other benefits under this part (such as dual or concurrent enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs; and

(B) ensure that teachers and families of the children participate, on an equitable basis, in services and activities developed pursuant to section 6318 of this title.

(2) Secular, neutral, nonideological

Such educational services or other benefits, including materials and equipment, shall be secular, neutral, and nonideological.

(3) Equity

(A) In general

Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part, and shall be provided in a timely manner.

(B) Ombudsman

To help ensure such equity for such private school children, teachers, and other educational personnel, the State educational agency involved shall designate an ombudsman to monitor and enforce the requirements of this part.

(4) Expenditures

(A) Determination

(i) In general

Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

(ii) Proportional share

The proportional share of funds shall be determined based on the total amount of funds received by the local educational agency under this part prior to any allowable expenditures or transfers by the local educational agency.

(B) Obligation of funds

Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the agency.

(C) Notice of allocation

Each State educational agency shall provide notice in a timely manner to the appropriate private school officials in the State of the allocation of funds for educational services and other benefits under this part that the local educational agencies have determined are available for eligible private school children.

(D) Term of determination

The local educational agency may determine the equitable share under subparagraph (A) each year or every 2 years.

(5) Provision of services

The local educational agency, or, in a case described in subsection (b)(6)(C), the State educational agency involved, may provide services under this section directly or through contracts with public and private agencies, organizations, and institutions.

(b) Consultation

(1) In general

To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of such agency's programs under this part. Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children, the results of which agreement shall be transmitted to the ombudsman designated under subsection (a)(3)(B). Such process shall include consultation on issues such as—

(A) how the children's needs will be identified;

(B) what services will be offered;

(C) how, where, and by whom the services will be provided;

(D) how the services will be academically assessed and how the results of that assessment will be used to improve those services;

(E) the size and scope of the equitable services to be provided to the eligible private school children, the proportion of funds that is allocated under subsection (a)(4)(A) of this section for such services, and how that proportion of funds is determined;

(F) the method or sources of data that are used under subsection (c) of this section and section 6313(c)(1) of this title to determine the number of children from low-income families in participating school attendance areas who attend private schools;

(G) how and when the agency will make decisions about the delivery of services to

such children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers;

(H) how, if the agency disagrees with the views of the private school officials on the provision of services through a contract, the local educational agency will provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to use a contractor;

(I) whether the agency shall provide services directly or through a separate government agency, consortium, entity, or third-party contractor;

(J) whether to provide equitable services to eligible private school children—

(i) by creating a pool or pools of funds with all of the funds allocated under subsection (a)(4)(A) based on all the children from low-income families in a participating school attendance area who attend private schools; or

(ii) in the agency's participating school attendance area who attend private schools with the proportion of funds allocated under subsection (a)(4)(A) based on the number of children from low-income families who attend private schools;

(K) when, including the approximate time of day, services will be provided; and

(L) whether to consolidate and use funds provided under subsection (a)(4) in coordination with eligible funds available for services to private school children under applicable programs, as defined in section 7881(b)(1) of this title[1] to provide services to eligible private school children participating in programs.

(2) Disagreement

If a local educational agency disagrees with the views of private school officials with respect to an issue described in paragraph (1), the local educational agency shall provide in writing to such private school officials the reasons why the local educational agency disagrees.

(3) Timing

Such consultation shall include meetings of agency and private school officials and shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part. Such meetings shall continue throughout implementation and assessment of services provided under this section.

(4) Discussion

Such consultation shall include a discussion of service delivery mechanisms a local educational agency can use to provide equitable services to eligible private school children.

(5) Documentation

Each local educational agency shall maintain in the agency's records and provide to the State educational agency involved a written affirmation signed by officials of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.

(6) Compliance

(A) In general

A private school official shall have the right to file a complaint with the State educational agency asserting that the local educational agency did not engage in consultation that was meaningful and timely, did not give due consideration to the views of the private school official, or did not make a decision that treats the private school students equitably as required by this section.

(B) Procedure

If the private school official wishes to file a complaint, the official shall provide the basis of the noncompliance with this section by the local educational agency to the State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency.

(C) State educational agencies

A State educational agency shall provide services under this section directly or through contracts with public or private agencies, organizations, or institutions, if the appropriate private school officials have—

(i) requested that the State educational agency provide such services directly; and

(ii) demonstrated that the local educational agency involved has not met the requirements of this section in accordance with the procedures for making such a request, as prescribed by the State educational agency.

(c) Allocation for equitable service to private school students

(1) Calculation

A local educational agency shall have the final authority, consistent with this section, to calculate the number of children, ages 5 through 17, who are from low-income families and attend private schools by—

(A) using the same measure of low income used to count public school children;

(B) using the results of a survey that, to the extent possible, protects the identity of families of private school students, and allowing such survey results to be extrapolated if complete actual data are unavailable;

(C) applying the low-income percentage of each participating public school attendance

[1] So in original. A comma probably should appear.

area, determined pursuant to this section, to the number of private school children who reside in that school attendance area; or

(D) using an equated measure of low income correlated with the measure of low income used to count public school children.

(2) Complaint process

Any dispute regarding low-income data for private school students shall be subject to the complaint process authorized in section 7883 of this title.

(d) Public control of funds

(1) In general

The control of funds provided under this part, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property.

(2) Provision of services

(A) Provider

The provision of services under this section shall be provided—

(i) by employees of a public agency; or

(ii) through contract by such public agency with an individual, association, agency, or organization.

(B) Requirement

In the provision of such services, such employee, individual, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

(e) Standards for a bypass

If a local educational agency is prohibited by law from providing for the participation in programs on an equitable basis of eligible children enrolled in private elementary schools and secondary schools, or if the Secretary determines that a local educational agency has substantially failed or is unwilling, to provide for such participation, as required by this section, the Secretary shall—

(1) waive the requirements of this section for such local educational agency;

(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 7883 and 7884 of this title; and

(3) in making the determination under this subsection, consider one or more factors, including the quality, size, scope, and location of the program and the opportunity of eligible children to participate.

(Pub. L. 89–10, title I, § 1117, formerly § 1120, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1508; renumbered § 1117 and amended Pub. L. 114–95, title I, §§ 1000(3), 1011, Dec. 10, 2015, 129 Stat. 1814, 1871.)

PRIOR PROVISIONS

A prior section 6320, Pub. L. 89–10, title I, § 1119, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3555, related to professional development, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1117 of Pub. L. 89–10 was classified to section 6317 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 1117 of Pub. L. 89–10 was classified to section 6318 of this title prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114–95, § 1011(1)(A), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: ''To the extent consistent with the number of eligible children identified under section 6315(b) of this title in the school district served by a local educational agency who are enrolled in private elementary schools and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis, special educational services or other benefits under this part (such as dual enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs, and shall ensure that teachers and families of the children participate, on an equitable basis, in services and activities developed pursuant to sections 6318 and 6319 of this title.''

Subsec. (a)(3). Pub. L. 114–95, § 1011(1)(B), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: ''Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part, and shall be provided in a timely manner.''

Subsec. (a)(4). Pub. L. 114–95, § 1011(1)(C), added par. (4) and struck out former par. (4). Prior to amendment, text read as follows: ''Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools, which the local educational agency may determine each year or every 2 years.''

Subsec. (a)(5). Pub. L. 114–95, § 1011(1)(D), inserted '', or, in a case described in subsection (b)(6)(C), the State educational agency involved,'' after ''local educational agency''.

Subsec. (b)(1). Pub. L. 114–95, § 1011(2)(A)(i), in introductory provisions, substituted ''part. Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children, the results of which agreement shall be transmitted to the ombudsman designated under subsection (a)(3)(B). Such process shall include consultation on issues such as—'' for ''part, on issues such as—''.

Subsec. (b)(1)(E). Pub. L. 114–95, § 1011(2)(A)(ii), struck out ''and'' before ''the proportion of funds'', substituted ''(a)(4)(A)'' for ''(a)(4)'', and inserted '', and how that proportion of funds is determined'' before semicolon at end.

Subsec. (b)(1)(I) to (L). Pub. L. 114–95, § 1011(2)(A)(iii)–(v), added subpars. (I) to (L).

Subsec. (b)(2) to (4). Pub. L. 114–95, § 1011(2)(B), (C), added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively. Former par. (4) redesignated (5).

Subsec. (b)(5). Pub. L. 114–95, § 1011(2)(B), (D), redesignated par. (4) as (5), inserted ''meaningful'' before ''consultation'' in first sentence, inserted second sentence, and substituted ''such consultation has, or attempts at such consultation have, taken place'' for ''such consultation has taken place'' in last sentence. Former par. (5) redesignated (6).

Subsec. (b)(6). Pub. L. 114–95, § 1011(2)(B), redesignated par. (5) as (6).

Subsec. (b)(6)(A). Pub. L. 114–95, § 1011(2)(E)(i), substituted ''right to file a complaint with'' for ''right to complain to'', inserted ''asserting'' after ''State educational agency'', struck out ''or'' before ''did not give due consideration'', and inserted '', or did not make a

decision that treats the private school students equitably as required by this section'' before period at end.

Subsec. (b)(6)(B). Pub. L. 114–95, § 1011(2)(E)(ii), substituted ''wishes to file a complaint,'' for ''wishes to complain,''.

Subsec. (b)(6)(C). Pub. L. 114–95, § 1011(2)(E)(iii), added subpar. (C).

Subsec. (c)(2). Pub. L. 114–95, § 1011(3), made technical amendment to reference in original act which appears in text as reference to section 7883 of this title.

Subsec. (e)(2). Pub. L. 114–95, § 1011(4), made technical amendment to reference in original act which appears in text as reference to sections 7883 and 7884 of this title.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6321. Fiscal requirements

(a) Maintenance of effort

A local educational agency may receive funds under this part for any fiscal year only if the State educational agency involved finds that the local educational agency has maintained the agency's fiscal effort in accordance with section 7901 of this title.

(b) Federal funds to supplement, not supplant, non-Federal funds

(1) In general

A State educational agency or local educational agency shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from State and local sources for the education of students participating in programs assisted under this part, and not to supplant such funds.

(2) Compliance

To demonstrate compliance with paragraph (1), a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under this part.

(3) Special rule

No local educational agency shall be required to—

(A) identify that an individual cost or service supported under this part is supplemental; or

(B) provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1).

(4) Prohibition

Nothing in this section shall be construed to authorize or permit the Secretary to prescribe the specific methodology a local educational agency uses to allocate State and local funds to each school receiving assistance under this part.

(5) Timeline

A local educational agency—

(A) shall meet the compliance requirement under paragraph (2) not later than 2 years after December 10, 2015; and

(B) may demonstrate compliance with the requirement under paragraph (1) before the end of such 2-year period using the method such local educational agency used on the day before December 10, 2015.

(c) Comparability of services

(1) In general

(A) Comparable services

Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

(B) Substantially comparable services

If the local educational agency is serving all of such agency's schools under this part, such agency may receive funds under this part only if such agency will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.

(C) Basis

A local educational agency may meet the requirements of subparagraphs (A) and (B) on a grade-span by grade-span basis or a school-by-school basis.

(2) Written assurance

(A) Equivalence

A local educational agency shall be considered to have met the requirements of paragraph (1) if such agency has filed with the State educational agency a written assurance that such agency has established and implemented—

(i) a local educational agency-wide salary schedule;

(ii) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and

(iii) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

(B) Determinations

For the purpose of this subsection, in the determination of expenditures per pupil from State and local funds, or instructional salaries per pupil from State and local funds, staff salary differentials for years of employment shall not be included in such determinations.

(C) Exclusions

A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

(3) Procedures and records

Each local educational agency assisted under this part shall—

(A) develop procedures for compliance with this subsection; and

(B) maintain records that are updated biennially documenting such agency's compliance with this subsection.

(4) Inapplicability

This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

(5) Compliance

For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for—

(A) language instruction educational programs; and

(B) the excess costs of providing services to children with disabilities as determined by the local educational agency.

(d) Exclusion of funds

For the purpose of complying with subsections (b) and (c) of this section, a State educational agency or local educational agency may exclude supplemental State or local funds expended in any school attendance area or school for programs that meet the intent and purposes of this part.

(Pub. L. 89–10, title I, § 1118, formerly § 1120A, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1511; renumbered § 1118 and amended Pub. L. 114–95, title I, §§ 1000(4), 1012, Dec. 10, 2015, 129 Stat. 1814, 1874.)

PRIOR PROVISIONS

A prior section 6321, Pub. L. 89–10, title I, § 1120, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3557, related to participation of children enrolled in private schools, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1118 of Pub. L. 89–10 was renumbered section 1116 and is classified to section 6318 of this title.

Another prior section 1118 of Pub. L. 89–10 was classified to section 6319 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 1012(1), made technical amendment to reference in original act which appears in text as reference to section 7901 of this title.

Subsec. (b). Pub. L. 114–95, § 1012(2), added subsec. (b) and struck out former subsec. (b) which consisted of pars. (1) and (2) relating to general use of funds only to supplement and not to supplant non-Federal funds and special rule that no local educational agency be required to provide services through a particular instructional method or in a particular instructional setting.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6322. Coordination requirements

(a) In general

Each local educational agency receiving assistance under this part shall carry out the activities described in subsection (b) of this section with Head Start agencies and, if feasible, other entities carrying out early childhood development programs. Each local educational agency shall develop agreements with such Head Start agencies and other entities to carry out such activities.

(b) Activities

The activities referred to in subsection (a) of this section are activities that increase coordination between the local educational agency and a Head Start agency and, if feasible, other entities carrying out early childhood education programs serving children who will attend the schools of the local educational agency, including—

(1) developing and implementing a systematic procedure for receiving records regarding such children, transferred with parental consent from a Head Start program or, where applicable, another early childhood education program;

(2) establishing channels of communication between school staff and their counterparts (including teachers, social workers, and health staff) in such Head Start agencies or other entities carrying out early childhood education programs, as appropriate, to facilitate coordination of programs;

(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood education programs, to discuss the developmental and other needs of individual children;

(4) organizing and participating in joint transition-related training of school staff, Head Start program staff, and, where appropriate, other early childhood education program staff; and

(5) linking the educational services provided by such local educational agency with the services provided by local Head Start agencies.

(c) Coordination of regulations

The Secretary shall work with the Secretary of Health and Human Services to coordinate regulations promulgated under this part with regulations promulgated under the Head Start Act [42 U.S.C. 9831 et seq.].

(Pub. L. 89–10, title I, § 1119, formerly § 1120B, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1512; renumbered § 1119 and amended Pub. L. 114–95, title I, §§ 1000(5), 1013, Dec. 10, 2015, 129 Stat. 1814, 1875.)

REFERENCES IN TEXT

The Head Start Act, referred to in subsec. (c), is subchapter B (§§ 635–657) of chapter 8 of subtitle A of title VI of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 499, as amended, which is classified generally to subchapter II (§ 9831 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 6322, Pub. L. 89–10, title I, § 1120A, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3559; amended Pub. L. 104–134, title I, § 101(b) [title II, § 2754], Apr. 26, 1996, 110 Stat. 1321–77, 1321–150; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327, related to fiscal requirements, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6321 of this title.

A prior section 1119 of Pub. L. 89–10 was classified to section 6319 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 1119 of Pub. L. 89–10 was classified to section 6320 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 6323, Pub. L. 89–10, title I, § 1120B, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3560, related to coordination requirements, prior to its omission in the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 1013(1), struck out ''such as the Early Reading First program'' after ''early childhood development programs'' and inserted at end ''Each local educational agency shall develop agreements with such Head Start agencies and other entities to carry out such activities.''

Subsec. (b). Pub. L. 114–95, § 1013(2)(A), substituted ''early childhood education programs'' for ''early childhood development programs, such as the Early Reading First program,'' in introductory provisions.

Subsec. (b)(1). Pub. L. 114–95, § 1013(2)(B), substituted ''early childhood education program'' for ''early childhood development program such as the Early Reading First program''.

Subsec. (b)(2), (3). Pub. L. 114–95, § 1013(2)(C), (D), substituted ''early childhood education programs'' for ''early childhood development programs such as the Early Reading First program''.

Subsec. (b)(4). Pub. L. 114–95, § 1013(2)(E), struck out ''Early Reading First program staff,'' after ''Head Start program staff,'' and substituted ''early childhood education program staff'' for ''early childhood development program staff''.

Subsec. (b)(5). Pub. L. 114–95, § 1013(2)(F), struck out ''and entities carrying out Early Reading First programs'' after ''Head Start agencies''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

SUBPART 2—ALLOCATIONS

§ 6331. Grants for the outlying areas and the Secretary of the Interior

(a) Reservation of funds

Subject to subsection (e), from the amount appropriated for payments to States for any fiscal year under section 6302(a) of this title, the Secretary shall—

(1) reserve 0.4 percent to provide assistance to the outlying areas in accordance with subsection (b); and

(2) reserve 0.7 percent to provide assistance to the Secretary of the Interior in accordance with subsection (d).

(b) Assistance to outlying areas

(1) Funds reserved

From the amount made available for any fiscal year under subsection (a)(1), the Secretary shall—

(A) first reserve $1,000,000 for the Republic of Palau, until Palau enters into an agreement for extension of United States educational assistance under the Compact of Free Association, and subject to such terms and conditions as the Secretary may establish, except that Public Law 95–134, permitting the consolidation of grants, shall not apply; and

(B) use the remaining funds to award grants to the outlying areas in accordance with paragraphs (2) through (5).

(2) Amount of grants

The Secretary shall allocate the amount available under paragraph (1)(B) to the outlying areas in proportion to their relative numbers of children, aged 5 to 17, inclusive, from families below the poverty level, on the basis of the most recent satisfactory data available from the Department of Commerce.

(3) Hold-harmless amounts

For each fiscal year, the amount made available to each outlying area under this subsection shall be—

(A) not less than 95 percent of the amount made available for the preceding fiscal year if the number of children counted under paragraph (2) is not less than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the outlying area;

(B) not less than 90 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is between 15 percent and 30 percent; and

(C) not less than 85 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is below 15 percent.

(4) Ratable reductions

If the amount made available under paragraph (1)(B) for any fiscal year is insufficient to pay the full amounts that the outlying areas are eligible to receive under paragraphs (2) and (3) for that fiscal year, the Secretary shall ratably reduce those amounts.

(5) Uses

Grant funds awarded under paragraph (1)(A) may be used only—

(A) for programs described in this chapter, including teacher training, curriculum development, instructional materials, or general school improvement and reform; and

(B) to provide direct educational services that assist all students with meeting the challenging State academic standards.

(c) Definitions

For the purpose of this section, the term ''outlying area'' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(d) Allotment to the Secretary of the Interior

(1) In general

The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be used, in accordance with such criteria as the Secretary may establish, to meet the unique educational needs of—

(A) Indian children on reservations served by elementary schools and secondary schools for Indian children operated or supported by the Department of the Interior; and

(B) out-of-State Indian children in elementary schools and secondary schools in local

educational agencies under special contracts with the Department of the Interior.

(2) Payments

From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, on such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

(B) 48 percent of such expenditure in the United States.

(e) Limitation on applicability

If, by reason of the application of subsection (a) for any fiscal year, the total amount available for allocation to all States under this part would be less than the amount allocated to all States for fiscal year 2016 under this part, the Secretary shall provide assistance to the outlying areas and the Secretary of the Interior in accordance with this section, as in effect on the day before December 10, 2015.

(Pub. L. 89–10, title I, § 1121, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1513; amended Pub. L. 114–95, title I, § 1014, Dec. 10, 2015, 129 Stat. 1876.)

REFERENCES IN TEXT

Public Law 95–134, referred to in subsec. (b)(1)(A), is Pub. L. 95–134, Oct. 15, 1977, 91 Stat. 1159. Provisions relating to consolidation of grants are contained in section 501 of Pub. L. 95–134 which is classified to section 1469a of Title 48, Territories and Insular Possessions.

PRIOR PROVISIONS

A prior section 6331, Pub. L. 89–10, title I, § 1121, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3561, related to grants for outlying areas and the Secretary of the Interior, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (d) relating to reservation of one percent of funds for assistance to outlying areas and the Secretary of the Interior, grants to outlying areas, definitions, and allotment to the Secretary of the Interior to meet special educational needs of Indian children.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6332. Allocations to States

(a) Allocation formula

Of the amount appropriated under section 6302(a) of this title to carry out this part for each of fiscal years 2017–2020 (referred to in this subsection as the current fiscal year)—

(1) an amount equal to the amount made available to carry out section 6333 of this title for fiscal year 2001 shall be allocated in accordance with section 6333 of this title;

(2) an amount equal to the amount made available to carry out section 6334 of this title for fiscal year 2001 shall be allocated in accordance with section 6334 of this title; and

(3) an amount equal to 100 percent of the amount, if any, by which the total amount made available under this subsection for the current fiscal year for which the determination is made exceeds the total amount available to carry out sections 6333 and 6334 of this title for fiscal year 2001 shall be used to carry out sections 6335 and 6337 of this title and such amount shall be divided equally between sections 6335 and 6337 of this title.

(b) Adjustments where necessitated by appropriations

(1) In general

If the sums available under this subpart for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 6333, 6334, and 6335 of this title for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d) of this section.

(2) Additional funds

If additional funds become available for making payments under sections 6333, 6334, and 6335 of this title for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

(c) Hold-harmless amounts

(1) Amounts for sections 6333, 6334, and 6335

For each fiscal year, the amount made available to each local educational agency under each of sections 6333, 6334, and 6335 of this title shall be—

(A) not less than 95 percent of the amount made available for the preceding fiscal year if the number of children counted for grants under section 6333 of this title is not less than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency;

(B) not less than 90 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is between 15 percent and 30 percent; and

(C) not less than 85 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is below 15 percent.

(2) Payments

If sufficient funds are appropriated, the amounts described in paragraph (1) shall be paid to all local educational agencies that received grants under section 6334 of this title for the preceding fiscal year, regardless of whether the local educational agency meets the minimum eligibility criteria for that fiscal year described in section 6334(a)(1)(A) of this title except that a local educational agency that does not meet such minimum eligibility criteria for 4 consecutive years shall no longer be eligible to receive a hold harmless amount referred to in paragraph (1).

(3) Applicability

Notwithstanding any other provision of law, the Secretary shall not take into consideration the hold-harmless provisions of this subsection for any fiscal year for purposes of calculating State or local allocations for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

(4) Population data

For any fiscal year for which the Secretary calculates grants on the basis of population data for counties, the Secretary shall apply the hold-harmless percentages in paragraphs (1) and (2) to counties and, if the Secretary's allocation for a county is not sufficient to meet the hold-harmless requirements of this subsection for every local educational agency within that county, the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that are receiving funds in excess of the hold-harmless amounts specified in this subsection.

(d) Ratable reductions

(1) In general

If the sums made available under this subpart for any fiscal year are insufficient to pay the full amounts that local educational agencies in all States are eligible to receive under subsection (c) of this section for such year, the Secretary shall ratably reduce such amounts for such year.

(2) Additional funds

If additional funds become available for making payments under subsection (c) of this section for such fiscal year, amounts that were reduced under paragraph (1) shall be increased on the same basis as such amounts were reduced.

(e) Definition

For the purpose of this section and sections 6333, 6334, 6335, and 6337 of this title, the term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(Pub. L. 89–10, title I, § 1122, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1515; amended Pub. L. 114–95, title I, § 1015, Dec. 10, 2015, 129 Stat. 1878.)

PRIOR PROVISIONS

A prior section 6332, Pub. L. 89–10, title I, § 1122, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3562, related to allocations to States, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 1015(1), substituted ''2017–2020'' for ''2002–2007'' in introductory provisions.

Subsec. (a)(3). Pub. L. 114–95, § 1015(2), added par. (3) and struck out former par. (3) which read as follows: ''an amount equal to 100 percent of the amount, if any, by which the amount made available to carry out sections 6333, 6334, and 6335 of this title for the current fiscal year for which the determination is made exceeds the amount available to carry out sections 6333 and 6334 of this title for fiscal year 2001 shall be allocated in accordance with section 6335 of this title.''

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6333. Basic grants to local educational agencies

(a) Amount of grants

(1) Grants for local educational agencies and Puerto Rico

Except as provided in paragraph (4) and in section 6338 of this title, the grant that a local educational agency is eligible to receive under this section for a fiscal year is the amount determined by multiplying—

(A) the number of children counted under subsection (c) of this section; and

(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

(2) Calculation of grants

(A) Allocations to local educational agencies

The Secretary shall calculate grants under this section on the basis of the number of children counted under subsection (c) of this section for local educational agencies, unless the Secretary and the Secretary of Commerce determine that some or all of those data are unreliable or that their use would be otherwise inappropriate, in which case—

(i) the two Secretaries shall publicly disclose the reasons for their determination in detail; and

(ii) paragraph (3) shall apply.

(B) Allocations to large and small local educational agencies

(i) For any fiscal year to which this paragraph applies, the Secretary shall calculate grants under this section for each local educational agency.

(ii) The amount of a grant under this section for each large local educational agency shall be the amount determined under clause (i).

(iii) For small local educational agencies, the State educational agency may either—

(I) distribute grants under this section in amounts determined by the Secretary under clause (i); or

(II) use an alternative method approved by the Secretary to distribute the portion of the State's total grants under this section that is based on those small agencies.

(iv) An alternative method under clause (iii)(II) shall be based on population data that the State educational agency determines best reflect the current distribution of children in poor families among the State's small local educational agencies that meet the eligibility criteria of subsection (b) of this section.

(v) If a small local educational agency is dissatisfied with the determination of its grant by the State educational agency under

clause (iii)(II), it may appeal that determination to the Secretary, who shall respond not later than 45 days after receipt of such appeal.

(vi) As used in this subparagraph—

(I) the term ''large local educational agency'' means a local educational agency serving an area with a total population of 20,000 or more; and

(II) the term ''small local educational agency'' means a local educational agency serving an area with a total population of less than 20,000.

(3) Allocations to counties

(A) Calculation

For any fiscal year to which this paragraph applies, the Secretary shall calculate grants under this section on the basis of the number of children counted under subsection (c) of this section for counties, and State educational agencies shall suballocate county amounts to local educational agencies, in accordance with regulations issued by the Secretary.

(B) Direct allocations

In any State in which a large number of local educational agencies overlap county boundaries, or for which the State believes it has data that would better target funds than allocating them by county, the State educational agency may apply to the Secretary for authority to make the allocations under this subpart for a particular fiscal year directly to local educational agencies without regard to counties.

(C) Allocations to local educational agencies

If the Secretary approves the State educational agency's application under subparagraph (B), the State educational agency shall provide the Secretary an assurance that such allocations shall be made—

(i) using precisely the same factors for determining a grant as are used under this subpart; or

(ii) using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

(D) Appeal

The State educational agency shall provide the Secretary an assurance that it will establish a procedure through which a local educational agency that is dissatisfied with its determinations under subparagraph (B) may appeal directly to the Secretary for a final determination.

(4) Puerto Rico

(A) In general

For each fiscal year, the grant that the Commonwealth of Puerto Rico shall be eligible to receive under this section shall be the amount determined by multiplying the number of children counted under subsection (c) of this section for the Commonwealth of Puerto Rico by the product of—

(i) subject to subparagraph (B), the percentage that the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

(ii) 32 percent of the average per-pupil expenditure in the United States.

(B) Minimum percentage

The percentage in subparagraph (A)(i) shall not be less than—

(i) for fiscal year 2002, 77.5 percent;

(ii) for fiscal year 2003, 80.0 percent;

(iii) for fiscal year 2004, 82.5 percent;

(iv) for fiscal year 2005, 85.0 percent;

(v) for fiscal year 2006, 92.5 percent; and

(vi) for fiscal year 2007 and succeeding fiscal years, 100.0 percent.

(C) Limitation

If the application of subparagraph (B) would result in any of the 50 States or the District of Columbia receiving less under this subpart than it received under this subpart for the preceding fiscal year, the percentage in subparagraph (A) shall be the greater of—

(i) the percentage in subparagraph (A)(i);

(ii) the percentage specified in subparagraph (B) for the preceding fiscal year; or

(iii) the percentage used for the preceding fiscal year.

(b) Minimum number of children to qualify

A local educational agency is eligible for a basic grant under this section for any fiscal year only if the number of children counted under subsection (c) of this section for that agency is both—

(1) 10 or more; and

(2) more than 2 percent of the total school-age population in the agency's jurisdiction.

(c) Children to be counted

(1) Categories of children

The number of children to be counted for purposes of this section is the aggregate of—

(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraph (2);

(B) the number of children (determined under paragraph (4) for either the preceding year as described in that paragraph, or for the second preceding year, as the Secretary finds appropriate) aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children (other than such institutions operated by the United States), but not counted pursuant to subpart 1 of part D of this subchapter for the purposes of a grant to a State agency, or being supported in foster homes with public funds; and

(C) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4).

(2) Determination of number of children

For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the

poverty level on the basis of the most recent satisfactory data, described in paragraph (3), available from the Department of Commerce. The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains two or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.

(3) Population updates

(A) In general

In fiscal year 2002 and each subsequent fiscal year, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for counties or local educational agencies, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that the use of the updated population data would be inappropriate or unreliable. If appropriate and reliable data are not available annually, the Secretary shall use data which are updated every 2 years.

(B) Inappropriate or unreliable data

If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in subparagraph (A) are inappropriate or unreliable, the Secretary and the Secretary of Commerce shall publicly disclose their reasons.

(C) Criteria of poverty

In determining the families that are below the poverty level, the Secretary shall use the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, as the criteria have been updated by increases in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics.

(4) Other children to be counted

(A) For the purpose of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under a State program funded under part A of title IV of the Social Security Act [42 U.S.C. 601 et seq.]; and in making such determinations, the Secretary shall use the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of four in such form as those criteria have been updated by increases in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics.

(B) The Secretary shall determine the number of such children and the number of children aged 5 through 17 living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination.

(C) Except for the data on children living in institutions for neglected or delinquent children, the Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year.

(D) For the purpose of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

(5) Estimate

When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level (as determined under paragraph (1)(A)) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information.

(d) State minimum

Notwithstanding section 6332 of this title, the aggregate amount allotted for all local educational agencies within a State may not be less than the lesser of—

(1) 0.25 percent of the total amount allocated to States under this section for fiscal year 2001, plus 0.35 percent of the total amount allocated to States under this section in excess of the amount allocated for fiscal year 2001; or

(2) the average of—

(A) the amount calculated in paragraph (1), above; and

(B) the number of children in such State counted under subsection (c) of this section in the fiscal year multiplied by 150 percent of the national average per-pupil payment made with funds available under this section for that year.

(Pub. L. 89–10, title I, § 1124, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1516.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (c)(4)(A), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title IV of the Act is classified generally to part A (§ 601 et seq.) of subchapter IV of chap-

ter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 6333, Pub. L. 89–10, title I, § 1124, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3564; amended Pub. L. 104–193, title I, § 110(j)(2), Aug. 22, 1996, 110 Stat. 2172, related to basic grants to local educational agencies, prior to the general amendment of this subchapter by Pub. L. 107–110.

§ 6334. Concentration grants to local educational agencies

(a) Eligibility for and amount of grants

(1) In general

(A) Except as otherwise provided in this paragraph, each local educational agency which is eligible for a grant under section 6333 of this title for any fiscal year is eligible for an additional grant under this section for that fiscal year if the number of children counted under section 6333(c) of this title in the agency exceeds either—

(i) 6,500; or

(ii) 15 percent of the total number of children aged 5 through 17 in the agency.

(B) Notwithstanding section 6332 of this title, no State shall receive less than the lesser of—

(i) 0.25 percent of the total amount allocated to States under this section for fiscal year 2001, plus 0.35 percent of the total amount allocated to States under this section in excess of the amount allocated for fiscal year 2001; or

(ii) the average of—

(I) the amount calculated under clause (i); and

(II) the greater of—

(aa) $340,000; or

(bb) the number of children in such State counted for purposes of this section in that fiscal year multiplied by 150 percent of the national average per-pupil payment made with funds available under this section for that year.

(2) Determination

For each county or local educational agency eligible to receive an additional grant under this section for any fiscal year, the Secretary shall determine the product of—

(A) the number of children counted under section 6333(c) of this title for that fiscal year; and

(B) the amount in section 6333(a)(1)(B) of this title for each State except the Commonwealth of Puerto Rico, and the amount in section 6333(a)(4) of this title for the Commonwealth of Puerto Rico.

(3) Amount

The amount of the additional grant for which an eligible local educational agency or county is eligible under this section for any fiscal year shall be an amount which bears the same ratio to the amount available to carry out this section for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such products for all local educational agencies in the United States for that fiscal year.

(4) Local allocations

(A) Grant amounts under this section shall be determined in accordance with section 6333(a)(2), (3), and (4) of this title.

(B) For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, a State may reserve not more than 2 percent of its allocation under this section to make grants to local educational agencies that meet the criteria of paragraph (1)(A)(i) or (ii) and are in ineligible counties that do not meet these criteria.

(b) Small States

In any State for which on January 8, 2002, the number of children counted under section 6333(c) of this title is less than 0.25 percent of the number of those children counted for all States, the State educational agency shall allocate funds under this section among the local educational agencies in the State either—

(1) in accordance with paragraphs (2) and (4) of subsection (a) of this section; or

(2) based on their respective concentrations and numbers of children counted under section 6333(c) of this title, except that only those local educational agencies with concentrations or numbers of children counted under section 6333(c) of this title that exceed the statewide average percentage of such children or the statewide average number of such children shall receive any funds on the basis of this paragraph.

(Pub. L. 89–10, title I, § 1124A, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1521.)

PRIOR PROVISIONS

A prior section 6334, Pub. L. 89–10, title I, § 1124A, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3569, related to concentration grants to local educational agencies, prior to the general amendment of this subchapter by Pub. L. 107–110.

§ 6335. Targeted grants to local educational agencies

(a) Eligibility of local educational agencies

(1) In general

A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if—

(A) the number of children in the local educational agency counted under section 6333(c) of this title, before application of the weighted child count described in subsection (c) of this section, is at least 10; and

(B) if the number of children counted for grants under section 6333(c) of this title, before application of the weighted child count described in subsection (c) of this section, is at least 5 percent of the total number of children aged 5 to 17 years, inclusive, in the school district of the local educational agency.

(2) Special rule

For any fiscal year for which the Secretary allocates funds under this section on the basis

of counties, funds made available as a result of applying this subsection shall be reallocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of other funds under this section.

(b) Grants for local educational agencies, the District of Columbia, and the Commonwealth of Puerto Rico

(1) In general

The amount of the grant that a local educational agency in a State (other than the Commonwealth of Puerto Rico) is eligible to receive under this section for any fiscal year shall be the product of—

(A) the weighted child count determined under subsection (c) of this section; and

(B) the amount determined under section 6333(a)(1)(B) of this title.

(2) Puerto Rico

For each fiscal year, the amount of the grant the Commonwealth of Puerto Rico is eligible to receive under this section shall be equal to the number of children counted under subsection (c) of this section for the Commonwealth of Puerto Rico, multiplied by the amount determined in section 6333(a)(4) of this title for the Commonwealth of Puerto Rico.

(c) Weighted child count

(1) Weights for allocations to counties

(A) In general

For each fiscal year for which the Secretary uses county population data to calculate grants, the weighted child count used to determine a county's allocation under this section is the larger of the two amounts determined under subparagraphs (B) and (C).

(B) By percentage of children

The amount referred to in subparagraph (A) is determined by adding—

(i) the number of children determined under section 6333(c) of this title for that county who constitute not more than 15.00 percent, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

(ii) the number of such children who constitute more than 15.00 percent, but not more than 19.00 percent, of such population, multiplied by 1.75;

(iii) the number of such children who constitute more than 19.00 percent, but not more than 24.20 percent, of such population, multiplied by 2.5;

(iv) the number of such children who constitute more than 24.20 percent, but not more than 29.20 percent, of such population, multiplied by 3.25; and

(v) the number of such children who constitute more than 29.20 percent of such population, multiplied by 4.0.

(C) By number of children

The amount referred to in subparagraph (A) is determined by adding—

(i) the number of children determined under section 6333(c) of this title who constitute not more than 2,311, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

(ii) the number of such children between 2,312 and 7,913, inclusive, in such population, multiplied by 1.5;

(iii) the number of such children between 7,914 and 23,917, inclusive, in such population, multiplied by 2.0;

(iv) the number of such children between 23,918 and 93,810, inclusive, in such population, multiplied by 2.5; and

(v) the number of such children in excess of 93,811 in such population, multiplied by 3.0.

(D) Puerto Rico

Notwithstanding subparagraph (A), the weighting factor for the Commonwealth of Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 6333(c) of this title multiplied by 1.82.

(2) Weights for allocations to local educational agencies

(A) In general

For each fiscal year for which the Secretary uses local educational agency data, the weighted child count used to determine a local educational agency's grant under this section is the larger of the two amounts determined under subparagraphs (B) and (C).

(B) By percentage of children

The amount referred to in subparagraph (A) is determined by adding—

(i) the number of children determined under section 6333(c) of this title for that local educational agency who constitute not more than 15.58 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

(ii) the number of such children who constitute more than 15.58 percent, but not more than 22.11 percent, of such population, multiplied by 1.75;

(iii) the number of such children who constitute more than 22.11 percent, but not more than 30.16 percent, of such population, multiplied by 2.5;

(iv) the number of such children who constitute more than 30.16 percent, but not more than 38.24 percent, of such population, multiplied by 3.25; and

(v) the number of such children who constitute more than 38.24 percent of such population, multiplied by 4.0.

(C) By number of children

The amount referred to in subparagraph (A) is determined by adding—

(i) the number of children determined under section 6333(c) of this title who constitute not more than 691, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

(ii) the number of such children between 692 and 2,262, inclusive, in such population, multiplied by 1.5;

(iii) the number of such children between 2,263 and 7,851, inclusive, in such population, multiplied by 2.0;

(iv) the number of such children between 7,852 and 35,514, inclusive, in such population, multiplied by 2.5; and

(v) the number of such children in excess of 35,514 in such population, multiplied by 3.0.

(D) Puerto Rico

Notwithstanding subparagraph (A), the weighting factor for the Commonwealth of Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 6333(c) of this title multiplied by 1.82.

(d) Calculation of grant amounts

Grant amounts under this section shall be calculated in the same manner as grant amounts are calculated under section 6333(a)(2) and (3) of this title.

(e) State minimum

Notwithstanding any other provision of this section or section 6332 of this title, from the total amount available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—

(1) 0.35 percent of the total amount available to carry out this section; or

(2) the average of—

(A) 0.35 percent of the total amount available to carry out this section; and

(B) 150 percent of the national average grant under this section per child described in section 6333(c) of this title, without application of a weighting factor, multiplied by the State's total number of children described in section 6333(c) of this title, without application of a weighting factor.

(Pub. L. 89–10, title I, § 1125, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1522.)

PRIOR PROVISIONS

A prior section 6335, Pub. L. 89–10, title I, § 1125, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3571, related to targeted grants to local educational agencies, prior to the general amendment of this subchapter by Pub. L. 107–110.

§ 6336. Adequacy of funding to local educational agencies in fiscal years after fiscal year 2001

Pursuant to section 6332 of this title, the total amount allocated in any fiscal year after fiscal year 2001 for programs and activities under this part shall not exceed the amount allocated in fiscal year 2001 for such programs and activities unless the amount available for targeted grants to local educational agencies under section 6335 of this title in the applicable fiscal year meets the requirements of section 6332(a) of this title.

(Pub. L. 89–10, title I, § 1125AA, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1525; amended Pub. L. 114–95, title I, § 1016, Dec. 10, 2015, 129 Stat. 1878.)

PRIOR PROVISIONS

A prior section 6336, Pub. L. 89–10, title I, § 1125A, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3575, related to education finance incentive program, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, in section catchline, struck out ''of targeted grants'' after ''Adequacy of funding'' and, in text, struck out subsec. (a), which set forth Congressional findings, and struck out subsec. (b) designation and heading before ''Pursuant''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6337. Education finance incentive grant program

(a) Grants

From funds made available under section 6332(a) of this title the Secretary is authorized to make grants to States, from allotments under subsection (b) of this section, to carry out the programs and activities of this part.

(b) Distribution based upon fiscal effort and equity

(1) In general

(A) In general

Except as provided in subparagraph (B), funds made available for any fiscal year to carry out this section shall be allotted to each State based upon the number of children counted under section 6333(c) of this title in such State multiplied by the product of—

(i) the amount in section 6333(a)(1)(B) of this title for all States other than the Commonwealth of Puerto Rico, except that the amount determined under that subparagraph shall not be less that 34 percent or more than 46 percent of the average per pupil expenditure in the United States, and the amount in section 6333(a)(4) of this title for the Commonwealth of Puerto Rico, except that the amount in section 6333(a)(4)(A)(ii) of this title shall be 34 percent of the average per pupil expenditure in the United States; multiplied by

(ii) such State's effort factor described in paragraph (2); multiplied by

(iii) 1.30 minus such State's equity factor described in paragraph (3).

(B) State minimum

Notwithstanding any other provision of this section or section 6332 of this title, from the total amount available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—

(i) 0.35 percent of the total amount reserved under section 6332(a) of this title to carry out this section; or

(ii) the average of—

(I) 0.35 percent of the total amount available to carry out this section; and

(II) 150 percent of the national average grant under this section per child described in section 6333(c) of this title, without application of a weighting factor, multiplied by the State's total number of children described in section 6333(c) of this title, without application of a weighting factor.

(2) Effort factor

(A) In general

Except as provided in subparagraph (B), the effort factor for a State shall be determined in accordance with the succeeding sentence, except that such factor shall not be less than 0.95 nor greater than 1.05. The effort factor determined under this sentence shall be a fraction the numerator of which is the product of the 3-year average per-pupil expenditure in the State multiplied by the 3-year average per capita income in the United States and the denominator of which is the product of the 3-year average per capita income in such State multiplied by the 3-year average per-pupil expenditure in the United States.

(B) Commonwealth of Puerto Rico

The effort factor for the Commonwealth of Puerto Rico shall be equal to the lowest effort factor calculated under subparagraph (A) for any State.

(3) Equity factor

(A) Determination

(i) In general

Except as provided in subparagraph (B), the Secretary shall determine the equity factor under this section for each State in accordance with clause (ii).

(ii) Computation

(I) In general

For each State, the Secretary shall compute a weighted coefficient of variation for the per-pupil expenditures of local educational agencies in accordance with subclauses (II), (III), and (IV).

(II) Variation

In computing coefficients of variation, the Secretary shall weigh the variation between per-pupil expenditures in each local educational agency and the average per-pupil expenditures in the State according to the number of pupils served by the local educational agency.

(III) Number of pupils

In determining the number of pupils under this paragraph served by each local educational agency and in each State, the Secretary shall multiply the number of children counted under section 6333(c) of this title by a factor of 1.4.

(IV) Enrollment requirement

In computing coefficients of variation, the Secretary shall include only those local educational agencies with an enrollment of more than 200 students.

(B) Special rule

The equity factor for a State that meets the disparity standard described in section 222.162 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding January 8, 2002) or a State with only one local educational agency shall be not greater than 0.10.

(c) Use of funds; eligibility of local educational agencies

All funds awarded to each State under this section shall be allocated to local educational agencies under the following provisions. Within local educational agencies, funds allocated under this section shall be distributed to schools on a basis consistent with section 6313 of this title, and may only be used to carry out activities under this part. A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if—

(1) the number of children in the local educational agency counted under section 6333(c) of this title, before application of the weighted child count described in paragraph (3),[1] is at least 10; and

(2) if the number of children counted for grants under section 6333(c) of this title, before application of the weighted child count described in paragraph (3),[1] is at least 5 percent of the total number of children aged 5 to 17 years, inclusive, in the school district of the local educational agency.

For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, funds made available as a result of applying this subsection shall be reallocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of other funds under this section.

(d) Allocation of funds to eligible local educational agencies

Funds received by States under this section shall be allocated within States to eligible local educational agencies on the basis of weighted child counts calculated in accordance with paragraph (1), (2), or (3), as appropriate for each State.

(1) States with an equity factor less than .10

In States with an equity factor less than .10, the weighted child counts referred to in subsection (d) of this section shall be calculated as follows:

(A) Weights for allocations to counties

(i) In general

For each fiscal year for which the Secretary uses county population data to calculate grants, the weighted child count used to determine a county's allocation under this section is the larger of the two amounts determined under clauses (ii) and (iii).

(ii) By percentage of children

The amount referred to in clause (i) is determined by adding—

(I) the number of children determined under section 6333(c) of this title for that county who constitute not more than 15.00 percent, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

(II) the number of such children who constitute more than 15.00 percent, but

[1] So in original. This subsec. does not contain a par. (3).

not more than 19.00 percent, of such population, multiplied by 1.75;

(III) the number of such children who constitute more than 19.00 percent, but not more than 24.20 percent, of such population, multiplied by 2.5;

(IV) the number of such children who constitute more than 24.20 percent, but not more than 29.20 percent, of such population, multiplied by 3.25; and

(V) the number of such children who constitute more than 29.20 percent of such population, multiplied by 4.0.

(iii) By number of children

The amount referred to in clause (i) is determined by adding

(I) the number of children determined under section 6333(c) of this title who constitute not more than 2,311, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

(II) the number of such children between 2,312 and 7,913, inclusive, in such population, multiplied by 1.5;

(III) the number of such children between 7,914 and 23,917, inclusive, in such population, multiplied by 2.0;

(IV) the number of such children between 23,918 and 93,810, inclusive, in such population, multiplied by 2.5; and

(V) the number of such children in excess of 93,811 in such population, multiplied by 3.0.

(B) Weights for allocations to local educational agencies

(i) In general

For each fiscal year for which the Secretary uses local educational agency data, the weighted child count used to determine a local educational agency's grant under this section is the larger of the two amounts determined under clauses (ii) and (iii).

(ii) By percentage of children

The amount referred to in clause (i) is determined by adding—

(I) the number of children determined under section 6333(c) of this title for that local educational agency who constitute not more than 15.58 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

(II) the number of such children who constitute more than 15.58 percent, but not more than 22.11 percent, of such population, multiplied by 1.75;

(III) the number of such children who constitute more than 22.11 percent, but not more than 30.16 percent, of such population, multiplied by 2.5;

(IV) the number of such children who constitute more than 30.16 percent, but not more than 38.24 percent, of such population, multiplied by 3.25; and

(V) the number of such children who constitute more than 38.24 percent of such population, multiplied by 4.0.

(iii) By number of children

The amount referred to in clause (i) is determined by adding—

(I) the number of children determined under section 6333(c) of this title who constitute not more than 691, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

(II) the number of such children between 692 and 2,262, inclusive, in such population, multiplied by 1.5;

(III) the number of such children between 2,263 and 7,851, inclusive, in such population, multiplied by 2.0;

(IV) the number of such children between 7,852 and 35,514, inclusive, in such population, multiplied by 2.5; and

(V) the number of such children in excess of 35,514 in such population, multiplied by 3.0.

(2) States with an equity factor greater than or equal to .10 and less than .20

In States with an equity factor greater than or equal to .10 and less than .20, the weighted child counts referred to in subsection (d) of this section shall be calculated as follows:

(A) Weights for allocations to counties

(i) In general

For each fiscal year for which the Secretary uses county population data to calculate grants, the weighted child count used to determine a county's allocation under this section is the larger of the two amounts determined under clauses (ii) and (iii).

(ii) By percentage of children

The amount referred to in clause (i) is determined by adding—

(I) the number of children determined under section 6333(c) of this title for that county who constitute not more than 15.00 percent, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

(II) the number of such children who constitute more than 15.00 percent, but not more than 19.00 percent, of such population, multiplied by 1.5;

(III) the number of such children who constitute more than 19.00 percent, but not more than 24.20 percent, of such population, multiplied by 3.0;

(IV) the number of such children who constitute more than 24.20 percent, but not more than 29.20 percent, of such population, multiplied by 4.5; and

(V) the number of such children who constitute more than 29.20 percent of such population, multiplied by 6.0.

(iii) By number of children

The amount referred to in clause (i) is determined by adding—

(I) the number of children determined under section 6333(c) of this title who constitute not more than 2,311, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

(II) the number of such children between 2,312 and 7,913, inclusive, in such population, multiplied by 1.5;

(III) the number of such children between 7,914 and 23,917, inclusive, in such population, multiplied by 2.25;

(IV) the number of such children between 23,918 and 93,810, inclusive, in such population, multiplied by 3.375; and

(V) the number of such children in excess of 93,811 in such population, multiplied by 4.5.

(B) Weights for allocations to local educational agencies

(i) In general

For each fiscal year for which the Secretary uses local educational agency data, the weighted child count used to determine a local educational agency's grant under this section is the larger of the two amounts determined under clauses (ii) and (iii).

(ii) By percentage of children

The amount referred to in clause (i) is determined by adding—

(I) the number of children determined under section 6333(c) of this title for that local educational agency who constitute not more than 15.58 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

(II) the number of such children who constitute more than 15.58 percent, but not more than 22.11 percent, of such population, multiplied by 1.5;

(III) the number of such children who constitute more than 22.11 percent, but not more than 30.16 percent, of such population, multiplied by 3.0;

(IV) the number of such children who constitute more than 30.16 percent, but not more than 38.24 percent, of such population, multiplied by 4.5; and

(V) the number of such children who constitute more than 38.24 percent of such population, multiplied by 6.0.

(iii) By number of children

The amount referred to in clause (i) is determined by adding—

(I) the number of children determined under section 6333(c) of this title who constitute not more than 691, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

(II) the number of such children between 692 and 2,262, inclusive, in such population, multiplied by 1.5;

(III) the number of such children between 2,263 and 7,851, inclusive, in such population, multiplied by 2.25;

(IV) the number of such children between 7,852 and 35,514, inclusive, in such population, multiplied by 3.375; and

(V) the number of such children in excess of 35,514 in such population, multiplied by 4.5.

(3) States with an equity factor greater than or equal to .20

In States with an equity factor greater than or equal to .20, the weighted child counts referred to in subsection (d) of this section shall be calculated as follows:

(A) Weights for allocations to counties

(i) In general

For each fiscal year for which the Secretary uses county population data to calculate grants, the weighted child count used to determine a county's allocation under this section is the larger of the two amounts determined under clauses (ii) and (iii).

(ii) By percentage of children

The amount referred to in clause (i) is determined by adding—

(I) the number of children determined under section 6333(c) of this title for that county who constitute not more than 15.00 percent, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

(II) the number of such children who constitute more than 15.00 percent, but not more than 19.00 percent, of such population, multiplied by 2.0;

(III) the number of such children who constitute more than 19.00 percent, but not more than 24.20 percent, of such population, multiplied by 4.0;

(IV) the number of such children who constitute more than 24.20 percent, but not more than 29.20 percent, of such population, multiplied by 6.0; and

(V) the number of such children who constitute more than 29.20 percent of such population, multiplied by 8.0.

(iii) By number of children

The amount referred to in clause (i) is determined by adding—

(I) the number of children determined under section 6333(c) of this title who constitute not more than 2,311, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

(II) the number of such children between 2,312 and 7,913, inclusive, in such population, multiplied by 2.0;

(III) the number of such children between 7,914 and 23,917, inclusive, in such population, multiplied by 3.0;

(IV) the number of such children between 23,918 and 93,810, inclusive, in such population, multiplied by 4.5; and

(V) the number of such children in excess of 93,811 in such population, multiplied by 6.0.

(B) Weights for allocations to local educational agencies

(i) In general

For each fiscal year for which the Secretary uses local educational agency data, the weighted child count used to determine a local educational agency's grant under this section is the larger of the two amounts determined under clauses (ii) and (iii).

(ii) By percentage of children

The amount referred to in clause (i) is determined by adding—

(I) the number of children determined under section 6333(c) of this title for that local educational agency who constitute not more than 15.58 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

(II) the number of such children who constitute more than 15.58 percent, but not more than 22.11 percent, of such population, multiplied by 2.0;

(III) the number of such children who constitute more than 22.11 percent, but not more than 30.16 percent, of such population, multiplied by 4.0;

(IV) the number of such children who constitute more than 30.16 percent, but not more than 38.24 percent, of such population, multiplied by 6.0; and

(V) the number of such children who constitute more than 38.24 percent of such population, multiplied by 8.0.

(iii) By number of children

The amount referred to in clause (i) is determined by adding—

(I) the number of children determined under section 6333(c) of this title who constitute not more than 691, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

(II) the number of such children between 692 and 2,262, inclusive, in such population, multiplied by 2.0;

(III) the number of such children between 2,263 and 7,851, inclusive, in such population, multiplied by 3.0;

(IV) the number of such children between 7,852 and 35,514, inclusive, in such population, multiplied by 4.5; and

(V) the number of such children in excess of 35,514 in such population, multiplied by 6.0.

(e) Maintenance of effort

(1) In general

A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that the State's fiscal effort per student or the aggregate expenditures of the State with respect to the provision of free public education by the State for the preceding fiscal year was not less than 90 percent of the fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of paragraph (2).

(2) Reduction in case of failure to meet

(A) In general

The Secretary shall reduce the amount of the allotment of funds under this section for any fiscal year in the exact proportion by which a State fails to meet the requirement of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), if such State has also failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

(B) Special rule

No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

(3) Waiver

The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to—

(A) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or

(B) a precipitous decline in the financial resources of the State.

(f) Adjustments where necessitated by appropriations

(1) In general

If the sums available under this section for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive to carry out this section for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to paragraphs (2) and (3).

(2) Additional funds

If additional funds become available for making payments under this section for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

(3) Hold-harmless amounts

For each fiscal year, if sufficient funds are available, the amount made available to each local educational agency under this section shall be—

(A) not less than 95 percent of the amount made available for the preceding fiscal year if the number of children counted for grants under section 6333 of this title is not less than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency;

(B) not less than 90 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is between 15 percent and 30 percent; and

(C) not less than 85 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is below 15 percent.

(4) Applicability

Notwithstanding any other provision of law, the Secretary shall not take into consideration the hold-harmless provisions of this subsection for any fiscal year for purposes of calculating State or local allocations for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

(Pub. L. 89–10, title I, § 1125A, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1525; amended Pub. L. 114–95, title I, § 1017, Dec. 10, 2015, 129 Stat. 1878.)

PRIOR PROVISIONS

A prior section 6337, Pub. L. 89–10, title I, § 1126, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3577, related to special allocation procedures, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6338 of this title.

A prior section 1125A of Pub. L. 89–10 was classified to section 6336 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 1017(1), substituted "funds made available under section 6332(a) of this

title'' for ''funds appropriated under subsection (f) of this section''.

Subsec. (b)(1)(A). Pub. L. 114–95, § 1017(2)(A), substituted ''funds made available for any fiscal year to carry out this section'' for ''funds appropriated pursuant to subsection (f) of this section'' in introductory provisions.

Subsec. (b)(1)(B)(i). Pub. L. 114–95, § 1017(2)(B), substituted ''the total amount reserved under section 6332(a) of this title to carry out this section'' for ''total appropriations''.

Subsec. (c). Pub. L. 114–95, § 1017(3), redesignated pars. (A) and (B) as (1) and (2), respectively.

Subsec. (d)(1)(A)(ii). Pub. L. 114–95, § 1017(4), struck out opening quotation marks before ''(i)'' in introductory provisions.

Subsec. (e). Pub. L. 114–95, § 1017(5), added subsec. (e) and struck out former subsec. (e) which related to general rule for full allotment of funds, reduction of funds in any fiscal year where State fails to meet requirements, and equitable waiver of requirements for 1 fiscal year only.

Subsec. (f). Pub. L. 114–95, § 1017(6), (7), redesignated subsec. (g) as (f) and struck out former subsec. (f). Prior to amendment, text of subsec. (f) read as follows: ''There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002 and for each of the 5 succeeding fiscal years.''

Subsec. (f)(1). Pub. L. 114–95, § 1017(8)(A), substituted ''to carry out this section'' for ''under this section''.

Subsec. (f)(3). Pub. L. 114–95, § 1017(8)(B), substituted ''shall be—'' for ''shall be'' in introductory provisions.

Subsec. (g). Pub. L. 114–95, § 1017(7), redesignated subsec. (g) as (f).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6338. Special allocation procedures

(a) Allocations for neglected children

(1) In general

If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected children as described in section 6333(c)(1)(B) of this title, the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 6333, 6334, 6335, and 6337 of this title that is attributable to such children.

(2) Special rule

If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

(b) Allocations among local educational agencies

The State educational agency may allocate the amounts of grants under sections 6333, 6334, 6335, and 6337 of this title among the affected local educational agencies—

(1) if two or more local educational agencies serve, in whole or in part, the same geographical area;

(2) if a local educational agency provides free public education for children who reside in the school district of another local educational agency; or

(3) to reflect the merger, creation, or change of boundaries of one or more local educational agencies.

(c) Reallocation

If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 6333, 6334, 6335, and 6337 of this title is more than such local educational agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

(Pub. L. 89–10, title I, § 1126, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1534.)

PRIOR PROVISIONS

A prior section 6338, Pub. L. 89–10, title I, § 1127, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3577, related to carryover and waiver, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1126 of Pub. L. 89–10 was classified to section 6337 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

§ 6339. Carryover and waiver

(a) Limitation on carryover

Notwithstanding section 1225(b) of this title or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

(b) Waiver

A State educational agency may, once every 3 years, waive the percentage limitation in subsection (a) of this section if—

(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

(2) supplemental appropriations for this subpart become available.

(c) Exclusion

The percentage limitation under subsection (a) of this section shall not apply to any local educational agency that receives less than $50,000 under this subpart for any fiscal year.

(Pub. L. 89–10, title I, § 1127, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1534.)

PRIOR PROVISIONS

A prior section 1127 of Pub. L. 89–10 was classified to section 6338 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

PART B—STATE ASSESSMENT GRANTS

CODIFICATION

Part B of title I of the Elementary and Secondary Education Act of 1965, comprising this part, was originally enacted in the general amendment of title I of Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27, by Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1535, and amended by Pub. L. 108–7, Feb. 20, 2003, 117 Stat. 11;

Pub. L. 110–154, Dec. 21, 2007, 121 Stat. 1826; Pub. L. 113–128, July 22, 2014, 128 Stat. 1425. Part B is shown herein, however, as having been added by Pub. L. 114–95, title I, § 1201, Dec. 10, 2015, 129 Stat. 1879, without reference to those intervening amendments because of the extensive revision of part B by Pub. L. 114–95. See Codification note preceding section 6301 of this title.

§ 6361. Grants for State assessments and related activities

(a) Grants authorized

From amounts made available in accordance with section 6363 of this title, the Secretary shall make grants to State educational agencies to enable the States to carry out 1 or more of the following:

(1) To pay the costs of the development of the State assessments and standards adopted under section 6311(b) of this title, which may include the costs of working in voluntary partnerships with other States, at the sole discretion of each such State.

(2) If a State has developed the assessments adopted under section 6311(b) of this title, to administer those assessments or to carry out other assessment activities described in this part, such as the following:

(A) Ensuring the provision of appropriate accommodations available to English learners and children with disabilities to improve the rates of inclusion in regular assessments of such children, including professional development activities to improve the implementation of such accommodations in instructional practice.

(B) Developing challenging State academic standards and aligned assessments in academic subjects for which standards and assessments are not required under section 6311(b) of this title.

(C) Developing or improving assessments for English learners, including assessments of English language proficiency as required under section 6311(b)(2)(G) of this title and academic assessments in languages other than English to meet the State's obligations under section 6311(b)(2)(F) of this title.

(D) Ensuring the continued validity and reliability of State assessments.

(E) Refining State assessments to ensure their continued alignment with the challenging State academic standards and to improve the alignment of curricula and instructional materials.

(F) Developing or improving balanced assessment systems that include summative, interim, and formative assessments, including supporting local educational agencies in developing or improving such assessments.

(G) At the discretion of the State, refining science assessments required under section 6311(b)(2) of this title in order to integrate engineering design skills and practices into such assessments.

(H) Developing or improving models to measure and assess student progress or student growth on State assessments under section 6311(b)(2) of this title and other assessments not required under section 6311(b)(2) of this title.

(I) Developing or improving assessments for children with disabilities, including alternate assessments aligned to alternate academic achievement standards for students with the most significant cognitive disabilities described in section 6311(b)(2)(D) of this title, and using the principles of universal design for learning.

(J) Allowing for collaboration with institutions of higher education, other research institutions, or other organizations to improve the quality, validity, and reliability of State academic assessments beyond the requirements for such assessments described in section 6311(b)(2) of this title.

(K) Measuring student academic achievement using multiple measures of student academic achievement from multiple sources.

(L) Evaluating student academic achievement through the development of comprehensive academic assessment instruments (such as performance and technology-based academic assessments, computer adaptive assessments, projects, or extended performance task assessments) that emphasize the mastery of standards and aligned competencies in a competency-based education model.

(M) Designing the report cards and reports under section 6311(h) of this title in an easily accessible, user friendly-manner that cross-tabulates student information by any category the State determines appropriate, as long as such cross-tabulation—

(i) does not reveal personally identifiable information about an individual student; and

(ii) is derived from existing State and local reporting requirements.

(b) Rule of construction

Nothing in subsection (a)(2)(M) shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to be reported to the Secretary unless such reporting, data, or information is explicitly authorized under this chapter.

(c) Annual report

Each State educational agency receiving a grant under this section shall submit an annual report to the Secretary describing the State's activities under the grant and the result of such activities.

(Pub. L. 89–10, title I, § 1201, as added Pub. L. 114–95, title I, § 1201, Dec. 10, 2015, 129 Stat. 1879.)

PRIOR PROVISIONS

A prior section 6361, Pub. L. 89–10, title I, § 1201, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1535, stated purpose of former subpart 1 of this part, prior to the general amendment of this part by Pub. L. 114–95.

Another prior section 6361, Pub. L. 89–10, title I, § 1201, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3578; amended Pub. L. 106–554, § 1(a)(4) [div. B, title XVI, § 1604(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A–328, stated purpose of Even Start family literacy program, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1201 of Pub. L. 89–10 was classified to section 2781 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6362. State option to conduct assessment system audit

(a) In general

From the amount reserved under section 6363(a)(3) of this title for a fiscal year, the Secretary shall make grants to States to enable the States to—

(1) in the case of a grant awarded under this section to a State for the first time—

(A) audit State assessment systems and ensure that local educational agencies audit local assessments under subsection (e)(1);

(B) execute the State plan under subsection (e)(3)(D); and

(C) award subgrants under subsection (f); and

(2) in the case of a grant awarded under this section to a State that has previously received a grant under this section—

(A) execute the State plan under subsection (e)(3)(D); and

(B) award subgrants under subsection (f).

(b) Minimum amount

Each State that receives a grant under this section shall receive an annual grant amount of not less than $1,500,000.

(c) Reallocation

If a State chooses not to apply for a grant under this section, the Secretary shall reallocate such grant amount to other States in accordance with the formula described in section 6363(a)(4)(B) of this title.

(d) Application

A State desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall require. The application shall include a description of—

(1) in the case of a State that is receiving a grant under this section for the first time—

(A) the audit the State will carry out under subsection (e)(1); and

(B) the stakeholder feedback the State will seek in designing such audit;

(2) in the case of a State that is not receiving a grant under this section for the first time, the plan described in subsection (e)(3)(D); and

(3) how the State will award subgrants to local educational agencies under subsection (f).

(e) Audits of State assessment systems and local assessments

(1) Audit requirements

Not later than 1 year after the date a State receives an initial grant under this section, the State shall—

(A) conduct a State assessment system audit as described in paragraph (3);

(B) ensure that each local educational agency receiving funds under this section—

(i) conducts an audit of local assessments administered by the local educational agency as described in paragraph (4); and

(ii) submits the results of such audit to the State; and

(C) report the results of each State and local educational agency audit conducted under subparagraphs (A) and (B), in a format that is widely accessible and publicly available.

(2) Resources for local educational agencies

In carrying out paragraph (1)(B), each State shall provide local educational agencies with resources, such as guidelines and protocols, to assist in conducting and reporting audit results.

(3) State assessment system description

Each State assessment system audit conducted under paragraph (1)(A) shall include—

(A) the schedule for the administration of all State assessments;

(B) for each State assessment—

(i) the purpose for which the assessment was designed and the purpose for which the assessment is used; and

(ii) the legal authority for the administration of the assessment;

(C) feedback on such system from stakeholders, which shall include information such as—

(i) how teachers, principals, other school leaders, and administrators use assessment data to improve and differentiate instruction;

(ii) the timing of release of assessment data;

(iii) the extent to which assessment data is presented in an accessible and understandable format for all stakeholders;

(iv) the opportunities, resources, and training teachers, principals, other school leaders, and administrators are given to review assessment results and make effective use of assessment data;

(v) the distribution of technological resources and personnel necessary to administer assessments;

(vi) the amount of time teachers spend on assessment preparation and administration;

(vii) the assessments that administrators, teachers, principals, other school leaders, parents, and students, if appropriate, do and do not find useful; and

(viii) other information as appropriate; and

(D) a plan, based on the information gathered as a result of the activities described in subparagraphs (A), (B), and (C), to improve and streamline the State assessment system, including activities such as—

(i) eliminating any unnecessary assessments, which may include paying the cost associated with terminating procurement contracts;

(ii) supporting the dissemination of best practices from local educational agencies

or other States that have successfully improved assessment quality and efficiency to improve teaching and learning; and

(iii) supporting local educational agencies or consortia of local educational agencies to carry out efforts to streamline local assessment systems and implement a regular process of review and evaluation of assessment use in local educational agencies.

(4) Local assessment description

An audit of local assessments conducted in accordance with paragraph (1)(B)(i) shall include the same information described in paragraph (3) that is required of a State audit, except that such information shall be included as applicable to the local educational agency and the local assessments.

(f) Subgrants to local educational agencies

(1) In general

Each State shall reserve not less than 20 percent of the grant funds awarded to the State under this section to make subgrants to local educational agencies in the State or consortia of such local educational agencies, based on demonstrated need in the agency's or consortium's application, to enable such agencies or consortia to improve assessment quality and use, and alignment, including, if applicable, alignment to the challenging State academic standards.

(2) Local educational agency application

Each local educational agency, or consortium of local educational agencies, seeking a subgrant under this subsection shall submit an application to the State at such time, in such manner, and containing such other information as determined necessary by the State. The application shall include a description of the agency's or consortium's needs relating to the improvement of assessment quality, use, and alignment.

(3) Use of funds

A subgrant awarded under this subsection to a local educational agency or consortium of such agencies may be used to—

(A) conduct an audit of local assessments under subsection (e)(1)(B)(i);

(B) carry out the plan described in subsection (e)(3)(D) as it pertains to such agency or consortium;

(C) improve assessment delivery systems and schedules, including by increasing access to technology and assessment proctors, where appropriate;

(D) hire instructional coaches, or promote teachers who may receive increased compensation to serve as instructional coaches, to support teachers in the development of classroom-based assessments, interpreting assessment data, and designing instruction;

(E) provide for appropriate accommodations to maximize inclusion of children with disabilities and English learners participating in assessments; and

(F) improve the capacity of teachers, principals, and other school leaders to disseminate assessment data in an accessible and understandable format for parents and families, including for children with disabilities and English learners.

(g) Definitions

In this section:

(1) Local assessment

The term ''local assessment'' means an academic assessment selected and carried out by a local educational agency that is separate from an assessment required under section 6311(b)(2) of this title.

(2) State

The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(Pub. L. 89–10, title I, § 1202, as added Pub. L. 114–95, title I, § 1201, Dec. 10, 2015, 129 Stat. 1881.)

PRIOR PROVISIONS

A prior section 6362, Pub. L. 89–10, title I, § 1202, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1535; amended Pub. L. 108–7, div. G, title III, § 305, Feb. 20, 2003, 117 Stat. 333, authorized formula grants to State educational agencies, prior to the general amendment of this part by Pub. L. 114–95.

Another prior section 6362, Pub. L. 89–10, title I, § 1202, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3578; amended Pub. L. 105–220, title II, § 251(b)(2)(A), Aug. 7, 1998, 112 Stat. 1079; Pub. L. 105–277, div. A, § 101(f) [title VIII, §§ 201, 202], Oct. 21, 1998, 112 Stat. 2681–337, 2681–407, 2681–408; Pub. L. 106–554, § 1(a)(4) [div. B, title XVI, §§ 1604(c)–(e), 1606(b)(1)], Dec. 21, 2000, 114 Stat. 2763, 2763A–329, 2763A–330, 2763A–334, authorized Even Start program, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1202 of Pub. L. 89–10 was classified to section 2782 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6363. Allotment of appropriated funds

(a) Amounts equal to or less than trigger amount

From amounts made available for each fiscal year under subsection[1] 6302(b) of this title that are equal to or less than the amount described in section 6311(b)(2)(I) of this title, the Secretary shall—

(1) reserve one-half of 1 percent for the Bureau of Indian Education;

(2) reserve one-half of 1 percent for the outlying areas;

(3) reserve not more than 20 percent to carry out section 6362 of this title; and

(4) from the remainder, carry out section 6361 of this title by allocating to each State an amount equal to—

(A) $3,000,000, except for a fiscal year for which the amounts available are insufficient to allocate such amount to each State, the Secretary shall ratably reduce such amount for each State; and

(B) with respect to any amounts remaining after the allocation under subparagraph (A),

[1] So in original. Probably should be ''section''.

an amount that bears the same relationship to such total remaining amounts as the number of students aged 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

(b) Amounts above trigger amount

For any fiscal year for which the amount made available for a fiscal year under subsection[1] 6302(b) of this title exceeds the amount described in section 6311(b)(2)(I) of this title, the Secretary shall make such excess amount available as follows:

(1) Competitive grants

(A) In general

The Secretary shall first use such funds to award grants, on a competitive basis, to State educational agencies or consortia of State educational agencies that have submitted applications described in subparagraph (B) to enable such States to carry out the activities described in subparagraphs (C), (H), (I), (J), (K), and (L) of section 6361(a)(2) of this title.

(B) Applications

A State, or a consortium of States, that desires a competitive grant under subparagraph (A) shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. The application shall demonstrate that the requirements of this section will be met for the uses of funds described under subparagraph (A).

(C) Amount of competitive grants

In determining the amount of a grant under subparagraph (A), the Secretary shall ensure that a State or consortium's grant, as the case may be, shall include an amount that bears the same relationship to the total funds available to carry out this subsection for the fiscal year as the number of students aged 5 through 17 in the State, or, in the case of a consortium, in each State that comprises the consortium, (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

(2) Allotments

Any amounts remaining after the Secretary awards funds under paragraph (1) shall be allotted to each State, or consortium of States, that did not receive a grant under such paragraph, in an amount that bears the same relationship to the remaining amounts as the number of students aged 5 through 17 in the State, or, in the case of a consortium, in the States of the consortium, (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

(c) State defined

In this part, the term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(d) Prohibition

In making funds available to States under this part, the Secretary shall comply with the prohibitions described in section 7909 of this title.

(Pub. L. 89–10, title I, § 1203, as added Pub. L. 114–95, title I, § 1201, Dec. 10, 2015, 129 Stat. 1884.)

PRIOR PROVISIONS

A prior section 6363, Pub. L. 89–10, title I, § 1203, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1543; amended Pub. L. 110–154, § 1(c)(3), Dec. 21, 2007, 121 Stat. 1828; Pub. L. 113–128, title V, § 512(i)(1), July 22, 2014, 128 Stat. 1708, related to applications for State formula grants, prior to the general amendment of this part by Pub. L. 114–95.

Another prior section 6363, Pub. L. 89–10, title I, § 1203, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3579; amended Pub. L. 105–277, div. A, § 101(f) [title VIII, § 204(b)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–409; Pub. L. 106–554, § 1(a)(4) [div. B, title XVI, § 1604(f), (g)], Dec. 21, 2000, 114 Stat. 2763, 2763A–330, related to State Even Start programs, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1203 of Pub. L. 89–10 was classified to section 2783 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6364. Innovative assessment and accountability demonstration authority

(a) Innovative assessment system defined

The term ''innovative assessment system'' means a system of assessments that may include—

(1) competency-based assessments, instructionally embedded assessments, interim assessments, cumulative year-end assessments, or performance-based assessments that combine into an annual summative determination for a student, which may be administered through computer adaptive assessments; and

(2) assessments that validate when students are ready to demonstrate mastery or proficiency and allow for differentiated student support based on individual learning needs.

(b) Demonstration authority

(1) In general

The Secretary may provide a State educational agency, or a consortium of State educational agencies, in accordance with paragraph (3), with the authority to establish an innovative assessment system (referred to in this section as ''demonstration authority'').

(2) Demonstration period

In accordance with the requirements described in subsection (e), each State educational agency, or consortium of State educational agencies, that submits an application under this section shall propose in its application the period of time over which the State educational agency or consortium desires to exercise the demonstration authority, except that such period shall not exceed 5 years.

(3) Initial demonstration authority and expansion

During the first 3 years that the Secretary provides State educational agencies and consortia with demonstration authority (referred to in this section as the ''initial demonstration period'') the Secretary shall provide such demonstration authority to—

(A) a total number of not more than 7 participating State educational agencies, including those participating in consortia, that have applications approved under subsection (e); and

(B) consortia that include not more than 4 State educational agencies.

(c) Progress report

(1) In general

Not later than 180 days after the end of the initial demonstration period, and prior to providing additional State educational agencies with demonstration authority, the Director of the Institute of Education Sciences, in consultation with the Secretary, shall publish a report detailing the initial progress of innovative assessment systems carried out through demonstration authority under this section.

(2) Criteria

The progress report under paragraph (1) shall be based on the annual information submitted by participating States described in subsection (e)(2)(B)(ix) and examine the extent to which—

(A) with respect to each innovative assessment system—

(i) the State educational agency has solicited feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system;

(ii) teachers, principals, and other school leaders have demonstrated a commitment and capacity to implement or continue to implement the innovative assessment system; and

(iii) substantial evidence exists demonstrating that the innovative assessment system has been developed in accordance with the requirements of subsection (e); and

(B) each State with demonstration authority has demonstrated that—

(i) the same innovative assessment system was used to measure the achievement of all students that participated in the innovative assessment system; and

(ii) of the total number of all students, and the total number of each of the subgroups of students defined in section 6311(c)(2) of this title, eligible to participate in the innovative assessment system in a given year, the State assessed in that year an equal or greater percentage of such eligible students, as measured under section 6311(c)(4)(E) of this title, as were assessed in the State in such year using the assessment system under section 6311(b)(2) of this title.

(3) Use of report

Upon completion of the progress report, the Secretary shall provide a response to the findings of the progress report, including a description of how the findings of the report will be used—

(A) to support State educational agencies with demonstration authority through technical assistance; and

(B) to inform the peer-review process described in subsection (f) for advising the Secretary on the awarding of the demonstration authority to the additional State educational agencies described in subsection (d).

(4) Publicly available

The Secretary shall make the progress report under this subsection and the response described in paragraph (3) publicly available on the website of the Department.

(5) Prohibition

The Secretary shall not require States that have demonstration authority to submit any information for the purposes of the progress report that is in addition to the information the State is already required to provide under subsection (e)(2)(B)(x).

(d) Expansion of the demonstration authority

Upon completion and publication of the report described in subsection (c), the Secretary may grant demonstration authority to additional State educational agencies or consortia that submit an application under subsection (e). Such State educational agencies or consortia of State educational agencies shall be subject to all of the same terms, conditions, and requirements of this section.

(e) Application

(1) In general

A State educational agency, or consortium of State educational agencies, that desires to participate in the program of demonstration authority under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

(2) Contents

Such application shall include a description of the innovative assessment system, the experience the applicant has in implementing any components of the innovative assessment system, and the timeline over which the State or consortium proposes to exercise the demonstration authority. In addition, the application shall include each of the following:

(A) A demonstration that the innovative assessment system will—

(i) meet all the requirements of section 6311(b)(2)(B) of this title, except the requirements of clauses (i) and (v) of such section;

(ii) be aligned to the challenging State academic standards and address the depth and breadth of such standards;

(iii) express student results or student competencies in terms consistent with the State's aligned academic achievement standards under section 6311(b)(1) of this title;

(iv) generate results that are valid and reliable, and comparable, for all students

and for each subgroup of students described in section 6311(b)(2)(B)(xi) of this title, as compared to the results for such students on the State assessments under section 6311(b)(2) of this title;

(v) be developed in collaboration with—

(I) stakeholders representing the interests of children with disabilities, English learners, and other vulnerable children;

(II) teachers, principals, and other school leaders;

(III) local educational agencies;

(IV) parents; and

(V) civil rights organizations in the State;

(vi) be accessible to all students, such as by incorporating the principles of universal design for learning;

(vii) provide teachers, principals, other school leaders, students, and parents with timely data, disaggregated by each subgroup of students described in section 6311(b)(2)(B)(xi) of this title, to inform and improve instructional practice and student supports;

(viii) identify which students are not making progress toward the challenging State academic standards so that teachers can provide instructional support and targeted interventions to all students;

(ix) annually measure the progress of not less than the same percentage of all students and students in each of the subgroups of students, as defined in section 6311(c)(2) of this title, who are enrolled in schools that are participating in the innovative assessment system and are required to take such assessments, as measured under section 6311(c)(4)(E) of this title, as were assessed by schools administering the assessment under section 6311(b)(2) of this title;

(x) generate an annual, summative achievement determination, based on the aligned State academic achievement standards under section 6311(b)(1) of this title and based on annual data, for each individual student; and

(xi) allow the State educational agency to validly and reliably aggregate data from the innovative assessment system for purposes of—

(I) accountability, consistent with the requirements of section 6311(c) of this title; and

(II) reporting, consistent with the requirements of section 6311(h) of this title.

(B) A description of how the State educational agency will—

(i) continue use of the statewide academic assessments required under section 6311(b)(2) of this title if such assessments will be used for accountability purposes for the duration of the demonstration authority period;

(ii) identify the distinct purposes for each assessment that is part of the innovative assessment system;

(iii) provide support and training to local educational agency and school staff to implement the innovative assessment system described in this subsection;

(iv) inform parents of students in participating local educational agencies about the innovative assessment system at the beginning of each school year during which the innovative assessment system will be implemented;

(v) engage and support teachers in developing and scoring assessments that are part of the innovative assessment system, including through the use of high-quality professional development, standardized and calibrated scoring rubrics, and other strategies, consistent with relevant nationally recognized professional and technical standards, to ensure inter-rater reliability and comparability;

(vi) acclimate students to the innovative assessment system;

(vii) ensure that students with the most significant cognitive disabilities may be assessed with alternate assessments consistent with section 6311(b)(2)(D) of this title;

(viii) if the State is proposing to administer the innovative assessment system initially in a subset of local educational agencies, scale up the innovative assessment system to administer such system statewide, or with additional local educational agencies, in the State's proposed demonstration authority period;

(ix) gather data, solicit regular feedback from teachers, principals, other school leaders, and parents, and assess the results of each year of the program of demonstration authority under this section, and respond by making needed changes to the innovative assessment system; and

(x) report data from the innovative assessment system annually to the Secretary, including—

(I) demographics of participating local educational agencies, if such system is not statewide, and additional local educational agencies if added to the system during the course of the State's demonstration authority period or 2-year extension, except that such data shall not reveal any personally identifiable information, including a description of how the inclusion of additional local educational agencies contributes to progress toward achieving high-quality and consistent implementation across demographically diverse local educational agencies throughout the demonstration authority period;

(II) the performance of all participating students, and for each subgroup of students defined in section 6311(c)(2) of this title, on the innovative assessment, consistent with the requirements in section 6311(h) of this title, except that such data shall not reveal any personally identifiable information;

(III) feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system; and

(IV) if such system is not statewide, a description of the State's progress in scaling up the innovative assessment system to additional local educational agencies during the State's demonstration authority period, as described in clause (viii).

(C) A description of the State educational agency's plan to—

(i) ensure that all students and each of the subgroups of students defined in section 6311(c)(2) of this title participating in the innovative assessment system receive the instructional support needed to meet State aligned academic achievement standards;

(ii) ensure that each local educational agency has the technological infrastructure to implement the innovative assessment system; and

(iii) hold all schools in the local educational agencies participating in the program of demonstration authority accountable for meeting the State's expectations for student achievement.

(D) If the innovative assessment system will initially be administered in a subset of local educational agencies—

(i) a description of the local educational agencies within the State educational agency that will participate, including what criteria the State has for approving any additional local educational agencies to participate during the demonstration authority period;

(ii) assurances from such local educational agencies that such agencies will comply with the requirements of this subsection;

(iii) a description of how the State will—

(I) ensure that the inclusion of additional local educational agencies contributes to progress toward achieving high-quality and consistent implementation across demographically diverse local educational agencies during the demonstration authority period; and

(II) ensure that the participating local educational agencies, as a group, will be demographically similar to the State as a whole by the end of the State's demonstration authority period; and

(iv) a description of the State educational agency's plan to hold all students and each of the subgroups of students, as defined in section 6311(c)(2) of this title, to the same high standard as other students in the State.

(f) Peer review

The Secretary shall—

(1) implement a peer-review process to inform—

(A) the awarding of demonstration authority under this section and the approval to operate an innovative assessment system for the purposes of subsections (b)(2) and (c) of section 6311 of this title, as described in subsection (h); and

(B) determinations about whether an innovative assessment system—

(i) is comparable to the State assessments under section 6311(b)(2)(B)(v) of this title, valid, reliable, of high technical quality, and consistent with relevant, nationally recognized professional and technical standards; and

(ii) provides an unbiased, rational, and consistent determination of progress toward the goals described under section 6311(c)(4)(A)(i) of this title for all students;

(2) ensure that the peer-review team consists of practitioners and experts who are knowledgeable about the innovative assessment system being proposed for all participating students, including—

(A) individuals with past experience developing systems of assessment innovation that support all students, including English learners, children with disabilities, and disadvantaged students; and

(B) individuals with experience implementing innovative assessment and accountability systems;

(3) make publicly available the applications submitted under subsection (c)[1] and the peer-review comments and recommendations regarding such applications;

(4) make a determination and inform the State regarding approval or disapproval of the application under subsection (c)[1] not later than 90 days after receipt of the complete application;

(5) if the Secretary disapproves an application under paragraph (4), offer the State an opportunity to—

(A) revise and resubmit such application within 60 days of the disapproval determination; and

(B) submit additional evidence that the State's application meets the requirements of subsection (c);[1] and

(6) make a determination regarding application approval or disapproval of a resubmitted application under paragraph (5) not later than 45 days after receipt of the resubmitted application.

(g) Extension

The Secretary may extend an authorization of demonstration authority under this section for an additional 2 years if the State educational agency demonstrates with evidence that the State educational agency's innovative assessment system is continuing to meet the requirements of subsection (c), including by demonstrating a plan for, and the capacity to, transition to statewide use of the innovative assessment system by the end of the 2-year extension period.

(h) Use of innovative assessment system

A State may, during the State's approved demonstration authority period or 2-year extension, include results from the innovative assessment systems developed under this section in accountability determinations for each student in the participating local educational agencies instead of, or in addition to, results from the as-

[1] So in original. Probably should refer to subsection (e).

sessment system under section 6311(b)(2) of this title if the State demonstrates that the State has met the requirements under subsection (c). The State shall continue to meet all other requirements of section 6311(c) of this title.

(i) Withdrawal of authority

The Secretary shall withdraw the authorization for demonstration authority provided to a State educational agency under this section and such State shall return to use of the statewide assessment system under section 6311(b)(2) of this title for all local educational agencies in the State if, at any time during a State's approved demonstration authority period or 2-year extension, the State educational agency cannot present to the Secretary evidence that the innovative assessment system developed under this section—

(1) meets the requirements under subsection (c);

(2) includes all students attending schools participating in the innovative assessment system in a State that has demonstration authority, including each of the subgroups of students, as defined under section 6311(c)(2) of this title;

(3) provides an unbiased, rational, and consistent determination of progress toward the goals described under section 6311(c)(4)(A)(i) of this title for all students, which are comparable to measures of academic achievement under section 6311(c)(4)(B)(i) of this title across the State in which the local educational agencies are located;

(4) presents a high-quality plan to transition to full statewide use of the innovative assessment system by the end of the State's approved demonstration authority period or 2-year extension, if the innovative assessment system will initially be administered in a subset of local educational agencies; and

(5) demonstrates comparability to the statewide assessments under section 6311(b)(2) of this title in content coverage, difficulty, and quality.

(j) Transition

(1) In general

(A) Operation of innovative assessment system

If, after a State's approved demonstration authority period or 2-year extension, the State educational agency has met all the requirements of this section, including having scaled the innovative assessment system up to statewide use, and demonstrated that such system is of high quality, as described in subparagraph (B), the State shall be permitted to operate the innovative assessment system approved under the program of demonstration authority under this section for the purposes of subsections (b)(2) and (c) of section 6311 of this title.

(B) High quality

Such system shall be considered of high quality if the Secretary, through the peer-review process described in section 6311(a)(4) of this title, determines that—

(i) the innovative assessment system meets all of the requirements of this section;

(ii) the State has examined the effects of the system on other measures of student success, including indicators in the accountability system under section 6311(c)(4)(B) of this title;

(iii) the innovative assessment system provides coherent and timely information about student achievement based on the challenging State academic standards, including objective measurement of academic achievement, knowledge, and skills that are valid, reliable, and consistent with relevant, nationally-recognized professional and technical standards;

(iv) the State has solicited feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system; and

(v) the State has demonstrated that the same innovative assessment system was used to measure—

(I) the achievement of all students that participated in such innovative assessment system; and

(II) not less than the percentage of such students overall and in each of the subgroups of students, as defined in section 6311(c)(2) of this title, as measured under section 6311(c)(4)(E) of this title, as were assessed under the assessment required by section 6311(b)(2) of this title.

(2) Baseline

For the purposes of the evaluation described in paragraph (1), the baseline year shall be considered the first year that each local educational agency in the State used the innovative assessment system.

(3) Waiver authority

A State may request, and the Secretary shall review such request and may grant, a delay of the withdrawal of authority under subsection (i) for the purpose of providing the State with the time necessary to implement the innovative assessment system statewide, if, at the conclusion of the State's approved demonstration authority period and 2-year extension—

(A) the State has met all of the requirements of this section, except transition to full statewide use of the innovative assessment system; and

(B) the State continues to comply with the other requirements of this section, and demonstrates a high-quality plan for transition to statewide use of the innovative assessment system in a reasonable period of time.

(k) Available funds

A State may use funds available under section 6361 of this title to carry out this section.

(*l*) Consortium

A consortium of States may apply to participate in the program of demonstration authority under this section, and the Secretary may provide each State member of such consortium with such authority if each such State member meets all of the requirements of this section.

Such consortium shall be subject to the limitation described in subsection (b)(3)(B) during the initial 3 years of the demonstration authority.

(m) Dissemination of best practices

(1) In general

Following the publication of the progress report described in subsection (c), the Director of the Institute of Education Sciences, in consultation with the Secretary, shall collect and disseminate the best practices on the development and implementation of innovative assessment systems that meet the requirements of this section, including best practices regarding the development of—

(A) summative assessments that—

(i) meet the requirements of section 6311(b)(2)(B) of this title;

(ii) are comparable with statewide assessments under section 6311(b)(2) of this title; and

(iii) include assessment tasks that determine proficiency or mastery of State-approved competencies aligned to challenging State academic standards;

(B) effective supports for local educational agencies and school staff to implement innovative assessment systems;

(C) effective engagement and support of teachers in developing and scoring assessments and the use of high-quality professional development;

(D) effective supports for all students, particularly each of the subgroups of students, as defined in section 6311(c)(2) of this title, participating in the innovative assessment system; and

(E) standardized and calibrated scoring rubrics, and other strategies, to ensure interrater reliability and comparability of determinations of mastery or proficiency across local educational agencies and the State.

(2) Publication

The Secretary shall make the information described in paragraph (1) available on the website of the Department and shall publish an update to the information not less often than once every 3 years.

(Pub. L. 89–10, title I, § 1204, as added Pub. L. 114–95, title I, § 1201, Dec. 10, 2015, 129 Stat. 1885.)

PRIOR PROVISIONS

A prior section 6364, Pub. L. 89–10, title I, § 1204, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1546, related to award of targeted assistance grants, prior to the general amendment of this part by Pub. L. 114–95.

Another prior section 6364, Pub. L. 89–10, title I, § 1204, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3580; amended Pub. L. 104–134, title I, § 101(b) [title II, § 2755(a)], Apr. 26, 1996, 110 Stat. 1321–77, 1321–151; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 106–113, div. B, § 1000(a)(4) [title III, § 306(a)], Nov. 29, 1999, 113 Stat. 1535, 1501A–260; Pub. L. 106–554, § 1(a)(4) [div. B, title XVI, § 1604(h)], Dec. 21, 2000, 114 Stat. 2763, 2763A–330, related to uses of funds in carrying out an Even Start program, prior to the general amendment of this subchapter by Pub. L. 107–110.

Prior sections 6365 to 6368 were omitted in the general amendment of this part by Pub. L. 114–95.

Section 6365, Pub. L. 89–10, title I, § 1205, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1548, related to external evaluation of former subpart 1 of this part.

Another prior section 6365, Pub. L. 89–10, title I, § 1205, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3580; amended Pub. L. 104–134, title I, § 101(b) [title II, § 2755(b)], Apr. 26, 1996, 110 Stat. 1321–77, 1321–151; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 105–220, title II, § 251(b)(2)(B), Aug. 7, 1998, 112 Stat. 1079; Pub. L. 105–277, div. A, § 101(f) [title VIII, § 405(d)(18)(A), (f)(13)(A)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–422, 2681–431; Pub. L. 106–554, § 1(a)(4) [div. B, title XVI, § 1604(i)], Dec. 21, 2000, 114 Stat. 2763, 2763A–331, related to Even Start program elements, prior to the general amendment of this subchapter by Pub. L. 107–110.

Section 6366, Pub. L. 89–10, title I, § 1206, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1548, related to activities of Secretary of Education.

Another prior section 6366, Pub. L. 89–10, title I, § 1206, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3581; amended Pub. L. 105–220, title II, § 251(b)(2)(C), Aug. 7, 1998, 112 Stat. 1079; Pub. L. 106–554, § 1(a)(4) [div. B, title XVI, § 1604(j)], Dec. 21, 2000, 114 Stat. 2763, 2763A–332, related to eligible participants in an Even Start program, prior to the general amendment of this subchapter by Pub. L. 107–110.

Section 6367, Pub. L. 89–10, title I, § 1207, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1549; amended Pub. L. 110–154, § 1(c)(3), Dec. 21, 2007, 121 Stat. 1828, related to dissemination of information.

Another prior section 6367, Pub. L. 89–10, title I, § 1207, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3582; amended Pub. L. 106–554, § 1(a)(4) [div. B, title XVI, § 1604(k)], Dec. 21, 2000, 114 Stat. 2763, 2763A–332, related to applications for Even Start subgrants, prior to the general amendment of this subchapter by Pub. L. 107–110.

Section 6368, Pub. L. 89–10, title I, § 1208, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1549, defined terms in former subpart 1 of this part.

Another prior section 6368, Pub. L. 89–10, title I, § 1208, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3583; amended Pub. L. 105–277, div. A, § 101(f) [title VIII, § 204(c)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–409; Pub. L. 106–113, div. B, § 1000(a)(4) [title III, § 306(b)], Nov. 29, 1999, 113 Stat. 1535, 1501A–260; Pub. L. 106–554, § 1(a)(4) [div. B, title XVI, § 1604(*l*)], Dec. 21, 2000, 114 Stat. 2763, 2763A–332, related to award of Even Start subgrants, prior to the general amendment of this subchapter by Pub. L. 107–110.

Prior sections 6369, 6369a, 6369b, and 6370 were omitted in the general amendment of this subchapter by Pub. L. 107–110.

Section 6369, Pub. L. 89–10, title I, § 1209, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3584; amended Pub. L. 105–277, div. A, § 101(f) [title VIII, § 203], Oct. 21, 1998, 112 Stat. 2681–337, 2681–408, related to evaluation of Even Start programs.

Section 6369a, Pub. L. 89–10, title I, § 1210, as added Pub. L. 105–277, div. A, § 101(f) [title VIII, § 204(a)(2)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–409, related to indicators of Even Start program quality.

Section 6369b, Pub. L. 89–10, title I, § 1211, as added Pub. L. 105–277, div. A, § 101(f) [title VIII, § 205], Oct. 21, 1998, 112 Stat. 2681–337, 2681–410; amended Pub. L. 106–554, § 1(a)(4) [div. B, title XVI, § 1604(m)], Dec. 21, 2000, 114 Stat. 2763, 2763A–333, authorized research.

Section 6370, Pub. L. 89–10, title I, § 1212, formerly § 1210, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3584; renumbered § 1212, Pub. L. 105–277, div. A, § 101(f) [title VIII, § 204(a)(1)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–409, related to construction of provisions.

Prior sections 6371 to 6376, 6381 to 6381k, and 6383 were omitted in the general amendment of this part by Pub. L. 114–95.

Section 6371, Pub. L. 89–10, title I, § 1221, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1552, set forth purposes and definitions for former subpart 2 of this part.

Section 6372, Pub. L. 89–10, title I, § 1222, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1553, authorized local Early Reading First grants.

Section 6373, Pub. L. 89–10, title I, § 1223, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1554, related to Federal administration of activities.

Section 6374, Pub. L. 89–10, title I, § 1224, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1554, related to dissemination of information regarding assisted projects.

Section 6375, Pub. L. 89–10, title I, § 1225, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1554, related to annual reporting requirements.

Section 6376, Pub. L. 89–10, title I, § 1226, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1555, related to evaluation of effectiveness of former subpart 2 of this part.

Section 6381, Pub. L. 89–10, title I, § 1231, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1555, stated purpose of former subpart 3 of this part.

Section 6381a, Pub. L. 89–10, title I, § 1232, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1556, authorized reservation of funds for migrant programs, outlying areas, and Indian tribes.

Section 6381b, Pub. L. 89–10, title I, § 1233, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1558, related to use of funds for State educational agency level activities and local programs.

Section 6381c, Pub. L. 89–10, title I, § 1234, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1559, related to use of funds by recipients of funds.

Section 6381d, Pub. L. 89–10, title I, § 1235, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1560; amended Pub. L. 113–128, title V, § 512(i)(2), July 22, 2014, 128 Stat. 1708, set forth elements of each program assisted.

Section 6381e, Pub. L. 89–10, title I, § 1236, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1562, related to eligibility for participation in an Even Start program.

Section 6381f, Pub. L. 89–10, title I, § 1237, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1563, related to application for subgrant under former subpart 3 of this part.

Section 6381g, Pub. L. 89–10, title I, § 1238, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1564, related to award of subgrants.

Section 6381h, Pub. L. 89–10, title I, § 1239, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1566, related to evaluation of programs.

Section 6381i, Pub. L. 89–10, title I, § 1240, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1566, related to development of indicators of program quality.

Section 6381j, Pub. L. 89–10, title I, § 1241, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1566, related to research into components of successful family literacy services.

Section 6381k, Pub. L. 89–10, title I, § 1242, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1567, related to construction of provisions.

Section 6383, Pub. L. 89–10, title I, § 1251, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1567, related to improvement of literacy through school libraries.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

PART C—EDUCATION OF MIGRATORY CHILDREN

§ 6391. Program purposes

The purposes of this part are as follows:

(1) To assist States in supporting high-quality and comprehensive educational programs and services during the school year and, as applicable, during summer or intersession periods, that address the unique educational needs of migratory children.

(2) To ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and challenging State academic standards.

(3) To ensure that migratory children receive full and appropriate opportunities to meet the same challenging State academic standards that all children are expected to meet.

(4) To help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to succeed in school.

(5) To help migratory children benefit from State and local systemic reforms.

(Pub. L. 89–10, title I, § 1301, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1571; amended Pub. L. 114–95, title I, § 1301(a), Dec. 10, 2015, 129 Stat. 1893.)

PRIOR PROVISIONS

A prior section 6391, Pub. L. 89–10, title I, § 1301, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3585, related to program purpose, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section related to purposes of this part to assist States: (1) to support high-quality and comprehensive educational programs for migratory children; (2) to ensure that migratory children who move among the States are not penalized in any manner by disparities among the States; (3) to ensure that migratory children are provided with appropriate educational services; (4) to ensure that migratory children receive full and appropriate opportunities to meet challenging State standards; (5) to design programs to help migratory children overcome educational disruption and other factors that inhibit their ability to do well in school; and (6) to ensure that migratory children benefit from State and local systemic reforms.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6392. Program authorized

In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, or combinations of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this part.

(Pub. L. 89–10, title I, § 1302, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1571.)

PRIOR PROVISIONS

A prior section 6392, Pub. L. 89–10, title I, § 1302, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3585, authorized migratory children education program, prior to the general amendment of this subchapter by Pub. L. 107–110.

§ 6393. State allocations

(a) State allocations

Except as provided in subsection (c), each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part an amount equal to the product of—

(1) the sum of—

(A) the average number of identified eligible migratory children aged 3 through 21 residing in the State, based on data for the preceding 3 years; and

(B) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State during the previous year; multiplied by

(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

(b) Hold harmless

Notwithstanding subsection (a), for each of fiscal years 2017 through 2019, no State shall receive less than 90 percent of the State's allocation under this section for the preceding fiscal year.

(c) Allocation to Puerto Rico

(1) In general

For each fiscal year, the grant that the Commonwealth of Puerto Rico shall be eligible to receive under this part shall be the amount determined by multiplying the number of children who would be counted under subsection (a)(1) if such subsection applied to the Commonwealth of Puerto Rico by the product of—

(A) the percentage that the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States, subject to paragraphs (2) and (3); and

(B) 32 percent of the average per-pupil expenditure in the United States.

(2) Minimum percentage

The percentage described in paragraph (1)(A) shall not be less than 85 percent.

(3) Limitation

If the application of paragraph (2) for any fiscal year would result in any of the 50 States or the District of Columbia receiving less under this part than it received under this part for the preceding fiscal year, then the percentage described in paragraph (1)(A) that is used for the Commonwealth of Puerto Rico for the fiscal year for which the determination is made shall be the greater of the percentage in paragraph (1)(A) for such fiscal year or the percentage used for the preceding fiscal year.

(d) Ratable reductions; reallocations

(1) In general

(A) Ratable reductions

If, after the Secretary reserves funds under section 6398(c) of this title, the amount appropriated to carry out this part for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

(B) Reallocation

If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary determines will best carry out the purposes of this part.

(2) Special rule

(A) Further reductions

The Secretary shall further reduce the amount of any grant to a State under this part for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address such needs, that such amount exceeds the amount required under section 6394 of this title.

(B) Reallocation

The Secretary shall reallocate such excess funds to other States whose grants under this part would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

(e) Consortium arrangements

(1) In general

In the case of a State that receives a grant of $1,000,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or other appropriate entity would result in delivery of services in a more effective and efficient manner.

(2) Proposals

Any State, regardless of the amount of such State's allocation, may submit a consortium arrangement to the Secretary for approval.

(3) Approval

The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—

(A) reduce administrative costs or program function costs for State programs; and

(B) make more funds available for direct services to add substantially to the academic achievement of children to be served under this part.

(f) Determining numbers of eligible children

In order to determine the identified number of migratory children residing in each State for purposes of this section, the Secretary shall—

(1) use the most recent information that most accurately reflects the actual number of migratory children;

(2) develop and implement a procedure for monitoring the accuracy of such information;

(3) develop and implement a procedure for more accurately reflecting cost factors for different types of summer and intersession program designs;

(4) adjust the number of migratory children who reside in each State to take into account—

(A) the unique needs of those children participating in effective special programs provided under this part that operate during the summer and intersession periods; and

(B) the additional costs of operating such programs; and

(5) conduct an analysis of the options for adjusting the formula so as to better direct services to migratory children, including the most at-risk migratory children.

(g) Nonparticipating States

In the case of a State desiring to receive an allocation under this part for a fiscal year that did not receive an allocation for the previous fiscal year or that has been participating for less than 3 consecutive years, the Secretary shall calculate the State's number of identified migratory children aged 3 through 21 for purposes of subsection (a)(1)(A) by using the most recent data available that identifies the migratory children residing in the State until data is available to calculate the 3-year average number of such children in accordance with such subsection.

(Pub. L. 89–10, title I, § 1303, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1571; amended Pub. L. 114–95, title I, § 1301(b), Dec. 10, 2015, 129 Stat. 1894.)

PRIOR PROVISIONS

A prior section 6393, Pub. L. 89–10, title I, § 1303, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3585, related to State allocations, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsecs. (a), (b). Pub. L. 114–95, § 1301(b)(2), added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which related to State allocations for fiscal year 2002 and subsequent years and allocation to Puerto Rico for each fiscal year.

Subsec. (c). Pub. L. 114–95, § 1301(b)(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 114–95, § 1301(b)(1), (3), redesignated subsec. (c) as (d), in par. (1) inserted subpar. headings after subpar. (A) and (B) designations, in par. (1), subpar. (B), substituted ''purposes'' for ''purpose'', and in par. (2) inserted subpar. headings after subpar. (A) and (B) designations. Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 114–95, § 1301(b)(1), (4), redesignated subsec. (d) as (e) and in par. (3)(B) substituted ''the academic achievement of children'' for ''the welfare or educational attainment of children''. Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 114–95, § 1301(b)(1), (5)(A), redesignated subsec. (e) as (f) and in introductory provisions substituted ''identified number'' for ''estimated number''.

Subsec. (f)(1). Pub. L. 114–95, § 1301(b)(5)(B), added par. (1) and struck out former par. (1) which read as follows: ''use such information as the Secretary finds most accurately reflects the actual number of migratory children;''.

Subsec. (f)(2), (3). Pub. L. 114–95, § 1301(b)(5)(C), (D), added par. (2) and redesignated former par. (2) as (3). Former par. (3) redesignated (4).

Subsec. (f)(4). Pub. L. 114–95, § 1301(b)(5)(C), (E), redesignated par. (3) as (4), in introductory provisions struck out ''full-time equivalent'' before ''number'', and in subpar. (A) substituted ''unique needs'' for ''special needs'' and ''effective special programs provided under this part'' for ''special programs provided under this part''. Former par. (4) redesignated (5).

Subsec. (f)(5). Pub. L. 114–95, § 1301(b)(5)(C), (F), redesignated par. (4) as (5) and substituted ''migratory children, including the most at-risk migratory children'' for ''the child whose education has been interrupted''.

Subsec. (g). Pub. L. 114–95, § 1301(b)(6), added subsec. (g).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6394. State applications; services

(a) Application required

Any State desiring to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(b) Program information

Each such application shall include—

(1) a description of how, in planning, implementing, and evaluating programs and projects assisted under this part, the State and its local operating agencies will ensure that the unique educational needs of migratory children, including preschool migratory children and migratory children who have dropped out of school, are identified and addressed through—

(A) the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

(B) joint planning among local, State, and Federal educational programs serving migratory children, including language instruction educational programs under part A of subchapter III of this chapter;

(C) the integration of services available under this part with services provided by those other programs; and

(D) measurable program objectives and outcomes;

(2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same challenging State academic standards that all children are expected to meet;

(3) a description of how the State will use funds received under this part to promote interstate and intrastate coordination of services for migratory children, including how the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not such move occurs during the regular school year;

(4) a description of the State's priorities for the use of funds received under this part, and how such priorities relate to the State's assessment of needs for services in the State;

(5) a description of how the State will determine the amount of any subgrants the State will award to local operating agencies, taking into account the numbers and needs of migra-

tory children, the requirements of subsection (d) of this section, and the availability of funds from other Federal, State, and local programs; and

(6) a description of how the State will encourage programs and projects assisted under this part to offer family literacy services if the program or project serves a substantial number of migratory children whose parents do not have a high school diploma or its recognized equivalent or who have low levels of literacy.

(c) Assurances

Each such application shall also include assurances that—

(1) funds received under this part will be used only—

(A) for programs and projects, including the acquisition of equipment, in accordance with section 6396 of this title; and

(B) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families;

(2) such programs and projects will be carried out in a manner consistent with the objectives of section 6314 of this title, subsections (b) and (d) of section 6315 of this title, subsections (b) and (c) of section 6321 of this title, and part F;

(3) in the planning and operation of programs and projects at both the State and local agency operating level, there is consultation with parents of migratory children, including parent advisory councils, for programs not less than 1 school year in duration, and that all such programs and projects are carried out—

(A) in a manner that provides for the same parental involvement as is required for programs and projects under section 6318 of this title, unless extraordinary circumstances make such provision impractical; and

(B) in a format and language understandable to the parents;

(4) in planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children and migratory children who have dropped out of school;

(5) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under part A of this subchapter;

(6) such programs and projects will provide for outreach activities for migratory children and their families to inform such children and families of other education, health, nutrition, and social services to help connect them to such services;

(7) to the extent feasible, such programs and projects will provide for—

(A) advocacy and other outreach activities for migratory children and their families, including helping such children and families gain access to other education, health, nutrition, and social services;

(B) professional development programs, including mentoring, for teachers and other program personnel;

(C) family literacy programs;

(D) the integration of information technology into educational and related programs; and

(E) programs to facilitate the transition of secondary school students to postsecondary education or employment; and

(8) the State will assist the Secretary in determining the number of migratory children under section 6393(a)(1) of this title.

(d) Priority for services

In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who have made a qualifying move within the previous 1-year period and who—

(1) are failing, or most at risk of failing, to meet the challenging State academic standards; or

(2) have dropped out of school.

(e) Continuation of services

Notwithstanding any other provision of this part—

(1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term;

(2) a child who is no longer a migratory child may continue to receive services for 1 additional school year, but only if comparable services are not available through other programs; and

(3) students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.

(Pub. L. 89–10, title I, § 1304, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1574; amended Pub. L. 114–95, title I, § 1301(c), Dec. 10, 2015, 129 Stat. 1896.)

PRIOR PROVISIONS

A prior section 6394, Pub. L. 89–10, title I, § 1304, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3587; amended Pub. L. 106–554, § 1(a)(4) [div. B, title XVI, § 1605], Dec. 21, 2000, 114 Stat. 2763, 2763A–334, related to State applications and services, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (b)(1). Pub. L. 114–95, § 1301(c)(1)(A)(i), in introductory provisions substituted ''unique educational needs'' for ''special educational needs'' and inserted ''and migratory children who have dropped out of school'' after ''preschool migratory children''.

Subsec. (b)(1)(B). Pub. L. 114–95, § 1301(c)(1)(A)(ii), substituted ''migratory children'' for ''migrant children'' and ''part A of subchapter III'' for ''part A or B of subchapter III''.

Subsec. (b)(1)(D). Pub. L. 114–95, § 1301(c)(1)(A)(iii), added subpar. (D) and struck out former subpar. (D) which read as follows: ''measurable program goals and outcomes;''.

Subsec. (b)(2). Pub. L. 114–95, § 1301(c)(1)(B), substituted ''challenging State academic standards'' for ''challenging State academic content standards and

challenging State student academic achievement standards''.

Subsec. (b)(3). Pub. L. 114–95, §1301(c)(1)(C), struck out '', consistent with procedures the Secretary may require,'' after ''including how''.

Subsec. (b)(5). Pub. L. 114–95, §1301(c)(1)(D), inserted ''and'' after semicolon at end.

Subsec. (b)(6), (7). Pub. L. 114–95, §1301(c)(1)(E)–(G), redesignated par. (7) as (6), substituted ''migratory children whose parents do not have a high school diploma'' for ''migratory children who have parents who do not have a high school diploma'', and struck out former par. (6) which read as follows: ''such budgetary and other information as the Secretary may require; and''.

Subsec. (c). Pub. L. 114–95, §1301(c)(2)(A), struck out '', satisfactory to the Secretary,'' after ''assurances'' in introductory provisions.

Subsec. (c)(2). Pub. L. 114–95, §1301(c)(2)(B), made technical amendment to reference in original act which appears in text as reference to subsections (b) and (c) of section 6321 of this title and substituted ''part F'' for ''part I''.

Subsec. (c)(3). Pub. L. 114–95, §1301(c)(2)(C)(i), in introductory provisions substituted ''parents of migratory children, including parent advisory councils,'' for ''parent advisory councils'' and ''not less than 1 school year in duration'' for ''of 1 school year in duration''.

Subsec. (c)(3)(A). Pub. L. 114–95, §1301(c)(2)(C)(ii), made technical amendment to reference in original act which appears in text as reference to section 6318 of this title.

Subsec. (c)(4). Pub. L. 114–95, §1301(c)(2)(D), inserted ''and migratory children who have dropped out of school'' after ''preschool migratory children''.

Subsec. (c)(6) to (8). Pub. L. 114–95, §1301(c)(2)(E)–(G), added pars. (6) and (7), redesignated former par. (7) as (8), in par. (8) substituted ''section 6393(a)(1) of this title'' for ''paragraphs (1)(A) and (2)(B)(i) of section 6393(a) of this title, through such procedures as the Secretary may require'', and struck out former par. (6) which related to assurances that, to the extent feasible, programs would provide for advocacy and outreach activities, professional development programs, family literacy programs, the integration of information technology into programs, and programs to facilitate the transition to postsecondary education or employment.

Subsec. (d). Pub. L. 114–95, §1301(c)(3), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: ''In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging State academic content standards and challenging State student academic achievement standards, and whose education has been interrupted during the regular school year.''

Subsec. (e)(3). Pub. L. 114–95, §1301(c)(4), substituted ''students'' for ''secondary school students''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6395. Secretarial approval; peer review

The Secretary shall approve each State application that meets the requirements of this part, and may review any such application with the assistance and advice of State officials and other officials with relevant expertise.

(Pub. L. 89–10, title I, §1305, as added Pub. L. 107–110, title I, §101, Jan. 8, 2002, 115 Stat. 1576; amended Pub. L. 114–95, title I, §1301(d), Dec. 10, 2015, 129 Stat. 1897.)

PRIOR PROVISIONS

A prior section 6395, Pub. L. 89–10, title I, §1305, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3588, related to Secretarial approval and peer review, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section consisted of subsecs. (a) and (b) relating to Secretarial approval and peer review, respectively.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6396. Comprehensive needs assessment and service-delivery plan; authorized activities

(a) Comprehensive plan

(1) In general

Each State that receives assistance under this part shall ensure that the State and its local operating agencies identify and address the unique educational needs of migratory children in accordance with a comprehensive State plan that—

(A) is integrated with other programs under this chapter or other Acts, as appropriate;

(B) may be submitted as a part of a consolidated application under section 7842 of this title, if—

(i) the unique needs of migratory children are specifically addressed in the comprehensive State plan;

(ii) the comprehensive State plan is developed in collaboration with parents of migratory children; and

(iii) the comprehensive State plan is not used to supplant State efforts regarding, or administrative funding for, this part;

(C) provides that migratory children will have an opportunity to meet the same challenging State academic standards that all children are expected to meet;

(D) specifies measurable program goals and outcomes;

(E) encompasses the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

(F) is the product of joint planning among such local, State, and Federal programs, including programs under part A of this subchapter, early childhood programs, and language instruction educational programs under part A of subchapter III of this chapter; and

(G) provides for the integration of services available under this part with services provided by such other programs.

(2) Duration of the plan

Each such comprehensive State plan shall—

(A) remain in effect for the duration of the State's participation under this part; and

(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

(b) Authorized activities

(1) Flexibility

In implementing the comprehensive plan described in subsection (a) of this section, each State educational agency, where applicable through its local educational agencies, retains the flexibility to determine the activities to be provided with funds made available under this part, except that such funds first shall be used to meet the identified needs of migratory children that result from their migratory lifestyle, and to permit these children to participate effectively in school.

(2) Unaddressed needs

Funds provided under this part shall be used to address the needs of migratory children that are not addressed by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under part A of this subchapter may receive those services through funds provided under that part, or through funds under this part that remain after the agency addresses the needs described in paragraph (1).

(3) Construction

Nothing in this part shall be construed to prohibit a local educational agency from serving migratory children simultaneously with students with similar educational needs in the same educational settings, where appropriate.

(4) Special rule

Notwithstanding section 6314 of this title, a school that receives funds under this part shall continue to address the identified needs described in paragraph (1), and shall meet the unique educational needs of migratory children before using funds under this part for schoolwide programs under section 6314 of this title.

(Pub. L. 89–10, title I, § 1306, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1576; amended Pub. L. 114–95, title I, § 1301(e), Dec. 10, 2015, 129 Stat. 1897.)

PRIOR PROVISIONS

A prior section 6396, Pub. L. 89–10, title I, § 1306, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3589, related to comprehensive needs assessments and service-delivery plans, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114–95, § 1301(e)(1)(A), substituted ''unique'' for ''special'' in introductory provisions.

Subsec. (a)(1)(B). Pub. L. 114–95, § 1301(e)(1)(B)(i), made technical amendment to reference in original act which appears in introductory provisions as reference to section 7842 of this title.

Subsec. (a)(1)(B)(i). Pub. L. 114–95, § 1301(e)(1)(B)(ii), substituted ''unique'' for ''special''.

Subsec. (a)(1)(C). Pub. L. 114–95, § 1301(e)(1)(C), substituted ''challenging State academic standards'' for ''challenging State academic content standards and challenging State student academic achievement standards''.

Subsec. (a)(1)(F). Pub. L. 114–95, § 1301(e)(1)(D), substituted ''part A of subchapter III'' for ''part A or B of subchapter III''.

Subsec. (b)(1). Pub. L. 114–95, § 1301(e)(2)(A), substituted ''retains the flexibility to'' for ''shall have the flexibility to''.

Subsec. (b)(4). Pub. L. 114–95, § 1301(e)(2)(B), substituted ''unique educational needs'' for ''special educational needs''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6397. Bypass

The Secretary may use all or part of any State's allocation under this part to make arrangements with any public or private agency to carry out the purpose of this part in such State if the Secretary determines that—

(1) the State is unable or unwilling to conduct educational programs for migratory children;

(2) such arrangements would result in more efficient and economic administration of such programs; or

(3) such arrangements would add substantially to the educational achievement of such children.

(Pub. L. 89–10, title I, § 1307, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1578; amended Pub. L. 114–95, title I, § 1301(f), Dec. 10, 2015, 129 Stat. 1898.)

PRIOR PROVISIONS

A prior section 6397, Pub. L. 89–10, title I, § 1307, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3590, related to bypass of State, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 1301(f)(1), struck out ''nonprofit'' before ''agency'' in introductory provisions.

Par. (3). Pub. L. 114–95, § 1301(f)(2), substituted ''educational achievement'' for ''welfare or educational attainment''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6398. Coordination of migrant education activities

(a) Improvement of coordination

(1) In general

The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private entities to improve the interstate and intrastate coordination among such agencies' educational programs, including through the establishment or improvement of programs for credit accrual and exchange, available to migratory children.

(2) Duration

Grants under this subsection may be awarded for not more than 5 years.

(b) Student records

(1) Assistance

The Secretary shall assist States in the electronic transfer of student records and in determining the number of migratory children in each State.

(2) Information system

(A) In general

The Secretary, in consultation with the States, shall ensure the linkage of migrant student record systems for the purpose of electronically exchanging, among the States, health and educational information regarding all migratory students eligible under this part. The Secretary shall ensure that such linkage occurs in a cost-effective manner, utilizing systems used by the States prior to, or developed after, December 10, 2015. Such information may include—

(i) immunization records and other health information;

(ii) elementary and secondary academic history (including partial credit), credit accrual, and results from State assessments under section 6311(b)(2) of this title;

(iii) other academic information essential to ensuring that migratory children achieve to the challenging State academic standards; and

(iv) eligibility for services under the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.].

(B) Consultation

The Secretary shall maintain ongoing consultation with the States, local educational agencies, and other migratory student service providers on—

(i) the effectiveness of the system described in subparagraph (A); and

(ii) the ongoing improvement of such system.

(C) Notice and comment

After consulting with the States under subparagraph (A), the Secretary shall publish a notice in the Federal Register seeking public comment on any new proposed data elements that each State receiving funds under this part shall be required to collect for purposes of electronic transfer of migratory student information and the requirements that States shall meet for immediate electronic access to such information.

(3) No cost for certain transfers

A State educational agency or local educational agency receiving assistance under this part shall make student records available to another State educational agency or local educational agency that requests the records at no cost to the requesting agency, if the request is made in order to meet the needs of a migratory child.

(c) Availability of funds

For the purpose of carrying out this section in any fiscal year, the Secretary shall reserve not more than $10,000,000 of the amount appropriated to carry out this part for such year.

(d) Incentive grants

From the amounts made available to carry out this section for any fiscal year, the Secretary may reserve not more than $3,000,000 to award grants of not more than $250,000 on a competitive basis to State educational agencies that propose a consortium arrangement with another State or other appropriate entity that the Secretary determines, pursuant to criteria that the Secretary shall establish, will improve the delivery of services to migratory children whose education is interrupted.

(e) Data collection

The Secretary shall direct the National Center for Education Statistics to collect data on migratory children.

(Pub. L. 89–10, title I, § 1308, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1578; amended Pub. L. 114–95, title I, § 1301(g), Dec. 10, 2015, 129 Stat. 1898.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (b)(2)(A)(iv), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§ 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

PRIOR PROVISIONS

A prior section 6398, Pub. L. 89–10, title I, § 1308, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3590, related to coordination of migrant education activities, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114–95, § 1301(g)(1), struck out ''nonprofit'' before ''entities'', inserted ''through'' after ''including'', and substituted ''children'' for ''students''.

Subsec. (b)(1). Pub. L. 114–95, § 1301(g)(2)(A), struck out ''developing effective methods for'' before ''the electronic transfer''.

Subsec. (b)(2)(A). Pub. L. 114–95, § 1301(g)(2)(B)(i)(I), added introductory provisions and struck out former introductory provisions which read as follows: ''The Secretary, in consultation with the States, shall ensure the linkage of migrant student record systems for the purpose of electronically exchanging, among the States, health and educational information regarding all migratory students. The Secretary shall ensure such linkage occurs in a cost-effective manner, utilizing systems used by the States prior to, or developed after, January 8, 2002, and shall determine the minimum data elements that each State receiving funds under this part shall collect and maintain. Such elements may include—''.

Subsec. (b)(2)(A)(ii). Pub. L. 114–95, § 1301(g)(2)(B)(i)(II), substituted ''assessments under section 6311(b)(2)'' for ''assessments required under section 6311(b)''.

Subsec. (b)(2)(A)(iii). Pub. L. 114–95, § 1301(g)(2)(B)(i)(III), substituted ''the challenging State academic standards'' for ''high standards''.

Subsec. (b)(2)(B), (C). Pub. L. 114–95, § 1301(g)(2)(B)(ii)–(iv), added subpar. (B), redesignated former subpar. (B) as (C), and in subpar. (C) substituted ''any new proposed data elements'' for ''the proposed data elements'' and struck out at end ''Such publication shall occur not later than 120 days after January 8, 2002.''

Subsec. (b)(4). Pub. L. 114–95, § 1301(g)(2)(C), struck out par. (4) which related to report to Congress not later than Apr. 30, 2003, on the Secretary's findings and recommendations regarding the maintenance and transfer of health and educational information for migratory students by the States.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6399. Definitions

As used in this part:

(1) Local operating agency

The term ''local operating agency'' means—

(A) a local educational agency to which a State educational agency makes a subgrant under this part;

(B) a public or private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project under this part; or

(C) a State educational agency, if the State educational agency operates the State's migrant education program or projects directly.

(2) Migratory agricultural worker

The term ''migratory agricultural worker'' means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in agriculture, which may be dairy work or the initial processing of raw agricultural products. If an individual did not engage in such new employment soon after a qualifying move, such individual may be considered a migratory agricultural worker if the individual actively sought such new employment and has a recent history of moves for temporary or seasonal agricultural employment.

(3) Migratory child

The term ''migratory child'' means a child or youth who made a qualifying move in the preceding 36 months—

(A) as a migratory agricultural worker or a migratory fisher; or

(B) with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

(4) Migratory fisher

The term ''migratory fisher'' means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in fishing. If the individual did not engage in such new employment soon after the move, the individual may be considered a migratory fisher if the individual actively sought such new employment and has a recent history of moves for temporary or seasonal fishing employment.

(5) Qualifying move

The term ''qualifying move'' means a move due to economic necessity—

(A) from one residence to another residence; and

(B) from one school district to another school district, except—

(i) in the case of a State that is comprised of a single school district, wherein a qualifying move is from one administrative area to another within such district; or

(ii) in the case of a school district of more than 15,000 square miles, wherein a qualifying move is a distance of 20 miles or more to a temporary residence.

(Pub. L. 89–10, title I, § 1309, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1579; amended Pub. L. 114–95, title I, § 1301(h), Dec. 10, 2015, 129 Stat. 1899.)

PRIOR PROVISIONS

A prior section 6399, Pub. L. 89–10, title I, § 1309, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3591, defined terms for this part, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Par. (1)(B). Pub. L. 114–95, § 1301(h)(1), struck out ''nonprofit'' before ''private agency''.

Pars. (2) to (5). Pub. L. 114–95, § 1301(h)(2), added pars. (2) to (5) and struck out former par. (2). Prior to amendment, text of par. (2) read as follows: ''The term 'migratory child' means a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work—

''(A) has moved from one school district to another;

''(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

''(C) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.''

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK

§ 6421. Purpose and program authorization

(a) Purpose

It is the purpose of this part—

(1) to improve educational services for children and youth in local, tribal, and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same challenging State academic standards that all children in the State are expected to meet;

(2) to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and

(3) to prevent at-risk youth from dropping out of school, and to provide dropouts, and children and youth returning from correctional facilities or institutions for neglected or delinquent children and youth, with a support system to ensure their continued education and the involvement of their families and communities.

(b) Program authorized

In order to carry out the purpose of this part and from amounts appropriated under section

6302(d) of this title, the Secretary shall make grants to State educational agencies to enable such agencies to award subgrants to State agencies and local educational agencies to establish or improve programs of education for neglected, delinquent, or at-risk children and youth.

(Pub. L. 89–10, title I, § 1401, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1580; amended Pub. L. 114–95, title I, § 1401(1), Dec. 10, 2015, 129 Stat. 1900.)

PRIOR PROVISIONS

A prior section 6421, Pub. L. 89–10, title I, § 1401, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3591, set out findings and purpose and authorized program, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1401 of Pub. L. 89–10 was classified to section 2821 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114–95, § 1401(1)(A), inserted ", tribal," after "youth in local" and substituted "challenging State academic standards" for "challenging State academic content standards and challenging State student academic achievement standards".

Subsec. (a)(3). Pub. L. 114–95, § 1401(1)(B), inserted "and the involvement of their families and communities" after "to ensure their continued education".

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6422. Payments for programs under this part

(a) Agency subgrants

Based on the allocation amount computed under section 6432 of this title, the Secretary shall allocate to each State educational agency an amount necessary to make subgrants to State agencies under subpart 1 of this part.

(b) Local subgrants

Each State shall retain, for the purpose of carrying out subpart 2 of this part, funds generated throughout the State under part A of this subchapter based on children and youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

(Pub. L. 89–10, title I, § 1402, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1580.)

PRIOR PROVISIONS

A prior section 6422, Pub. L. 89–10, title I, § 1402, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3592, related to payments for programs, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1402 of Pub. L. 89–10 was classified to section 2822 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

SUBPART 1—STATE AGENCY PROGRAMS

§ 6431. Eligibility

A State agency is eligible for assistance under this subpart if such State agency is responsible for providing free public education for children and youth—

(1) in institutions for neglected or delinquent children and youth;

(2) attending community day programs for neglected or delinquent children and youth; or

(3) in adult correctional institutions.

(Pub. L. 89–10, title I, § 1411, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1581.)

PRIOR PROVISIONS

A prior section 6431, Pub. L. 89–10, title I, § 1411, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3592, related to eligibility, prior to the general amendment of this subchapter by Pub. L. 107–110.

§ 6432. Allocation of funds

(a) Subgrants to State agencies

(1) In general

Each State agency described in section 6431 of this title (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this subpart, for each fiscal year, in an amount equal to the product of—

(A) the number of neglected or delinquent children and youth described in section 6431 of this title who—

(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

(ii) are enrolled for at least 20 hours per week—

(I) in education programs in institutions for neglected or delinquent children and youth; or

(II) in community day programs for neglected or delinquent children and youth; and

(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

(2) Special rule

The number of neglected or delinquent children and youth determined under paragraph (1) shall—

(A) be determined by the State agency by a deadline set by the Secretary, except that no State agency shall be required to determine the number of such children and youth on a specific date set by the Secretary; and

(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

(b) Subgrants to State agencies in Puerto Rico

(1) In general

For each fiscal year, the amount of the subgrant which a State agency in the Commonwealth of Puerto Rico shall be eligible to receive under this subpart shall be the amount determined by multiplying the number of children counted under subsection (a)(1)(A) of this section for the Commonwealth of Puerto Rico by the product of—

(A) the percentage which the average per-pupil expenditure in the Commonwealth of

Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

(B) 32 percent of the average per-pupil expenditure in the United States.

(2) Minimum percentage

The percentage in paragraph (1)(A) shall not be less than 85 percent.

(3) Limitation

If the application of paragraph (2) would result in any of the 50 States or the District of Columbia receiving less under this subpart than it received under this subpart for the preceding fiscal year, then the percentage described in paragraph (1)(A) that is used for the Commonwealth of Puerto Rico for the fiscal year for which the determination is made shall be the greater of—

(A) the percentage in paragraph (1)(A) for such fiscal year; or

(B) the percentage used for the preceding fiscal year.

(c) Ratable reductions in case of insufficient appropriations

If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) of this section is insufficient to pay the full amount for which all State agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

(Pub. L. 89–10, title I, § 1412, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1581; amended Pub. L. 114–95, title I, § 1401(2), Dec. 10, 2015, 129 Stat. 1900.)

PRIOR PROVISIONS

A prior section 6432, Pub. L. 89–10, title I, § 1412, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3592, related to allocation of funds, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (b)(2). Pub. L. 114–95 added par. (2) and struck out former par. (2) which related to minimum percentage for fiscal year 2002, fiscal year 2003, fiscal year 2004, and fiscal year 2005 and succeeding fiscal years.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6433. State reallocation of funds

If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this subpart for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other eligible State agencies that need additional funds to carry out the purpose of this part, in such amounts as the State educational agency shall determine.

(Pub. L. 89–10, title I, § 1413, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1582.)

PRIOR PROVISIONS

A prior section 6433, Pub. L. 89–10, title I, § 1413, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3593, related to State reallocation of funds, prior to the general amendment of this subchapter by Pub. L. 107–110.

§ 6434. State plan and State agency applications

(a) State plan

(1) In general

Each State educational agency that desires to receive a grant under this subpart shall submit, for approval by the Secretary, a plan—

(A) for meeting the educational needs of neglected, delinquent, and at-risk children and youth;

(B) for assisting in the transition of children and youth between correctional facilities and locally operated programs; and

(C) that is integrated with other programs under this chapter or other Acts, as appropriate.

(2) Contents

Each such State plan shall—

(A) describe the program objectives and outcomes established by the State that will be used to assess the effectiveness of the program in improving the academic, career, and technical skills of children in the program;

(B) provide that, to the extent feasible, such children will have the same opportunities to achieve as such children would have if such children were in the schools of local educational agencies in the State;

(C) describe how the State will place a priority for such children to attain a regular high school diploma, to the extent feasible;

(D) contain an assurance that the State educational agency will—

(i) ensure that programs assisted under this subpart will be carried out in accordance with the State plan described in this subsection; and

(ii) ensure that the State agencies receiving subgrants under this subpart comply with all applicable statutory and regulatory requirements; and

(E) provide assurances that the State educational agency has established—

(i) procedures to ensure the timely re-enrollment of each student who has been placed in the juvenile justice system in secondary school or in a re-entry program that best meets the needs of the student, including the transfer of credits that such student earns during placement; and

(ii) opportunities for such students to participate in credit-bearing coursework while in secondary school, postsecondary education, or career and technical education programming.

(3) Duration of the plan

Each such State plan shall—

(A) remain in effect for the duration of the State's participation under this part; and

(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

(b) Secretarial approval and peer review

(1) Secretarial approval

The Secretary shall approve each State plan that meets the requirements of this subpart.

(2) Peer review

The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

(c) State agency applications

Any State agency that desires to receive funds to carry out a program under this subpart shall submit an application to the State educational agency that—

(1) describes the procedures to be used, consistent with the State plan under section 6311 of this title, to assess the educational needs of the children to be served under this subpart and, to the extent practicable, provide for such assessment upon entry into a correctional facility;

(2) provide an assurance that in making services available to children and youth in adult correctional institutions, priority will be given to such children and youth who are likely to complete incarceration within a 2-year period;

(3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

(4) describes how the program will meet the goals and objectives of the State plan;

(5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 6436 of this title are of high quality;

(6) describes how the State agency will use the results of the most recent evaluation under section 7981 of this title to plan and improve the program;

(7) includes data showing that the State agency has maintained the fiscal effort required of a local educational agency, in accordance with section 7901 of this title;

(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under title I of the Workforce Innovation and Opportunity Act [29 U.S.C. 3111 et seq.], career and technical education programs, State and local dropout prevention programs, and special education programs;

(9) describes how the State agency will encourage correctional facilities receiving funds under this subpart to coordinate with local educational agencies or alternative education programs attended by incarcerated children and youth prior to and after their incarceration to ensure that student assessments and appropriate academic records are shared jointly between the correctional facility and the local educational agency or alternative education program in order to facilitate the transition of such children and youth between the correctional facility and the local educational agency or alternative education program;

(10) describes how appropriate professional development will be provided to teachers and other staff;

(11) designates an individual in each affected correctional facility or institution for neglected or delinquent children and youth to be responsible for issues relating to the transition of such children and youth between such facility or institution and locally operated programs;

(12) describes how the State agency will endeavor to coordinate with businesses for training and mentoring for participating children and youth;

(13) provides an assurance that the State agency will assist in locating alternative programs through which students can continue their education if the students are not returning to school after leaving the correctional facility or institution for neglected or delinquent children and youth;

(14) provides assurances that the State agency will work with parents to secure parents' assistance in improving the educational achievement of their children and youth, and preventing their children's and youth's further involvement in delinquent activities;

(15) provides an assurance that the State agency will work with children and youth with disabilities in order to meet an existing individualized education program and an assurance that the agency will notify the child's or youth's local school if the child or youth—

(A) is identified as in need of special education services while the child or youth is in the correctional facility or institution for neglected or delinquent children and youth; and

(B) intends to return to the local school;

(16) provides an assurance that the State agency will work with children and youth who dropped out of school before entering the correctional facility or institution for neglected or delinquent children and youth to encourage the children and youth to reenter school and attain a regular high school diploma once the term of the incarceration is completed or provide the child or youth with the skills necessary to gain employment, continue the education of the child or youth, or attain a regular high school diploma or its recognized equivalent if the child or youth does not intend to return to school;

(17) provides an assurance that certified or licensed teachers and other qualified staff are trained to work with children and youth with disabilities and other students with special needs taking into consideration the unique needs of such students;

(18) describes any additional services to be provided to children and youth, such as career counseling, distance learning, and assistance in securing student loans and grants;

(19) provides an assurance that the program under this subpart will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) or other comparable programs, if applicable; and

(20) describes how the State agency will, to the extent feasible—

(A) note when a youth has come into contact with both the child welfare and juvenile justice systems; and

(B) deliver services and interventions designed to keep such youth in school that are evidence-based (to the extent a State deter-

mines that such evidence is reasonably available).

(Pub. L. 89–10, title I, § 1414, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1582; amended Pub. L. 114–95, title I, § 1401(3), Dec. 10, 2015, 129 Stat. 1900.)

REFERENCES IN TEXT

The Workforce Innovation and Opportunity Act, referred to in subsec. (c)(8), is Pub. L. 113–128, July 22, 2014, 128 Stat. 1425. Title I of the Act is classified generally to subchapter I (§ 3111 et seq.) of chapter 32 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 29 and Tables.

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in subsec. (c)(19), is Pub. L. 93–415, Sept. 7, 1974, 88 Stat. 1109, as amended, which is classified principally to chapter 72 (§ 5601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 6434, Pub. L. 89–10, title I, § 1414, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3593; amended Pub. L. 105–277, div. A, § 101(f) [title VIII, § 405(d)(18)(B), (f)(13)(B)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–422, 2681–431, related to State plan and State agency applications, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a)(1)(B). Pub. L. 114–95, § 1401(3)(A)(i), substituted ''between correctional facilities and locally operated programs'' for ''from correctional facilities to locally operated programs''.

Subsec. (a)(2)(A). Pub. L. 114–95, § 1401(3)(A)(ii)(I), substituted ''the program objectives and outcomes established by the State'' for ''the program goals, objectives, and performance measures established by the State'' and ''career'' for ''vocational''.

Subsec. (a)(2)(B). Pub. L. 114–95, § 1401(3)(A)(ii)(II), struck out ''and'' after semicolon at end.

Subsec. (a)(2)(C), (D). Pub. L. 114–95, § 1401(3)(A)(ii)(III)–(V), added subpar. (C), redesignated former subpar. (C) as (D), and in subpar. (D) in cl. (i) inserted ''and'' after semicolon at end, redesignated cl. (iii) as (ii), and struck out former cls. (ii) and (iv) which related to assurance that the agency would carry out the evaluation requirements of section 6471 of this title and provide such other information as the Secretary might reasonably require.

Subsec. (a)(2)(E). Pub. L. 114–95, § 1401(3)(A)(ii)(VI), added subpar. (E).

Subsec. (c)(1). Pub. L. 114–95, § 1401(3)(B)(i), inserted ''and, to the extent practicable, provide for such assessment upon entry into a correctional facility'' after ''to be served under this subpart''.

Subsec. (c)(6). Pub. L. 114–95, § 1401(3)(B)(ii), substituted ''will use'' for ''will carry out the evaluation requirements of section 7941 of this title and how'', inserted ''under section 7981 of this title'' after ''most recent evaluation'', and struck out ''will be used'' before ''to plan and improve the program''.

Subsec. (c)(7). Pub. L. 114–95, § 1401(3)(B)(iii), made technical amendment to reference in original act which appears in text as reference to section 7901 of this title.

Subsec. (c)(8). Pub. L. 114–95, § 1401(3)(B)(iv), substituted ''the Workforce Innovation and Opportunity Act'' for ''Public Law 105–220'' and ''career'' for ''vocational''.

Subsec. (c)(9). Pub. L. 114–95, § 1401(3)(B)(v), inserted ''and after'' after ''prior to'' and ''in order to facilitate the transition of such children and youth between the correctional facility and the local educational agency or alternative education program'' before semicolon at end.

Subsec. (c)(11). Pub. L. 114–95, § 1401(3)(B)(vi), substituted ''transition of such children and youth between such facility or institution and locally operated programs'' for ''transition of children and youth from such facility or institution to locally operated programs''.

Subsec. (c)(16). Pub. L. 114–95, § 1401(3)(B)(vii), inserted ''and attain a regular high school diploma'' after ''reenter school'' and substituted ''or attain a regular high school diploma'' for ''or achieve a secondary school diploma''.

Subsec. (c)(17). Pub. L. 114–95, § 1401(3)(B)(viii), inserted ''certified or licensed'' before ''teachers''.

Subsec. (c)(20). Pub. L. 114–95, § 1401(3)(B)(ix)–(xi), added par. (20).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6435. Use of funds

(a) Uses

(1) In general

A State agency shall use funds received under this subpart only for programs and projects that—

(A) are consistent with the State plan under section 6434(a) of this title; and

(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, career and technical education, further education, or employment.

(2) Programs and projects

Such programs and projects—

(A) may include—

(i) the acquisition of equipment;

(ii) pay-for-success initiatives; or

(iii) providing targeted services for youth who have come in contact with both the child welfare system and juvenile justice system;

(B) shall be designed to support educational services that—

(i) except for institution-wide projects under section 6436 of this title, are provided to children and youth identified by the State agency as failing, or most at-risk of failing, to meet the challenging State academic standards;

(ii) respond to the educational needs of such children and youth, including by supplementing and improving the quality of the educational services provided to such children and youth by the State agency; and

(iii) afford such children and youth an opportunity to meet challenging State academic standards; and

(C) shall be carried out in a manner consistent with section 6321 of this title and part F (as applied to programs and projects under this part).

(b) Supplement, not supplant

A program under this subpart that supplements the number of hours of instruction students receive from State and local sources shall

be considered to comply with the supplement, not supplant requirement of section 6321 of this title (as applied to this part) without regard to the subject areas in which instruction is given during those hours.

(Pub. L. 89–10, title I, § 1415, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1585; amended Pub. L. 114–95, title I, § 1401(4), Dec. 10, 2015, 129 Stat. 1902.)

PRIOR PROVISIONS

A prior section 6435, Pub. L. 89–10, title I, § 1415, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3596, related to use of funds, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a)(1)(B). Pub. L. 114–95, § 1401(4)(A)(i), substituted ''career and technical education'' for ''vocational or technical training''.

Subsec. (a)(2)(A). Pub. L. 114–95, § 1401(4)(A)(ii)(I), added subpar. (A) and struck out former subpar (A) which read as follows: ''may include the acquisition of equipment;''.

Subsec. (a)(2)(B)(i). Pub. L. 114–95, § 1401(4)(A)(ii)(II)(aa), substituted ''the challenging State academic standards'' for ''the State's challenging academic content standards and student academic achievement standards''.

Subsec. (a)(2)(B)(ii). Pub. L. 114–95, § 1401(4)(A)(ii)(II)(bb), substituted ''respond to the educational needs of such children and youth, including by supplementing and improving the quality'' for ''supplement and improve the quality''.

Subsec. (a)(2)(B)(iii). Pub. L. 114–95, § 1401(4)(A)(ii)(II)(cc), substituted ''challenging State academic standards'' for ''challenging State academic achievement standards'' and inserted ''and'' after semicolon at end.

Subsec. (a)(2)(C). Pub. L. 114–95, § 1401(4)(A)(ii)(III), made technical amendment to reference in original act which appears in text as reference to section 6321 of this title and substituted ''part F'' for ''part I'' and period for ''; and'' at end.

Subsec. (a)(2)(D). Pub. L. 114–95, § 1401(4)(A)(ii)(IV), struck out subpar. (D) which read as follows: ''may include the costs of meeting the evaluation requirements of section 7941 of this title.''

Subsec. (b). Pub. L. 114–95, § 1401(4)(B), made technical amendment to reference in original act which appears in text as reference to section 6321 of this title.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6436. Institution-wide projects

A State agency that provides free public education for children and youth in an institution for neglected or delinquent children and youth (other than an adult correctional institution) or attending a community-day program for such children and youth may use funds received under this subpart to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

(1) provides for a comprehensive assessment of the educational needs of all children and youth in the institution or program serving juveniles;

(2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a 2-year period;

(3) describes the steps the State agency has taken, or will take, to provide all children and youth under age 21 with the opportunity to meet challenging State academic standards in order to improve the likelihood that the children and youth will attain a regular high school diploma or its recognized equivalent, or find employment after leaving the institution;

(4) describes the instructional program, specialized instructional support services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for the children and youth described in paragraph (1), and how relevant and appropriate academic records and plans regarding the continuation of educational services for such children or youth are shared jointly between the State agency operating the institution or program and local educational agency in order to facilitate the transition of such children and youth between the local educational agency and the State agency;

(5) specifically describes how such funds will be used;

(6) describes the measures and procedures that will be used to assess and improve student achievement;

(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and youth, and with personnel from the State educational agency; and

(8) includes an assurance that the State agency has provided for appropriate training for teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

(Pub. L. 89–10, title I, § 1416, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1585; amended Pub. L. 114–95, title I, § 1401(5), Dec. 10, 2015, 129 Stat. 1902.)

PRIOR PROVISIONS

A prior section 6436, Pub. L. 89–10, title I, § 1416, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3596, related to institution-wide projects, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Par. (3). Pub. L. 114–95, § 1401(5)(A), substituted ''challenging State academic standards'' for ''challenging State academic content standards and student academic achievement standards'' and ''will attain a regular high school diploma'' for ''will complete secondary school, attain a secondary diploma''.

Par. (4). Pub. L. 114–95, § 1401(5)(B), substituted ''specialized instructional support services'' for ''pupil services'' and inserted '', and how relevant and appropriate academic records and plans regarding the continuation of educational services for such children or youth are shared jointly between the State agency operating the

institution or program and local educational agency in order to facilitate the transition of such children and youth between the local educational agency and the State agency'' before semicolon at end.

Par. (6). Pub. L. 114–95, § 1401(5)(C), substituted ''assess and improve student achievement'' for ''assess student progress''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6437. Three-year programs or projects

If a State agency operates a program or project under this subpart in which individual children or youth are likely to participate for more than 1 year, the State educational agency may approve the State agency's application for a subgrant under this subpart for a period of not more than 3 years.

(Pub. L. 89–10, title I, § 1417, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1586.)

PRIOR PROVISIONS

A prior section 6437, Pub. L. 89–10, title I, § 1417, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3597, related to three-year programs and projects, prior to the general amendment of this subchapter by Pub. L. 107–110.

§ 6438. Transition services

(a) Transition services

Each State agency shall reserve not less than 15 percent and not more than 30 percent of the amount such agency receives under this subpart for any fiscal year to support—

(1) projects that facilitate the transition of children and youth between State-operated institutions, or institutions in the State operated by the Secretary of the Interior, and schools served by local educational agencies or schools operated or funded by the Bureau of Indian Education; or

(2) the successful reentry of youth offenders, who are age 20 or younger and have received a regular high school diploma or its recognized equivalent, into postsecondary education, or career and technical training programs, through strategies designed to expose the youth to, and prepare the youth for, postsecondary education, or career and technical training programs, such as—

(A) preplacement programs that allow adjudicated or incarcerated youth to audit or attend courses on college, university, or community college campuses, or through programs provided in institutional settings;

(B) worksite schools, in which institutions of higher education and private or public employers partner to create programs to help students make a successful transition to postsecondary education and employment; and

(C) essential support services to ensure the success of the youth, such as—

(i) personal, career and technical, and academic, counseling;

(ii) placement services designed to place the youth in a university, college, or junior college program;

(iii) information concerning, and assistance in obtaining, available student financial aid;

(iv) counseling services; and

(v) job placement services.

(b) Conduct of projects

A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

(c) Rule of construction

Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) of this section from serving neglected and delinquent children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

(Pub. L. 89–10, title I, § 1418, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1586; amended Pub. L. 114–95, title I, § 1401(6), Dec. 10, 2015, 129 Stat. 1903.)

PRIOR PROVISIONS

A prior section 6438, Pub. L. 89–10, title I, § 1418, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3597, related to transition services, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114–95, § 1401(6)(A), added par. (1) and struck out former par. (1) which read as follows: ''projects that facilitate the transition of children and youth from State-operated institutions to schools served by local educational agencies; or''.

Subsec. (a)(2). Pub. L. 114–95, § 1401(6)(B), substituted ''regular high school diploma'' for ''secondary school diploma'' in introductory provisions and substituted ''career'' for ''vocational'' wherever appearing.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6439. Technical assistance

The Secretary may reserve not more than 2.5 percent of the amount made available to carry out this subpart for a fiscal year to provide technical assistance to and support the capacity building of State agency programs assisted under this subpart.

(Pub. L. 89–10, title I, § 1419, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1587; amended Pub. L. 114–95, title I, § 1401(7), Dec. 10, 2015, 129 Stat. 1903.)

AMENDMENTS

2015—Pub. L. 114–95, in section catchline, substituted ''Technical assistance'' for ''Evaluation; technical assistance; annual model program'' and, in text, substituted ''for a fiscal year'' for ''for a fiscal year—'', struck out par. (2) designation before ''to provide'', and struck out par. (1) which read as follows: ''to develop a uniform model to evaluate the effectiveness of programs assisted under this subpart; and''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive pro-

grams and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

SUBPART 2—LOCAL AGENCY PROGRAMS

§ 6451. Purpose

The purpose of this subpart is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities—

(1) to carry out high quality education programs to prepare children and youth for secondary school completion, training, employment, or further education;

(2) to provide activities to facilitate the transition of such children and youth from the correctional program to further education or employment; and

(3) to operate programs in local schools, including schools operated or funded by the Bureau of Indian Education, for children and youth returning from correctional facilities, and programs which may serve at-risk children and youth.

(Pub. L. 89–10, title I, § 1421, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1587; amended Pub. L. 114–95, title I, § 1401(8), Dec. 10, 2015, 129 Stat. 1903.)

PRIOR PROVISIONS

A prior section 6451, Pub. L. 89–10, title I, § 1421, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3597, related to purpose of subpart, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Par. (3). Pub. L. 114–95 inserted ‘‘, including schools operated or funded by the Bureau of Indian Education,’’ after ‘‘local schools’’.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6452. Programs operated by local educational agencies

(a) Local subgrants

With funds made available under section 6422(b) of this title, the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of children and youth residing in locally operated (including county operated) correctional facilities for children and youth (including facilities involved in community day programs).

(b) Special rule

A local educational agency that serves a school operated by a correctional facility is not required to operate a program of support for children and youth returning from such school to a school that is not operated by a correctional agency but served by such local educational agency, if more than 30 percent of the children and youth attending the school operated by the correctional facility will reside outside the boundaries served by the local educational agency after leaving such facility.

(c) Notification

A State educational agency shall notify local educational agencies within the State of the eligibility of such agencies to receive a subgrant under this subpart.

(d) Transitional and academic services

Transitional and supportive programs operated in local educational agencies under this subpart shall be designed primarily to meet the transitional and academic needs of students returning to local educational agencies or alternative education programs from correctional facilities. Services to students at-risk of dropping out of school shall not have a negative impact on meeting such transitional and academic needs of the students returning from correctional facilities.

(Pub. L. 89–10, title I, § 1422, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1587; amended Pub. L. 114–95, title I, § 1401(9), Dec. 10, 2015, 129 Stat. 1903.)

PRIOR PROVISIONS

A prior section 6452, Pub. L. 89–10, title I, § 1422, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3598, related to programs operated by local educational agencies, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (d). Pub. L. 114–95 substituted ‘‘impact on meeting such transitional’’ for ‘‘impact on meeting the transitional’’.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6453. Local educational agency applications

Each local educational agency desiring assistance under this subpart shall submit an application to the State educational agency that contains such information as the State educational agency may require. Each such application shall include—

(1) a description of the program to be assisted;

(2) a description of formal agreements, regarding the program to be assisted, between—

(A) the local educational agency; and

(B) correctional facilities and alternative school programs serving children and youth involved with the juvenile justice system, including such facilities operated by the Secretary of the Interior and Indian tribes;

(3) as appropriate, a description of how participating schools will coordinate with facilities working with delinquent children and youth to ensure that such children and youth are participating in an education program comparable to one operating in the local school such youth would attend;

(4) a description of the program operated by participating schools to facilitate the successful transition of children and youth returning from correctional facilities and, as appropriate, the types of services that such schools

will provide such children and youth and other at-risk children and youth;

(5) a description of the characteristics (including learning difficulties, substance abuse problems, and other special needs) of the children and youth who will be returning from correctional facilities and, as appropriate, other at-risk children and youth expected to be served by the program, and a description of how the school will coordinate existing educational programs to meet the unique educational needs of such children and youth;

(6) as appropriate, a description of how schools will coordinate with existing social, health, and other services to meet the needs of students returning from correctional facilities, at-risk children or youth, and other participating children or youth, including prenatal health care and nutrition services related to the health of the parent and the child or youth, parenting and child development classes, child care, targeted reentry and outreach programs, referrals to community resources, and scheduling flexibility;

(7) as appropriate, a description of any partnerships with institutions of higher education or local businesses to facilitate postsecondary and workforce success for children and youth returning from correctional facilities, such as through participation in credit-bearing coursework while in secondary school, enrollment in postsecondary education, participation in career and technical education programming, and mentoring services for participating students;

(8) as appropriate, a description of how the program will involve parents and family members in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;

(9) a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under title I of the Workforce Innovation and Opportunity Act [29 U.S.C. 3111 et seq.] and career and technical education programs serving at-risk children and youth;

(10) a description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 [42 U.S.C. 5601 et seq.] and other comparable programs, if applicable;

(11) as appropriate, a description of how schools will work with probation officers to assist in meeting the needs of children and youth returning from correctional facilities;

(12) a description of the efforts participating schools will make to ensure correctional facilities working with children and youth are aware of a child's or youth's existing individualized education program; and

(13) as appropriate, a description of the steps participating schools will take to find alternative placements for children and youth interested in continuing their education but unable to participate in a traditional public school program.

(Pub. L. 89–10, title I, § 1423, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1588; amended Pub. L. 113–128, title V, § 512(i)(3), July 22, 2014, 128 Stat. 1708; Pub. L. 114–95, title I, § 1401(10), Dec. 10, 2015, 129 Stat. 1903.)

REFERENCES IN TEXT

The Workforce Innovation and Opportunity Act, referred to in par. (9), is Pub. L. 113–128, July 22, 2014, 128 Stat. 1425. Title I of the Act is classified generally to subchapter I (§ 3111 et seq.) of chapter 32 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 29 and Tables.

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in par. (10), is Pub. L. 93–415, Sept. 7, 1974, 88 Stat. 1109, as amended, which is classified principally to chapter 72 (§ 5601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 6453, Pub. L. 89–10, title I, § 1423, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3598; amended Pub. L. 105–277, div. A, § 101(f) [title VIII, § 405(d)(18)(C), (f)(13)(C)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–422, 2681–431, related to local educational agency applications, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Par. (2)(B). Pub. L. 114–95, § 1401(10)(A), inserted ", including such facilities operated by the Secretary of the Interior and Indian tribes" after "juvenile justice system".

Par. (4). Pub. L. 114–95, § 1401(10)(B), added par. (4) and struck out former par. (4) which read as follows: "a description of the program operated by participating schools for children and youth returning from correctional facilities and, as appropriate, the types of services that such schools will provide such children and youth and other at-risk children and youth;".

Par. (7). Pub. L. 114–95, § 1401(10)(C), inserted "institutions of higher education or" before "local businesses" and substituted "facilitate postsecondary and workforce success for children and youth returning from correctional facilities, such as through participation in credit-bearing coursework while in secondary school, enrollment in postsecondary education, participation in career and technical education programming" for "develop training, curriculum-based youth entrepreneurship education".

Par. (8). Pub. L. 114–95, § 1401(10)(D), inserted "and family members" after "parents".

Par. (9). Pub. L. 114–95, § 1401(10)(E), substituted "career" for "vocational".

Par. (13). Pub. L. 114–95, § 1401(10)(F), substituted "traditional" for "regular".

2014—Par. (9). Pub. L. 113–128 substituted "a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under title I of the Workforce Innovation and Opportunity Act" for "a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under title I of Public Law 105–220".

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113–128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113–128, set out as an Effective Date note under section 3101 of Title 29, Labor.

§ 6454. Uses of funds

(a) In general

Funds provided to local educational agencies under this subpart may be used, as appropriate, for—

(1) programs that serve children and youth returning to local schools from correctional facilities, to assist in the transition of such children and youth to the school environment and help them remain in school in order to complete their education;

(2) dropout prevention programs which serve at-risk children and youth;

(3) the coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care, drug and alcohol counseling, and mental health services, will improve the likelihood such individuals will complete their education;

(4) special programs to meet the unique academic needs of participating children and youth, including career and technical education, special education, career counseling, curriculum-based youth entrepreneurship education, and assistance in securing student loans or grants for postsecondary education;

(5) programs providing mentoring and peer mediation;

(6) programs for at-risk Indian children and youth, including such children and youth in correctional facilities in the area served by the local educational agency that are operated by the Secretary of the Interior or Indian tribes; and

(7) pay for success initiatives.

(b) Contracts and grants

A local educational agency may use a subgrant received under this subpart to carry out the activities described under paragraphs (1) through (7) of subsection (a) directly or through subgrants, contracts, or cooperative agreements.

(Pub. L. 89–10, title I, § 1424, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1589; amended Pub. L. 114–95, title I, § 1401(11), Dec. 10, 2015, 129 Stat. 1904.)

PRIOR PROVISIONS

A prior section 6454, Pub. L. 89–10, title I, § 1424, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3599, related to uses of funds, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 1401(11)(A), designated existing provisions as subsec. (a) and inserted subsec. heading.

Subsec. (a)(2). Pub. L. 114–95, § 1401(11)(B), struck out ‘‘, including pregnant and parenting teens, children and youth who have come in contact with the juvenile justice system, children and youth at least 1 year behind their expected grade level, migrant youth, immigrant youth, students with limited English proficiency, and gang members’’ after ‘‘at-risk children and youth’’.

Subsec. (a)(4). Pub. L. 114–95, § 1401(11)(C)(i), substituted ‘‘career’’ for ‘‘vocational’’.

Subsec. (a)(6), (7). Pub. L. 114–95, § 1401(11)(C)(ii)–(E), added pars. (6) and (7).

Subsec. (b). Pub. L. 114–95, § 1401(11)(F), added subsec. (b).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6455. Program requirements for correctional facilities receiving funds under this section

Each correctional facility entering into an agreement with a local educational agency under section 6453(2) of this title to provide services to children and youth under this subpart shall—

(1) where feasible, ensure that educational programs in the correctional facility are coordinated with the student’s home school, particularly with respect to a student with an individualized education program under part B of the Individuals with Disabilities Education Act [20 U.S.C. 1411 et seq.];

(2) if the child or youth is identified as in need of special education services while in the correctional facility, notify the local school of the child or youth of such need;

(3) where feasible, provide transition assistance to help the child or youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

(4) provide support programs that encourage children and youth who have dropped out of school to reenter school and attain a regular high school diploma once their term at the correctional facility has been completed, or provide such children and youth with the skills necessary to gain employment or seek a regular high school diploma or its recognized equivalent;

(5) work to ensure that the correctional facility is staffed with teachers and other qualified staff who are trained to work with children and youth with disabilities taking into consideration the unique needs of such children and youth;

(6) ensure that educational programs in the correctional facility are related to assisting students to meet the challenging State academic standards;

(7) to the extent possible, use technology to assist in coordinating educational programs between the correctional facility and the community school;

(8) where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

(9) coordinate funds received under this subpart with other local, State, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of the Workforce Innovation and Opportunity Act [29 U.S.C. 3111 et seq.], and career and technical education funds;

(10) coordinate programs operated under this subpart with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 [42 U.S.C. 5601 et seq.] and other comparable programs, if applicable;

(11) if appropriate, work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for children and youth;

(12) upon the child's or youth's entry into the correctional facility, work with the child's or youth's family members and the local educational agency that most recently provided services to the child or youth (if applicable) to ensure that the relevant and appropriate academic records and plans regarding the continuation of educational services for such child or youth are shared jointly between the correctional facility and local educational agency in order to facilitate the transition of such children and youth between the local educational agency and the correctional facility; and

(13) consult with the local educational agency for a period jointly determined necessary by the correctional facility and local educational agency upon discharge from that facility, to coordinate educational services so as to minimize disruption to the child's or youth's achievement.

(Pub. L. 89–10, title I, § 1425, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1589; amended Pub. L. 113–128, title V, § 512(i)(4), July 22, 2014, 128 Stat. 1708; Pub. L. 114–95, title I, § 1401(12), Dec. 10, 2015, 129 Stat. 1904.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in par. (1), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended. Part B of the Act is classified generally to subchapter II (§ 1411 et seq.) of chapter 33 of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

The Workforce Innovation and Opportunity Act, referred to in par. (9), is Pub. L. 113–128, July 22, 2014, 128 Stat. 1425. Title I of the Act is classified generally to subtitle I (§ 3111 et seq.) of chapter 32 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 29 and Tables.

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in par. (10), is Pub. L. 93–415, Sept. 7, 1974, 88 Stat. 1109, as amended, which is classified principally to chapter 72 (§ 5601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 6455, Pub. L. 89–10, title I, § 1425, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3599; amended Pub. L. 105–277, div. A, § 101(f) [title VIII, § 405(d)(18)(D), (f)(13)(D)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–422, 2681–431, related to program requirements for correctional facilities receiving funds, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Par. (4). Pub. L. 114–95, § 1401(12)(A), inserted "and attain a regular high school diploma" after "reenter school" and substituted "seek a regular high school diploma" for "seek a secondary school diploma".

Par. (6). Pub. L. 114–95, § 1401(12)(B), substituted "the challenging State academic standards" for "high academic achievement standards".

Par. (9). Pub. L. 114–95, § 1401(12)(C), substituted "career" for "vocational".

Pars. (12), (13). Pub. L. 114–95, § 1401(12)(D)–(F), added pars. (12) and (13).

2014—Par. (9). Pub. L. 113–128 substituted "coordinate funds received under this subpart with other local, State, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of the Workforce Innovation and Opportunity Act," for "coordinate funds received under this subpart with other local, State, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of Public Law 105–220,".

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113–128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113–128, set out as an Effective Date note under section 3101 of Title 29, Labor.

§ 6456. Accountability

The State educational agency may—

(1) reduce or terminate funding for projects under this subpart if a local educational agency does not show progress in the number of children and youth attaining a regular high school diploma or its recognized equivalent; and

(2) require correctional facilities or institutions for neglected or delinquent children and youth to demonstrate, after receiving assistance under this subpart for 3 years, that there has been an increase in the number of children and youth returning to school, attaining a regular high school diploma or its recognized equivalent, or attaining employment after such children and youth are released.

(Pub. L. 89–10, title I, § 1426, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1590; amended Pub. L. 114–95, title I, § 1401(13), Dec. 10, 2015, 129 Stat. 1905.)

PRIOR PROVISIONS

A prior section 6456, Pub. L. 89–10, title I, § 1426, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3600, related to accountability, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Par. (1). Pub. L. 114–95, § 1401(13)(A), substituted "the number of children and youth attaining a regular high school diploma or its recognized equivalent" for "reducing dropout rates for male students and for female students over a 3-year period".

Par. (2). Pub. L. 114–95, § 1401(13)(B), substituted "attaining a regular high school diploma" for "obtaining a secondary school diploma" and "attaining employment" for "obtaining employment".

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

SUBPART 3—GENERAL PROVISIONS

§ 6471. Program evaluations

(a) Scope of evaluation

Each State agency or local educational agency that conducts a program under subpart 1 or 2 of this part shall evaluate the program, dis-

aggregating data on participation by gender, race, ethnicity, and age while protecting individual student privacy,,[1] not less than once every 3 years, to determine the program's impact on the ability of participants—

(1) to maintain and improve educational achievement and to graduate from high school in the number of years established by the State under either the four-year adjusted cohort graduation rate or the extended-year adjusted cohort graduation rate, if applicable;

(2) to accrue school credits that meet State requirements for grade promotion and high school graduation;

(3) to make the transition to a regular program or other education program operated by a local educational agency or school operated or funded by the Bureau of Indian Education;

(4) to complete high school (or high school equivalency requirements) and obtain employment after leaving the correctional facility or institution for neglected or delinquent children and youth; and

(5) as appropriate, to participate in post-secondary education and job training programs.

(b) Exception

The disaggregation required under subsection (a) of this section shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

(c) Evaluation measures

In conducting each evaluation under subsection (a) of this section, a State agency or local educational agency shall use multiple and appropriate measures of student progress.

(d) Evaluation results

Each State agency and local educational agency shall—

(1) submit evaluation results to the State educational agency and the Secretary; and

(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

(Pub. L. 89–10, title I, § 1431, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1591; amended Pub. L. 114–95, title I, § 1401(14), Dec. 10, 2015, 129 Stat. 1905.)

PRIOR PROVISIONS

A prior section 6471, Pub. L. 89–10, title I, § 1431, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3600, related to program evaluations, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1431 of Pub. L. 89–10 was classified to section 2831 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 1401(14)(A), (B), inserted ''while protecting individual student privacy,'' after ''age'' in introductory provisions and substituted ''high school'' for ''secondary school'' wherever appearing.

Subsec. (a)(1). Pub. L. 114–95, § 1401(14)(C), inserted ''and to graduate from high school in the number of years established by the State under either the four-year adjusted cohort graduation rate or the extended-year adjusted cohort graduation rate, if applicable'' after ''educational achievement''.

Subsec. (a)(3). Pub. L. 114–95, § 1401(14)(D), inserted ''or school operated or funded by the Bureau of Indian Education'' after ''local educational agency''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6472. Definitions

In this part:

(1) Adult correctional institution

The term ''adult correctional institution'' means a facility in which persons (including persons under 21 years of age) are confined as a result of a conviction for a criminal offense.

(2) At-risk

The term ''at-risk'', when used with respect to a child, youth, or student, means a school aged individual who is at-risk of academic failure, dependency adjudication, or delinquency adjudication, has a drug or alcohol problem, is pregnant or is a parent, has come into contact with the juvenile justice system or child welfare system in the past, is at least 1 year behind the expected grade level for the age of the individual, is an English learner, is a gang member, has dropped out of school in the past, or has a high absenteeism rate at school.

(3) Community day program

The term ''community day program'' means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children and youth.

(4) Institution for neglected or delinquent children and youth

The term ''institution for neglected or delinquent children and youth'' means—

(A) a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians; or

(B) a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

(Pub. L. 89–10, title I, § 1432, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1591; amended Pub. L. 114–95, title I, § 1401(15), Dec. 10, 2015, 129 Stat. 1905.)

PRIOR PROVISIONS

A prior section 6472, Pub. L. 89–10, title I, § 1432, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3601, defined terms for this part, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1432 of Pub. L. 89–10 was classified to section 2832 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

[1] So in original.

AMENDMENTS

2015—Par. (2). Pub. L. 114–95 inserted ''dependency adjudication, or delinquency adjudication,'' after ''failure,'', inserted ''or child welfare system'' after ''juvenile justice system'', and substituted ''is an English learner'' for ''has limited English proficiency''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

PART E—FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING

PRIOR PROVISIONS

A prior part E, consisting of sections 6491 to 6494, related to national assessment of subchapter I, prior to repeal by Pub. L. 114–95, title I, § 1501(a)(1), Dec. 10, 2015, 129 Stat. 1905.

§ 6491. Flexibility for equitable per-pupil funding

(a) Purpose

The purpose of the program under this section is to provide local educational agencies with flexibility to consolidate eligible Federal funds and State and local education funding in order to create a single school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students.

(b) Authority

(1) In general

The Secretary is authorized to enter into local flexibility demonstration agreements—

(A) for not more than 3 years with local educational agencies that are selected under subsection (c) and submit proposed agreements that meet the requirements of subsection (d); and

(B) under which such agencies may consolidate and use funds in accordance with subsection (d) in order to develop and implement a school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students.

(2) Flexibility

Except as described in subsection (d)(1)(I), the Secretary is authorized to waive, for local educational agencies entering into agreements under this section, any provision of this chapter that would otherwise prevent such agency from using eligible Federal funds as part of such agreement.

(c) Selection of local educational agencies

(1) In general

The Secretary may enter into local flexibility demonstration agreements with not more than 50 local educational agencies with an approved application under subsection (d).

(2) Selection

Each local educational agency shall be selected based on such agency—

(A) submitting a proposed local flexibility demonstration agreement under subsection (d);

(B) demonstrating that the agreement meets the requirements of such subsection; and

(C) agreeing to meet the continued demonstration requirements under subsection (e).

(3) Expansion

Beginning with the 2019–2020 academic year, the Secretary may extend funding flexibility authorized under this section to any local educational agency that submits and has approved an application under subsection (d), as long as a significant majority of the demonstration agreements with local educational agencies described in paragraph (1) meet the requirements of subsection (d)(2) and subsection (e)(1) as of the end of the 2018–2019 academic year.

(d) Required terms of local flexibility demonstration agreement

(1) Application

Each local educational agency that desires to participate in the program under this section shall submit, at such time and in such form as the Secretary may prescribe, an application to enter into a local flexibility demonstration agreement with the Secretary in order to develop and implement a school funding system based on weighted per-pupil allocations that meets the requirements of this section. The application shall include—

(A) a description of the school funding system based on weighted per-pupil allocations, including—

(i) the weights used to allocate funds within such system;

(ii) the local educational agency's legal authority to use State and local education funds consistent with this section;

(iii) how such system will meet the requirements of paragraph (2); and

(iv) how such system will support the academic achievement of students, including low-income students, the lowest-achieving students, English learners, and children with disabilities;

(B) a list of funding sources, including eligible Federal funds, the local educational agency will include in such system;

(C) a description of the amount and percentage of total local educational agency funding, including State and local education funds and eligible Federal funds, that will be allocated through such system;

(D) the per-pupil expenditures (which shall include actual personnel expenditures, including staff salary differentials for years of employment, and actual nonpersonnel expenditures) of State and local education funds for each school served by the agency for the preceding fiscal year;

(E) the per-pupil amount of eligible Federal funds each school served by the agency received in the preceding fiscal year, disaggregated by the programs supported by the eligible Federal funds;

(F) a description of how such system will ensure that any eligible Federal funds allocated through the system will meet the purposes of each Federal program supported by such funds, including serving students from low-income families, English learners, mi-

gratory children, and children who are neglected, delinquent, or at risk, as applicable;

(G) an assurance that the local educational agency developed and will implement the local flexibility demonstration agreement in consultation with teachers, principals, other school leaders (including charter school leaders in a local educational agency that has charter schools), administrators of Federal programs impacted by the agreement, parents, community leaders, and other relevant stakeholders;

(H) an assurance that the local educational agency will use fiscal control and sound accounting procedures that ensure proper disbursement of, and accounting for, eligible Federal funds consolidated and used under such system;

(I) an assurance that the local educational agency will continue to meet the requirements of sections 6320, 6321, and 7881 of this title; and

(J) an assurance that the local educational agency will meet the requirements of all applicable Federal civil rights laws in carrying out the agreement and in consolidating and using funds under the agreement.

(2) Requirements of the system

(A) In general

A local educational agency's school funding system based on weighted per-pupil allocations shall—

(i) except as allowed under clause (iv), allocate a significant portion of funds, including State and local education funds and eligible Federal funds, to the school level based on the number of students in a school and a formula developed by the agency under this section that determines per-pupil weighted amounts;

(ii) use weights or allocation amounts that allocate substantially more funding to English learners, students from low-income families, and students with any other characteristics associated with educational disadvantage chosen by the local educational agency, than to other students;

(iii) ensure that each high-poverty school receives, in the first year of the demonstration agreement—

(I) more per-pupil funding, including from Federal, State, and local sources, for low-income students than such funding received for low-income students in the year prior to entering into a demonstration agreement under this section; and

(II) at least as much per-pupil funding, including from Federal, State, and local sources, for English learners as such funding received for English learners in the year prior to entering into a demonstration agreement under this section;

(iv) be used to allocate to schools a significant percentage, which shall be a percentage agreed upon during the application process, of all the local educational agency's State and local education funds and eligible Federal funds; and

(v) include all school-level actual personnel expenditures for instructional staff (including staff salary differentials for years of employment) and actual nonpersonnel expenditures in the calculation of the local educational agency's State and local education funds and eligible Federal funds to be allocated under clause (i).

(B) Percentage

In establishing the percentage described in subparagraph (A)(iv) for the system, the local educational agency shall demonstrate that the percentage—

(i) under such subparagraph is sufficient to carry out the purposes of the demonstration agreement under this section and to meet each of the requirements of this subsection; and

(ii) of State and local education funds and eligible Federal funds that are not allocated through the local educational agency's school funding system based on weighted per-pupil allocations, does not undermine or conflict with the requirements of the demonstration agreement under this section.

(C) Expenditures

After allocating funds through the system, the local educational agency shall charge schools for the per-pupil expenditures of State and local education funds and eligible Federal funds, including actual personnel expenditures (including staff salary differentials for years of employment) for instructional staff and actual nonpersonnel expenditures.

(e) Continued demonstration

Each local educational agency with an approved application under subsection (d) shall annually—

(1) demonstrate to the Secretary that, as compared to the previous year, no high-poverty school served by the agency received—

(A) less per-pupil funding, including from Federal, State, and local sources, for low-income students; or

(B) less per-pupil funding, including from Federal, State, and local sources, for English learners;

(2) make public and report to the Secretary the per-pupil expenditures (including actual personnel expenditures that include staff salary differentials for years of employment, and actual non-personnel expenditures) of State and local education funds and eligible Federal funds for each school served by the agency, disaggregated by each quartile of students attending the school based on student level of poverty and by each major racial or ethnic group in the school, for the preceding fiscal year;

(3) make public the total number of students enrolled in each school served by the agency and the number of students enrolled in each such school disaggregated by each of the subgroups of students, as defined in section 6311(c)(2) of this title; and

(4) notwithstanding paragraph (1), (2), or (3), ensure that any information to be reported or

made public under this subsection is only reported or made public if such information does not reveal personally identifiable information.

(f) Limitations on administrative expenditures

Each local educational agency that has entered into a local flexibility demonstration agreement with the Secretary under this section may use, for administrative purposes, an amount of eligible Federal funds that is not more than the percentage of funds allowed for such purposes under any of the following:

(1) This subchapter.
(2) Subchapter II.
(3) Subchapter III.
(4) Part A of subchapter IV.
(5) Part B of subchapter V.

(g) Peer review

The Secretary may establish a peer-review process to assist in the review of a proposed local flexibility demonstration agreement.

(h) Noncompliance

The Secretary may, after providing notice and an opportunity for a hearing (including the opportunity to provide supporting evidence as provided for in subsection (i)), terminate a local flexibility demonstration agreement under this section if there is evidence that the local educational agency has failed to comply with the terms of the agreement and the requirements under subsections (d) and (e).

(i) Evidence

If a local educational agency believes that the Secretary's determination under subsection (h) is in error for statistical or other substantive reasons, the local educational agency may provide supporting evidence to the Secretary, and the Secretary shall consider that evidence before making a final determination.

(j) Program evaluation

From the amount reserved for evaluation activities under section 7981 of this title, the Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate—

(1) the implementation of the local flexibility demonstration agreements under this section; and

(2) the impact of such agreements on improving the equitable distribution of State and local funding and increasing student achievement.

(k) Renewal of local flexibility demonstration agreement

The Secretary may renew for additional 3-year terms a local flexibility demonstration agreement under this section if—

(1) the local educational agency has met the requirements under subsections (d)(2) and (e) and agrees to, and has a high likelihood of, continuing to meet such requirements; and

(2) the Secretary determines that renewing the local flexibility demonstration agreement is in the interest of students served under this subchapter and subchapter III.

(*l*) Definitions

In this section:

(1) Eligible Federal funds

The term ''eligible Federal funds'' means funds received by a local educational agency under—

(A) this subchapter;
(B) subchapter II;
(C) subchapter III;
(D) part A of subchapter IV; and
(E) part B of subchapter V.

(2) High-poverty school

The term ''high-poverty school'' means a school that is in the highest 2 quartiles of schools served by a local educational agency, based on the percentage of enrolled students from low-income families.

(Pub. L. 89–10, title I, § 1501, as added Pub. L. 114–95, title I, § 1501(b), Dec. 10, 2015, 129 Stat. 1906.)

PRIOR PROVISIONS

Prior sections 6491 to 6494, 6511 to 6518, 6531 to 6537, 6551 to 6553, 6555, and 6561 to 6561i were repealed by Pub. L. 114–95, § 5, title I, § 1501(a)(1), Dec. 10, 2015, 129 Stat. 1806, 1905, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 6491, Pub. L. 89–10, title I, § 1501, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1592; amended Pub. L. 107–279, title IV, § 404(d)(4), Nov. 5, 2002, 116 Stat. 1986, related to evaluations. See section 7981 of this title.

Another prior section 6491, Pub. L. 89–10, title I, § 1501, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3601; amended Pub. L. 104–134, title I, § 101(d) [title VII, § 703(b)(3)], 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. 105–18, title VI, § 60002, June 12, 1997, 111 Stat. 214, related to evaluations, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1501 of Pub. L. 89–10 was classified to section 2911 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Section 6492, Pub. L. 89–10, title I, § 1502, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1597, related to demonstrations of innovative practices.

Another prior section 6492, Pub. L. 89–10, title I, § 1502, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3604, related to demonstrations of innovative practices, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1502 of Pub. L. 89–10 was classified to section 2912 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Section 6493, Pub. L. 89–10, title I, § 1503, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1597, related to assessment evaluation.

Another prior section 6493, Pub. L. 89–10, title I, § 1503, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3605, related to innovative elementary school transition projects, prior to repeal by Pub. L. 105–277, div. A, § 101(f) [title VIII, § 301(c)(1)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–410.

Section 6494, Pub. L. 89–10, title I, § 1504, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1598, related to Close Up fellowship program.

Section 6511, Pub. L. 89–10, title I, § 1601, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1601, stated purpose of former part F of this subchapter.

Another prior section 6511, Pub. L. 89–10, title I, § 1601, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3609, related to Federal regulations, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6571 of this title.

Section 6512, Pub. L. 89–10, title I, § 1602, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1601, related to program authorization.

Another prior section 6512, Pub. L. 89–10, title I, § 1602, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3610, related to coordination of Federal, State, and local administration, prior to the general amendment of this subchapter by Pub. L. 107–110.

Section 6513, Pub. L. 89–10, title I, § 1603, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1602, related to application by State educational agency.

Another prior section 6513, Pub. L. 89–10, title I, § 1603, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3611, related to State administration, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6573 of this title.

Section 6514, Pub. L. 89–10, title I, § 1604, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1603, related to use of funds by State educational agency.

Another prior section 6514, Pub. L. 89–10, title I, § 1604, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3612, related to construction of provisions, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6576 of this title.

Section 6515, Pub. L. 89–10, title I, § 1605, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1604, related to application by local educational agency.

Section 6516, Pub. L. 89–10, title I, § 1606, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1604, related to use of funds by local educational agency.

Section 6517, Pub. L. 89–10, title I, § 1607, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1605, related to evaluation of programs and reports.

Section 6518, Pub. L. 89–10, title I, § 1608, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1605, related to quality initiatives.

Section 6531, Pub. L. 89–10, title I, § 1701, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1606, provided that former part G of this subchapter could be cited as the ''Access to High Standards Act''.

Section 6532, Pub. L. 89–10, title I, § 1702, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1606, stated purposes of former part G of this subchapter.

Section 6533, Pub. L. 89–10, title I, § 1703, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1606, set forth funding distribution rule.

Section 6534, Pub. L. 89–10, title I, § 1704, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1606, related to reimbursement of advanced placement test fees.

Section 6535, Pub. L. 89–10, title I, § 1705, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1608, related to grants to expand access to advanced placement incentive programs.

Section 6536, Pub. L. 89–10, title I, § 1706, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1609, related to use of grants to supplement, not supplant other non-Federal funds.

Section 6537, Pub. L. 89–10, title I, § 1707, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1609; amended Pub. L. 108–11, title II, § 2503, Apr. 16, 2003, 117 Stat. 599, defined terms in former part G of this subchapter.

Section 6551, Pub. L. 89–10, title I, § 1801, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1610, provided that former part H of this subchapter could be cited as the ''Dropout Prevention Act''.

Section 6552, Pub. L. 89–10, title I, § 1802, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1610, stated purposes of former part H of this subchapter.

Section 6553, Pub. L. 89–10, title I, § 1803, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1610, authorized appropriations.

Section 6555, Pub. L. 89–10, title I, § 1811, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1610, authorized national activities relating to dropout prevention.

Section 6561, Pub. L. 89–10, title I, § 1821, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1612, defined terms in subpart 2 of former part H of this subchapter.

Section 6561a, Pub. L. 89–10, title I, § 1822, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1612, authorized grants for school dropout prevention and reentry programs.

Section 6561b, Pub. L. 89–10, title I, § 1823, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1614, related to applications for grants.

Section 6561c, Pub. L. 89–10, title I, § 1824, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1615, related to reservation of funds for administrative costs and State activities.

Section 6561d, Pub. L. 89–10, title I, § 1825, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1615, related to strategies and capacity building.

Section 6561e, Pub. L. 89–10, title I, § 1826, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1616, related to selection of local educational agencies for subgrants.

Section 6561f, Pub. L. 89–10, title I, § 1827, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1616, related to use of funds by community-based organizations.

Section 6561g, Pub. L. 89–10, title I, § 1828, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1616, related to technical assistance to secondary schools.

Section 6561h, Pub. L. 89–10, title I, § 1829, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1616, related to calculation of annual school dropout rate.

Section 6561i, Pub. L. 89–10, title I, § 1830, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1616, related to reporting and accountability.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

PART F—GENERAL PROVISIONS

CODIFICATION

Pub. L. 114–95, title I, § 1501(a)(2), Dec. 10, 2015, 129 Stat. 1905, redesignated part I (§ 6571 et seq.) of this subchapter as part F of this subchapter.

PRIOR PROVISIONS

A prior part F, consisting of sections 6511 to 6518, related to comprehensive school reform, prior to repeal by Pub. L. 114–95, title I, § 1501(a)(1), Dec. 10, 2015, 129 Stat. 1905.

A prior part G, consisting of sections 6531 to 6537, related to advanced placement programs, prior to repeal by Pub. L. 114–95, title I, § 1501(a)(1), Dec. 10, 2015, 129 Stat. 1905.

A prior part H, consisting of sections 6551 to 6553, 6555, and 6561 to 6561i, related to school dropout prevention, prior to repeal by Pub. L. 114–95, title I, § 1501(a)(1), Dec. 10, 2015, 129 Stat. 1905.

A prior part I, consisting of sections 6571 to 6578, was redesignated part F of this subchapter, by Pub. L. 114–95, title I, § 1501(a)(2), Dec. 10, 2015, 129 Stat. 1905.

§ 6571. Federal regulations

(a) In general

The Secretary may issue, in accordance with subsections (b) through (d) and subject to section 6311(e) of this title, such regulations as are necessary to reasonably ensure that there is compliance with this subchapter.

(b) Negotiated rulemaking process

(1) In general

Before publishing in the Federal Register proposed regulations to carry out this subchapter, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, par-

ents, teachers, principals, other school leaders (including charter school leaders), paraprofessionals, and members of local school boards and other organizations involved with the implementation and operation of programs under this subchapter.

(2) Meetings and electronic exchange

Such advice and recommendations may be obtained through such mechanisms as regional meetings and electronic exchanges of information. Such regional meetings and electronic exchanges of information shall be public and notice of such meetings and exchanges shall be provided to interested stakeholders.

(3) Proposed regulations

After obtaining such advice and recommendations, and before publishing proposed regulations, the Secretary shall—

(A) establish a negotiated rulemaking process on, at a minimum, standards, assessments under section 6311(b)(2) of this title, and the requirement under section 6321 of this title that funds under part A be used to supplement, and not supplant, State and local funds;

(B) select individuals to participate in such process from among individuals or groups that provided advice and recommendations, including representation from all geographic regions of the United States, in such numbers as will provide an equitable balance between representatives of parents and students and representatives of educators and education officials; and

(C) prepare a draft of proposed policy options that shall be provided to the individuals selected by the Secretary under subparagraph (B) not less than 15 days before the first meeting under such process.

(4) Process

Such process—

(A) shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.); and

(B) shall, unless otherwise provided as described in subsection (c), follow the provisions of subchapter III of chapter 5 of title V[1] (commonly known as the ''Negotiated Rulemaking Act of 1990'').

(c) Alternative process for certain exceptions

If consensus, as defined in section 562 of title 5, on any proposed regulation is not reached by the individuals selected under subsection (b)(3)(B) for the negotiated rulemaking process, or if the Secretary determines that a negotiated rulemaking process is unnecessary, the Secretary may propose a regulation in the following manner:

(1) Notice to Congress

Not less than 15 business days prior to issuing a notice of proposed rulemaking in the Federal Register, the Secretary shall provide to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and other relevant congressional committees, notice of the Secretary's intent to issue a notice of proposed rulemaking that shall include—

(A) a copy of the proposed regulation;

(B) the need to issue the regulation;

(C) the anticipated burden, including the time, cost, and paperwork burden, the regulation will impose on State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulation;

(D) the anticipated benefits to State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulation; and

(E) any regulations that will be repealed when the new regulation is issued.

(2) Comment period for Congress

The Secretary shall—

(A) before issuing any notice of proposed rulemaking under this subsection, provide Congress with a comment period of 15 business days to make comments on the proposed regulation, beginning on the date that the Secretary provides the notice of intent to the appropriate committees of Congress under paragraph (1); and

(B) include and seek to address all comments submitted by Congress in the public rulemaking record for the regulation published in the Federal Register.

(3) Comment and review period; emergency situations

The comment and review period for any proposed regulation shall be not less than 60 days unless an emergency requires a shorter period, in which case the Secretary shall—

(A) designate the proposed regulation as an emergency with an explanation of the emergency in the notice to Congress under paragraph (1);

(B) publish the length of the comment and review period in such notice and in the Federal Register; and

(C) conduct immediately thereafter regional meetings to review such proposed regulation before issuing any final regulation.

(d) Limitation

Regulations to carry out this subchapter may not require local programs to follow a particular instructional model, such as the provision of services outside the regular classroom or school program.

(e) Rule of construction

Nothing in this section affects the applicability of subchapter II of chapter 5, and chapter 7, of title 5 (commonly known as the ''Administrative Procedure Act'') or chapter 8 of title 5 (commonly known as the ''Congressional Review Act'').

(Pub. L. 89–10, title I, § 1601, formerly § 1901, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1617; renumbered § 1601 and amended Pub. L. 114–95, title I, §§ 1501(a)(4), 1601(a), Dec. 10, 2015, 129 Stat. 1906, 1910.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (b)(4)(A), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat.

[1] So in original. Probably should be ''5''.

770, which is set out in the Appendix to Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 1601 of Pub. L. 89–10 was classified to section 6511 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 1601 of Pub. L. 89–10 was classified to section 6511 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 1601(a)(1), inserted ", in accordance with subsections (b) through (d) and subject to section 6311(e) of this title," after "may issue".

Subsec. (b)(1). Pub. L. 114–95, § 1601(a)(2)(A), inserted "principals, other school leaders (including charter school leaders)," after "teachers,".

Subsec. (b)(2). Pub. L. 114–95, § 1601(a)(2)(B), inserted at end "Such regional meetings and electronic exchanges of information shall be public and notice of such meetings and exchanges shall be provided to interested stakeholders."

Subsec. (b)(3)(A). Pub. L. 114–95, § 1601(a)(2)(C), substituted "standards, assessments under section 6311(b)(2) of this title, and the requirement under section 6321 of this title that funds under part A be used to supplement, and not supplant, State and local funds" for "standards and assessments".

Subsec. (b)(4). Pub. L. 114–95, § 1601(a)(2)(D), added par. (4) and struck out former par. (4). Prior to amendment, text read as follows: "Such process—

"(A) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later than 1 year after January 8, 2002; and

"(B) shall not be subject to the Federal Advisory Committee Act, but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.)."

Subsec. (b)(5). Pub. L. 114–95, § 1601(a)(2)(E), struck out par. (5). Text read as follows: "In an emergency situation in which regulations to carry out this subchapter must be issued within a very limited time to assist State educational agencies and local educational agencies with the operation of a program under this subchapter, the Secretary may issue proposed regulations without following such process but shall, immediately thereafter and before issuing final regulations, conduct regional meetings to review such proposed regulations."

Subsecs. (c), (d). Pub. L. 114–95, § 1601(a)(3)–(5), added subsec. (c), redesignated former subsec. (c) as (d), and in subsec. (d) substituted "this subchapter" for "this part".

Subsec. (e). Pub. L. 114–95, § 1601(a)(6), added subsec. (e).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6572. Agreements and records

(a) Agreements

In any case in which a negotiated rulemaking process is established under section 6571(b) of this title, all published proposed regulations shall conform to agreements that result from the rulemaking described in section 6571 of this title unless the Secretary reopens the negotiated rulemaking process.

(b) Records

The Secretary shall ensure that an accurate and reliable record of agreements reached during the negotiations process is maintained.

(Pub. L. 89–10, title I, § 1602, formerly § 1902, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1618; renumbered § 1602 and amended Pub. L. 114–95, title I, §§ 1501(a)(4), 1601(b), Dec. 10, 2015, 129 Stat. 1906, 1912.)

PRIOR PROVISIONS

A prior section 1602 of Pub. L. 89–10 was classified to section 6512 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 1602 of Pub. L. 89–10 was classified to section 6512 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 1601(b), amended subsec. (a) generally. Prior to amendment, text read as follows: "All published proposed regulations shall conform to agreements that result from negotiated rulemaking described in section 6571 of this title unless the Secretary reopens the negotiated rulemaking process or provides a written explanation to the participants involved in the process explaining why the Secretary decided to depart from, and not adhere to, such agreements."

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6573. State administration

(a) Rulemaking

(1) In general

Each State that receives funds under this subchapter shall—

(A) ensure that any State rules, regulations, and policies relating to this subchapter conform to the purposes of this subchapter and provide any such proposed rules, regulations, and policies to the committee of practitioners created under subsection (b) of this section for review and comment;

(B) minimize such rules, regulations, and policies to which the State's local educational agencies and schools are subject;

(C) eliminate or modify State and local fiscal accounting requirements in order to facilitate the ability of schools to consolidate funds under schoolwide programs;

(D) identify any such rule, regulation, or policy as a State-imposed requirement; and

(E)(i) identify any duplicative or contrasting requirements between the State and Federal rules or regulations; and

(ii) eliminate the State rules and regulations that are duplicative of Federal requirements.

(2) Support and facilitation

State rules, regulations, and policies under this subchapter shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the challenging State academic standards.

(b) Committee of practitioners

(1) In general

Each State educational agency that receives funds under this subchapter shall create a

State committee of practitioners to advise the State in carrying out its responsibilities under this subchapter.

(2) Membership

Each such committee shall include—

(A) as a majority of its members, representatives from local educational agencies;

(B) administrators, including the administrators of programs described in other parts of this subchapter;

(C) teachers from traditional public schools and charter schools (if there are charter schools in the State) and career and technical educators;

(D) principals and other school leaders;

(E) parents;

(F) members of local school boards;

(G) representatives of private school children;

(H) specialized instructional support personnel and paraprofessionals;

(I) representatives of authorized public chartering agencies (if there are charter schools in the State); and

(J) charter school leaders (if there are charter schools in the State).

(3) Duties

The duties of such committee shall include a review, before publication, of any proposed or final State rule or regulation pursuant to this subchapter. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program under this subchapter, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation before issuance in final form.

(Pub. L. 89–10, title I, § 1603, formerly § 1903, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1618; renumbered § 1603 and amended Pub. L. 114–95, title I, §§ 1501(a)(4), 1601(c), Dec. 10, 2015, 129 Stat. 1906, 1912.)

PRIOR PROVISIONS

A prior section 1603 of Pub. L. 89–10 was classified to section 6513 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 1603 of Pub. L. 89–10 was classified to section 6513 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a)(1)(E). Pub. L. 114–95, § 1601(c)(1)(A), added subpar. (E).

Subsec. (a)(2). Pub. L. 114–95, § 1601(c)(1)(B), substituted ''the challenging State academic standards'' for ''the challenging State student academic achievement standards''.

Subsec. (b)(2)(C) to (J). Pub. L. 114–95, § 1601(c)(2), added subpars. (C) to (J) and struck out former subpars. (C) to (G) which read as follows:

''(C) teachers, including vocational educators;

''(D) parents;

''(E) members of local school boards;

''(F) representatives of private school children; and

''(G) pupil services personnel.''

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6574. Repealed. Pub. L. 113–188, title IX, § 901(a), Nov. 26, 2014, 128 Stat. 2020

Section, Pub. L. 89–10, title I, § 1904, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1619, related to annual local educational agency spending audits and reports.

§ 6575. Prohibition against Federal mandates, direction, or control

Nothing in this subchapter shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction.

(Pub. L. 89–10, title I, § 1604, formerly § 1905, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1619; renumbered § 1604, Pub. L. 114–95, title I, § 1501(a)(5), Dec. 10, 2015, 129 Stat. 1906.)

PRIOR PROVISIONS

A prior section 1604 of Pub. L. 89–10 was classified to section 6514 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 1604 of Pub. L. 89–10 was classified to section 6514 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

§ 6576. Rule of construction on equalized spending

Nothing in this subchapter shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

(Pub. L. 89–10, title I, § 1605, formerly § 1906, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1619; renumbered § 1605, Pub. L. 114–95, title I, § 1501(a)(5), Dec. 10, 2015, 129 Stat. 1906.)

PRIOR PROVISIONS

A prior section 1605 of Pub. L. 89–10 was classified to section 6515 of this title, prior to repeal by Pub. L. 114–95.

§§ 6577, 6578. Repealed. Pub. L. 114–95, title I, § 1501(a)(3), Dec. 10, 2015, 129 Stat. 1906

Section 6577, Pub. L. 89–10, title I, § 1907, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1619, related to State report on dropout data.

Section 6578, Pub. L. 89–10, title I, § 1908, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1620, related to issuance of regulations not later than 6 months after Jan. 8, 2002.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBCHAPTER II—PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS

PRIOR PROVISIONS

A prior title II of the Elementary and Secondary Education Act of 1965, comprising this subchapter, was

originally enacted as part of Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27, and subsequently revised, restated, and amended by other public laws. Title II as extensively revised by Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1620, related to preparing, training, and recruiting high quality teachers and principals, and was set out in this subchapter as having been added by Pub. L. 107–110. Except as provided below, title II of the Act was repealed by Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1913.

Subpart 5 of part C of prior title II of the Act, comprising subpart 5 (§ 6731 et seq.) of prior part C of this subchapter, was redesignated subpart 3 (§ 8551 et seq.) of part F of title VIII of the Act and transferred to subpart 3 (§ 7941 et seq.) of part F of subchapter VIII of this chapter by Pub. L. 114–95, title II, § 2001(a)(3)(A)–(C), title VIII, § 8001(a), (b)(1), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089.

Subpart 4 of part D of prior title II of the Act, comprising subpart 4 (§ 6777) of prior part D of this subchapter, was redesignated subpart 2 (§ 4121) of part A of title IV of the Act and transferred to subpart 2 (§ 7131) of part A of subchapter IV of this chapter by Pub. L. 114–95, title II, § 2001(a)(4)(A)–(C), title IV, § 4001(a)(5)(C), Dec. 10, 2015, 129 Stat. 1913, 1966.

§ 6601. Purpose

The purpose of this subchapter is to provide grants to State educational agencies and subgrants to local educational agencies to—

(1) increase student achievement consistent with the challenging State academic standards;

(2) improve the quality and effectiveness of teachers, principals, and other school leaders;

(3) increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and

(4) provide low-income and minority students greater access to effective teachers, principals, and other school leaders.

(Pub. L. 89–10, title II, § 2001, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1914.)

PRIOR PROVISIONS

A prior section 6601, Pub. L. 89–10, title II, § 2101, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1620, set forth purpose of part A of former subchapter II of this chapter, prior to repeal by Pub. L. 114–95, § 5, title II, § 2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Another prior section 6601, Pub. L. 89–10, title II, § 2001, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3612, set forth findings, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 2001 of Pub. L. 89–10 was classified to section 2981 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6602. Definitions

In this subchapter:

(1) School leader residency program

The term ''school leader residency program'' means a school-based principal or other school leader preparation program in which a prospective principal or other school leader—

(A) for 1 academic year, engages in sustained and rigorous clinical learning with substantial leadership responsibilities and an opportunity to practice and be evaluated in an authentic school setting; and

(B) during that academic year—

(i) participates in evidence-based coursework, to the extent the State (in consultation with local educational agencies in the State) determines that such evidence is reasonably available, that is integrated with the clinical residency experience; and

(ii) receives ongoing support from a mentor principal or other school leader, who is effective.

(2) State

The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(3) State authorizer

The term ''State authorizer'' means an entity designated by the Governor of a State to recognize teacher, principal, or other school leader preparation academies within the State that—

(A) enters into an agreement with a teacher, principal, or other school leader preparation academy that specifies the goals expected of the academy, as described in paragraph (4)(A)(i);

(B) may be a nonprofit organization, State educational agency, or other public entity, or consortium of such entities (including a consortium of States); and

(C) does not reauthorize a teacher, principal, or other school leader preparation academy if the academy fails to produce the minimum number or percentage of effective teachers or principals or other school leaders, respectively (as determined by the State), identified in the academy's authorizing agreement.

(4) Teacher, principal, or other school leader preparation academy

The term ''teacher, principal, or other school leader preparation academy'' means a public or other nonprofit entity, which may be an institution of higher education or an organization affiliated with an institution of higher education, that establishes an academy that will prepare teachers, principals, or other school leaders to serve in high-needs schools, and that—

(A) enters into an agreement with a State authorizer that specifies the goals expected of the academy, including—

(i) a requirement that prospective teachers, principals, or other school leaders who are enrolled in the academy receive a significant part of their training through clinical preparation that partners the prospective candidate with an effective teacher, principal, or other school leader, as determined by the State, respectively, with a demonstrated record of increasing student academic achievement, including for the

subgroups of students defined in section 6311(c)(2) of this title, while also receiving concurrent instruction from the academy in the content area (or areas) in which the prospective teacher, principal, or other school leader will become certified or licensed that links to the clinical preparation experience;

(ii) the number of effective teachers, principals, or other school leaders, respectively, who will demonstrate success in increasing student academic achievement that the academy will prepare; and

(iii) a requirement that the academy will award a certificate of completion (or degree, if the academy is, or is affiliated with, an institution of higher education) to a teacher only after the teacher demonstrates that the teacher is an effective teacher, as determined by the State, with a demonstrated record of increasing student academic achievement either as a student teacher or teacher-of-record on an alternative certificate, license, or credential;

(iv) a requirement that the academy will award a certificate of completion (or degree, if the academy is, or is affiliated with, an institution of higher education) to a principal or other school leader only after the principal or other school leader demonstrates a record of success in improving student performance; and

(v) timelines for producing cohorts of graduates and conferring certificates of completion (or degrees, if the academy is, or is affiliated with, an institution of higher education) from the academy;

(B) does not have unnecessary restrictions on the methods the academy will use to train prospective teacher, principal, or other school leader candidates, including—

(i) obligating (or prohibiting) the academy's faculty to hold advanced degrees or conduct academic research;

(ii) restrictions related to the academy's physical infrastructure;

(iii) restrictions related to the number of course credits required as part of the program of study;

(iv) restrictions related to the undergraduate coursework completed by teachers teaching or working on alternative certificates, licenses, or credentials, as long as such teachers have successfully passed all relevant State-approved content area examinations; or

(v) restrictions related to obtaining accreditation from an accrediting body for purposes of becoming an academy;

(C) limits admission to its program to prospective teacher, principal, or other school leader candidates who demonstrate strong potential to improve student academic achievement, based on a rigorous selection process that reviews a candidate's prior academic achievement or record of professional accomplishment; and

(D) results in a certificate of completion or degree that the State may, after reviewing the academy's results in producing effective teachers, or principals, or other school leaders, respectively (as determined by the State) recognize as at least the equivalent of a master's degree in education for the purposes of hiring, retention, compensation, and promotion in the State.

(5) Teacher residency program

The term ''teacher residency program'' means a school-based teacher preparation program in which a prospective teacher—

(A) for not less than 1 academic year, teaches alongside an effective teacher, as determined by the State or local educational agency, who is the teacher of record for the classroom;

(B) receives concurrent instruction during the year described in subparagraph (A)—

(i) through courses that may be taught by local educational agency personnel or by faculty of the teacher preparation program; and

(ii) in the teaching of the content area in which the teacher will become certified or licensed; and

(C) acquires effective teaching skills, as demonstrated through completion of a residency program, or other measure determined by the State, which may include a teacher performance assessment.

(Pub. L. 89–10, title II, § 2002, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1914.)

PRIOR PROVISIONS

A prior section 6602, Pub. L. 89–10, title II, § 2102, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1620, defined terms in part A of former subchapter II of this chapter, prior to repeal by Pub. L. 114–95, § 5, title II, § 2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Another prior section 6602, Pub. L. 89–10, title II, § 2002, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3613, set forth purposes of this subchapter, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 2002 of Pub. L. 89–10 was classified to section 2982 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6603. Authorization of appropriations

(a) Grants to States and local educational agencies

For the purpose of carrying out part A, there are authorized to be appropriated $2,295,830,000 for each of fiscal years 2017 through 2020.

(b) National activities

For the purpose of carrying out part B, there are authorized to be appropriated—

(1) $468,880,575 for each of fiscal years 2017 and 2018;

(2) $469,168,000 for fiscal year 2019; and

(3) $489,168,000 for fiscal year 2020.

(Pub. L. 89–10, title II, § 2003, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1916.)

PRIOR PROVISIONS

A prior section 6603, Pub. L. 89–10, title II, § 2103, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1621, related to authorizations of appropriations, prior to repeal by Pub. L. 114–95, § 5, title II, § 2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Another prior section 6603, Pub. L. 89–10, title II, § 2003, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3614; amended Pub. L. 105–277, div. A, § 101(f) [title VIII, § 101(b)(1)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–406, authorized appropriations and related to allocations of appropriations, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 2003 of Pub. L. 89–10 was classified to section 2983 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

PART A—SUPPORTING EFFECTIVE INSTRUCTION

§ 6611. Formula grants to States

(a) Reservation of funds

From the total amount appropriated under section 6603(a) of this title for a fiscal year, the Secretary shall reserve—

(1) one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this subchapter; and

(2) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.

(b) State allotments

(1) Hold harmless

(A) Fiscal years 2017 through 2022

For each of fiscal years 2017 through 2022, subject to paragraph (2) and subparagraph (C), from the funds appropriated under section 6603(a) of this title for a fiscal year that remain after the Secretary makes the reservations under subsection (a), the Secretary shall allot to each State an amount equal to the total amount that such State received for fiscal year 2001 under—

(i) section 2202(b) of this Act (as in effect on the day before January 8, 2002); and

(ii) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554).

(B) Ratable reduction

If the funds described in subparagraph (A) are insufficient to pay the full amounts that all States are eligible to receive under subparagraph (A) for any fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

(C) Percentage reduction

For each of fiscal years 2017 through 2022, the amount in subparagraph (A) shall be reduced by a percentage equal to the product of 14.29 percent and the number of years between the fiscal year for which the determination is being made and fiscal year 2016.

(2) Allotment of additional funds

(A) In general

Subject to subparagraph (B), for any fiscal year for which the funds appropriated under section 6603(a) of this title and not reserved under subsection (a) exceed the total amount required to make allotments under paragraph (1), the Secretary shall allot to each State the sum of—

(i) for fiscal year 2017—

(I) an amount that bears the same relationship to 35 percent of the excess amount as the number of individuals aged 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(II) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals aged 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined;

(ii) for fiscal year 2018—

(I) an amount that bears the same relationship to 30 percent of the excess amount as the number of individuals aged 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(II) an amount that bears the same relationship to 70 percent of the excess amount as the number of individuals aged 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined;

(iii) for fiscal year 2019—

(I) an amount that bears the same relationship to 25 percent of the excess amount as the number of individuals aged 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(II) an amount that bears the same relationship to 75 percent of the excess amount as the number of individuals

aged 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(iv) for fiscal year 2020—

(I) an amount that bears the same relationship to 20 percent of the excess amount as the number of individuals aged 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(II) an amount that bears the same relationship to 80 percent of the excess amount as the number of individuals aged 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

(B) Exception

No State receiving an allotment under subparagraph (A) may receive less than one-half of 1 percent of the total excess amount allotted under such subparagraph for a fiscal year.

(3) Fiscal year 2021 and succeeding fiscal years

For fiscal year 2021 and each of the succeeding fiscal years—

(A) the Secretary shall allot funds appropriated under section 6603(a) of this title and not reserved under subsection (a) to each State in accordance with paragraph (2)(A)(iv); and

(B) the amount appropriated but not reserved shall be treated as the excess amount.

(4) Reallotment

If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallot the amount of the allotment to the remaining States in accordance with this subsection.

(c) State uses of funds

(1) In general

Except as provided under paragraph (3), each State that receives an allotment under subsection (b) for a fiscal year shall reserve not less than 95 percent of such allotment to make subgrants to local educational agencies for such fiscal year, as described in section 6612 of this title.

(2) State administration

A State educational agency may use not more than 1 percent of the amount allotted to such State under subsection (b) for the administrative costs of carrying out such State educational agency's responsibilities under this part.

(3) Principals or other school leaders

Notwithstanding paragraph (1) and in addition to funds otherwise available for activities under paragraph (4), a State educational agency may reserve not more than 3 percent of the amount reserved for subgrants to local educational agencies under paragraph (1) for one or more of the activities for principals or other school leaders that are described in paragraph (4).

(4) State activities

(A) In general

The State educational agency for a State that receives an allotment under subsection (b) may use funds not reserved under paragraph (1) to carry out 1 or more of the activities described in subparagraph (B), which may be implemented in conjunction with a State agency of higher education (if such agencies are separate) and carried out through a grant or contract with a for-profit or nonprofit entity, including an institution of higher education.

(B) Types of State activities

The activities described in this subparagraph are the following:

(i) Reforming teacher, principal, or other school leader certification, recertification, licensing, or tenure systems or preparation program standards and approval processes to ensure that—

(I) teachers have the necessary subject-matter knowledge and teaching skills, as demonstrated through measures determined by the State, which may include teacher performance assessments, in the academic subjects that the teachers teach to help students meet challenging State academic standards;

(II) principals or other school leaders have the instructional leadership skills to help teachers teach and to help students meet such challenging State academic standards; and

(III) teacher certification or licensing requirements are aligned with such challenging State academic standards.

(ii) Developing, improving, or providing assistance to local educational agencies to support the design and implementation of teacher, principal, or other school leader evaluation and support systems that are based in part on evidence of student academic achievement, which may include student growth, and shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, or other school leaders, such as by—

(I) developing and disseminating high-quality evaluation tools, such as classroom observation rubrics, and methods, including training and auditing, for ensuring inter-rater reliability of evaluation results;

(II) developing and providing training to principals, other school leaders, coaches, mentors, and evaluators on how to accurately differentiate performance, provide useful and timely feedback, and use evaluation results to inform decisionmaking about professional develop-

ment, improvement strategies, and personnel decisions; and

(III) developing a system for auditing the quality of evaluation and support systems.

(iii) Improving equitable access to effective teachers.

(iv) Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers (especially for teachers of children with disabilities, English learners, science, technology, engineering, mathematics, or other areas where the State experiences a shortage of educators), principals, or other school leaders, for—

(I) individuals with a baccalaureate or master's degree, or other advanced degree;

(II) mid-career professionals from other occupations;

(III) paraprofessionals;

(IV) former military personnel; and

(V) recent graduates of institutions of higher education with records of academic distinction who demonstrate the potential to become effective teachers, principals, or other school leaders.

(v) Developing, improving, and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining teachers, principals, or other school leaders who are effective in improving student academic achievement, including effective teachers from underrepresented minority groups and teachers with disabilities, such as through—

(I) opportunities for effective teachers to lead evidence-based (to the extent the State determines that such evidence is reasonably available) professional development for the peers of such effective teachers; and

(II) providing training and support for teacher leaders and principals or other school leaders who are recruited as part of instructional leadership teams.

(vi) Fulfilling the State educational agency's responsibilities concerning proper and efficient administration and monitoring of the programs carried out under this part, including provision of technical assistance to local educational agencies.

(vii) Developing, or assisting local educational agencies in developing—

(I) career opportunities and advancement initiatives that promote professional growth and emphasize multiple career paths, such as instructional coaching and mentoring (including hybrid roles that allow instructional coaching and mentoring while remaining in the classroom), school leadership, and involvement with school improvement and support;

(II) strategies that provide differential pay, or other incentives, to recruit and retain teachers in high-need academic subjects and teachers, principals, or other school leaders, in low-income schools and school districts, which may include performance-based pay systems; and

(III) new teacher, principal, or other school leader induction and mentoring programs that are, to the extent the State determines that such evidence is reasonably available, evidence-based, and designed to—

(aa) improve classroom instruction and student learning and achievement, including through improving school leadership programs; and

(bb) increase the retention of effective teachers, principals, or other school leaders.

(viii) Providing assistance to local educational agencies for the development and implementation of high-quality professional development programs for principals that enable the principals to be effective and prepare all students to meet the challenging State academic standards.

(ix) Supporting efforts to train teachers, principals, or other school leaders to effectively integrate technology into curricula and instruction, which may include training to assist teachers in implementing blended learning (as defined in section 7112(1) of this title) projects.

(x) Providing training, technical assistance, and capacity-building to local educational agencies that receive a subgrant under this part.

(xi) Reforming or improving teacher, principal, or other school leader preparation programs, such as through establishing teacher residency programs and school leader residency programs.

(xii) Establishing or expanding teacher, principal, or other school leader preparation academies, with an amount of the funds described in subparagraph (A) that is not more than 2 percent of the State's allotment, if—

(I) allowable under State law;

(II) the State enables candidates attending a teacher, principal, or other school leader preparation academy to be eligible for State financial aid to the same extent as participants in other State-approved teacher or principal preparation programs, including alternative certification, licensure, or credential programs; and

(III) the State enables teachers, principals, or other school leaders who are teaching or working while on alternative certificates, licenses, or credentials to teach or work in the State while enrolled in a teacher, principal, or other school leader preparation academy.

(xiii) Supporting the instructional services provided by effective school library programs.

(xiv) Developing, or assisting local educational agencies in developing, strategies that provide teachers, principals, or other school leaders with the skills, credentials,

or certifications needed to educate all students in postsecondary education coursework through early college high school or dual or concurrent enrollment programs.

(xv) Providing training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse.

(xvi) Supporting opportunities for principals, other school leaders, teachers, paraprofessionals, early childhood education program directors, and other early childhood education program providers to participate in joint efforts to address the transition to elementary school, including issues related to school readiness.

(xvii) Developing and providing professional development and other comprehensive systems of support for teachers, principals, or other school leaders to promote high-quality instruction and instructional leadership in science, technology, engineering, and mathematics subjects, including computer science.

(xviii) Supporting the professional development and improving the instructional strategies of teachers, principals, or other school leaders to integrate career and technical education content into academic instructional practices, which may include training on best practices to understand State and regional workforce needs and transitions to postsecondary education and the workforce.

(xix) Enabling States, as a consortium, to voluntarily develop a process that allows teachers who are licensed or certified in a participating State to teach in other participating States without completing additional licensure or certification requirements, except that nothing in this clause shall be construed to allow the Secretary to exercise any direction, supervision, or control over State teacher licensing or certification requirements.

(xx) Supporting and developing efforts to train teachers on the appropriate use of student data to ensure that individual student privacy is protected as required by section 1232g of this title (commonly known as the ''Family Educational Rights and Privacy Act of 1974'') and in accordance with State student privacy laws and local educational agency student privacy and technology use policies.

(xxi) Supporting other activities identified by the State that are, to the extent the State determines that such evidence is reasonably available, evidence-based and that meet the purpose of this subchapter.

(d) State application

(1) In general

In order to receive an allotment under this section for any fiscal year, a State shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

(2) Contents

Each application described under paragraph (1) shall include the following:

(A) A description of how the State educational agency will use funds received under this subchapter for State-level activities described in subsection (c).

(B) A description of the State's system of certification and licensing of teachers, principals, or other school leaders.

(C) A description of how activities under this part are aligned with challenging State academic standards.

(D) A description of how the activities carried out with funds under this part are expected to improve student achievement.

(E) If a State educational agency plans to use funds under this part to improve equitable access to effective teachers, consistent with section 6311(g)(1)(B) of this title, a description of how such funds will be used for such purpose.

(F) If applicable, a description of how the State educational agency will work with local educational agencies in the State to develop or implement State or local teacher, principal, or other school leader evaluation and support systems that meet the requirements of subsection (c)(4)(B)(ii).

(G) An assurance that the State educational agency will monitor the implementation of activities under this part and provide technical assistance to local educational agencies in carrying out such activities.

(H) An assurance that the State educational agency will work in consultation with the entity responsible for teacher, principal, or other school leader professional standards, certification, and licensing for the State, and encourage collaboration between educator preparation programs, the State, and local educational agencies to promote the readiness of new educators entering the profession.

(I) An assurance that the State educational agency will comply with section 7881 of this title (regarding participation by private school children and teachers).

(J) A description of how the State educational agency will improve the skills of teachers, principals, or other school leaders in order to enable them to identify students with specific learning needs, particularly children with disabilities, English learners, students who are gifted and talented, and students with low literacy levels, and provide instruction based on the needs of such students.

(K) A description of how the State will use data and ongoing consultation as described in paragraph (3) to continually update and improve the activities supported under this part.

(L) A description of how the State educational agency will encourage opportunities for increased autonomy and flexibility for teachers, principals, or other school leaders, such as by establishing innovation schools that have a high degree of autonomy over budget and operations, are transparent

and accountable to the public, and lead to improved academic outcomes for students.

(M) A description of actions the State may take to improve preparation programs and strengthen support for teachers, principals, or other school leaders based on the needs of the State, as identified by the State educational agency.

(3) Consultation

In developing the State application under this subsection, a State shall—

(A) meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a State that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this subchapter;

(B) seek advice from the individuals, organizations, or partners described in subparagraph (A) regarding how best to improve the State's activities to meet the purpose of this subchapter; and

(C) coordinate the State's activities under this part with other related strategies, programs, and activities being conducted in the State.

(4) Limitation

Consultation required under paragraph (3) shall not interfere with the timely submission of the application required under this section.

(e) Prohibition

Nothing in this section shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control any of the following:

(1) The development, improvement, or implementation of elements of any teacher, principal, or other school leader evaluation system.

(2) Any State or local educational agency's definition of teacher, principal, or other school leader effectiveness.

(3) Any teacher, principal, or other school leader professional standards, certification, or licensing.

(Pub. L. 89–10, title II, § 2101, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1917.)

REFERENCES IN TEXT

Section 2202(b) of this Act (as in effect on the day before January 8, 2002), referred to in subsec. (b)(1)(A)(i), is section 2202(b) of Pub. L. 89–10, as added by Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3621, which was classified to section 6642(b) of this title prior to the general amendment of this subchapter by Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1620.

Section 306 of the Department of Education Appropriations Act, 2001, referred to in subsec. (b)(1)(A)(ii), is section 1(a)(1) [title III, § 306] of Pub. L. 106–554, Nov. 29, 1999, 114 Stat. 2763, 2763A–41, which is not classified to the Code.

PRIOR PROVISIONS

A prior section 6611, Pub. L. 89–10, title II, § 2111, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1621, related to allotments to States, prior to repeal by Pub. L. 114–95, § 5, title II, § 2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 2101 of Pub. L. 89–10 was classified to section 6601 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 2101 of Pub. L. 89–10 was classified to section 6621 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

Another prior section 2101 of Pub. L. 89–10 was classified to section 3001 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6612. Subgrants to local educational agencies

(a) Allocation of funds to local educational agencies

(1) In general

From funds reserved by a State under section 6611(c)(1) of this title for a fiscal year, the State, acting through the State educational agency, shall award subgrants to eligible local educational agencies from allocations described in paragraph (2).

(2) Allocation formula

From the funds described in paragraph (1), the State educational agency shall allocate to each of the eligible local educational agencies in the State for a fiscal year the sum of—

(A) an amount that bears the same relationship to 20 percent of such funds for such fiscal year as the number of individuals aged 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all eligible local educational agencies in the State, as so determined; and

(B) an amount that bears the same relationship to 80 percent of the funds for such fiscal year as the number of individuals aged 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the eligible local educational agencies in the State, as so determined.

(3) Rule of construction

Nothing in this section shall be construed to prohibit a consortium of local educational agencies that are designated with a locale code of 41, 42, or 43, or such local educational agencies designated with a locale code of 41, 42, or 43 that work in cooperation with an educational service agency, from voluntarily combining allocations received under this part for the collective use of funding by the consortium for activities under this section.

(b) Local applications

(1) In general

To be eligible to receive a subgrant under this section, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

(2) Contents of application

Each application submitted under paragraph (1) shall include the following:

(A) A description of the activities to be carried out by the local educational agency under this section and how these activities will be aligned with challenging State academic standards.

(B) A description of the local educational agency's systems of professional growth and improvement, such as induction for teachers, principals, or other school leaders and opportunities for building the capacity of teachers and opportunities to develop meaningful teacher leadership.

(C) A description of how the local educational agency will prioritize funds to schools served by the agency that are implementing comprehensive support and improvement activities and targeted support and improvement activities under section 6311(d) of this title and have the highest percentage of children counted under section 6333(c) of this title.

(D) A description of how the local educational agency will use data and ongoing consultation described in paragraph (3) to continually update and improve activities supported under this part.

(E) An assurance that the local educational agency will comply with section 7881 of this title (regarding participation by private school children and teachers).

(F) An assurance that the local educational agency will coordinate professional development activities authorized under this part with professional development activities provided through other Federal, State, and local programs.

(3) Consultation

In developing the application described in paragraph (2), a local educational agency shall—

(A) meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a local educational agency that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this subchapter;

(B) seek advice from the individuals and organizations described in subparagraph (A) regarding how best to improve the local educational agency's activities to meet the purpose of this subchapter; and

(C) coordinate the local educational agency's activities under this part with other related strategies, programs, and activities being conducted in the community.

(4) Limitation

Consultation required under paragraph (3) shall not interfere with the timely submission of the application required under this section.

(Pub. L. 89–10, title II, § 2102, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1925.)

PRIOR PROVISIONS

A prior section 6612, Pub. L. 89–10, title II, § 2112, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1623, related to State applications, prior to repeal by Pub. L. 114–95, § 5, title II, § 2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 2102 of Pub. L. 89–10 was classified to section 6602 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 2102 of Pub. L. 89–10 was classified to section 6622 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

Another prior section 2102 of Pub. L. 89–10 was classified to section 3002 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6613. Local uses of funds

(a) In general

A local educational agency that receives a subgrant under section 6612 of this title shall use the funds made available through the subgrant to develop, implement, and evaluate comprehensive programs and activities described in subsection (b), which may be carried out—

(1) through a grant or contract with a for-profit or nonprofit entity; or

(2) in partnership with an institution of higher education or an Indian tribe or tribal organization (as such terms are defined under section 450b of title 25).

(b) Types of activities

The programs and activities described in this subsection—

(1) shall be in accordance with the purpose of this subchapter;

(2) shall address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students; and

(3) may include, among other programs and activities—

(A) developing or improving a rigorous, transparent, and fair evaluation and support system for teachers, principals, or other school leaders that—

(i) is based in part on evidence of student achievement, which may include student growth; and

(ii) shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, or other school leaders;

(B) developing and implementing initiatives to assist in recruiting, hiring, and re-

taining effective teachers, particularly in low-income schools with high percentages of ineffective teachers and high percentages of students who do not meet the challenging State academic standards, to improve within-district equity in the distribution of teachers, consistent with section 6311(g)(1)(B) of this title, such as initiatives that provide—

(i) expert help in screening candidates and enabling early hiring;

(ii) differential and incentive pay for teachers, principals, or other school leaders in high-need academic subject areas and specialty areas, which may include performance-based pay systems;

(iii) teacher, paraprofessional, principal, or other school leader advancement and professional growth, and an emphasis on leadership opportunities, multiple career paths, and pay differentiation;

(iv) new teacher, principal, or other school leader induction and mentoring programs that are designed to—

(I) improve classroom instruction and student learning and achievement; and

(II) increase the retention of effective teachers, principals, or other school leaders;

(v) the development and provision of training for school leaders, coaches, mentors, and evaluators on how accurately to differentiate performance, provide useful feedback, and use evaluation results to inform decisionmaking about professional development, improvement strategies, and personnel decisions; and

(vi) a system for auditing the quality of evaluation and support systems;

(C) recruiting qualified individuals from other fields to become teachers, principals, or other school leaders, including mid-career professionals from other occupations, former military personnel, and recent graduates of institutions of higher education with records of academic distinction who demonstrate potential to become effective teachers, principals, or other school leaders;

(D) reducing class size to a level that is evidence-based, to the extent the State (in consultation with local educational agencies in the State) determines that such evidence is reasonably available, to improve student achievement through the recruiting and hiring of additional effective teachers;

(E) providing high-quality, personalized professional development that is evidence-based, to the extent the State (in consultation with local educational agencies in the State) determines that such evidence is reasonably available, for teachers, instructional leadership teams, principals, or other school leaders, that is focused on improving teaching and student learning and achievement, including supporting efforts to train teachers, principals, or other school leaders to—

(i) effectively integrate technology into curricula and instruction (including education about the harms of copyright piracy);

(ii) use data to improve student achievement and understand how to ensure individual student privacy is protected, as required under section 1232g of this title (commonly known as the ''Family Educational Rights and Privacy Act of 1974'') and State and local policies and laws in the use of such data;

(iii) effectively engage parents, families, and community partners, and coordinate services between school and community;

(iv) help all students develop the skills essential for learning readiness and academic success;

(v) develop policy with school, local educational agency, community, or State leaders; and

(vi) participate in opportunities for experiential learning through observation;

(F) developing programs and activities that increase the ability of teachers to effectively teach children with disabilities, including children with significant cognitive disabilities, and English learners, which may include the use of multi-tier systems of support and positive behavioral intervention and supports, so that such children with disabilities and English learners can meet the challenging State academic standards;

(G) providing programs and activities to increase—

(i) the knowledge base of teachers, principals, or other school leaders on instruction in the early grades and on strategies to measure whether young children are progressing; and

(ii) the ability of principals or other school leaders to support teachers, teacher leaders, early childhood educators, and other professionals to meet the needs of students through age 8, which may include providing joint professional learning and planning activities for school staff and educators in preschool programs that address the transition to elementary school;

(H) providing training, technical assistance, and capacity-building in local educational agencies to assist teachers, principals, or other school leaders with selecting and implementing formative assessments, designing classroom-based assessments, and using data from such assessments to improve instruction and student academic achievement, which may include providing additional time for teachers to review student data and respond, as appropriate;

(I) carrying out in-service training for school personnel in—

(i) the techniques and supports needed to help educators understand when and how to refer students affected by trauma, and children with, or at risk of, mental illness;

(ii) the use of referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community, where appropriate;

(iii) forming partnerships between school-based mental health programs and public or private mental health organizations; and

(iv) addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism;

(J) providing training to support the identification of students who are gifted and talented, including high-ability students who have not been formally identified for gifted education services, and implementing instructional practices that support the education of such students, such as—

(i) early entrance to kindergarten;

(ii) enrichment, acceleration, and curriculum compacting activities; and

(iii) dual or concurrent enrollment programs in secondary school and postsecondary education;

(K) supporting the instructional services provided by effective school library programs;

(L) providing training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse;

(M) developing and providing professional development and other comprehensive systems of support for teachers, principals, or other school leaders to promote high-quality instruction and instructional leadership in science, technology, engineering, and mathematics subjects, including computer science;

(N) developing feedback mechanisms to improve school working conditions, including through periodically and publicly reporting results of educator support and working conditions feedback;

(O) providing high-quality professional development for teachers, principals, or other school leaders on effective strategies to integrate rigorous academic content, career and technical education, and work-based learning (if appropriate), which may include providing common planning time, to help prepare students for postsecondary education and the workforce; and

(P) carrying out other activities that are evidence-based, to the extent the State (in consultation with local educational agencies in the State) determines that such evidence is reasonably available, and identified by the local educational agency that meet the purpose of this subchapter.

(Pub. L. 89–10, title II, § 2103, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1926.)

PRIOR PROVISIONS

A prior section 6613, Pub. L. 89–10, title II, § 2113, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1625, related to State use of funds, prior to repeal by Pub. L. 114–95, § 5, title II, § 2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 2103 of Pub. L. 89–10 was classified to section 6603 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 2103 of Pub. L. 89–10 was classified to section 6623 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

Another prior section 2103 of Pub. L. 89–10 was classified to section 3003 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6614. Reporting

(a) State report

Each State educational agency receiving funds under this part shall annually submit to the Secretary a report that provides—

(1) a description of how the State is using grant funds received under this part to meet the purpose of this subchapter, and how such chosen activities improved teacher, principal, or other school leader effectiveness, as determined by the State or local educational agency;

(2) if funds are used under this part to improve equitable access to teachers for low-income and minority students, consistent with section 6311(g)(1)(B) of this title, a description of how funds have been used to improve such access;

(3) for a State that implements a teacher, principal, or other school leader evaluation and support system, consistent with section 6611(c)(4)(B)(ii) of this title, using funds under this part, the evaluation results of teachers, principals, or other school leaders, except that such information shall not provide personally identifiable information on individual teachers, principals, or other school leaders; and

(4) where available, the annual retention rates of effective and ineffective teachers, principals, or other school leaders, using any methods or criteria the State has or develops under section 6311(g)(2)(A) of this title, except that nothing in this paragraph shall be construed to require any State educational agency or local educational agency to collect and report any data the State educational agency or local educational agency is not collecting or reporting as of the day before December 10, 2015.

(b) Local educational agency report

Each local educational agency receiving funds under this part shall submit to the State educational agency such information as the State requires, which shall include the information described in subsection (a) for the local educational agency.

(c) Availability

The reports and information provided under subsections (a) and (b) shall be made readily available to the public.

(d) Limitation

The reports and information provided under subsections (a) and (b) shall not reveal personally identifiable information about any individual.

(Pub. L. 89–10, title II, § 2104, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1930.)

PRIOR PROVISIONS

A prior section 2104 of Pub. L. 89–10 was classified to section 3004 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

PART B—NATIONAL ACTIVITIES

§ 6621. Reservations

From the amounts appropriated under section 6603(b) of this title for a fiscal year, the Secretary shall reserve—

(1) to carry out activities authorized under subpart 1—

(A) 49.1 percent for each of fiscal years 2017 through 2019; and

(B) 47 percent for fiscal year 2020;

(2) to carry out activities authorized under subpart 2—

(A) 34.1 percent for each of fiscal years 2017 through 2019; and

(B) 36.8 percent for fiscal year 2020;

(3) to carry out activities authorized under subpart 3, 1.4 percent for each of fiscal years 2017 through 2020; and

(4) to carry out activities authorized under subpart 4—

(A) 15.4 percent for each of fiscal years 2017 through 2019; and

(B) 14.8 percent for fiscal year 2020.

(Pub. L. 89–10, title II, § 2201, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1930.)

PRIOR PROVISIONS

Prior sections 6621 to 6623 were repealed by Pub. L. 114–95, § 5, title II, § 2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 6621, Pub. L. 89–10, title II, § 2121, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1627, related to allocations to local educational agencies.

Another prior section 6621, Pub. L. 89–10, title II, § 2101, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3614; amended Pub. L. 104–208, div. A, title I, § 101(e) [title VII, § 709(b)(3)(A)], Sept. 30, 1996, 110 Stat. 3009–233, 3009–313, authorized professional development program, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 2201 of Pub. L. 89–10 was classified to section 6661 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 2201 of Pub. L. 89–10 was classified to section 6641 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

Another prior section 2201 of Pub. L. 89–10 was classified to section 3011 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Section 6622, Pub. L. 89–10, title II, § 2122, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1628, related to local applications and needs assessment.

Another prior section 6622, Pub. L. 89–10, title II, § 2102, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3615, related to authorized professional development activities, prior to the general amendment of this subchapter by Pub. L. 107–110.

Section 6623, Pub. L. 89–10, title II, § 2123, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1630, related to local use of funds.

Another prior section 6623, Pub. L. 89–10, title II, § 2103, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3617, related to National Teacher Training Project, prior to the general amendment of this subchapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBPART 1—TEACHER AND SCHOOL LEADER INCENTIVE PROGRAM

§ 6631. Purposes; definitions

(a) Purposes

The purposes of this subpart are—

(1) to assist States, local educational agencies, and nonprofit organizations to develop, implement, improve, or expand comprehensive performance-based compensation systems or human capital management systems for teachers, principals, or other school leaders (especially for teachers, principals, or other school leaders in high-need schools) who raise student academic achievement and close the achievement gap between high- and low-performing students; and

(2) to study and review performance-based compensation systems or human capital management systems for teachers, principals, or other school leaders to evaluate the effectiveness, fairness, quality, consistency, and reliability of the systems.

(b) Definitions

In this subpart:

(1) Eligible entity

The term ''eligible entity'' means—

(A) a local educational agency, including a charter school that is a local educational agency, or a consortium of local educational agencies;

(B) a State educational agency or other State agency designated by the chief executive of a State to participate under this subpart;

(C) the Bureau of Indian Education; or

(D) a partnership consisting of—

(i) 1 or more agencies described in subparagraph (A), (B), or (C); and

(ii) at least 1 nonprofit or for-profit entity.

(2) High-need school

The term ''high-need school'' means a public elementary school or secondary school that is located in an area in which the percentage of students from families with incomes below the poverty line is 30 percent or more.

(3) Human capital management system

The term ''human capital management system'' means a system—

(A) by which a local educational agency makes and implements human capital decisions, such as decisions on preparation, recruitment, hiring, placement, retention, dismissal, compensation, professional development, tenure, and promotion; and

(B) that includes a performance-based compensation system.

(4) Performance-based compensation system

The term ''performance-based compensation system'' means a system of compensation for teachers, principals, or other school leaders—

(A) that differentiates levels of compensation based in part on measurable increases in student academic achievement; and

(B) which may include—

(i) differentiated levels of compensation, which may include bonus pay, on the basis of the employment responsibilities and success of effective teachers, principals, or other school leaders in hard-to-staff schools or high-need subject areas; and

(ii) recognition of the skills and knowledge of teachers, principals, or other school leaders as demonstrated through—

(I) successful fulfillment of additional responsibilities or job functions, such as teacher leadership roles; and

(II) evidence of professional achievement and mastery of content knowledge and superior teaching and leadership skills.

(Pub. L. 89–10, title II, § 2211, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1931.)

PRIOR PROVISIONS

A prior section 6631, Pub. L. 89–10, title II, § 2131, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1633, defined terms in subpart 3 of part A of former subchapter II of this chapter, prior to repeal by Pub. L. 114–95, § 5, title II, § 2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 2211 of Pub. L. 89–10 was classified to section 6651 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6632. Teacher and school leader incentive fund grants

(a) Grants authorized

From the amounts reserved by the Secretary under section 6621(1) of this title, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop, implement, improve, or expand performance-based compensation systems or human capital management systems, in schools served by the eligible entity.

(b) Duration of grants

(1) In general

A grant awarded under this subpart shall be for a period of not more than 3 years.

(2) Renewal

The Secretary may renew a grant awarded under this subpart for a period of not more than 2 years if the grantee demonstrates to the Secretary that the grantee is effectively using funds. Such renewal may include allowing the grantee to scale up or replicate the successful program.

(3) Limitation

A local educational agency may receive (whether individually or as part of a consortium or partnership) a grant under this subpart, as amended by the Every Student Succeeds Act,[1] only twice.

(c) Applications

An eligible entity desiring a grant under this subpart shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. The application shall include—

(1) a description of the performance-based compensation system or human capital management system that the eligible entity proposes to develop, implement, improve, or expand through the grant;

(2) a description of the most significant gaps or insufficiencies in student access to effective teachers, principals, or other school leaders in high-need schools, including gaps or inequities in how effective teachers, principals, or other school leaders are distributed across the local educational agency, as identified using factors such as data on school resources, staffing patterns, school environment, educator support systems, and other school-level factors;

(3) a description and evidence of the support and commitment from teachers, principals, or other school leaders, which may include charter school leaders, in the school (including organizations representing teachers, principals, or other school leaders), the community, and the local educational agency to the activities proposed under the grant;

(4) a description of how the eligible entity will develop and implement a fair, rigorous, valid, reliable, and objective process to evaluate teacher, principal, or other school leader performance under the system that is based in part on measures of student academic achievement, including the baseline performance against which evaluations of improved performance will be made;

(5) a description of the local educational agencies or schools to be served under the grant, including such student academic achievement, demographic, and socioeconomic information as the Secretary may request;

(6) a description of the effectiveness of teachers, principals, or other school leaders in the local educational agency and the schools to be served under the grant and the extent to which the system will increase the effectiveness of teachers, principals, or other school leaders in such schools;

(7) a description of how the eligible entity will use grant funds under this subpart in each year of the grant, including a timeline for implementation of such activities;

(8) a description of how the eligible entity will continue the activities assisted under the grant after the grant period ends;

(9) a description of the State, local, or other public or private funds that will be used to

[1] See References in Text note below.

supplement the grant, including funds under part A, and sustain the activities assisted under the grant after the end of the grant period;

(10) a description of—

(A) the rationale for the project;

(B) how the proposed activities are evidence-based; and

(C) if applicable, the prior experience of the eligible entity in developing and implementing such activities; and

(11) a description of how activities funded under this subpart will be evaluated, monitored, and publically reported.

(d) Award basis

(1) Priority

In awarding a grant under this subpart, the Secretary shall give priority to an eligible entity that concentrates the activities proposed to be assisted under the grant on teachers, principals, or other school leaders serving in high-need schools.

(2) Equitable distribution

To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this subpart, including the distribution of such grants between rural and urban areas.

(e) Use of funds

(1) In general

An eligible entity that receives a grant under this subpart shall use the grant funds to develop, implement, improve, or expand, in collaboration with teachers, principals, other school leaders, and members of the public, a performance-based compensation system or human capital management system consistent with this subpart.

(2) Authorized activities

Grant funds under this subpart may be used for one or more of the following:

(A) Developing or improving an evaluation and support system, including as part of a human capital management system as applicable, that—

(i) reflects clear and fair measures of teacher, principal, or other school leader performance, based in part on demonstrated improvement in student academic achievement; and

(ii) provides teachers, principals, or other school leaders with ongoing, differentiated, targeted, and personalized support and feedback for improvement, including professional development opportunities designed to increase effectiveness.

(B) Conducting outreach within a local educational agency or a State to gain input on how to construct an evaluation and support system described in subparagraph (A) and to develop support for the evaluation and support system, including by training appropriate personnel in how to observe and evaluate teachers, principals, or other school leaders.

(C) Providing principals or other school leaders with—

(i) balanced autonomy to make budgeting, scheduling, and other school-level decisions in a manner that meets the needs of the school without compromising the intent or essential components of the policies of the local educational agency or State; and

(ii) authority to make staffing decisions that meet the needs of the school, such as building an instructional leadership team that includes teacher leaders or offering opportunities for teams or pairs of effective teachers or candidates to teach or start teaching in high-need schools together.

(D) Implementing, as part of a comprehensive performance-based compensation system, a differentiated salary structure, which may include bonuses and stipends, to—

(i) teachers who—

(I) teach in—

(aa) high-need schools; or

(bb) high-need subjects;

(II) raise student academic achievement; or

(III) take on additional leadership responsibilities; or

(ii) principals or other school leaders who serve in high-need schools and raise student academic achievement in the schools.

(E) Improving the local educational agency's system and process for the recruitment, selection, placement, and retention of effective teachers, principals, or other school leaders in high-need schools, such as by improving local educational agency policies and procedures to ensure that high-need schools are competitive and timely in—

(i) attracting, hiring, and retaining effective educators;

(ii) offering bonuses or higher salaries to effective educators; or

(iii) establishing or strengthening school leader residency programs and teacher residency programs.

(F) Instituting career advancement opportunities characterized by increased responsibility and pay that reward and recognize effective teachers, principals, or other school leaders in high-need schools and enable them to expand their leadership and results, such as through teacher-led professional development, mentoring, coaching, hybrid roles, administrative duties, and career ladders.

(f) Matching requirement

Each eligible entity that receives a grant under this subpart shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in kind) to carry out the activities supported by the grant.

(g) Supplement, not supplant

Grant funds provided under this subpart shall be used to supplement, not supplant, other Federal or State funds available to carry out activities described in this subpart.

(Pub. L. 89–10, title II, § 2212, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1932.)

REFERENCES IN TEXT

This subpart, as amended by the Every Student Succeeds Act, referred to in subsec. (b)(3), probably means this subpart as enacted by Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1931.

PRIOR PROVISIONS

A prior section 6632, Pub. L. 89–10, title II, § 2132, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1633, related to subgrants to eligible partnerships, prior to repeal by Pub. L. 114–95, § 5, title II, § 2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6633. Reports

(a) Activities summary

Each eligible entity receiving a grant under this subpart shall provide to the Secretary a summary of the activities assisted under the grant.

(b) Report

The Secretary shall provide to Congress an annual report on the implementation of the program carried out under this subpart, including—

(1) information on eligible entities that received grant funds under this subpart, including—

(A) information provided by eligible entities to the Secretary in the applications submitted under section 6632(c) of this title;

(B) the summaries received under subsection (a); and

(C) grant award amounts; and

(2) student academic achievement and, as applicable, growth data from the schools participating in the programs supported under the grant.

(c) Evaluation and technical assistance

(1) Reservation of funds

Of the total amount reserved for this subpart for a fiscal year, the Secretary may reserve for such fiscal year not more than 1 percent for the cost of the evaluation under paragraph (2) and for technical assistance in carrying out this subpart.

(2) Evaluation

From amounts reserved under paragraph (1), the Secretary, acting through the Director of the Institute of Education Sciences, shall carry out an independent evaluation to measure the effectiveness of the program assisted under this subpart.

(3) Contents

The evaluation under paragraph (2) shall measure—

(A) the effectiveness of the program in improving student academic achievement;

(B) the satisfaction of the participating teachers, principals, or other school leaders; and

(C) the extent to which the program assisted the eligible entities in recruiting and retaining high-quality teachers, principals, or other school leaders, especially in high-need subject areas.

(Pub. L. 89–10, title II, § 2213, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1935.)

PRIOR PROVISIONS

Prior sections 6633 and 6634 were repealed by Pub. L. 114–95, § 5, title II, § 2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 6633, Pub. L. 89–10, title II, § 2133, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1633, related to subgrant applications.

Section 6634, Pub. L. 89–10, title II, § 2134, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1633, related to use of funds.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBPART 2—LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION

§ 6641. Purposes; definitions

(a) Purposes

The purposes of this subpart are—

(1) to improve student academic achievement in reading and writing by providing Federal support to States to develop, revise, or update comprehensive literacy instruction plans that, when implemented, ensure high-quality instruction and effective strategies in reading and writing from early education through grade 12; and

(2) for States to provide targeted subgrants to early childhood education programs and local educational agencies and their public or private partners to implement evidence-based programs that ensure high-quality comprehensive literacy instruction for students most in need.

(b) Definitions

In this subpart:

(1) Comprehensive literacy instruction

The term ''comprehensive literacy instruction'' means instruction that—

(A) includes developmentally appropriate, contextually explicit, and systematic instruction, and frequent practice, in reading and writing across content areas;

(B) includes age-appropriate, explicit, systematic, and intentional instruction in phonological awareness, phonic decoding, vocabulary, language structure, reading fluency, and reading comprehension;

(C) includes age-appropriate, explicit instruction in writing, including opportunities for children to write with clear purposes, with critical reasoning appropriate to the topic and purpose, and with specific instruction and feedback from instructional staff;

(D) makes available and uses diverse, high-quality print materials that reflect the read-

ing and development levels, and interests, of children;

(E) uses differentiated instructional approaches, including individual and small group instruction and discussion;

(F) provides opportunities for children to use language with peers and adults in order to develop language skills, including developing vocabulary;

(G) includes frequent practice of reading and writing strategies;

(H) uses age-appropriate, valid, and reliable screening assessments, diagnostic assessments, formative assessment processes, and summative assessments to identify a child's learning needs, to inform instruction, and to monitor the child's progress and the effects of instruction;

(I) uses strategies to enhance children's motivation to read and write and children's engagement in self-directed learning;

(J) incorporates the principles of universal design for learning;

(K) depends on teachers' collaboration in planning, instruction, and assessing a child's progress and on continuous professional learning; and

(L) links literacy instruction to the challenging State academic standards, including the ability to navigate, understand, and write about, complex print and digital subject matter.

(2) Eligible entity

The term ''eligible entity'' means an entity that consists of—

(A) one or more local educational agencies that serve a high percentage of high-need schools and—

(i) have the highest number or proportion of children who are counted under section 6333(c) of this title, in comparison to other local educational agencies in the State;

(ii) are among the local educational agencies in the State with the highest number or percentages of children reading or writing below grade level, based on the most currently available State academic assessment data under section 6311(b)(2) of this title; or

(iii) serve a significant number or percentage of schools that are implementing comprehensive support and improvement activities and targeted support and improvement activities under section 6311(d) of this title;

(B) one or more early childhood education programs serving low-income or otherwise disadvantaged children, which may include home-based literacy programs for preschool-aged children, that have a demonstrated record of providing comprehensive literacy instruction for the age group such program proposes to serve; or

(C) a local educational agency, described in subparagraph (A), or consortium of such local educational agencies, or an early childhood education program, which may include home-based literacy programs for preschool-aged children, acting in partnership with 1 or more public or private nonprofit organizations or agencies (which may include early childhood education programs) that have a demonstrated record of effectiveness in—

(i) improving literacy achievement of children, consistent with the purposes of participation under this subpart, from birth through grade 12; and

(ii) providing professional development in comprehensive literacy instruction.

(3) High-need school

(A) In general

The term ''high-need school'' means—

(i) an elementary school or middle school in which not less than 50 percent of the enrolled students are children from low-income families; or

(ii) a high school in which not less than 40 percent of the enrolled students are children from low-income families, which may be calculated using comparable data from the schools that feed into the high school.

(B) Low-income family

For purposes of subparagraph (A), the term ''low-income family'' means a family—

(i) in which the children are eligible for a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(ii) receiving assistance under the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

(iii) in which the children are eligible to receive medical assistance under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(Pub. L. 89–10, title II, § 2221, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1936.)

REFERENCES IN TEXT

The Richard B. Russell National School Lunch Act, referred to in subsec. (b)(3)(B)(i), is act June 4, 1946, ch. 281, 60 Stat. 230, which is classified generally to chapter 13 (§ 1751 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of Title 42 and Tables.

The Social Security Act, referred to in subsec. (b)(3)(B)(ii), (iii), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Part A of title IV of the Act is classified generally to part A (§ 601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. Title XIX of the Act is classified generally to subchapter XIX (§ 1396 et seq.) of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 6641, Pub. L. 89–10, title II, § 2141, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1634, related to technical assistance and accountability, prior to repeal by Pub. L. 114–95, § 5, title II, § 2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Another prior section 6641, Pub. L. 89–10, title II, § 2201, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3621, authorized program for State and local professional development activities, prior to the general amendment of this subchapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6642. Comprehensive literacy State development grants

(a) Grants authorized

From the amounts reserved by the Secretary under section 6621(2) of this title and not reserved under subsection (b), the Secretary shall award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to—

(1) provide subgrants to eligible entities serving a diversity of geographic areas, giving priority to entities serving greater numbers or percentages of children from low-income families; and

(2) develop or enhance comprehensive literacy instruction plans that ensure high-quality instruction and effective strategies in reading and writing for children from early childhood education through grade 12, including English learners and children with disabilities.

(b) Reservation

From the amounts reserved to carry out this subpart for a fiscal year, the Secretary shall reserve—

(1) not more than a total of 5 percent for national activities, including a national evaluation, technical assistance and training, data collection, and reporting;

(2) one half of 1 percent for the Secretary of the Interior to carry out a program described in this subpart at schools operated or funded by the Bureau of Indian Education; and

(3) one half of 1 percent for the outlying areas to carry out a program under this subpart.

(c) Duration of grants

A grant awarded under this subpart shall be for a period of not more than 5 years total. Such grant may be renewed for an additional 2-year period upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that—

(1) the State has made adequate progress; and

(2) renewing the grant for an additional 2-year period is necessary to carry out the objectives of the grant described in subsection (d).

(d) State applications

(1) In general

A State educational agency desiring a grant under this subpart shall submit an application to the Secretary, at such time and in such manner as the Secretary may require. The State educational agency shall collaborate with the State agency responsible for administering early childhood education programs and the State agency responsible for administering child care programs in the State in writing and implementing the early childhood education portion of the grant application under this subsection.

(2) Contents

An application described in paragraph (1) shall include, at a minimum, the following:

(A) A needs assessment that analyzes literacy needs across the State and in high-need schools and local educational agencies that serve high-need schools, including identifying the most significant gaps in literacy proficiency and inequities in student access to effective teachers of literacy, considering each of the subgroups of students, as defined in section 6311(c)(2) of this title.

(B) A description of how the State educational agency, in collaboration with the State literacy team, if applicable, will develop a State comprehensive literacy instruction plan or will revise and update an already existing State comprehensive literacy instruction plan.

(C) An implementation plan that includes a description of how the State educational agency will carry out the State activities described in subsection (f).

(D) An assurance that the State educational agency will use implementation grant funds described in subsection (f)(1) for comprehensive literacy instruction programs as follows:

(i) Not less than 15 percent of such grant funds shall be used for State and local programs and activities pertaining to children from birth through kindergarten entry.

(ii) Not less than 40 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among the grades of kindergarten through grade 5.

(iii) Not less than 40 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among grades 6 through 12.

(E) An assurance that the State educational agency will give priority in awarding a subgrant under section 6643 of this title to an eligible entity that—

(i) serves children from birth through age 5 who are from families with income levels at or below 200 percent of the Federal poverty line; or

(ii) is a local educational agency serving a high number or percentage of high-need schools.

(e) Priority

In awarding grants under this section, the Secretary shall give priority to State educational agencies that will use the grant funds for evidence-based activities, defined for the purpose of this subsection as activities meeting the requirements of section 7801(21)(A)(i) of this title.

(f) State activities

(1) In general

A State educational agency receiving a grant under this section shall use not less than 95 percent of such grant funds to award subgrants to eligible entities, based on their needs assessment and a competitive application process.

(2) Reservation

A State educational agency receiving a grant under this section may reserve not more than 5 percent for activities identified through the needs assessment and comprehensive literacy plan described in subparagraphs (A) and (B) of subsection (d)(2), including the following activities:

(A) Providing technical assistance, or engaging qualified providers to provide technical assistance, to eligible entities to enable the eligible entities to design and implement literacy programs.

(B) Coordinating with institutions of higher education in the State to provide recommendations to strengthen and enhance preservice courses for students preparing to teach children from birth through grade 12 in explicit, systematic, and intensive instruction in evidence-based literacy methods.

(C) Reviewing and updating, in collaboration with teachers and institutions of higher education, State licensure or certification standards in the area of literacy instruction in early education through grade 12.

(D) Making publicly available, including on the State educational agency's website, information on promising instructional practices to improve child literacy achievement.

(E) Administering and monitoring the implementation of subgrants by eligible entities.

(3) Additional uses

After carrying out the activities described in paragraphs (1) and (2), a State educational agency may use any remaining amount to carry out 1 or more of the following activities:

(A) Developing literacy coach training programs and training literacy coaches.

(B) Administration and evaluation of activities carried out under this subpart.

(Pub. L. 89–10, title II, § 2222, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1938.)

PRIOR PROVISIONS

A prior section 6642, Pub. L. 89–10, title II, § 2202, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3621, related to allocation of funds for State and local professional development activities, prior to its omission in the general amendment of this subchapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6643. Subgrants to eligible entities in support of birth through kindergarten entry literacy

(a) Subgrants

(1) In general

A State educational agency receiving a grant under this subpart shall, in consultation with the State agencies responsible for administering early childhood education programs and services, including the State agency responsible for administering child care programs, and, if applicable, the State Advisory Council on Early Childhood Education and Care designated or established pursuant to section 9837b(b)(1)(A)(i) of title 42, use a portion of the grant funds, in accordance with section 6642(d)(2)(D)(i) of this title, to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to support high-quality early literacy initiatives for children from birth through kindergarten entry.

(2) Duration

The term of a subgrant under this section shall be determined by the State educational agency awarding the subgrant and shall in no case exceed 5 years.

(3) Sufficient size and scope

Each subgrant awarded under this section shall be of sufficient size and scope to allow the eligible entity to carry out high-quality early literacy initiatives for children from birth through kindergarten entry.

(b) Local applications

An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency, at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include a description of—

(1) how the subgrant funds will be used to enhance the language and literacy development and school readiness of children, from birth through kindergarten entry, in early childhood education programs, which shall include an analysis of data that support the proposed use of subgrant funds;

(2) how the subgrant funds will be used to prepare and provide ongoing assistance to staff in the programs, including through high-quality professional development;

(3) how the activities assisted under the subgrant will be coordinated with comprehensive literacy instruction at the kindergarten through grade 12 levels; and

(4) how the subgrant funds will be used to evaluate the success of the activities assisted under the subgrant in enhancing the early language and literacy development of children from birth through kindergarten entry.

(c) Priority

In awarding grants under this section, the State educational agency shall give priority to an eligible entity that will use the grant funds to implement evidence-based activities, defined for the purpose of this subsection as activities meeting the requirements of section 7801(21)(A)(i) of this title.

(d) Local uses of funds

An eligible entity that receives a subgrant under this section shall use the subgrant funds, consistent with the entity's approved application under subsection (b), to—

(1) carry out high-quality professional development opportunities for early childhood educators, teachers, principals, other school leaders, paraprofessionals, specialized instruc-

tional support personnel, and instructional leaders;

(2) train providers and personnel to develop and administer evidence-based early childhood education literacy initiatives; and

(3) coordinate the involvement of families, early childhood education program staff, principals, other school leaders, specialized instructional support personnel (as appropriate), and teachers in literacy development of children served under the subgrant.

(Pub. L. 89–10, title II, § 2223, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1940.)

PRIOR PROVISIONS

A prior section 6643, Pub. L. 89–10, title II, § 2203, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3621, related to within-State allocations, prior to its omission in the general amendment of this subchapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6644. Subgrants to eligible entities in support of kindergarten through grade 12 literacy

(a) Subgrants to eligible entities

(1) Subgrants

A State educational agency receiving a grant under this subpart shall use a portion of the grant funds, in accordance with clauses (ii) and (iii) of section 6642(d)(2)(D) of this title, to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsections (c) and (d).

(2) Duration

The term of a subgrant under this section shall be determined by the State educational agency awarding the subgrant and shall in no case exceed 5 years.

(3) Sufficient size and scope

A State educational agency shall award subgrants under this section of sufficient size and scope to allow the eligible entities to carry out high-quality comprehensive literacy instruction in each grade level for which the subgrant funds are provided.

(4) Local applications

An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include, for each school that the eligible entity identifies as participating in a subgrant program under this section, the following information:

(A) A description of the eligible entity's needs assessment conducted to identify how subgrant funds will be used to inform and improve comprehensive literacy instruction at the school.

(B) How the school, the local educational agency, or a provider of high-quality professional development will provide ongoing high-quality professional development to all teachers, principals, other school leaders, specialized instructional support personnel (as appropriate), and other instructional leaders served by the school.

(C) How the school will identify children in need of literacy interventions or other support services.

(D) An explanation of how the school will integrate comprehensive literacy instruction into a well-rounded education.

(E) A description of how the school will coordinate comprehensive literacy instruction with early childhood education programs and activities and after-school programs and activities in the area served by the local educational agency.

(b) Priority

In awarding grants under this section, the State educational agency shall give priority to an eligible entity that will use funds under subsection (c) or (d) to implement evidence-based activities, defined for the purpose of this subsection as activities meeting the requirements of section 7801(21)(A)(i) of this title.

(c) Local uses of funds for kindergarten through grade 5

An eligible entity that receives a subgrant under this section shall use the subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 5:

(1) Developing and implementing a comprehensive literacy instruction plan across content areas for such children that—

(A) serves the needs of all children, including children with disabilities and English learners, especially children who are reading or writing below grade level;

(B) provides intensive, supplemental, accelerated, and explicit intervention and support in reading and writing for children whose literacy skills are below grade level; and

(C) supports activities that are provided primarily during the regular school day but that may be augmented by after-school and out-of-school time instruction.

(2) Providing high-quality professional development opportunities for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), principals, other school leaders, specialized instructional support personnel, school librarians, paraprofessionals, and other program staff.

(3) Training principals, specialized instructional support personnel, and other local educational agency personnel to support, develop, administer, and evaluate high-quality kindergarten through grade 5 literacy initiatives.

(4) Coordinating the involvement of early childhood education program staff, principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), special educators, school personnel, and specialized instructional support personnel (as appropriate) in the literacy development of children served under this subsection.

(5) Engaging families and encouraging family literacy experiences and practices to support literacy development.

(d) Local uses of funds for grades 6 through 12

An eligible entity that receives a subgrant under this section shall use subgrant funds to carry out the following activities pertaining to children in grades 6 through 12:

(1) Developing and implementing a comprehensive literacy instruction plan described in subsection (c)(1) for children in grades 6 through 12.

(2) Training principals, specialized instructional support personnel, school librarians, and other local educational agency personnel to support, develop, administer, and evaluate high-quality comprehensive literacy instruction initiatives for grades 6 through 12.

(3) Assessing the quality of adolescent comprehensive literacy instruction as part of a well-rounded education.

(4) Providing time for teachers to meet to plan evidence-based adolescent comprehensive literacy instruction to be delivered as part of a well-rounded education.

(5) Coordinating the involvement of principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), paraprofessionals, special educators, specialized instructional support personnel (as appropriate), and school personnel in the literacy development of children served under this subsection.

(e) Allowable uses

An eligible entity that receives a subgrant under this section may, in addition to carrying out the activities described in subsections (c) and (d), use subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 12:

(1) Recruiting, placing, training, and compensating literacy coaches.

(2) Connecting out-of-school learning opportunities to in-school learning in order to improve children's literacy achievement.

(3) Training families and caregivers to support the improvement of adolescent literacy.

(4) Providing for a multi-tier system of supports for literacy services.

(5) Forming a school literacy leadership team to help implement, assess, and identify necessary changes to the literacy initiatives in 1 or more schools to ensure success.

(6) Providing time for teachers (and other literacy staff, as appropriate, such as school librarians or specialized instructional support personnel) to meet to plan comprehensive literacy instruction.

(Pub. L. 89–10, title II, § 2224, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1941.)

PRIOR PROVISIONS

A prior section 6644, Pub. L. 89–10, title II, § 2204, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3622, related to consortium requirement, prior to its omission in the general amendment of this subchapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6645. National evaluation and information dissemination

(a) National evaluation

From funds reserved under section 6642(b)(1) of this title, the Director of the Institute of Education Sciences shall conduct a national evaluation of the grant and subgrant programs assisted under this subpart. Such evaluation shall include high-quality research that applies rigorous and systematic procedures to obtain valid knowledge relevant to the implementation and effect of the programs and shall directly coordinate with individual State evaluations of the programs' implementation and impact.

(b) Program improvement

The Secretary shall—

(1) provide the findings of the evaluation conducted under this section to State educational agencies and subgrant recipients for use in program improvement;

(2) make such findings publicly available, including on the websites of the Department and the Institute of Education Sciences;

(3) submit such findings to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives; and

(4) make publicly available, in a manner consistent with paragraph (2), best practices for implementing evidence-based activities under this subpart, including evidence-based activities, defined for the purpose of this paragraph as activities meeting the requirements of section 7801(21)(A)(i) of this title.

(Pub. L. 89–10, title II, § 2225, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1943.)

PRIOR PROVISIONS

A prior section 6645, Pub. L. 89–10, title II, § 2205, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3622; amended Pub. L. 104–208, div. A, title I, § 101(e) [title VII, § 709(b)(3)(A)], Sept. 30, 1996, 110 Stat. 3009–233, 3009–313, related to State applications, prior to its omission in the general amendment of this subchapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6646. Innovative approaches to literacy

(a) In general

From amounts reserved under section 6621(2) of this title, the Secretary may award grants, contracts, or cooperative agreements, on a competitive basis, to eligible entities for the purposes of promoting literacy programs that support the development of literacy skills in low-income communities, including—

(1) developing and enhancing effective school library programs, which may include providing professional development for school librar-

ians, books, and up-to-date materials to high-need schools;

(2) early literacy services, including pediatric literacy programs through which, during well-child visits, medical providers trained in research-based methods of early language and literacy promotion provide developmentally appropriate books and recommendations to parents to encourage them to read aloud to their children starting in infancy; and

(3) programs that provide high-quality books on a regular basis to children and adolescents from low-income communities to increase reading motivation, performance, and frequency.

(b) Definitions

In this section:

(1) Eligible entity

The term ''eligible entity'' means—

(A) a local educational agency in which 20 percent or more of the students served by the local educational agency are from families with an income below the poverty line;

(B) a consortium of such local educational agencies;

(C) the Bureau of Indian Education; or

(D) an eligible national nonprofit organization.

(2) Eligible national nonprofit organization

The term ''eligible national nonprofit organization'' means an organization of national scope that—

(A) is supported by staff, which may include volunteers, or affiliates at the State and local levels; and

(B) demonstrates effectiveness or high-quality plans for addressing childhood literacy activities for the population targeted by the grant.

(Pub. L. 89–10, title II, § 2226, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1944.)

PRIOR PROVISIONS

Prior sections 6646 to 6650 were omitted in the general amendment of this subchapter by Pub. L. 107–110.

Section 6646, Pub. L. 89–10, title II, § 2206, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3625; amended Pub. L. 105–277, div. A, § 101(f) [title VIII, § 101(b)(2)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–406, related to priority for professional development in mathematics and science.

Section 6647, Pub. L. 89–10, title II, § 2207, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3625, related to State-level activities.

Section 6648, Pub. L. 89–10, title II, § 2208, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3626; amended Pub. L. 104–208, div. A, title I, § 101(e) [title VII, § 709(b)(3)(A)], Sept. 30, 1996, 110 Stat. 3009–233, 3009–313, related to local plan and application for improving teaching and learning.

Section 6649, Pub. L. 89–10, title II, § 2209, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3628; amended Pub. L. 104–208, div. A, title I, § 101(e) [title VII, § 709(b)(3)(A)], Sept. 30, 1996, 110 Stat. 3009–233, 3009–313, related to local cost-sharing.

Section 6650, Pub. L. 89–10, title II, § 2210, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3629, related to local allocation of funds and allowable activities.

Prior section 6651, Pub. L. 89–10, title II, § 2151, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1635, related to national activities of demonstrated effectiveness, prior to repeal by Pub. L. 114–95, § 5, title II, § 2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Another prior section 6651, Pub. L. 89–10, title II, § 2211, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3632, related to higher education activities, prior to the general amendment of this subchapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBPART 3—AMERICAN HISTORY AND CIVICS EDUCATION

§ 6661. Program authorized

(a) In general

From the amount reserved by the Secretary under section 6621(3) of this title, the Secretary is authorized to carry out an American history and civics education program to improve—

(1) the quality of American history, civics, and government education by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights; and

(2) the quality of the teaching of American history, civics, and government in elementary schools and secondary schools, including the teaching of traditional American history.

(b) Funding allotment

Of the amount available under subsection (a) for a fiscal year, the Secretary—

(1) shall reserve not less than 26 percent for activities under section 6662 of this title; and

(2) may reserve not more than 74 percent for activities under section 6663 of this title.

(Pub. L. 89–10, title II, § 2231, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1945.)

PRIOR PROVISIONS

A prior section 6661, Pub. L. 89–10, title II, § 2201, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1642, set forth purpose of part B of former subchapter II of this chapter and defined terms, prior to repeal by Pub. L. 114–95, § 5, title II, § 2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Another prior section 6661, Pub. L. 89–10, title II, § 2251, as added Pub. L. 105–277, div. A, § 101(f) [title VIII, § 101(a)(2)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–391, set forth purposes of former part relating to reading and literacy grants, prior to the general amendment of this subchapter by Pub. L. 107–110.

Prior sections 6661a to 6661i were omitted in the general amendment of this subchapter by Pub. L. 107–110.

Section 6661a, Pub. L. 89–10, title II, § 2252, as added Pub. L. 105–277, div. A, § 101(f) [title VIII, § 101(a)(2)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–392; amended Pub. L. 106–554, § 1(a)(4) [div. B, title XVI, § 1606(b)(2)(A)], Dec. 21, 2000, 114 Stat. 2763, 2763A–335, defined terms for purposes of former part.

Section 6661b, Pub. L. 89–10, title II, § 2253, as added Pub. L. 105–277, div. A, § 101(f) [title VIII, § 101(a)(2)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–393, related to reading and literacy grants to State educational agencies.

Section 6661c, Pub. L. 89–10, title II, § 2254, as added Pub. L. 105–277, div. A, § 101(f) [title VIII, § 101(a)(2)],

Oct. 21, 1998, 112 Stat. 2681–337, 2681–397, related to use of amounts by State educational agencies.

Section 6661d, Pub. L. 89–10, title II, § 2255, as added Pub. L. 105–277, div. A, § 101(f) [title VIII, § 101(a)(2)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–397, related to local reading improvement subgrants.

Section 6661e, Pub. L. 89–10, title II, § 2256, as added Pub. L. 105–277, div. A, § 101(f) [title VIII, § 101(a)(2)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–401, related to tutorial assistance subgrants.

Section 6661f, Pub. L. 89–10, title II, § 2257, as added Pub. L. 105–277, div. A, § 101(f) [title VIII, § 101(a)(2)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–405, related to national evaluation of programs under former part.

Section 6661g, Pub. L. 89–10, title II, § 2258, as added Pub. L. 105–277, div. A, § 101(f) [title VIII, § 101(a)(2)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–405, related to information dissemination.

Section 6661h, Pub. L. 89–10, title II, § 2259, as added Pub. L. 105–277, div. A, § 101(f) [title VIII, § 101(a)(2)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–405, related to State evaluations and performance reports.

Section 6661i, Pub. L. 89–10, title II, § 2260, as added Pub. L. 105–277, div. A, § 101(f) [title VIII, § 101(a)(2)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–406; amended Pub. L. 106–554, § 1(a)(4) [div. B, title XVI, § 1606(b)(2)(B)], Dec. 21, 2000, 114 Stat. 2763, 2763A–335, related to authorization of appropriations, reservations from appropriations, and sunset.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6662. Presidential and Congressional Academies for American History and Civics

(a) In general

From the amounts reserved under section 6661(b)(1) of this title for a fiscal year, the Secretary shall award not more than 12 grants, on a competitive basis, to—

(1) eligible entities to establish Presidential Academies for the Teaching of American History and Civics (in this section referred to as the ''Presidential Academies'') in accordance with subsection (e); and

(2) eligible entities to establish Congressional Academies for Students of American History and Civics (in this section referred to as the ''Congressional Academies'') in accordance with subsection (f).

(b) Application

An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

(c) Eligible entity

The term ''eligible entity'' under this section means—

(1) an institution of higher education or nonprofit educational organization, museum, library, or research center with demonstrated expertise in historical methodology or the teaching of American history and civics; or

(2) a consortium of entities described in paragraph (1).

(d) Grant terms

Grants awarded to eligible entities under subsection (a) shall be for a term of not more than 5 years.

(e) Presidential Academies

(1) Use of funds

Each eligible entity that receives a grant under subsection (a)(1) shall use the grant funds to establish a Presidential Academy that offers a seminar or institute for teachers of American history and civics, which—

(A) provides intensive professional development opportunities for teachers of American history and civics to strengthen such teachers' knowledge of the subjects of American history and civics;

(B) is led by a team of primary scholars and core teachers who are accomplished in the field of American history and civics;

(C) is conducted during the summer or other appropriate time; and

(D) is of not less than 2 weeks and not more than 6 weeks in duration.

(2) Selection of teachers

Each year, each Presidential Academy shall select between 50 and 300 teachers of American history and civics from public or private elementary schools and secondary schools to attend the seminar or institute under paragraph (1).

(3) Teacher stipends

Each teacher selected to participate in a seminar or institute under this subsection shall be awarded a fixed stipend based on the length of the seminar or institute to ensure that such teacher does not incur personal costs associated with the teacher's participation in the seminar or institute.

(4) Priority

In awarding grants under subsection (a)(1), the Secretary shall give priority to eligible entities that coordinate or align their activities with the National Park Service National Centennial Parks initiative to develop innovative and comprehensive programs using the resources of the National Parks.

(f) Congressional Academies

(1) Use of funds

Each eligible entity that receives a grant under subsection (a)(2) shall use the grant funds to establish a Congressional Academy that offers a seminar or institute for outstanding students of American history and civics, which—

(A) broadens and deepens such students' understanding of American history and civics;

(B) is led by a team of primary scholars and core teachers who are accomplished in the field of American history and civics;

(C) is conducted during the summer or other appropriate time; and

(D) is of not less than 2 weeks and not more than 6 weeks in duration.

(2) Selection of students

(A) In general

Each year, each Congressional Academy shall select between 100 and 300 eligible students to attend the seminar or institute under paragraph (1).

(B) Eligible students

A student shall be eligible to attend a seminar or institute offered by a Congressional Academy under this subsection if the student—

(i) is recommended by the student's secondary school principal or other school leader to attend the seminar or institute; and

(ii) will be a secondary school junior or senior in the academic year following attendance at the seminar or institute.

(3) Student stipends

Each student selected to participate in a seminar or institute under this subsection shall be awarded a fixed stipend based on the length of the seminar or institute to ensure that such student does not incur personal costs associated with the student's participation in the seminar or institute.

(g) Matching funds

(1) In general

An eligible entity that receives funds under subsection (a) shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant.

(2) Waiver

The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity if the Secretary determines that applying the matching requirement would result in serious hardship or an inability to carry out the activities described in subsection (e) or (f).

(Pub. L. 89–10, title II, § 2232, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1945.)

PRIOR PROVISIONS

A prior section 6662, Pub. L. 89–10, title II, § 2202, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1644, related to grants for mathematics and science partnerships, prior to repeal by Pub. L. 114–95, § 5, title II, § 2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 2202 of Pub. L. 89–10 was classified to section 6642 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

Another prior section 2202 of Pub. L. 89–10 was classified to section 3012 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

AMERICAN HISTORY AND CIVICS EDUCATION

Pub. L. 108–474, Dec. 21, 2004, 118 Stat. 3898, as amended by Pub. L. 114–95, title IX, § 9215(j), Dec. 10, 2015, 129 Stat. 2168, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'American History and Civics Education Act of 2004'.

''SEC. 2. PRESIDENTIAL ACADEMIES FOR TEACHING OF AMERICAN HISTORY AND CIVICS; CONGRESSIONAL ACADEMIES FOR STUDENTS OF AMERICAN HISTORY AND CIVICS.

''(a) ESTABLISHMENT.—The Secretary of Education (referred to in this Act as the 'Secretary') may award not more than 12 grants, on a competitive basis—

''(1) to entities to establish Presidential Academies for Teaching of American History and Civics that may offer workshops for both veteran and new teachers of American history and civics; and

''(2) to entities to establish Congressional Academies for Students of American History and Civics.

''(b) APPLICATION.—An entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(c) DEMONSTRATED EXPERTISE.—The Secretary shall require that each entity, to be eligible to receive a grant under this section, demonstrate expertise in historical methodology or the teaching of history.

''(d) AVAILABLE FUNDS.—To carry out this section, the Secretary may use any funds appropriated for fiscal year 2005 or any subsequent fiscal year to carry out section 2232 of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6662].

''SEC. 3. NATIONAL HISTORY DAY PROGRAM.

''The Secretary may award grants to the National History Day Program for the purpose of continuing and expanding its activities to promote the study of history and improve instruction.''

[Pub. L. 114–95, title IX, § 9215(j), Dec. 10, 2015, 129 Stat. 2168, which directed amendment of section 2(d) of Pub. L. 108–474, set out above, by substituting ''to carry out section 2232 of the Elementary and Secondary Education Act of 1965'' for ''to carry out part D of title V of the Elementary and Secondary Education Act of 1965'', was executed by making the substitution for ''to carry out part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241 et seq.)'' to reflect the probable intent of Congress.]

§ 6663. National activities

(a) Purpose

The purpose of this section is to promote new and existing evidence-based strategies to encourage innovative American history, civics and government, and geography instruction, learning strategies, and professional development activities and programs for teachers, principals, or other school leaders, particularly such instruction, strategies, activities, and programs that benefit low-income students and underserved populations.

(b) In general

From the amounts reserved by the Secretary under section 6661(b)(2) of this title, the Secretary shall award grants, on a competitive basis, to eligible entities for the purposes of expanding, developing, implementing, evaluating, and disseminating for voluntary use, innovative, evidence-based approaches or professional development programs in American history, civics and government, and geography, which—

(1) shall—

(A) show potential to improve the quality of student achievement in, and teaching of, American history, civics and government, or geography, in elementary schools and secondary schools; and

(B) demonstrate innovation, scalability, accountability, and a focus on underserved populations; and

(2) may include—

(A) hands-on civic engagement activities for teachers and students; and

(B) programs that educate students about the history and principles of the Constitution of the United States, including the Bill of Rights.

(c) Program periods and diversity of projects

(1) In general

A grant awarded by the Secretary to an eligible entity under this section shall be for a period of not more than 3 years.

(2) Renewal

The Secretary may renew a grant awarded under this section for 1 additional 2-year period.

(3) Diversity of projects

In awarding grants under this section, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

(d) Applications

In order to receive a grant under this section, an eligible entity shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

(e) Eligible entity

In this section, the term ''eligible entity'' means an institution of higher education or other nonprofit or for-profit organization with demonstrated expertise in the development of evidence-based approaches with the potential to improve the quality of American history, civics and government, or geography learning and teaching.

(Pub. L. 89–10, title II, § 2233, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1947.)

PRIOR PROVISIONS

A prior section 6663, Pub. L. 89–10, title II, § 2203, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1647, authorized appropriations to carry out part B of former subchapter II of this chapter, prior to repeal by Pub. L. 114–95, § 5, title II, § 2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 2203 of Pub. L. 89–10 was classified to section 6643 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

Another prior section 2203 of Pub. L. 89–10 was classified to section 3013 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBPART 4—PROGRAMS OF NATIONAL SIGNIFICANCE

§ 6671. Funding allotment

From the funds reserved under section 6621(4) of this title, the Secretary—

(1) shall use not less than 74 percent to carry out activities under section 6672 of this title;

(2) shall use not less than 22 percent to carry out activities under section 6673 of this title;

(3) shall use not less than 2 percent to carry out activities under section 6674 of this title; and

(4) may reserve not more than 2 percent to carry out activities under section 6675 of this title.

(Pub. L. 89–10, title II, § 2241, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1948.)

PRIOR PROVISIONS

A prior section 6671, Pub. L. 89–10, title II, § 2301, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1648; amended Pub. L. 107–296, title XVII, § 1704(e)(8), Nov. 25, 2002, 116 Stat. 2315; Pub. L. 109–163, div. A, title V, § 515(g)(1), Jan. 6, 2006, 119 Stat. 3236, defined terms for division A of subpart 1 of part C of former subchapter II of this chapter, prior to repeal by Pub. L. 112–239, div. A, title V, § 541(d)(1), Jan. 2, 2013, 126 Stat. 1735.

Another prior section 6671, Pub. L. 89–10, title II, § 2301, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3633, set forth findings and purpose of former part relating to professional development demonstration project, prior to the general amendment of this subchapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6672. Supporting effective educator development

(a) In general

From the funds reserved by the Secretary under section 6671(1) of this title for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities for the purposes of—

(1) providing teachers, principals, or other school leaders from nontraditional preparation and certification routes or pathways to serve in traditionally underserved local educational agencies;

(2) providing evidence-based professional development activities that address literacy, numeracy, remedial, or other needs of local educational agencies and the students the agencies serve;

(3) providing teachers, principals, or other school leaders with professional development activities that enhance or enable the provision of postsecondary coursework through dual or concurrent enrollment programs and early college high school settings across a local educational agency;

(4) making freely available services and learning opportunities to local educational agencies, through partnerships and cooperative agreements or by making the services or opportunities publicly accessible through electronic means; or

(5) providing teachers, principals, or other school leaders with evidence-based professional enhancement activities, which may include activities that lead to an advanced credential.

(b) Program periods and diversity of projects

(1) In general

A grant awarded by the Secretary to an eligible entity under this section shall be for a period of not more than 3 years.

(2) Renewal

The Secretary may renew a grant awarded under this section for 1 additional 2-year period.

(3) Diversity of projects

In awarding grants under this section, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

(4) Limitation

The Secretary shall not award more than 1 grant under this section to an eligible entity during a grant competition.

(c) Cost-sharing

(1) In general

An eligible entity that receives a grant under this section shall provide, from non-Federal sources, not less than 25 percent of the funds for the total cost for each year of activities carried out under this section.

(2) Acceptable contributions

An eligible entity that receives a grant under this section may meet the requirement of paragraph (1) by providing contributions in cash or in kind, fairly evaluated, including plant, equipment, and services.

(3) Waivers

The Secretary may waive or modify the requirement of paragraph (1) in cases of demonstrated financial hardship.

(d) Applications

In order to receive a grant under this section, an eligible entity shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Such application shall include, at a minimum, a certification that the services provided by an eligible entity under the grant to a local educational agency or to a school served by the local educational agency will not result in direct fees for participating students or parents.

(e) Priority

In awarding grants under this section, the Secretary shall give priority to an eligible entity that will implement evidence-based activities, defined for the purpose of this subsection as activities meeting the requirements of section 7801(21)(A)(i) of this title.

(f) Definition of eligible entity

In this section, the term ''eligible entity'' means—

(1) an institution of higher education that provides course materials or resources that are evidence-based in increasing academic achievement, graduation rates, or rates of postsecondary education matriculation;

(2) a national nonprofit entity with a demonstrated record of raising student academic achievement, graduation rates, and rates of higher education attendance, matriculation, or completion, or of effectiveness in providing preparation and professional development activities and programs for teachers, principals, or other school leaders;

(3) the Bureau of Indian Education; or

(4) a partnership consisting of—

(A) 1 or more entities described in paragraph (1) or (2); and

(B) a for-profit entity.

(Pub. L. 89–10, title II, § 2242, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1948.)

PRIOR PROVISIONS

A prior section 6672, Pub. L. 89–10, title II, § 2302, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1648, authorized funding and administration of the Troops-to-Teachers Program, prior to repeal by Pub. L. 112–239, div. A, title V, § 541(d)(1), Jan. 2, 2013, 126 Stat. 1735.

Another prior section 6672, Pub. L. 89–10, title II, § 2302, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3633, authorized professional development demonstration program, prior to the general amendment of this subchapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6673. School leader recruitment and support

(a) In general

From the funds reserved under section 6671(2) of this title for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to improve the recruitment, preparation, placement, support, and retention of effective principals or other school leaders in high-need schools, which may include—

(1) developing or implementing leadership training programs designed to prepare and support principals or other school leaders in high-need schools, including through new or alternative pathways or school leader residency programs;

(2) developing or implementing programs or activities for recruiting, selecting, and developing aspiring or current principals or other school leaders to serve in high-need schools;

(3) developing or implementing programs for recruiting, developing, and placing school leaders to improve schools implementing comprehensive support and improvement activities and targeted support and improvement activities under section 6311(d) of this title, including through cohort-based activities that build effective instructional and school leadership teams and develop a school culture, design, instructional program, and professional development program focused on improving student learning;

(4) providing continuous professional development for principals or other school leaders in high-need schools;

(5) developing and disseminating information on best practices and strategies for effective school leadership in high-need schools,

such as training and supporting principals to identify, develop, and maintain school leadership teams using various leadership models; and

(6) other evidence-based programs or activities described in section 6611(c)(4) of this title or section 6613(b)(3) of this title focused on principals or other school leaders in high-need schools.

(b) Program periods and diversity of projects

(1) In general

A grant awarded by the Secretary to an eligible entity under this section shall be for a period of not more than 5 years.

(2) Renewal

The Secretary may renew a grant awarded under this section for 1 additional 2-year period.

(3) Diversity of projects

In awarding grants under this section, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

(4) Limitation

The Secretary shall not award more than 1 grant under this section to an eligible entity during a grant competition.

(c) Cost-sharing

(1) In general

An eligible entity that receives a grant under this section shall provide, from non-Federal sources, not less than 25 percent of the funds for the total cost for each year of activities carried out under this section.

(2) Acceptable contributions

An eligible entity that receives a grant under this section may meet the requirement of paragraph (1) by providing contributions in cash or in kind, fairly evaluated, including plant, equipment, and services.

(3) Waivers

The Secretary may waive or modify the requirement of paragraph (1) in cases of demonstrated financial hardship.

(d) Applications

An eligible entity that desires a grant under this section shall submit to the Secretary an application at such time, and in such manner, as the Secretary may require.

(e) Priority

In awarding grants under this section, the Secretary shall give priority to an eligible entity—

(1) with a record of preparing or developing principals who—

(A) have improved school-level student outcomes;

(B) have become principals in high-need schools; and

(C) remain principals in high-need schools for multiple years; and

(2) who will implement evidence-based activities, defined for the purpose of this paragraph as activities meeting the requirements of section 7801(21)(A)(i) of this title.

(f) Definitions

In this section:

(1) Eligible entity

The term ''eligible entity'' means—

(A) a local educational agency, including an educational service agency, that serves a high-need school or a consortium of such agencies;

(B) a State educational agency or a consortium of such agencies;

(C) a State educational agency in partnership with 1 or more local educational agencies, or educational service agencies, that serve a high-need school;

(D) the Bureau of Indian Education; or

(E) an entity described in subparagraph (A), (B), (C), or (D) in partnership with 1 or more nonprofit organizations or institutions of higher education.

(2) High-need school

The term ''high-need school'' means—

(A) an elementary school in which not less than 50 percent of the enrolled students are from families with incomes below the poverty line; or

(B) a secondary school in which not less than 40 percent of the enrolled students are from families with incomes below the poverty line.

(Pub. L. 89–10, title II, § 2243, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1949.)

PRIOR PROVISIONS

A prior section 6673, Pub. L. 89–10, title II, § 2303, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1649, related to recruitment and selection of Troops-to-Teachers Program participants, prior to repeal by Pub. L. 112–239, div. A, title V, § 541(d)(1), Jan. 2, 2013, 126 Stat. 1735.

Another prior section 6673, Pub. L. 89–10, title II, § 2303, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3634, related to grants for the implementation of professional development programs, prior to the general amendment of this subchapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6674. Technical assistance and national evaluation

(a) In general

From the funds reserved under section 6671(3) of this title for a fiscal year, the Secretary—

(1) shall establish, in a manner consistent with section 9602 of this title, a comprehensive center on students at risk of not attaining full literacy skills due to a disability that meets the purposes of subsection (b); and

(2) may—

(A) provide technical assistance, which may be carried out directly or through grants or contracts, to States and local educational agencies carrying out activities under this part; and

(B) carry out evaluations of activities by States and local educational agencies under this part, which shall be conducted by a third party or by the Institute of Education Sciences.

(b) Purposes

The comprehensive center established by the Secretary under subsection (a)(1) shall—

(1) identify or develop free or low-cost evidence-based assessment tools for identifying students at risk of not attaining full literacy skills due to a disability, including dyslexia impacting reading or writing, or developmental delay impacting reading, writing, language processing, comprehension, or executive functioning;

(2) identify evidence-based literacy instruction, strategies, and accommodations, including assistive technology, designed to meet the specific needs of such students;

(3) provide families of such students with information to assist such students;

(4) identify or develop evidence-based professional development for teachers, paraprofessionals, principals, other school leaders, and specialized instructional support personnel to—

(A) understand early indicators of students at risk of not attaining full literacy skills due to a disability, including dyslexia impacting reading or writing, or developmental delay impacting reading, writing, language processing, comprehension, or executive functioning;

(B) use evidence-based screening assessments for early identification of such students beginning not later than kindergarten; and

(C) implement evidence-based instruction designed to meet the specific needs of such students; and

(5) disseminate the products of the comprehensive center to regionally diverse State educational agencies, local educational agencies, regional educational agencies, and schools, including, as appropriate, through partnerships with other comprehensive centers established under section 9602 of this title, and regional educational laboratories established under section 9564 of this title.

(Pub. L. 89–10, title II, § 2244, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1951.)

PRIOR PROVISIONS

A prior section 6674, Pub. L. 89–10, title II, § 2304, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1651, related to participation agreements with, and financial assistance for, Troops-to-Teachers Program participants, prior to repeal by Pub. L. 112–239, div. A, title V, § 541(d)(1), Jan. 2, 2013, 126 Stat. 1735.

Another prior section 6674, Pub. L. 89–10, title II, § 2304, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3634, related to plan for program to be assisted, prior to the general amendment of this subchapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6675. STEM master teacher corps

(a) In general

From the funds reserved under section 6671(4) of this title for a fiscal year, the Secretary may award grants to—

(1) State educational agencies to enable such agencies to support the development of a State-wide STEM master teacher corps; or

(2) State educational agencies, or nonprofit organizations in partnership with State educational agencies, to support the implementation, replication, or expansion of effective science, technology, engineering, and mathematics professional development programs in schools across the State through collaboration with school administrators, principals, and STEM educators.

(b) STEM master teacher corps

In this section, the term ''STEM master teacher corps'' means a State-led effort to elevate the status of the science, technology, engineering, and mathematics teaching profession by recognizing, rewarding, attracting, and retaining outstanding science, technology, engineering, and mathematics teachers, particularly in high-need and rural schools, by—

(1) selecting candidates to be master teachers in the corps on the basis of—

(A) content knowledge based on a screening examination; and

(B) pedagogical knowledge of and success in teaching;

(2) offering such teachers opportunities to—

(A) work with one another in scholarly communities; and

(B) participate in and lead high-quality professional development; and

(3) providing such teachers with additional appropriate and substantial compensation for the work described in paragraph (2) and in the master teacher community.

(Pub. L. 89–10, title II, § 2245, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1952.)

PRIOR PROVISIONS

Prior sections 6675 to 6677 were repealed by Pub. L. 112–239, div. A, title V, § 541(d)(1), Jan. 2, 2013, 126 Stat. 1735.

Section 6675, Pub. L. 89–10, title II, § 2305, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1654, related to participation by States in the Troops-to-Teachers Program.

Another prior section 6675, Pub. L. 89–10, title II, § 2305, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3635, related to technical assistance, prior to the general amendment of this subchapter by Pub. L. 107–110.

Section 6676, Pub. L. 89–10, title II, § 2306, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1654, related to support of innovative preretirement teacher certification programs.

Another prior section 6676, Pub. L. 89–10, title II, § 2306, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3635, related to matching funds from private sources, prior to the general amendment of this subchapter by Pub. L. 107–110.

Section 6677, Pub. L. 89–10, title II, § 2307, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1655; amended Pub. L. 107–296, title XVII, § 1704(e)(9), Nov. 25, 2002, 116 Stat. 2315, required a report not later than Mar. 31, 2006, on the effectiveness of the Troops-to-Teachers Program.

Prior sections 6681 to 6684 were repealed by Pub. L. 114–95, § 5, title II, § 2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 6681, Pub. L. 89–10, title II, § 2311, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1655, set forth purposes of division B of subpart 1 of part C of former subchapter II of this chapter.

Section 6682, Pub. L. 89–10, title II, § 2312, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1656, defined terms in division B of subpart 1 of part C of former subchapter II of this chapter.

Section 6683, Pub. L. 89–10, title II, § 2313, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1656, related to transition to teaching grant program.

Section 6684, Pub. L. 89–10, title II, § 2314, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1659, related to evaluation and accountability for recruiting and retaining teachers.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

PART C—GENERAL PROVISIONS

§ 6691. Supplement, not supplant

Funds made available under this subchapter shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subchapter.

(Pub. L. 89–10, title II, § 2301, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1953.)

PRIOR PROVISIONS

A prior section 6691, Pub. L. 89–10, title II, § 2321, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1660, authorized appropriations for subpart 1 of part C of former subchapter II of this chapter, prior to repeal by Pub. L. 114–95, § 5, title II, § 2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 2301 of Pub. L. 89–10 was classified to section 6671 of this title, prior to repeal by Pub. L. 112–239.

Another prior section 2301 of Pub. L. 89–10 was classified to section 6671 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6692. Rules of construction

(a) Prohibition against Federal mandates, direction, or control

Nothing in this subchapter shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's—

(1) instructional content or materials, curriculum, program of instruction, academic standards, or academic assessments;

(2) teacher, principal, or other school leader evaluation system;

(3) specific definition of teacher, principal, or other school leader effectiveness; or

(4) teacher, principal, or other school leader professional standards, certification, or licensing.

(b) School or district employees

Nothing in this subchapter shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

(Pub. L. 89–10, title II, § 2302, as added Pub. L. 114–95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1953.)

PRIOR PROVISIONS

A prior section 2302 of Pub. L. 89–10 was classified to section 6672 of this title, prior to repeal by Pub. L. 112–239.

Another prior section 2302 of Pub. L. 89–10 was classified to section 6672 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

Prior sections 6701, 6702, 6711 to 6716, 6721, and 6722 were repealed by Pub. L. 114–95, § 5, title II, § 2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 6701, Pub. L. 89–10, title II, § 2331, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1660, set forth purposes of subpart 2 of part C of former subchapter II of this chapter.

Another prior section 6701, Pub. L. 89–10, title II, § 2401, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3635; amended Pub. L. 105–277, div. A, § 101(f) [title VIII, § 101(b)(3)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–407, related to reporting and accountability, prior to the general amendment of this subchapter by Pub. L. 107–110.

Section 6702, Pub. L. 89–10, title II, § 2332, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1660, related to the National Writing Project.

Another prior section 6702, Pub. L. 89–10, title II, § 2402, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3635; amended Pub. L. 105–277, div. A, § 101(f) [title VIII, § 101(b)(4)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–407, defined terms used in this subchapter, prior to the general amendment of this subchapter by Pub. L. 107–110.

Section 6711, Pub. L. 89–10, title II, § 2341, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1662, provided that subpart 3 of part C of former subchapter II of this chapter could be cited as the ''Education for Democracy Act''.

Section 6712, Pub. L. 89–10, title II, § 2342, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1662, set forth purpose of subpart 3 of part C of former subchapter II of this chapter.

Section 6713, Pub. L. 89–10, title II, § 2343, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1662, related to authority to award grants or enter into contracts.

Section 6714, Pub. L. 89–10, title II, § 2344, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1663, related to We the People program.

Section 6715, Pub. L. 89–10, title II, § 2345, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1664, related to cooperative civic education and economic education exchange programs.

Section 6716, Pub. L. 89–10, title II, § 2346, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1666, authorized appropriations to carry out subpart 3 of part C of former subchapter II of this chapter.

Section 6721, Pub. L. 89–10, title II, § 2351, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1666, related to establishment of the Teaching American History Grant Program.

Section 6722, Pub. L. 89–10, title II, § 2352, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1667, authorized appropriations to carry out subpart 4 of part C of former subchapter II of this chapter.

A prior section 6731, Pub. L. 89–10, title II, § 2361, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1667, which set out short title of the Paul D. Coverdell Teacher Protection Act of 2001, was renumbered section 8551 of title VIII of Pub. L. 89–10 by Pub. L. 114–95, title II, § 2001(a)(3)(A), (B), (D), title VIII, § 8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089, and transferred to section 7941 of this title.

A prior section 6732, Pub. L. 89–10, title II, § 2362, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1667, which related to purpose, was renumbered section 8552 of title VIII of Pub. L. 89–10 by Pub. L. 114–95, title II, § 2001(a)(3)(A), (B), (D), title VIII, § 8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089, and transferred to section 7942 of this title.

A prior section 6733, Pub. L. 89–10, title II, § 2363, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1667, which related to definitions, was renumbered section 8553 of title VIII of Pub. L. 89–10 by Pub. L. 114–95, title II, § 2001(a)(3)(A), (B), (D), title VIII, § 8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089, and transferred to section 7943 of this title.

A prior section 6734, Pub. L. 89–10, title II, § 2364, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1668, which related to applicability, was renumbered section 8554 of title VIII of Pub. L. 89–10 by Pub. L. 114–95, title II, § 2001(a)(3)(A), (B), (D), title VIII, § 8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089, and transferred to section 7944 of this title.

A prior section 6735, Pub. L. 89–10, title II, § 2365, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1668, which related to preemption and election of State nonapplicability, was renumbered section 8555 of title VIII of Pub. L. 89–10 by Pub. L. 114–95, title II, § 2001(a)(3)(A), (B), (D), title VIII, § 8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089, and transferred to section 7945 of this title.

A prior section 6736, Pub. L. 89–10, title II, § 2366, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1668, which related to limitation on liability for teachers, was renumbered section 8556 of title VIII of Pub. L. 89–10 by Pub. L. 114–95, title II, § 2001(a)(3)(A), (B), (D), title VIII, § 8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089, and transferred to section 7946 of this title.

A prior section 6737, Pub. L. 89–10, title II, § 2367, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1670, which related to allocation of responsibility for noneconomic loss, was renumbered section 8557 of title VIII of Pub. L. 89–10 by Pub. L. 114–95, title II, § 2001(a)(3)(A), (B), (D), title VIII, § 8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089, and transferred to section 7947 of this title.

A prior section 6738, Pub. L. 89–10, title II, § 2368, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1670, which set out effective date, was renumbered section 8558 of title VIII of Pub. L. 89–10 by Pub. L. 114–95, title II, § 2001(a)(3)(A), (B), (D), title VIII, § 8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089, and transferred to section 7948 of this title.

Prior sections 6751 to 6754, 6761 to 6766, 6771, 6672, and 6775 were repealed by Pub. L. 114–95, § 5, title II, § 2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 6751, Pub. L. 89–10, title II, § 2401, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1671, provided that part D of former subchapter II of this chapter could be cited as the ''Enhancing Education Through Technology Act of 2001''.

A prior section 2401 of Pub. L. 89–10 was classified to section 6701 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

Section 6752, Pub. L. 89–10, title II, § 2402, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1671, set forth purposes and goals of part D of former subchapter II of this chapter.

A prior section 2402 of Pub. L. 89–10 was classified to section 6702 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

Section 6753, Pub. L. 89–10, title II, § 2403, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1672, defined terms.

Section 6754, Pub. L. 89–10, title II, § 2404, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1673, authorized appropriations.

Section 6761, Pub. L. 89–10, title II, § 2411, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1673, related to allotment and reallotment of funds.

Section 6762, Pub. L. 89–10, title II, § 2412, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1674, related to use of allotment by State.

Section 6763, Pub. L. 89–10, title II, § 2413, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1675, related to State applications.

Section 6764, Pub. L. 89–10, title II, § 2414, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1677, related to local applications.

Section 6765, Pub. L. 89–10, title II, § 2415, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1679, related to State activities.

Section 6766, Pub. L. 89–10, title II, § 2416, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1680, related to local activities.

Section 6771, Pub. L. 89–10, title II, § 2421, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1682, related to national activities.

Section 6772, Pub. L. 89–10, title II, § 2422, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1682, related to national education technology plan.

Section 6775, Pub. L. 89–10, title II, § 2431, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1683, related to Ready-to-Learn Television program.

A prior section 6777, Pub. L. 89–10, title II, § 2441, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1686, which related to Internet safety, was renumbered section 4121 of title IV of Pub. L. 89–10 by Pub. L. 114–95, title II, § 2001(a)(4)(A), (B), (D), title IV, § 4001(a)(5)(D), Dec. 10, 2015, 129 Stat. 1913, 1966, and transferred to section 7131 of this title.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBCHAPTER III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

CODIFICATION

Pub. L. 114–95, title III, § 3001(1), Dec. 10, 2015, 129 Stat. 1953, substituted ''ENGLISH LEARNERS'' for ''LIMITED ENGLISH PROFICIENT'' in subchapter heading.

Title III of the Elementary and Secondary Education Act of 1965, comprising this subchapter, was originally enacted as part of Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27, amended, and subsequently revised, restated, and amended by other public laws. Title III is shown, herein, as having been added by Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1689, without reference to earlier amendments because of the extensive revision of the title's provisions by Pub. L. 107–110. See Codification note preceding section 6301 of this title.

§ 6801. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter—

(1) $756,332,450 for fiscal year 2017;
(2) $769,568,267 for fiscal year 2018;
(3) $784,959,633 for fiscal year 2019; and
(4) $884,959,633 for fiscal year 2020.

(Pub. L. 89–10, title III, § 3001, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1689;

amended Pub. L. 114–95, title III, § 3002, Dec. 10, 2015, 129 Stat. 1953.)

PRIOR PROVISIONS

A prior section 6801, Pub. L. 89–10, title III, § 3101, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3636, set out Short Title of prior subchapter III as the Technology for Education Act of 1994, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 3001 of Pub. L. 89–10 was classified to section 3021 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (c) relating to authorizations of appropriations, conditions on effectiveness of parts A and B of this subchapter, and references to parts A and B of this subchapter.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

PART A—ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT, AND ACADEMIC ACHIEVEMENT ACT

§ 6811. Short title

This part may be cited as the ''English Language Acquisition, Language Enhancement, and Academic Achievement Act''.

(Pub. L. 89–10, title III, § 3101, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1690.)

PRIOR PROVISIONS

A prior section 6811, Pub. L. 89–10, title III, § 3111, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3637, set forth findings, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 3101 of Pub. L. 89–10 was classified to section 6801 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

§ 6812. Purposes

The purposes of this part are—

(1) to help ensure that English learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English;

(2) to assist all English learners, including immigrant children and youth, to achieve at high levels in academic subjects so that all English learners can meet the same challenging State academic standards that all children are expected to meet;

(3) to assist teachers (including preschool teachers), principals and other school leaders, State educational agencies, local educational agencies, and schools in establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth;

(4) to assist teachers (including preschool teachers), principals and other school leaders, State educational agencies, and local educational agencies to develop and enhance their capacity to provide effective instructional programs designed to prepare English learners, including immigrant children and youth, to enter all-English instructional settings; and

(5) to promote parental, family, and community participation in language instruction educational programs for the parents, families, and communities of English learners.

(Pub. L. 89–10, title III, § 3102, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1690; amended Pub. L. 114–95, title III, § 3003(a), Dec. 10, 2015, 129 Stat. 1954.)

PRIOR PROVISIONS

A prior section 6812, Pub. L. 89–10, title III, § 3112, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3638, set forth purpose of former part A of this subchapter, prior to the general amendment of this subchapter by Pub. L. 107–110.

Prior sections 6813 to 6815 were omitted in the general amendment of this subchapter by Pub. L. 107–110.

Section 6813, Pub. L. 89–10, title III, § 3113, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3639; amended Pub. L. 104–208, div. A, title I, § 101(e) [title VII, § 709(a)(1), (3)], Sept. 30, 1996, 110 Stat. 3009–233, 3009–312; Pub. L. 105–220, title II, § 251(b)(2)(D), Aug. 7, 1998, 112 Stat. 1080, defined terms for purposes of prior subchapter III.

Section 6814, Pub. L. 89–10, title III, § 3114, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3640, authorized appropriations and set forth funding rule.

Section 6815, Pub. L. 89–10, title III, § 3115, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3641, limited use of funds for administrative costs and technical assistance.

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section related to purposes of this part.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

SUBPART 1—GRANTS AND SUBGRANTS FOR ENGLISH LANGUAGE ACQUISITION AND LANGUAGE ENHANCEMENT

§ 6821. Formula grants to States

(a) In general

In the case of each State educational agency having a plan approved by the Secretary for a fiscal year under section 6823 of this title, the Secretary shall make a grant for the year to the agency for the purposes specified in subsection (b) of this section. The grant shall consist of the allotment determined for the State educational agency under subsection (c) of this section.

(b) Use of funds

(1) Subgrants to eligible entities

The Secretary may make a grant under subsection (a) of this section only if the State educational agency involved agrees to expend at least 95 percent of the State educational agency's allotment under subsection (c) of this section for a fiscal year—

(A) to award subgrants, from allocations under section 6824 of this title, to eligible entities to carry out the activities described in section 6825 of this title (other than subsection (e)); and

(B) to award subgrants under section 6824(d)(1) of this title to eligible entities that are described in that section to carry out the activities described in section 6825(e) of this title.

(2) State activities

Subject to paragraph (3), each State educational agency receiving a grant under subsection (a) of this section may reserve not more than 5 percent of the agency's allotment under subsection (c) of this section to carry out one or more of the following activities:

(A) Establishing and implementing, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, standardized statewide entrance and exit procedures, including a requirement that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State.

(B) Providing effective teacher and principal preparation, effective professional development activities, and other effective activities related to the education of English learners, which may include assisting teachers, principals, and other educators in—

(i) meeting State and local certification and licensing requirements for teaching English learners; and

(ii) improving teaching skills in meeting the diverse needs of English learners, including how to implement effective programs and curricula on teaching English learners.

(C) Planning, evaluation, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

(D) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including assistance in—

(i) identifying and implementing effective language instruction educational programs and curricula for teaching English learners;

(ii) helping English learners meet the same challenging State academic standards that all children are expected to meet;

(iii) identifying or developing, and implementing, measures of English proficiency; and

(iv) strengthening and increasing parent, family, and community engagement in programs that serve English learners.

(E) Providing recognition, which may include providing financial awards, to recipients of subgrants under section 6825 of this title that have significantly improved the achievement and progress of English learners in meeting—

(i) the State-designed long-term goals established under section 6311(c)(4)(A)(ii) of this title, including measurements of interim progress towards meeting such goals, based on the State's English language proficiency assessment under section 6311(b)(2)(G) of this title; and

(ii) the challenging State academic standards.

(3) Direct administrative expenses

From the amount reserved under paragraph (2), a State educational agency may use not more than 50 percent of such amount or $175,000, whichever is greater, for the planning and direct administrative costs of carrying out paragraphs (1) and (2).

(c) Reservations and allotments

(1) Reservations

From the amount appropriated under section 6801 of this title for each fiscal year, the Secretary shall reserve—

(A) 0.5 percent or $5,000,000 of such amount, whichever is greater, for payments to eligible entities that are defined under section 6822(a) of this title for activities, approved by the Secretary, consistent with this subpart;

(B) 0.5 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this subpart, as determined by the Secretary, for activities, approved by the Secretary, consistent with this subpart; and

(C) 6.5 percent of such amount for national activities under sections 6861 and 7013 of this title, except that not more than $2,000,000 of such amount may be reserved for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs described in section 7013 of this title.

(2) State allotments

(A) In general

Except as provided in subparagraph (B), from the amount appropriated under section 6801 of this title for each fiscal year that remains after making the reservations under paragraph (1), the Secretary shall allot to each State educational agency having a plan approved under section 6823(c) of this title—

(i) an amount that bears the same relationship to 80 percent of the remainder as the number of English learners in the State bears to the number of English learners in all States, as determined in accordance with paragraph (3)(A); and

(ii) an amount that bears the same relationship to 20 percent of the remainder as the number of immigrant children and youth in the State bears to the number of such children and youth in all States, as determined in accordance with paragraph (3)(B).

(B) Minimum allotments

No State educational agency shall receive an allotment under this paragraph that is less than $500,000.

(C) Reallotment

If any State educational agency described in subparagraph (A) does not submit a plan to the Secretary for a fiscal year, or submits a plan (or any amendment to a plan) that the Secretary, after reasonable notice and

opportunity for a hearing, determines does not satisfy the requirements of this subpart, the Secretary—

(i) shall endeavor to make the State's allotment available on a competitive basis to specially qualified agencies within the State to satisfy the requirements of section 6825 of this title (and any additional requirements that the Secretary may impose), consistent with the purposes of such section, and to carry out required and authorized activities under such section; and

(ii) shall reallot any portion of such allotment remaining after the application of clause (i) to the remaining State educational agencies in accordance with subparagraph (A).

(D) Special rule for Puerto Rico

The total amount allotted to Puerto Rico for any fiscal year under subparagraph (A) shall not exceed 0.5 percent of the total amount allotted to all States for that fiscal year.

(3) Use of data for determinations

In making State allotments under paragraph (2) for each fiscal year, the Secretary shall—

(A) determine the number of English learners in a State and in all States, using the most accurate, up-to-date data, which shall be—

(i) data available from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates;

(ii) the number of students being assessed for English language proficiency, based on the State's English language proficiency assessment under section 6311(b)(2)(G) of this title, which may be multiyear estimates; or

(iii) a combination of data available under clauses (i) and (ii); and

(B) determine the number of immigrant children and youth in the State and in all States based only on data available from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates.

(Pub. L. 89–10, title III, § 3111, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1691; amended Pub. L. 114–95, title III, § 3003(b), Dec. 10, 2015, 129 Stat. 1954.)

PRIOR PROVISIONS

A prior section 3111 of Pub. L. 89–10 was classified to section 6811 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (b)(2). Pub. L. 114–95, § 3003(b)(1)(A), added subpars. (A) to (E) and struck out former subpars. (A) to (D) which read as follows:

''(A) Professional development activities, and other activities, that assist personnel in meeting State and local certification and licensing requirements for teaching limited English proficient children.

''(B) Planning, evaluation, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

''(C) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including assistance in—

''(i) identifying and implementing language instruction educational programs and curricula that are based on scientifically based research on teaching limited English proficient children;

''(ii) helping limited English proficient children meet the same challenging State academic content and student academic achievement standards as all children are expected to meet;

''(iii) identifying or developing, and implementing, measures of English proficiency; and

''(iv) promoting parental and community participation in programs that serve limited English proficient children.

''(D) Providing recognition, which may include providing financial awards, to subgrantees that have exceeded their annual measurable achievement objectives pursuant to section 6842 of this title.''

Subsec. (b)(3). Pub. L. 114–95, § 3003(b)(1)(B), substituted ''Direct administrative'' for ''Administrative'' in heading and substituted ''50 percent'' for ''60 percent'' and inserted ''direct'' before ''administrative costs'' in text.

Subsec. (c)(1). Pub. L. 114–95, § 3003(b)(2)(A)(i), substituted ''section 6801'' for ''section 6801(a)'' in introductory provisions.

Subsec. (c)(1)(B). Pub. L. 114–95, § 3003(b)(2)(A)(ii), inserted ''and'' after semicolon at end.

Subsec. (c)(1)(C). Pub. L. 114–95, § 3003(b)(2)(A)(iii), added subpar. (C) and struck out former subpar. (C) which read as follows: ''6.5 percent of such amount for national activities under sections 6861 and 7013 of this title, except that not more than 0.5 percent of such amount shall be reserved for evaluation activities conducted by the Secretary and not more than $2,000,000 of such amount may be reserved for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs described in section 7013 of this title; and''.

Subsec. (c)(1)(D). Pub. L. 114–95, § 3003(b)(2)(A)(iv), struck out subpar. (D) which read as follows: ''such sums as may be necessary to make continuation awards under paragraph (2).''

Subsec. (c)(2). Pub. L. 114–95, § 3003(b)(2)(B), (C), redesignated par. (3) as (2) and struck out former par. (2) which related to continuation awards.

Subsec. (c)(2)(A). Pub. L. 114–95, § 3003(b)(2)(D)(i), substituted ''section 6801'' for ''section 6801(a)'' in introductory provisions.

Subsec. (c)(2)(A)(i). Pub. L. 114–95, § 3003(b)(2)(D)(ii), substituted ''English learners in the State bears to the number of English learners in all States, as determined in accordance with paragraph (3)(A); and'' for ''limited English proficient children in the State bears to the number of such children in all States; and''.

Subsec. (c)(2)(A)(ii). Pub. L. 114–95, § 3003(b)(2)(D)(iii), inserted '', as determined in accordance with paragraph (3)(B)'' before period at end.

Subsec. (c)(3). Pub. L. 114–95, § 3003(b)(2)(E), added par. (3). Former par. (3) redesignated (2).

Subsec. (c)(4). Pub. L. 114–95, § 3003(b)(2)(B), struck out par. (4) which related to use of data for determinations.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6822. Native American and Alaska Native children in school

(a) Eligible entities

For the purpose of carrying out programs under this part for individuals served by elementary schools, secondary schools, and postsecondary schools operated predominately for Native

American children (including Alaska Native children), the following shall be considered to be an eligible entity:

(1) An Indian tribe.

(2) A tribally sanctioned educational authority.

(3) A Native Hawaiian or Native American Pacific Islander native language educational organization.

(4) An elementary school or secondary school that is operated or funded by the Bureau of Indian Education, or a consortium of such schools.

(5) An elementary school or secondary school operated under a contract with or grant from the Bureau of Indian Education, in consortium with another such school or a tribal or community organization.

(6) An elementary school or secondary school operated by the Bureau of Indian Education and an institution of higher education, in consortium with an elementary school or secondary school operated under a contract with or grant from the Bureau of Indian Education or a tribal or community organization.

(b) Submission of applications for assistance

Notwithstanding any other provision of this part, an entity that is considered to be an eligible entity under subsection (a) of this section, and that desires to receive Federal financial assistance under this subpart, shall submit an application to the Secretary.

(c) Special rule

An eligible entity described in subsection (a) of this section that receives Federal financial assistance pursuant to this section shall not be eligible to receive a subgrant under section 6824 of this title.

(Pub. L. 89–10, title III, § 3112, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1694; amended Pub. L. 114–95, title III, § 3003(c), Dec. 10, 2015, 129 Stat. 1956.)

PRIOR PROVISIONS

A prior section 3112 of Pub. L. 89–10 was classified to section 6812 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a)(4) to (6). Pub. L. 114–95 substituted ''Bureau of Indian Education'' for ''Bureau of Indian Affairs'' wherever appearing.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6823. State and specially qualified agency plans

(a) Plan required

Each State educational agency and specially qualified agency desiring a grant under this subpart shall submit a plan to the Secretary at such time and in such manner as the Secretary may require.

(b) Contents

Each plan submitted under subsection (a) of this section shall—

(1) describe the process that the agency will use in awarding subgrants to eligible entities under section 6824(d)(1) of this title;

(2) describe how the agency will establish and implement, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, standardized, statewide entrance and exit procedures, including an assurance that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State;

(3) provide an assurance that—

(A) the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement in section 6311(b)(2)(B)(ix) of this title regarding assessment of English learners in English;

(B) the agency will ensure that eligible entities receiving a subgrant under this subpart annually assess the English proficiency of all English learners participating in a program funded under this subpart, consistent with section 6311(b)(2)(G) of this title;

(C) in awarding subgrants under section 6824 of this title, the agency will address the needs of school systems of all sizes and in all geographic areas, including school systems with rural and urban schools;

(D) subgrants to eligible entities under section 6824(d)(1) of this title will be of sufficient size and scope to allow such entities to carry out effective language instruction educational programs for English learners;

(E) the agency will require an eligible entity receiving a subgrant under this subpart to use the subgrant in ways that will build such recipient's capacity to continue to offer effective language instruction educational programs that assist English learners in meeting challenging State academic standards;

(F) the agency will monitor each eligible entity receiving a subgrant under this subpart for compliance with applicable Federal fiscal requirements; and

(G) the plan has been developed in consultation with local educational agencies, teachers, administrators of programs implemented under this subpart, parents of English learners, and other relevant stakeholders;

(4) describe how the agency will coordinate its programs and activities under this subpart with other programs and activities under this chapter and other Acts, as appropriate;

(5) describe how each eligible entity will be given the flexibility to teach English learners—

(A) using a high-quality, effective language instruction curriculum for teaching English learners; and

(B) in the manner the eligible entity determines to be the most effective;

(6) describe how the agency will assist eligible entities in meeting—

(A) the State-designed long-term goals established under section 6311(c)(4)(A)(ii) of this title, including measurements of interim progress towards meeting such goals,

based on the State's English language proficiency assessment under section 6311(b)(2)(G) of this title; and

(B) the challenging State academic standards;

(7) describe how the agency will meet the unique needs of children and youth in the State being served through the reservation of funds under section 6824(d) of this title; and

(8) describe—

(A) how the agency will monitor the progress of each eligible entity receiving a subgrant under this subpart in helping English learners achieve English proficiency; and

(B) the steps the agency will take to further assist eligible entities if the strategies funded under this subpart are not effective, such as providing technical assistance and modifying such strategies.

(c) Approval

The Secretary, after using a peer review process, shall approve a plan submitted under subsection (a) of this section if the plan meets the requirements of this section.

(d) Duration of plan

(1) In general

Each plan submitted by a State educational agency or specially qualified agency and approved under subsection (c) of this section shall—

(A) remain in effect for the duration of the agency's participation under this subpart; and

(B) be periodically reviewed and revised by the agency, as necessary, to reflect changes to the agency's strategies and programs carried out under this subpart.

(2) Additional information

(A) Amendments

If the State educational agency or specially qualified agency amends the plan, the agency shall submit such amendment to the Secretary.

(B) Approval

The Secretary shall approve such amendment to an approved plan, unless the Secretary determines that the amendment will result in the agency not meeting the requirements, or fulfilling the purposes, of this subpart.

(e) Consolidated plan

A plan submitted under subsection (a) of this section may be submitted as part of a consolidated plan under section 7842 of this title.

(f) Secretary assistance

The Secretary shall provide technical assistance, if requested by the State, in the development of English proficiency standards and assessments.

(Pub. L. 89–10, title III, § 3113, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1694; amended Pub. L. 114–95, title III, § 3003(d), Dec. 10, 2015, 129 Stat. 1956.)

PRIOR PROVISIONS

A prior section 3113 of Pub. L. 89–10 was classified to section 6813 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 3003(d)(1), substituted "and in such manner" for ", in such manner, and containing such information".

Subsec. (b)(1). Pub. L. 114–95, § 3003(d)(2)(A), substituted "awarding" for "making".

Subsec. (b)(2) to (8). Pub. L. 114–95, § 3003(d)(2)(B), added pars. (2) to (8) and struck out former pars. (2) to (6) which related to establishing standards and objectives for raising the level of English proficiency, assurances by the agency, coordination of programs and activities under this subpart with other programs and activities, accountability, and flexibility in teaching limited English proficient children, respectively.

Subsec. (d). Pub. L. 114–95, § 3003(d)(3), substituted "this subpart" for "this part" wherever appearing.

Subsec. (e). Pub. L. 114–95, § 3003(d)(4), made technical amendment to reference in original act which appears in text as reference to section 7842 of this title.

Subsec. (f). Pub. L. 114–95, § 3003(d)(5), inserted "by the State" after "if requested" and struck out ", objectives," after "proficiency standards".

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6824. Within-State allocations

(a) In general

After making the reservation required under subsection (d)(1), each State educational agency receiving a grant under section 6821(c)(2) of this title shall award subgrants for a fiscal year by allocating in a timely manner to each eligible entity in the State having a plan approved under section 6826 of this title an amount that bears the same relationship to the amount received under the grant and remaining after making such reservation as the population of English learners in schools served by the eligible entity bears to the population of English learners in schools served by all eligible entities in the State.

(b) Limitation

A State educational agency shall not award a subgrant from an allocation made under subsection (a) of this section if the amount of such subgrant would be less than $10,000.

(c) Reallocation

Whenever a State educational agency determines that an amount from an allocation made to an eligible entity under subsection (a) of this section for a fiscal year will not be used by the entity for the purpose for which the allocation was made, the agency shall, in accordance with such rules as it determines to be appropriate, reallocate such amount, consistent with such subsection, to other eligible entities in the State that the agency determines will use the amount to carry out that purpose.

(d) Required reservation

A State educational agency receiving a grant under this subpart for a fiscal year—

(1) shall reserve not more than 15 percent of the agency's allotment under section 6821(c)(2) of this title to award subgrants to eligible entities in the State that have experienced a significant increase, as compared to the average

of the 2 preceding fiscal years, in the percentage or number of immigrant children and youth, who have enrolled, during the fiscal year for which the subgrant is made, in public and nonpublic elementary schools and secondary schools in the geographic areas under the jurisdiction of, or served by, such entities; and

(2) in awarding subgrants under paragraph (1)—

(A) shall equally consider eligible entities that satisfy the requirement of such paragraph but have limited or no experience in serving immigrant children and youth; and

(B) shall consider the quality of each local plan under section 6826 of this title and ensure that each subgrant is of sufficient size and scope to meet the purposes of this part.

(Pub. L. 89–10, title III, § 3114, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1696; amended Pub. L. 114–95, title III, § 3003(e), Dec. 10, 2015, 129 Stat. 1958.)

PRIOR PROVISIONS

A prior section 3114 of Pub. L. 89–10 was classified to section 6814 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 3003(e)(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: ''After making the reservation required under subsection (d)(1) of this section, each State educational agency receiving a grant under section 6821(c)(3) of this title shall award subgrants for a fiscal year by allocating to each eligible entity in the State having a plan approved under section 6826 of this title an amount that bears the same relationship to the amount received under the grant and remaining after making such reservation as the population of limited English proficient children in schools served by the eligible entity bears to the population of limited English proficient children in schools served by all eligible entities in the State.''

Subsec. (d)(1). Pub. L. 114–95, § 3003(e)(2), substituted ''section 6821(c)(2)'' for ''section 6821(c)(3)'' and struck out ''preceding the fiscal year'' before ''for which the subgrant is made''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6825. Subgrants to eligible entities

(a) Purposes of subgrants

A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to improve the education of English learners by assisting the children to learn English and meet the challenging State academic standards. In carrying out activities with such funds, the eligible entity shall use effective approaches and methodologies for teaching English learners and immigrant children and youth for the following purposes:

(1) Developing and implementing new language instruction educational programs and academic content instructional programs for English learners and immigrant children and youth, including early childhood education programs, elementary school programs, and secondary school programs.

(2) Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instructional programs for English learners and immigrant children and youth.

(3) Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

(4) Implementing, within the entire jurisdiction of a local educational agency, agencywide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

(b) Direct administrative expenses

Each eligible entity receiving funds under section 6824(a) of this title for a fiscal year may use not more than 2 percent of such funds for the cost of administering this subpart.

(c) Required subgrantee activities

An eligible entity receiving funds under section 6824(a) of this title shall use the funds—

(1) to increase the English language proficiency of English learners by providing effective language instruction educational programs that meet the needs of English learners and demonstrate success in increasing—

(A) English language proficiency; and

(B) student academic achievement;

(2) to provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals and other school leaders, administrators, and other school or community-based organizational personnel, that is—

(A) designed to improve the instruction and assessment of English learners;

(B) designed to enhance the ability of such teachers, principals, and other school leaders to understand and implement curricula, assessment practices and measures, and instructional strategies for English learners;

(C) effective in increasing children's English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and

(D) of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the

teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate; and

(3) to provide and implement other effective activities and strategies that enhance or supplement language instruction educational programs for English learners, which—

(A) shall include parent, family, and community engagement activities; and

(B) may include strategies that serve to coordinate and align related programs.

(d) Authorized subgrantee activities

Subject to subsection (c), an eligible entity receiving funds under section 6824(a) of this title may use the funds to achieve any of the purposes described in subsection (a) by undertaking 1 or more of the following activities:

(1) Upgrading program objectives and effective instructional strategies.

(2) Improving the instructional program for English learners by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures.

(3) Providing to English learners—

(A) tutorials and academic or career and technical education; and

(B) intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators.

(4) Developing and implementing effective preschool, elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

(5) Improving the English language proficiency and academic achievement of English learners.

(6) Providing community participation programs, family literacy services, and parent and family outreach and training activities to English learners and their families—

(A) to improve the English language skills of English learners; and

(B) to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children.

(7) Improving the instruction of English learners, which may include English learners with a disability, by providing for—

(A) the acquisition or development of educational technology or instructional materials;

(B) access to, and participation in, electronic networks for materials, training, and communication; and

(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.

(8) Offering early college high school or dual or concurrent enrollment programs or courses designed to help English learners achieve success in postsecondary education.

(9) Carrying out other activities that are consistent with the purposes of this section.

(e) Activities by agencies experiencing substantial increases in immigrant children and youth

(1) In general

An eligible entity receiving funds under section 6824(d)(1) of this title shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

(A) family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children;

(B) recruitment of, and support for, personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

(D) identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with awarded funds;

(E) basic instructional services that are directly attributable to the presence of immigrant children and youth in the local educational agency involved, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services;

(F) other instructional services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.

(2) Duration of subgrants

The duration of a subgrant made by a State educational agency under section 6824(d)(1) of this title shall be determined by the agency in its discretion.

(f) Selection of method of instruction

(1) In general

To receive a subgrant from a State educational agency under this subpart, an eligible entity shall select one or more methods or forms of effective instruction to be used in the programs and activities undertaken by the entity to assist English learners to attain English language proficiency and meet challenging State academic standards.

(2) Consistency

The selection described in paragraph (1) shall be consistent with sections 6845 through 6847 of this title.

(g) Supplement, not supplant

Federal funds made available under this subpart shall be used so as to supplement the level

of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.

(Pub. L. 89–10, title III, § 3115, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1697; amended Pub. L. 114–95, title III, § 3003(f), Dec. 10, 2015, 129 Stat. 1958.)

PRIOR PROVISIONS

A prior section 3115 of Pub. L. 89–10 was classified to section 6815 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (g) relating to subgrants to eligible entities.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6826. Local plans

(a) Plan required

Each eligible entity desiring a subgrant from the State educational agency under section 6824 of this title shall submit a plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

(b) Contents

Each plan submitted under subsection (a) of this section shall—

(1) describe the effective programs and activities, including language instruction educational programs, proposed to be developed, implemented, and administered under the subgrant that will help English learners increase their English language proficiency and meet the challenging State academic standards;

(2) describe how the eligible entity will ensure that elementary schools and secondary schools receiving funds under this subpart assist English learners in—

(A) achieving English proficiency based on the State's English language proficiency assessment under section 6311(b)(2)(G) of this title, consistent with the State's long-term goals, as described in section 6311(c)(4)(A)(ii) of this title; and

(B) meeting the challenging State academic standards;

(3) describe how the eligible entity will promote parent, family, and community engagement in the education of English learners;

(4) contain assurances that—

(A) each local educational agency that is included in the eligible entity is complying with section 6312(e) of this title prior to, and throughout, each school year as of the date of application;

(B) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of English learners, consistent with sections 6846 and 6847 of this title;

(C) the eligible entity consulted with teachers, researchers, school administrators, parents and family members, community members, public or private entities, and institutions of higher education, in developing and implementing such plan; and

(D) the eligible entity will, if applicable, coordinate activities and share relevant data under the plan with local Head Start and Early Head Start agencies, including migrant and seasonal Head Start agencies, and other early childhood education providers.

(c) Teacher English fluency

Each eligible entity receiving a subgrant under section 6824 of this title shall include in its plan a certification that all teachers in any language instruction educational program for English learners that is, or will be, funded under this part are fluent in English and any other language used for instruction, including having written and oral communications skills.

(Pub. L. 89–10, title III, § 3116, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1700; amended Pub. L. 114–95, title III, § 3003(g), Dec. 10, 2015, 129 Stat. 1961.)

PRIOR PROVISIONS

Prior sections 6831 to 6833 were omitted in the general amendment of this subchapter by Pub. L. 107–110.

Section 6831, Pub. L. 89–10, title III, § 3121, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3641, related to national long-range technology plan.

Section 6832, Pub. L. 89–10, title III, § 3122, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3642, related to Federal leadership in promoting the use of technology in education.

Section 6833, Pub. L. 89–10, title III, § 3123, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3644, related to study, evaluation and report of funding alternatives.

AMENDMENTS

2015—Subsec. (b). Pub. L. 114–95, § 3003(g)(1), added pars. (1) to (4) and struck out former pars. (1) to (6) which set out required content of plans submitted under subsec. (a).

Subsec. (c). Pub. L. 114–95, § 3003(g)(2), substituted ''English learners'' for ''limited English proficient children''.

Subsec. (d). Pub. L. 114–95, § 3003(g)(3), struck out subsec. (d) which related to other requirements for approval.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

SUBPART 2—ACCOUNTABILITY AND ADMINISTRATION

§ 6841. Reporting

(a) In general

Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with a report, in a form

prescribed by the agency, on the activities conducted and children served under such subpart that includes—

(1) a description of the programs and activities conducted by the entity with funds received under subpart 1 during the 2 immediately preceding fiscal years, which shall include a description of how such programs and activities supplemented programs funded primarily with State or local funds;

(2) the number and percentage of English learners in the programs and activities who are making progress toward achieving English language proficiency, as described in section 6311(c)(4)(A)(ii) of this title, in the aggregate and disaggregated, at a minimum, by English learners with a disability;

(3) the number and percentage of English learners in the programs and activities attaining English language proficiency based on State English language proficiency standards established under section 6311(b)(1)(G)[1] of this title by the end of each school year, as determined by the State's English language proficiency assessment under section 6311(b)(2)(G) of this title;

(4) the number and percentage of English learners who exit the language instruction educational programs based on their attainment of English language proficiency;

(5) the number and percentage of English learners meeting challenging State academic standards for each of the 4 years after such children are no longer receiving services under this part, in the aggregate and disaggregated, at a minimum, by English learners with a disability;

(6) the number and percentage of English learners who have not attained English language proficiency within 5 years of initial classification as an English learner and first enrollment in the local educational agency; and

(7) any other information that the State educational agency may require.

(b) Use of report

A report provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency for improvement of programs and activities under this part.

(c) Special rule for specially qualified agencies

Each specially qualified agency receiving a grant under subpart 1 shall provide the reports described in subsection (a) to the Secretary subject to the same requirements as apply to eligible entities providing such evaluations to State educational agencies under such subsection.

(Pub. L. 89–10, title III, § 3121, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1701; amended Pub. L. 114–95, title III, § 3003(h), Dec. 10, 2015, 129 Stat. 1962.)

PRIOR PROVISIONS

A prior section 6841, Pub. L. 89–10, title III, § 3131, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3644, related to allotment and reallotment of funds, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 3121 of Pub. L. 89–10 was classified to section 6831 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (e) relating to evaluations.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6842. Repealed. Pub. L. 114–95, title III, § 3001(2)(A), Dec. 10, 2015, 129 Stat. 1953

Section, Pub. L. 89–10, title III, § 3122, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1702, related to achievement objectives and accountability.

A prior section 6842, Pub. L. 89–10, title III, § 3132, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3645, related to school technology resource grants, prior to the general amendment of this subchapter by Pub. L. 107–110.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6843. Biennial reports

(a) States

Based upon the reports provided to a State educational agency under section 6841 of this title, each such agency that receives a grant under this part shall prepare and submit every second year to the Secretary a report on programs and activities carried out by the State educational agency under this part and the effectiveness of such programs and activities in improving the education provided to English learners.

(b) Secretary

Every second year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

(1) on programs and activities carried out to serve English learners under this part, and the effectiveness of such programs and activities in improving the academic achievement and English proficiency of English learners;

(2) on the types of language instruction educational programs used by local educational agencies or eligible entities receiving funding under this part to teach English learners;

(3) containing a critical synthesis of data reported by eligible entities to States under section 6841(a) of this title;

(4) containing a description of technical assistance and other assistance provided by State educational agencies under section 6821(b)(2)(D) of this title;

(5) containing an estimate of the number of certified or licensed teachers working in language instruction educational programs and educating English learners, and an estimate of

[1] So in original. Probably should be "6311(b)(1)(F)".

the number of such teachers that will be needed for the succeeding 5 fiscal years;

(6) containing the findings of the most recent evaluation related to English learners carried out under section 7981 of this title;

(7) containing the number of programs or activities, if any, that were terminated because the entities carrying out the programs or activities were not able to reach program goals;

(8) containing the number of English learners served by eligible entities receiving funding under this part who were transitioned out of language instruction educational programs funded under this part; and

(9) containing other information gathered from the evaluations from specially qualified agencies and other reports submitted to the Secretary under this part when applicable.

(Pub. L. 89–10, title III, § 3122, formerly § 3123, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1704; renumbered § 3122 and amended Pub. L. 114–95, title III, §§ 3001(2)(B), 3003(i), Dec. 10, 2015, 129 Stat. 1953, 1963.)

PRIOR PROVISIONS

A prior section 6843, Pub. L. 89–10, title III, § 3133, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3646, related to State applications for technology education assistance, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 3122 of Pub. L. 89–10 was classified to section 6842 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 3122 of Pub. L. 89–10 was classified to section 6832 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 3003(i)(1), substituted ''Biennial reports'' for ''Reporting requirements'' in section catchline.

Subsec. (a). Pub. L. 114–95, § 3003(i)(2), substituted ''reports provided'' for ''evaluations provided'' and ''English learners'' for ''children who are limited English proficient''.

Subsec. (b)(1). Pub. L. 114–95, § 3003(i)(3)(A), substituted ''to serve English learners'' for ''to serve limited English proficient children'' and ''proficiency of English learners'' for ''proficiency of children who are limited English proficient''.

Subsec. (b)(2). Pub. L. 114–95, § 3003(i)(3)(B), substituted ''English learners'' for ''limited English proficient children''.

Subsec. (b)(4). Pub. L. 114–95, § 3003(i)(3)(C), substituted ''section 6821(b)(2)(D)'' for ''section 6821(b)(2)(C)''.

Subsec. (b)(5). Pub. L. 114–95, § 3003(i)(3)(D), substituted ''English learners'' for ''limited English proficient children''.

Subsec. (b)(6). Pub. L. 114–95, § 3003(i)(3)(E), substituted ''findings of the most recent evaluation related to English learners carried out under section 7981 of this title'' for ''major findings of scientifically based research carried out under this part''.

Subsec. (b)(8). Pub. L. 114–95, § 3003(i)(3)(F), substituted ''of English learners'' for ''of limited English proficient children'' and struck out ''into classrooms where instruction is not tailored for limited English proficient children'' before the semicolon.

Subsec. (b)(9). Pub. L. 114–95, § 3003(i)(3)(G), substituted ''part'' for ''subchapter''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6844. Coordination with related programs

In order to maximize Federal efforts aimed at serving the educational needs of English learners, the Secretary shall coordinate and ensure close cooperation with other entities carrying out programs serving language-minority and English learners that are administered by the Department and other agencies. The Secretary shall report to the Congress on parallel Federal programs in other agencies and departments.

(Pub. L. 89–10, title III, § 3123, formerly § 3124, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1705; renumbered § 3123 and amended Pub. L. 114–95, title III, §§ 3001(2)(B), 3003(j), Dec. 10, 2015, 129 Stat. 1953, 1963.)

PRIOR PROVISIONS

A prior section 6844, Pub. L. 89–10, title III, § 3134, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3646, related to local uses of funds, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 3123 of Pub. L. 89–10 was renumbered section 3122 and is classified to section 6843 of this title.

Another prior section 3123 of Pub. L. 89–10 was classified to section 6833 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 3003(j), substituted ''needs of English learners'' for ''needs of children of limited English proficiency'' and ''and English learners'' for ''and limited English proficient children'' and inserted at end ''The Secretary shall report to the Congress on parallel Federal programs in other agencies and departments.''

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6845. Rules of construction

Nothing in this part shall be construed—

(1) to prohibit a local educational agency from serving English learners simultaneously with children with similar educational needs, in the same educational settings where appropriate;

(2) to require a State or a local educational agency to establish, continue, or eliminate any particular type of instructional program for English learners; or

(3) to limit the preservation or use of Native American languages.

(Pub. L. 89–10, title III, § 3124, formerly § 3125, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1705; renumbered § 3124 and amended Pub. L. 114–95, title III, §§ 3001(2)(B), 3003(k), Dec. 10, 2015, 129 Stat. 1953, 1964.)

PRIOR PROVISIONS

A prior section 6845, Pub. L. 89–10, title III, § 3135, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3647, related to local applications for technology education assistance, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 3124 of Pub. L. 89–10 was renumbered section 3123 and is classified to section 6844 of this title.

AMENDMENTS

2015—Pars. (1), (2). Pub. L. 114–95, § 3003(k), substituted ''English learners'' for ''limited English proficient children''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 6846. Legal authority under State law

Nothing in this part shall be construed to negate or supersede State law, or the legal authority under State law of any State agency, State entity, or State public official, over programs that are under the jurisdiction of the State agency, entity, or official.

(Pub. L. 89–10, title III, § 3125, formerly § 3126, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1705; renumbered § 3125, Pub. L. 114–95, title III, § 3001(2)(B), Dec. 10, 2015, 129 Stat. 1953.)

PRIOR PROVISIONS

A prior section 6846, Pub. L. 89–10, title III, § 3136, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3648, related to national challenge grants for technology in education, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 3125 of Pub. L. 89–10 was renumbered section 3124 and is classified to section 6845 of this title.

§ 6847. Civil rights

Nothing in this part shall be construed in a manner inconsistent with any Federal law guaranteeing a civil right.

(Pub. L. 89–10, title III, § 3126, formerly § 3127, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1705; renumbered § 3126, Pub. L. 114–95, title III, § 3001(2)(B), Dec. 10, 2015, 129 Stat. 1953.)

PRIOR PROVISIONS

A prior section 6847, Pub. L. 89–10, title III, § 3137, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3649, related to Federal administration of programs, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 3126 of Pub. L. 89–10 was renumbered section 3125 and is classified to section 6846 of this title.

§ 6848. Programs for Native Americans and Puerto Rico

Notwithstanding any other provision of this part, programs authorized under this part that serve Native American (including Native American Pacific Islander) children and children in the Commonwealth of Puerto Rico may include programs of instruction, teacher training, curriculum development, evaluation, and assessment designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that an outcome of programs serving such children shall be increased English proficiency among such children.

(Pub. L. 89–10, title III, § 3127, formerly § 3128, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1705; renumbered § 3127, Pub. L. 114–95, title III, § 3001(2)(B), Dec. 10, 2015, 129 Stat. 1953.)

PRIOR PROVISIONS

A prior section 3127 of Pub. L. 89–10 was renumbered section 3126 and is classified to section 6847 of this title.

§ 6849. Prohibition

In carrying out this part, the Secretary shall neither mandate nor preclude the use of a particular curricular or pedagogical approach to educating English learners.

(Pub. L. 89–10, title III, § 3128, formerly § 3129, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1706; renumbered § 3128 and amended Pub. L. 114–95, title III, §§ 3001(2)(B), 3003(*l*), Dec. 10, 2015, 129 Stat. 1953, 1964.)

PRIOR PROVISIONS

A prior section 3128 of Pub. L. 89–10 was renumbered section 3127 and is classified to section 6848 of this title.

AMENDMENTS

2015—Pub. L. 114–95, § 3003(*l*), substituted ''English learners'' for ''limited English proficient children''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

SUBPART 3—NATIONAL ACTIVITIES

§ 6861. National professional development project

The Secretary shall use funds made available under section 6821(c)(1)(C) of this title to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education or public or private entities with relevant experience and capacity (in consortia with State educational agencies or local educational agencies) to provide for professional development activities that will improve classroom instruction for English learners and assist educational personnel working with English learners to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs or serve English learners. Grants awarded under this section may be used—

(1) for effective preservice or inservice professional development programs that will improve the qualifications and skills of educational personnel involved in the education of English learners, including personnel who are not certified or licensed and educational paraprofessionals, and for other activities to increase teacher and school leader effectiveness in meeting the needs of English learners;

(2) for the development of curricula or other instructional strategies appropriate to the needs of the consortia participants involved;

(3) to support strategies that strengthen and increase parent, family, and community member engagement in the education of English learners;

(4) to develop, share, and disseminate effective practices in the instruction of English learners and in increasing the student academic achievement of English learners, such as through the use of technology-based programs;

(5) in conjunction with other Federal need-based student financial assistance programs, for financial assistance, and costs related to tuition, fees, and books for enrolling in courses required to complete the degree involved, to meet certification or licensing requirements for teachers who work in language instruction educational programs or serve English learners; and

(6) as appropriate, to support strategies that promote school readiness of English learners and their transition from early childhood education programs, such as Head Start or State-run preschool programs, to elementary school programs.

(Pub. L. 89–10, title III, § 3131, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1706; amended Pub. L. 114–95, title III, § 3003(m), Dec. 10, 2015, 129 Stat. 1964.)

PRIOR PROVISIONS

A prior section 6861, Pub. L. 89–10, title III, § 3141, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3649, related to regional technical support and professional development, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 3131 of Pub. L. 89–10 was classified to section 6841 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section related to grants to be used for preservice professional development programs, for development of curricula, and for financial assistance for certain language teachers.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

SUBPART 4—DEFINITIONS

§ 6871. Repealed. Pub. L. 114–95, title III, § 3001(2)(C), Dec. 10, 2015, 129 Stat. 1953

Section, Pub. L. 89–10, title III, § 3141, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1706, defined ''eligible entity''.

A prior section 6871, Pub. L. 89–10, title III, § 3151, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3652, related to educational technology product development, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 3141 of Pub. L. 89–10 was classified to section 6861 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

Prior sections 6891 to 6894 were repealed by Pub. L. 114–95, § 5, title III, § 3001(3), Dec. 10, 2015, 129 Stat. 1806, 1953, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 6891, Pub. L. 89–10, title III, § 3201, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1706, provided that former part B of this subchapter could be cited as the ''Improving Language Instruction Educational Programs For Academic Achievement Act''.

A prior section 6891, Pub. L. 89–10, title III, § 3201, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3654, set out short title of the Star Schools Act, prior to the general amendment of this subchapter by Pub. L. 107–110.

Section 6892, Pub. L. 89–10, title III, § 3202, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1707, related to purpose of former part B of this subchapter.

A prior section 6892, Pub. L. 89–10, title III, § 3202, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3654, set forth findings relating to the Star Schools Program, prior to the general amendment of this subchapter by Pub. L. 107–110.

Section 6893, Pub. L. 89–10, title III, § 3203, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1707, related to Native American children in school.

A prior section 6893, Pub. L. 89–10, title III, § 3203, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3655, set forth purpose of the Star Schools Program, prior to the general amendment of this subchapter by Pub. L. 107–110.

Section 6894, Pub. L. 89–10, title III, § 3204, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1707, related to residents of the territories and freely associated states.

A prior section 6894, Pub. L. 89–10, title III, § 3204, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3655, authorized grants, prior to the general amendment of this subchapter by Pub. L. 107–110.

Prior sections 6895 to 6900 were omitted in the general amendment of this subchapter by Pub. L. 107–110.

Section 6895, Pub. L. 89–10, title III, § 3205, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3656, related to eligible entities.

Section 6896, Pub. L. 89–10, title III, § 3206, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3657, related to applications for grants.

Section 6897, Pub. L. 89–10, title III, § 3207, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3660, related to leadership and evaluation activities.

Section 6898, Pub. L. 89–10, title III, § 3208, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3661, defined terms.

Section 6899, Pub. L. 89–10, title III, § 3209, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3661, set forth administrative provisions.

Section 6900, Pub. L. 89–10, title III, § 3210, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3661, related to other assistance.

Prior sections 6911 to 6918 were repealed by Pub. L. 114–95, § 5, title III, § 3001(3), Dec. 10, 2015, 129 Stat. 1806, 1953, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 6911, Pub. L. 89–10, title III, § 3211, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1707, related to financial assistance for language instruction educational programs.

Section 6912, Pub. L. 89–10, title III, § 3212, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1708, related to program enhancement activities.

Section 6913, Pub. L. 89–10, title III, § 3213, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1709, related to comprehensive school and systemwide improvement activities.

Section 6914, Pub. L. 89–10, title III, § 3214, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1712, related to grant applications.

Section 6915, Pub. L. 89–10, title III, § 3215, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1716, related to capacity building.

Section 6916, Pub. L. 89–10, title III, § 3216, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1716, related to programs for Native Americans and Puerto Rico.

Section 6917, Pub. L. 89–10, title III, § 3217, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1716, related to evaluations.

Section 6918, Pub. L. 89–10, title III, § 3218, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1717, set out rule of construction.

Prior sections 6921 to 6928, which comprised former part C of this subchapter, were omitted in the general amendment of this subchapter by Pub. L. 107–110.

Section 6921, Pub. L. 89–10, title III, § 3301, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3663, related to Ready-to-Learn television.

A prior section 3301 of Pub. L. 89–10 was renumbered section 3201 and is classified to section 7011 of this title.

Section 6922, Pub. L. 89–10, title III, § 3302, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3663, related to educational programming.

Section 6923, Pub. L. 89–10, title III, § 3303, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3664, set forth duties of Secretary.

A prior section 3303 of Pub. L. 89–10 was renumbered section 3202 and is classified to section 7013 of this title.

Section 6924, Pub. L. 89–10, title III, § 3304, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3665, related to applications.

A prior section 3304 of Pub. L. 89–10 was renumbered section 3203 and is classified to section 7014 of this title.

Section 6925, Pub. L. 89–10, title III, § 3305, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3665, related to reports and evaluation of program activities.

Section 6926, Pub. L. 89–10, title III, § 3306, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3665, related to administrative costs.

Section 6927, Pub. L. 89–10, title III, § 3307, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3665, defined ''distance learning''.

Section 6928, Pub. L. 89–10, title III, § 3308, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3666, authorized appropriations.

Prior sections 6931 to 6935 and 6951 were repealed by Pub. L. 114–95, § 5, title III, § 3001(3), Dec. 10, 2015, 129 Stat. 1806, 1953, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 6931, Pub. L. 89–10, title III, § 3221, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1717, related to authority of the Secretary.

Section 6932, Pub. L. 89–10, title III, § 3222, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1717; amended Pub. L. 107–279, title IV, § 404(d)(5)(A), Nov. 5, 2002, 116 Stat. 1986, related to research.

Section 6933, Pub. L. 89–10, title III, § 3223, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1718, related to academic excellence awards.

Section 6934, Pub. L. 89–10, title III, § 3224, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1719, related to State grant program.

Section 6935, Pub. L. 89–10, title III, § 3225, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1720, related to instruction materials development.

Section 6951, Pub. L. 89–10, title III, § 3231, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1720, related to professional development grants.

A prior section 6951, Pub. L. 89–10, title III, § 3401, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3666, authorized a national telecommunications-based demonstration project to improve the teaching of mathematics, prior to the general amendment of this subchapter by Pub. L. 107–110.

Prior sections 6952 and 6953 were omitted in the general amendment of this subchapter by Pub. L. 107–110.

Section 6952, Pub. L. 89–10, title III, § 3402, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3666, required application for demonstration project grant.

Section 6953, Pub. L. 89–10, title III, § 3403, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3666, authorized appropriations.

Prior sections 6961 to 6968 were repealed by Pub. L. 114–95, § 5, title III, § 3001(3), Dec. 10, 2015, 129 Stat. 1806, 1953, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 6961, Pub. L. 89–10, title III, § 3241, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1723, related to purpose of former subpart 4 of part B of this subchapter.

Section 6962, Pub. L. 89–10, title III, § 3242, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1723, related to State administrative costs.

Section 6963, Pub. L. 89–10, title III, § 3243, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1724, related to withholding of funds.

Section 6964, Pub. L. 89–10, title III, § 3244, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1724, related to State allotments.

Section 6965, Pub. L. 89–10, title III, § 3245, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1725, related to State applications.

Section 6966, Pub. L. 89–10, title III, § 3246, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1727, related to administrative provisions.

Section 6967, Pub. L. 89–10, title III, § 3247, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1727, related to uses of funds.

Section 6968, Pub. L. 89–10, title III, § 3248, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1728, related to reports.

Prior sections 6971 to 6979 were omitted in the general amendment of this subchapter by Pub. L. 107–110.

Section 6971, Pub. L. 89–10, title III, § 3501, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3667, set forth short title of the Elementary Mathematics and Science Equipment Act.

Section 6972, Pub. L. 89–10, title III, § 3502, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3667, stated purpose of former provisions.

Section 6973, Pub. L. 89–10, title III, § 3503, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3667, authorized program for the provision of equipment and materials to elementary schools to improve mathematics and science education.

Section 6974, Pub. L. 89–10, title III, § 3504, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3667, related to allotments of funds.

Section 6975, Pub. L. 89–10, title III, § 3505, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3668, related to State application for an allotment.

Section 6976, Pub. L. 89–10, title III, § 3506, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3669, related to local application for a grant.

Section 6977, Pub. L. 89–10, title III, § 3507, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3670, set forth program requirements.

Section 6978, Pub. L. 89–10, title III, § 3508, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3670, related to Federal administration of programs.

Section 6979, Pub. L. 89–10, title III, § 3509, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3671, authorized appropriations.

Prior sections 6981 to 6983 were repealed by Pub. L. 114–95, § 5, title III, § 3001(3), Dec. 10, 2015, 129 Stat. 1806, 1953, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 6981, Pub. L. 89–10, title III, § 3251, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1728, related to professional release time.

Section 6982, Pub. L. 89–10, title III, § 3252, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1728, related to notification of awards.

Section 6983, Pub. L. 89–10, title III, § 3253, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1728, related to coordination and reporting requirements.

A prior section 7001, Pub. L. 89–10, title III, § 3601, as added Pub. L. 106–554, § 1(a)(4) [div. B, title XVII, § 1711], Dec. 21, 2000, 114 Stat. 2763, 2763A–337, related to limitation on availability of certain funds for schools, prior to the general amendment of this subchapter by Pub. L. 107–110.

Another prior section 7001 and prior sections 7002 to 7005 were repealed by Pub. L. 104–208, div. A, title I, § 101(e) [title VII, § 708(e)], Sept. 30, 1996, 110 Stat. 3009–233, 3009–312.

Section 7001, Pub. L. 89–10, title III, § 3601, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3671, authorized elementary and secondary school library media resources program.

Section 7002, Pub. L. 89–10, title III, § 3602, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3671, related to allocation of funds to States.

Section 7003, Pub. L. 89–10, title III, § 3603, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3671, required State plans meeting certain criteria.

Section 7004, Pub. L. 89–10, title III, § 3604, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3672,

related to distribution of allocations to local educational agencies.

Section 7005, Pub. L. 89–10, title III, § 3605, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3672, authorized appropriations.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

PART B—GENERAL PROVISIONS

CODIFICATION

Pub. L. 114–95, title III, § 3001(4), Dec. 10, 2015, 129 Stat. 1953, redesignated part C (§ 7011 et seq.) of this subchapter as part B of this subchapter.

PRIOR PROVISIONS

A prior part B, consisting of sections 6891 to 6894, 6911 to 6918, 6931 to 6935, 6951, 6961 to 6968, and 6981 to 6983 of this title, related to improving language instruction educational programs, prior to repeal by Pub. L. 114–95, title III, § 3001(3), Dec. 10, 2015, 129 Stat. 1953.

§ 7011. Definitions

Except as otherwise provided, in this subchapter:

(1) Child

The term ''child'' means any individual aged 3 through 21.

(2) Community-based organization

The term ''community-based organization'' means a private nonprofit organization of demonstrated effectiveness, Indian tribe, or tribally sanctioned educational authority, that is representative of a community or significant segments of a community and that provides educational or related services to individuals in the community. Such term includes a Native Hawaiian or Native American Pacific Islander native language educational organization.

(3) Eligible entity

The term ''eligible entity'' means—

(A) one or more local educational agencies; or

(B) one or more local educational agencies, in consortia or collaboration with an institution of higher education, educational service agency, community-based organization, or State educational agency.

(4) English learner with a disability

The term ''English learner with a disability'' means an English learner who is also a child with a disability, as that term is defined in section 1401 of this title.

(5) Immigrant children and youth

The term ''immigrant children and youth'' means individuals who—

(A) are aged 3 through 21;

(B) were not born in any State; and

(C) have not been attending one or more schools in any one or more States for more than 3 full academic years.

(6) Indian tribe

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

(7) Language instruction educational program

The term ''language instruction educational program'' means an instruction course—

(A) in which an English learner is placed for the purpose of developing and attaining English proficiency, while meeting challenging State academic standards; and

(B) that may make instructional use of both English and a child's native language to enable the child to develop and attain English proficiency, and may include the participation of English proficient children if such course is designed to enable all participating children to become proficient in English and a second language.

(8) Native American and Native American language

The terms ''Native American'' and ''Native American language'' shall have the meanings given such terms in section 2902 of title 25.

(9) Native Hawaiian or Native American Pacific Islander native language educational organization

The term ''Native Hawaiian or Native American Pacific Islander native language educational organization'' means a nonprofit organization with—

(A) a majority of its governing board and employees consisting of fluent speakers of the traditional Native American languages used in the organization's educational programs; and

(B) not less than 5 years successful experience in providing educational services in traditional Native American languages.

(10) Native language

The term ''native language'', when used with reference to an individual of limited English proficiency, means—

(A) the language normally used by such individual; or

(B) in the case of a child or youth, the language normally used by the parents of the child or youth.

(11) Paraprofessional

The term ''paraprofessional'' means an individual who is employed in a preschool, elementary school, or secondary school under the supervision of a certified or licensed teacher, including individuals employed in language instruction educational programs, special education, and migrant education.

(12) Specially qualified agency

The term ''specially qualified agency'' means an eligible entity in a State whose State educational agency—

(A) does not participate in a program under subpart 1 of part A of this subchapter for a fiscal year; or

(B) submits a plan (or any amendment to a plan) that the Secretary, after reasonable notice and opportunity for a hearing, determines does not satisfy the requirements of such subpart.

(13) State

The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(14) Tribally sanctioned educational authority

The term ''tribally sanctioned educational authority'' means—

(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

(B) any nonprofit institution or organization that is—

(i) chartered by the governing body of an Indian tribe to operate a school described in section 6822(a) of this title or otherwise to oversee the delivery of educational services to members of the tribe; and

(ii) approved by the Secretary for the purpose of carrying out programs under subpart 1 of part A of this subchapter for individuals served by a school described in section 6822(a) of this title.

(Pub. L. 89–10, title III, § 3201, formerly § 3301, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1729; amended Pub. L. 110–315, title IX, § 941(k)(2)(F)(i), Aug. 14, 2008, 122 Stat. 3466; renumbered § 3201 and amended Pub. L. 114–95, title III, §§ 3001(5)(A), 3004(a), Dec. 10, 2015, 129 Stat. 1953, 1965.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (6), 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.

PRIOR PROVISIONS

A prior section 3201 of Pub. L. 89–10 was classified to section 6891 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 3201 of Pub. L. 89–10 was classified to section 6891 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Pars. (3), (4). Pub. L. 114–95, § 3004(a)(1), (2), added pars. (3) and (4) and struck out former pars. (3) and (4) which defined ''community college'' and ''Director'', respectively.

Par. (5). Pub. L. 114–95, § 3004(a)(1), (3), redesignated par. (6) as (5) and struck out former par. (5) which defined ''family education program''.

Par. (6). Pub. L. 114–95, § 3004(a)(3), redesignated par. (7) as (6). Former par. (6) redesignated (5).

Par. (7). Pub. L. 114–95, § 3004(a)(3), redesignated par. (8) as (7). Former par. (7) redesignated (6).

Par. (7)(A). Pub. L. 114–95, § 3004(a)(4), substituted ''an English learner'' for ''a limited English proficient child'' and ''challenging State academic standards'' for ''challenging State academic content and student academic achievement standards, as required by section 6311(b)(1) of this title''.

Pars. (8) to (11). Pub. L. 114–95, § 3004(a)(3), redesignated pars. (9) to (12) as (8) to (11), respectively. Former par. (8) redesignated (7).

Par. (12). Pub. L. 114–95, § 3004(a)(3), (5), redesignated par. (13) as (12) and struck out '', as defined in section 6871 of this title,'' after ''eligible entity'' in introductory provisions. Former par. (12) redesignated (11).

Pars. (13), (14). Pub. L. 114–95, § 3004(a)(3), redesignated pars. (14) and (15) as (13) and (14), respectively. Former par. (13) redesignated (12).

2008—Par. (3). Pub. L. 110–315 substituted ''the Tribally Controlled Colleges and Universities Assistance Act of 1978'' for ''the Tribally Controlled College or University Assistance Act of 1978''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

RESEARCH RELATING TO BILINGUAL EDUCATION

Pub. L. 100–297, title VI, § 6211, Apr. 28, 1988, 102 Stat. 429, provided that:

''(a) RESEARCH AND DEVELOPMENT.—The Secretary [of Education] shall, through competitive contracts under this section, provide financial assistance for research and development proposals submitted by institutions of higher education, private for-profit and nonprofit organizations, State and local educational agencies, and individuals.

''(b) AUTHORIZED ACTIVITIES.—Research activities authorized to be assisted under this section shall include—

''(1) studies to determine and evaluate effective models for bilingual education programs;

''(2) studies which examine the process by which individuals acquire a second language and master the subject matter skills required for grade-promotion and graduation, and which identify effective methods for teaching English and subject matter skills within the context of a bilingual education program or special alternative instructional program to students who have language proficiencies other than English;

''(3) longitudinal studies to measure the effect of title VII of the Elementary and Secondary Education Act of 1965 [former 20 U.S.C. 3281 et seq.] on students enrolled in programs under such title (including a longitudinal study of the impact of bilingual education programs on limited-English proficient students using a nationally representative sample of the programs funded under such title and which provides information including data on grade retention, academic performance, and dropout rates);

''(4) studies to determine effective and reliable methods for identifying students who are entitled to services under such title and for determining when their English language proficiency is sufficiently well developed to permit them to derive optimal benefits from an all-English instructional program;

''(5) the operation of a clearinghouse which shall collect, analyze, and disseminate information about bilingual education and related programs (and coordinate its activities with the National Diffusion Network);

''(6) studies to determine effective methods of teaching English to adults who have language proficiencies other than English;

''(7) studies to determine and evaluate effective methods of instruction for bilingual programs, taking into account language and cultural differences among students;

''(8) studies to determine effective approaches to preservice and inservice training for teachers, taking into account the language and cultural differences of their students;

''(9) the effect of such title on the capacity of local educational agencies to operate bilingual programs following the termination of assistance under this [such] title; and

''(10) studies to determine effective and reliable methods for identifying gifted and talented students who have language proficiencies other than English.

''(c) CONSULTATION AND DELEGATION OF AUTHORITY.—In carrying out the responsibilities of this section, the Secretary may delegate authority to the Director, and in any event, shall consult with the Director, representatives of State and local educational agencies, appropriate groups and organizations involved in bilingual education, the Committee on Labor and Human Resources [now Committee on Health, Education, Labor, and Pensions] of the Senate, and the Committee on Education and Labor [now Committee on Education and the Workforce] of the House of Representatives.

''(d) PUBLICATION OF PROPOSALS.—The Secretary shall publish and disseminate all requests for proposals in research and development assisted under such title.

''(e) LIMITATION OF AUTHORITY.—Nothing in this section shall be construed as authorizing the Secretary to conduct or support studies or analyses of the content of educational textbooks.''

INFORMATION REGARDING BILINGUAL EDUCATION

Pub. L. 100–297, title VI, § 6213, Apr. 28, 1988, 102 Stat. 429, as amended by Pub. L. 104–66, title I, § 1042(a), Dec. 21, 1995, 109 Stat. 715, provided that: ''The Secretary [of Education] shall collect data for program management and accountability purposes regarding—

''(1) a national assessment of the educational needs of children and other persons with limited English proficiency and of the extent to which such needs are being met from Federal, State, and local efforts;

''(2) a plan, including cost estimates, to be carried out during the 5-year period beginning on such date [sic], for extending programs of bilingual education and bilingual vocational and adult education programs to all such preschool and elementary schoolchildren and other persons of limited English proficiency, including a phased plan for the training of the necessary teachers and other education personnel necessary for such purpose;

''(3) a statement of the activities intended to be carried out during the succeeding period, including an estimate of the cost of such activities; and

''(4)(A) an assessment of the number of teachers and other educational personnel needed to carry out programs of bilingual education under such title [sic] and those carried out under other programs for persons of limited English proficiency;

''(B) a statement describing the activities carried out thereunder designed to prepare teachers and other educational personnel for such programs; and

''(C) the number of other educational personnel needed to carry out programs of bilingual education in the States.''

§ 7012. Repealed. Pub. L. 114–95, title III, § 3001(5)(B), Dec. 10, 2015, 129 Stat. 1953

Section, Pub. L. 89–10, title III, § 3302, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1732, related to parental notification.

A prior section 3302 of Pub. L. 89–10 was classified to section 6922 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7013. National clearinghouse

(a) In general

The Secretary shall establish and support the operation of a National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs, which shall collect, analyze, synthesize, and disseminate information about language instruction educational programs for English learners, and related programs. The National Clearinghouse shall—

(1) be administered as an adjunct clearinghouse of the Educational Resources Information Center Clearinghouses system supported by the Institute of Education Sciences;

(2) coordinate activities with Federal data and information clearinghouses and entities operating Federal dissemination networks and systems;

(3) develop a system for improving the operation and effectiveness of federally funded language instruction educational programs;

(4) collect and disseminate information on—

(A) educational research and processes related to the education of English learners, including English learners with a disability, that includes information on best practices on instructing and serving English learners; and

(B) accountability systems that monitor the academic progress of English learners in language instruction educational programs, including information on academic content and English proficiency assessments for language instruction educational programs; and

(5) publish, on an annual basis, a list of grant recipients under this subchapter.

(b) Construction

Nothing in this section shall authorize the Secretary to hire additional personnel to execute subsection (a).

(Pub. L. 89–10, title III, § 3202, formerly § 3303, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1733; amended Pub. L. 107–279, title IV, § 404(d)(5)(B), Nov. 5, 2002, 116 Stat. 1986; renumbered § 3202 and amended Pub. L. 114–95, title III, §§ 3001(5)(C), 3004(b), Dec. 10, 2015, 129 Stat. 1953, 1965.)

PRIOR PROVISIONS

A prior section 3202 of Pub. L. 89–10 was classified to section 6892 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 3202 of Pub. L. 89–10 was classified to section 6892 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 3004(b)(1), designated existing provisions as subsec. (a) and substituted ''English learners'' for ''limited English proficient children'' in introductory provisions.

Subsec. (a)(4)(A). Pub. L. 114–95, § 3004(b)(2)(A), substituted ''English learners, including English learners with a disability, that includes information on best practices on instructing and serving English learners'' for ''limited English proficient children''.

Subsec. (a)(4)(B). Pub. L. 114–95, § 3004(b)(2)(B), substituted ''English learners'' for ''limited English proficient children''.

Subsec. (b). Pub. L. 114–95, § 3004(b)(3), added subsec. (b).

2002—Par. (1). Pub. L. 107–279 substituted ''Institute of Education Sciences'' for ''Office of Educational Research and Improvement''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub.

L. 114–95, set out as a note under section 6301 of this title.

§ 7014. Regulations

In developing regulations under this subchapter, the Secretary shall consult with State educational agencies and local educational agencies, organizations representing English learners, and organizations representing teachers and other personnel involved in the education of English learners.

(Pub. L. 89–10, title III, § 3203, formerly § 3304, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1734; renumbered § 3203 and amended Pub. L. 114–95, title III, §§ 3001(5)(C), 3004(c), Dec. 10, 2015, 129 Stat. 1953, 1965.)

PRIOR PROVISIONS

A prior section 3203 of Pub. L. 89–10 was classified to section 6893 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 3203 of Pub. L. 89–10 was classified to section 6893 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 3004(c), substituted ''representing English learners'' for ''representing limited English proficient individuals'' and ''education of English learners'' for ''education of limited English proficient children''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

SUBCHAPTER IV—21ST CENTURY SCHOOLS

CODIFICATION

Title IV of the Elementary and Secondary Education Act of 1965, comprising this subchapter, was originally enacted as part of Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27, and subsequently revised, restated, and amended by other public laws. Title IV is shown, herein, as having been added by Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1734, without reference to earlier amendments because of the extensive revision of the title's provisions by Pub. L. 107–110. See Codification note preceding section 6301 of this title.

PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

CODIFICATION

Pub. L. 114–95, title IV, § 4001(a)(5)(A), Dec. 10, 2015, 129 Stat. 1966, substituted ''Student Support and Academic Enrichment Grants'' for ''Safe and Drug-Free Schools and Communities'' in part heading.

§ 7101. General provisions

(a) Parental consent

(1) In general

(A) Informed written consent

A State, local educational agency, or other entity receiving funds under this subchapter shall obtain prior written, informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment or service that is funded under this subchapter and conducted in connection with an elementary school or secondary school under this subchapter.

(B) Contents

Before obtaining the consent described in subparagraph (A), the entity shall provide the parent written notice describing in detail such mental health assessment or service, including the purpose for such assessment or service, the provider of such assessment or service, when such assessment or service will begin, and how long such assessment or service may last.

(C) Limitation

The informed written consent required under this paragraph shall not be a waiver of any rights or protections under section 1232g of this title.

(2) Exception

Notwithstanding paragraph (1)(A), the written, informed consent described in such paragraph shall not be required in—

(A) an emergency, where it is necessary to protect the immediate health and safety of the child, other children, or entity personnel; or

(B) other instances in which an entity actively seeks parental consent but such consent cannot be reasonably obtained, as determined by the State or local educational agency, including in the case of—

(i) a child whose parent has not responded to the notice described in paragraph (1)(B); or

(ii) a child who has attained 14 years of age and is an unaccompanied youth, as defined in section 11434a of title 42.

(b) Prohibited use of funds

No funds under this subchapter may be used for medical services or drug treatment or rehabilitation, except for integrated student supports, specialized instructional support services, or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs.

(c) Prohibition on mandatory medication

No child shall be required to obtain a prescription for a controlled substance, as defined in section 802 of title 21 as a condition of—

(1) receiving an evaluation or other service described under this subchapter; or

(2) attending a school receiving assistance under this subchapter.

(Pub. L. 89–10, title IV, § 4001, as added Pub. L. 114–95, title IV, § 4002, Dec. 10, 2015, 129 Stat. 1967.)

PRIOR PROVISIONS

A prior section 7101, Pub. L. 89–10, title IV, § 4001, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1734, provided that this part could be cited as the ''Safe and Drug-Free Schools and Communities Act'', prior to repeal by Pub. L. 114–95, § 5, title IV, § 4002, Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Another prior section 7101, Pub. L. 89–10, title IV, § 4001, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994,

108 Stat. 3672, set forth short title of subchapter as the ''Safe and Drug-Free Schools and Communities Act of 1994'', prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 4001 of Pub. L. 89–10 was classified to section 3041 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§§ 7102, 7103. Repealed. Pub. L. 114–95, title IV, § 4002, Dec. 10, 2015, 129 Stat. 1967

Section 7102, Pub. L. 89–10, title IV, § 4002, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1734, related to purpose of this part.

A prior section 7102, Pub. L. 89–10, title IV, § 4002, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3672, set forth findings, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 4002 of Pub. L. 89–10 was classified to section 3042 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Section 7103, Pub. L. 89–10, title IV, § 4003, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1734, authorized appropriations for fiscal year 2002 and each of the 5 succeeding fiscal years.

A prior section 7103, Pub. L. 89–10, title IV, § 4003, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3673, set forth purpose of former provisions, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 4003 of Pub. L. 89–10 was classified to section 3043 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

A prior section 7104, Pub. L. 89–10, title IV, § 4004, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3674, related to funding, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 4004 of Pub. L. 89–10 was classified to section 3044 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

A prior section 7105, Pub. L. 99–570, title IV, § 4302, Oct. 27, 1986, 100 Stat. 3207–153, which established National Trust for Drug-Free Youth to encourage private gifts of property to assist the Secretary of Education in carrying out the national programs of drug abuse research, education, and prevention under subtitle B of title IV of Pub. L. 99–570, Oct. 27, 1986, 100 Stat. 3207–125 (former 20 U.S.C. 4601 et seq.), was omitted from the Code because of the repeal of subtitle B. Section was formerly classified to section 4665, and subsequently section 3225, of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBPART 1—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

CODIFICATION

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965, comprising this subpart, was originally added to Pub. L. 89–10, title IV, by Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1735. Subpart 1 is shown herein, however, as having been added by Pub. L. 114–95, title IV, § 4101, Dec. 10, 2015, 129 Stat. 1968, without reference to the amendments by Pub. L. 107–110 because of the extensive revision of subpart 1 by Pub. L. 114–95.

§ 7111. Purpose

The purpose of this subpart is to improve students' academic achievement by increasing the capacity of States, local educational agencies, schools, and local communities to—

(1) provide all students with access to a well-rounded education;

(2) improve school conditions for student learning; and

(3) improve the use of technology in order to improve the academic achievement and digital literacy of all students.

(Pub. L. 89–10, title IV, § 4101, as added Pub. L. 114–95, title IV, § 4101, Dec. 10, 2015, 129 Stat. 1968.)

PRIOR PROVISIONS

A prior section 7111, Pub. L. 89–10, title IV, § 4111, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1735, related to reservations and allotments, prior to the general amendment of this subpart by Pub. L. 114–95.

Another prior section 7111, Pub. L. 89–10, title IV, § 4011 [4111], as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3674, related to reservations and allotments, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 4101 of Pub. L. 89–10 was classified to section 3061 of this title prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7112. Definitions

In this subpart:

(1) Blended learning

The term ''blended learning'' means a formal education program that leverages both technology-based and face-to-face instructional approaches—

(A) that include an element of online or digital learning, combined with supervised learning time, and student-led learning, in which the elements are connected to provide an integrated learning experience; and

(B) in which students are provided some control over time, path, or pace.

(2) Controlled substance

The term ''controlled substance'' means a drug or other substance identified under Schedule I, II, III, IV, or V in section 812(c) of title 21.

(3) Digital learning

The term ''digital learning'' means any instructional practice that effectively uses technology to strengthen a student's learning experience and encompasses a wide spectrum of tools and practices, including—

(A) interactive learning resources, digital learning content (which may include openly licensed content), software, or simulations, that engage students in academic content;

(B) access to online databases and other primary source documents;

(C) the use of data and information to personalize learning and provide targeted supplementary instruction;

(D) online and computer-based assessments;

(E) learning environments that allow for rich collaboration and communication, which may include student collaboration with content experts and peers;

(F) hybrid or blended learning, which occurs under direct instructor supervision at a school or other location away from home and, at least in part, through online delivery of instruction with some element of student control over time, place, path, or pace; and

(G) access to online course opportunities for students in rural or remote areas.

(4) Drug

The term ''drug'' includes—

(A) controlled substances;

(B) the illegal use of alcohol or tobacco, including smokeless tobacco products and electronic cigarettes; and

(C) the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.

(5) Drug and violence prevention

The term ''drug and violence prevention'' means—

(A) with respect to drugs, prevention, early intervention, rehabilitation referral, recovery support services, or education related to the illegal use of drugs, such as raising awareness about the consequences of drug use that are evidence-based (to the extent a State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available); and

(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

(6) School-based mental health services provider

The term ''school-based mental health services provider'' includes a State-licensed or State-certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide mental health services to children and adolescents.

(7) State

The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(8) Stem-focused specialty school

The term ''STEM-focused specialty school'' means a school, or dedicated program within a school, that engages students in rigorous, relevant, and integrated learning experiences focused on science, technology, engineering, and mathematics, including computer science, which include authentic schoolwide research.

(Pub. L. 89–10, title IV, § 4102, as added Pub. L. 114–95, title IV, § 4101, Dec. 10, 2015, 129 Stat. 1969.)

PRIOR PROVISIONS

A prior section 7112, Pub. L. 89–10, title IV, § 4112, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1736, related to reservation of State funds for safe and drug-free schools, prior to the general amendment of this subpart by Pub. L. 114–95.

Another prior section 7112, Pub. L. 89–10, title IV, § 4112, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3675, related to State applications, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 4102 of Pub. L. 89–10 was classified to section 3062 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7113. Formula grants to States

(a) Reservations

From the total amount appropriated under section 7122 of this title for a fiscal year, the Secretary shall reserve—

(1) one-half of 1 percent for allotments for payments to the outlying areas, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this subpart;

(2) one-half of 1 percent for the Secretary of the Interior for programs under this subpart in schools operated or funded by the Bureau of Indian Education; and

(3) 2 percent for technical assistance and capacity building.

(b) State allotments

(1) Allotment

(A) In general

Subject to subparagraphs (B) and (C), from the amount appropriated to carry out this subpart that remains after the Secretary makes the reservations under subsection (a), the Secretary shall allot to each State having a plan approved under subsection (c), an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of subchapter I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year.

(B) Small State minimum

No State receiving an allotment under this paragraph shall receive less than one-half of 1 percent of the total amount allotted under this paragraph.

(C) Puerto Rico

The amount allotted under this paragraph to the Commonwealth of Puerto Rico for a fiscal year may not exceed one-half of 1 per-

cent of the total amount allotted under this paragraph.

(2) Reallotment

If a State does not receive an allotment under this subpart for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this subsection.

(c) State plan

(1) In general

In order to receive an allotment under this section for any fiscal year, a State shall submit a plan to the Secretary, at such time and in such manner as the Secretary may reasonably require.

(2) Contents

Each plan submitted by a State under this section shall include the following:

(A) A description of how the State educational agency will use funds received under this subpart for State-level activities.

(B) A description of how the State educational agency will ensure that awards made to local educational agencies under this subpart are in amounts that are consistent with section 7115(a)(2) of this title.

(C) Assurances that the State educational agency will—

(i) review existing resources and programs across the State and will coordinate any new plans and resources under this subpart with such existing resources and programs;

(ii) monitor the implementation of activities under this subpart and provide technical assistance to local educational agencies in carrying out such activities; and

(iii) provide for equitable access for all students to the activities supported under this subpart, including aligning those activities with the requirements of other Federal laws.

(Pub. L. 89–10, title IV, § 4103, as added Pub. L. 114–95, title IV, § 4101, Dec. 10, 2015, 129 Stat. 1970.)

PRIOR PROVISIONS

A prior section 7113, Pub. L. 89–10, title IV, § 4113, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1739, related to State application to receive allotment, prior to the general amendment of this subpart by Pub. L. 114–95.

Another prior section 7113, Pub. L. 89–10, title IV, § 4113, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3677, related to State and local educational agency programs, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 4103 of Pub. L. 89–10 was classified to section 3063 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7114. State use of funds

(a) In general

Each State that receives an allotment under section 7113 of this title for a fiscal year shall—

(1) reserve not less than 95 percent of the allotment to make allocations to local educational agencies under section 7115 of this title;

(2) reserve not more than 1 percent of the allotment for the administrative costs of carrying out its responsibilities under this subpart, including public reporting on how funds made available under this subpart are being expended by local educational agencies, including the degree to which the local educational agencies have made progress toward meeting the objectives and outcomes described in section 7116(e)(1)(E) of this title; and

(3) use the amount made available to the State and not reserved under paragraphs (1) and (2) for activities described in subsection (b).

(b) State activities

Each State that receives an allotment under section 7113 of this title shall use the funds available under subsection (a)(3) for activities and programs designed to meet the purposes of this subpart, which may include—

(1) providing monitoring of, and training, technical assistance, and capacity building to, local educational agencies that receive an allotment under section 7115 of this title;

(2) identifying and eliminating State barriers to the coordination and integration of programs, initiatives, and funding streams that meet the purposes of this subpart, so that local educational agencies can better coordinate with other agencies, schools, and community-based services and programs; or

(3) supporting local educational agencies in providing programs and activities that—

(A) offer well-rounded educational experiences to all students, as described in section 7117 of this title, including female students, minority students, English learners, children with disabilities, and low-income students who are often underrepresented in critical and enriching subjects, which may include—

(i) increasing student access to and improving student engagement and achievement in—

(I) high-quality courses in science, technology, engineering, and mathematics, including computer science;

(II) activities and programs in music and the arts;

(III) foreign languages;

(IV) accelerated learning programs that provide—

(aa) postsecondary level courses accepted for credit at institutions of higher education, including dual or concurrent enrollment programs, and early college high schools; or

(bb) postsecondary level instruction and examinations that are accepted for credit at institutions of higher education, including Advanced Placement

and International Baccalaureate programs;

(V) American history, civics, economics, geography, social studies, or government education;

(VI) environmental education; or

(VII) other courses, activities, and programs or other experiences that contribute to a well-rounded education; or

(ii) reimbursing low-income students to cover part or all of the costs of accelerated learning examination fees, as described in clause (i)(IV);

(B) foster safe, healthy, supportive, and drug-free environments that support student academic achievement, as described in section 7118 of this title, which may include—

(i) coordinating with any local educational agencies or consortia of such agencies implementing a youth PROMISE plan to reduce exclusionary discipline, as described in section 7118(5)(F) of this title;

(ii) supporting local educational agencies to—

(I) implement mental health awareness training programs that are evidence-based (to the extent the State determines that such evidence is reasonably available) to provide education to school personnel regarding resources available in the community for students with mental illnesses and other relevant resources relating to mental health or the safe de-escalation of crisis situations involving a student with a mental illness; or

(II) expand access to or coordinate resources for school-based counseling and mental health programs, such as through school-based mental health services partnership programs;

(iii) providing local educational agencies with resources that are evidence-based (to the extent the State determines that such evidence is reasonably available) addressing ways to integrate health and safety practices into school or athletic programs; and

(iv) disseminating best practices and evaluating program outcomes relating to any local educational agency activities to promote student safety and violence prevention through effective communication as described in section 7118(5)(C)(iv) of this title; and

(C) increase access to personalized, rigorous learning experiences supported by technology by—

(i) providing technical assistance to local educational agencies to improve the ability of local educational agencies to—

(I) identify and address technology readiness needs, including the types of technology infrastructure and access available to the students served by the local educational agency, including computer devices, access to school libraries, Internet connectivity, operating systems, software, related network infrastructure, and data security;

(II) use technology, consistent with the principles of universal design for learning, to support the learning needs of all students, including children with disabilities and English learners; and

(III) build capacity for principals, other school leaders, and local educational agency administrators to support teachers in using data and technology to improve instruction and personalize learning;

(ii) supporting schools in rural and remote areas to expand access to high-quality digital learning opportunities;

(iii) developing or using strategies that are innovative or evidence-based (to the extent the State determines that such evidence is reasonably available) for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology, which may include increased access to online dual or concurrent enrollment opportunities, career and technical courses, and programs leading to a recognized postsecondary credential (as defined in section 3102 of title 29);

(iv) disseminating promising practices related to technology instruction, data security, and the acquisition and implementation of technology tools and applications, including through making such promising practices publicly available on the website of the State educational agency;

(v) providing teachers, paraprofessionals, school librarians and media personnel, specialized instructional support personnel, and administrators with the knowledge and skills to use technology effectively, including effective integration of technology, to improve instruction and student achievement, which may include coordination with teacher, principal, and other school leader preparation programs; and

(vi) making instructional content widely available through open educational resources, which may include providing tools and processes to support local educational agencies in making such resources widely available.

(c) Special rule

A State that receives a grant under this subpart for fiscal year 2017 may use the amount made available to the State and not reserved under paragraphs (1) and (2) of subsection (a) for such fiscal year to cover part or all of the fees for accelerated learning examinations taken by low-income students during the 2016-2017 school year, in accordance with subsection (b)(3)(A)(ii).

(Pub. L. 89–10, title IV, § 4104, as added Pub. L. 114–95, title IV, § 4101, Dec. 10, 2015, 129 Stat. 1971.)

PRIOR PROVISIONS

A prior section 7114, Pub. L. 89–10, title IV, § 4114, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1742, related to local educational agency programs, prior to the general amendment of this subpart by Pub. L. 114–95.

Another prior section 7114, Pub. L. 89–10, title IV, § 4114, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3679, related to governor's programs, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 4104 of Pub. L. 89–10 was classified to section 3064 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7115. Allocations to local educational agencies

(a) Allocations to local educational agencies

(1) In general

From the funds reserved by a State under section 7114(a)(1) of this title, the State shall allocate to each local educational agency in the State that has an application approved by the State educational agency under section 7116 of this title an amount that bears the same relationship to the total amount of such reservation as the amount the local educational agency received under subpart 2 of part A of subchapter I for the preceding fiscal year bears to the total amount received by all local educational agencies in the State under such subpart for the preceding fiscal year.

(2) Minimum local educational agency allocation

No allocation to a local educational agency under this subsection may be made in an amount that is less than $10,000, subject to subsection (b).

(3) Consortia

Local educational agencies in a State may form a consortium with other surrounding local educational agencies and combine the funds each such agency in the consortium receives under this section to jointly carry out the local activities described in this subpart.

(b) Ratable reduction

If the amount reserved by the State under section 7114(a)(1) of this title is insufficient to make allocations to local educational agencies in an amount equal to the minimum allocation described in subsection (a)(2), such allocations shall be ratably reduced.

(c) Administrative costs

Of the amount received under subsection (a)(2), a local educational agency may reserve not more than 2 percent for the direct administrative costs of carrying out the local educational agency's responsibilities under this subpart.

(Pub. L. 89–10, title IV, § 4105, as added Pub. L. 114–95, title IV, § 4101, Dec. 10, 2015, 129 Stat. 1974.)

PRIOR PROVISIONS

A prior section 7115, Pub. L. 89–10, title IV, § 4115, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1745, related to authorized activities, prior to the general amendment of this subpart by Pub. L. 114–95.

Another prior section 7115, Pub. L. 89–10, title IV, § 4115, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3681, related to local applications, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 4105 of Pub. L. 89–10 was classified to section 3065 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7116. Local educational agency applications

(a) Eligibility

To be eligible to receive an allocation under section 7115(a) of this title, a local educational agency shall—

(1) submit an application, which shall contain, at a minimum, the information described in subsection (e), to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require; and

(2) complete a needs assessment in accordance with subsection (d).

(b) Consortium

If a local educational agency desires to carry out the activities described in this subpart in consortium with one or more surrounding local educational agencies as described in section 7115(a)(3) of this title, such local educational agencies shall submit a single application as required under subsection (a).

(c) Consultation

(1) In general

A local educational agency, or consortium of such agencies, shall develop its application through consultation with parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives (which may include a local law enforcement agency, local juvenile court, local child welfare agency, or local public housing agency), Indian tribes or tribal organizations that may be located in the region served by the local educational agency (where applicable), charter school teachers, principals, and other school leaders (if such agency or consortium of such agencies supports charter schools), and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this subpart.

(2) Continued consultation

The local educational agency, or consortium of such agencies, shall engage in continued consultation with the entities described in paragraph (1) in order to improve the local activities in order to meet the purpose of this subpart and to coordinate such implementation with other related strategies, programs, and activities being conducted in the community.

(d) Needs assessment

(1) In general

Except as provided in paragraph (2) and prior to receiving an allocation under this subpart,

a local educational agency or consortium of such agencies shall conduct a comprehensive needs assessment of the local educational agency or agencies proposed to be served under this subpart in order to examine needs for improvement of—

(A) access to, and opportunities for, a well-rounded education for all students;

(B) school conditions for student learning in order to create a healthy and safe school environment; and

(C) access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.

(2) Exception

A local educational agency receiving an allocation under section 7115(a) of this title in an amount that is less than $30,000 shall not be required to conduct a comprehensive needs assessment under paragraph (1).

(3) Frequency of needs assessment

Each local educational agency, or consortium of local educational agencies, shall conduct the needs assessment described in paragraph (1) once every 3 years.

(e) Contents of local application

Each application submitted under this section by a local educational agency, or a consortium of such agencies, shall include the following:

(1) Descriptions

A description of the activities and programming that the local educational agency, or consortium of such agencies, will carry out under this subpart, including a description of—

(A) any partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success in implementing activities under this subpart;

(B) if applicable, how funds will be used for activities related to supporting well-rounded education under section 7117 of this title;

(C) if applicable, how funds will be used for activities related to supporting safe and healthy students under section 7118 of this title;

(D) if applicable, how funds will be used for activities related to supporting the effective use of technology in schools under section 7119 of this title; and

(E) the program objectives and intended outcomes for activities under this subpart, and how the local educational agency, or consortium of such agencies, will periodically evaluate the effectiveness of the activities carried out under this section based on such objectives and outcomes.

(2) Assurances

Each application shall include assurances that the local educational agency, or consortium of such agencies, will—

(A) prioritize the distribution of funds to schools served by the local educational agency, or consortium of such agencies, that—

(i) are among the schools with the greatest needs, as determined by such local educational agency, or consortium;

(ii) have the highest percentages or numbers of children counted under section 6333(c) of this title;

(iii) are identified for comprehensive support and improvement under section 6311(c)(4)(D)(i) of this title;

(iv) are implementing targeted support and improvement plans as described in section 6311(d)(2) of this title; or

(v) are identified as a persistently dangerous public elementary school or secondary school under section 7912 of this title;

(B) comply with section 7881 of this title (regarding equitable participation by private school children and teachers);

(C) use not less than 20 percent of funds received under this subpart to support one or more of the activities authorized under section 7117 of this title;

(D) use not less than 20 percent of funds received under this subpart to support one or more activities authorized under section 7118 of this title;

(E) use a portion of funds received under this subpart to support one or more activities authorized under section 7119(a) of this title, including an assurance that the local educational agency, or consortium of local educational agencies, will comply with section 7119(b) of this title; and

(F) annually report to the State for inclusion in the report described in section 7114(a)(2) of this title how funds are being used under this subpart to meet the requirements of subparagraphs (C) through (E).

(f) Special rule

Any local educational agency receiving an allocation under section 7115(a)(1) of this title in an amount less than $30,000 shall be required to provide only one of the assurances described in subparagraphs (C), (D), and (E) of subsection (e)(2).

(Pub. L. 89–10, title IV, § 4106, as added Pub. L. 114–95, title IV, § 4101, Dec. 10, 2015, 129 Stat. 1974.)

PRIOR PROVISIONS

A prior section 7116, Pub. L. 89–10, title IV, § 4116, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1750, related to reporting by States and local educational agencies, prior to the general amendment of this subpart by Pub. L. 114–95.

Another prior section 7116, Pub. L. 89–10, title IV, § 4116, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3682; amended Pub. L. 106–554, § 1(a)(1) [title III, § 314], Dec. 21, 2000, 114 Stat. 2763, 2763A–47, related to local drug and violence prevention programs, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 4106 of Pub. L. 89–10 was classified to section 3066 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7117. Activities to support well-rounded educational opportunities

(a) In general

Subject to section 7116(f) of this title, each local educational agency, or consortium of such agencies, that receives an allocation under section 7115(a) of this title shall use a portion of such funds to develop and implement programs and activities that support access to a well-rounded education and that—

(1) are coordinated with other schools and community-based services and programs;

(2) may be conducted in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success in implementing activities under this section; and

(3) may include programs and activities, such as—

(A) college and career guidance and counseling programs, such as—

(i) postsecondary education and career awareness and exploration activities;

(ii) training counselors to effectively use labor market information in assisting students with postsecondary education and career planning; and

(iii) financial literacy and Federal financial aid awareness activities;

(B) programs and activities that use music and the arts as tools to support student success through the promotion of constructive student engagement, problem solving, and conflict resolution;

(C) programming and activities to improve instruction and student engagement in science, technology, engineering, and mathematics, including computer science, (referred to in this section as ''STEM subjects'') such as—

(i) increasing access for students through grade 12 who are members of groups underrepresented in such subject fields, such as female students, minority students, English learners, children with disabilities, and economically disadvantaged students, to high-quality courses;

(ii) supporting the participation of low-income students in nonprofit competitions related to STEM subjects (such as robotics, science research, invention, mathematics, computer science, and technology competitions);

(iii) providing hands-on learning and exposure to science, technology, engineering, and mathematics and supporting the use of field-based or service learning to enhance the students' understanding of the STEM subjects;

(iv) supporting the creation and enhancement of STEM-focused specialty schools;

(v) facilitating collaboration among school, after-school program, and informal program personnel to improve the integration of programming and instruction in the identified subjects; and

(vi) integrating other academic subjects, including the arts, into STEM subject programs to increase participation in STEM subjects, improve attainment of skills related to STEM subjects, and promote well-rounded education;

(D) efforts to raise student academic achievement through accelerated learning programs described in section 7114(b)(3)(A)(i)(IV) of this title, such as—

(i) reimbursing low-income students to cover part or all of the costs of accelerated learning examination fees, if the low-income students are enrolled in accelerated learning courses and plan to take accelerated learning examinations; or

(ii) increasing the availability of, and enrollment in, accelerated learning courses, accelerated learning examinations, dual or concurrent enrollment programs, and early college high school courses;

(E) activities to promote the development, implementation, and strengthening of programs to teach traditional American history, civics, economics, geography, or government education;

(F) foreign language instruction;

(G) environmental education;

(H) programs and activities that promote volunteerism and community involvement;

(I) programs and activities that support educational programs that integrate multiple disciplines, such as programs that combine arts and mathematics; or

(J) other activities and programs to support student access to, and success in, a variety of well-rounded education experiences.

(b) Special rule

A local educational agency, or consortium of such agencies, that receives a subgrant under this subpart for fiscal year 2017 may use such funds to cover part or all of the fees for accelerated learning examinations taken by low-income students during the 2016-2017 school year, in accordance with subsection (a)(3)(D).

(Pub. L. 89–10, title IV, § 4107, as added Pub. L. 114–95, title IV, § 4101, Dec. 10, 2015, 129 Stat. 1977.)

PRIOR PROVISIONS

A prior section 7117, Pub. L. 89–10, title IV, § 4117, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1750, related to programs for Native Hawaiians, prior to the general amendment of this subpart by Pub. L. 114–95.

Another prior section 7117, Pub. L. 89–10, title IV, § 4117, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3685, related to evaluation and reporting, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 4107 of Pub. L. 89–10 was classified to section 3067 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7118. Activities to support safe and healthy students

Subject to section 7116(f) of this title, each local educational agency, or consortium of such

agencies, that receives an allocation under section 7115(a) of this title shall use a portion of such funds to develop, implement, and evaluate comprehensive programs and activities that—

(1) are coordinated with other schools and community-based services and programs;

(2) foster safe, healthy, supportive, and drug-free environments that support student academic achievement;

(3) promote the involvement of parents in the activity or program;

(4) may be conducted in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success in implementing activities described in this section; and

(5) may include, among other programs and activities—

(A) drug and violence prevention activities and programs that are evidence-based (to the extent the State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available) including—

(i) programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes; and

(ii) professional development and training for school and specialized instructional support personnel and interested community members in prevention, education, early identification, intervention mentoring, recovery support services and, where appropriate, rehabilitation referral, as related to drug and violence prevention;

(B) in accordance with sections 7101 and 7121 of this title—

(i) school-based mental health services, including early identification of mental health symptoms, drug use, and violence, and appropriate referrals to direct individual or group counseling services, which may be provided by school-based mental health services providers; and

(ii) school-based mental health services partnership programs that—

(I) are conducted in partnership with a public or private mental health entity or health care entity; and

(II) provide comprehensive school-based mental health services and supports and staff development for school and community personnel working in the school that are—

(aa) based on trauma-informed practices that are evidence-based (to the extent the State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available);

(bb) coordinated (where appropriate) with early intervening services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and

(cc) provided by qualified mental and behavioral health professionals who are certified or licensed by the State involved and practicing within their area of expertise;

(C) programs or activities that—

(i) integrate health and safety practices into school or athletic programs;

(ii) support a healthy, active lifestyle, including nutritional education and regular, structured physical education activities and programs, that may address chronic disease management with instruction led by school nurses, nurse practitioners, or other appropriate specialists or professionals to help maintain the well-being of students;

(iii) help prevent bullying and harassment;

(iv) improve instructional practices for developing relationship-building skills, such as effective communication, and improve safety through the recognition and prevention of coercion, violence, or abuse, including teen and dating violence, stalking, domestic abuse, and sexual violence and harassment;

(v) provide mentoring and school counseling to all students, including children who are at risk of academic failure, dropping out of school, involvement in criminal or delinquent activities, or drug use and abuse;

(vi) establish or improve school dropout and re-entry programs; or

(vii) establish learning environments and enhance students' effective learning skills that are essential for school readiness and academic success, such as by providing integrated systems of student and family supports;

(D) high-quality training for school personnel, including specialized instructional support personnel, related to—

(i) suicide prevention;

(ii) effective and trauma-informed practices in classroom management;

(iii) crisis management and conflict resolution techniques;

(iv) human trafficking (defined, for purposes of this subparagraph, as an act or practice described in paragraph (9) or (10) of section 7102 of title 22);

(v) school-based violence prevention strategies;

(vi) drug abuse prevention, including educating children facing substance abuse at home; and

(vii) bullying and harassment prevention;

(E) in accordance with sections 7101 and 7121 of this title, child sexual abuse awareness and prevention programs or activities, such as programs or activities designed to provide—

(i) age-appropriate and developmentally-appropriate instruction for students in child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to safely report child sexual abuse; and

(ii) information to parents and guardians of students about child sexual abuse

awareness and prevention, including how to recognize child sexual abuse and how to discuss child sexual abuse with a child;

(F) designing and implementing a locally-tailored plan to reduce exclusionary discipline practices in elementary and secondary schools that—

(i) is consistent with best practices;

(ii) includes strategies that are evidence-based (to the extent the State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available); and

(iii) is aligned with the long-term goal of prison reduction through opportunities, mentoring, intervention, support, and other education services, referred to as a ''youth PROMISE plan''; or

(G) implementation of schoolwide positive behavioral interventions and supports, including through coordination with similar activities carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), in order to improve academic outcomes and school conditions for student learning;

(H) designating a site resource coordinator at a school or local educational agency to provide a variety of services, such as—

(i) establishing partnerships within the community to provide resources and support for schools;

(ii) ensuring that all service and community partners are aligned with the academic expectations of a community school in order to improve student success; and

(iii) strengthening relationships between schools and communities; or

(I) pay for success initiatives aligned with the purposes of this section.

(Pub. L. 89–10, title IV, § 4108, as added Pub. L. 114–95, title IV, § 4101, Dec. 10, 2015, 129 Stat. 1978.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in par. (5)(B)(ii)(II)(bb), (G), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§ 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

PRIOR PROVISIONS

A prior section 7118, Pub. L. 89–10, title IV, § 4118, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3685, related to programs for Native Hawaiians, and was omitted in the general amendment of this subchapter by Pub. L. 107–110.

A prior section 4108 of Pub. L. 89–10 was classified to section 3068 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7119. Activities to support the effective use of technology

(a) Uses of funds

Subject to section 7116(f) of this title, each local educational agency, or consortium of such agencies, that receives an allocation under section 7115(a)[1] of this title shall use a portion of such funds to improve the use of technology to improve the academic achievement, academic growth, and digital literacy of all students, including by meeting the needs of such agency or consortium that are identified in the needs assessment conducted under section 7116(d) of this title (if applicable), which may include—

(1) providing educators, school leaders, and administrators with the professional learning tools, devices, content, and resources to—

(A) personalize learning to improve student academic achievement;

(B) discover, adapt, and share relevant high-quality educational resources;

(C) use technology effectively in the classroom, including by administering computer-based assessments and blended learning strategies; and

(D) implement and support school- and district-wide approaches for using technology to inform instruction, support teacher collaboration, and personalize learning;

(2) building technological capacity and infrastructure, which may include—

(A) procuring content and ensuring content quality; and

(B) purchasing devices, equipment, and software applications in order to address readiness shortfalls;

(3) developing or using effective or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology;

(4) carrying out blended learning projects, which shall include—

(A) planning activities, which may include development of new instructional models (including blended learning technology software and platforms), the purchase of digital instructional resources, initial professional development activities, and one-time information technology purchases, except that such expenditures may not include expenditures related to significant construction or renovation of facilities; or

(B) ongoing professional development for teachers, principals, other school leaders, or other personnel involved in the project that is designed to support the implementation and academic success of the project;

(5) providing professional development in the use of technology (which may be provided through partnerships with outside organizations) to enable teachers and instructional leaders to increase student achievement in the areas of science, technology, engineering, and mathematics, including computer science; and

(6) providing students in rural, remote, and underserved areas with the resources to take

[1] See References in Text note below.

advantage of high-quality digital learning experiences, digital resources, and access to online courses taught by effective educators.

(b) Special rule

A local educational agency, or consortium of such agencies, shall not use more than 15 percent of funds for purchasing technology infrastructure as described in subsection (a)(2)(B), which shall include technology infrastructure purchased for the activities under subsection (a)(4)(A).

(Pub. L. 89–10, title IV, § 4109, as added Pub. L. 114–95, title IV, § 4101, Dec. 10, 2015, 129 Stat. 1981.)

REFERENCES IN TEXT

Section 7115(a) of this title, referred to in subsec. (a), was in the original ''section 4015(a)'', and was translated as meaning section 4105(a) of the Elementary and Secondary Education Act of 1965, Pub. L. 89–10, to reflect the probable intent of Congress, because that Act does not contain a section 4015 and section 4105(a) refers to allocations.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7120. Supplement, not supplant

Funds made available under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

(Pub. L. 89–10, title IV, § 4110, as added Pub. L. 114–95, title IV, § 4101, Dec. 10, 2015, 129 Stat. 1982.)

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7121. Rule of construction

Nothing in this subpart may be construed to—

(1) authorize activities or programming that encourages teenage sexual activity; or

(2) prohibit effective activities or programming that meet the requirements of section 7906 of this title.

(Pub. L. 89–10, title IV, § 4111, as added Pub. L. 114–95, title IV, § 4101, Dec. 10, 2015, 129 Stat. 1982.)

PRIOR PROVISIONS

A prior section 4111 of Pub. L. 89–10 was classified to section 7111 of this title, prior to the general amendment of this subpart by Pub. L. 114–95.

A prior section 4011 [4111] of Pub. L. 89–10 was classified to section 7111 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7122. Authorization of appropriations

(a) In general

There are authorized to be appropriated to carry out this subpart $1,650,000,000 for fiscal year 2017 and $1,600,000,000 for each of fiscal years 2018 through 2020.

(b) Forward funding

Section 1223 of this title shall apply to this subpart.

(Pub. L. 89–10, title IV, § 4112, as added Pub. L. 114–95, title IV, § 4101, Dec. 10, 2015, 129 Stat. 1982.)

PRIOR PROVISIONS

A prior section 4112 of Pub. L. 89–10 was classified to section 7112 of this title, prior to the general amendment of this subpart by Pub. L. 114–95.

Another prior section 4112 of Pub. L. 89–10 was classified to section 7112 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBPART 2—INTERNET SAFETY

CODIFICATION

Pub. L. 114–95, title II, § 2001(a)(4)(A)–(C), title IV, § 4001(a)(5)(C), Dec. 10, 2015, 129 Stat. 1913, 1966, redesignated subpart 4 (§ 6777) of part D of subchapter II of this chapter as subpart 2 of part A of this subchapter.

PRIOR PROVISIONS

A prior subpart 2, consisting of sections 7131 to 7140 of this title, related to national programs, prior to repeal by Pub. L. 114–95, title IV, § 4001(a)(5)(B), Dec. 10, 2015, 129 Stat. 1966.

§ 7131. Internet safety

(a) In general

No funds made available under this part to a local educational agency for an elementary school or secondary school that does not receive services at discount rates under section 254(h)(5) of title 47 may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such school unless the school, school board, local educational agency, or other authority with responsibility for administration of such school both—

(1)(A) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

(i) obscene;

(ii) child pornography; or

(iii) harmful to minors; and

(B) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

(2)(A) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its

computers with Internet access that protects against access through such computers to visual depictions that are—

(i) obscene; or

(ii) child pornography; and

(B) is enforcing the operation of such technology protection measure during any use of such computers.

(b) Timing and applicability of implementation

(1) In general

The local educational agency with responsibility for a school covered by subsection (a) of this section shall certify the compliance of such school with the requirements of subsection (a) of this section as part of the application process for the next program funding year under this chapter following December 21, 2000, and for each subsequent program funding year thereafter.

(2) Process

(A) Schools with Internet safety policies and technology protection measures in place

A local educational agency with responsibility for a school covered by subsection (a) of this section that has in place an Internet safety policy meeting the requirements of subsection (a) of this section shall certify its compliance with subsection (a) of this section during each annual program application cycle under this chapter.

(B) Schools without Internet safety policies and technology protection measures in place

(i) Certification

A local educational agency with responsibility for a school covered by subsection (a) of this section that does not have in place an Internet safety policy meeting the requirements of subsection (a) of this section—

(I) for the first program year after December 21, 2000, in which the local educational agency is applying for funds for such school under this chapter, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and

(II) for the second program year after December 21, 2000, in which the local educational agency is applying for funds for such school under this chapter, shall certify that such school is in compliance with such requirements.

(ii) Ineligibility

Any school covered by subsection (a) of this section for which the local educational agency concerned is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this part for such second program year and all subsequent program years until such time as such school comes into compliance with such requirements.

(C) Waivers

Any school subject to a certification under subparagraph (B)(i)(II) for which the local educational agency concerned cannot make the certification otherwise required by that subparagraph may seek a waiver of that subparagraph if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that subparagraph. The local educational agency concerned shall notify the Secretary of the applicability of that subparagraph to the school. Such notice shall certify that the school will be brought into compliance with the requirements in subsection (a) of this section before the start of the third program year after December 21, 2000, in which the school is applying for funds under this part.

(c) Disabling during certain use

An administrator, supervisor, or person authorized by the responsible authority under subsection (a) of this section may disable the technology protection measure concerned to enable access for bona fide research or other lawful purposes.

(d) Noncompliance

(1) Use of General Education Provisions Act remedies

Whenever the Secretary has reason to believe that any recipient of funds under this part is failing to comply substantially with the requirements of this section, the Secretary may—

(A) withhold further payments to the recipient under this part;

(B) issue a complaint to compel compliance of the recipient through a cease and desist order; or

(C) enter into a compliance agreement with a recipient to bring it into compliance with such requirements,

in[1] same manner as the Secretary is authorized to take such actions under sections 455, 456, and 457, respectively, of the General Education Provisions Act [20 U.S.C. 1234d, 1234e, 1234f].

(2) Recovery of funds prohibited

The actions authorized by paragraph (1) are the exclusive remedies available with respect to the failure of a school to comply substantially with a provision of this section, and the Secretary shall not seek a recovery of funds from the recipient for such failure.

(3) Recommencement of payments

Whenever the Secretary determines (whether by certification or other appropriate evidence) that a recipient of funds who is subject to the withholding of payments under paragraph (1)(A) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments to the recipient under that paragraph.

(e) Definitions

In this subpart:

(1) Computer

The term ''computer'' includes any hardware, software, or other technology attached

[1] So in original. Probably should be followed by ''the''.

or connected to, installed in, or otherwise used in connection with a computer.

(2) Access to Internet

A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network that has access to the Internet.

(3) Acquisition or operation

An elementary school or secondary school shall be considered to have received funds under this part for the acquisition or operation of any computer if such funds are used in any manner, directly or indirectly—

(A) to purchase, lease, or otherwise acquire or obtain the use of such computer; or

(B) to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

(4) Minor

The term ''minor'' means an individual who has not attained the age of 17.

(5) Child pornography

The term ''child pornography'' has the meaning given that term in section 2256 of title 18.

(6) Harmful to minors

The term ''harmful to minors'' means any picture, image, graphic image file, or other visual depiction that—

(A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

(B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

(C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

(7) Obscene

The term ''obscene'' has the meaning applicable to that term under section 1460 of title 18.

(8) Sexual act and sexual contact

The terms ''sexual act'' and ''sexual contact'' have the meanings given those terms in section 2246 of title 18.

(f) Severability

If any provision of this section is held invalid, the remainder of this section shall not be affected thereby.

(Pub. L. 89–10, title IV, § 4121, formerly title II, § 2441, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1686; renumbered title IV, § 4161, renumbered § 4121, Pub. L. 114–95, title II, § 2001(a)(4)(A), (B), (D), title IV, § 4001(a)(5)(D), Dec. 10, 2015, 129 Stat. 1913, 1966.)

CODIFICATION

Section was classified to section 6777 of this title prior to renumbering by Pub. L. 114–95.

PRIOR PROVISIONS

Prior sections 7131 to 7140 were repealed by Pub. L. 114–95, § 5, title IV, § 4001(a)(5)(B), Dec. 10, 2015, 129 Stat. 1806, 1966, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 7131, Pub. L. 89–10, title IV, § 4121, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1751, related to Federal activities.

A prior section 7131, Pub. L. 89–10, title IV, § 4121, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3686, related to Federal activities, prior to the general amendment of this subchapter by Pub. L. 107–110.

Section 7132, Pub. L. 89–10, title IV, § 4122, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1752, related to impact evaluation.

A prior section 7132, Pub. L. 89–10, title IV, § 4122, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3687, related to grants to institutions of higher education, prior to repeal by Pub. L. 105–244, § 3, title IX, § 981, Oct. 7, 1998, 112 Stat. 1585, 1837, effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105–244.

Section 7133, Pub. L. 89–10, title IV, § 4123, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1752, related to hate crime prevention.

A prior section 7133, Pub. L. 89–10, title IV, § 4123, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3687, related to hate crime prevention, prior to the general amendment of this subchapter by Pub. L. 107–110.

Section 7134, Pub. L. 89–10, title IV, § 4124, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1754, related to the Safe and Drug-Free Schools and Communities Advisory Committee.

Section 7135, Pub. L. 89–10, title IV, § 4125, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1755, related to the National Coordinator Program.

Section 7136, Pub. L. 89–10, title IV, § 4126, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1756, related to community service grant programs.

Section 7137, Pub. L. 89–10, title IV, § 4127, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1756, related to the School Security Technology and Resource Center.

Section 7138, Pub. L. 89–10, title IV, § 4128, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1756, related to the National Center for School and Youth Safety.

Section 7139, Pub. L. 89–10, title IV, § 4129, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1757, authorized grants to reduce alcohol abuse.

Section 7140, Pub. L. 89–10, title IV, § 4130, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1758, related to mentoring programs.

Prior sections 7141 to 7144 were omitted in the general amendment of this subchapter by Pub. L. 107–110.

Section 7141, Pub. L. 89–10, title IV, § 4131, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3689, defined terms.

Section 7142, Pub. L. 89–10, title IV, § 4132, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3689, related to materials.

Section 7143, Pub. L. 89–10, title IV, § 4133, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3690, set forth prohibited uses of funds.

Section 7144, Pub. L. 89–10, title IV, § 4134, as added Pub. L. 105–277, div. D, title I, § 122, Oct. 21, 1998, 112 Stat. 2681–756, related to quality rating of drug, alcohol, and tobacco prevention programs implemented in public elementary schools and secondary schools.

SUBPART 3—GUN POSSESSION

CODIFICATION

Subpart 3 of part A of title IV of the Elementary and Secondary Education Act, comprising this subpart, was redesignated subpart 4 of part F of title VIII of the Act by Pub. L. 114–95, title IV, § 4001(a)(2)(A)–(C), title VIII, § 8001(a), (b)(1), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089, and transferred to subpart 4 (§ 7961) of part F of subchapter VIII of this chapter.

§ 7151. Transferred

CODIFICATION

Section 7151, Pub. L. 89–10, title IV, § 4141, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1762, which related to gun-free requirements, was renumbered section 8561 of Pub. L. 89–10 by Pub. L. 114–95, title IV, § 4001(a)(2)(D), title VIII, § 8001(a)(8), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089, and transferred to section 7961 of this title.

SUBPART 4—GENERAL PROVISIONS

§§ 7161 to 7164. Repealed. Pub. L. 114–95, title IV, § 4001(a)(5)(B), Dec. 10, 2015, 129 Stat. 1966

Section 7161, Pub. L. 89–10, title IV, § 4151, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1763, defined terms.

Section 7162, Pub. L. 89–10, title IV, § 4152, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1764, related to message and materials.

Section 7163, Pub. L. 89–10, title IV, § 4153, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1765, related to parental consent.

Section 7164, Pub. L. 89–10, title IV, § 4154, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1765, related to prohibited uses of funds.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7165. Transferred

CODIFICATION

Section, Pub. L. 89–10, title IV, § 4155, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1765, which related to transfer of school disciplinary records, was renumbered section 8537 of Pub. L. 89–10 by Pub. L. 114–95, title IV, § 4001(a)(3), title VIII, § 8001(a)(6), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089, and transferred to section 7917 of this title.

PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

§ 7171. Purpose; definitions

(a) Purpose

The purpose of this part is to provide opportunities for communities to establish or expand activities in community learning centers that—

(1) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet the challenging State academic standards;

(2) offer students a broad array of additional services, programs, and activities, such as youth development activities, service learning, nutrition and health education, drug and violence prevention programs, counseling programs, arts, music, physical fitness and wellness programs, technology education programs, financial literacy programs, environmental literacy programs, mathematics, science, career and technical programs, internship or apprenticeship programs, and other ties to an in-demand industry sector or occupation for high school students that are designed to reinforce and complement the regular academic program of participating students; and

(3) offer families of students served by community learning centers opportunities for active and meaningful engagement in their children's education, including opportunities for literacy and related educational development.

(b) Definitions

In this part:

(1) Community learning center

The term ''community learning center'' means an entity that—

(A) assists students to meet the challenging State academic standards by providing the students with academic enrichment activities and a broad array of other activities (such as programs and activities described in subsection (a)(2)) during nonschool hours or periods when school is not in session (such as before and after school or during summer recess) that—

(i) reinforce and complement the regular academic programs of the schools attended by the students served; and

(ii) are targeted to the students' academic needs and aligned with the instruction students receive during the school day; and

(B) offers families of students served by such center opportunities for active and meaningful engagement in their children's education, including opportunities for literacy and related educational development.

(2) Covered program

The term ''covered program'' means a program for which—

(A) the Secretary made a grant under this part (as this part was in effect on the day before the effective date of this part under the Every Student Succeeds Act); and

(B) the grant period had not ended on that effective date.

(3) Eligible entity

The term ''eligible entity'' means a local educational agency, community-based organization, Indian tribe or tribal organization (as such terms are defined in section 450b of title 25), another public or private entity, or a consortium of 2 or more such agencies, organizations, or entities.

(4) External organization

The term ''external organization'' means—

(A) a nonprofit organization with a record of success in running or working with before and after school (or summer recess) programs and activities; or

(B) in the case of a community where there is no such organization, a nonprofit organization in the community that enters into a written agreement or partnership with an organization described in subparagraph (A) to receive mentoring and guidance in running or working with before and after school (or summer recess) programs and activities.

(5) Rigorous peer-review process

The term ''rigorous peer-review process'' means a process by which—

(A) employees of a State educational agency who are familiar with the programs and

activities assisted under this part review all applications that the State receives for awards under this part for completeness and applicant eligibility;

(B) the State educational agency selects peer reviewers for such applications, who shall—

(i) be selected for their expertise in providing effective academic, enrichment, youth development, and related services to children; and

(ii) not include any applicant, or representative of an applicant, that has submitted an application under this part for the current application period; and

(C) the peer reviewers described in subparagraph (B) review and rate the applications to determine the extent to which the applications meet the requirements under sections 7174(b) and 7175 of this title.

(6) State

The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(Pub. L. 89–10, title IV, § 4201, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1765; amended Pub. L. 114–95, title IV, § 4201(a), Dec. 10, 2015, 129 Stat. 1982.)

REFERENCES IN TEXT

This part (as this part was in effect on the day before the effective date of this part under the Every Student Succeeds Act), referred to in subsec. (b)(2)(A), means this part as in effect before it was amended generally by Pub. L. 114–95, title IV, § 4201(a), Dec. 10, 2015, 129 Stat. 1982. For effective date of Pub. L. 114–95, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section related to purpose and definitions of this part.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7172. Allotments to States

(a) Reservation

From the funds appropriated under section 7176 of this title for any fiscal year, the Secretary shall reserve—

(1) such amounts as may be necessary to make continuation awards to subgrant recipients under covered programs (under the terms of those grants);

(2) not more than 1 percent for national activities, which the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to eligible entities carrying out programs under this part or conducting a national evaluation; and

(3) not more than 1 percent for payments to the outlying areas and the Bureau of Indian Education, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

(b) State allotments

(1) Determination

From the funds appropriated under section 7176 of this title for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of subchapter I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

(2) Reallotment of unused funds

If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this part.

(c) State use of funds

(1) In general

Each State that receives an allotment under this part shall reserve not less than 93 percent of the amount allotted to such State under subsection (b), for each fiscal year for awards to eligible entities under section 7174 of this title.

(2) State administration

A State educational agency may use not more than 2 percent of the amount made available to the State under subsection (b) for—

(A) the administrative costs of carrying out its responsibilities under this part;

(B) establishing and implementing a rigorous peer-review process for subgrant applications described in section 7174(b) of this title (including consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities); and

(C) awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).

(3) State activities

A State educational agency may use not more than 5 percent of the amount made available to the State under subsection (b) for the following activities:

(A) Monitoring and evaluating programs and activities assisted under this part.

(B) Providing capacity building, training, and technical assistance under this part.

(C) Conducting a comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part.

(D) Providing training and technical assistance to eligible entities that are appli-

cants for or recipients of awards under this part.

(E) Ensuring that any eligible entity that receives an award under this part from the State aligns the activities provided by the program with the challenging State academic standards.

(F) Ensuring that any such eligible entity identifies and partners with external organizations, if available, in the community.

(G) Working with teachers, principals, parents, the local workforce, the local community, and other stakeholders to review and improve State policies and practices to support the implementation of effective programs under this part.

(H) Coordinating funds received under this part with other Federal and State funds to implement high-quality programs.

(I) Providing a list of prescreened external organizations, as described under section 7173(a)(11) of this title.

(Pub. L. 89–10, title IV, § 4202, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1766; amended Pub. L. 114–95, title IV, § 4201(a), Dec. 10, 2015, 129 Stat. 1984.)

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section related to allotments to States.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7173. State application

(a) In general

In order to receive an allotment under section 7172 of this title for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

(2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;

(3) contains an assurance that the State educational agency—

(A) will make awards under this part to eligible entities that serve—

(i) students who primarily attend—

(I) schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 6311(d) of this title; and

(II) other schools determined by the local educational agency to be in need of intervention and support; and

(ii) the families of such students; and

(B) will further give priority to eligible entities that propose in the application to serve students described in subclauses (I) and (II) of section 7174(i)(1)(A)(i) of this title;

(4) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include procedures and criteria that take into consideration the likelihood that a proposed community learning center will help participating students meet the challenging State academic standards and any local academic standards;

(5) describes how the State educational agency will ensure that awards made under this part are—

(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

(B) in amounts that are consistent with section 7174(h) of this title;

(6) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, evaluation, dissemination of promising practices, and coordination of professional development for staff in specific content areas and youth development;

(7) describes how programs under this part will be coordinated with programs under this chapter, and other programs as appropriate;

(8) contains an assurance that the State educational agency—

(A) will make awards for programs for a period of not less than 3 years and not more than 5 years; and

(B) will require each eligible entity seeking such an award to submit a plan describing how the activities to be funded through the award will continue after funding under this part ends;

(9) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, other Federal, State, and local public funds expended to provide programs and activities authorized under this part and other similar programs;

(10) contains an assurance that the State educational agency will require eligible entities to describe in their applications under section 7174(b) of this title how the transportation needs of participating students will be addressed;

(11) describes how the State will—

(A) prescreen external organizations that could provide assistance in carrying out the activities under this part; and

(B) develop and make available to eligible entities a list of external organizations that successfully completed the prescreening process;

(12) provides—

(A) an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering before and after school (or summer recess) programs and activities, the heads of the State health and mental health agencies or their designees, statewide after-school networks (where applicable) and representatives of

teachers, local educational agencies, and community-based organizations; and

(B) a description of any other representatives of teachers, parents, students, or the business community that the State has selected to assist in the development of the application, if applicable;

(13) describes the results of the State's needs and resources assessment for before and after school (or summer recess) programs and activities, which shall be based on the results of on-going State evaluation activities;

(14) describes how the State educational agency will evaluate the effectiveness of programs and activities carried out under this part, which shall include, at a minimum—

(A) a description of the performance indicators and performance measures that will be used to evaluate programs and activities with emphasis on alignment with the regular academic program of the school and the academic needs of participating students, including performance indicators and measures that—

(i) are able to track student success and improvement over time;

(ii) include State assessment results and other indicators of student success and improvement, such as improved attendance during the school day, better classroom grades, regular (or consistent) program attendance, and on-time advancement to the next grade level; and

(iii) for high school students, may include indicators such as career competencies, successful completion of internships or apprenticeships, or work-based learning opportunities;

(B) a description of how data collected for the purposes of subparagraph (A) will be collected; and

(C) public dissemination of the evaluations of programs and activities carried out under this part; and

(15) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission.

(b) Deemed approval

An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

(c) Disapproval

The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

(d) Notification

If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

(1) give the State educational agency notice and an opportunity for a hearing; and

(2) notify the State educational agency of the finding of noncompliance and, in such notification—

(A) cite the specific provisions in the application that are not in compliance; and

(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

(e) Response

If the State educational agency responds to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

(2) the expiration of the 120-day period described in subsection (b).

(f) Failure to respond

If the State educational agency does not respond to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

(g) Limitation

The Secretary may not give a priority or a preference for States or eligible entities that seek to use funds made available under this part to extend the regular school day.

(Pub. L. 89–10, title IV, § 4203, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1767; amended Pub. L. 114–95, title IV, § 4201(a), Dec. 10, 2015, 129 Stat. 1986.)

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section related to State application, consisting of subsecs. (a) to (f).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7174. Local competitive subgrant program

(a) In general

(1) Community learning centers

A State that receives funds under this part for a fiscal year shall provide the amount made available under section 7172(c)(1) of this title to award subgrants to eligible entities for community learning centers in accordance with this part.

(2) Expanded learning program activities

A State that receives funds under this part for a fiscal year may use funds under section 7172(c)(1) of this title to support those enrichment and engaging academic activities described in section 7175(a) of this title that—

(A) are included as part of an expanded learning program that provides students at

least 300 additional program hours before, during, or after the traditional school day;

(B) supplement but do not supplant regular school day requirements; and

(C) are carried out by entities that meet the requirements of subsection (i).

(b) Application

(1) In general

To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

(2) Contents

Each application submitted under paragraph (1) shall include—

(A) a description of the activities to be funded, including—

(i) an assurance that the program will take place in a safe and easily accessible facility;

(ii) a description of how students participating in the program carried out by the community learning center will travel safely to and from the center and home, if applicable; and

(iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;

(B) a description of how such activities are expected to improve student academic achievement as well as overall student success;

(C) a demonstration of how the proposed program will coordinate Federal, State, and local programs and make the most effective use of public resources;

(D) an assurance that the proposed program was developed and will be carried out—

(i) in active collaboration with the schools that participating students attend (including through the sharing of relevant data among the schools), all participants of the eligible entity, and any partnership entities described in subparagraph (H), in compliance with applicable laws relating to privacy and confidentiality; and

(ii) in alignment with the challenging State academic standards and any local academic standards;

(E) a description of how the activities will meet the measures of effectiveness described in section 7175(b) of this title;

(F) an assurance that the program will target students who primarily attend schools eligible for schoolwide programs under section 6314 of this title and the families of such students;

(G) an assurance that subgrant funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds;

(H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity, if appropriate;

(I) an evaluation of the community needs and available resources for the community learning center, and a description of how the program proposed to be carried out in the center will address those needs (including the needs of working families);

(J) a demonstration that the eligible entity will use best practices, including research or evidence-based practices, to provide educational and related activities that will complement and enhance academic performance, achievement, postsecondary and workforce preparation, and positive youth development of the students;

(K) a description of a preliminary plan for how the community learning center will continue after funding under this part ends;

(L) an assurance that the community will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application;

(M) if the eligible entity plans to use volunteers in activities carried out through the community learning center, a description of how the eligible entity will encourage and use appropriately qualified persons to serve as the volunteers; and

(N) such other information and assurances as the State educational agency may reasonably require.

(c) Approval of certain applications

The State educational agency may approve an application under this part for a program to be located in a facility other than an elementary school or secondary school only if the program will be at least as available and accessible to the students to be served as if the program were located in an elementary school or secondary school.

(d) Permissive local match

(1) In general

A State educational agency may require an eligible entity to match subgrant funds awarded under this part, except that such match may not exceed the amount of the subgrant and may not be derived from other Federal or State funds.

(2) Sliding scale

The amount of a match under paragraph (1) shall be established based on a sliding scale that takes into account—

(A) the relative poverty of the population to be targeted by the eligible entity; and

(B) the ability of the eligible entity to obtain such matching funds.

(3) In-kind contributions

Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

(4) Consideration

Notwithstanding this subsection, a State educational agency shall not consider an eligi-

ble entity's ability to match funds when determining which eligible entities will receive subgrants under this part.

(e) Peer review

In reviewing local applications under this part, a State educational agency shall use a rigorous peer-review process or other methods to ensure the quality of funded projects.

(f) Geographic diversity

To the extent practicable, a State educational agency shall distribute subgrant funds under this part equitably among geographic areas within the State, including urban and rural communities.

(g) Duration of awards

A subgrant awarded under this part shall be awarded for a period of not less than 3 years and not more than 5 years.

(h) Amount of awards

A subgrant awarded under this part may not be made in an amount that is less than $50,000.

(i) Priority

(1) In general

In awarding subgrants under this part, a State educational agency shall give priority to applications—

(A) proposing to target services to—

(i) students who primarily attend schools that—

(I) are implementing comprehensive support and improvement activities or targeted support and improvement activities under section 6311(d) of this title or other schools determined by the local educational agency to be in need of intervention and support to improve student academic achievement and other outcomes; and

(II) enroll students who may be at risk for academic failure, dropping out of school, involvement in criminal or delinquent activities, or who lack strong positive role models; and

(ii) the families of students described in clause (i);

(B) submitted jointly by eligible entities consisting of not less than 1—

(i) local educational agency receiving funds under part A of subchapter I; and

(ii) another eligible entity; and

(C) demonstrating that the activities proposed in the application—

(i) are, as of the date of the submission of the application, not accessible to students who would be served; or

(ii) would expand accessibility to high-quality services that may be available in the community.

(2) Special rule

The State educational agency shall provide the same priority under paragraph (1) to an application submitted by a local educational agency if the local educational agency demonstrates that it is unable to partner with a community-based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.

(3) Limitation

A State educational agency may not give a priority or a preference to eligible entities that seek to use funds made available under this part to extend the regular school day.

(j) Renewability of awards

A State educational agency may renew a subgrant provided under this part to an eligible entity, based on the eligible entity's performance during the preceding subgrant period.

(Pub. L. 89–10, title IV, § 4204, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1769; amended Pub. L. 114–95, title IV, § 4201(a), Dec. 10, 2015, 129 Stat. 1988.)

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section related to local competitive grant program, consisting of subsecs. (a) to (i).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7175. Local activities

(a) Authorized activities

Each eligible entity that receives an award under section 7174 of this title may use the award funds to carry out a broad array of activities that advance student academic achievement and support student success, including—

(1) academic enrichment learning programs, mentoring programs, remedial education activities, and tutoring services, that are aligned with—

(A) the challenging State academic standards and any local academic standards; and

(B) local curricula that are designed to improve student academic achievement;

(2) well-rounded education activities, including such activities that enable students to be eligible for credit recovery or attainment;

(3) literacy education programs, including financial literacy programs and environmental literacy programs;

(4) programs that support a healthy and active lifestyle, including nutritional education and regular, structured physical activity programs;

(5) services for individuals with disabilities;

(6) programs that provide after-school activities for students who are English learners that emphasize language skills and academic achievement;

(7) cultural programs;

(8) telecommunications and technology education programs;

(9) expanded library service hours;

(10) parenting skills programs that promote parental involvement and family literacy;

(11) programs that provide assistance to students who have been truant, suspended, or expelled to allow the students to improve their academic achievement;

(12) drug and violence prevention programs and counseling programs;

(13) programs that build skills in science, technology, engineering, and mathematics (referred to in this paragraph as ''STEM''), including computer science, and that foster innovation in learning by supporting nontraditional STEM education teaching methods; and

(14) programs that partner with in-demand fields of the local workforce or build career competencies and career readiness and ensure that local workforce and career readiness skills are aligned with the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) and the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.).

(b) Measures of effectiveness

(1) In general

For a program or activity developed pursuant to this part to meet the measures of effectiveness, monitored by the State educational agency as described in section 7173(a)(14) of this title, such program or activity shall—

(A) be based upon an assessment of objective data regarding the need for before and after school (or summer recess) programs and activities in the schools and communities;

(B) be based upon an established set of performance measures aimed at ensuring the availability of high-quality academic enrichment opportunities;

(C) if appropriate, be based upon evidence-based research that the program or activity will help students meet the challenging State academic standards and any local academic standards;

(D) ensure that measures of student success align with the regular academic program of the school and the academic needs of participating students and include performance indicators and measures described in section 7173(a)(14)(A) of this title; and

(E) collect the data necessary for the measures of student success described in subparagraph (D).

(2) Periodic evaluation

(A) In general

The program or activity shall undergo a periodic evaluation in conjunction with the State educational agency's overall evaluation plan as described in section 7173(a)(14) of this title, to assess the program's progress toward achieving the goal of providing high-quality opportunities for academic enrichment and overall student success.

(B) Use of results

The results of evaluations under subparagraph (A) shall be—

(i) used to refine, improve, and strengthen the program or activity, and to refine the performance measures;

(ii) made available to the public upon request, with public notice of such availability provided; and

(iii) used by the State to determine whether a subgrant is eligible to be renewed under section 7174(j) of this title.

(Pub. L. 89–10, title IV, § 4205, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1772; amended Pub. L. 114–95, title IV, § 4201(a), Dec. 10, 2015, 129 Stat. 1992.)

REFERENCES IN TEXT

The Carl D. Perkins Career and Technical Education Act of 2006, referred to in subsec. (a)(14), is Pub. L. 88–210, Dec. 18, 1963, 77 Stat. 403, as amended generally by Pub. L. 109–270, § 1(b), Aug. 12, 2006, 120 Stat. 683, which is classified generally to chapter 44 (§ 2301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of this title and Tables.

The Workforce Innovation and Opportunity Act, referred to in (a)(14), is Pub. L. 113–128, July 22, 2014, 128 Stat. 1425, which enacted chapter 32 (§ 3101 et seq.) of Title 29, Labor, repealed chapter 30 (§ 2801 et seq.) of Title 29 and chapter 73 (§ 9201 et seq.) of this title, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 29 and Tables.

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section related to local activities.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7176. Authorization of appropriations

There are authorized to be appropriated to carry out this part $1,000,000,000 for fiscal year 2017 and $1,100,000,000 for each of fiscal years 2018 through 2020.

(Pub. L. 89–10, title IV, § 4206, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1773; amended Pub. L. 114–95, title IV, § 4201(a), Dec. 10, 2015, 129 Stat. 1993.)

PRIOR PROVISIONS

A prior section 7181, Pub. L. 89–10, title IV, § 4301, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1773, which set forth short title of the Pro-Children Act of 2001, was renumbered section 8571 of Pub. L. 89–10 by Pub. L. 114–95, title IV, § 4001(a)(4)(A), (B), (C)(ii), title VIII, § 8001(a)(9), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089, and transferred to section 7971 of this title.

A prior section 7182, Pub. L. 89–10, title IV, § 4302, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1773, which related to definitions, was renumbered section 8572 of Pub. L. 89–10 by Pub. L. 114–95, title IV, § 4001(a)(4)(A), (B), (C)(ii), title VIII, § 8001(a)(9), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089, and transferred to section 7972 of this title.

A prior section 7183, Pub. L. 89–10, title IV, § 4303, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1774; amended Pub. L. 114–95, title IV, § 4001(a)(1), Dec. 10, 2015, 129 Stat. 1966, which related to nonsmoking policy for children's services, was renumbered section 8573 of Pub. L. 89–10 by Pub. L. 114–95, title IV, § 4001(a)(4)(A), (B), (C)(ii), title VIII, § 8001(a)(9), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089, and transferred to section 7973 of this title.

A prior section 7184, Pub. L. 89–10, title IV, § 4304, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1776, which related to preemption of law, was renumbered section 8574 of Pub. L. 89–10 by Pub. L. 114–95, title IV, § 4001(a)(4)(A), (B), (C)(ii), title VIII, § 8001(a)(9), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089, and transferred to section 7974 of this title.

A prior section 7201, Pub. L. 89–10, title V, § 5101, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1776, related to purposes and State and local responsibility, prior to repeal by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(A), Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Another prior section 7201, Pub. L. 89–10, title V, § 5101, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3690, set forth findings relating to magnet schools assistance, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

Prior sections 7202 to 7210 were omitted in the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

Section 7202, Pub. L. 89–10, title V, § 5102, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3691, related to purpose of magnet schools assistance.

Section 7203, Pub. L. 89–10, title V, § 5103, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3691, authorized program.

Section 7204, Pub. L. 89–10, title V, § 5104, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3691, defined ''magnet school''.

Section 7205, Pub. L. 89–10, title V, § 5105, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3692, related to eligibility for assistance.

Section 7206, Pub. L. 89–10, title V, § 5106, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3692, related to applications and requirements.

Section 7207, Pub. L. 89–10, title V, § 5107, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3693, related to priority in approving applications.

Section 7208, Pub. L. 89–10, title V, § 5108, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3693, related to use of funds. See section 7231f of this title.

Section 7209, Pub. L. 89–10, title V, § 5109, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3694, set forth prohibitions.

Section 7210, Pub. L. 89–10, title V, § 5110, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3694, related to limitations.

A prior section 7211, Pub. L. 89–10, title V, § 5111, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1777, related to allotment to States, prior to repeal by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(A), Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Another prior section 7211, Pub. L. 89–10, title V, § 5111, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3694, related to innovative programs, prior to the general amendment of former subchapter V by Pub. L. 107–110.

A prior section 5111 of Pub. L. 89–10 was classified to section 3181 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

A prior section 7211a, Pub. L. 89–10, title V, § 5112, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1777, related to allocation to local educational agencies, prior to repeal by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(A), Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 5112 of Pub. L. 89–10 was classified to section 7212 of this title, prior to the general amendment of former this subchapter V of this chapter by Pub. L. 107–110.

Another prior section 5112 of Pub. L. 89–10 was classified to section 3182 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

A prior section 7212, Pub. L. 89–10, title V, § 5112, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3695, which related to evaluations, was omitted in the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

A prior section 7213, Pub. L. 89–10, title V, § 5121, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1779, related to State uses of funds, prior to repeal by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(A), Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Another prior section 7213, Pub. L. 89–10, title V, § 5113, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3695, related to authorization of appropriations and reservation of funds, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

A prior section 5121 of Pub. L. 89–10 was classified to section 3191 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Prior sections 7213a, 7215 to 7215b, and 7217 to 7217e were repealed by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(A), Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 7213a, Pub. L. 89–10, title V, § 5122, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1780, related to State applications.

A prior section 5122 of Pub. L. 89–10 was classified to section 3192 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Section 7215, Pub. L. 89–10, title V, § 5131, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1781, related to local uses of funds.

A prior section 5131 of Pub. L. 89–10 was classified to section 3211 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Section 7215a, Pub. L. 89–10, title V, § 5132, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1783, related to administrative authority.

A prior section 5132 of Pub. L. 89–10 was classified to section 3212 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Section 7215b, Pub. L. 89–10, title V, § 5133, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1783, related to local applications.

A prior section 5133 of Pub. L. 89–10 was classified to section 3213 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Section 7217, Pub. L. 89–10, title V, § 5141, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1784, related to maintenance of effort.

A prior section 5141 of Pub. L. 89–10 was classified to section 3221 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Section 7217a, Pub. L. 89–10, title V, § 5142, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1785, related to participation of children enrolled in private schools.

A prior section 5142 of Pub. L. 89–10 was classified to section 3222 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Section 7217b, Pub. L. 89–10, title V, § 5143, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1787, related to Federal administration.

A prior section 5143 of Pub. L. 89–10 was classified to section 3223 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Section 7217c, Pub. L. 89–10, title V, § 5144, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1788, provided that funds made available were to supplement, not supplant, other funds.

A prior section 5144 of Pub. L. 89–10 was classified to section 3224 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Section 7217d, Pub. L. 89–10, title V, § 5145, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1788, defined terms.

A prior section 5145 of Pub. L. 89–10 was classified to section 3224a of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Section 7217e, Pub. L. 89–10, title V, § 5146, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1788, authorized appropriations for fiscal years 2002 to 2007.

A prior section 5146 of Pub. L. 89–10 was classified to section 3224b of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment section authorized appropriations for fiscal years 2002 to 2007.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

PART C—EXPANDING OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS

CODIFICATION

Pub. L. 114–95, title IV, § 4001(b)(2)(A)–(D)(ii), Dec. 10, 2015, 129 Stat. 1967, redesignated part B (§ 7221 et seq.) of subchapter V of this chapter as part C of this subchapter, substituted ''Expanding Opportunity Through Quality Charter Schools'' for ''Public Charter Schools'' in part heading, and struck out subpart 1 heading.

PRIOR PROVISIONS

A prior part C of title IV of the Elementary and Secondary Education Act of 1965, comprising part C (§ 7181 et seq.) of this subchapter, was redesignated subpart 5 of part F of title VIII of the Act and transferred to subpart 5 (§ 7971 et seq.) of part F of subchapter VIII of this chapter by Pub. L. 114–95, title IV, § 4001(a)(4)(A)–(C)(i), title VIII, § 8001(a)(9), (b)(1), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089.

§ 7221. Purpose

It is the purpose of this part to—

(1) improve the United States education system and education opportunities for all people in the United States by supporting innovation in public education in public school settings that prepare students to compete and contribute to the global economy and a stronger Nation;

(2) provide financial assistance for the planning, program design, and initial implementation of charter schools;

(3) increase the number of high-quality charter schools available to students across the United States;

(4) evaluate the impact of charter schools on student achievement, families, and communities, and share best practices between charter schools and other public schools;

(5) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount States typically provide for traditional public schools;

(6) expand opportunities for children with disabilities, English learners, and other traditionally underserved students to attend charter schools and meet the challenging State academic standards;

(7) support efforts to strengthen the charter school authorizing process to improve performance management, including transparency, oversight and monitoring (including financial audits), and evaluation of such schools; and

(8) support quality, accountability, and transparency in the operational performance of all authorized public chartering agencies, including State educational agencies, local educational agencies, and other authorizing entities.

(Pub. L. 89–10, title IV, § 4301, as added Pub. L. 114–95, title IV, § 4301(1), Dec. 10, 2015, 129 Stat. 1993.)

PRIOR PROVISIONS

A prior section 7221, Pub. L. 89–10, title IV, § 4301, formerly title V, § 5201, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1788; renumbered title IV, § 4301, Pub. L. 114–95, title IV, § 4001(b)(2)(A), (B), (D)(iii), Dec. 10, 2015, 129 Stat. 1967, related to purpose of former subpart 1 of part B of subchapter V of this chapter, prior to repeal by Pub. L. 114–95, § 5, title IV, § 4301(1), Dec. 10, 2015, 129 Stat. 1806, 1993, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 4301 of Pub. L. 89–10 was renumbered section 8571, and is classified to section 7971 of this title.

Another prior section 4301 of Pub. L. 89–10 was classified to section 3081 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7221a. Program authorized

(a) In general

The Secretary may carry out a charter school program that supports charter schools that serve early childhood, elementary school, or secondary school students by—

(1) supporting the startup of new charter schools, the replication of high-quality charter schools, and the expansion of high-quality charter schools;

(2) assisting charter schools in accessing credit to acquire and renovate facilities for school use; and

(3) carrying out national activities to support—

(A) the activities described in paragraph (1);

(B) the dissemination of best practices of charter schools for all schools;

(C) the evaluation of the impact of the charter school program under this part on schools participating in such program; and

(D) stronger charter school authorizing practices.

(b) Funding allotment

From the amount made available under section 7221j of this title for a fiscal year, the Secretary shall—

(1) reserve 12.5 percent to support charter school facilities assistance under section 7221c of this title;

(2) reserve 22.5 percent to carry out national activities under section 7221d of this title; and

(3) use the remaining amount after the reservations under paragraphs (1) and (2) to carry out section 7221b of this title.

(c) Prior grants and subgrants

The recipient of a grant or subgrant under part B of title V (as such part was in effect on the day before December 10, 2015) shall continue to receive funds in accordance with the terms and conditions of such grant or subgrant.

(Pub. L. 89–10, title IV, § 4302, as added Pub. L. 114–95, title IV, § 4301(1), Dec. 10, 2015, 129 Stat. 1994.)

REFERENCES IN TEXT

Part B of title V (as such part was in effect on the day before December 10, 2015), referred to in subsec. (c), means part B of title V of Pub. L. 89–10, which was classified generally to part B (§ 7221 et seq.) of subchapter V of this chapter prior to being amended by Pub. L. 114–95. Pub. L. 114–95, title IV, §§ 4001(b)(1)(B), (2), 4301, Dec. 10, 2015, 129 Stat. 1967, 1993, repealed subparts 2 (§ 7223 et seq.) and 3 (§ 7225 et seq.) of part B of subchapter V, redesignated the remainder of part B as this part, struck out the subpart 1 designation and heading, repealed and amended various sections of this part, and added several new sections. For complete classification of Pub. L. 114–95 to the Code, see Tables.

PRIOR PROVISIONS

A prior section 7221a, Pub. L. 89–10, title IV, § 4302, formerly title V, § 5202, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1788; renumbered title IV, § 4302, Pub. L. 114–95, title IV, § 4001(b)(2)(A), (B), (D)(iii), Dec. 10, 2015, 129 Stat. 1967, related to authorization of grant program, prior to repeal by Pub. L. 114–95, § 5, title IV, § 4301(1), Dec. 10, 2015, 129 Stat. 1806, 1993, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 4302 of Pub. L. 89–10 was renumbered section 8572, and is classified to section 7972 of this title.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7221b. Grants to support high-quality charter schools

(a) State entity defined

For purposes of this section, the term ''State entity'' means—

(1) a State educational agency;

(2) a State charter school board;

(3) a Governor of a State; or

(4) a charter school support organization.

(b) Program authorized

From the amount available under section 7221a(b)(3) of this title, the Secretary shall award, on a competitive basis, grants to State entities having applications approved under subsection (f) to enable such entities to—

(1) award subgrants to eligible applicants to enable eligible applicants to—

(A) open and prepare for the operation of new charter schools;

(B) open and prepare for the operation of replicated high-quality charter schools; or

(C) expand high-quality charter schools; and

(2) provide technical assistance to eligible applicants and authorized public chartering agencies in carrying out the activities described in paragraph (1), and work with authorized public chartering agencies in the State to improve authorizing quality, including developing capacity for, and conducting, fiscal oversight and auditing of charter schools.

(c) State entity uses of funds

(1) In general

A State entity receiving a grant under this section shall—

(A) use not less than 90 percent of the grant funds to award subgrants to eligible applicants, in accordance with the quality charter school program described in the State entity's application pursuant to subsection (f), for the purposes described in subsection (b)(1);

(B) reserve not less than 7 percent of such funds to carry out the activities described in subsection (b)(2); and

(C) reserve not more than 3 percent of such funds for administrative costs, which may include technical assistance.

(2) Contracts and grants

A State entity may use a grant received under this section to carry out the activities described in subsection (b)(2) directly or through grants, contracts, or cooperative agreements.

(3) Rule of construction

(A) Use of lottery

Nothing in this chapter shall prohibit the Secretary from awarding grants to State entities, or prohibit State entities from awarding subgrants to eligible applicants, that use a weighted lottery to give slightly better chances for admission to all, or a subset of, educationally disadvantaged students if—

(i) the use of weighted lotteries in favor of such students is not prohibited by State law, and such State law is consistent with laws described in section 7221i(2)(G) of this title; and

(ii) such weighted lotteries are not used for the purpose of creating schools exclusively to serve a particular subset of students.

(B) Students with special needs

Nothing in this paragraph shall be construed to prohibit schools from specializing in providing specific services for students with a demonstrated need for such services, such as students who need specialized instruction in reading, spelling, or writing.

(d) Program periods; peer review; distribution of subgrants; waivers

(1) Program periods

(A) Grants

A grant awarded by the Secretary to a State entity under this section shall be for a period of not more than 5 years.

(B) Subgrants

A subgrant awarded by a State entity under this section shall be for a period of not more than 5 years, of which an eligible applicant may use not more than 18 months for planning and program design.

(2) Peer review

The Secretary, and each State entity awarding subgrants under this section, shall use a peer-review process to review applications for assistance under this section.

(3) Grant awards

(A) In general

The Secretary—

(i) shall for each fiscal year for which funds are appropriated under section 7221j of this title—

(I) award not less than 3 grants under this section; and

(II) fully obligate the first 2 years of funds appropriated for the purpose of awarding grants under this section in the first fiscal year for which such grants are awarded; and

(ii) prior to the start of the third year of the grant period and each succeeding year of each grant awarded under this section to a State entity—

(I) shall review—

(aa) whether the State entity is using the grant funds for the agreed upon uses of funds; and

(bb) whether the full amount of the grant will be needed for the remainder of the grant period; and

(II) may, as determined necessary based on that review, terminate or reduce the amount of the grant and reallocate the remaining grant funds to other State entities—

(aa) by using such funds to award grants under this section to other State entities; or

(bb) in a fiscal year in which the amount of such remaining funds is insufficient to award grants under item (aa), in accordance with subparagraph (B).

(B) Remaining funding

For a fiscal year for which there are remaining grant funds under this paragraph, but the amount of such funds is insufficient to award a grant to a State entity under this section, the Secretary shall use such remaining grants funds—

(i) to supplement funding for grants under section 7221d(a)(2) of this title, but not to supplant—

(I) the funds reserved under section 7221d(a)(2) of this title; and

(II) funds otherwise reserved under section 7221a(b)(2) of this title to carry out national activities under section 7221d of this title;

(ii) to award grants to State entities to carry out the activities described in subsection (b)(1) for the next fiscal year; or

(iii) to award one year of a grant under subsection (b)(1) to a high-scoring State entity, in an amount at or above the minimum amount the State entity needs to be successful for such year.

(4) Diversity of projects

Each State entity awarding subgrants under this section shall award subgrants in a manner that, to the extent practicable and applicable, ensures that such subgrants—

(A) are distributed throughout different areas, including urban, suburban, and rural areas; and

(B) will assist charter schools representing a variety of educational approaches.

(5) Waivers

The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority, except any such requirement relating to the elements of a charter school described in section 7221i(2) of this title, if—

(A) the waiver is requested in an approved application under this section; and

(B) the Secretary determines that granting such waiver will promote the purpose of this part.

(e) Limitations

(1) Grants

No State entity may receive a grant under this section for use in a State in which a State entity is currently using a grant received under this section.

(2) Subgrants

An eligible applicant may not receive more than 1 subgrant under this section for each individual charter school for a 5-year period, unless the eligible applicant demonstrates to the State entity that such individual charter school has at least 3 years of improved educational results for students enrolled in such charter school with respect to the elements described in subparagraphs (A) and (D) of section 7221i(8) of this title.

(f) Applications

A State entity desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

(1) Description of program

A description of the State entity's objectives in running a quality charter school program under this section and how the objectives of the program will be carried out, including—

(A) a description of how the State entity will—

(i) support the opening of charter schools through the startup of new charter schools and, if applicable, the replication of high-quality charter schools, and the expansion of high-quality charter schools (including the proposed number of new charter schools to be opened, high-quality charter schools to be opened as a result of the replication of a high-quality charter school, or high-quality charter schools to be expanded under the State entity's program);

(ii) inform eligible charter schools, developers, and authorized public chartering agencies of the availability of funds under the program;

(iii) work with eligible applicants to ensure that the eligible applicants access all Federal funds that such applicants are eligible to receive, and help the charter schools supported by the applicants and the students attending those charter schools—

(I) participate in the Federal programs in which the schools and students are eligible to participate;

(II) receive the commensurate share of Federal funds the schools and students are eligible to receive under such programs; and

(III) meet the needs of students served under such programs, including students with disabilities and English learners;

(iv) ensure that authorized public chartering agencies, in collaboration with surrounding local educational agencies where applicable, establish clear plans and procedures to assist students enrolled in a charter school that closes or loses its charter to attend other high-quality schools;

(v) in the case of a State entity that is not a State educational agency—

(I) work with the State educational agency and charter schools in the State to maximize charter school participation in Federal and State programs for which charter schools are eligible; and

(II) work with the State educational agency to operate the State entity's program under this section, if applicable;

(vi) ensure that each eligible applicant that receives a subgrant under the State entity's program—

(I) is using funds provided under this section for one of the activities described in subsection (b)(1); and

(II) is prepared to continue to operate charter schools funded under this section in a manner consistent with the eligible applicant's application for such subgrant once the subgrant funds under this section are no longer available;

(vii) support—

(I) charter schools in local educational agencies with a significant number of schools identified by the State for comprehensive support and improvement under section 6311(c)(4)(D)(i) of this title; and

(II) the use of charter schools to improve struggling schools, or to turn around struggling schools;

(viii) work with charter schools on—

(I) recruitment and enrollment practices to promote inclusion of all students, including by eliminating any barriers to enrollment for educationally disadvantaged students (who include foster youth and unaccompanied homeless youth); and

(II) supporting all students once they are enrolled to promote retention, including by reducing the overuse of discipline practices that remove students from the classroom;

(ix) share best and promising practices between charter schools and other public schools;

(x) ensure that charter schools receiving funds under the State entity's program meet the educational needs of their students, including children with disabilities and English learners;

(xi) support efforts to increase charter school quality initiatives, including meeting the quality authorizing elements described in paragraph (2)(D);

(xii)(I) in the case of a State entity not described in subclause (II), a description of how the State entity will provide oversight of authorizing activity, including how the State will help ensure better authorizing, such as by establishing authorizing standards that may include approving, monitoring, and re-approving or revoking the authority of an authorized public chartering agency based on the performance of the charter schools authorized by such agency in the areas of student achievement, student safety, financial and operational management, and compliance with all applicable statutes and regulations; and

(II) in the case of a State entity described in subsection (a)(4), a description of how the State entity will work with the State to support the State's system of technical assistance and oversight, as described in subclause (I), of the authorizing activity of authorized public chartering agencies; and

(xiii) work with eligible applicants receiving a subgrant under the State entity's program to support the opening of new charter schools or charter school models described in clause (i) that are high schools;

(B) a description of the extent to which the State entity—

(i) is able to meet and carry out the priorities described in subsection (g)(2);

(ii) is working to develop or strengthen a cohesive statewide system to support the opening of new charter schools and, if applicable, the replication of high-quality charter schools, and the expansion of high-quality charter schools; and

(iii) is working to develop or strengthen a cohesive strategy to encourage collaboration between charter schools and local educational agencies on the sharing of best practices;

(C) a description of how the State entity will award subgrants, on a competitive basis, including—

(i) a description of the application each eligible applicant desiring to receive a subgrant will be required to submit, which application shall include—

(I) a description of the roles and responsibilities of eligible applicants, partner organizations, and charter management organizations, including the administrative and contractual roles and responsibilities of such partners;

(II) a description of the quality controls agreed to between the eligible applicant and the authorized public chartering agency involved, such as a contract or performance agreement, how a school's performance in the State's accountability system and impact on student achievement (which may include student academic growth) will be one of the most important factors for renewal

or revocation of the school's charter, and how the State entity and the authorized public chartering agency involved will reserve the right to revoke or not renew a school's charter based on financial, structural, or operational factors involving the management of the school;

(III) a description of how the autonomy and flexibility granted to a charter school is consistent with the definition of a charter school in section 7221i of this title;

(IV) a description of how the eligible applicant will solicit and consider input from parents and other members of the community on the implementation and operation of each charter school that will receive funds under the State entity's program;

(V) a description of the eligible applicant's planned activities and expenditures of subgrant funds to support the activities described in subsection (b)(1), and how the eligible applicant will maintain financial sustainability after the end of the subgrant period; and

(VI) a description of how the eligible applicant will support the use of effective parent, family, and community engagement strategies to operate each charter school that will receive funds under the State entity's program; and

(ii) a description of how the State entity will review applications from eligible applicants;

(D) in the case of a State entity that partners with an outside organization to carry out the State entity's quality charter school program, in whole or in part, a description of the roles and responsibilities of the partner;

(E) a description of how the State entity will ensure that each charter school receiving funds under the State entity's program has considered and planned for the transportation needs of the school's students;

(F) a description of how the State in which the State entity is located addresses charter schools in the State's open meetings and open records laws; and

(G) a description of how the State entity will support diverse charter school models, including models that serve rural communities.

(2) Assurances

Assurances that—

(A) each charter school receiving funds through the State entity's program will have a high degree of autonomy over budget and operations, including autonomy over personnel decisions;

(B) the State entity will support charter schools in meeting the educational needs of their students, as described in paragraph (1)(A)(x);

(C) the State entity will ensure that the authorized public chartering agency of any charter school that receives funds under the State entity's program adequately monitors each charter school under the authority of such agency in recruiting, enrolling, retaining, and meeting the needs of all students, including children with disabilities and English learners;

(D) the State entity will provide adequate technical assistance to eligible applicants to meet the objectives described in clause (viii) of paragraph (1)(A) and subparagraph (B) of this paragraph;

(E) the State entity will promote quality authorizing, consistent with State law, such as through providing technical assistance to support each authorized public chartering agency in the State to improve such agency's ability to monitor the charter schools authorized by the agency, including by—

(i) assessing annual performance data of the schools, including, as appropriate, graduation rates, student academic growth, and rates of student attrition;

(ii) reviewing the schools' independent, annual audits of financial statements prepared in accordance with generally accepted accounting principles, and ensuring that any such audits are publically reported; and

(iii) holding charter schools accountable to the academic, financial, and operational quality controls agreed to between the charter school and the authorized public chartering agency involved, such as through renewal, non-renewal, or revocation of the school's charter;

(F) the State entity will work to ensure that charter schools are included with the traditional public schools in decisionmaking about the public school system in the State; and

(G) the State entity will ensure that each charter school receiving funds under the State entity's program makes publicly available, consistent with the dissemination requirements of the annual State report card under section 6311(h) of this title, including on the website of the school, information to help parents make informed decisions about the education options available to their children, including—

(i) information on the educational program;

(ii) student support services;

(iii) parent contract requirements (as applicable), including any financial obligations or fees;

(iv) enrollment criteria (as applicable); and

(v) annual performance and enrollment data for each of the subgroups of students, as defined in section 6311(c)(2) of this title, except that such disaggregation of performance and enrollment data shall not be required in a case in which the number of students in a group is insufficient to yield statically reliable information or the results would reveal personally identifiable information about an individual student.

(3) Requests for waivers

Information about waivers, including—

(A) a request and justification for waivers of any Federal statutory or regulatory pro-

visions that the State entity believes are necessary for the successful operation of the charter schools that will receive funds under the State entity's program under this section or, in the case of a State entity defined in subsection (a)(4), a description of how the State entity will work with the State to request such necessary waivers, where applicable; and

(B) a description of any State or local rules, generally applicable to public schools, that will be waived, or otherwise not apply to such schools.

(g) Selection criteria; priority

(1) Selection criteria

The Secretary shall award grants to State entities under this section on the basis of the quality of the applications submitted under subsection (f), after taking into consideration—

(A) the degree of flexibility afforded by the State's charter school law and how the State entity will work to maximize the flexibility provided to charter schools under such law;

(B) the ambitiousness of the State entity's objectives for the quality charter school program carried out under this section;

(C) the likelihood that the eligible applicants receiving subgrants under the program will meet those objectives and improve educational results for students;

(D) the State entity's plan to—

(i) adequately monitor the eligible applicants receiving subgrants under the State entity's program;

(ii) work with the authorized public chartering agencies involved to avoid duplication of work for the charter schools and authorized public chartering agencies; and

(iii) provide technical assistance and support for—

(I) the eligible applicants receiving subgrants under the State entity's program; and

(II) quality authorizing efforts in the State; and

(E) the State entity's plan to solicit and consider input from parents and other members of the community on the implementation and operation of charter schools in the State.

(2) Priority

In awarding grants under this section, the Secretary shall give priority to a State entity to the extent that the entity meets the following criteria:

(A) The State entity is located in a State that—

(i) allows at least one entity that is not a local educational agency to be an authorized public chartering agency for developers seeking to open a charter school in the State; or

(ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, the State has an appeals process for the denial of an application for a charter school.

(B) The State entity is located in a State that ensures equitable financing, as compared to traditional public schools, for charter schools and students in a prompt manner.

(C) The State entity is located in a State that provides charter schools one or more of the following:

(i) Funding for facilities.

(ii) Assistance with facilities acquisition.

(iii) Access to public facilities.

(iv) The ability to share in bonds or mill levies.

(v) The right of first refusal to purchase public school buildings.

(vi) Low- or no-cost leasing privileges.

(D) The State entity is located in a State that uses best practices from charter schools to help improve struggling schools and local educational agencies.

(E) The State entity supports charter schools that serve at-risk students through activities such as dropout prevention, dropout recovery, or comprehensive career counseling services.

(F) The State entity has taken steps to ensure that all authorizing public chartering agencies implement best practices for charter school authorizing.

(h) Local uses of funds

An eligible applicant receiving a subgrant under this section shall use such funds to support the activities described in subsection (b)(1), which shall include one or more of the following activities:

(1) Preparing teachers, school leaders, and specialized instructional support personnel, including through paying the costs associated with—

(A) providing professional development; and

(B) hiring and compensating, during the eligible applicant's planning period specified in the application for subgrant funds that is required under this section, one or more of the following:

(i) Teachers.

(ii) School leaders.

(iii) Specialized instructional support personnel.

(2) Acquiring supplies, training, equipment (including technology), and educational materials (including developing and acquiring instructional materials).

(3) Carrying out necessary renovations to ensure that a new school building complies with applicable statutes and regulations, and minor facilities repairs (excluding construction).

(4) Providing one-time, startup costs associated with providing transportation to students to and from the charter school.

(5) Carrying out community engagement activities, which may include paying the cost of student and staff recruitment.

(6) Providing for other appropriate, non-sustained costs related to the activities described in subsection (b)(1) when such costs cannot be met from other sources.

(i) Reporting requirements

Each State entity receiving a grant under this section shall submit to the Secretary, at the end of the third year of the 5-year grant period (or at the end of the second year of the grant period if the grant is less than 5 years), and at the end of such grant period, a report that includes the following:

(1) The number of students served by each subgrant awarded under this section and, if applicable, the number of new students served during each year of the period of the subgrant.

(2) A description of how the State entity met the objectives of the quality charter school program described in the State entity's application under subsection (f), including—

(A) how the State entity met the objective of sharing best and promising practices described in subsection (f)(1)(A)(ix) in areas such as instruction, professional development, curricula development, and operations between charter schools and other public schools; and

(B) if known, the extent to which such practices were adopted and implemented by such other public schools.

(3) The number and amount of subgrants awarded under this section to carry out activities described in each of subparagraphs (A) through (C) of subsection (b)(1).

(4) A description of—

(A) how the State entity complied with, and ensured that eligible applicants complied with, the assurances included in the State entity's application; and

(B) how the State entity worked with authorized public chartering agencies, and how the agencies worked with the management company or leadership of the schools that received subgrant funds under this section, if applicable.

(Pub. L. 89–10, title IV, § 4303, as added Pub. L. 114–95, title IV, § 4301(1), Dec. 10, 2015, 129 Stat. 1995.)

PRIOR PROVISIONS

A prior section 7221b, Pub. L. 89–10, title IV, § 4303, formerly title V, § 5203, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1790; renumbered title IV, § 4303, Pub. L. 114–95, title IV, § 4001(b)(2)(A), (B), (D)(iii), Dec. 10, 2015, 129 Stat. 1967, related to applications from State agencies, prior to repeal by Pub. L. 114–95, § 5, title IV, § 4301(1), Dec. 10, 2015, 129 Stat. 1806, 1993, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 4303 of Pub. L. 89–10 was renumbered section 8573, and is classified to section 7973 of this title.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7221c. Facilities financing assistance

(a) Grants to eligible entities

(1) In general

From the amount reserved under section 7221a(b)(1) of this title, the Secretary shall use not less than 50 percent to award, on a competitive basis, not less than 3 grants to eligible entities that have the highest-quality applications approved under subsection (d), after considering the diversity of such applications, to demonstrate innovative methods of helping charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

(2) Eligible entity defined

For the purposes of this section, the term ''eligible entity'' means—

(A) a public entity, such as a State or local governmental entity;

(B) a private nonprofit entity; or

(C) a consortium of entities described in subparagraphs (A) and (B).

(b) Grantee selection

The Secretary shall evaluate each application submitted under subsection (d), and shall determine whether the application is sufficient to merit approval.

(c) Grant characteristics

Grants under subsection (a) shall be of sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

(d) Applications

(1) In general

An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary in such form as the Secretary may reasonably require.

(2) Contents

An application submitted under paragraph (1) shall contain—

(A) a statement identifying the activities that the eligible entity proposes to carry out with funds received under subsection (a), including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

(B) a description of the involvement of charter schools in the application's development and the design of the proposed activities;

(C) a description of the eligible entity's expertise in capital market financing;

(D) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools, including how the eligible entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the eligible entity under this section;

(E) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought; and

(F) in the case of an application submitted by a State governmental entity, a description of the actions that the eligible entity has taken, or will take, to ensure that charter schools within the State receive the funding that charter schools need to have adequate facilities.

(e) Charter school objectives

An eligible entity receiving a grant under subsection (a) shall use the funds deposited in the reserve account established under subsection (f) to assist one or more charter schools to access private-sector capital to accomplish one or more of the following objectives:

(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

(3) The predevelopment costs required to assess sites for purposes of paragraph (1) or (2) and that are necessary to commence or continue the operation of a charter school.

(f) Reserve account

(1) Use of funds

To assist charter schools in accomplishing the objectives described in subsection (e), an eligible entity receiving a grant under subsection (a) shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under subsection (a) (other than funds used for administrative costs in accordance with subsection (g)) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

(A) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (e).

(B) Guaranteeing and insuring leases of personal and real property for an objective described in subsection (e).

(C) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

(D) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

(2) Investment

Funds received under subsection (a) and deposited in the reserve account established under paragraph (1) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

(3) Reinvestment of earnings

Any earnings on funds received under subsection (a) shall be deposited in the reserve account established under paragraph (1) and used in accordance with this subsection.

(g) Limitation on administrative costs

An eligible entity may use not more than 2.5 percent of the funds received under subsection (a) for the administrative costs of carrying out its responsibilities under this section (excluding subsection (k)).

(h) Audits and reports

(1) Financial record maintenance and audit

The financial records of each eligible entity receiving a grant under subsection (a) shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

(2) Reports

(A) Grantee annual reports

Each eligible entity receiving a grant under subsection (a) shall submit to the Secretary an annual report of the entity's operations and activities under this section (excluding subsection (k)).

(B) Contents

Each annual report submitted under subparagraph (A) shall include—

(i) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

(ii) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under paragraph (1) during the reporting period;

(iii) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under subsection (a) in leveraging private funds;

(iv) a listing and description of the charter schools served during the reporting period, including the amount of funds used by each school, the type of project facilitated by the grant, and the type of assistance provided to the charter schools;

(v) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in subsection (e); and

(vi) a description of the characteristics of lenders and other financial institutions participating in the activities carried out by the eligible entity under this section (excluding subsection (k)) during the reporting period.

(C) Secretarial report

The Secretary shall review the reports submitted under subparagraph (A) and shall provide a comprehensive annual report to Congress on the activities conducted under this section (excluding subsection (k)).

(i) No full faith and credit for grantee obligation

No financial obligation of an eligible entity entered into pursuant to this section (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds that may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this section.

(j) Recovery of funds

(1) In general

The Secretary, in accordance with chapter 37 of title 31, shall collect—

(A) all of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under subsection (a), that the eligible entity has failed to make substantial progress in carrying out the purposes described in subsection (f)(1); or

(B) all or a portion of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in subsection (f)(1).

(2) Exercise of authority

The Secretary shall not exercise the authority provided in paragraph (1) to collect from any eligible entity any funds that are being properly used to achieve one or more of the purposes described in subsection (f)(1).

(3) Procedures

The provisions of sections 451, 452, and 458 of the General Education Provisions Act [20 U.S.C. 1234, 1234a, 1234g] shall apply to the recovery of funds under paragraph (1).

(4) Construction

This subsection shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

(k) Per-pupil facilities aid program

(1) Definition of per-pupil facilities aid program

In this subsection, the term ''per-pupil facilities aid program'' means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing—

(A) that is dedicated solely to funding charter school facilities; or

(B) a portion of which is dedicated for funding charter school facilities.

(2) Grants

(A) In general

From the amount reserved under section 7221a(b)(1) of this title and remaining after the Secretary makes grants under subsection (a), the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering, per-pupil facilities aid programs.

(B) Period

The Secretary shall award grants under this subsection for periods of not more than 5 years.

(C) Federal share

The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

(ii) 80 percent for the second such year;

(iii) 60 percent for the third such year;

(iv) 40 percent for the fourth such year; and

(v) 20 percent for the fifth such year.

(D) State share

A State receiving a grant under this subsection may partner with 1 or more organizations, and such organizations may provide not more than 50 percent of the State share of the cost of establishing or enhancing, and administering, the per-pupil facilities aid program.

(E) Multiple grants

A State may receive more than 1 grant under this subsection, so long as the amount of total funds provided to charter schools increases with each successive grant.

(3) Use of funds

(A) In general

A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State of the applicant.

(B) Evaluations; technical assistance; dissemination

From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

(C) Supplement, not supplant

Funds made available under this subsection shall be used to supplement, and not supplant, State and local public funds expended to provide per-pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

(4) Requirements

(A) Voluntary participation

No State may be required to participate in a program carried out under this subsection.

(B) State law

(i) In general

To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facili-

ties aid program for charter schools in the State, that—

(I) is specified in State law; and

(II) provides annual financing, on a per-pupil basis, for charter school facilities.

(ii) Special rule

A State that is required under State law to provide its charter schools with access to adequate facility space, but that does not have a per-pupil facilities aid program for charter schools specified in State law, is eligible to receive a grant under this subsection if the State agrees to use the funds to develop a per-pupil facilities aid program consistent with the requirements of this subsection.

(5) Applications

To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(Pub. L. 89–10, title IV, § 4304, as added Pub. L. 114–95, title IV, § 4301(1), Dec. 10, 2015, 129 Stat. 2004.)

REFERENCES IN TEXT

The General Education Provisions Act, referred to in subsec. (j)(4), is title IV of Pub. L. 90–247, Jan. 2, 1968, 81 Stat. 814. Part D of the Act is classified generally to subchapter IV (§ 1234 et seq.) of chapter 31 of this title. For complete classification of this Act to the Code, see section 1221 of this title and Tables.

PRIOR PROVISIONS

A prior section 7221c, Pub. L. 89–10, title IV, § 4304, formerly title V, § 5204, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1792; renumbered title IV, § 4304, Pub. L. 114–95, title IV, § 4001(b)(2)(A), (B), (D)(iii), Dec. 10, 2015, 129 Stat. 1967, related to administration, prior to repeal by Pub. L. 114–95, § 5, title IV, § 4301(1), Dec. 10, 2015, 129 Stat. 1806, 1993, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 4304 of Pub. L. 89–10 was renumbered section 8574, and is classified to section 7974 of this title.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7221d. National activities

(a) In general

From the amount reserved under section 7221a(b)(2) of this title, the Secretary shall—

(1) use not more than 80 percent of such funds to award grants in accordance with subsection (b);

(2) use not more than 9 percent of such funds to award grants, on a competitive basis, to eligible applicants for the purpose of carrying out the activities described in section 7221b(h) of this title in a State that did not receive a grant under section 7221b of this title; and

(3) after the uses described in paragraphs (1) and (2), use the remainder of such funds to—

(A) disseminate technical assistance to—

(i) State entities in awarding subgrants under section 7221b(b)(1) of this title; and

(ii) eligible entities and States receiving grants under section 7221c of this title;

(B) disseminate best practices regarding charter schools; and

(C) evaluate the impact of the charter school program carried out under this part, including the impact on student achievement.

(b) Grants for the replication and expansion of high-quality charter schools

(1) In general

The Secretary shall make grants, on a competitive basis, to eligible entities having applications approved under paragraph (3) to enable such entities to open and prepare for the operation of one or more replicated high-quality charter schools or to expand one or more high-quality charter schools.

(2) Definition of eligible entity

For purposes of this subsection, the term ''eligible entity'' means a charter management organization.

(3) Application requirements

An eligible entity desiring to receive a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

(A) Existing charter school data

For each charter school currently operated or managed by the eligible entity—

(i) student assessment results for all students and for each subgroup of students described in section 6311(c)(2) of this title;

(ii) attendance and student retention rates for the most recently completed school year and, if applicable, the most recent available 4-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates; and

(iii) information on any significant compliance and management issues encountered within the last 3 school years by any school operated or managed by the eligible entity, including in the areas of student safety and finance.

(B) Descriptions

A description of—

(i) the eligible entity's objectives for implementing a high-quality charter school program with funding under this subsection, including a description of the proposed number of high-quality charter schools the eligible entity proposes to open as a result of the replication of a high-quality charter school or to expand with funding under this subsection;

(ii) the educational program that the eligible entity will implement in such charter schools, including—

(I) information on how the program will enable all students to meet the challenging State academic standards;

(II) the grade levels or ages of students who will be served; and

(III) the instructional practices that will be used;

(iii) how the operation of such charter schools will be sustained after the grant under this subsection has ended, which shall include a multi-year financial and operating model for the eligible entity;

(iv) how the eligible entity will ensure that such charter schools will recruit and enroll students, including children with disabilities, English learners, and other educationally disadvantaged students; and

(v) any request and justification for any waivers of Federal statutory or regulatory requirements that the eligible entity believes are necessary for the successful operation of such charter schools.

(C) Assurance

An assurance that the eligible entity has sufficient procedures in effect to ensure timely closure of low-performing or financially mismanaged charter schools and clear plans and procedures in effect for the students in such schools to attend other high-quality schools.

(4) Selection criteria

The Secretary shall select eligible entities to receive grants under this subsection, on the basis of the quality of the applications submitted under paragraph (3), after taking into consideration such factors as—

(A) the degree to which the eligible entity has demonstrated success in increasing academic achievement for all students and for each of the subgroups of students described in section 6311(c)(2) of this title attending the charter schools the eligible entity operates or manages;

(B) a determination that the eligible entity has not operated or managed a significant proportion of charter schools that—

(i) have been closed;

(ii) have had the school's charter revoked due to problems with statutory or regulatory compliance; or

(iii) have had the school's affiliation with the eligible entity revoked or terminated, including through voluntary disaffiliation; and

(C) a determination that the eligible entity has not experienced significant problems with statutory or regulatory compliance that could lead to the revocation of a school's charter.

(5) Priority

In awarding grants under this section, the Secretary shall give priority to eligible entities that—

(A) plan to operate or manage high-quality charter schools with racially and socioeconomically diverse student bodies;

(B) demonstrate success in working with schools identified by the State for comprehensive support and improvement under section 6311(c)(4)(D)(i) of this title;

(C) propose to use funds—

(i) to expand high-quality charter schools to serve high school students; or

(ii) to replicate high-quality charter schools to serve high school students; or

(D) propose to operate or manage high-quality charter schools that focus on dropout recovery and academic reentry.

(c) Terms and conditions

Except as otherwise provided, grants awarded under paragraphs (1) and (2) of subsection (a) shall have the same terms and conditions as grants awarded to State entities under section 7221b of this title.

(Pub. L. 89–10, title IV, § 4305, as added Pub. L. 114–95, title IV, § 4301(1), Dec. 10, 2015, 129 Stat. 2009.)

PRIOR PROVISIONS

A prior section 7221d, Pub. L. 89–10, title IV, § 4305, formerly title V, § 5205, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1795; renumbered title IV, § 4305, Pub. L. 114–95, title IV, § 4001(b)(2)(A), (B), (D)(iii), Dec. 10, 2015, 129 Stat. 1967, related to national activities, prior to repeal by Pub. L. 114–95, § 5, title IV, § 4301(1), Dec. 10, 2015, 129 Stat. 1806, 1993, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7221e. Federal formula allocation during first year and for successive enrollment expansions

(a) In general

For purposes of the allocation to schools by the States or their agencies of funds under part A of subchapter I of this chapter, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that charter school are not fully and completely determined until that charter school actually opens. The measures similarly shall ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which the charter school is eligible not later than 5 months after such expansion.

(b) Adjustment and late openings

(1) In general

The measures described in subsection (a) of this section shall include provision for appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, in cases where payments made to a charter school on the basis of estimated or projected enrollment data exceed the amounts that the school is eligible to receive on the basis of actual or final enrollment data.

(2) Rule

For charter schools that first open after November 1 of any academic year, the State, in

accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) of this section for such academic year have a full and fair opportunity to receive those funds during the charter schools' first year of operation.

(c) New or significantly expanding charter schools

For purposes of implementing the hold harmless protections in sections 6332(c) and 6337(g)(3)[1] of this title for a newly opened or significantly expanded charter school under this part, a State educational agency shall calculate a hold-harmless base for the prior year that, as applicable, reflects the new or significantly expanded enrollment of the charter school.

(Pub. L. 89–10, title IV, § 4306, formerly title V, § 5206, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1797; renumbered title IV, § 4306, and amended Pub. L. 114–95, title IV, §§ 4001(b)(2)(A), (B), (D)(iii), 4301(2), Dec. 10, 2015, 129 Stat. 1967, 2011.)

REFERENCES IN TEXT

Section 6337(g)(3) of this title, referred to in subsec. (c), was redesignated section 6337(f)(3) of this title by Pub. L. 114–95, title I, § 1017(7), Dec. 10, 2015, 129 Stat. 1879.

AMENDMENTS

2015—Subsec. (c). Pub. L. 114–95, § 4301(2), added subsec. (c).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7221f. Solicitation of input from charter school operators

To the extent practicable, the Secretary shall ensure that administrators, teachers, and other individuals directly involved in the operation of charter schools are consulted in the development of any rules or regulations required to implement this subpart, as well as in the development of any rules or regulations relevant to charter schools that are required to implement part A of subchapter I of this chapter, the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.], or any other program administered by the Secretary that provides education funds to charter schools or regulates the activities of charter schools.

(Pub. L. 89–10, title IV, § 4307, formerly title V, § 5207, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1798; renumbered title IV, § 4307, Pub. L. 114–95, title IV, § 4001(b)(2)(A), (B), (D)(iii), Dec. 10, 2015, 129 Stat. 1967.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in text, is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§ 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

[1] See References in Text note below.

§ 7221g. Records transfer

State educational agencies and local educational agencies, as quickly as possible and to the extent practicable, shall ensure that a student's records and, if applicable, a student's individualized education program as defined in section 1401 of this title, are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.

(Pub. L. 89–10, title IV, § 4308, formerly title V, § 5208, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1798; amended Pub. L. 108–446, title III, § 305(g)(2), Dec. 3, 2004, 118 Stat. 2805; renumbered title IV, § 4308, and amended Pub. L. 114–95, title IV, §§ 4001(b)(2)(A), (B), (D)(iii), 4301(3), Dec. 10, 2015, 129 Stat. 1967, 2012.)

AMENDMENTS

2015—Pub. L. 114–95, § 4301(3), inserted "as quickly as possible and" before "to the extent practicable".

2004—Pub. L. 108–446 substituted "section 1401" for "section 1401(11)".

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7221h. Paperwork reduction

To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that implementation of this subpart results in a minimum of paperwork for any eligible applicant or charter school.

(Pub. L. 89–10, title IV, § 4309, formerly title V, § 5209, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1798; renumbered title IV, § 4309, Pub. L. 114–95, title IV, § 4001(b)(2)(A), (B), (D)(iii), Dec. 10, 2015, 129 Stat. 1967.)

§ 7221i. Definitions

In this part:

(1) Authorized public chartering agency

The term "authorized public chartering agency" means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.

(2) Charter school

The term "charter school" means a public school that—

(A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

(B) is created by a developer as a public school, or is adapted by a developer from an

existing public school, and is operated under public supervision and direction;

(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

(D) provides a program of elementary or secondary education, or both;

(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(F) does not charge tuition;

(G) complies with the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 1232g of this title (commonly referred to as the ''Family Educational Rights and Privacy Act of 1974''), and part B of the Individuals with Disabilities Education Act [20 U.S.C. 1411 et seq.];

(H) is a school to which parents choose to send their children, and that—

(i) admits students on the basis of a lottery, consistent with section 7221b(c)(3)(A) of this title, if more students apply for admission than can be accommodated; or

(ii) in the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in clause (i);

(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such State audit requirements are waived by the State;

(J) meets all applicable Federal, State, and local health and safety requirements;

(K) operates in accordance with State law;

(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school; and

(M) may serve students in early childhood education programs or postsecondary students.

(3) Charter management organization

The term ''charter management organization'' means a nonprofit organization that operates or manages a network of charter schools linked by centralized support, operations, and oversight.

(4) Charter school support organization

The term ''charter school support organization'' means a nonprofit, nongovernmental entity that is not an authorized public chartering agency and provides, on a statewide basis—

(A) assistance to developers during the planning, program design, and initial implementation of a charter school; and

(B) technical assistance to operating charter schools.

(5) Developer

The term ''developer'' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

(6) Eligible applicant

The term ''eligible applicant'' means a developer that has—

(A) applied to an authorized public chartering authority to operate a charter school; and

(B) provided adequate and timely notice to that authority.

(7) Expand

The term ''expand'', when used with respect to a high-quality charter school, means to significantly increase enrollment or add one or more grades to the high-quality charter school.

(8) High-quality charter school

The term ''high-quality charter school'' means a charter school that—

(A) shows evidence of strong academic results, which may include strong student academic growth, as determined by a State;

(B) has no significant issues in the areas of student safety, financial and operational management, or statutory or regulatory compliance;

(C) has demonstrated success in significantly increasing student academic achievement, including graduation rates where applicable, for all students served by the charter school; and

(D) has demonstrated success in increasing student academic achievement, including graduation rates where applicable, for each of the subgroups of students, as defined in section 6311(c)(2) of this title, except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

(9) Replicate

The term ''replicate'', when used with respect to a high-quality charter school, means to open a new charter school, or a new campus of a high-quality charter school, based on the educational model of an existing high-quality charter school, under an existing charter or an additional charter, if permitted or required by State law.

(Pub. L. 89–10, title IV, § 4310, formerly title V, § 5210, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1798; renumbered title IV, § 4310, and amended Pub. L. 114–95, title IV, §§ 4001(b)(2)(A), (B), (D)(iii), 4301(4), Dec. 10, 2015, 129 Stat. 1967, 2012.)

REFERENCES IN TEXT

The Age Discrimination Act of 1975, referred to in par. (2)(G), is title III of Pub. L. 94–135, Nov. 28, 1975, 89 Stat. 728, which is classified generally to chapter 76 (§ 6101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of Title 42 and Tables.

The Civil Rights Act of 1964, referred to in par. (2)(G), is Pub. L. 88–352, July 2, 1964, 78 Stat. 241. Title VI of the Act is classified generally to subchapter V (§ 2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

The Education Amendments of 1972, referred to in par. (2)(G), is Pub. L. 92–318, June 23, 1972, 86 Stat. 235. Title IX of the Act, known as the Patsy Takemoto Mink Equal Opportunity in Education Act, is classified principally to chapter 38 (§ 1681 et seq.) of this title. For complete classification of title IX to the Code, see Short Title note set out under section 1681 of this title and Tables.

The Americans with Disabilities Act of 1990, referred to in par. (2)(G), is Pub. L. 101–336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§ 12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Individuals with Disabilities Education Act, referred to in par. (2)(G), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175. Part B of the Act is classified generally to subchapter II (§ 1411 et seq.) of chapter 33 of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

AMENDMENTS

2015—Pub. L. 114–95, § 4301(4)(A), substituted ''part'' for ''subpart'' in introductory provisions.

Par. (1). Pub. L. 114–95, § 4301(4)(C), redesignated par. (4) as (1). Former par. (1) redesignated (2).

Par. (2). Pub. L. 114–95, § 4301(4)(B), redesignated par. (1) as (2). Former par. (2) redesignated (5).

Par. (2)(G). Pub. L. 114–95, § 4301(4)(D)(i), substituted '', the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 1232g of this title (commonly referred to as the 'Family Educational Rights and Privacy Act of 1974'), and part B'' for '', and part B''.

Par. (2)(H). Pub. L. 114–95, § 4301(4)(D)(ii), added subpar. (H) and struck out former subpar. (H) which read as follows: ''is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;''.

Par. (2)(I). Pub. L. 114–95, § 4301(4)(D)(iii), added subpar. (I) and struck out former subpar. (I) which read as follows: ''agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;''.

Par. (2)(M). Pub. L. 114–95, § 4301(4)(D)(iv)–(vi), added subpar. (M).

Pars. (3), (4). Pub. L. 114–95, § 4301(4)(E), added pars. (3) and (4). Former pars. (3) and (4) redesignated (6) and (1), respectively.

Par. (5). Pub. L. 114–95, § 4301(4)(B), redesignated par. (2) as (5).

Par. (6). Pub. L. 114–95, § 4301(4)(B), redesignated par. (3) as (6).

Par. (6)(B). Pub. L. 114–95, § 4301(4)(F), struck out ''under section 7221b(d)(3) of this title'' before period at end.

Pars. (7) to (9). Pub. L. 114–95, § 4301(4)(G), added pars. (7) to (9).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7221j. Authorization of appropriations

There are authorized to be appropriated to carry out this part—

(1) $270,000,000 for fiscal year 2017;
(2) $270,000,000 for fiscal year 2018;
(3) $300,000,000 for fiscal year 2019; and
(4) $300,000,000 for fiscal year 2020.

(Pub. L. 89–10, title IV, § 4311, as added Pub. L. 114–95, title IV, § 4301(5), Dec. 10, 2015, 129 Stat. 2013.)

PRIOR PROVISIONS

A prior section 7221j, Pub. L. 89–10, title IV, § 4311, formerly title V, § 5211, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1799; renumbered title IV, § 4311, Pub. L. 114–95, title IV, § 4001(b)(2)(A), (B), (D)(iii), Dec. 10, 2015, 129 Stat. 1967, authorized appropriations for fiscal year 2002 and the 5 succeeding fiscal years, prior to repeal by Pub. L. 114–95, § 5, title IV, § 4301(5), Dec. 10, 2015, 129 Stat. 1806, 2013, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 4311 of Pub. L. 89–10 was classified to section 3091 of this title, prior to general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Prior sections 7223 to 7223j and 7225 to 7225g were repealed by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(B), Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 7223, Pub. L. 89–10, title V, § 5221, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1800, stated purpose of subpart 2 of part B of former subchapter V of this chapter, related to credit enhancement initiatives to assist charter school facility acquisition, construction, and renovation.

Section 7223a, Pub. L. 89–10, title V, § 5222, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1800, related to grants to eligible entities.

Section 7223b, Pub. L. 89–10, title V, § 5223, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1800, related to applications for grants.

Section 7223c, Pub. L. 89–10, title V, § 5224, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1801, related to charter school objectives.

Section 7223d, Pub. L. 89–10, title V, § 5225, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1801, related to reserve account.

Section 7223e, Pub. L. 89–10, title V, § 5226, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1802, related to limitation on administrative costs.

Section 7223f, Pub. L. 89–10, title V, § 5227, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1802, related to audits and reports.

Section 7223g, Pub. L. 89–10, title V, § 5228, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1803, provided that there was no full faith and credit for grantee obligations.

Section 7223h, Pub. L. 89–10, title V, § 5229, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1803, related to recovery of funds.

Section 7223i, Pub. L. 89–10, title V, § 5230, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1803, defined terms for the former subpart.

Section 7223j, Pub. L. 89–10, title V, § 5231, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1803, authorized appropriations for fiscal years 2002 and 2003.

Section 7225, Pub. L. 89–10, title V, § 5241, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1803, authorized grants to carry out subpart 3 of part B of former subchapter V of this chapter, related to voluntary public school choice programs.

Section 7225a, Pub. L. 89–10, title V, § 5242, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1804, related to uses of funds.

Section 7225b, Pub. L. 89–10, title V, § 5243, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1804, related to applications for grants.

Section 7225c, Pub. L. 89–10, title V, § 5244, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1804, related to priorities in awarding grants.

Section 7225d, Pub. L. 89–10, title V, § 5245, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1805, related to requirements and voluntary participation.

Section 7225e, Pub. L. 89–10, title V, § 5246, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1805, related to evaluations.

Section 7225f, Pub. L. 89–10, title V, § 5247, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1805, defined terms for the former subpart.

Section 7225g, Pub. L. 89–10, title V, § 5248, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1806, authorized appropriations for fiscal year 2002 and the 5 succeeding fiscal years.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

PART D—MAGNET SCHOOLS ASSISTANCE

CODIFICATION

Pub. L. 114–95, title IV, § 4001(b)(3)(A)–(C), Dec. 10, 2015, 129 Stat. 1967, redesignated part C (§ 7231 et seq.) of subchapter V of this chapter as part D of this subchapter.

§ 7231. Findings and purpose

(a) Findings

Congress makes the following findings:

(1) Magnet schools are a significant part of the Nation's effort to achieve voluntary desegregation in our Nation's schools.

(2) The use of magnet schools has increased dramatically since the inception of the magnet schools assistance program under this chapter, with approximately 2,500,000 students nationwide attending such schools, of whom more than 69 percent are non-white.

(3) Magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts.

(4) It is in the best interests of the United States—

(A) to continue the Federal Government's support of local educational agencies that are implementing court-ordered desegregation plans and local educational agencies that are voluntarily seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of such students' education;

(B) to ensure that all students have equitable access to a high quality education that will prepare all students to function well in a technologically oriented and a highly competitive economy comprised of people from many different racial and ethnic backgrounds; and

(C) to continue to desegregate and diversify schools by supporting magnet schools, recognizing that segregation exists between minority and nonminority students as well as among students of different minority groups.

(5) Desegregation efforts through magnet school programs are a significant part of our Nation's effort to achieve voluntary desegregation in schools and help to ensure equal educational opportunities for all students.

(b) Purpose

The purpose of this part is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for—

(1) the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students, which shall include assisting in the efforts of the United States to achieve voluntary desegregation in public schools;

(2) the development, implementation, and expansion of magnet school programs that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State academic standards;

(3) the development, design, and expansion of innovative educational methods and practices that promote diversity and increase choices in public elementary schools and public secondary schools and public educational programs;

(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable career, technological, and professional skills of students attending such schools;

(5) improving the capacity of local educational agencies, including through professional development, to continue operating magnet schools at a high performance level after Federal funding for the magnet schools is terminated; and

(6) ensuring that all students enrolled in the magnet school programs have equitable access to high quality education that will enable the students to succeed academically and continue with postsecondary education or employment.

(Pub. L. 89–10, title IV, § 4401, formerly title V, § 5301, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1806; renumbered title IV, § 4401, and amended Pub. L. 114–95, title IV, §§ 4001(b)(3)(A), (B), (D)(i), 4401(1), Dec. 10, 2015, 129 Stat. 1967, 2014.)

PRIOR PROVISIONS

A prior section 7231, Pub. L. 89–10, title V, § 5201, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3695, set forth short title and findings for the Women's Educational Equity Act of 1994, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

A prior section 4401 of Pub. L. 89–10 was classified to section 3121 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Subsec. (a)(2). Pub. L. 114–95, § 4401(1)(A), substituted ''2,500,000'' for ''2,000,000'' and ''69'' for ''65''.

Subsec. (b)(2). Pub. L. 114–95, § 4401(1)(B)(i), substituted '', implementation, and expansion'' for ''and implementation'' and ''standards'' for ''content standards and student academic achievement standards''.

Subsec. (b)(3). Pub. L. 114–95, § 4401(1)(B)(ii), substituted '', design, and expansion'' for ''and design''.

Subsec. (b)(4). Pub. L. 114–95, § 4401(1)(B)(iii), substituted ''career'' for ''vocational''.

Subsec. (b)(6). Pub. L. 114–95, § 4401(1)(B)(iv), struck out ''productive'' before ''employment''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7231a. Definition

For the purpose of this part, the term ''magnet school'' means a public elementary school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

(Pub. L. 89–10, title IV, § 4402, formerly title V, § 5302, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1807; renumbered title IV, § 4402, Pub. L. 114–95, title IV, § 4001(b)(3)(A), (B), (D)(i), Dec. 10, 2015, 129 Stat. 1967.)

PRIOR PROVISIONS

A prior section 4402 of Pub. L. 89–10 was classified to section 3122 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

§ 7231b. Program authorized

The Secretary, in accordance with this part, is authorized to award grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this part for magnet schools that are—

(1) part of an approved desegregation plan; and

(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

(Pub. L. 89–10, title IV, § 4403, formerly title V, § 5303, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1807; renumbered title IV, § 4403, Pub. L. 114–95, title IV, § 4001(b)(3)(A), (B), (D)(i), Dec. 10, 2015, 129 Stat. 1967.)

PRIOR PROVISIONS

A prior section 4403 of Pub. L. 89–10 was classified to section 3123 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

§ 7231c. Eligibility

A local educational agency, or consortium of such agencies where appropriate, is eligible to receive a grant under this part to carry out the purpose of this part if such agency or consortium—

(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary schools and secondary schools of such agency; or

(2) without having been required to do so, has adopted and is implementing, or will, if a grant is awarded to such local educational agency, or consortium of such agencies, under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.] for the desegregation of minority-group-segregated children or faculty in such schools.

(Pub. L. 89–10, title IV, § 4404, formerly title V, § 5304, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1807; renumbered title IV, § 4404, Pub. L. 114–95, title IV, § 4001(b)(3)(A), (B), (D)(i), Dec. 10, 2015, 129 Stat. 1967.)

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in par. (2), is Pub. L. 88–352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Act is classified generally to subchapter V (§ 2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 4404 of Pub. L. 89–10 was classified to section 3124 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

§ 7231d. Applications and requirements

(a) Applications

An eligible local educational agency, or consortium of such agencies, desiring to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

(b) Information and assurances

Each application submitted under subsection (a) of this section shall include—

(1) a description of—

(A) how a grant awarded under this part will be used to promote desegregation, including any available evidence on, or if such evidence is not available, a rationale, based on current research, for how the proposed magnet school programs will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

(B) the manner and extent to which the magnet school program will increase student academic achievement in the instructional area or areas offered by the school, including any evidence, or if such evidence is not available, a rationale based on current research findings, to support such description;

(C) how the applicant will continue the magnet school program after assistance under this part is no longer available, and, if applicable, an explanation of why magnet schools established or supported by the ap-

plicant with grant funds under this part cannot be continued without the use of grant funds under this part;

(D) how the applicant will assess, monitor, and evaluate the impact of the activities funded under this part on student achievement and integration;

(E) how grant funds under this part will be used—

(i) to improve student academic achievement for all students attending the magnet school programs; and

(ii) to implement services and activities that are consistent with other programs under this chapter, and other Acts, as appropriate; and

(F) the criteria to be used in selecting students to attend the proposed magnet school program; and

(2) assurances that the applicant will—

(A) use grant funds under this part for the purposes specified in section 7231(b) of this title;

(B) employ effective teachers in the courses of instruction assisted under this part;

(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

(i) the hiring, promotion, or assignment of employees of the applicant or other personnel for whom the applicant has any administrative responsibility;

(ii) the assignment of students to schools, or to courses of instruction within the schools, of such applicant, except to carry out the approved plan; and

(iii) designing or operating extracurricular activities for students;

(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

(E) give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate the students.

(c) Special rule

No grant shall be awarded under this part unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) of this section will be met.

(Pub. L. 89–10, title IV, § 4405, formerly title V, § 5305, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1808; renumbered title IV, § 4405, and amended Pub. L. 114–95, title IV, §§ 4001(b)(3)(A), (B), (D)(i), 4401(2), Dec. 10, 2015, 129 Stat. 1967, 2014.)

PRIOR PROVISIONS

A prior section 4405 of Pub. L. 89–10 was classified to section 3125 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Subsec. (b)(1)(A). Pub. L. 114–95, § 4401(2)(A)(i), inserted ''any available evidence on, or if such evidence is not available, a rationale, based on current research, for'' before ''how the proposed magnet school programs''.

Subsec. (b)(1)(B). Pub. L. 114–95, § 4401(2)(A)(ii), inserted '', including any evidence, or if such evidence is not available, a rationale based on current research findings, to support such description'' before semicolon at end.

Subsec. (b)(1)(D) to (F). Pub. L. 114–95, § 4401(2)(A)(iii), (iv), added subpar. (D) and redesignated former subpars. (D) and (E) as (E) and (F), respectively.

Subsec. (b)(2)(A). Pub. L. 114–95, § 4401(2)(B)(i), made technical amendment to reference in original act which appears in text as reference to section 7231(b) of this title.

Subsec. (b)(2)(B). Pub. L. 114–95, § 4401(2)(B)(ii), substituted ''effective'' for ''highly qualified''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7231e. Priority

In awarding grants under this part, the Secretary shall give priority to applicants that—

(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out approved desegregation plans and the magnet school program for which the grant is sought;

(2) propose to—

(A) carry out a new, evidence-based magnet school program;

(B) significantly revise an existing magnet school program, using evidence-based methods and practices, as available; or

(C) replicate an existing magnet school program that has a demonstrated record of success in increasing student academic achievement and reducing isolation of minority groups;

(3) propose to select students to attend magnet school programs by methods such as lottery, rather than through academic examination; and

(4) propose to increase racial integration by taking into account socioeconomic diversity in designing and implementing magnet school programs.

(Pub. L. 89–10, title IV, § 4406, formerly title V, § 5306, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1809; renumbered title IV, § 4406, and amended Pub. L. 114–95, title IV, §§ 4001(b)(3)(A), (B), (D)(i), 4401(3), Dec. 10, 2015, 129 Stat. 1967, 2014.)

PRIOR PROVISIONS

A prior section 4406 of Pub. L. 89–10 was classified to section 3126 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Pars. (2) to (4). Pub. L. 114–95, § 4401(3), added pars. (2) to (4) and struck out former pars. (2) and (3) which read as follows:

''(2) propose to carry out new magnet school programs, or significantly revise existing magnet school programs; and

''(3) propose to select students to attend magnet school programs by methods such as lottery, rather than through academic examination.''

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7231f. Use of funds

(a) In general

Grant funds made available under this part may be used by an eligible local educational agency, or consortium of such agencies—

(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation of materials, equipment, and computers, necessary to conduct programs in magnet schools;

(3) for the compensation, or subsidization of the compensation, of elementary school and secondary school teachers who are effective, and instructional staff where applicable, who are necessary to conduct programs in magnet schools;

(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

(A) are designed to make available the special curriculum that is offered by the magnet school program to students who are enrolled in the school but who are not enrolled in the magnet school program; and

(B) further the purpose of this part;

(5) for activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended;

(6) to enable the local educational agency, or consortium of such agencies, to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program;

(7) to enable the local educational agency, or consortium of such agencies, to have flexibility in designing magnet schools for students in all grades;

(8) to enable the local educational agency, or consortium of such agencies, or other organizations partnered with such agency or consortium, to establish, expand, or strengthen inter-district and regional magnet programs; and

(9) notwithstanding section 1228 of this title, to provide transportation to and from the magnet school, provided that—

(A) such transportation is sustainable beyond the grant period; and

(B) the costs of providing transportation do not represent a significant portion of the grant funds received by the eligible local educational agency under this part.

(b) Special rule

Grant funds under this part may be used for activities described in paragraphs (2) and (3) of subsection (a) only if the activities are directly related to improving student academic achievement based on the challenging State academic standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving career, technical, and professional skills.

(Pub. L. 89–10, title IV, § 4407, formerly title V, § 5307, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1809; renumbered title IV, § 4407, and amended Pub. L. 114–95, title IV, §§ 4001(b)(3)(A), (B), (D)(i), 4401(4), Dec. 10, 2015, 129 Stat. 1967, 2015.)

PRIOR PROVISIONS

A prior section 4407 of Pub. L. 89–10 was classified to section 3127 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Subsec. (a)(3). Pub. L. 114–95, § 4401(4)(A)(i), substituted ''effective'' for ''highly qualified''.

Subsec. (a)(8), (9). Pub. L. 114–95, § 4401(4)(A)(ii)–(iv), added pars. (8) and (9).

Subsec. (b). Pub. L. 114–95, § 4401(4)(B), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: ''Grant funds under this part may be used for activities described in paragraphs (2) and (3) of subsection (a) of this section only if the activities are directly related to improving student academic achievement based on the State's challenging academic content standards and student academic achievement standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational, technological, and professional skills.''

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7231g. Repealed. Pub. L. 114–95, title IV, § 4001(b)(3)(D)(ii), Dec. 10, 2015, 129 Stat. 1967

Section, Pub. L. 89–10, title IV, § 5308, formerly title V, § 5308, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1810; renumbered title IV, § 5308, Pub. L. 114–95, title IV, § 4001(b)(3)(A), (B), Dec. 10, 2015, 129 Stat. 1967, prohibited certain uses of grants under this part.

PRIOR PROVISIONS

A prior section 5308 of Pub. L. 89–10 was classified to section 7268 of this title, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7231h. Limitations

(a) Duration of awards

A grant under this part shall be awarded for a period that shall not exceed 5 fiscal years.

(b) Limitation on planning funds

A local educational agency, or consortium of such agencies, may expend for planning (profes-

sional development shall not be considered to be planning for purposes of this subsection) not more than 50 percent of the grant funds received under this part for the first year of the program and not more than 15 percent of such funds for each of the second and third such years.

(c) Amount

No grant awarded under this part to a local educational agency, or a consortium of such agencies, shall be for more than $15,000,000 for the grant period described in subsection (a).

(d) Timing

To the extent practicable, the Secretary shall award grants for any fiscal year under this part not later than June 1 of the applicable fiscal year.

(Pub. L. 89–10, title IV, § 4408, formerly title V, § 5309, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1810; renumbered title IV, § 4408, and amended Pub. L. 114–95, title IV, §§ 4001(b)(3)(A), (B), (D)(iii), 4401(5), Dec. 10, 2015, 129 Stat. 1967, 2015.)

PRIOR PROVISIONS

A prior section 4408 of Pub. L. 89–10 was classified to section 3128 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 4401(5)(A), substituted ''5'' for ''3''.

Subsec. (c). Pub. L. 114–95, § 4401(5)(B), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: ''No local educational agency, or consortium of such agencies, awarded a grant under this part shall receive more than $4,000,000 under this part for any 1 fiscal year.''

Subsec. (d). Pub. L. 114–95, § 4401(5)(C), substituted ''June'' for ''July''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7231i. Repealed. Pub. L. 114–95, title IV, § 4001(b)(3)(D)(ii), Dec. 10, 2015, 129 Stat. 1967

Section, Pub. L. 89–10, title IV, § 5310, formerly title V, § 5310, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1810; renumbered title IV, § 5310, Pub. L. 114–95, title IV, § 4001(b)(3)(A), (B), Dec. 10, 2015, 129 Stat. 1967, related to evaluations.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7231j. Authorization of appropriations; reservation

(a) Authorization

There are authorized to be appropriated to carry out this part the following amounts:

(1) $94,000,000 for fiscal year 2017.
(2) $96,820,000 for fiscal year 2018.
(3) $102,387,150 for fiscal year 2019.
(4) $108,530,379 for fiscal year 2020.

(b) Reservation for technical assistance

The Secretary may reserve not more than 1 percent of the funds appropriated under subsection (a) for any fiscal year to provide technical assistance and share best practices with respect to magnet school programs assisted under this part.

(c) Availability of funds for grants to agencies not previously assisted

In any fiscal year for which the amount appropriated pursuant to subsection (a) of this section exceeds $75,000,000, the Secretary shall give priority in using such amounts in excess of $75,000,000 to awarding grants to local educational agencies or consortia of such agencies that did not receive a grant under this part in the preceding fiscal year.

(Pub. L. 89–10, title IV, § 4409, formerly title V, § 5311, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1810; renumbered title IV, § 4409, and amended Pub. L. 114–95, title IV, §§ 4001(b)(3)(A), (B), (D)(iii), 4401(6), Dec. 10, 2015, 129 Stat. 1967, 2015.)

PRIOR PROVISIONS

A prior section 4409 of Pub. L. 89–10 was classified to section 3129 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Prior sections 7232 to 7238 were omitted in the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

Section 7232, Pub. L. 89–10, title V, § 5202, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3696, set forth purposes of part B of former subchapter V of this chapter relating to gender equity.

Section 7233, Pub. L. 89–10, title V, § 5203, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3696; amended Pub. L. 104–193, title I, § 110(j)(3), Aug. 22, 1996, 110 Stat. 2172, authorized gender equity programs.

Section 7234, Pub. L. 89–10, title V, § 5204, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3699, related to applications.

Section 7235, Pub. L. 89–10, title V, § 5205, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3699, set forth criteria and priorities for awards.

Section 7236, Pub. L. 89–10, title V, § 5206, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3700, related to submission of report.

Section 7237, Pub. L. 89–10, title V, § 5207, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3700, related to administration.

Section 7238, Pub. L. 89–10, title V, § 5208, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3701, authorized appropriations.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 4401(6)(A), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: ''For the purpose of carrying out this part, there are authorized to be appropriated $125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.''

Subsecs. (b), (c). Pub. L. 114–95, § 4401(6)(B), (C), added subsec. (b) and redesignated former subsec. (b) as (c).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

§ 7241. Purposes

The purposes of this part are the following:

(1) To provide financial support to organizations to provide technical assistance and training to State educational agencies and local educational agencies in the implementation and enhancement of systemic and effective family engagement policies, programs, and activities that lead to improvements in student development and academic achievement.

(2) To assist State educational agencies, local educational agencies, community-based organizations, schools, and educators in strengthening partnerships among parents, teachers, school leaders, administrators, and other school personnel in meeting the educational needs of children and fostering greater parental engagement.

(3) To support State educational agencies, local educational agencies, schools, educators, and parents in developing and strengthening the relationship between parents and their children's school in order to further the developmental progress of children.

(4) To coordinate activities funded under this part with parent involvement initiatives funded under section 6318 of this title and other provisions of this chapter.

(5) To assist the Secretary, State educational agencies, and local educational agencies in the coordination and integration of Federal, State, and local services and programs to engage families in education.

(Pub. L. 89–10, title IV, § 4501, as added Pub. L. 114–95, title IV, § 4501, Dec. 10, 2015, 129 Stat. 2016.)

PRIOR PROVISIONS

A prior section 7241, Pub. L. 89–10, title V, § 5401, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1811, authorized appropriations for fiscal years 2002 to 2007, prior to repeal by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(C), Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 4501 of Pub. L. 89–10 was classified to section 3141 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7242. Grants authorized.

(a) Statewide family engagement centers

From the amount appropriated under section 7246 of this title and not reserved under subsection (d), the Secretary is authorized to award grants for each fiscal year to statewide organizations (or consortia of such organizations), to establish statewide family engagement centers that—

(1) carry out parent education, and family engagement in education, programs; or

(2) provide comprehensive training and technical assistance to State educational agencies, local educational agencies, schools identified by State educational agencies and local educational agencies, organizations that support family-school partnerships, and other organizations that carry out such programs.

(b) Minimum award

In awarding grants under this section, the Secretary shall, to the extent practicable, ensure that a grant is awarded for a statewide family engagement center in an amount not less than $500,000.

(c) Matching funds for grant renewal

Each organization or consortium receiving assistance under this part shall demonstrate that, for each fiscal year after the first fiscal year for which the organization or consortium is receiving such assistance, a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which may be in cash or in-kind.

(d) Technical assistance

The Secretary shall reserve not more than 2 percent of the funds appropriated under section 7246 of this title to carry out this part to provide technical assistance, by competitive grant or contract, for the establishment, development, and coordination of statewide family engagement centers.

(Pub. L. 89–10, title IV, § 4502, as added Pub. L. 114–95, title IV, § 4501, Dec. 10, 2015, 129 Stat. 2016.)

PRIOR PROVISIONS

A prior section 4502 of Pub. L. 89–10 was classified to section 3142 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7243. Applications

(a) Submissions

Each statewide organization, or a consortium of such organizations, that desires a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require, which shall include the information described in subsection (b).

(b) Contents

Each application submitted under subsection (a) shall include, at a minimum, the following:

(1) A description of the applicant's approach to family engagement in education.

(2) A description of how the State educational agency and any partner organization will support the statewide family engagement center that will be operated by the applicant including a description of the State educational agency and any partner organization's commitment of such support.

(3) A description of the applicant's plan for building a statewide infrastructure for family engagement in education, that includes—

(A) management and governance;
(B) statewide leadership; or
(C) systemic services for family engagement in education.

(4) A description of the applicant's demonstrated experience in providing training, information, and support to State educational agencies, local educational agencies, schools, educators, parents, and organizations on family engagement in education policies and practices that are effective for parents (including low-income parents) and families, parents of English learners, minorities, students with disabilities, homeless children and youth, children and youth in foster care, and migrant students, including evaluation results, reporting, or other data exhibiting such demonstrated experience.

(5) A description of the steps the applicant will take to target services to low-income students and parents.

(6) An assurance that the applicant will—

(A) establish a special advisory committee, the membership of which includes—

(i) parents, who shall constitute a majority of the members of the special advisory committee;

(ii) representatives of education professionals with expertise in improving services for disadvantaged children;

(iii) representatives of local elementary schools and secondary schools, including students;

(iv) representatives of the business community; and

(v) representatives of State educational agencies and local educational agencies;

(B) use not less than 65 percent of the funds received under this part in each fiscal year to serve local educational agencies, schools, and community-based organizations that serve high concentrations of disadvantaged students, including students who are English learners, minorities, students with disabilities, homeless children and youth, children and youth in foster care, and migrant students;

(C) operate a statewide family engagement center of sufficient size, scope, and quality to ensure that the center is adequate to serve the State educational agency, local educational agencies, and community-based organizations;

(D) ensure that the statewide family engagement center will retain staff with the requisite training and experience to serve parents in the State;

(E) serve urban, suburban, and rural local educational agencies and schools;

(F) work with—

(i) other statewide family engagement centers assisted under this part; and

(ii) parent training and information centers and community parent resource centers assisted under sections 1471 and 1472 of this title;

(G) use not less than 30 percent of the funds received under this part for each fiscal year to establish or expand technical assistance for evidence-based parent education programs;

(H) provide assistance to State educational agencies, local educational agencies, and community-based organizations that support family members in supporting student academic achievement;

(I) work with State educational agencies, local educational agencies, schools, educators, and parents to determine parental needs and the best means for delivery of services to address such needs;

(J) conduct sufficient outreach to assist parents, including parents who the applicant may have a difficult time engaging with a school or local educational agency; and

(K) conduct outreach to low-income students and parents, including low-income students and parents who are not proficient in English.

(7) An assurance that the applicant will conduct training programs in the community to improve adult literacy, including financial literacy.

(c) Priority

In awarding grants for activities described in this part, the Secretary shall give priority to statewide family engagement centers that will use funds under section 7244 of this title for evidence-based activities, which, for the purposes of this part is defined as activities meeting the requirements of section 7801(21)(A)(i) of this title.

(Pub. L. 89–10, title IV, § 4503, as added Pub. L. 114–95, title IV, § 4501, Dec. 10, 2015, 129 Stat. 2017.)

PRIOR PROVISIONS

Prior sections 7243 to 7243c were repealed by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(C), Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 7243, Pub. L. 89–10, title V, § 5411, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1811, related to programs authorized.

Section 7243a, Pub. L. 89–10, title V, § 5412, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1812, related to applications for awards.

Section 7243b, Pub. L. 89–10, title V, § 5413, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1812, related to program requirements.

Section 7243c, Pub. L. 89–10, title V, § 5414, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1813, related to studies of national significance.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7244. Uses of funds

(a) In general

Each statewide organization or consortium receiving a grant under this part shall use the grant funds, based on the needs determined under section 7243(b)(6)(I) of this title, to provide training and technical assistance to State educational agencies, local educational agencies, and organizations that support family-school partnerships, and activities, services, and train-

ing for local educational agencies, school leaders, educators, and parents—

(1) to assist parents in participating effectively in their children's education and to help their children meet challenging State academic standards, such as by assisting parents—

(A) to engage in activities that will improve student academic achievement, including understanding how parents can support learning in the classroom with activities at home and in after school and extracurricular programs;

(B) to communicate effectively with their children, teachers, school leaders, counselors, administrators, and other school personnel;

(C) to become active participants in the development, implementation, and review of school-parent compacts, family engagement in education policies, and school planning and improvement;

(D) to participate in the design and provision of assistance to students who are not making academic progress;

(E) to participate in State and local decisionmaking;

(F) to train other parents; and

(G) in learning and using technology applied in their children's education;

(2) to develop and implement, in partnership with the State educational agency, statewide family engagement in education policy and systemic initiatives that will provide for a continuum of services to remove barriers for family engagement in education and support school reform efforts; and

(3) to develop and implement parental involvement policies under this chapter.

(b) Rule of construction

Nothing in this section shall be construed to prohibit a statewide family engagement center from—

(1) having its employees or agents meet with a parent at a site that is not on school grounds; or

(2) working with another agency that serves children.

(c) Parental rights

Notwithstanding any other provision of this section—

(1) no person (including a parent who educates a child at home, a public school parent, or a private school parent) shall be required to participate in any program of parent education or developmental screening under this section; and

(2) no program or center assisted under this section shall take any action that infringes in any manner on the right of parents to direct the education of their children.

(Pub. L. 89–10, title IV, § 4504, as added Pub. L. 114–95, title IV, § 4501, Dec. 10, 2015, 129 Stat. 2019.)

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7245. Family engagement in Indian schools

The Secretary of the Interior, in consultation with the Secretary of Education, shall establish, or enter into contracts and cooperative agreements with, local tribes, tribal organizations, or Indian nonprofit parent organizations to establish and operate family engagement centers.

(Pub. L. 89–10, title IV, § 4505, as added Pub. L. 114–95, title IV, § 4501, Dec. 10, 2015, 129 Stat. 2020.)

PRIOR PROVISIONS

A prior section 7245, Pub. L. 89–10, title V, § 5421, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1814, related to elementary and secondary school counseling programs, prior to repeal by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(C), Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7246. Authorization of appropriations

There are authorized to be appropriated to carry out this part $10,000,000 for each of fiscal years 2017 through 2020.

(Pub. L. 89–10, title IV, § 4506, as added Pub. L. 114–95, title IV, § 4501, Dec. 10, 2015, 129 Stat. 2020.)

PRIOR PROVISIONS

Prior sections 7247 and 7249 were repealed by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(C), Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 7247, Pub. L. 89–10, title V, § 5431, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1817, related to partnerships in character education program.

Section 7249, Pub. L. 89–10, title V, § 5441, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1823, related to smaller learning communities.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

PART F—NATIONAL ACTIVITIES

§ 7251. Authorization of appropriations; reservations

(a) Authorization of appropriations

There are authorized to be appropriated to carry out this part—

(1) $200,741,000 for each of fiscal years 2017 and 2018; and

(2) $220,741,000 for each of fiscal years 2019 and 2020.

(b) Reservations

From the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall—

(1) reserve $5,000,000 to carry out activities authorized under subpart 3; and

(2) from the amounts remaining after the reservation under paragraph (1)—

(A) carry out activities authorized under subpart 1 using—

(i) 36 percent of such remainder for each of fiscal years 2017 and 2018; and

(ii) 42 percent of such remainder for each of fiscal years 2019 and 2020;

(B) carry out activities authorized under subpart 2 using—

(i) 36 percent of such remainder for each of fiscal years 2017 and 2018; and

(ii) 32 percent of such remainder for each of fiscal years 2019 and 2020; and

(C) to carry out activities authorized under subpart 4—[1]

(i) 28 percent of such remainder for each of fiscal years 2017 and 2018; and

(ii) 26 percent of such remainder for each of fiscal years 2019 and 2020.

(Pub. L. 89–10, title IV, § 4601, as added Pub. L. 114–95, title IV, § 4601, Dec. 10, 2015, 129 Stat. 2020.)

PRIOR PROVISIONS

A prior section 7251, Pub. L. 89–10, title V, § 5451, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1824, related to inexpensive book distribution program for reading motivation, prior to repeal by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(C), Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 4601 of Pub. L. 89–10 was classified to section 3151 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Prior sections 7253 to 7253e, 7255 to 7255f, 7257 to 7257d, and 7259 to 7259c were repealed by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(C), Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 7253, Pub. L. 89–10, title V, § 5461, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1826, provided that subpart 6 of part D of former subchapter V of this chapter could be cited as the ''Jacob K. Javits Gifted and Talented Students Education Act of 2001''.

Section 7253a, Pub. L. 89–10, title V, § 5462, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1826, provided purpose of former subpart.

Section 7253b, Pub. L. 89–10, title V, § 5463, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1826, related to rule of construction.

Section 7253c, Pub. L. 89–10, title V, § 5464, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1826; amended Pub. L. 107–279, title IV, § 404(d)(5)(C), (6), Nov. 5, 2002, 116 Stat. 1986, related to authorized programs.

Section 7253d, Pub. L. 89–10, title V, § 5465, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1828, related to program priorities.

Section 7253e, Pub. L. 89–10, title V, § 5466, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1828, related to general provisions.

Section 7255, Pub. L. 89–10, title V, § 5471, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1829, provided that subpart 7 of part D of former subchapter V of this chapter could be cited as the ''Star Schools Act''.

Section 7255a, Pub. L. 89–10, title V, § 5472, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1829, provided purposes of former subpart.

Section 7255b, Pub. L. 89–10, title V, § 5473, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1830, authorized grant program.

Section 7255c, Pub. L. 89–10, title V, § 5474, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1831, related to applications.

Section 7255d, Pub. L. 89–10, title V, § 5475, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1834, related to other grant assistance.

Section 7255e, Pub. L. 89–10, title V, § 5476, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1835, related to administrative provisions.

Section 7255f, Pub. L. 89–10, title V, § 5477, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1836, defined terms.

Section 7257, Pub. L. 89–10, title V, § 5481, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1837, authorized awarding of grants.

Section 7257a, Pub. L. 89–10, title V, § 5482, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1838, related to application requirement.

Section 7257b, Pub. L. 89–10, title V, § 5483, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1838, related to reports and evaluation.

Section 7257c, Pub. L. 89–10, title V, § 5484, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1838, related to digital educational programming grants.

Section 7257d, Pub. L. 89–10, title V, § 5485, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1839, related to administrative costs.

Section 7259, Pub. L. 89–10, title V, § 5491, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1839, provided that subpart 9 of part D of former subchapter V of this chapter could be cited as the ''Foreign Language Assistance Act of 2001''.

Section 7259a, Pub. L. 89–10, title V, § 5492, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1839, authorized awarding of grants.

Section 7259b, Pub. L. 89–10, title V, § 5493, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1840, related to application requirement.

Section 7259c, Pub. L. 89–10, title V, § 5494, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1840, related to elementary school foreign language incentive program.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBPART 1—EDUCATION INNOVATION AND RESEARCH

§ 7261. Grants for education innovation and research

(a) Program authorized

(1) In general

From funds reserved under section 7251(b)(2)(A) of this title, the Secretary shall make grants to eligible entities to enable the eligible entities to—

(A) create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students; and

(B) rigorously evaluate such innovations, in accordance with subsection (e).

(2) Description of grants

The grants described in paragraph (1) shall include—

(A) early-phase grants to fund the development, implementation, and feasibility test-

[1] So in original. Probably should be ''(C) carry out activities authorized under subpart 4 using—''.

ing of a program, which prior research suggests has promise, for the purpose of determining whether the program can successfully improve student achievement or attainment for high-need students;

(B) mid-phase grants to fund implementation and a rigorous evaluation of a program that has been successfully implemented under an early-phase grant described in subparagraph (A) or other effort meeting similar criteria, for the purpose of measuring the program's impact and cost effectiveness, if possible using existing administrative data; and

(C) expansion grants to fund implementation and a rigorous replication evaluation of a program that has been found to produce sizable, important impacts under a mid-phase grant described in subparagraph (B) or other effort meeting similar criteria, for the purposes of—

(i) determining whether such impacts can be successfully reproduced and sustained over time; and

(ii) identifying the conditions in which the program is most effective.

(b) Eligible entity

In this subpart, the term ''eligible entity'' means any of the following:

(1) A local educational agency.

(2) A State educational agency.

(3) The Bureau of Indian Education.

(4) A consortium of State educational agencies or local educational agencies.

(5) A nonprofit organization.

(6) A State educational agency, a local educational agency, a consortium described in paragraph (4), or the Bureau of Indian Education, in partnership with—

(A) a nonprofit organization;

(B) a business;

(C) an educational service agency; or

(D) an institution of higher education.

(c) Rural areas

(1) In general

In awarding grants under subsection (a), the Secretary shall ensure that not less than 25 percent of the funds made available for any fiscal year are awarded for programs that meet both of the following requirements:

(A) The grantee is—

(i) a local educational agency with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

(ii) a consortium of such local educational agencies;

(iii) an educational service agency or a nonprofit organization in partnership with such a local educational agency; or

(iv) a grantee described in clause (i) or (ii) in partnership with a State educational agency.

(B) A majority of the schools to be served by the program are designated with a locale code of 32, 33, 41, 42, or 43, or a combination of such codes, as determined by the Secretary.

(2) Exception

Notwithstanding paragraph (1), the Secretary shall reduce the amount of funds made available under such paragraph if the Secretary does not receive a sufficient number of applications of sufficient quality.

(d) Matching funds

In order to receive a grant under subsection (a), an eligible entity shall demonstrate that the eligible entity will provide matching funds, in cash or through in-kind contributions, from Federal, State, local, or private sources in an amount equal to 10 percent of the funds provided under such grant, except that the Secretary may waive the matching funds requirement, on a case-by-case basis, upon a showing of exceptional circumstances, such as—

(1) the difficulty of raising matching funds for a program to serve a rural area;

(2) the difficulty of raising matching funds in areas with a concentration of local educational agencies or schools with a high percentage of students aged 5 through 17—

(A) who are in poverty, as counted in the most recent census data approved by the Secretary;

(B) who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(C) whose families receive assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

(D) who are eligible to receive medical assistance under the Medicaid program; and

(3) the difficulty of raising funds on tribal land.

(e) Evaluation

Each recipient of a grant under this section shall conduct an independent evaluation of the effectiveness of the program carried out under such grant.

(f) Technical assistance

The Secretary may reserve not more than 5 percent of the funds appropriated under section 7251(b)(2)(A) of this title for each fiscal year to—

(1) provide technical assistance for eligibility entities, which may include pre-application workshops, web-based seminars, and evaluation support; and

(2) to disseminate best practices.

(Pub. L. 89–10, title IV, § 4611, as added Pub. L. 114–95, title IV, § 4601, Dec. 10, 2015, 129 Stat. 2021.)

REFERENCES IN TEXT

The Richard B. Russell National School Lunch Act, referred to in subsec. (d)(2)(B), is act June 4, 1946, ch. 281, 60 Stat. 230, which is classified generally to chapter 13 (§ 1751 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of Title 42 and Tables.

The Social Security Act, referred to in subsec. (d)(2)(C), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Part A of title IV of the Act is classified generally to part A (§ 601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

PRIOR PROVISIONS

Prior sections 7261 to 7261f were repealed by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(C), Dec. 10, 2015, 129 Stat.

1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 7261, Pub. L. 89–10, title V, § 5501, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1841, provided that subpart 10 of part D of former subchapter V of this chapter could be cited as the ''Carol M. White Physical Education Program''.

Another prior section 7261, Pub. L. 89–10, title V, § 5301, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3701, provided that part C of former subchapter V of this chapter could be cited as the ''School Dropout Assistance Act'', prior to the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

Section 7261a, Pub. L. 89–10, title V, § 5502, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1841, provided purpose of former subpart.

Section 7261b, Pub. L. 89–10, title V, § 5503, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1841, authorized program.

Section 7261c, Pub. L. 89–10, title V, § 5504, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1841, related to application requirement.

Section 7261d, Pub. L. 89–10, title V, § 5505, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1842, related to annual report to Secretary and administrative expenses.

Section 7261e, Pub. L. 89–10, title V, § 5506, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1842, related to other administrative provisions.

Section 7261f, Pub. L. 89–10, title V, § 5507, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1842, provided that funds were to supplement, not supplant, any other Federal, State, or local funds.

A prior section 7262, Pub. L. 89–10, title V, § 5302, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3701, which set forth purpose of the School Dropout Assistance Act, was omitted in the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

Prior sections 7263 to 7263b were repealed by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(C), Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 7263, Pub. L. 89–10, title V, § 5511, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1843, related to purpose and program authorization.

Another prior section 7263, Pub. L. 89–10, title V, § 5303, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3701, related to grants to local educational agencies, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

Section 7263a, Pub. L. 89–10, title V, § 5512, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1843, related to eligibility and application requirements.

Section 7263b, Pub. L. 89–10, title V, § 5513, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1844, related to uses of funds.

A prior section 7264, Pub. L. 89–10, title V, § 5404 [5304], as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3703, which related to application for school dropout assistance, was omitted in the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

Prior sections 7265 to 7265e were repealed by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(C), Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 7265, Pub. L. 89–10, title V, § 5521, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1845, provided that subpart 12 of part D of former subchapter V of this chapter could be cited as the ''Alaska Native and Native Hawaiian Education Through Cultural and Historical Organizations Act''.

Another prior section 7265, Pub. L. 89–10, title V, § 5305, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3704, related to use of grants for dropout prevention activities, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

Section 7265a, Pub. L. 89–10, title V, § 5522, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1845; amended Pub. L. 109–149, title III, § 306(1), Dec. 30, 2005, 119 Stat. 2870, related to findings and purposes.

Section 7265b, Pub. L. 89–10, title V, § 5523, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1846; amended Pub. L. 109–149, title III, § 306(2), Dec. 30, 2005, 119 Stat. 2870, related to program authorization.

Section 7265c, Pub. L. 89–10, title V, § 5524, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1847, related to administrative provisions.

Section 7265d, Pub. L. 89–10, title V, § 5525, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1847; amended Pub. L. 109–149, title III, § 306(3), Dec. 30, 2005, 119 Stat. 2870, related to availability of funds.

Section 7265e, Pub. L. 89–10, title V, § 5526, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1848, defined terms.

A prior section 7266, Pub. L. 89–10, title V, § 5306, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3706, which related to distribution of assistance and limitation on costs, was omitted in the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

Prior sections 7267 to 7267f were repealed by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(C), Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 7267, Pub. L. 89–10, title V, § 5531, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1848, provided that subpart 13 of part D of former subchapter V of this chapter could be cited as the ''Excellence in Economic Education Act of 2001''.

Another prior section 7267, Pub. L. 89–10, title V, § 5307, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3706, related to reports, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

Section 7267a, Pub. L. 89–10, title V, § 5532, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1848, related to purpose and goals.

Section 7267b, Pub. L. 89–10, title V, § 5533, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1848, authorized a grant program.

Section 7267c, Pub. L. 89–10, title V, § 5534, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1849, related to grant applications.

Section 7267d, Pub. L. 89–10, title V, § 5535, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1850, related to requirements for grantees and subgrant recipients.

Section 7267e, Pub. L. 89–10, title V, § 5536, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1850, related to administrative provisions.

Section 7267f, Pub. L. 89–10, title V, § 5537, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1851, provided that funds were to supplement, not supplant, any other Federal, State, or local funds.

A prior section 7268, Pub. L. 89–10, title V, § 5308, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3706, which authorized appropriations for school dropout assistance, was omitted in the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

Prior sections 7269 and 7269a were repealed by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(C), Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 7269, Pub. L. 89–10, title V, § 5541, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1851, authorized grants for the integration of schools and mental health systems.

Section 7269a, Pub. L. 89–10, title V, § 5542, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1853, related to promotion of school readiness through early childhood emotional and social development.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive pro-

grams, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBPART 2—COMMUNITY SUPPORT FOR SCHOOL SUCCESS

§ 7271. Purposes

The purposes of this subpart are to—

(1) significantly improve the academic and developmental outcomes of children living in the most distressed communities of the United States, including ensuring school readiness, high school graduation, and access to a community-based continuum of high-quality services; and

(2) provide support for the planning, implementation, and operation of full-service community schools that improve the coordination and integration, accessibility, and effectiveness of services for children and families, particularly for children attending high-poverty schools, including high-poverty rural schools.

(Pub. L. 89–10, title IV, § 4621, as added Pub. L. 114–95, title IV, § 4601, Dec. 10, 2015, 129 Stat. 2023.)

PRIOR PROVISIONS

A prior section 7271, Pub. L. 89–10, title V, § 5551, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1855, related to assistance for arts education, prior to repeal by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(C), Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7272. Definitions

In this subpart:

(1) Eligible entity

The term ''eligible entity'' means the following:

(A) With respect to a grant for activities described in section 7273(a)(1)(A) of this title—

(i) an institution of higher education, as defined in section 1002 of this title;

(ii) an Indian tribe or tribal organization, as defined in section 450b of title 25; or

(iii) one or more nonprofit entities working in formal partnership with not less than 1 of the following entities:

(I) A high-need local educational agency.

(II) An institution of higher education, as defined in section 1002 of this title.

(III) The office of a chief elected official of a unit of local government.

(IV) An Indian tribe or tribal organization, as defined under section 450b of title 25.

(B) With respect to a grant for activities described in section 7273(a)(1)(B) of this title, a consortium of—

(i)(I) 1 or more local educational agencies; or

(II) the Bureau of Indian Education; and

(ii) 1 or more community-based organizations, nonprofit organizations, or other public or private entities.

(2) Full-service community school

The term ''full-service community school'' means a public elementary school or secondary school that—

(A) participates in a community-based effort to coordinate and integrate educational, developmental, family, health, and other comprehensive services through community-based organizations and public and private partnerships; and

(B) provides access to such services in school to students, families, and the community, such as access during the school year (including before- and after-school hours and weekends), as well as during the summer.

(3) Pipeline services

The term ''pipeline services'' means a continuum of coordinated supports, services, and opportunities for children from birth through entry into and success in postsecondary education, and career attainment. Such services shall include, at a minimum, strategies to address through services or programs (including integrated student supports) the following:

(A) High-quality early childhood education programs.

(B) High-quality school and out-of-school-time programs and strategies.

(C) Support for a child's transition to elementary school, from elementary school to middle school, from middle school to high school, and from high school into and through postsecondary education and into the workforce, including any comprehensive readiness assessment determined necessary.

(D) Family and community engagement and supports, which may include engaging or supporting families at school or at home.

(E) Activities that support postsecondary and workforce readiness, which may include job training, internship opportunities, and career counseling.

(F) Community-based support for students who have attended the schools in the area served by the pipeline, or students who are members of the community, facilitating their continued connection to the community and success in postsecondary education and the workforce.

(G) Social, health, nutrition, and mental health services and supports.

(H) Juvenile crime prevention and rehabilitation programs.

(Pub. L. 89–10, title IV, § 4622, as added Pub. L. 114–95, title IV, § 4601, Dec. 10, 2015, 129 Stat. 2023.)

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7273. Program authorized

(a) Program authorized

(1) In general

The Secretary shall use not less than 95 percent of the amounts made available under section 7251(b)(2)(B) of this title to award grants, on a competitive basis and subject to subsection (e), to eligible entities for the following activities:

(A) Promise neighborhoods

The implementation of a comprehensive, effective continuum of coordinated services that meets the purpose described in section 7271(1) of this title by carrying out activities in neighborhoods with—

(i) high concentrations of low-income individuals;

(ii) multiple signs of distress, which may include high rates of poverty, childhood obesity, academic failure, and juvenile delinquency, adjudication, or incarceration; and

(iii) schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 6311(d) of this title.

(B) Full-service community schools

The provision of assistance to public elementary schools or secondary schools to function as full-service community schools.

(2) Sufficient size and scope

Each grant awarded under this subpart shall be of sufficient size and scope to allow the eligible entity to carry out the applicable purposes of this subpart.

(b) Duration

A grant awarded under this subpart shall be for a period of not more than 5 years, and may be extended for an additional period of not more than 2 years.

(c) Continued funding

Continued funding of a grant under this subpart, including a grant extended under subsection (b), after the third year of the initial grant period shall be contingent on the eligible entity's progress toward meeting—

(1) with respect to a grant for activities described in section 7274 of this title, the performance metrics described in section 7274(h) of this title; and

(2) with respect to a grant for activities described in section 7275 of this title, annual performance objectives and outcomes under section 7275(a)(4)(C) of this title.

(d) Matching requirements

(1) Promise neighborhood activities

(A) Matching funds

Each eligible entity receiving a grant under this subpart for activities described in section 7274 of this title shall contribute matching funds in an amount equal to not less than 100 percent of the amount of the grant. Such matching funds shall come from Federal, State, local, and private sources.

(B) Private sources

The Secretary shall require that a portion of the matching funds come from private sources, which may include in-kind contributions.

(C) Adjustment

The Secretary may adjust the matching funds requirement under this paragraph for applicants that demonstrate high need, including applicants from rural areas and applicants that wish to provide services on tribal lands.

(D) Financial hardship waiver

The Secretary may waive or reduce, on a case-by-case basis, the matching requirement under this paragraph, including the requirement for funds from private sources, for a period of 1 year at a time, if the eligible entity demonstrates significant financial hardship.

(2) Full-service community schools activities

(A) In general

Each eligible entity receiving a grant under this subpart for activities described in section 7275 of this title shall provide matching funds from non-Federal sources, which may be provided in part with in-kind contributions.

(B) Special rule

The Bureau of Indian Education may meet the requirement of subparagraph (A) using funds from other Federal sources.

(3) Special rules

(A) In general

The Secretary may not require any eligible entity receiving a grant under this subpart to provide matching funds in an amount that exceeds the amount of the grant award.

(B) Consideration

Notwithstanding this subsection, the Secretary shall not consider the ability of an eligible entity to match funds when determining which applicants will receive grants under this subpart.

(e) Reservation for rural areas

(1) In general

From the amounts allocated under subsection (a) for grants to eligible entities, the Secretary shall use not less than 15 percent of such amounts to award grants to eligible entities that propose to carry out the activities described in such subsection in rural areas.

(2) Exception

The Secretary shall reduce the amount described in paragraph (1) if the Secretary does not receive a sufficient number of applications of sufficient quality.

(f) Minimum number of grants

For each fiscal year, the Secretary shall award under this subpart not fewer than 3 grants for activities described in section 7274 of this title and not fewer than 10 grants for activities described in section 7275 of this title, subject to the availability of appropriations, the requirements of subsection (a)(2), and the number and quality of applications.

(Pub. L. 89–10, title IV, § 4623, as added Pub. L. 114–95, title IV, § 4601, Dec. 10, 2015, 129 Stat. 2024.)

PRIOR PROVISIONS

Prior sections 7273 to 7273e were repealed by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(C), Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 7273, Pub. L. 89–10, title V, § 5561, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1856, related to purposes.

Section 7273a, Pub. L. 89–10, title V, § 5562, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1857, authorized grants.

Section 7273b, Pub. L. 89–10, title V, § 5563, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1857; amended Pub. L. 108–446, title III, § 305(g)(3), Dec. 3, 2004, 118 Stat. 2805, related to applications.

Section 7273c, Pub. L. 89–10, title V, § 5564, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1858, related to uses of funds.

Section 7273d, Pub. L. 89–10, title V, § 5565, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1859, related to administrative provisions.

Section 7273e, Pub. L. 89–10, title V, § 5566, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1861, related to local family information centers.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7274. Promise neighborhoods

(a) Application requirements

An eligible entity desiring a grant under this subpart for activities described in this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require, including, at a minimum, all of the following:

(1) A plan to significantly improve the academic outcomes of children living in a neighborhood that is served by the eligible entity—

(A) by providing pipeline services that address the needs of children in the neighborhood, as identified by the needs analysis described in paragraph (4); and

(B) that is supported by effective practices.

(2) A description of the neighborhood that the eligible entity will serve.

(3) Measurable annual objectives and outcomes for the grant, in accordance with the metrics described in subsection (h), for each year of the grant.

(4) An analysis of the needs and assets of the neighborhood identified in paragraph (1), including—

(A) the size and scope of the population affected;

(B) a description of the process through which the needs analysis was produced, including a description of how parents, families, and community members were engaged in such analysis;

(C) an analysis of community assets and collaborative efforts (including programs already provided from Federal and non-Federal sources) within, or accessible to, the neighborhood, including, at a minimum, early learning opportunities, family and student supports, local businesses, local educational agencies, and institutions of higher education;

(D) the steps that the eligible entity is taking, at the time of the application, to address the needs identified in the needs analysis; and

(E) any barriers the eligible entity, public agencies, and other community-based organizations have faced in meeting such needs.

(5) A description of—

(A) all information that the entity used to identify the pipeline services to be provided, which shall not include information that is more than 3 years old; and

(B) how the eligible entity will—

(i) collect data on children served by each pipeline service; and

(ii) increase the percentage of children served over time.

(6) A description of the process used to develop the application, including the involvement of family and community members.

(7) A description of how the pipeline services will facilitate the coordination of the following activities:

(A) Providing early learning opportunities for children, including by—

(i) providing opportunities for families to acquire the skills to promote early learning and child development; and

(ii) ensuring appropriate diagnostic assessments and referrals for children with disabilities and children aged 3 through 9 experiencing developmental delays, consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), where applicable.

(B) Supporting, enhancing, operating, or expanding rigorous, comprehensive, effective educational improvements, which may include high-quality academic programs, expanded learning time, and programs and activities to prepare students for postsecondary education admissions and success.

(C) Supporting partnerships between schools and other community resources with an integrated focus on academics and other social, health, and familial supports.

(D) Providing social, health, nutrition, and mental health services and supports, for children, family members, and community members, which may include services provided within the school building.

(E) Supporting evidence-based programs that assist students through school transitions, which may include expanding access to postsecondary education courses and postsecondary education enrollment aid or guidance, and other supports for at-risk youth.

(8) A description of the strategies that will be used to provide pipeline services (including a description of which programs and services will be provided to children, family members, community members, and children within the neighborhood) to support the purpose described in section 7271(1) of this title.

(9) An explanation of the process the eligible entity will use to establish and maintain family and community engagement, including—

(A) involving representative participation by the members of such neighborhood in the planning and implementation of the activities of each grant awarded under this subpart for activities described in this section;

(B) the provision of strategies and practices to assist family and community members in actively supporting student achievement and child development;

(C) providing services for students, families, and communities within the school building; and

(D) collaboration with institutions of higher education, workforce development centers, and employers to align expectations and programming with postsecondary education and workforce readiness,

(10) An explanation of how the eligible entity will continuously evaluate and improve the continuum of high-quality pipeline services to provide for continuous program improvement and potential expansion.

(b) Priority

In awarding grants for activities described in this section, the Secretary shall give priority to eligible entities that will use funds under subsection (d) for evidence-based activities, which, for purposes of this subsection, is defined as activities meeting the requirements of section 7801(21)(A)(i) of this title.

(c) Memorandum of understanding

As eligible entity shall, as part of the application described in subsection (a), submit a preliminary memorandum of understanding, signed by each partner entity or agency described in section 7272(1)(A)(3) of this title (if applicable) and detailing each partner's financial, programmatic, and long-term commitment with respect to the strategies described in the application.

(d) Uses of funds

Each eligible entity that receives a grant under this subpart to carry out a program of activities described in this section shall use the grant funds to—

(1) support planning activities to develop and implement pipeline services;

(2) implement the pipeline services; and

(3) continuously evaluate the success of the program and improve the program based on data and outcomes.

(e) Special rules

(1) Funds for pipeline services

Each eligible entity that receives a grant under this subpart for activities described in this section shall, for the first year of the grant, use not less than 50 percent of the grant funds, and, for the second year of the grant, use not less than 25 percent of the grant funds, to carry out the activities described in subsection (d)(1).

(2) Operational flexibility

Each eligible entity that operates a school in a neighborhood served by a grant program under this subpart for activities described in this section shall provide such school with the operational flexibility, including autonomy over staff, time, and budget, needed to effectively carry out the activities described in the application under subsection (a).

(3) Limitation on use of funds for early childhood education programs

Funds provided under this subpart for activities described in this section that are used to improve early childhood education programs shall not be used to carry out any of the following activities:

(A) Assessments that provide rewards or sanctions for individual children or teachers.

(B) A single assessment that is used as the primary or sole method for assessing program effectiveness.

(C) Evaluating children, other than for the purposes of improving instruction, classroom environment, professional development, or parent and family engagement, or program improvement.

(f) Report

Each eligible entity that receives a grant under this subpart for activities described in this section shall prepare and submit an annual report to the Secretary, which shall include—

(1) information about the number and percentage of children in the neighborhood who are served by the grant program, including a description of the number and percentage of children accessing each support or service offered as part of the pipeline services; and

(2) information relating to the performance metrics described in subsection (h).

(g) Publicly available data

Each eligible entity that receives a grant under this subpart for activities described in this section shall make publicly available, including through electronic means, the information described in subsection (f). To the extent practicable, such information shall be provided in a form and language accessible to parents and families in the neighborhood served under the grant, and such information shall be a part of statewide longitudinal data systems.

(h) Performance indicators

(1) In general

The Secretary shall establish performance indicators under paragraph (2) and corresponding metrics to be used for the purpose of reporting under paragraph (3) and program evaluation under subsection (i).

(2) Indicators

The performance indicators established by the Secretary under paragraph (1) shall be indicators of improved academic and developmental outcomes for children, including indicators of school readiness, high school graduation, postsecondary education and career readiness, and other academic and developmental outcomes, to promote—

(A) data-driven decision-making by eligible entities receiving funds under this subpart; and

(B) access to a community-based continuum of high-quality services for children living in the most distressed communities of the United States, beginning at birth.

(3) Reporting

Each eligible entity that receives a grant under this subpart for activities described in this section shall annually collect and report to the Secretary data on the performance indicators described in paragraph (2) for use by the Secretary in making a determination concerning continuation funding and grant extension under section 7273(b) of this title for each eligible entity.

(i) Evaluation

The Secretary shall reserve not more than 5 percent of the funds made available under section 7251(b)(2)(A) of this title to provide technical assistance and evaluate the implementation and impact of the activities funded under this section, in accordance with section 7981 of this title.

(Pub. L. 89–10, title IV, § 4624, as added Pub. L. 114–95, title IV, § 4601, Dec. 10, 2015, 129 Stat. 2026.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (a)(7)(A)(ii), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§ 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7275. Full-service community schools

(a) Application

An eligible entity that desires a grant under this subpart for activities described in this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The Secretary shall require that each such application include the following:

(1) A description of the eligible entity.

(2) A memorandum of understanding among all partner entities in the eligible entity that will assist the eligible entity to coordinate and provide pipeline services and that describes the roles the partner entities will assume.

(3) A description of the capacity of the eligible entity to coordinate and provide pipeline services at 2 or more full-service community schools.

(4) A comprehensive plan that includes descriptions of the following:

(A) The student, family, and school community to be served, including demographic information.

(B) A needs assessment that identifies the academic, physical, nonacademic, health, mental health, and other needs of students, families, and community residents.

(C) Annual measurable performance objectives and outcomes, including an increase in the number and percentage of families and students targeted for services each year of the program, in order to ensure that children are—

(i) prepared for kindergarten;

(ii) achieving academically; and

(iii) safe, healthy, and supported by engaged parents.

(D) Pipeline services, including existing and additional pipeline services, to be coordinated and provided by the eligible entity and its partner entities, including an explanation of—

(i) why such services have been selected;

(ii) how such services will improve student academic achievement; and

(iii) how such services will address the annual measurable performance objectives and outcomes established under subparagraph (C).

(E) Plans to ensure that each full-service community school site has a full-time coordinator of pipeline services at such school, including a description of the applicable funding sources, plans for professional development for the personnel managing, coordinating, or delivering pipeline services, and plans for joint utilization and management of school facilities.

(F) Plans for annual evaluation based upon attainment of the performance objectives and outcomes described in subparagraph (C).

(G) Plans for sustaining the programs and services described in this subsection after the grant period.

(5) An assurance that the eligible entity and its partner entities will focus services on schools eligible for a schoolwide program under section 6314(b) of this title.

(b) Priority

In awarding grants under this subpart for activities described in this section, the Secretary shall give priority to eligible entities that—

(1)(A) will serve a minimum of 2 or more full-service community schools eligible for a schoolwide program under section 6314(b) of this title, as part of a community- or district-wide strategy; or

(B) include a local educational agency that satisfies the requirements of—

(i) subparagraph (A), (B), or (C) of section 7345(b)(1) of this title; or

(ii) subparagraphs (A) and (B) of section 7351(b)(1) of this title;

(2) are consortiums comprised of a broad representation of stakeholders or consortiums demonstrating a history of effectiveness; and

(3) will use funds for evidence-based activities described in subsection (e), defined for purposes of this paragraph as activities meeting the requirements of section 7801(21)(A)(i) of this title.

(c) Planning

The Secretary may authorize an eligible entity receiving a grant under this subpart for activities described in this section to use not more than 10 percent of the total amount of grant funds for planning purposes during the first year of the grant.

(d) Minimum amount

The Secretary may not award a grant under this subpart for activities described in this sec-

tion to an eligible entity in an amount that is less than $75,000 for each year of the grant period, subject to the availability of appropriations.

(e) Use of funds

Grants awarded under this subpart for activities described in this section shall be used to—

(1) coordinate not less than 3 existing pipeline services, as of the date of the grant award, and provide not less than 2 additional pipeline services, at 2 or more public elementary schools or secondary schools;

(2) to the extent practicable, integrate multiple pipeline services into a comprehensive, coordinated continuum to achieve the annual measurable performance objectives and outcomes under subsection (a)(4)(C) to meet the holistic needs of children; and

(3) if applicable, coordinate and integrate services provided by community-based organizations and government agencies with services provided by specialized instructional support personnel.

(f) Evaluations by the institute of education sciences

The Secretary, acting through the Director of the Institute of Education Sciences, shall conduct evaluations of the effectiveness of grants under this subpart for activities described in this section in achieving the purpose described in section 7271(2) of this title.

(g) Evaluations by grantees

The Secretary shall require each eligible entity receiving a grant under this subpart for activities described in this section to—

(1) conduct annual evaluations of the progress achieved with the grant toward the purpose described in section 7271(2) of this title;

(2) use such evaluations to refine and improve activities carried out through the grant and the annual measurable performance objectives and outcomes under subsection (a)(4)(C); and

(3) make the results of such evaluations publicly available, including by providing public notice of such availability.

(h) Construction clause

Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

(i) Supplement, not supplant

Funds made available to an eligible entity through a grant under this subpart for activities described in this section may be used only to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this section.

(Pub. L. 89–10, title IV, § 4625, as added Pub. L. 114–95, title IV, § 4601, Dec. 10, 2015, 129 Stat. 2029.)

PRIOR PROVISIONS

Prior sections 7275, 7277 to 7277e, and 7279 to 7279e were repealed by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(C), Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 7275, Pub. L. 89–10, title V, § 5571, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1861, related to grants to combat the impact of experiencing or witnessing domestic violence on elementary and secondary school children.

Section 7277, Pub. L. 89–10, title V, § 5581, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1863, authorized grant program.

Section 7277a, Pub. L. 89–10, title V, § 5582, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1863, related to State uses of funds.

Section 7277b, Pub. L. 89–10, title V, § 5583, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1864, related to local uses of funds.

Section 7277c, Pub. L. 89–10, title V, § 5584, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1865, related to report to Congress.

Section 7277d, Pub. L. 89–10, title V, § 5585, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1865, related to limitations.

Section 7277e, Pub. L. 89–10, title V, § 5586, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1865, defined term ''healthy, high-performance school building''.

Section 7279, Pub. L. 89–10, title V, § 5591, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1865, authorized grant program.

Section 7279a, Pub. L. 89–10, title V, § 5592, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1865, related to uses of funds.

Section 7279b, Pub. L. 89–10, title V, § 5593, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1866, related to allotments to States.

Section 7279c, Pub. L. 89–10, title V, § 5594, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1866, related to subgrants to local educational agencies.

Section 7279d, Pub. L. 89–10, title V, § 5595, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1866, defined term ''capital expenses''.

Section 7279e, Pub. L. 89–10, title V, § 5596, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1866, terminated authority effective Oct. 1, 2003.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBPART 3—NATIONAL ACTIVITIES FOR SCHOOL SAFETY

§ 7281. National activities for school safety

(a) Program authorized

(1) In general

From the funds reserved under section 7251(b)(1) of this title, the Secretary—

(A) shall use a portion of such funds for the Project School Emergency Response to Violence program (in this section referred to as ''Project SERV''), in order to provide education-related services to eligible entities; and

(B) may use a portion of such funds to carry out other activities to improve students' safety and well-being, during and after the school day, under this section directly or through grants, contracts, or cooperative agreements with public or private

entities or individuals, or other Federal agencies, such as providing technical assistance to States and local educational agencies carrying out activities under this section or conducting a national evaluation.

(2) Availability

Amounts reserved under section 7251(b)(1) of this title for Project SERV are authorized to remain available until expended for Project SERV.

(b) Project SERV

(1) Additional use of funds

Funds made available under subsection (a) for extended services grants under Project SERV may be used by an eligible entity to initiate or strengthen violence prevention activities as part of the activities designed to restore the learning environment that was disrupted by the violent or traumatic crisis in response to which the grant was awarded.

(2) Application process

(A) In general

An eligible entity desiring to use a portion of extended services grant funds under Project SERV to initiate or strengthen a violence prevention activity shall—

(i) submit, in an application that meets all requirements of the Secretary for Project SERV, the information described in subparagraph (B); or

(ii) in the case of an eligible entity that has already received an extended services grant under Project SERV, submit an addition to the original application that includes the information described in subparagraph (B).

(B) Application requirements

An application, or addition to an application, for an extended services grant pursuant to subparagraph (A) shall include the following:

(i) A demonstration of the need for funds due to a continued disruption or a substantial risk of disruption to the learning environment.

(ii) An explanation of the proposed activities that are designed to restore and preserve the learning environment.

(iii) A budget and budget narrative for the proposed activities.

(3) Award basis

Any award of funds under Project SERV for violence prevention activities under this section shall be subject to the discretion of the Secretary and the availability of funds.

(4) Prohibited use

No funds provided to an eligible entity for violence prevention activities may be used for construction, renovation, or repair of a facility or for the permanent infrastructure of the eligible entity.

(c) Definition of eligible entity

In this section, the term ''eligible entity'' means—

(1) a local educational agency, as defined in subparagraph (A), (B), or (C) of section 7801(30) of this title, or institution of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis; or

(2) the Bureau of Indian Education in a case where the learning environment of a school operated or funded by the Bureau, including a school meeting the definition of a local educational agency under section 7801(30)(C) of this title, has been disrupted due to a violent or traumatic crisis.

(Pub. L. 89–10, title IV, § 4631, as added Pub. L. 114–95, title IV, § 4601, Dec. 10, 2015, 129 Stat. 2032.)

PRIOR PROVISIONS

Prior sections 7281 to 7281b and 7283 to 7283g were repealed by Pub. L. 114–95, § 5, title IV, § 4001(b)(1)(C), Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 7281, Pub. L. 89–10, title V, § 5601, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1866, authorized Secretary to provide additional assistance to meet special circumstances.

Section 7281a, Pub. L. 89–10, title V, § 5602, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1866, related to eligibility.

Section 7281b, Pub. L. 89–10, title V, § 5603, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1867, related to maximum amount.

Section 7283, Pub. L. 89–10, title V, § 5611, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1867, provided that subpart 21 of subpart D of former subchapter V of this chapter could be cited as the ''Women's Educational Equity Act of 2001'' and related to findings.

Section 7283a, Pub. L. 89–10, title V, § 5612, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1868, related to statement of purpose.

Section 7283b, Pub. L. 89–10, title V, § 5613, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1868; amended Pub. L. 107–279, title IV, § 404(d)(7), Nov. 5, 2002, 116 Stat. 1986, authorized program.

Section 7283c, Pub. L. 89–10, title V, § 5614, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1871, related to applications.

Section 7283d, Pub. L. 89–10, title V, § 5615, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1871; amended Pub. L. 107–279, title IV, § 404(d)(5)(D), (8), Nov. 5, 2002, 116 Stat. 1986, related to criteria and priorities.

Section 7283e, Pub. L. 89–10, title V, § 5616, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1872, related to report requirement.

Section 7283f, Pub. L. 89–10, title V, § 5617, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1872, related to administration.

Section 7283g, Pub. L. 89–10, title V, § 5618, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1873, related to amounts to be used to carry out certain activities.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBPART 4—ACADEMIC ENRICHMENT

§ 7291. Awards for academic enrichment

(a) Program authorized

From funds reserved under section 7251(b)(2)(C) of this title, the Secretary shall award grants, contracts, or cooperative agreements, on a com-

petitive basis, to eligible entities for the purposes of enriching the academic experience of students by promoting—

(1) arts education for disadvantaged students and students who are children with disabilities, as described in section 7292 of this title;

(2) school readiness through the development and dissemination of accessible instructional programming for preschool and elementary school children and their families, as described in section 7293 of this title; and

(3) support for high-ability learners and high-ability learning, as described in section 7294 of this title.

(b) Annual awards

The Secretary shall annually make awards to fulfill each of the purposes described in paragraphs (1) through (3) of subsection (a).

(Pub. L. 89–10, title IV, § 4641, as added Pub. L. 114–95, title IV, § 4601, Dec. 10, 2015, 129 Stat. 2033.)

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7292. Assistance for arts education

(a) Awards to provide assistance for arts education

(1) In general

Awards made to eligible entities to fulfill the purpose described in section 7291(a)(1) of this title, shall be used for a program (to be known as the ''Assistance for Arts Education program'') to promote arts education for students, including disadvantaged students and students who are children with disabilities, through activities such as—

(A) professional development for arts educators, teachers, and principals;

(B) development and dissemination of accessible instructional materials and arts-based educational programming, including online resources, in multiple arts disciplines; and

(C) community and national outreach activities that strengthen and expand partnerships among schools, local educational agencies, communities, or centers for the arts, including national centers for the arts.

(b) Conditions

As conditions of receiving assistance made available under this section, the Secretary shall require each eligible entity receiving such assistance—

(1) to coordinate, to the extent practicable, each project or program carried out with such assistance with appropriate activities of public or private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters; and

(2) to use such assistance only to supplement, and not to supplant, any other assistance or funds made available from non-Federal sources for the activities assisted under this subpart.

(c) Consultation

In carrying out this section, the Secretary shall consult with Federal agencies or institutions, arts educators (including professional arts education associations), and organizations representing the arts (including State and local arts agencies involved in arts education).

(d) Priority

In awarding grants under this section, the Secretary shall give priority to eligible entities that are eligible national nonprofit organizations.

(e) Definitions

In this section:

(1) Eligible entity

The term ''eligible entity'' means—

(A) a local educational agency in which 20 percent or more of the students served by the local educational agency are from families with an income below the poverty line;

(B) a consortium of such local educational agencies;

(C) a State educational agency;

(D) an institution of higher education;

(E) a museum or cultural institution;

(F) the Bureau of Indian Education;

(G) an eligible national nonprofit organization; or

(H) another private agency, institution, or organization.

(2) Eligible national nonprofit organization

The term ''eligible national nonprofit organization'' means an organization of national scope that—

(A) is supported by staff, which may include volunteers, or affiliates at the State and local levels; and

(B) demonstrates effectiveness or high-quality plans for addressing arts education activities for disadvantaged students or students who are children with disabilities.

(Pub. L. 89–10, title IV, § 4642, as added Pub. L. 114–95, title IV, § 4601, Dec. 10, 2015, 129 Stat. 2033.)

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7293. Ready to learn programming

(a) Awards to promote school readiness through ready to learn programming

(1) In general

Awards made to eligible entities described in paragraph (3) to fulfill the purpose described in section 7291(a)(2) of this title shall—

(A) be known as ''Ready to Learn Programming awards''; and

(B) be used to—

(i) develop, produce, and distribute accessible educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate student academic achievement;

(ii) facilitate the development, directly or through contracts with producers of children's and family educational television programming, of educational programming for preschool and elementary school children, and the accompanying support materials and services that promote the effective use of such programming;

(iii) facilitate the development of programming and digital content containing Ready-to-Learn programming and resources for parents and caregivers that is specially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet;

(iv) contract with entities (such as public telecommunications entities) so that programming developed under this section is disseminated and distributed to the widest possible audience appropriate to be served by the programming, and through the use of the most appropriate distribution technologies; and

(v) develop and disseminate education and training materials, including interactive programs and programs adaptable to distance learning technologies, that are designed—

(I) to promote school readiness; and

(II) to promote the effective use of materials developed under clauses (ii) and (iii) among parents, family members, teachers, principals and other school leaders, Head Start providers, providers of family literacy services, child care providers, early childhood educators, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children.

(2) Availability

In awarding or entering into grants, contracts, or cooperative agreements under this section, the Secretary shall ensure that eligible entities described in paragraph (3) make programming widely available, with support materials as appropriate, to young children, parents, child care workers, Head Start providers, and providers of family literacy services to increase the effective use of such programming.

(3) Eligible entities

To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall be a public telecommunications entity that is able to demonstrate each of the following:

(A) A capacity for the development and national distribution of educational and instructional television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary school children.

(B) A capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality.

(C) A capacity, consistent with the entity's mission and nonprofit nature, to negotiate such contracts in a manner that returns to the entity an appropriate share of any ancillary income from sales of any program-related products.

(D) A capacity to localize programming and materials to meet specific State and local needs and to provide educational outreach at the local level.

(4) Coordination of activities

An entity receiving a grant, contract, or cooperative agreement under this section shall consult with the Secretary and the Secretary of Health and Human Services—

(A) to maximize the use of high-quality educational programming by preschool and elementary school children, and make such programming widely available to Federally funded programs serving such populations; and

(B) to coordinate activities with Federal programs that have major training components for early childhood development, including programs under the Head Start Act (42 U.S.C. 9831 et seq.) and State training activities funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) [42 U.S.C. 9857 et seq.], regarding the availability and utilization of materials developed under paragraph (1)(B)(v) to enhance parent and child care provider skills in early childhood development and education.

(b) Applications

To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall submit to the Secretary an application at such time and in such manner as the Secretary may reasonably require. The application shall include—

(1) a description of the activities to be carried out under this section;

(2) a list of the types of entities with which such entity will enter into contracts under subsection (a)(1)(B)(iv);

(3) a description of the activities the entity will undertake widely to disseminate the content developed under this section; and

(4) a description of how the entity will comply with subsection (a)(2).

(c) Reports and evaluations

(1) Annual report to Secretary

An entity receiving a grant, contract, or cooperative agreement under this section shall prepare and submit to the Secretary an annual report. The report shall describe the program activities undertaken with funds received under the grant, contract, or cooperative agreement, including each of the following:

(A) The programming that has been developed, directly or indirectly, by the eligible entity, and the target population of the programming.

(B) The support and training materials that have been developed to accompany the programming, and the method by which the materials are distributed to consumers and users of the programming.

(C) The means by which programming developed under this section has been distrib-

uted, including the distance learning technologies that have been utilized to make programming available, and the geographic distribution achieved through such technologies.

(D) The initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development, distribution, and broadcast of educational and instructional programming.

(2) Report to Congress

The Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a biannual report that includes the following:

(A) A summary of the activities assisted under subsection (a).

(B) A description of the education and training materials made available under subsection (a)(1)(B)(v), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

(d) Administrative costs

An entity that receives a grant, contract, or cooperative agreement under this section may use up to 5 percent of the amount received under the grant, contract, or agreement for the normal and customary expenses of administering the grant, contract, or agreement.

(e) Funding rule

Not less than 60 percent of the amount used by the Secretary to carry out this section for each fiscal year shall be used to carry out activities under clauses (ii) through (iv) of subsection (a)(1)(B).

(Pub. L. 89–10, title IV, § 4643, as added Pub. L. 114–95, title IV, § 4601, Dec. 10, 2015, 129 Stat. 2034.)

REFERENCES IN TEXT

The Head Start Act, referred to in subsec. (a)(4)(B), is subchapter B (§ 635 et seq.) of chapter 8 of subtitle A of title VI of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 499, which is classified generally to subchapter II (§ 9831 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of Title 42 and Tables.

The Child Care and Development Block Grant Act of 1990, referred to in subsec. (a)(4)(B), is subchapter C (§ 658A et seq.) of chapter 8 of subtitle A of title VI of Pub. L. 97–35, as added by Pub. L. 101–508, title V, § 5082(2), Nov. 5, 1990, 104 Stat. 1388–236, which is classified generally to subchapter II–B (§ 9857 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 9857(a) of Title 42 and Tables.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7294. Supporting high-ability learners and learning

(a) Purpose

The purpose of this section is to promote and initiate a coordinated program, to be known as the ''Jacob K. Javits Gifted and Talented Students Education Program'', of evidence-based research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of elementary schools and secondary schools nationwide to identify gifted and talented students and meet their special educational needs.

(b) Program authorized

(1) In general

The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall make awards to, or enter into contracts with, State educational agencies, local educational agencies, the Bureau of Indian Education, institutions of higher education, other public agencies, and other private agencies and organizations to assist such agencies, institutions, or organizations, or the Bureau, in carrying out programs or projects to fulfill the purpose described in section 7291(a)(3) of this title, including the training of personnel in the identification and education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

(2) Application

Each entity seeking assistance under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Each application shall describe how—

(A) the proposed identification methods, as well as gifted and talented services, materials, and methods, can be adapted, if appropriate, for use by all students; and

(B) the proposed programs can be evaluated.

(c) Uses of funds

Programs and projects assisted under this section may include any of the following:

(1) Conducting evidence-based research on methods and techniques for identifying and teaching gifted and talented students and for using gifted and talented programs and methods to identify and provide the opportunity for all students to be served, particularly low-income and at-risk students.

(2) Establishing and operating programs and projects for identifying and serving gifted and talented students, including innovative methods and strategies (such as summer programs, mentoring programs, peer tutoring programs, service learning programs, and cooperative learning programs involving business, industry and education) for identifying and educating students who may not be served by traditional gifted and talented programs.

(3) Providing technical assistance and disseminating information, which may include how gifted and talented programs and methods may be adapted for use by all students, particularly low-income and at-risk students.

(d) Center for research and development

(1) In general

The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Research Center for the Education of Gifted and Talented Children and Youth through grants to, or contracts with, one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies and other public or private agencies and organizations, for the purpose of carrying out activities described in subsection (c).

(2) Director

The National Center shall be headed by a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with institutions of higher education, State educational agencies, local educational agencies, or other public or private agencies and organizations.

(e) Coordination

Evidence-based activities supported under this section—

(1) shall be carried out in consultation with the Institute of Education Sciences to ensure that such activities are coordinated with and enhance the research and development activities supported by the Institute; and

(2) may include collaborative evidence-based activities that are jointly funded and carried out with such Institute.

(f) General priority

In carrying out this section, the Secretary shall give highest priority to programs and projects designed to—

(1) develop new information that—

(A) improves the capability of schools to plan, conduct, and improve programs to identify and serve gifted and talented students; or

(B) assists schools in the identification of, and provision of services to, gifted and talented students (including economically disadvantaged individuals, individuals who are English learners, and children with disabilities) who may not be identified and served through traditional assessment methods; or

(2) implement evidence-based activities, defined in this paragraph as activities meeting the requirements of section 7801(21)(A)(i) of this title.

(g) Participation of private school children and teachers

In making grants and entering into contracts under this section, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such students.

(h) Review, dissemination, and evaluation

The Secretary shall—

(1) use a peer-review process in reviewing applications under this section;

(2) ensure that information on the activities and results of programs and projects funded under this section is disseminated to appropriate State educational agencies, local educational agencies, and other appropriate organizations, including private nonprofit organizations; and

(3) evaluate the effectiveness of programs under this section in accordance with section 7981 of this title, in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than 2 years after December 10, 2015.

(i) Program operations

The Secretary shall ensure that the programs under this section are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall—

(1) administer and coordinate the programs authorized under this section;

(2) serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs;

(3) assist the Director of the Institute of Education Sciences in identifying research priorities that reflect the needs of gifted and talented students; and

(4) disseminate, and consult on, the information developed under this section with other offices within the Department.

(Pub. L. 89–10, title IV, § 4644, as added Pub. L. 114–95, title IV, § 4601, Dec. 10, 2015, 129 Stat. 2037.)

PRIOR PROVISIONS

Prior sections 7301 to 7301b were repealed by Pub. L. 114–95, § 5, title V, § 5001(b)(1), Dec. 10, 2015, 129 Stat. 1806, 2040, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 7301, Pub. L. 89–10, title V, § 6111, formerly title VI, § 6111, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1873; renumbered title V, § 6111, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, related to grants for State assessments and related activities.

A prior section 7301, Pub. L. 89–10, title VI, § 6001, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3707, set forth findings and purpose, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107–110.

Section 7301a, Pub. L. 89–10, title V, § 6112, formerly title VI, § 6112, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1874; renumbered title V, § 6112, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, related to grants for enhanced assessment instruments.

Section 7301b, Pub. L. 89–10, title V, § 6113, formerly title VI, § 6113, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1875; renumbered title V, § 6113, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, related to funding.

Prior sections 7302 and 7303 were omitted in the general amendment of former subchapter VI of this chapter by Pub. L. 107–110.

Section 7302, Pub. L. 89–10, title VI, § 6002, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3707, related to authorization of appropriations and duration of assistance.

Section 7303, Pub. L. 89–10, title VI, § 6003, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3707, defined ''effective schools programs''.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBCHAPTER V—FLEXIBILITY AND ACCOUNTABILITY

CODIFICATION

Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, redesignated subchapter VI (§ 7301 et seq.) of this chapter as this subchapter.

Title V of the Elementary and Secondary Education Act of 1965, comprising this subchapter, was originally enacted as part of Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27, and subsequently revised, restated, and amended by other public laws. Title V is shown, herein, as having been added as title VI of Pub. L. 89–10 by Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1873, without reference to earlier amendments because of the extensive revision of the title's provisions by Pub. L. 107–110. Title VI of Pub. L. 89–10 was subsequently redesignated title V by Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, and transferred to this subchapter. See Codification note preceding section 6301 of this title.

PRIOR PROVISIONS

A prior title V of the Elementary and Secondary Education Act of 1965, comprising former subchapter V (§ 7201 et seq.) of this chapter, was originally enacted as part of Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27, and subsequently revised, restated, and amended by other public laws. Title V as extensively revised by Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1776, related to promoting informed parental choice and innovative programs, and was set out in former subchapter V of this chapter as having been added by Pub. L. 107–110. Except as provided below, title V of the Act was repealed by Pub. L. 114–95, title IV, § 4001(b)(1)(A)–(C), (4), Dec. 10, 2015, 129 Stat. 1967.

A prior part B of title V of the Elementary and Secondary Education Act of 1965, comprising part B (§ 7221 et seq.) of former subchapter V of this chapter, was redesignated part C of title IV of the Act and transferred to part C (§ 7221 et seq.) of subchapter IV of this chapter by Pub. L. 114–95, title IV, § 4001(b)(2)(A)–(C), Dec. 10, 2015, 129 Stat. 1967.

A prior part C of title V of the Elementary and Secondary Education Act of 1965, comprising part C (§ 7231 et seq.) of former subchapter V of this chapter, was redesignated part D of title IV of the Act and transferred to part D (§ 7231 et seq.) of subchapter IV of this chapter by Pub. L. 114–95, § 4001(b)(3)(A)–(C), Dec. 10, 2015, 129 Stat. 1967.

PART A—FUNDING TRANSFERABILITY FOR STATE AND LOCAL EDUCATIONAL AGENCIES

CODIFICATION

Pub. L. 114–95, title V, § 5002(1), (2), Dec. 10, 2015, 129 Stat. 2040, substituted ''Funding Transferability for State and Local Educational Agencies'' for ''Improving Academic Achievement'' in part heading and struck out subpart 2 designation and heading.

PRIOR PROVISIONS

Prior subparts 1, 3, and 4 of this part, consisting of sections 7301 to 7301b, 7311 to 7311b, 7315 to 7315c, 7321 to 7321e, and 7325 to 7325c, related to accountability, State and local flexibility demonstration, and State accountability for adequate yearly progress, prior to repeal by Pub. L. 114–95, title V, § 5001(b)(1), Dec. 10, 2015, 129 Stat. 2040.

§ 7305. Short title

This part may be cited as the ''State and Local Transferability Act''.

(Pub. L. 89–10, title V, § 5101, formerly title VI, § 6121, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1876; renumbered title V, § 5101, and amended Pub. L. 114–95, title V, §§ 5001(a)(1), 5002(3), Dec. 10, 2015, 129 Stat. 2039, 2040.)

PRIOR PROVISIONS

A prior section 5101 of Pub. L. 89–10 was classified to section 7201 of this title prior to repeal by Pub. L. 114–95.

Another prior section 5101 of Pub. L. 89–10 was classified to section 7201 of this title, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

Another prior section 5101 of Pub. L. 89–10 was classified to section 3171 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Pub. L. 114–95, § 5002(3), substituted ''part'' for ''subpart''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7305a. Purpose

The purpose of this part is to allow States and local educational agencies the flexibility to target Federal funds to the programs and activities that most effectively address the unique needs of States and localities.

(Pub. L. 89–10, title V, § 5102, formerly title VI, § 6122, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1876; renumbered title V, § 5102, and amended Pub. L. 114–95, title V, §§ 5001(a)(1), 5002(4), Dec. 10, 2015, 129 Stat. 2039, 2040.)

PRIOR PROVISIONS

A prior section 5102 of Pub. L. 89–10 was classified to section 7202 of this title, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

Another prior section 5102 of Pub. L. 89–10 was classified to section 3172 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Pub. L. 114–95, § 5002(4), amended section generally. Prior to amendment, text read as follows: ''The purpose of this subpart is to allow States and local educational agencies the flexibility—

''(1) to target Federal funds to Federal programs that most effectively address the unique needs of States and localities; and

''(2) to transfer Federal funds allocated to other activities to allocations for certain activities authorized under subchapter I of this chapter.''

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive pro-

grams and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7305b. Transferability of funds

(a) Transfers by States

(1) In general

In accordance with this part, a State may transfer all, or any lesser amount, of State funds (including funds transferred under paragraph (2)) allotted to the State for use for State-level activities under the following provisions for a fiscal year to one or more of the State's allotments for such fiscal year under any other of such provisions:

(A) Part A of subchapter II.
(B) Part A of subchapter IV.
(C) Section 7172(c)(3) of this title.

(2) Additional funds

In accordance with this part, a State may transfer any funds allotted to the State under a provision listed in paragraph (1) for a fiscal year to its allotment under any other of the following provisions:

(A) Part A of subchapter I.
(B) Part C of subchapter I.
(C) Part D of subchapter I.
(D) Part A of subchapter III.
(E) Part B.

(b) Transfers by local educational agencies

(1) Authority to transfer funds

(A) In general

In accordance with this part, a local educational agency may transfer all, or any lesser amount, of the funds allocated to it under each of the provisions listed in paragraph (2) for a fiscal year to one or more of its allocations for such fiscal year under any other provision listed in paragraph (2).

(B) Additional funds

In accordance with this part, a local educational agency may transfer any funds allotted to such agency under a provision listed in paragraph (2) for a fiscal year to its allotment under any other of the following provisions:

(i) Part A of subchapter I.
(ii) Part C of subchapter I.
(iii) Part D of subchapter I.
(iv) Part A of subchapter III.
(v) Part B.

(2) Applicable provisions

A local educational agency may transfer funds under subparagraph (A) or (B) of paragraph (1) from allocations made under each of the following provisions:

(A) Part A of subchapter II.
(B) Part A of subchapter IV.

(c) No transfer of certain funding

A State or local educational agency may not transfer under this part to any other program any funds allotted or allocated to it for the following provisions:

(1) Part A of subchapter I.
(2) Part C of subchapter I.
(3) Part D of subchapter I.
(4) Part A of subchapter III.
(5) Part B.

(d) Modification of plans and applications; notification

(1) State transfers

Each State that makes a transfer of funds under this section shall—

(A) modify, to account for such transfer, each State plan, or application submitted by the State, to which such funds relate;
(B) not later than 30 days after the date of such transfer, submit a copy of such modified plan or application to the Secretary; and
(C) not later than 30 days before the effective date of such transfer, notify the Secretary of such transfer.

(2) Local transfers

Each local educational agency that makes a transfer of funds under this section shall—

(A) modify, to account for such transfer, each local plan, or application submitted by the agency, to which such funds relate;
(B) not later than 30 days after the date of such transfer, submit a copy of such modified plan or application to the State; and
(C) not later than 30 days before the effective date of such transfer, notify the State of such transfer.

(e) Applicable rules

(1) In general

Except as otherwise provided in this part, funds transferred under this section are subject to each of the rules and requirements applicable to the funds under the provision to which the transferred funds are transferred.

(2) Consultation

Each State educational agency or local educational agency that transfers funds under this section shall conduct consultations in accordance with section 7881 of this title, if such transfer transfers funds from a program that provides for the participation of students, teachers, or other educational personnel, from private schools.

(Pub. L. 89–10, title V, § 5103, formerly title VI, § 6123, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1876; renumbered title V, § 5103, and amended Pub. L. 114–95, title V, §§ 5001(a)(1), 5002(3), (5), Dec. 10, 2015, 129 Stat. 2039, 2040.)

PRIOR PROVISIONS

A prior section 5103 of Pub. L. 89–10 was classified to section 7203 of this title, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

Another prior section 5103 of Pub. L. 89–10 was classified to section 3173 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Prior sections 7311 to 7311b, 7315 to 7315c, 7321 to 7321e, and 7325 to 7325c were repealed by Pub. L. 114–95, § 5, title V, § 5001(b)(1), Dec. 10, 2015, 129 Stat. 1806, 2040, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 7311, Pub. L. 89–10, title V, § 6131, formerly title VI, § 6131, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1878; renumbered title V, § 6131, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat.

2039, provided that former subpart 3 of this part could be cited as the ''State and Local Flexibility Demonstration Act''.

A prior section 7311, Pub. L. 89–10, title VI, § 6101, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3708, related to allotment to States, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107–110.

Section 7311a, Pub. L. 89–10, title V, § 6132, formerly title VI, § 6132, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1878; renumbered title V, § 6132, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, stated the purpose of former subpart 3 of this part.

Section 7311b, Pub. L. 89–10, title V, § 6133, formerly title VI, § 6133, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1878; renumbered title V, § 6133, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, provided that any State that is one local educational agency would be considered a State educational agency and not a local educational agency.

A prior section 7312, Pub. L. 89–10, title VI, § 6102, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3708, which related to allocation to local educational agencies, was omitted in the general amendment of former subchapter VI of this chapter by Pub. L. 107–110.

Section 7315, Pub. L. 89–10, title V, § 6141, formerly title VI, § 6141, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1879; renumbered title V, § 6141, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, related to State flexibility.

Section 7315a, Pub. L. 89–10, title V, § 6142, formerly title VI, § 6142, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1883; renumbered title V, § 6142, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, related to consolidation and use of funds under a grant of flexibility authority.

Section 7315b, Pub. L. 89–10, title V, § 6143, formerly title VI, § 6143, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1883; renumbered title V, § 6143, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, related to midterm and final performance reviews and penalties regarding grants of flexibility authority.

Section 7315c, Pub. L. 89–10, title V, § 6144, formerly title VI, § 6144, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1884; renumbered title V, § 6144, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, provided for renewal of grant of flexibility authority.

Section 7321, Pub. L. 89–10, title V, § 6151, formerly title VI, § 6151, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1884; renumbered title V, § 6151, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, related to local flexibility demonstration agreements.

Section 7321a, Pub. L. 89–10, title V, § 6152, formerly title VI, § 6152, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1888; renumbered title V, § 6152, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, related to consolidation and use of funds under a local flexibility demonstration agreement.

Section 7321b, Pub. L. 89–10, title V, § 6153, formerly title VI, § 6153, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1889; renumbered title V, § 6153, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, related to limitations on administrative expenditures.

Section 7321c, Pub. L. 89–10, title V, § 6154, formerly title VI, § 6154, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1889; renumbered title V, § 6154, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, related to midterm and final performance reviews and penalties regarding local flexibility demonstration agreements.

Section 7321d, Pub. L. 89–10, title V, § 6155, formerly title VI, § 6155, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1889; renumbered title V, § 6155, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, provided for renewal of local flexibility demonstration agreement.

Section 7321e, Pub. L. 89–10, title V, § 6156, formerly title VI, § 6156, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1890; renumbered title V, § 6156, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, related to transmittal of reports to Congress and limitation on required information.

Section 7325, Pub. L. 89–10, title V, § 6161, formerly title VI, § 6161, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1890; renumbered title V, § 6161, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, related to accountability for adequate yearly progress.

Section 7325a, Pub. L. 89–10, title V, § 6162, formerly title VI, § 6162, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1890; renumbered title V, § 6162, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, related to peer review of State progress.

Section 7325b, Pub. L. 89–10, title V, § 6163, formerly title VI, § 6163, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1890; renumbered title V, § 6163, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, related to provision of technical assistance to States not making adequate yearly progress or meeting annual measurable achievement objectives.

Section 7325c, Pub. L. 89–10, title V, § 6164, formerly title VI, § 6164, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1891; renumbered title V, § 6164, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, required annual reports to Congress.

Prior sections 7331 and 7332 were omitted in the general amendment of former subchapter VI by Pub. L. 107–110.

Section 7331, Pub. L. 89–10, title VI, § 6201, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3709; amended Pub. L. 105–278, § 2(1), Oct. 22, 1998, 112 Stat. 2682, related to State uses of funds.

Section 7332, Pub. L. 89–10, title VI, § 6202, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3710, related to State applications.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114–95, § 5002(5)(A)(i), substituted ''all, or any lesser amount, of State funds'' for ''not more than 50 percent of the nonadministrative State funds'' in introductory provisions, added subpars. (A) to (C), and struck out former subpars. (A) to (D) which read as follows:

''(A) Section 6613(a)(3) of this title.

''(B) Section 6762(a)(1) of this title.

''(C) Subsections (a)(1) (with the agreement of the Governor) and (c)(1) of section 7112 of this title and section 7172(c)(3) of this title.

''(D) Section 7211a(b) of this title.''

Pub. L. 114–95, § 5002(3), substituted ''part'' for ''subpart'' in introductory provisions.

Subsec. (a)(2). Pub. L. 114–95, § 5002(5)(A)(ii), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: ''In accordance with this subpart and subject to the 50 percent limitation described in paragraph (1), a State may transfer any funds allotted to the State under a provision listed in paragraph (1) to its allotment under subchapter I of this chapter.''

Subsec. (b)(1)(A). Pub. L. 114–95, § 5002(3), (5)(B)(i)(I), substituted ''part'' for ''subpart'' and ''may transfer all, or any lesser amount, of the funds allocated to it'' for ''(except a local educational agency identified for improvement under section 6316(c) of this title or subject to corrective action under section 6316(c)(9) of this title) may transfer not more than 50 percent of the funds allocated to it (including funds transferred under subparagraph (C))''.

Subsec. (b)(1)(B), (C). Pub. L. 114–95, § 5002(5)(B)(i)(II), added subpar. (B) and struck out former subpars. (B) and (C) which permitted transfers of allocated funds for agencies identified for improvement and for additional funds for subchapter I.

Subsec. (b)(2). Pub. L. 114–95, § 5002(5)(B)(ii), substituted ''subparagraph (A) or (B)'' for ''subparagraph (A), (B), or (C)'' in introductory provisions, added subpars. (A) and (B), and struck out former subpars. (A) to (D) which read as follows:

''(A) Section 6621 of this title.
''(B) Section 6762(a)(2)(A) of this title.
''(C) Section 7112(b)(1) of this title.
''(D) Section 7211a(a) of this title.''

Subsec. (c). Pub. L. 114–95, § 5002(5)(C), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: ''A State or a local educational agency may not transfer under this subpart to any other program any funds allotted or allocated to it for part A of subchapter I of this chapter.''

Subsec. (e)(1). Pub. L. 114–95, § 5002(3), substituted ''part'' for ''subpart''.

Subsec. (e)(2). Pub. L. 114–95, § 5002(5)(D), made technical amendment to reference in original act which appears in text as reference to section 7881 of this title.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

PART B—RURAL EDUCATION INITIATIVE

§ 7341. Short title

This part may be cited as the ''Rural Education Achievement Program''.

(Pub. L. 89–10, title V, § 5201, formerly title VI, § 6201, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1891; renumbered title V, § 5201, Pub. L. 114–95, title V, § 5001(a)(2), Dec. 10, 2015, 129 Stat. 2039, 2040.)

PRIOR PROVISIONS

A prior section 5201 of Pub. L. 89–10 was renumbered section 4301 and was classified to section 7221 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 5201 of Pub. L. 89–10 was classified to section 7231 of this title, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

§ 7341a. Purpose

It is the purpose of this part to address the unique needs of rural school districts that frequently—

(1) lack the personnel and resources needed to compete effectively for Federal competitive grants; and

(2) receive formula grant allocations in amounts too small to be effective in meeting their intended purposes.

(Pub. L. 89–10, title V, § 5202, formerly title VI, § 6202, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1891; renumbered title V, § 5202, Pub. L. 114–95, title V, § 5001(a)(2), Dec. 10, 2015, 129 Stat. 2039, 2040.)

PRIOR PROVISIONS

A prior section 5202 of Pub. L. 89–10 was renumbered section 4302 and was classified to section 7221a of this title, prior to repeal by Pub. L. 114–95.

Another prior section 5202 of Pub. L. 89–10 was classified to section 7232 of this title, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

REVIEW RELATING TO RURAL LOCAL EDUCATIONAL AGENCIES

Pub. L. 114–95, title V, § 5005, Dec. 10, 2015, 129 Stat. 2045, provided that:

''(a) REVIEW AND REPORT.—Not later than 18 months after the date of enactment of this Act [Dec. 10, 2015], the Secretary of Education shall—

''(1) review the organization, structure, and process and procedures of the Department of Education for administering its programs and developing policy and regulations, in order to—

''(A) assess the methods and manner through which, and the extent to which, the Department of Education takes into account, considers input from, and addresses the unique needs and characteristics of rural schools and rural local educational agencies; and

''(B) determine actions that the Department of Education can take to meaningfully increase the consideration and participation of rural schools and rural local educational agencies in the development and execution of the processes, procedures, policies, and regulations of the Department of Education;

''(2) make public a preliminary report containing the information described in paragraph (1) and provide Congress and the public with 60 days to comment on the proposed actions described in paragraph (1)(B); and

''(3) issue a final report to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives, which shall describe the final actions developed pursuant to paragraph (1)(B) after taking into account the comments submitted under paragraph (2).

''(b) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this Act [Dec. 10, 2015], the Secretary of Education shall—

''(1) carry out each action described in the report under subsection (a)(3); or

''(2) in a case in which an action is not carried out, provide a written explanation to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives of why the action was not carried out.''

SUBPART 1—SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM

§ 7345. Use of applicable funding

(a) Alternative uses

(1) In general

Notwithstanding any other provision of law, an eligible local educational agency may use the applicable funding that the agency is eligible to receive from the State educational agency for a fiscal year to carry out local activities authorized under any of the following provisions:

(A) Part A of subchapter I.
(B) Part A of subchapter II.
(C) Subchapter III.
(D) Part A or B of subchapter IV.

(2) Notification

An eligible local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding in accordance with paragraph (1), by a date that is established by the State educational agency for the notification.

(b) Eligibility

(1) In general

A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) of this section if—

(A)(i)(I) the total number of students in average daily attendance at all of the schools served by the local educational agency is fewer than 600; or

(II) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile; and

(ii) all of the schools served by the local educational agency are designated with a locale code of 41, 42, or 43, as determined by the Secretary;

(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in subparagraph (A)(ii); or

(C) the local educational agency is a member of an educational service agency that does not receive funds under this subpart and the local educational agency meets the requirements of this part.

(2) Certification

The Secretary shall determine whether to waive the criteria described in paragraph (1)(A)(ii) based on a demonstration by the local educational agency, and concurrence by the State educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

(c) Applicable funding defined

In this section, the term ''applicable funding'' means funds provided under any of the following provisions:

(1) Part A of subchapter II.
(2) Part A of subchapter IV.

(d) Disbursement

Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under this section for the fiscal year at the same time as the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

(e) Applicable rules

Applicable funding under this section shall be available to carry out local activities authorized under subsection (a) of this section.

(Pub. L. 89–10, title V, § 5211, formerly title VI, § 6211, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1891; renumbered title V, § 5211, and amended Pub. L. 114–95, title V, §§ 5001(a)(3), 5003(1), Dec. 10, 2015, 129 Stat. 2039–2041.)

PRIOR PROVISIONS

A prior section 5211 of Pub. L. 89–10 was renumbered section 4311 and was classified to section 7221j of this title, prior to repeal by Pub. L. 114–95.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114–95, § 5003(1)(A), added subpars. (A) to (D) and struck out former subpars. (A) to (E) which read as follows:

''(A) Part A of subchapter I of this chapter.
''(B) Part A or D of subchapter II of this chapter.
''(C) Subchapter III of this chapter.
''(D) Part A or B of subchapter IV of this chapter.
''(E) Part A of subchapter V of this chapter.''

Subsec. (b)(1)(A)(ii). Pub. L. 114–95, § 5003(1)(B)(i), struck out ''school'' before ''locale code'' and substituted ''41, 42, or 43, as determined by the Secretary;'' for ''7 or 8, as determined by the Secretary; or''.

Subsec. (b)(1)(C). Pub. L. 114–95, § 5003(1)(B)(ii), (iii), added subpar. (C).

Subsec. (c). Pub. L. 114–95, § 5003(1)(C), added pars. (1) and (2) and struck out former pars. (1) to (3) which read as follows:

''(1) Subpart 2 of this part and section 6762(a)(2)(A) of this title.
''(2) Section 7114 of this title.
''(3) Part A of subchapter V of this chapter.''

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7345a. Grant program authorized

(a) In general

The Secretary is authorized to award grants to eligible local educational agencies to enable the local educational agencies to carry out activities authorized under any of the following provisions:

(1) Part A of subchapter I.
(2) Part A of subchapter II.
(3) Subchapter III.
(4) Part A or B of subchapter IV.

(b) Allocation

(1) Allocation

(A) In general

Except as provided in paragraphs (3) and (4), the Secretary shall award a grant under subsection (a) to a local educational agency eligible under section 7345(b) of this title for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received by the agency under the provisions of law described in section 7345(c) of this title for the preceding fiscal year.

(B) Special determination

For a local educational agency that is eligible under section 7345(b)(1)(C) of this title and is a member of an educational service agency, the Secretary may determine the award amount by subtracting from the initial amount determined under paragraph (2), an amount that is equal to that local educational agency's per-pupil share of the total amount received by the educational service agency under the provisions described in section 7345(c) of this title, as long as a determination under this subparagraph would not disproportionately affect any State.

(2) Determination of initial amount

(A) In general

The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the initial amount may not exceed $60,000.

(B) Special rule

For any fiscal year for which the amount made available to carry out this part is

$265,000,000 or more, subparagraph (A) shall be applied—

(i) by substituting ''$25,000'' for ''$20,000''; and

(ii) by substituting ''$80,000'' for ''$60,000''.

(3) Ratable adjustment

(A) In general

If the amount made available to carry out this section for any fiscal year is not sufficient to pay in full the amounts that local educational agencies are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

(B) Additional amounts

If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

(4) Hold harmless

For a local educational agency that is not eligible under this subpart due to amendments made by the Every Student Succeeds Act to section 7345(b)(1)(A)(ii) of this title but met the eligibility requirements under section 7345(b) of this title as such section was in effect on the day before December 10, 2015, the agency shall receive—

(A) for fiscal year 2017, 75 percent of the amount such agency received for fiscal year 2015;

(B) for fiscal year 2018, 50 percent of the amount such agency received for fiscal year 2015; and

(C) for fiscal year 2019, 25 percent of the amount such agency received for fiscal year 2015.

(c) Disbursement

The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that fiscal year.

(Pub. L. 89–10, title V, § 5212, formerly title VI, § 6212, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1892; renumbered title V, § 5212, and amended Pub. L. 114–95, title V, §§ 5001(a)(3), 5003(2), Dec. 10, 2015, 129 Stat. 2039, 2040, 2042.)

REFERENCES IN TEXT

Amendments made by the Every Student Succeeds Act to section 7345(b)(1)(A)(ii) of this title, referred to in subsec. (b)(4), mean the amendments made to section 7345(b)(1)(A)(ii) of this title by Pub. L. 114–95, title V, § 5003(1)(B)(i), Dec. 10, 2015, 129 Stat. 2041. See 2015 Amendment note under section 7345 of this title.

Section 7345(b) of this title as such section was in effect on the day before December 10, 2015, referred to in subsec. (b)(4), means section 7345(b) of this title prior to amendment by Pub. L. 114–95, title V, §§ 5001(a)(3), 5003(1)(B), Dec. 10, 2015, 129 Stat. 2039–2041.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 5003(2)(A), added pars. (1) to (4) and struck out former pars. (1) to (5) which read as follows:

''(1) Part A of subchapter I of this chapter.

''(2) Part A or D of subchapter II of this chapter.

''(3) Subchapter III of this chapter.

''(4) Part A or B of subchapter IV of this chapter.

''(5) Part A of subchapter V of this chapter.''

Subsec. (b)(1). Pub. L. 114–95, § 5003(2)(B)(i), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: ''Except as provided in paragraph (3), the Secretary shall award a grant under subsection (a) of this section to a local educational agency eligible under section 7345(b) of this title for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received by the agency under the provisions of law described in section 7345(c) of this title for the preceding fiscal year.''

Subsec. (b)(2). Pub. L. 114–95, § 5003(2)(B)(ii), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: ''The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the initial amount may not exceed $60,000.''

Subsec. (b)(4). Pub. L. 114–95, § 5003(2)(B)(iii), added par. (4).

Subsec. (d). Pub. L. 114–95, § 5003(2)(C), struck out subsec. (d). Text read as follows: ''A local educational agency that is eligible to receive a grant under this subpart for a fiscal year is not eligible to receive funds for such fiscal year under subpart 2 of this part.''

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7345b. Repealed. Pub. L. 114–95, title V, § 5003(3), Dec. 10, 2015, 129 Stat. 2043

Section, Pub. L. 89–10, title V, § 5213, formerly title VI, § 6213, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1893; renumbered title V, § 5213, Pub. L. 114–95, title V, § 5001(a)(3), Dec. 10, 2015, 129 Stat. 2039, 2040, related to accountability for educational agencies receiving funds.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBPART 2—RURAL AND LOW-INCOME SCHOOL PROGRAM

§ 7351. Program authorized

(a) Grants to States

(1) In general

From amounts appropriated under section 7355c of this title for this subpart for a fiscal year that are not reserved under subsection (c) of this section, the Secretary shall award grants (from allotments made under paragraph (2)) for the fiscal year to State educational agencies that have applications submitted under section 7351b of this title approved to enable the State educational agencies to award grants to eligible local educational agencies for local authorized activities described in section 7351a(a) of this title.

(2) Allotment

From amounts described in paragraph (1) for a fiscal year, the Secretary shall allot to each

State educational agency for that fiscal year an amount that bears the same ratio to those amounts as the number of students in average daily attendance served by eligible local educational agencies in the State for that fiscal year bears to the number of all such students served by eligible local educational agencies in all States for that fiscal year.

(3) Specially qualified agencies

(A) Eligibility and application

If a State educational agency elects not to participate in the program under this subpart or does not have an application submitted under section 7351b of this title approved, a specially qualified agency in such State desiring a grant under this subpart may submit an application under such section directly to the Secretary to receive an award under this subpart.

(B) Direct awards

The Secretary may award, on a competitive basis or by formula, the amount the State educational agency is eligible to receive under paragraph (2) directly to a specially qualified agency in the State that has submitted an application in accordance with subparagraph (A) and obtained approval of the application.

(C) Specially qualified agency defined

In this subpart, the term ''specially qualified agency'' means an eligible local educational agency served by a State educational agency that does not participate in a program under this subpart in a fiscal year, that may apply directly to the Secretary for a grant in such year under this subsection.

(b) Local awards

(1) Eligibility

A local educational agency shall be eligible to receive a grant under this subpart if—

(A)(i) 20 percent or more of the children ages 5 through 17 years served by the local educational agency are from families with incomes below the poverty line; and

(ii) all of the schools served by the agency are designated with a locale code of 32, 33, 41, 42, or 43, as determined by the Secretary; or

(B) the agency meets the criteria established in clause (i) of subparagraph (A) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in clause (ii) of such subparagraph.

(2) Certification

The Secretary shall determine whether to waive the criteria described in paragraph (1)(A)(ii) based on a demonstration by the local educational agency, and concurrence by the State educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

(3) Award basis

A State educational agency shall award grants to eligible local educational agencies—

(A) on a competitive basis;

(B) according to a formula based on the number of students in average daily attendance served by the eligible local educational agencies or schools in the State; or

(C) according to an alternative formula, if, prior to awarding the grants, the State educational agency demonstrates, to the satisfaction of the Secretary, that the alternative formula enables the State educational agency to allot the grant funds in a manner that serves equal or greater concentrations of children from families with incomes below the poverty line, relative to the concentrations that would be served if the State educational agency used the formula described in subparagraph (B).

(c) Reservations

From amounts appropriated under section 7355c of this title for this subpart for a fiscal year, the Secretary shall reserve—

(1) one-half of 1 percent to make awards to elementary schools or secondary schools operated or supported by the Bureau of Indian Education, to carry out the activities authorized under this subpart; and

(2) one-half of 1 percent to make awards to the outlying areas in accordance with their respective needs, to carry out the activities authorized under this subpart.

(Pub. L. 89–10, title V, § 5221, formerly title VI, § 6221, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1894; renumbered title V, § 5221, and amended Pub. L. 114–95, title V, §§ 5001(a)(4), (b)(3), (4), 5003(4), Dec. 10, 2015, 129 Stat. 2039, 2040, 2043.)

PRIOR PROVISIONS

A prior section 7351, Pub. L. 89–10, title VI, § 6301, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3711; amended Pub. L. 105–278, § 2(2), Oct. 22, 1998, 112 Stat. 2682, related to targeted use of funds for local innovative education programs, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107–110.

A prior section 5221 of Pub. L. 89–10 was classified to section 7223 of this title, prior to repeal by Pub. L. 114–95.

AMENDMENTS

2015—Subsec. (a)(1), (3)(A). Pub. L. 114–95, §§ 5001(b)(3), (4), 5003(4)(A), made technical amendments to references in original act which appear in text as references to sections 7355c, 7351b, and 7351a(a) of this title.

Subsec. (b)(1)(A). Pub. L. 114–95, § 5003(4)(B)(i)(I), (II), designated existing provisions as cl. (i) and redesignated subpar. (B) as cl. (ii).

Subsec. (b)(1)(A)(ii). Pub. L. 114–95, § 5003(4)(B)(i)(III)(aa), (bb), struck out ''school'' before ''locale code'' and substituted ''32, 33, 41, 42, or 43'' for ''6, 7, or 8''.

Subsec. (b)(1)(B). Pub. L. 114–95, § 5003(4)(B)(i)(III)(cc), (IV), added subpar. (B). Former subpar. (B) redesignated cl. (ii) of subpar. (A).

Subsec. (b)(2), (3). Pub. L. 114–95, § 5003(4)(B)(ii), (iii), added par. (2) and redesignated former par. (2) as (3).

Subsec. (c). Pub. L. 114–95, § 5001(b)(4), made technical amendment to reference in original act which appears in introductory provisions as reference to section 7355c of this title.

Subsec. (c)(1). Pub. L. 114–95, § 5003(4)(C), substituted ''Bureau of Indian Education'' for ''Bureau of Indian Affairs''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7351a. Uses of funds

(a) Local awards

Grant funds awarded to local educational agencies under this subpart shall be used for any of the following:

(1) Activities authorized under part A of subchapter I.

(2) Activities authorized under part A of subchapter II.

(3) Activities authorized under subchapter III.

(4) Activities authorized under part A of subchapter IV.

(5) Parental involvement activities.

(b) Administrative costs

A State educational agency receiving a grant under this subpart may not use more than 5 percent of the amount of the grant for State administrative costs and to provide technical assistance to eligible local educational agencies.

(Pub. L. 89–10, title V, § 5222, formerly title VI, § 6222, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1895; renumbered title V, § 5222, and amended Pub. L. 114–95, title V, §§ 5001(a)(4), 5003(5), Dec. 10, 2015, 129 Stat. 2039, 2040, 2043.)

PRIOR PROVISIONS

A prior section 5222 of Pub. L. 89–10 was classified to section 7223a of this title, prior to repeal by Pub. L. 114–95.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 5003(5), added pars. (1) to (5) and struck out former pars. (1) to (7) which set out various approved uses for grant funds.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7351b. Applications

(a) In general

Each State educational agency or specially qualified agency desiring to receive a grant under this subpart shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(b) Contents

Each application submitted under subsection (a) shall include information on—

(1) program objectives and outcomes for activities under this subpart, including how the State educational agency or specially qualified agency will use funds to help all students meet the challenging State academic standards;

(2) if the State educational agency will competitively award grants to eligible local educational agencies, as described in section 7351(b)(3)(A) of this title, the application under the section shall include—

(A) the methods and criteria the State educational agency will use to review applications and award funds to local educational agencies on a competitive basis; and

(B) how the State educational agency will notify eligible local educational agencies of the grant competition; and

(3) a description of how the State educational agency will provide technical assistance to eligible local educational agencies to help such agencies implement the activities described in section 7351a of this title.

(Pub. L. 89–10, title V, § 5223, formerly title VI, § 6223, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1895; renumbered title V, § 5223, and amended Pub. L. 114–95, title V, §§ 5001(a)(4), 5003(6), Dec. 10, 2015, 129 Stat. 2039, 2040, 2044.)

PRIOR PROVISIONS

A prior section 5223 of Pub. L. 89–10 was classified to section 7223b of this title, prior to repeal by Pub. L. 114–95.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 5003(6)(A), substituted ''at such time and in such manner'' for ''at such time, in such manner, and accompanied by such information''.

Subsec. (b). Pub. L. 114–95, § 5003(6)(B), added subsec. (b) and struck out former subsec. (b) which described required contents for applications submitted under subsec. (a).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7351c. Report

Each State educational agency or specially qualified agency that receives a grant under this subpart shall prepare and submit an annual report to the Secretary. The report shall describe—

(1) if the report is submitted by a State educational agency, the method the State educational agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart;

(2) how local educational agencies and schools used funds provided under this subpart; and

(3) the degree to which progress has been made toward meeting the objectives and outcomes described in the application submitted under section 7351b of this title, including having all students in the State or the area served by the specially qualified agency, as applicable, meet the challenging State academic standards.

(Pub. L. 89–10, title V, § 5224, formerly title VI, § 6224, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1896; renumbered title V, § 5224, and amended Pub. L. 114–95, title V, §§ 5001(a)(4), 5003(7), Dec. 10, 2015, 129 Stat. 2039, 2040, 2044.)

PRIOR PROVISIONS

A prior section 5224 of Pub. L. 89–10 was classified to section 7223c of this title, prior to repeal by Pub. L. 114–95.

AMENDMENTS

2015—Pub. L. 114–95, § 5003(7)(C), inserted ''or specially qualified agency'' after ''Each State educational agency'' in introductory provisions.

Pub. L. 114–95, § 5003(7)(A), (B), substituted ''Report'' for ''Accountability'' in section catchline, struck out subsec. (a) designation and heading before ''Each State'', and struck out subsecs. (b) to (e) which related to specially qualified agency report, biennial reports to Congress, academic achievement assessment, and determination regarding continuing participation, respectively.

Par. (1). Pub. L. 114–95, § 5003(7)(D), added par. (1) and struck out former par. (1) which read as follows: ''the method the State educational agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart;''.

Par. (3). Pub. L. 114–95, § 5003(7)(E), added par. (3) and struck out former par. (3) which read as follows: ''the degree to which progress has been made toward meeting the goals and objectives described in the application submitted under section 7351b of this title.''

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7351d. Choice of participation

(a) In general

If a local educational agency is eligible for funding under both this subpart and subpart 1, such local educational agency may receive funds under either this subpart or subpart 1 for a fiscal year, but may not receive funds under both subparts for such fiscal year.

(b) Notification

A local educational agency eligible for funding under both this subpart and subpart 1 shall notify the Secretary and the State educational agency under which of such subparts the local educational agency intends to receive funds for a fiscal year by a date that is established by the Secretary for the notification.

(Pub. L. 89–10, title V, § 5225, as added Pub. L. 114–95, title V, § 5003(8), Dec. 10, 2015, 129 Stat. 2044.)

PRIOR PROVISIONS

A prior section 5225 of Pub. L. 89–10 was classified to section 7223d of this title, prior to repeal by Pub. L. 114–95.

Prior sections 7352 and 7353 were omitted in the general amendment of former subchapter VI of this chapter by Pub. L. 107–110.

Section 7352, Pub. L. 89–10, title VI, § 6302, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3711, related to administrative authority.

Section 7353, Pub. L. 89–10, title VI, § 6303, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3711, related to local applications for allocations of funds.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBPART 3—GENERAL PROVISIONS

§ 7355. Annual average daily attendance determination

(a) Census determination

Each local educational agency desiring a grant under section 7345a of this title and each local educational agency or specially qualified agency desiring a grant under subpart 2 of this part shall—

(1) not later than December 1 of each year, conduct a census to determine the number of students in average daily attendance in kindergarten through grade 12 at the schools served by the agency; and

(2) not later than March 1 of each year, submit the number described in paragraph (1) to the Secretary (and to the State educational agency, in the case of a local educational agency seeking a grant under subpart (2)).[1]

(b) Penalty

If the Secretary determines that a local educational agency or specially qualified agency has knowingly submitted false information under subsection (a) of this section for the purpose of gaining additional funds under section 7345a of this title or subpart 2 of this part, then the agency shall be fined an amount equal to twice the difference between the amount the agency received under this section and the correct amount the agency would have received under section 7345a of this title or subpart 2 of this part if the agency had submitted accurate information under subsection (a) of this section.

(Pub. L. 89–10, title V, § 5231, formerly title VI, § 6231, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1897; renumbered title V, § 5231, and amended Pub. L. 114–95, title V, § 5001(a)(5), (b)(2), Dec. 10, 2015, 129 Stat. 2039, 2040.)

PRIOR PROVISIONS

A prior section 5231 of Pub. L. 89–10 was classified to section 7223j of this title, prior to repeal by Pub. L. 114–95.

AMENDMENTS

2015—Pub. L. 114–95, § 5001(b)(2), made technical amendment to references in original act which appear in text as references to section 7345a of this title.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7355a. Supplement, not supplant

Funds made available under subpart 1 or subpart 2 of this part shall be used to supplement, and not supplant, any other Federal, State, or local education funds.

(Pub. L. 89–10, title V, § 5232, formerly title VI, § 6232, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1897; renumbered title V, § 5232, Pub. L. 114–95, title V, § 5001(a)(5), Dec. 10, 2015, 129 Stat. 2039, 2040.)

[1] So in original. Probably should be ''subpart 2).''

§ 7355b. Rule of construction

Nothing in this part shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services, pursuant to State law or a written agreement, from entering into similar arrangements for the use, or the coordination of the use, of the funds made available under this part.

(Pub. L. 89–10, title V, § 5233, formerly title VI, § 6233, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1897; renumbered title V, § 5233, Pub. L. 114–95, title V, § 5001(a)(5), Dec. 10, 2015, 129 Stat. 2039, 2040.)

§ 7355c. Authorization of appropriations

There are authorized to be appropriated to carry out this part $169,840,000 for each of the fiscal years 2017 through 2020, to be distributed equally between subparts 1 and 2 of this part.

(Pub. L. 89–10, title V, § 5234, formerly title VI, § 6234, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1897; renumbered title V, § 5234, and amended Pub. L. 114–95, title V, §§ 5001(a)(5), 5003(9), Dec. 10, 2015, 129 Stat. 2039, 2040, 2045.)

AMENDMENTS

2015—Pub. L. 114–95, § 5003(9), substituted ''$169,840,000 for each of the fiscal years 2017 through 2020,'' for ''$300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years,''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

PART C—GENERAL PROVISIONS

§ 7371. Prohibition against Federal mandates, direction, or control

Nothing in this subchapter shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this chapter.

(Pub. L. 89–10, title V, § 5301, as added Pub. L. 114–95, title V, § 5004, Dec. 10, 2015, 129 Stat. 2045.)

PRIOR PROVISIONS

A prior section 7371, Pub. L. 89–10, title V, § 6301, formerly title VI, § 6301, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1897; renumbered title V, § 6301, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, related to prohibition against Federal mandates, direction, or control, prior to the general amendment of this part by Pub. L. 114–95.

Another prior section 7371, Pub. L. 89–10, title VI, § 6401, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3712, related to maintenance of effort and supplementary nature of Federal funds, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107–110.

A prior section 5301 of Pub. L. 89–10 was renumbered section 4401 and is classified to section 7231 of this title.

Another prior section 5301 of Pub. L. 89–10 was classified to section 7261 of this title, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7372. Rule of construction on equalized spending

Nothing in this subchapter shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

(Pub. L. 89–10, title V, § 5302, as added Pub. L. 114–95, title V, § 5004, Dec. 10, 2015, 129 Stat. 2045.)

PRIOR PROVISIONS

A prior section 7372, Pub. L. 89–10, title V, § 6302, formerly title VI, § 6302, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1898; renumbered title V, § 6302, Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, related to rule of construction on equalized spending, prior to the general amendment of this part by Pub. L. 114–95.

Another prior section 7372, Pub. L. 89–10, title VI, § 6402, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3713, related to participation of children enrolled in private schools, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107–110.

A prior section 5302 of Pub. L. 89–10 was renumbered section 4402 and is classified to section 7231a of this title.

Another prior section 5302 of Pub. L. 89–10 was classified to section 7262 of this title, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

A prior section 7373, Pub. L. 89–10, title VI, § 6403, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3715, which related to Federal administration, was omitted in the general amendment of former subchapter VI of this chapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBCHAPTER VI—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

CODIFICATION

Pub. L. 114–95, title VI, § 6001(a), Dec. 10, 2015, 129 Stat. 2046, redesignated subchapter VII (§ 7401 et seq.) of this chapter as this subchapter.

Title VI of the Elementary and Secondary Education Act of 1965, comprising this subchapter, was originally enacted as part of Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27, and subsequently revised, restated, and amended by other public laws. Title VI is shown, herein, as having been added as title VII of Pub. L. 89–10 by Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1907, without reference to earlier amendments because of the extensive revision of the title's provisions by Pub. L. 107–110. Title VII of Pub. L. 89–10 was subsequently redesignated title VI by Pub. L. 114–95, title VI, § 6001(a), Dec. 10, 2015, 129 Stat. 2046, and transferred to this subchapter. See Codification note preceding section 6301 of this title.

PRIOR PROVISIONS

A prior title VI of the Elementary and Secondary Education Act of 1965, comprising former subchapter VI

(§ 7301 et seq.) of this chapter, was redesignated title V of the Act by Pub. L. 114–95, title V, § 5001(a), Dec. 10, 2015, 129 Stat. 2039, and transferred to subchapter V (§ 7305 et seq.) of this chapter.

PART A—INDIAN EDUCATION

§ 7401. Statement of policy

It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children. The Federal Government will continue to work with local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children. It is further the policy of the United States to ensure that Indian children do not attend school in buildings that are dilapidated or deteriorating, which may negatively affect the academic success of such children.

(Pub. L. 89–10, title VI, § 6101, formerly title VII, § 7101, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1907; renumbered title VI, § 6101, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6002(a), Dec. 10, 2015, 129 Stat. 2046, 2047.)

PRIOR PROVISIONS

A prior section 7401, Pub. L. 89–10, title VII, § 7101, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3716, set forth short title of Bilingual Education Act, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6101 of Pub. L. 89–10 was classified to section 7311 of this title, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107–110.

Another prior section 6101 of Pub. L. 89–10 was classified to section 3261 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Pub. L. 114–95, § 6002(a), inserted at end "It is further the policy of the United States to ensure that Indian children do not attend school in buildings that are dilapidated or deteriorating, which may negatively affect the academic success of such children."

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

SAVINGS PROVISIONS

Pub. L. 107–110, title VII, § 703, Jan. 8, 2002, 115 Stat. 1947, provided that: "Funds appropriated for parts A, B, and C of title IX of the Elementary and Secondary Education Act of 1965 [former 20 U.S.C. 7801 et seq., 7901 et seq., 7931 et seq.] (as in effect on the day before the date of enactment of this Act [Jan. 8, 2002]) shall be available for use under parts A, B, and C, respectively, of title VII [now VI] of such Act [20 U.S.C. 7401 et seq., 7511 et seq., 7541 et seq.], as added by this section [section 701]."

EXECUTIVE ORDER NO. 13096

Ex. Ord. No. 13096, Aug. 6, 1998, 63 F.R. 42681, which related to American Indian and Alaska Native education, was revoked by Ex. Ord. No. 13336, § 9(b), Apr. 30, 2004, 69 F.R. 25297, formerly set out below.

EXECUTIVE ORDER NO. 13336

Ex. Ord. No. 13336, Apr. 30, 2004, 69 F.R. 25295, which established the Interagency Working Group on American Indian and Alaska Native Education and required a study, report, and conference relating to American Indian and Alaska Native students' achievement under the No Child Left Behind Act of 2001, was revoked by Ex. Ord. No. 13592, § 5(c), Dec. 2, 2011, 76 F.R. 76607, set out below.

EX. ORD. NO. 13592. IMPROVING AMERICAN INDIAN AND ALASKA NATIVE EDUCATIONAL OPPORTUNITIES AND STRENGTHENING TRIBAL COLLEGES AND UNIVERSITIES

Ex. Ord. No. 13592, Dec. 2, 2011, 76 F.R. 76603, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby order as follows:

SECTION 1. *Policy*. The United States has a unique political and legal relationship with the federally recognized American Indian and Alaska Native (AI/AN) tribes across the country, as set forth in the Constitution of the United States, treaties, Executive Orders, and court decisions. For centuries, the Federal Government's relationship with these tribes has been guided by a trust responsibility—a long-standing commitment on the part of our Government to protect the unique rights and ensure the well-being of our Nation's tribes, while respecting their tribal sovereignty. In recognition of that special commitment—and in fulfillment of the solemn obligations it entails—Federal agencies must help improve educational opportunities provided to all AI/AN students, including students attending public schools in cities and in rural areas, students attending schools operated and funded by the Department of the Interior's Bureau of Indian Education (BIE), and students attending postsecondary institutions, including Tribal Colleges and Universities (TCUs). This is an urgent need. Recent studies show that AI/AN students are dropping out of school at an alarming rate, that our Nation has made little or no progress in closing the achievement gap between AI/AN students and their non-AI/AN student counterparts, and that many Native languages are on the verge of extinction.

It is the policy of my Administration to support activities that will strengthen the Nation by expanding educational opportunities and improving educational outcomes for all AI/AN students in order to fulfill our commitment to furthering tribal self-determination and to help ensure that AI/AN students have an opportunity to learn their Native languages and histories and receive complete and competitive educations that prepare them for college, careers, and productive and satisfying lives.

My Administration is also committed to improving educational opportunities for students attending TCUs. TCUs maintain, preserve, and restore Native languages and cultural traditions; offer a high-quality college education; provide career and technical education, job training, and other career-building programs; and often serve as anchors in some of the country's poorest and most remote areas.

SEC. 2. *Definitions*. (a) "Agency" means any executive department or agency designated by the Secretary of Education and the Secretary of the Interior to participate in this order.

(b) "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a [et seq.].

(c) "American Indian and Alaska Native" means a member of an Indian tribe, as membership is defined by the tribe.

(d) "Public school" means a Head Start center or a pre-kindergarten, elementary, or secondary school that is predominantly funded by public means through the

Federal Government, a State, a local educational agency, or an Indian tribal government, including a school operated directly by or through contract or grant with the BIE, an Indian tribe, or a State, county, or local government.

(e) ''Tribal Colleges and Universities'' are those institutions that are chartered by their respective Indian tribes through the sovereign authority of the tribes or by the Federal Government, and defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c).

SEC. 3. *White House Initiative on American Indian and Alaska Native Education.*

(a) *Establishment.* There is hereby established the White House Initiative on American Indian and Alaska Native Education (Initiative). The Secretary of Education and the Secretary of the Interior will co-chair the Initiative. The Secretary of Education shall appoint an Executive Director who shall be responsible for overseeing implementation of the Initiative. This individual shall be a senior-level, Department of Education official who shall serve as the Secretary of Education's senior policy advisor on Federal policies affecting AI/AN education.

The Executive Director shall work closely with the BIE Director and shall provide periodic reports to the Secretaries of Education and the Interior regarding progress achieved under the Initiative. The Executive Director shall coordinate frequent consultations with tribal officials and shall provide staff support for the National Advisory Council on Indian Education (NACIE), authorized by section 7141 [now 6141] of the Elementary and Secondary Education Act of 1965 (ESEA) (20 U.S.C. 7471).

(b) *Mission and Functions.* (1) The Initiative shall help expand educational opportunities and improve educational outcomes for all AI/AN students, including opportunities to learn their Native languages, cultures, and histories and receive complete and competitive educations that prepare them for college, careers, and productive and satisfying lives, by:

(i) working closely with the Executive Office of the President to help ensure AI/AN participation in the development and implementation of key Administration priorities;

(ii) strengthening the relationship between the Department of Education, which has substantial expertise and resources to help improve Indian education, and the Department of the Interior and its BIE, which directly operates or provides grants to tribes to operate an extensive primary, secondary, and college level school system for AI/AN children and young adults;

(iii) coordinating, in consultation with the Department of Education's Director of Indian Education, programs administered by the Department of Education and other executive branch agencies regarding AI/AN education;

(iv) serving as a liaison with other executive branch agencies on AI/AN issues and advising those agencies on how they might help to promote AI/AN educational opportunities;

(v) reporting on the development, implementation, and coordination of education policy and programs that affect AI/AN students;

(vi) furthering tribal sovereignty by supporting efforts, consistent with applicable law, to build the capacity of tribal educational agencies and TCUs to provide high-quality education services to AI/AN children;

(vii) developing in partnership with tribal educational agencies a more routine and streamlined process for entering into agreements for educational studies conducted on tribal lands;

(viii) developing sufficient data resources to inform progress on Federal performance indicators, in close collaboration with the Department of Education's National Center for Educational Statistics;

(ix) encouraging and coordinating Federal partnerships with public, private, philanthropic, and nonprofit entities to help increase the readiness of AI/AN students for school, college, and careers, and to help increase the number and percentage of AI/AN students completing college; and

(x) developing a national network of individuals, organizations, and communities to share best practices in AI/AN education and encouraging them to implement these practices.

(2) In order to help expand educational opportunities and improve education outcomes for AI/AN students, the Initiative shall promote, encourage, and undertake efforts, consistent with applicable law, to meet the following objectives:

(i) increasing the number and percentage of AI/AN children who enter kindergarten ready for success through improved access to high-quality early learning programs and services, including Native language immersion programs, that encourage the learning and development of AI/AN children from birth through age five;

(ii) supporting the expanded implementation of education reform strategies that have shown evidence of success in enabling AI/AN students to acquire a rigorous and well-rounded education and increasing their access to the support services that prepare them for college, careers, and civic involvement;

(iii) increasing the number and percentage of AI/AN students who have access to excellent teachers and school leaders, including effective science, technology, engineering, and mathematics (STEM), language, and special education teachers, in part by supporting efforts to improve the recruitment, development, and retention of effective AI/AN teachers and other effective teachers and school leaders, particularly through TCUs;

(iv) reducing the AI/AN student dropout rate and helping a greater number and percentage of those students who stay in high school to be ready for college and careers by the time of their graduation and college completion, in part by promoting a positive school climate and supporting successful and innovative dropout-prevention and recovery strategies that better engage AI/AN youths in their learning and help them catch up academically;

(v) providing pathways that enable those who have dropped out to reenter educational or training programs and acquire degrees, certificates, or industry-recognized credentials and obtain quality jobs, and expanding access to high-quality education programs leading to career advancement, especially in the STEM fields, by supporting adult, career, and technical education;

(vi) increasing college access and completion for AI/AN students through strategies to strengthen the capacity of postsecondary institutions, particularly TCUs; and

(vii) helping to ensure that the unique cultural, educational, and language needs of AI/AN students are met.

(3) To facilitate a new partnership between the Department of Education and the Department of the Interior, to improve AI/AN education, the Executive Director shall work with the BIE Director and develop a Memorandum of Understanding (MOU) between the two Departments that will take advantage of both Departments' expertise, resources, and facilities. The MOU shall be completed within 120 days of the date of this order. Among other things, the MOU shall address how the Departments will collaborate in carrying out the policy set out in section 1 of this order.

(c) *Funding and Administrative Support.* Subject to the availability of appropriations, the Department of Education shall fund the Initiative, including NACIE. The Department shall also provide administrative support for the Initiative to the extent permitted by law and within existing appropriations.

(d) *Interagency Working Group.* There is established the Interagency Working Group on AI/AN education and TCUs, which shall be convened by the Initiative's Executive Director. The Working Group shall consist of senior officials from the Department of Education and the Department of the Interior and officials from the Departments of Justice, Agriculture, Labor, Health and Human Services, and Energy, the Environmental Pro-

tection Agency, and the White House Domestic Policy Council, as well as such additional agencies and offices as the Secretaries of Education and the Interior may designate. Senior officials shall be designated by the heads of their respective agencies and offices. The Secretaries of Education and the Interior shall serve as the co-chairs of the Interagency Working Group.

(e) *Federal Agency Plans*. (1) Each agency designated by the co-chairs as a member of the Interagency Working Group shall develop and implement a two-part, 4-year plan of the agency's efforts to fulfill the purposes of this order, with part one of the plan focusing on all AI/AN students except for those attending TCUs, and part two focusing on AI/AN students attending TCUs. Each agency plan shall include:

(i) annual performance indicators and appropriate measurable objectives with which the agency will measure its success in meeting the goals of this order;

(ii) information on how the agency intends to increase the capacity of educational agencies and institutions, including our Nation's public schools and TCUs, to deliver high-quality education and related social services to all AI/AN students; and

(iii) agency efforts to enhance the ability of these educational agencies and institutions serving AI/AN students to compete effectively for grants, contracts, cooperative agreements, and other Federal resources with which to serve the education needs of AI/AN students, and to encourage eligible schools and colleges serving those students to apply for Federal grants and participate in Federal education programs, as appropriate. Agency plans may also emphasize access to high-quality educational opportunities for AI/AN students, consistent with requirements of the ESEA, the Individuals with Disabilities Education Act, and other applicable Federal education statutes; the preservation and revitalization of tribal languages and cultural traditions; and innovative approaches to more seamlessly align early learning, elementary, and secondary education programs with the work of TCUs.

(2) *Submission*. Each agency shall submit its plan to the Initiative by a deadline established by the co-chairs. In consultation with NACIE, the Initiative shall then review agency plans and develop, for submission to the President, a synthesized interagency plan to achieve the aims of this order.

(3) *Annual Performance Reports*. Each agency shall submit to the Initiative an Annual Performance Report that measures the agency's performance against the objectives set forth in its plan. In consultation with NACIE, the Initiative shall review and combine Annual Performance Reports from the various agencies into one annual report, which shall be submitted to the Secretaries of Education and the Interior for review.

(f) *Private Sector*. In consultation with NACIE, and consistent with applicable law, the Interagency Working Group, led by the Executive Director, shall encourage the private sector to assist State- and locally-operated public schools that serve large numbers of AI/AN students, including those attending our Nation's public schools, publicly-funded preschools, and TCUs, through increased use of such strategies as:

(1) Providing funds to support the preservation and revitalization of Native languages and cultures;

(2) Providing funds to support increased institutional endowments;

(3) Helping these schools develop expertise in financial and facilities management, information systems, and curricula; and

(4) Providing resources for the hiring and training of effective teachers and administrators.

SEC. 4. *Study*. In carrying out this order, the Secretaries of Education and the Interior shall study and collect information on the education of AI/AN students.

SEC. 5. *General Provisions*. (a) NACIE shall serve as the Initiative's advisory committee.

(b) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.), may apply to the Initiative, any functions of the President under that Act, except for those of reporting to the Congress, shall be performed by the Secretary of Education, in consultation with the Secretary of the Interior, in accordance with the guidelines issued by the Administrator of General Services.

(c) This order revokes Executive Order 13270 of July 3, 2002, Executive Order 13336 of April 30, 2004, and section 1(n) of Executive Order 13585 of September 30, 2011.

(d) The heads of agencies shall assist and provide such information to the Initiative as may be necessary to carry out its functions, consistent with applicable law.

(e) Nothing in this order shall be construed to impair or otherwise affect:

(1) authority granted by law to an executive department, agency, or the head thereof; or

(2) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(f) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

§ 7402. Purpose

It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

(1) to meet the unique educational and culturally related academic needs of Indian students, so that such students can meet the challenging State academic standards;

(2) to ensure that Indian students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

(3) to ensure that teachers, principals, other school leaders, and other staff who serve Indian students have the ability to provide culturally appropriate and effective instruction and supports to such students.

(Pub. L. 89–10, title VI, § 6102, formerly title VII, § 7102, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1907; renumbered title VI, § 6102, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6002(b), Dec. 10, 2015, 129 Stat. 2046, 2047.)

PRIOR PROVISIONS

A prior section 7402, Pub. L. 89–10, title VII, § 7102, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3716, set forth findings, policy, and purpose of Bilingual Education Act, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6102 of Pub. L. 89–10 was classified to section 7312 of this title, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107–110.

Another prior section 6102 of Pub. L. 89–10 was classified to section 3262 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Prior sections 7403 to 7405 were omitted in the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

Section 7403, Pub. L. 89–10, title VII, § 7103, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3718, authorized appropriations for bilingual education.

Section 7404, Pub. L. 89–10, title VII, § 7104, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3718, related to Native American and Alaska Native children in school.

Section 7405, Pub. L. 89–10, title VII, § 7105, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3719,

related to residents of territories and freely associated nations.

AMENDMENTS

2015—Pub. L. 114–95, § 6002(b), amended section generally. Prior to amendment, text read as follows:

''(a) PURPOSE.—It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet the same challenging State student academic achievement standards as all other students are expected to meet.

''(b) PROGRAMS.—This part carries out the purpose described in subsection (a) of this section by authorizing programs of direct assistance for—

''(1) meeting the unique educational and culturally related academic needs of American Indians and Alaska Natives;

''(2) the education of Indian children and adults;

''(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

''(4) research, evaluation, data collection, and technical assistance.''

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

SUBPART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

§ 7421. Purpose

It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, and other entities in developing elementary school and secondary school programs for Indian students that are designed to—

(1) meet the unique cultural, language, and educational needs of such students; and

(2) ensure that all students meet the challenging State academic standards.

(Pub. L. 89–10, title VI, § 6111, formerly title VII, § 7111, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1908; renumbered title VI, § 6111, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6002(c), Dec. 10, 2015, 129 Stat. 2046, 2047.)

PRIOR PROVISIONS

A prior section 7421, Pub. L. 89–10, title VII, § 7111, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3719, related to financial assistance for bilingual education, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6111 of Pub. L. 89–10 was classified to section 7301 of this title, prior to repeal by Pub. L. 114–95.

AMENDMENTS

2015—Pub. L. 114–95, § 6002(c), amended section generally. Prior to amendment, text read as follows: ''It is the purpose of this subpart to support local educational agencies in their efforts to reform elementary school and secondary school programs that serve Indian students in order to ensure that such programs—

''(1) are based on challenging State academic content and student academic achievement standards that are used for all students; and

''(2) are designed to assist Indian students in meeting those standards.''

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7422. Grants to local educational agencies and tribes

(a) In general

The Secretary may make grants, from allocations made under section 7423 of this title, and in accordance with this section and section 7423 of this title, to—

(1) local educational agencies;

(2) Indian tribes, as provided under subsection (c)(1);

(3) Indian organizations, as provided under subsection (c)(1);

(4) consortia of 2 or more local educational agencies, Indian tribes, Indian organizations, or Indian community-based organizations, if each local educational agency participating in such a consortium, if applicable—

(A) provides an assurance that the eligible Indian children served by such local educational agency will receive the services of the programs funded under this subpart; and

(B) is subject to all the requirements, assurances, and obligations applicable to local educational agencies under this subpart; and

(5) Indian community-based organizations, as provided under subsection (d)(1).

(b) Local educational agencies

(1) Enrollment requirements

Subject to paragraph (2), a local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 7427 of this title who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

(A) was at least 10; or

(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

(2) Cooperative agreements

A local educational agency may enter into a cooperative agreement with an Indian tribe under this subpart if such Indian tribe—

(A) represents not less than 25 percent of the eligible Indian children who are served by such local educational agency; and

(B) requests that the local educational agency enter into a cooperative agreement under this subpart.

(3) Exclusion

The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, a reservation.

(c) Indian tribes and Indian organizations

(1) In general

If a local educational agency that is otherwise eligible for a grant under this subpart

does not establish a committee under section 7424(c)(4) of this title for such grant, an Indian tribe, an Indian organization, or a consortium of such entities, that represents more than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.

(2) Special rule

(A) In general

The Secretary shall treat each Indian tribe, Indian organization, or consortium of such entities applying for a grant pursuant to paragraph (1) as if such tribe, Indian organization, or consortium were a local educational agency for purposes of this subpart.

(B) Exceptions

Notwithstanding subparagraph (A), such Indian tribe, Indian organization, or consortium shall not be subject to the requirements of subsections (b)(7) or (c)(4) of section 7424 of this title or section 7428(c) or 7429 of this title.

(3) Assurance to serve all Indian children

An Indian tribe, Indian organization, or consortium of such entities that is eligible to apply for a grant under paragraph (1) shall include, in the application required under section 7424 of this title, an assurance that the entity will use the grant funds to provide services to all Indian students served by the local educational agency.

(d) Indian community-based organization

(1) In general

If no local educational agency pursuant to subsection (b), and no Indian tribe, Indian organization, or consortium pursuant to subsection (c), applies for a grant under this subpart in a particular community, an Indian community-based organization serving the community of the local educational agency may apply for such grant.

(2) Applicability of special rule

The Secretary shall apply the special rule in subsection (c)(2) to an Indian community-based organization applying for a grant under paragraph (1) in the same manner as such rule applies to an Indian tribe, Indian organization, or consortium described in that subsection.

(3) Definition of Indian community-based organization

In this subsection, the term ''Indian community-based organization'' means any organization that—

(A) is composed primarily of Indian parents, family members, and community members, tribal government education officials, and tribal members, from a specific community;

(B) assists in the social, cultural, and educational development of Indians in such community;

(C) meets the unique cultural, language, and academic needs of Indian students; and

(D) demonstrates organizational and administrative capacity to manage the grant.

(Pub. L. 89–10, title VI, § 6112, formerly title VII, § 7112, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1908; renumbered title VI, § 6112, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), (2), 6002(d), Dec. 10, 2015, 129 Stat. 2046, 2048.)

PRIOR PROVISIONS

A prior section 7422, Pub. L. 89–10, title VII, § 7112, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3719, related to program development and implementation grants, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6112 of Pub. L. 89–19 was classified to section 7301a of this title, prior to repeal by Pub. L. 114–95.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 6002(d)(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: ''The Secretary may make grants, from allocations made under section 7423 of this title, to local educational agencies and Indian tribes, in accordance with this section and section 7423 of this title.''

Subsec. (b)(1). Pub. L. 114–95, § 6002(d)(2)(A), substituted ''Subject to paragraph (2), a local educational agency shall'' for ''A local educational agency shall'' in introductory provisions.

Pub. L. 114–95, § 6001(b)(2), made technical amendment to reference in original act which appears in introductory provisions as reference to section 7427 of this title.

Subsec. (b)(2), (3). Pub. L. 114–95, § 6002(d)(2)(B), (C), added par. (2) and redesignated former par. (2) as (3).

Subsecs. (c), (d). Pub. L. 114–95, § 6002(d)(3), added subsecs. (c) and (d) and struck out former subsec. (c) which allowed certain Indian tribes to apply for grants.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7423. Amount of grants

(a) Amount of grant awards

(1) In general

Except as provided in subsection (b) of this section and paragraph (2), the Secretary shall allocate to each local educational agency that has an approved application under this subpart an amount equal to the product of—

(A) the number of Indian children who are eligible under section 7427 of this title and served by such agency; and

(B) the greater of—

(i) the average per pupil expenditure of the State in which such agency is located; or

(ii) 80 percent of the average per pupil expenditure of all the States.

(2) Reduction

The Secretary shall reduce the amount of each allocation otherwise determined under this section in accordance with subsection (e) of this section.

(b) Minimum grant

(1) In general

Notwithstanding subsection (e) of this section, an entity that is eligible for a grant under section 7422 of this title, and a school that is operated or supported by the Bureau of Indian Education that is eligible for a grant

under subsection (d) of this section, that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than $3,000.

(2) Consortia

Local educational agencies may form a consortium for the purpose of obtaining grants under this subpart.

(3) Increase

The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grantees if the Secretary determines such increase is necessary to ensure the quality of the programs provided.

(c) Definition

For the purpose of this section, the term ''average per pupil expenditure'', used with respect to a State, means an amount equal to—

(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

(d) Schools operated or supported by the Bureau of Indian Education

(1) In general

Subject to subsection (e) of this section, in addition to the grants awarded under subsection (a) of this section, the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

(A) the total number of Indian children enrolled in schools that are operated by—

(i) the Bureau of Indian Education; or

(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act [25 U.S.C. 450f et seq.] or the Tribally Controlled Schools Act of 1988 [25 U.S.C. 2501 et seq.]; and

(B) the greater of—

(i) the average per pupil expenditure of the State in which the school is located; or

(ii) 80 percent of the average per pupil expenditure of all the States.

(2) Special rule

Any school described in paragraph (1)(A) that wishes to receive an allocation under this subpart shall submit an application in accordance with section 7424 of this title, and shall otherwise be treated as a local educational agency for the purpose of this subpart, except that such school shall not be subject to section 7424(c)(4) of this title, section 7428(c) of this title, or section 7429 of this title.

(e) Ratable reductions

If the sums appropriated for any fiscal year under 7492(a)[1] of this title are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) of this section and for the Secretary of the Interior under subsection (d) of this section, each of those amounts shall be ratably reduced.

(Pub. L. 89–10, title VI, § 6113, formerly title VII, § 7113, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1908, renumbered title VI, § 6113, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), (3), § 6002(e), Dec. 10, 2015, 129 Stat. 2046, 2049.)

REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in subsec. (d)(1)(A)(ii), 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 Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 and Tables.

The Tribally Controlled Schools Act of 1988, referred to in subsec. (d)(1)(A)(ii), 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 Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of Title 25 and Tables.

PRIOR PROVISIONS

A prior section 7423, Pub. L. 89–10, title VII, § 7113, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3720, related to program enhancement projects, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6113 of Pub. L. 89–10 was classified to section 7301b of this title, prior to repeal by Pub. L. 114–95.

AMENDMENTS

2015—Subsec. (a)(1)(A). Pub. L. 114–95, § 6001(b)(3)(A), made technical amendment to reference in original act which appears in text as reference to section 7427 of this title.

Subsec. (b)(1). Pub. L. 114–95, § 6002(e)(1), substituted ''Bureau of Indian Education'' for ''Bureau of Indian Affairs''.

Pub. L. 114–95, § 6001(b)(3)(B), made technical amendment to reference in original act which appears in text as reference to section 7422 of this title.

Subsec. (d). Pub. L. 114–95, § 6002(e)(2)(A), substituted ''Indian Education'' for ''Indian Affairs'' in heading.

Subsec. (d)(1)(A)(i). Pub. L. 114–95, § 6002(e)(2)(B), substituted ''Bureau of Indian Education'' for ''Bureau of Indian Affairs''.

Subsec. (d)(2). Pub. L. 114–95, § 6001(b)(3)(C), made technical amendment to references in original act which appear in text as references to sections 7424, 7424(c)(4), 7428(c), and 7429 of this title.

Subsec. (e). Pub. L. 114–95, § 6001(b)(3)(D), substituted ''7492(a) of this title'' for ''section 7492(a) of this title''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7424. Applications

(a) Application required

Each entity described in section 7422(a) of this title that desires to receive a grant under this

[1] So in original. Probably should be preceded by ''section''.

subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) Comprehensive program required

Each application submitted under subsection (a) of this section shall include a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

(1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of Indian students;

(2)(A) is consistent with the State, tribal, and local plans submitted under other provisions of this chapter; and

(B) includes program objectives and outcomes for activities under this subpart that are based on the same challenging State academic standards developed by the State under subchapter I for all students;

(3) explains how the grantee will use funds made available under this subpart to supplement other Federal, State, and local programs that meet the needs of Indian students;

(4) demonstrates how funds made available under this subpart will be used for activities described in section 7425 of this title;

(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs;

(6) describes how the local educational agency—

(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

(B) will provide the results of each assessment referred to in subparagraph (A) to—

(i) the committee described in subsection (c)(4) of this section;

(ii) the community served by the local educational agency; and

(iii) the Indian tribes whose children are served by the local educational agency, consistent with section 1232g of this title (commonly referred to as the ''Family Educational Rights and Privacy Act of 1974''); and

(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A); and

(7) describes the process the local educational agency used to meaningfully collaborate with Indian tribes located in the community in a timely, active, and ongoing manner in the development of the comprehensive program and the actions taken as a result of such collaboration.

(c) Assurances

Each application submitted under subsection (a) of this section shall include assurances that—

(1) the local educational agency will use funds received under this subpart only to supplement the funds that, in the absence of the Federal funds made available under this subpart, such agency would make available for services described in this subsection, and not to supplant such funds;

(2) the local educational agency will prepare and submit to the Secretary such reports, in such form and containing such information, as the Secretary may require to—

(A) carry out the functions of the Secretary under this subpart;

(B) determine the extent to which activities carried out with funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian students served by such agency, and meet program objectives and outcomes for activities under this subpart; and

(C) determine the extent to which such activities by the local educational agency address the unique cultural, language, and educational needs of Indian students;

(3) the program for which assistance is sought—

(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the Indian students for whom the local educational agency is providing an education;

(B) will use the best available talents and resources, including individuals from the Indian community; and

(C) was developed by such agency in open consultation with parents of Indian children and teachers, representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve if such tribes have any children in such school, Indian organizations, and, if appropriate, Indian students from secondary schools, including through public hearings held by such agency to provide to the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program;

(4) the local educational agency developed the program with the participation and written approval of a committee—

(A) that is composed of, and selected by—

(i) parents and family members of Indian children in the local educational agency's schools;

(ii) representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve if such tribes have any children in such school;

(iii) teachers in the schools; and

(iv) if appropriate, Indian students attending secondary schools of the agency;

(B) a majority of whose members are parents and family members of Indian children;

(C) with respect to an application describing a schoolwide program in accordance with section 7425(c) of this title, that has—

(i) reviewed in a timely fashion the program;

(ii) determined that the program will not diminish the availability of culturally related activities for Indian students; and

(iii) determined that the program will directly enhance the educational experience of Indian students; and

(D) that has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws;

(5) the local educational agency will coordinate activities under this subchapter with other Federal programs supporting educational and related services administered by such agency;

(6) the local educational agency conducted outreach to parents and family members to meet the requirements under this paragraph;

(7) the local educational agency will use funds received under this subpart only for activities described and authorized in this subpart; and

(8) the local educational agency has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents and family members of the children, and representatives of the area, to be served.

(d) Technical assistance

The Secretary shall, directly or by contract, provide technical assistance to a local educational agency or Bureau of Indian Education school upon request (in addition to any technical assistance available under other provisions of this chapter or available through the Institute of Education Sciences) to support the services and activities provided under this subpart, including technical assistance for—

(1) the development of applications under this subpart, including identifying eligible entities that have not applied for such grants and undertaking appropriate activities to encourage such entities to apply for grants under this subpart;

(2) improvement in the quality of implementation, content, and evaluation of activities supported under this subpart; and

(3) integration of activities under this subpart with other educational activities carried out by the local educational agency.

(Pub. L. 89–10, title VI, § 6114, formerly title VII, § 7114, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1910, renumbered title VI, § 6114, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), (4), § 6002(f), Dec. 10, 2015, 129 Stat. 2046, 2049.)

PRIOR PROVISIONS

A prior section 7424, Pub. L. 89–10, title VII, § 7114, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3721, related to comprehensive school grants, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 6002(f)(1), substituted ''Each entity described in section 7422(a) of this title'' for ''Each local educational agency''.

Subsec. (b)(1). Pub. L. 114–95, § 6002(f)(2)(A), substituted ''Indian'' for ''American Indian and Alaska Native''.

Subsec. (b)(2)(A). Pub. L. 114–95, § 6002(f)(2)(B)(i), substituted ''is consistent with the State, tribal, and local plans'' for ''is consistent with the State and local plans''.

Subsec. (b)(2)(B). Pub. L. 114–95, § 6002(f)(2)(B)(ii), added subpar. (B) and struck out former subpar. (B) which read as follows: ''includes academic content and student academic achievement goals for such children, and benchmarks for attaining such goals, that are based on the challenging State academic content and student academic achievement standards adopted under subchapter I of this chapter for all children;''.

Subsec. (b)(3). Pub. L. 114–95, § 6002(f)(2)(C), added par. (3) and struck out former par. (3) which read as follows: ''explains how Federal, State, and local programs, especially programs carried out under subchapter I of this chapter, will meet the needs of such students;''.

Subsec. (b)(4). Pub. L. 114–95, § 6001(b)(4)(A), made technical amendment to reference in original act which appears in text as reference to section 7425 of this title.

Subsec. (b)(6)(B)(iii). Pub. L. 114–95, § 6002(f)(2)(E)(i), added cl. (iii).

Subsec. (b)(7). Pub. L. 114–95, § 6002(f)(2)(D), (E)(ii), (F), added par. (7).

Subsec. (c)(1). Pub. L. 114–95, § 6002(f)(3)(A), substituted ''for services described in this subsection,'' for ''for the education of Indian children,''.

Subsec. (c)(2)(B). Pub. L. 114–95, § 6002(f)(3)(B)(ii), substituted ''served by such agency, and meet program objectives and outcomes for activities under this subpart; and'' for ''served by such agency;''.

Subsec. (c)(2)(C). Pub. L. 114–95, § 6002(f)(3)(B)(i), (iii), added subpar. (C).

Subsec. (c)(3)(A). Pub. L. 114–95, § 6002(f)(3)(C)(i), substituted ''Indian'' for ''American Indian and Alaska Native''.

Subsec. (c)(3)(C). Pub. L. 114–95, § 6002(f)(3)(C)(ii), inserted ''representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve if such tribes have any children in such school, Indian organizations,'' after ''parents of Indian children and teachers,'' and struck out ''and'' after semicolon.

Subsec. (c)(4)(A)(i). Pub. L. 114–95, § 6002(f)(3)(D)(i)(I), inserted ''and family members'' after ''parents''.

Subsec. (c)(4)(A)(ii) to (iv). Pub. L. 114–95, § 6002(f)(3)(D)(i)(II), (III), added cl. (ii) and redesignated former cls. (ii) and (iii) as (iii) and (iv), respectively.

Subsec. (c)(4)(B). Pub. L. 114–95, § 6002(f)(3)(D)(ii), added subpar. (B) and struck out former subpar. (B) which read as follows: ''a majority of whose members are parents of Indian children;''.

Subsec. (c)(4)(C). Pub. L. 114–95, § 6002(f)(3)(D)(iii), (iv), redesignated subpar. (D) as (C) and struck out former subpar. (C) which read as follows: ''that has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;''.

Subsec. (c)(4)(C)(ii). Pub. L. 114–95, § 6002(f)(3)(D)(v)(II), substituted ''Indian'' for ''American Indian and Alaska Native''.

Subsec. (c)(4)(C)(iii). Pub. L. 114–95, § 6002(f)(3)(D)(v)(I), (III), added cl. (iii).

Subsec. (c)(4)(D). Pub. L. 114–95, § 6002(f)(3)(D)(iv), (vi), redesignated subpar. (E) as (D) and substituted semicolon for period at end. Former subpar. (D) redesignated (C).

Pub. L. 114–95, § 6001(b)(4)(B), made technical amendment to reference in original act which appears in text of introductory provisions as reference to section 7425(c) of this title.

Subsec. (c)(4)(E). Pub. L. 114–95, § 6002(f)(3)(D)(iv), redesignated subpar. (E) as (D).

Subsec. (c)(5) to (8). Pub. L. 114–95, § 6002(f)(3)(E), added pars. (5) to (8).

Subsec. (d). Pub. L. 114–95, § 6002(f)(4), added subsec. (d).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7425. Authorized services and activities

(a) General requirements

Each local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 7421 of this title, for services and activities that—

(1) are designed to carry out the comprehensive program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 7424(a) of this title solely for the services and activities described in such application;

(2) are designed to be responsive to the language and cultural needs of the Indian students; and

(3) supplement and enrich the regular school program of such agency.

(b) Particular activities

The services and activities referred to in subsection (a) may include—

(1) activities that support Native American language programs and Native American language restoration programs, which may be taught by traditional leaders;

(2) culturally related activities that support the program described in the application submitted by the local educational agency;

(3) early childhood and family programs that emphasize school readiness;

(4) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State academic standards;

(5) integrated educational services in combination with other programs that meet the needs of Indian children and their families, including programs that promote parental involvement in school activities and increase student achievement;

(6) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), including programs for tech-prep education, mentoring, and apprenticeship;

(7) activities to educate individuals so as to prevent violence, suicide, and substance abuse;

(8) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 7421 of this title;

(9) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

(10) family literacy services;

(11) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors;

(12) dropout prevention strategies for Indian students; and

(13) strategies to meet the educational needs of at-risk Indian students in correctional facilities, including such strategies that support Indian students who are transitioning from such facilities to schools served by local educational agencies.

(c) Schoolwide programs

Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 6314 of this title if—

(1) the committee established pursuant to section 7424(c)(4) of this title approves the use of the funds for the schoolwide program;

(2) the schoolwide program is consistent with the purpose described in section 7421 of this title; and

(3) the local educational agency identifies in its application how the use of such funds in a schoolwide program will produce benefits to Indian students that would not be achieved if the funds were not used in a schoolwide program.

(d) Limitation on administrative costs

Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

(e) Limitation on the use of funds

Funds provided to a grantee under this subpart may not be used for long-distance travel expenses for training activities that are available locally or regionally.

(Pub. L. 89–10, title VI, § 6115, formerly title VII, § 7115, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1912; amended Pub. L. 109–270, § 2(f)(4), Aug. 12, 2006, 120 Stat. 747, renumbered title VI, § 6115, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), (5), 6002(g), Dec. 10, 2015, 129 Stat. 2046, 2052.)

REFERENCES IN TEXT

The Carl D. Perkins Career and Technical Education Act of 2006, referred to in subsec. (b)(6), is Pub. L. 88–210, Dec. 18, 1963, 77 Stat. 403, as amended generally by Pub. L. 109–270, § 1(b), Aug. 12, 2006, 120 Stat. 683, which is classified generally to chapter 44 (§ 2301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of this title and Tables.

PRIOR PROVISIONS

A prior section 7425, Pub. L. 89–10, title VII, § 7115, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3722, related to systemwide improvement grants, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 6001(b)(5)(A)(i), made technical amendment to reference in original act

which appears in text of introductory provisions as reference to section 7421 of this title.

Subsec. (a)(1). Pub. L. 114–95, § 6002(g)(1)(A), inserted ''solely for the services and activities described in such application'' before semicolon.

Pub. L. 114–95, § 6001(b)(5)(A)(ii), made technical amendment to reference in original act which appears in text as reference to section 7424(a) of this title.

Subsec. (a)(2). Pub. L. 114–95, § 6002(g)(1)(B), substituted ''to be responsive to'' for ''with special regard for''.

Subsec. (b). Pub. L. 114–95, § 6002(g)(2), added subsec. (b) and struck out former subsec. (b) which related to particular authorized services and activities of local educational agencies receiving grant funds.

Subsec. (c)(1). Pub. L. 114–95, § 6001(b)(5)(B)(i), made technical amendment to reference in original act which appears in text as reference to section 7424(c)(4) of this title.

Subsec. (c)(2). Pub. L. 114–95, § 6001(b)(5)(B)(ii), made technical amendment to reference in original act which appears in text as reference to section 7421 of this title.

Subsec. (c)(3). Pub. L. 114–95, § 6002(g)(3), added par. (3).

Subsec. (e). Pub. L. 114–95, § 6002(g)(4), added subsec. (e).

2006—Subsec. (b)(5). Pub. L. 109–270 substituted ''Carl D. Perkins Career and Technical Education Act of 2006'' for ''Carl D. Perkins Vocational and Technical Education Act of 1998''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7426. Integration of services authorized

(a) Plan

An entity receiving funds under this subpart may submit a plan to the Secretary for the integration of education and related services provided to Indian students.

(b) Consolidation of programs

Upon the receipt of an acceptable plan under subsection (a) of this section, the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the entity, shall authorize the entity to consolidate, in accordance with such plan, the federally funded education and related services programs of the entity and the Federal programs, or portions of the programs, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

(c) Programs affected

The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (a) of this section shall include funds for any Federal program exclusively serving Indian children, or the funds reserved under any Federal program to exclusively serve Indian children, under which the entity is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services that would be used to serve Indian students.

(d) Plan requirements

For a plan to be acceptable pursuant to subsection (b) of this section, the plan shall—

(1) identify the programs or funding sources to be consolidated;

(2) be consistent with the objectives of this section concerning authorizing the services to be integrated in a demonstration project;

(3) describe a comprehensive strategy that identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the objectives set forth in this subpart;

(4) describe the way in which services are to be integrated and delivered and the results expected from the plan;

(5) identify the projected expenditures under the plan in a single budget;

(6) identify the State, tribal, or local agency or agencies to be involved in the delivery of the services integrated under the plan;

(7) identify any statutory provisions, regulations, policies, or procedures that the entity believes need to be waived in order to implement the plan;

(8) set forth measures for academic content and student academic achievement goals designed to be met within a specific period of time; and

(9) be approved by a committee formed in accordance with section 7424(c)(4) of this title, if such a committee exists.

(e) Plan review

Upon receipt of the plan from an eligible entity, the Secretary shall consult with the Secretary of each Federal department providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal departmental regulations, policies, or procedures necessary to enable the entity to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected department shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by the entity or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the objectives of this subpart or those provisions of the statute from which the program involved derives authority that are specifically applicable to Indian students.

(f) Plan approval

Within 90 days after the receipt of an entity's plan by the Secretary, the Secretary shall inform the entity, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the entity shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend the plan or to petition the Secretary to reconsider such disapproval.

(g) Responsibilities of Department of Education

Not later than 180 days after December 10, 2015, the Secretary of Education, the Secretary of the Interior, the Secretary of Health and Human Services, and the head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement pro-

viding for the implementation and coordination of the demonstration projects authorized under this section. The lead agency head for a demonstration project under this section shall be—

(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978 [25 U.S.C. 2001 et seq.]; or

(2) the Secretary of Education, in the case of any other entity.

(h) Responsibilities of lead agency

The responsibilities of the lead agency shall include—

(1) the use of a single report format related to the plan for the individual project, which shall be used by an eligible entity to report on the activities undertaken under the project;

(2) the use of a single report format related to the projected expenditures for the individual project which shall be used by an eligible entity to report on all project expenditures;

(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

(i) Report requirements

A single report format shall be developed by the Secretary, consistent with the requirements of this section. Such report format shall require that reports described in subsection (h) of this section, together with records maintained on the consolidated program at the local level, shall contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in its approved plan, including making a demonstration of student academic achievement, and will provide assurances to each Secretary that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

(j) No reduction in amounts

In no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

(k) Interagency fund transfers authorized

The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the objectives of this section.

(*l*) Administration of funds

(1) In general

Program funds for the consolidated programs shall be administered in such a manner as to allow for a determination that funds from a specific program are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds granted that shall be allocated to such program.

(2) Separate records not required

Nothing in this section shall be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under the approved plan to the individual programs under which funds were authorized for the services or activities, nor shall the eligible entity be required to allocate expenditures among such individual programs.

(m) Overage

The eligible entity may commingle all administrative funds from the consolidated programs and shall be entitled to the full amount of such funds (under each program's or agency's regulations). The overage (defined as the difference between the amount of the commingled funds and the actual administrative cost of the programs) shall be considered to be properly spent for Federal audit purposes, if the overage is used for the purposes provided for under this section.

(n) Fiscal accountability

Nothing in this part shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31.

(*o*) Report on statutory obstacles to program integration

(1) Preliminary report

Not later than 2 years after December 10, 2015, the Secretary of Education shall submit a preliminary report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the status of the implementation of the demonstration projects authorized under this section.

(2) Final report

Not later than 5 years after December 10, 2015, the Secretary of Education shall submit a report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the results of the implementation of the demonstration projects authorized under this section.

(p) Definitions

For the purposes of this section, the term ''Secretary'' means—

(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978 [25 U.S.C. 2001 et seq.]; or

(2) the Secretary of Education, in the case of any other entity.

(Pub. L. 89–10, title VI, § 6116, formerly title VII, § 7116, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1913; renumbered title VI,

§ 6116, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), (6), 6002(h), Dec. 10, 2015, 129 Stat. 2046, 2047, 2053.)

REFERENCES IN TEXT

The Education Amendments of 1978, referred to in subsecs. (g)(1) and (p)(1), is Pub. L. 95–561, Nov. 1, 1978, 92 Stat. 2143, as amended. Title XI of the Act is classified principally to chapter 22 (§ 2001 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note set out under section 6301 of this title and Tables.

PRIOR PROVISIONS

A prior section 7426, Pub. L. 89–10, title VII, § 7116, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3723, related to applications for grants, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (d)(9). Pub. L. 114–95, § 6001(b)(6), made technical amendment to reference in original act which appears in text as reference to section 7424(c)(4) of this title.

Subsec. (g). Pub. L. 114–95, § 6002(h)(1), in introductory provisions, substituted ''December 10, 2015'' for ''January 8, 2002'' and inserted ''the Secretary of Health and Human Services,'' after ''the Secretary of the Interior,'' and ''and coordination'' after ''providing for the implementation''.

Subsec. (*o*)(1). Pub. L. 114–95, § 6002(h)(2)(A), substituted ''December 10, 2015'' for ''January 8, 2002''.

Subsec. (*o*)(2). Pub. L. 114–95, § 6002(h)(2)(B), substituted ''December 10, 2015'' for ''January 8, 2002'' and struck out last sentence which read as follows: ''Such report shall identify statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section.''

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7427. Student eligibility forms

(a) In general

The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart, and that otherwise meets the requirements of subsection (b) of this section. All individual data collected shall be protected by the local educational agencies and only aggregated data shall be reported to the Secretary.

(b) Forms

The form described in subsection (a) of this section shall include—

(1) either—

(A)(i) the name of the tribe or band of Indians (as defined in section 7491 of this title) with respect to which the child claims membership;

(ii) the enrollment number establishing the membership of the child (if readily available); and

(iii) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

(B) the name, the enrollment number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership data, of any parent or grandparent of the child from whom the child claims eligibility under this subpart, if the child is not a member of the tribe or band of Indians (as so defined);

(2) a statement of whether the tribe or band of Indians (as so defined), with respect to which the child, or parent or grandparent of the child, claims membership, is federally recognized;

(3) the name and address of the parent or legal guardian of the child;

(4) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

(5) any other information that the Secretary considers necessary to provide an accurate program profile.

(c) Statutory construction

Nothing in this section shall be construed to affect a definition contained in section 7491 of this title.

(d) Documentation and types of proof

(1) Types of proof

For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 7423 of this title, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

(2) No new or duplicative determinations

Once a child is determined to be an Indian eligible to be counted for such grant award, the local educational agency shall maintain a record of such determination and shall not require a new or duplicate determination to be made for such child for a subsequent application for a grant under this subpart.

(3) Previously filed forms

An Indian student eligibility form that was on file as required by this section on the day before December 10, 2015, and that met the requirements of this section, as this section was in effect on the day before December 10, 2015, shall remain valid for such Indian student.

(e) Monitoring and evaluation review

(1) In general

(A) Review

For each fiscal year, in order to provide such information as is necessary to carry

out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this subpart. The sampling conducted under this subparagraph shall take into account the size of and the geographic location of each local educational agency.

(B) Exception

A local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for an entitlement under the Indian Elementary and Secondary School Assistance Act.

(2) False information

Any local educational agency that provides false information in an application for a grant under this subpart shall—

(A) be ineligible to apply for any other grant under this subpart; and

(B) be liable to the United States for any funds from the grant that have not been expended.

(3) Excluded children

A student who provides false information for the form required under subsection (a) of this section shall not be counted for the purpose of computing the amount of a grant under section 7423 of this title.

(f) Tribal grant and contract schools

Notwithstanding any other provision of this section, in calculating the amount of a grant under this subpart to a tribal school that receives a grant or contract from the Bureau of Indian Education, the Secretary shall use only one of the following, as selected by the school:

(1) A count of the number of students in the schools certified by the Bureau.

(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

(g) Timing of child counts

For purposes of determining the number of children to be counted in calculating the amount of a local educational agency's grant under this subpart (other than in the case described in subsection (f)(1) of this section), the local educational agency shall—

(1) establish a date on, or a period not longer than 31 consecutive days during, which the agency counts those children, if that date or period occurs before the deadline established by the Secretary for submitting an application under section 7424 of this title; and

(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

(Pub. L. 89–10, title VI, § 6117, formerly title VII, § 7117, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1916; renumbered title VI, § 6117, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), (7), 6002(i), Dec. 10, 2015, 129 Stat. 2046, 2047, 2053.)

REFERENCES IN TEXT

The Indian Elementary and Secondary School Assistance Act, referred to in subsec. (e)(1)(B), is title III of act Sept. 30, 1950, ch. 1124, as added by Pub. L. 92–318, title IV, § 411(a), June 23, 1972, 86 Stat. 335, which was classified generally to subchapter III (§ 241aa et seq.) of chapter 13 of this title, prior to repeal by Pub. L. 100–297, title V, § 5352(1), Apr. 28, 1988, 102 Stat. 414.

PRIOR PROVISIONS

A prior section 7427, Pub. L. 89–10, title VII, § 7117, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3727, related to intensified instruction for limited English proficient students, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 6002(i)(1), inserted at end "All individual data collected shall be protected by the local educational agencies and only aggregated data shall be reported to the Secretary."

Subsec. (b)(1)(A)(i). Pub. L. 114–95, § 6001(b)(7)(A), made technical amendment to reference in original act which appears in text as reference to section 7491 of this title.

Subsec. (c). Pub. L. 114–95, § 6001(b)(7)(B), made technical amendment to reference in original act which appears in text as reference to section 7491 of this title.

Subsec. (d). Pub. L. 114–95, § 6002(i)(4), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: "For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 7423 of this title, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) of this section shall be construed to require the furnishing of an enrollment number."

Pub. L. 114–95, § 6002(i)(2), (3), redesignated subsec. (e) as (d) and struck out former subsec. (d) which related to forms and standards of proof.

Subsec. (e). Pub. L. 114–95, § 6002(i)(3), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 114–95, § 6002(i)(5), which directed substitution of "Bureau of Indian Education" for "Bureau of Indian Affairs" in subsec. (f) as redesignated by section 6002(i)(4) of Pub. L. 114–95, was executed by making the substitution in introductory provisions of subsec. (f) as redesignated by section 6002(i)(3) of Pub. L. 114–95, to reflect the probable intent of Congress.

Pub. L. 114–95, § 6002(i)(3), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Subsec. (f)(3). Pub. L. 114–95, § 6001(b)(7)(C), made technical amendment to reference in original act which appears in text as reference to section 7423 of this title.

Subsec. (g). Pub. L. 114–95, § 6002(i)(6), which directed substitution of "subsection (f)(1)" for "subsection (g)(1)" in subsec. (g) as redesignated by section 6002(i)(4) of Pub. L. 114–95, was executed by making the substitution in introductory provisions of subsec. (g) as redesignated by section 6002(i)(3) of Pub. L. 114–95, to reflect the probable intent of Congress.

Pub. L. 114–95, § 6002(i)(3), redesignated subsec. (h) as (g). Former subsec. (g) redesignated (f).

Subsec. (h). Pub. L. 114–95, § 6002(i)(3), redesignated subsec. (h) as (g).

Subsec. (h)(1). Pub. L. 114–95, § 6001(b)(7)(D), made technical amendment to reference in original act which appears in text as reference to section 7424 of this title.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive pro-

grams and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7428. Payments

(a) In general

Subject to subsections (b) and (c) of this section, the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount determined under section 7423 of this title. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

(b) Payments taken into account by the State

The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this chapter[1] in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

(c) Reduction of payment for failure to maintain fiscal effort

Each local educational agency shall maintain fiscal effort in accordance with section 7901 of this title or be subject to reduced payments under this subpart in accordance with such section 7901 of this title.

(d) Reallocations

The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

(2) otherwise become available for reallocation under this subpart.

(Pub. L. 89–10, title VI, § 6118, formerly title VII, § 7118, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1918; renumbered title VI, § 6118, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), (8), 6002(j), Dec. 10, 2015, 129 Stat. 2046, 2047, 2054.)

PRIOR PROVISIONS

A prior section 7428, Pub. L. 89–10, title VII, § 7118, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3727, related to capacity building, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 6001(b)(8), made technical amendment to reference in original act which appears in text as reference to section 7423 of this title.

Subsec. (c). Pub. L. 114–95, § 6002(j), added subsec. (c) and struck out former subsec. (c) which related to reduction of payment for failure to maintain fiscal effort with possibility of temporary waiver.

[1] So in original. Probably should be "this subpart".

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7429. State educational agency review

Before submitting an application to the Secretary under section 7424 of this title, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational agency comments on the application, the agency shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.

(Pub. L. 89–10, title VI, § 6119, formerly title VII, § 7119, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1919; renumbered title VI, § 6119, and amended Pub. L. 114–95, title VI, § 6001(a), (b)(1), (9), Dec. 10, 2015, 129 Stat. 2046, 2047.)

PRIOR PROVISIONS

A prior section 7429, Pub. L. 89–10, title VII, § 7119, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3727, authorized subgrants, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

Prior sections 7430 to 7434 were omitted in the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

Section 7430, Pub. L. 89–10, title VII, § 7120, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3727, related to priority on funding of programs for limited English proficient students.

Section 7431, Pub. L. 89–10, title VII, § 7121, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3728, related to coordination with other programs.

Section 7432, Pub. L. 89–10, title VII, § 7122, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3728, related to programs for Native Americans and Puerto Rico.

Section 7433, Pub. L. 89–10, title VII, § 7123, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3728, related to evaluations.

Section 7434, Pub. L. 89–10, title VII, § 7124, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3728, related to construction of provisions.

AMENDMENTS

2015—Pub. L. 114–95, § 6001(b)(9), made technical amendment to reference in original act which appears in text as reference to section 7424 of this title.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

SUBPART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

§ 7441. Improvement of educational opportunities for Indian children and youth

(a) Purpose

(1) In general

It is the purpose of this section to support projects to develop, test, and demonstrate the

effectiveness of services and programs to improve educational opportunities and achievement of Indian children and youth.

(2) Coordination

The Secretary shall take the necessary actions to achieve the coordination of activities assisted under this subpart with—

(A) other programs funded under this chapter; and

(B) other Federal programs operated for the benefit of Indian children and youth.

(b) Eligible entities

In this section, the term ''eligible entity'' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, a Tribal College or University (as defined in section 1059c(b) of this title), or a consortium of such entities.

(c) Grants authorized

The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose of this section, including—

(1) innovative programs related to the educational needs of educationally disadvantaged Indian children and youth;

(2) educational services that are not available to such children and youth in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the subjects of English, mathematics, science, foreign languages, art, history, and geography;

(3) bilingual and bicultural programs and projects;

(4) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children and youth;

(5) special compensatory and other programs and projects designed to assist and encourage Indian children and youth to enter, remain in, or reenter school, and to increase the rate of high school graduation for Indian children and youth;

(6) comprehensive guidance, counseling, and testing services;

(7) early childhood education programs that are effective in preparing young children to make sufficient academic growth by the end of grade 3, including kindergarten and pre-kindergarten programs, family-based preschool programs that emphasize school readiness, screening and referral, and the provision of services to Indian children and youth with disabilities;

(8) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary to postsecondary education;

(9) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill career;

(10) programs designed to encourage and assist Indian students to work toward, and gain entrance into, institutions of higher education;

(11) family literacy services;

(12) activities that recognize and support the unique cultural and educational needs of Indian children and youth, and incorporate traditional leaders;

(13) high-quality professional development of teaching professionals and paraprofessionals; or

(14) other services that meet the purpose described in this section.

(d) Grant requirements and applications

(1) Grant requirements

(A) In general

The Secretary may make multiyear grants under subsection (c) of this section for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) of this section for a period not to exceed 5 years.

(B) Priority

In making multiyear grants described in this paragraph, the Secretary shall give priority to entities submitting applications that present a plan for combining two or more of the activities described in subsection (c) of this section over a period of more than 1 year.

(C) Progress

The Secretary shall award grants for an initial period of not more than 3 years and may renew such grants for not more than an additional 2 years if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (3) and any subsequent modifications to such application.

(2) Dissemination grants

(A) In general

In addition to awarding the multiyear grants described in paragraph (1), the Secretary may award grants under subsection (c) of this section to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

(B) Determination

The Secretary may award a dissemination grant described in this paragraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated—

(i) has been adequately reviewed;

(ii) has demonstrated educational merit; and

(iii) can be replicated.

(3) Application

(A) In general

Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

(B) Contents

Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (2), shall contain—

(i) a description of how parents and family of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

(iii) information demonstrating that the proposed program is an evidence-based program, where applicable, which may include a program that has been modified to be culturally appropriate for students who will be served;

(iv) a description of how the applicant will incorporate the proposed activities into the ongoing school program involved once the grant period is over; and

(v) such other assurances and information as the Secretary may reasonably require.

(e) Administrative costs

Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

(Pub. L. 89–10, title VI, § 6121, formerly title VII, § 7121, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1919; renumbered title VI, § 6121, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6002(k), Dec. 10, 2015, 129 Stat. 2046, 2054.)

PRIOR PROVISIONS

A prior section 6121 of Pub. L. 89–10 was renumbered section 5101 and is classified to section 7305 of this title.

AMENDMENTS

2015—Pub. L. 114–95, § 6002(k)(1), substituted ''Improvement of educational opportunities for Indian children and youth'' for ''Improvement of educational opportunities for Indian children'' in section catchline.

Subsec. (a)(1). Pub. L. 114–95, § 6002(k)(2)(A), inserted ''and youth'' after ''Indian children''.

Subsec. (a)(2)(B). Pub. L. 114–95, § 6002(k)(2)(B), substituted ''Indian children and youth'' for ''American Indian and Alaska Native children''.

Subsec. (b). Pub. L. 114–95, § 6002(k)(3), substituted ''a Tribal College or University (as defined in section 1059c(b) of this title)'' for ''Indian institution (including an Indian institution of higher education)''.

Subsec. (c). Pub. L. 114–95, § 6002(k)(4), added subsec. (c) and struck out former subsec. (c) which related to grants authorized, consisting of pars. (1) and (2).

Subsec. (d)(1)(C). Pub. L. 114–95, § 6002(k)(5)(A), substituted ''award grants for an initial period of not more than 3 years and may renew such grants for not more than an additional 2 years if the Secretary determines'' for ''make a grant payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant only if the Secretary determines''.

Subsec. (d)(3)(B)(i). Pub. L. 114–95, § 6002(k)(5)(B)(i), substituted ''parents and family of Indian children'' for ''parents of Indian children''.

Subsec. (d)(3)(B)(iii). Pub. L. 114–95, § 6002(k)(5)(B)(ii), substituted ''information demonstrating that the proposed program is an evidence-based program'' for ''information demonstrating that the proposed program for the activities is a scientifically based research program''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7442. Professional development for teachers and education professionals

(a) Purposes

The purposes of this section are—

(1) to increase the number of qualified Indian teachers and administrators serving Indian students;

(2) to provide pre- and in-service training and support to qualified Indian individuals to enable such individuals to become effective teachers, principals, other school leaders, administrators, paraprofessionals, counselors, social workers, and specialized instructional support personnel;

(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2); and

(4) to develop and implement initiatives to promote retention of effective teachers, principals, and school leaders who have a record of success in helping low-achieving Indian students improve their academic achievement, outcomes, and preparation for postsecondary education or employment.

(b) Eligible entities

For the purpose of this section, the term ''eligible entity'' means—

(1) an institution of higher education, including a Tribal College or University, as defined in section 1059c(b) of this title;

(2) a State educational agency or local educational agency, in consortium with an institution of higher education;

(3) an Indian tribe or organization, in consortium with an institution of higher education; and

(4) a Bureau-funded school (as defined in section 2026[1] of title 25) in a consortium with at least one Tribal College or University, as defined in section 1059c(b) of this title, where feasible.

(c) Program authorized

The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable those entities to carry out the activities described in subsection (d) of this section.

(d) Authorized activities

(1) In general

Grant funds under this section shall be used for activities to provide support and training for Indian individuals in a manner consistent with the purpose of this section. Such activities may include—

(A) continuing education programs, symposia, workshops, and conferences;

[1] See References in Text note below.

(B) teacher mentoring programs, professional guidance, and instructional support provided by educators, local traditional leaders, or cultural experts, as appropriate for teachers during their first 3 years of employment as teachers;

(C) direct financial support; and

(D) programs designed to train traditional leaders and cultural experts to assist those personnel referenced in subsection (a)(2), as appropriate, with relevant Native language and cultural mentoring, guidance, and support.

(2) Special rules

(A) Type of training

For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

(B) Program

For individuals who are being trained to enter any field other than teaching, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

(e) Application

Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. At a minimum, an application under this section shall describe how the eligible entity will—

(1) recruit qualified Indian individuals, such as students who may not be of traditional college age, to become teachers, principals, or school leaders;

(2) use funds made available under the grant to support the recruitment, preparation, and professional development of Indian teachers or principals in local educational agencies that serve a high proportion of Indian students; and

(3) assist participants in meeting the requirements under subsection (h).

(f) Special rule

In awarding grants under this section, the Secretary—

(1) may give priority to Tribal Colleges and Universities;

(2) shall consider the prior performance of the eligible entity; and

(3) may not limit eligibility to receive a grant under this section on the basis of the length of any period for which the eligible entity has received a grant.

(g) Grant period

The Secretary shall award grants under this section for an initial period of not more than 3 years, and may renew such grants for an additional period of not more than 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.

(h) Service obligation

(1) In general

The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

(A) perform work—

(i) related to the training received under this section; and

(ii) that benefits Indian students in a local educational agency that serves a high proportion of Indian students; or

(B) repay all or a prorated part of the assistance received.

(2) Reporting

The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning compliance with the work requirement under paragraph (1).

(Pub. L. 89–10, title VI, § 6122, formerly title VII, § 7122, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1922; renumbered title VI, § 6122, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6002(*l*), Dec. 10, 2015, 129 Stat. 2046, 2056.)

REFERENCES IN TEXT

Section 2026 of title 25, referred to in subsec. (b)(4), was omitted in the general amendment of chapter 22 of Title 25, Indians, by Pub. L. 107–110, title X, § 1042, Jan. 8, 2002, 115 Stat. 2007. See section 2021 of Title 25.

PRIOR PROVISIONS

A prior section 6122 of Pub. L. 89–10 was renumbered section 5102 and is classified to section 7305a of this title.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114–95, § 6002(*l*)(1)(A), added par. (1) and struck out former par. (1) which read as follows: ''to increase the number of qualified Indian individuals in teaching or other education professions that serve Indian people;''.

Subsec. (a)(2). Pub. L. 114–95, § 6002(*l*)(1)(B), added par. (2) and struck out former par. (2) which read as follows: ''to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and''.

Subsec. (a)(4). Pub. L. 114–95, § 6002(*l*)(1)(C), (D), added par. (4).

Subsec. (b)(1). Pub. L. 114–95, § 6002(*l*)(2)(A), substituted ''including a Tribal College or University, as defined in section 1059c(b) of this title'' for ''including an Indian institution of higher education''.

Subsec. (b)(4). Pub. L. 114–95, § 6002(*l*)(2)(B), inserted before period at end ''in a consortium with at least one Tribal College or University, as defined in section 1059c(b) of this title, where feasible''.

Subsec. (d)(1). Pub. L. 114–95, § 6002(*l*)(3), substituted ''purpose of this section.'' for ''purposes of this section.'' and ''Such activities may include—'' and subpars. (A) to (D) for ''Such activities may include continuing programs, symposia, workshops, conferences, and direct financial support, and may include programs designed to train tribal elders and seniors.''

Subsec. (e). Pub. L. 114–95, § 6002(*l*)(4), added subsec. (e) and struck out former subsec. (e). Prior to amendment, text read as follows: ''Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.''

Subsec. (f). Pub. L. 114–95, § 6002(*l*)(5), added par. (1), redesignated former pars. (1) and (2) as (2) and (3), respectively, and, in par. (3), substituted ''basis of the length of any period for which the eligible entity has received a grant.'' for ''basis of—

''(A) the number of previous grants the Secretary has awarded such entity; or

''(B) the length of any period during which such entity received such grants.''

Subsec. (g). Pub. L. 114–95, § 6002(*l*)(6), added subsec. (g) and struck out former subsec. (g). Prior to amendment, text read as follows: ''Each grant under this section shall be awarded for a period of not more than 5 years.''

Subsec. (h)(1)(A)(ii). Pub. L. 114–95, § 6002(*l*)(7), substituted ''students in a local educational agency that serves a high proportion of Indian students'' for ''people''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

SUBPART 3—NATIONAL ACTIVITIES

§ 7451. National research activities

(a) Authorized activities

The Secretary may use funds made available to carry out this subpart for each fiscal year to—

(1) conduct research related to effective approaches for the education of Indian children and adults;

(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

(3) collect and analyze data on the educational status and needs of Indians; and

(4) carry out other activities that are consistent with the purpose of this part.

(b) Eligibility

The Secretary may carry out any of the activities described in subsection (a) of this section directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

(c) Coordination

Research activities supported under this section—

(1) shall be carried out in consultation with the Institute of Education Sciences to ensure that such activities are coordinated with and enhance the research and development activities supported by the Institute; and

(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education Programs, the Bureau of Indian Education, and the Institute of Education Sciences.

(Pub. L. 89–10, title VI, § 6131, formerly title VII, § 7131, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1923; amended Pub. L. 107–279, title IV, § 404(d)(5)(E), (8), Nov. 5, 2002, 116 Stat. 1986; renumbered title VI, § 6131, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6002(m), Dec. 10, 2015, 129 Stat. 2046, 2057.)

PRIOR PROVISIONS

A prior section 7451, Pub. L. 89–10, title VII, § 7131, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3729, authorized research, evaluation of activities, and dissemination of information, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6131 of Pub. L. 89–10 was classified to section 7311 of this title, prior to repeal by Pub. L. 114–95.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 6002(m)(1), substituted ''to carry out this subpart'' for ''under section 7492(b) of this title'' in introductory provisions.

Subsec. (c)(2). Pub. L. 114–95, § 6002(m)(2), inserted '', the Bureau of Indian Education,'' after ''Office of Indian Education Programs''.

2002—Subsec. (c)(1). Pub. L. 107–279 substituted ''Institute of Education Sciences'' for ''Office of Educational Research and Improvement'' and ''by the Institute'' for ''by the Office''.

Subsec. (c)(2). Pub. L. 107–279, § 404(d)(5)(E), substituted ''Institute of Education Sciences'' for ''Office of Educational Research and Improvement''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7452. Grants to tribes for education administrative planning, development, and coordination

(a) In general

The Secretary may award grants under this section to eligible applicants to enable the eligible applicants to—

(1) promote tribal self-determination in education;

(2) improve the academic achievement of Indian children and youth; and

(3) promote the coordination and collaboration of tribal educational agencies with State educational agencies and local educational agencies to meet the unique educational and culturally related academic needs of Indian students.

(b) Definitions

In this section:

(1) Eligible applicant

In this section, the term ''eligible applicant'' means—

(A) an Indian tribe or tribal organization approved by an Indian tribe; or

(B) a tribal educational agency.

(2) Indian tribe

The term ''Indian tribe'' means a federally recognized tribe or a State-recognized tribe.

(3) Tribal educational agency

The term ''tribal educational agency'' means the agency, department, or instrumentality of an Indian tribe that is primarily responsible for supporting tribal students' elementary and secondary education.

(c) Grant program

The Secretary may award grants to—

(1) eligible applicants described under subsection (b)(1)(A) to plan and develop a tribal educational agency, if the tribe or organization has no current tribal educational agency, for a period of not more than 1 year; and

(2) eligible applicants described under subsection (b)(1)(B), for a period of not more than 3 years, in order to—

(A) directly administer education programs, including formula grant programs under this chapter, consistent with State law and under a written agreement between the parties;

(B) build capacity to administer and coordinate such education programs, and to improve the relationship and coordination between such applicants and the State educational agencies and local educational agencies that educate students from the tribe;

(C) receive training and support from the State educational agency and local educational agency, in areas such as data collection and analysis, grants management and monitoring, fiscal accountability, and other areas as needed;

(D) train and support the State educational agency and local educational agency in areas related to tribal history, language, or culture;

(E) build on existing activities or resources rather than replacing other funds; and

(F) carry out other activities, consistent with the purposes of this section.

(d) Grant application

(1) In general

Each eligible applicant desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably prescribe.

(2) Contents

Each application described in paragraph (1) shall contain—

(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant;

(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved; and

(C) for applications for activities under subsection (c)(2), evidence of—

(i) a preliminary agreement with the appropriate State educational agency, 1 or more local educational agencies, or both the State educational agency and a local educational agency; and

(ii) existing capacity as a tribal educational agency.

(3) Approval

The Secretary may approve an application submitted by an eligible applicant under this subsection if the application, including any documentation submitted with the application—

(A) demonstrates that the eligible applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant that will be affected by the activities to be conducted under the grant;

(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought.

(e) Restrictions

(1) In general

An Indian tribe may not receive funds under this section if the tribe receives funds under section 1140 of the Education Amendments of 1978 (20 U.S.C. 2020).[1]

(2) Direct services

No funds under this section may be used to provide direct services.

(f) Supplement, not supplant

Funds under this section shall be used to supplement, and not supplant, other Federal, State, and local programs that meet the needs of tribal students.

(Pub. L. 89–10, title VI, § 6132, formerly title VII, § 7135, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1928; renumbered title VI, § 6135, renumbered § 6132, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6002(n)(2), (p), Dec. 10, 2015, 129 Stat. 2046, 2057, 2060.)

CODIFICATION

Section was classified to section 7455 of this title prior to renumbering by Pub. L. 114–95.

PRIOR PROVISIONS

A prior section 7452, Pub. L. 89–10, title VI, § 6132, formerly title VII, § 7132, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1924; renumbered title VI, § 6132, Pub. L. 114–95, title VI, § 6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046, related to in-service training for teachers of Indian children, prior to repeal by Pub. L. 114–95, § 5, title VI, § 6002(n)(1), Dec. 10, 2015, 129 Stat. 1806, 2057, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Another prior section 7452, Pub. L. 89–10, title VII, § 7132, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3729, related to research activities, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6132 of Pub. L. 89–10 was classified to section 7311a of this title, prior to repeal by Pub. L. 114–95.

AMENDMENTS

2015—Pub. L. 114–95, § 6001(p), amended section generally. Prior to amendment, section related to grants to Indian tribes for education administrative planning and development.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7453. Native American and Alaska Native language immersion schools and programs

(a) Purposes

The purposes of this section are—

[1] So in original. Probably should be "(25 U.S.C. 2020)".

(1) to establish a grant program to support schools that use Native American and Alaska Native languages as the primary language of instruction;

(2) to maintain, protect, and promote the rights and freedom of Native Americans and Alaska Natives to use, practice, maintain, and revitalize their languages, as envisioned in the Native American Languages Act (25 U.S.C. 2901 et seq.); and

(3) to support the Nation's First Peoples' efforts to maintain and revitalize their languages and cultures, and to improve educational opportunities and student outcomes within Native American and Alaska Native communities.

(b) Program authorized

(1) In general

From funds reserved under section 7492(c) of this title, the Secretary shall reserve 20 percent to make grants to eligible entities to develop and maintain, or to improve and expand, programs that support schools, including elementary school and secondary school education sites and streams, using Native American and Alaska Native languages as the primary languages of instruction.

(2) Eligible entities

In this subsection, the term ''eligible entity'' means any of the following entities that has a plan to develop and maintain, or to improve and expand, programs that support the entity's use of a Native American or Alaska Native language as the primary language of instruction in elementary schools or secondary schools, or both:

(A) An Indian tribe.

(B) A Tribal College or University (as defined in section 1059c of this title).

(C) A tribal education agency.

(D) A local educational agency, including a public charter school that is a local educational agency under State law.

(E) A school operated by the Bureau of Indian Education.

(F) An Alaska Native Regional Corporation (as described in section 1602(g) of title 43).

(G) A private, tribal, or Alaska Native nonprofit organization.

(H) A nontribal for-profit organization.

(c) Application

(1) In general

An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require, including the following:

(A) The name of the Native American or Alaska Native language to be used for instruction at the school supported by the eligible entity.

(B) The number of students attending such school.

(C) The number of hours of instruction in or through 1 or more Native American or Alaska Native languages being provided to targeted students at such school, if any.

(D) A description of how the eligible entity will—

(i) use the funds provided to meet the purposes of this section;

(ii) implement the activities described in subsection (e);

(iii) ensure the implementation of rigorous academic content; and

(iv) ensure that students progress toward high-level fluency goals.

(E) Information regarding the school's organizational governance or affiliations, including information about—

(i) the school governing entity (such as a local educational agency, tribal education agency or department, charter organization, private organization, or other governing entity);

(ii) the school's accreditation status;

(iii) any partnerships with institutions of higher education; and

(iv) any indigenous language schooling and research cooperatives.

(F) An assurance that—

(i) the school is engaged in meeting State or tribally designated long-term goals for students, as may be required by applicable Federal, State, or tribal law;

(ii) the school provides assessments of students using the Native American or Alaska Native language of instruction, where possible;

(iii) the qualifications of all instructional and leadership personnel at such school is sufficient to deliver high-quality education through the Native American or Alaska Native language used in the school; and

(iv) the school will collect and report to the public data relative to student achievement and, if appropriate, rates of high school graduation, career readiness, and enrollment in postsecondary education or workforce development programs, of students who are enrolled in the school's programs.

(2) Limitation

The Secretary shall not give a priority in awarding grants under this section based on the information described in paragraph (1)(E).

(3) Submission of certification

(A) In general

An eligible entity that is a public elementary school or secondary school (including a public charter school or a school operated by the Bureau of Indian Education) or a nontribal for-profit or nonprofit organization shall submit, along with the application requirements described in paragraph (1), a certification described in subparagraph (B) indicating that—

(i) the school or organization has the capacity to provide education primarily through a Native American or an Alaska Native language; and

(ii) there are sufficient speakers of the target language at the school or available to be hired by the school or organization.

(B) Certification

The certification described in subparagraph (A) shall be from one of the following entities, on whose land the school or program is located, that is an entity served by such school, or that is an entity whose members (as defined by that entity) are served by the school:

(i) A Tribal College or University (as defined in section 1059c of this title).

(ii) A Federally recognized Indian tribe or tribal organization.

(iii) An Alaska Native Regional Corporation or an Alaska Native nonprofit organization.

(iv) A Native Hawaiian organization.

(d) Awarding of grants

In awarding grants under this section, the Secretary shall—

(1) determine the amount of each grant and the duration of each grant, which shall not exceed 3 years; and

(2) ensure, to the maximum extent feasible, that diversity in languages is represented.

(e) Activities authorized

(1) Required activities

An eligible entity that receives a grant under this section shall use such funds to carry out the following activities:

(A) Supporting Native American or Alaska Native language education and development.

(B) Providing professional development for teachers and, as appropriate, staff and administrators to strengthen the overall language and academic goals of the school that will be served by the grant program.

(2) Allowable activities

An eligible entity that receives a grant under this section may use such funds to carry out the following activities:

(A) Developing or refining curriculum, including teaching materials and activities, as appropriate.

(B) Creating or refining assessments written in the Native American or Alaska Native language of instruction that measure student proficiency and that are aligned with State or tribal academic standards.

(C) Carrying out other activities that promote the maintenance and revitalization of the Native American or Alaska Native language relevant to the grant program.

(f) Report to Secretary

Each eligible entity that receives a grant under this section shall prepare and submit an annual report to the Secretary, which shall include—

(1) the activities the entity carried out to meet the purposes of this section; and

(2) the number of children served by the program and the number of instructional hours in the Native American or Alaska Native language.

(g) Administrative costs

Not more than 5 percent of the funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

(Pub. L. 89–10, title VI, § 6133, as added Pub. L. 114–95, title VI, § 6002(*o*), Dec. 10, 2015, 129 Stat. 2057.)

REFERENCES IN TEXT

The Native American Languages Act, referred to in subsec. (a)(2), is title I of Pub. L. 101–477, Oct. 30, 1990, 104 Stat. 1153, which is classified generally to chapter 31 (§ 2901 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 2901 of Title 25 and Tables.

PRIOR PROVISIONS

A prior section 7453, Pub. L. 89–10, title VI, § 6133, formerly title VII, § 7133, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1924; renumbered title VI, § 6133, Pub. L. 114–95, title VI, § 6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046, related to fellowships for Indian students, prior to repeal by Pub. L. 114–95, § 5, title VI, § 6002(n)(1), Dec. 10, 2015, 129 Stat. 1806, 2057, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Another prior section 7453, Pub. L. 89–10, title VII, § 7133, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3730, related to academic excellence awards, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6133 of Pub. L. 89–10 was classified to section 7311b of this title, prior to repeal by Pub. L. 114–95.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7454. Repealed. Pub. L. 114–95, title VI, § 6002(n)(1), Dec. 10, 2015, 129 Stat. 2057

Section, Pub. L. 89–10, title VI, § 6134, formerly title VII, § 7134, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1925; amended Pub. L. 110–315, title IX, § 941(k)(2)(F)(ii), Aug. 14, 2008, 122 Stat. 3466; renumbered title VI, § 6134, Pub. L. 114–95, title VI, § 6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046, related to gifted and talented Indian students.

A prior section 7454, Pub. L. 89–10, title VII, § 7134, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3730, related to State grant program, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7455. Transferred

CODIFICATION

Section, Pub. L. 89–10, title VII, § 7135, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1928, which related to grants to Indian tribes for education administrative planning and development, was renumbered title VI, § 6132, of Pub. L. 89–10 by Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6002(n)(2), Dec. 10, 2015, 129 Stat. 2046, 2057, and transferred to section 7452 of this title.

PRIOR PROVISIONS

A prior section 7455, Pub. L. 89–10, title VII, § 7135, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3731, established National Clearinghouse for Bilingual Education, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

§ 7456. Repealed. Pub. L. 114–95, title VI, § 6002(q), Dec. 10, 2015, 129 Stat. 2062

Section, Pub. L. 89–10, title VI, § 6136, formerly title VII, § 7136, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1929; renumbered title VI, § 6136, Pub. L. 114–95, title VI, § 6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046, related to improvement of educational opportunities for adult Indians.

A prior section 7456, Pub. L. 89–10, title VII, § 7136, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3732, related to instructional materials development, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBPART 4—FEDERAL ADMINISTRATION

§ 7471. National Advisory Council on Indian Education

(a) Membership

There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the ''Council''), which shall—

(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

(2) represent different geographic areas of the United States.

(b) Duties

The Council shall—

(1) advise the Secretary and the Secretary of the Interior concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

(A) with respect to which the Secretary has jurisdiction; and

(B)(i) that includes Indian children or adults as participants; or

(ii) that may benefit Indian children or adults;

(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

(3) submit to Congress, not later than June 30 of each year, a report on the activities of the Council, including—

(A) 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

(B) recommendations concerning the funding of any program described in subparagraph (A).

(Pub. L. 89–10, title VI, § 6141, formerly title VII, § 7141, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1930; renumbered title VI, § 6141, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6002(r), Dec. 10, 2015, 129 Stat. 2046, 2062.)

PRIOR PROVISIONS

A prior section 7471, Pub. L. 89–10, title VII, § 7141, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3732, set forth purpose of former subpart relating to professional development, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6141 of Pub. L. 89–10 was classified to section 7315 of this title, prior to repeal by Pub. L. 114–95.

AMENDMENTS

2015—Subsec. (b)(1). Pub. L. 114–95, § 6002(r), inserted ''and the Secretary of the Interior'' after ''advise the Secretary'' in introductory provisions.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

TERMINATION OF ADVISORY COUNCILS

Advisory councils established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 7472. Peer review

The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2 or subpart 3 of this part.

(Pub. L. 89–10, title VI, § 6142, formerly title VII, § 7142, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1931; renumbered title VI, § 6142, Pub. L. 114–95, title VI, § 6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046.)

PRIOR PROVISIONS

A prior section 7472, Pub. L. 89–10, title VII, § 7142, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3732, related to training for all teachers program, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6142 of Pub. L. 89–10 was classified to section 7315a of this title, prior to repeal by Pub. L. 114–95.

§ 7473. Preference for Indian applicants

In making grants and entering into contracts or cooperative agreements under subpart 2 or subpart 3 of this part, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants, contracts, or cooperative agreements.

(Pub. L. 89–10, title VI, § 6143, formerly title VII, § 7143, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1931; renumbered title VI, § 6143, Pub. L. 114–95, title VI, § 6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046.)

PRIOR PROVISIONS

A prior section 7473, Pub. L. 89–10, title VII, § 7143, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat.

3733, related to bilingual education teachers and personnel grants, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6143 of Pub. L. 89–10 was classified to section 7315b of this title, prior to repeal by Pub. L. 114–95.

§ 7474. Minimum grant criteria

The Secretary may not approve an application for a grant, contract, or cooperative agreement under subpart 2 or subpart 3 of this part unless the application is for a grant, contract, or cooperative agreement that is—

(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant, contract, or cooperative agreement; and

(2) based on relevant research findings.

(Pub. L. 89–10, title VI, § 6144, formerly title VII, § 7144, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1931; renumbered title VI, § 6144, Pub. L. 114–95, title VI, § 6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046.)

PRIOR PROVISIONS

A prior section 7474, Pub. L. 89–10, title VII, § 7144, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3733, related to bilingual education career ladder program, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6144 of Pub. L. 89–10 was classified to section 7315c of this title, prior to repeal by Pub. L. 114–95.

Prior sections 7475 to 7480 were omitted in the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

Section 7475, Pub. L. 89–10, title VII, § 7145, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3734, related to graduate fellowships in bilingual education program.

Section 7476, Pub. L. 89–10, title VII, § 7146, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3735, related to application for professional development award.

Section 7477, Pub. L. 89–10, title VII, § 7147, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3736, set forth program requirements.

Section 7478, Pub. L. 89–10, title VII, § 7148, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3736, authorized payment of stipends to persons participating in programs.

Section 7479, Pub. L. 89–10, title VII, § 7149, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3736, related to program evaluations.

Section 7480, Pub. L. 89–10, title VII, § 7150, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3736, related to use of funds for second language competence.

SUBPART 5—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

§ 7491. Definitions

For the purposes of this part:

(1) Adult

The term ''adult'' means an individual who—

(A) has attained the age of 16 years; or

(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

(2) Free public education

The term ''free public education'' means education that is—

(A) provided at public expense, under public supervision and direction, and without tuition charge; and

(B) provided as elementary or secondary education in the applicable State or to preschool children.

(3) Indian

The term ''Indian'' means an individual who is—

(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

(i) any tribe or band terminated since 1940; and

(ii) any tribe or band recognized by the State in which the tribe or band resides;

(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

(C) considered by the Secretary of the Interior to be an Indian for any purpose;

(D) an Eskimo, Aleut, or other Alaska Native; or

(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding October 20, 1994.

(4) Traditional leaders

The term ''traditional leaders'' has the meaning given the term in section 2902 of title 25.

(Pub. L. 89–10, title VI, § 6151, formerly title VII, § 7151, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1931; renumbered title VI, § 6151, and amended Pub. L. 114–95, title VI, § 6001(a), (b)(1), § 6002(s), Dec. 10, 2015, 129 Stat. 2046, 2062.)

REFERENCES IN TEXT

The Indian Education Act of 1988, as in effect the day preceding October 20, 1994, referred to in par. (3)(E), is part C (§§ 5301–5352) of title V of Pub. L. 100–297, Apr. 28, 1988, 102 Stat. 395, which was classified principally to chapter 28 (§ 2601 et seq.) of Title 25, Indians, prior to repeal by Pub. L. 103–382, title III, § 367, Oct. 20, 1994, 108 Stat. 3976.

PRIOR PROVISIONS

A prior section 7491, Pub. L. 89–10, title VII, § 7161, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3736, set forth special rule relating to transition, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6151 of Pub. L. 89–10 was classified to section 7321 of this title, prior to repeal by Pub. L. 114–95.

AMENDMENTS

2015—Par. (4). Pub. L. 114–95, § 6002(s), added par. (4).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7492. Authorizations of appropriations

(a) Subpart 1

For the purpose of carrying out subpart 1 of this part, there are authorized to be appropriated $100,381,000 for fiscal year 2017, $102,388,620 for fiscal year 2018, $104,436,392 for

fiscal year 2019, and $106,525,120 for fiscal year 2020.

(b) Subpart 2

For the purpose of carrying out subpart 2 of this part, there are authorized to be appropriated $17,993,000 for each of fiscal years 2017 through 2020.

(c) Subpart 3

For the purpose of carrying out subpart 3, there are authorized to be appropriated $5,565,000 for each of fiscal years 2017 through 2020.

(Pub. L. 89–10, title VI, § 6152, formerly title VII, § 7152, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1932; renumbered title VI, § 6152, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6002(t), Dec. 10, 2015, 129 Stat. 2046, 2062.)

PRIOR PROVISIONS

A prior section 6152 of Pub. L. 89–10 was classified to section 7321a of this title, prior to repeal by Pub. L. 114–95.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 6002(t)(1), substituted ''$100,381,000 for fiscal year 2017, $102,388,620 for fiscal year 2018, $104,436,392 for fiscal year 2019, and $106,525,120 for fiscal year 2020'' for ''$96,400,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years''.

Subsec. (b). Pub. L. 114–95, § 6002(t)(2), in heading, substituted ''Subpart 2'' for ''Subparts 2 and 3'', and in text, substituted ''subpart 2'' for ''subparts 2 and 3'' and ''$17,993,000 for each of fiscal years 2017 through 2020'' for ''$24,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years''.

Subsec. (c). Pub. L. 114–95, § 6002(t)(3), added subsec. (c).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

PART B—NATIVE HAWAIIAN EDUCATION

§ 7511. Short title

This part may be cited as the ''Native Hawaiian Education Act''.

(Pub. L. 89–10, title VI, § 6201, formerly title VII, § 7201, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1932; renumbered title VI, § 6201, Pub. L. 114–95, title VI, § 6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046.)

PRIOR PROVISIONS

Provisions naming former part B (§ 7901 et seq.) of subchapter IX of this chapter as the ''Native Hawaiian Education Act'' were contained in section 7901 of this title, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

A prior section 7511, Pub. L. 89–10, title VII, § 7201, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3737, set forth short title of the Foreign Language Assistance Act of 1994, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6201 of Pub. L. 89–10 was renumbered section 5201 and is classified to section 7341 of this title.

Another prior section 6201 of Pub. L. 89–10 was classified to section 7331 of this title, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107–110.

Another prior section 6201 of Pub. L. 89–10 was classified to section 3271 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

§ 7512. Findings

Congress finds the following:

(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

(2) At the time of the arrival of the first non-indigenous people in Hawaii in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.

(3) A unified monarchal government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii.

(4) From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawaii, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawaii, and entered into treaties and conventions with the Kingdom of Hawaii to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

(5) In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawaii, the Kingdom of Hawaii, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawaii, in 1993 the United States apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians to self-determination through Public Law 103–150 (107 Stat. 1510).

(6) In 1898, the joint resolution entitled ''Joint Resolution to provide for annexing the Hawaiian Islands to the United States'', approved July 7, 1898 (30 Stat. 750), ceded absolute title of all lands held by the Republic of Hawaii, including the government and crown lands of the former Kingdom of Hawaii, to the United States, but mandated that revenue generated from the lands be used ''solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes''.

(7) By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to an alarming 22,600, and in recognition of this severe decline, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108), which designated approximately 200,000 acres of ceded public lands for homesteading by Native Hawaiians.

(8) Through the enactment of the Hawaiian Homes Commission Act, 1920, Congress affirmed the special relationship between the United States and the Native Hawaiians, which was described by then Secretary of the Interior Franklin K. Lane, who said: ''One thing that impressed me . . . was the fact that the natives of the island who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.''.

(9) In 1938, Congress again acknowledged the unique status of the Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781, chapter 530; 16 U.S.C. 391b, 391b–1, 392b, 392c, 396, 396a), a provision to lease lands within the National Parks extension to Native Hawaiians and to permit fishing in the area ''only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.''.

(10) Under the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii but reaffirmed the trust relationship between the United States and the Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and amendments to such Act affecting the rights of beneficiaries under such Act.

(11) In 1959, under the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', the United States also ceded to the State of Hawaii title to the public lands formerly held by the United States, but mandated that such lands be held by the State ''in public trust'' and reaffirmed the special relationship that existed between the United States and the Hawaiian people by retaining the legal responsibility to enforce the public trust responsibility of the State of Hawaii for the betterment of the conditions of Native Hawaiians, as defined in section 201(a) of the Hawaiian Homes Commission Act, 1920.

(12) The United States has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

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

(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

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

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

(ii) an ongoing right of self-determination and self-governance that has never been extinguished.

(13) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in—

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

(B) the American Indian Religious Freedom Act (42 U.S.C. 1996[, 1996a]);

(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(E) division A of subtitle III of title 54;

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

(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

(H) the Workforce Innovation and Opportunity Act; and

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

(Pub. L. 89–10, title VI, § 6202, formerly title VII, § 7202, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1932; amended Pub. L. 111–256, § 2(c), Oct. 5, 2010, 124 Stat. 2643; Pub. L. 113–128, title V, § 512(i)(5), July 22, 2014, 128 Stat. 1709; Pub. L. 113–287, § 5(e)(3), Dec. 19, 2014, 128 Stat. 3268; renumbered title VI, § 6202, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6003(a), Dec. 10, 2015, 129 Stat. 2046, 2063.)

REFERENCES IN TEXT

Public Law 103–150, referred to in par. (5), is Pub. L. 103–150, Nov. 23, 1993, 107 Stat. 1510, which is not classified to the Code.

Joint Resolution to provide for annexing the Hawaiian Islands to the United States, approved July 7, 1898, referred to in par. (6), is act July 7, 1898, No. 55, 30 Stat. 750, known as the Newlands Resolution. For complete classification of this joint resolution to the Code, see Tables.

The Hawaiian Homes Commission Act, 1920, referred to in pars. (7), (8), and (11), is act July 9, 1921, ch. 42, 42 Stat. 108, which was classified generally to sections 691 to 718 of Title 48, Territories and Insular Possessions, and was omitted from the Code. Section 201 of the Act was classified to section 692 of Title 48.

Act of June 20, 1938, referred to in par. (9), is act June 20, 1938, ch. 530, 52 Stat. 781, which is classified to sections 391b, 391b–1, 392b, 392c, 396, and 396a of Title 16, Conservation. For complete classification of this Act to the Code, see Tables.

An Act to provide for the admission of the State of Hawaii into the Union, referred to in pars. (10) and (11), is Pub. L. 86–3, Mar. 18, 1959, 73 Stat. 4, popularly known as the Hawaii Statehood Admissions Act, which is set out as a note preceding former section 491 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables.

The Native American Programs Act of 1974, referred to in par. (13)(A), is title VIII of Pub. L. 88–452, as added by Pub. L. 93–644, § 11, Jan. 4, 1975, 88 Stat. 2324, which is classified generally to subchapter VIII (§ 2991 et seq.) of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 2991 of Title 42 and Tables.

The American Indian Religious Freedom Act, referred to in par. (13)(B), is Pub. L. 95–341, Aug. 11, 1978,

92 Stat. 469, which is classified to sections 1996 and 1996a of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1996 of Title 42 and Tables.

The National Museum of the American Indian Act, referred to in par. (13)(C), is Pub. L. 101–185, Nov. 28, 1989, 103 Stat. 1336, which is classified generally to subchapter XIII (§ 80q et seq.) of chapter 3 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 80q of this title and Tables.

The Native American Graves Protection and Repatriation Act, referred to in par. (13)(D), is Pub. L. 101–601, Nov. 16, 1990, 104 Stat. 3048, which is classified principally to chapter 32 (§ 3001 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 25 and Tables.

The Native American Languages Act, referred to in par. (13)(F), is title I of Pub. L. 101–477, Oct. 30, 1990, 104 Stat. 1153, which is classified generally to chapter 31 (§ 2901 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 2901 of Title 25 and Tables.

The American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act, referred to in par. (13)(G), is title XV of Pub. L. 99–498, Oct. 17, 1986, 100 Stat. 1600, which is classified generally to chapter 56 (§ 4401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4401 of this title and Tables.

The Workforce Innovation and Opportunity Act, referred to in par. (13)(H), is Pub. L. 113–128, July 22, 2014, 128 Stat. 1425, which enacted chapter 32 (§ 3101 et seq.) of Title 29, Labor, repealed chapter 30 (§ 2801 et seq.) of Title 29 and chapter 73 (§ 9201 et seq.) of this title, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 29 and Tables.

The Older Americans Act of 1965, referred to in par. (13)(I), is Pub. L. 89–73, July 14, 1965, 79 Stat. 218, which is classified generally to chapter 35 (§ 3001 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 7512, Pub. L. 89–10, title VII, § 7202, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3737, set forth findings of the Foreign Language Assistance Act of 1994, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6202 of Pub. L. 89–10 was renumbered section 5202 and is classified to section 7341a of this title.

Another prior section 6202 of Pub. L. 89–10 was classified to section 7332 of this title, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107–110.

Another prior section 6202 of Pub. L. 89–10 was classified to section 3272 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Pars. (14) to (21). Pub. L. 114–95, § 6003(a), struck out pars. (14) to (21) which read as follows:

''(14) In 1981, Congress instructed the Office of Education to submit to Congress a comprehensive report on Native Hawaiian education. The report, entitled the 'Native Hawaiian Educational Assessment Project', was released in 1983 and documented that Native Hawaiians scored below parity with regard to national norms on standardized achievement tests, were disproportionately represented in many negative social and physical statistics indicative of special educational needs, and had educational needs that were related to their unique cultural situation, such as different learning styles and low self-image.

''(15) In recognition of the educational needs of Native Hawaiians, in 1988, Congress enacted title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (102 Stat. 130) to authorize and develop supplemental educational programs to address the unique conditions of Native Hawaiians.

''(16) In 1993, the Kamehameha Schools Bishop Estate released a 10-year update of findings of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still existed for Native Hawaiians. Subsequent reports by the Kamehameha Schools Bishop Estate and other organizations have generally confirmed those findings. For example—

''(A) educational risk factors continue to start even before birth for many Native Hawaiian children, including—

''(i) late or no prenatal care;

''(ii) high rates of births by Native Hawaiian women who are unmarried; and

''(iii) high rates of births to teenage parents;

''(B) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

''(C) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

''(D) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

''(E) Native Hawaiian students continue to be overrepresented among students qualifying for special education programs provided to students with learning disabilities, mild intellectual disabilities, emotional impairment, and other such disabilities;

''(F) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed four or more years of college;

''(G) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics indicative of special educational needs, as demonstrated by the fact that—

''(i) Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;

''(ii) Native Hawaiian students have the highest rates of drug and alcohol use in the State of Hawaii; and

''(iii) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and

''(H) Native Hawaiians now comprise over 23 percent of the students served by the State of Hawaii Department of Education, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

''(17) In the 1998 National Assessment of Educational Progress, Hawaiian fourth-graders ranked 39th among groups of students from 39 States in reading. Given that Hawaiian students rank among the lowest groups of students nationally in reading, and that Native Hawaiian students rank the lowest among Hawaiian students in reading, it is imperative that greater focus be placed on beginning reading and early education and literacy in Hawaii.

''(18) The findings described in paragraphs (16) and (17) are inconsistent with the high rates of literacy and integration of traditional culture and Western education historically achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by Kamehameha III.

''(19) Following the overthrow of the Kingdom of Hawaii in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period of Hawaii, and until 1986, use of the Hawaiian language as an instructional medium in education in public schools was declared unlawful. The declaration caused incalculable harm to a culture that placed a very high value on the power of language, as exemplified in the traditional saying: 'I ka 'ōlelo nō ke ola; I ka 'ōlelo nō ka make. In the language rests life; In the language rests death.'.

''(20) Despite the consequences of over 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

''(21) The State of Hawaii, in the constitution and statutes of the State of Hawaii—

''(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language;

''(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawaii, which may be used as the language of instruction for all subjects and grades in the public school system; and

''(C) promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education program and using community expertise as a suitable and essential means to further the program.''

2014—Par. (13)(E). Pub. L. 113–287 substituted ''division A of subtitle III of title 54'' for ''the National Historic Preservation Act (16 U.S.C. 470 et seq.)''.

Par. (13)(H). Pub. L. 113–128 substituted ''the Workforce Innovation and Opportunity Act'' for ''the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)''.

2010—Par. (16)(E). Pub. L. 111–256 substituted ''mild intellectual disabilities,'' for ''mild mental retardation,''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113–128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113–128, set out as an Effective Date note under section 3101 of Title 29, Labor.

§ 7513. Purposes

The purposes of this part are to—

(1) authorize and develop innovative educational programs to assist Native Hawaiians;

(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, and to provide periodic assessment and data collection;

(3) supplement and expand programs and authorities in the area of education to further the purposes of this subchapter; and

(4) encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian education programs.

(Pub. L. 89–10, title VI, § 6203, formerly title VII, § 7203, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1937; renumbered title VI, § 6203, Pub. L. 114–95, title VI, § 6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046.)

PRIOR PROVISIONS

A prior section 7513, Pub. L. 89–10, title VII, § 7203, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3737, authorized foreign language assistance program, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

§ 7514. Native Hawaiian Education Council

(a) Grant authorized

In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs that receive funding under this part, the Secretary shall award a grant to the education council described under subsection (b).

(b) Education Council

(1) Eligibility

To be eligible to receive the grant under subsection (a), the council shall be an education council (referred to in this section as the ''Education Council'') that meets the requirements of this subsection.

(2) Composition

The Education Council shall consist of 15 members, of whom—

(A) 1 shall be the President of the University of Hawaii (or a designee);

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

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

(D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);

(E) 1 shall be the executive director of Hawaii's Charter School Network (or a designee);

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

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

(H) 1 shall be appointed by the Secretary, in a timely manner, and chosen from a list of 5 individuals who represent one or more private grant-making entities that is submitted to the Secretary by the Education Council;

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

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

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

(L) 1 shall be appointed by the Secretary, in a timely manner, and chosen from a list of 5 individuals who are from the Island of Molokai or the Island of Lanai that is submitted to the Secretary by the Mayor of Maui County;

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

(N) 1 shall be the chairperson of the Hawaiian Homes Commission (or a designee); and

(O) 1 shall be the chairperson of the Hawaii Workforce Development Council (or a designee representing the private sector).

(3) Requirements

Any designee serving on the Education Council shall demonstrate, as determined by the individual who appointed such designee with input from the Native Hawaiian community, not less than 5 years of experience as a consumer or provider of Native Hawaiian educational or cultural activities, with traditional cultural experience given due consideration.

(4) Limitation

A member (including a designee), while serving on the Education Council, shall not be a direct recipient or administrator of grant funds that are awarded under this part.

(5) Term of members

A member who is a designee shall serve for a term of not more than 4 years.

(6) Chair; Vice Chair

(A) Selection

The Education Council shall select a Chairperson and a Vice Chairperson from among the members of the Education Council.

(B) Term limits

The Chairperson and Vice Chairperson shall each serve for a 2-year term.

(7) Administrative provisions relating to Education Council

The Education Council shall meet at the call of the Chairperson of the Council, or upon request by a majority of the members of the Education Council, but in any event not less often than every 120 days.

(8) No compensation

None of the funds made available through the grant may be used to provide compensation to any member of the Education Council or member of a working group established by the Education Council, for functions described in this section.

(c) Use of funds for coordination activities

The Education Council shall use funds made available through a grant under subsection (a) to carry out each of the following activities:

(1) Providing advice about the coordination of, and serving as a clearinghouse for, the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.

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

(3) Providing direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serving, where appropriate, in an advisory capacity.

(4) Awarding grants, if such grants enable the Education Council to carry out the activities described in paragraphs (1) through (3).

(5) Hiring an executive director, who shall assist in executing the duties and powers of the Education Council, as described in subsection (d).

(d) Use of funds for technical assistance

The Education Council shall use funds made available through a grant under subsection (a) to—

(1) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;

(2) obtain from such grantees information and data regarding grants awarded under this part, including information and data about—

(A) the effectiveness of such grantees in meeting the educational priorities established by the Education Council, as described in paragraph (6)(D), using metrics related to these priorities; and

(B) the effectiveness of such grantees in carrying out any of the activities described in paragraph (3) of section 7515(a) of this title that are related to the specific goals and purposes of each grantee's grant project, using metrics related to these goals and purposes;

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

(4) assess the programs and services available to address the educational needs of Native Hawaiians;

(5) assess and evaluate the individual and aggregate impact achieved by grantees under this part in improving Native Hawaiian educational performance and meeting the goals of this part, using metrics related to these goals; and

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

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

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

(C) a summary of each community consultation session described in subsection (e); and

(D) recommendations to establish priorities for funding under this part, based on an assessment of—

(i) the educational needs of Native Hawaiians;

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

(iii) the effectiveness of programs in improving the educational performance of Native Hawaiian students to help such students meet challenging State academic standards under section 6311(b)(1) of this title; and

(iv) priorities for funding in specific geographic communities.

(e) Use of funds for community consultations

The Education Council shall use funds made available through the grant under subsection (a) to hold not less than 1 community consultation

each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, at which—

(1) not fewer than 3 members of the Education Council shall be in attendance;

(2) the Education Council shall gather community input regarding—

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

(B) priorities and needs of Native Hawaiians; and

(C) other Native Hawaiian education issues; and

(3) the Education Council shall report to the community on the outcomes of the activities supported by grants awarded under this part.

(f) Funding

For each fiscal year, the Secretary shall use the amount described in section 7515(c)(2) of this title, to make a payment under the grant. Funds made available through the grant shall remain available until expended.

(Pub. L. 89–10, title VI, § 6204, formerly title VII, § 7204, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1937; renumbered title VI, § 6204, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6003(b), Dec. 10, 2015, 129 Stat. 2046, 2063.)

PRIOR PROVISIONS

A prior section 7514, Pub. L. 89–10, title VII, § 7204, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3738, related to applications for grants, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 6003(b), amended section generally. Prior to amendment, section related to establishment of Native Hawaiian Education Council and individual island councils.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7515. Program authorized

(a) General authority

(1) Grants and contracts

The Secretary is authorized to make direct grants to, or enter into contracts with—

(A) Native Hawaiian educational organizations;

(B) Native Hawaiian community-based organizations;

(C) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language;

(D) charter schools; and

(E) consortia of the organizations, agencies, and institutions described in subparagraphs (A) through (C),

to carry out programs that meet the purposes of this part.

(2) Priorities

In awarding grants or contracts to carry out activities described in paragraph (3), the Secretary shall give priority to entities proposing projects that are designed to address—

(A) beginning reading and literacy among students in kindergarten through third grade;

(B) the needs of at-risk children and youth;

(C) needs in fields or disciplines in which Native Hawaiians are underemployed; and

(D) the use of the Hawaiian language in instruction.

(3) Authorized activities

Activities provided through programs carried out under this part may include—

(A) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of services for Native Hawaiian children from the prenatal period of the children through age 5;

(B) the operation of family-based education centers that provide such services as—

(i) programs for Native Hawaiian parents and their infants from the prenatal period of the infants through age 3;

(ii) preschool programs for Native Hawaiians; and

(iii) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;

(C) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through grade 3 and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in grades 5 and 6;

(D) activities to meet the special needs of Native Hawaiian students with disabilities, including—

(i) the identification of such students and their needs;

(ii) the provision of support services to the families of such students; and

(iii) other activities consistent with the requirements of the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.];

(E) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

(i) educational, psychological, and developmental activities designed to assist in the educational progress of those students; and

(ii) activities that involve the parents of those students in a manner designed to assist in the educational progress of such students;

(F) the development of academic and vocational curricula to address the needs of Native Hawaiian children and adults, including curriculum materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

(G) professional development activities for educators, including—

(i) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

(ii) in-service programs to improve the ability of teachers who teach in schools with high concentrations of Native Hawaiian students to meet the unique needs of such students; and

(iii) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

(H) the operation of community-based learning centers that address the needs of Native Hawaiian students, parents, families, and communities through the coordination of public and private programs and services, including—

(i) early childhood education programs;

(ii) before, after, and summer school programs, expanded learning time, or weekend academies;

(iii) career and technical education programs; and

(iv) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;

(I) activities, including program co-location, to enable Native Hawaiians to enter and complete programs of postsecondary education, including—

(i) family literacy services; and

(ii) counseling, guidance, and support services for students;

(J) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

(K) other research and evaluation activities related to programs carried out under this part; and

(L) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

(b) Administrative costs

Not more than 5 percent of funds provided to a recipient of a grant or contract under subsection (a) of this section for any fiscal year may be used for administrative purposes.

(c) Authorization of appropriations

(1) In general

There are authorized to be appropriated to carry out this section and section 7514 of this title $32,397,000 for each of fiscal years 2017 through 2020.

(2) Reservation

Of the funds appropriated under this subsection, the Secretary shall reserve $500,000 for each of fiscal years 2017 through 2020 to make a direct grant to the Education Council to carry out section 7514 of this title.

(3) Availability

Funds appropriated under this subsection shall remain available until expended.

(Pub. L. 89–10, title VI, § 6205, formerly title VII, § 7205, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1939; renumbered title VI, § 6205, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), (10), 6003(c), Dec. 10, 2015, 129 Stat. 2046, 2047, 2066.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (a)(3)(D)(iii), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§ 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

PRIOR PROVISIONS

A prior section 7515, Pub. L. 89–10, title VII, § 7205, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3738, related to elementary school foreign language incentive program, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a)(1)(D), (E). Pub. L. 114–95, § 6003(c)(1)(A), added subpar. (D) and redesignated former subpar. (D) as (E).

Subsec. (a)(3)(C). Pub. L. 114–95, § 6003(c)(1)(B)(i), substituted ''grade 3'' for ''third grade'' and ''grades 5 and 6'' for ''fifth and sixth grade''.

Subsec. (a)(3)(D)(ii). Pub. L. 114–95, § 6003(c)(1)(B)(ii), substituted ''of such students'' for ''of those students''.

Subsec. (a)(3)(E)(ii). Pub. L. 114–95, § 6003(c)(1)(B)(iii), substituted ''educational progress of such students'' for ''students' educational progress''.

Subsec. (a)(3)(G)(ii). Pub. L. 114–95, § 6003(c)(1)(B)(iv), substituted ''high concentrations of Native Hawaiian students to meet the unique needs of such students; and'' for ''concentrations of Native Hawaiian students to meet those students' unique needs; and''.

Subsec. (a)(3)(H). Pub. L. 114–95, § 6003(c)(1)(B)(v)(I), substituted ''students, parents, families,'' for ''families'' in introductory provisions.

Subsec. (a)(3)(H)(i). Pub. L. 114–95, § 6003(c)(1)(B)(v)(II), substituted ''early childhood education programs'' for ''preschool programs''.

Subsec. (a)(3)(H)(ii). Pub. L. 114–95, § 6003(c)(1)(B)(v)(III), added cl. (ii) and struck out former cl. (ii) which read as follows: ''after-school programs;''.

Subsec. (a)(3)(H)(iii). Pub. L. 114–95, § 6003(c)(1)(B)(v)(IV), substituted ''career and technical education programs'' for ''vocational and adult education programs''.

Subsec. (a)(3)(I). Pub. L. 114–95, § 6003(c)(1)(B)(vi), added cls. (i) and (ii) and struck out former cls. (i) to (v) which read as follows:

''(i) provision of full or partial scholarships for undergraduate or graduate study that are awarded to students based on their academic promise and financial need, with a priority, at the graduate level, given to students entering professions in which Native Hawaiians are underrepresented;

''(ii) family literacy services;

''(iii) counseling and support services for students receiving scholarship assistance;

''(iv) counseling and guidance for Native Hawaiian secondary students who have the potential to receive scholarships; and

''(v) faculty development activities designed to promote the matriculation of Native Hawaiian students;''.

Subsec. (a)(4). Pub. L. 114–95, § 6003(c)(1)(C), struck out par. (4). Text read as follows:

''(A) INSTITUTIONS OUTSIDE HAWAII.—The Secretary shall not establish a policy under this section that pre-

vents a Native Hawaiian student enrolled at a 2- or 4-year degree granting institution of higher education outside of the State of Hawaii from receiving a scholarship pursuant to paragraph (3)(I).

''(B) SCHOLARSHIP CONDITIONS.—The Secretary shall establish conditions for receipt of a scholarship awarded under paragraph (3)(I). The conditions shall require that an individual seeking such a scholarship enter into a contract to provide professional services, either during the scholarship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.''

Subsec. (c)(1). Pub. L. 114–95, § 6003(c)(2)(A), substituted ''$32,397,000 for each of fiscal years 2017 through 2020'' for ''such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years''.

Pub. L. 114–95, § 6001(b)(10)(A), made technical amendment to reference in original act which appears in text as reference to section 7514 of this title.

Subsec. (c)(2). Pub. L. 114–95, § 6003(c)(2)(B), substituted ''for each of fiscal years 2017 through 2020'' for ''for fiscal year 2002 and each of the 5 succeeding fiscal years''.

Pub. L. 114–95, § 6001(b)(10)(B), made technical amendment to reference in original act which appears in text as reference to section 7514 of this title.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7516. Administrative provisions

(a) Application required

No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

(b) Special rule

Each applicant for a grant or contract under this part shall submit the application for comment to the local educational agency serving students who will participate in the program to be carried out under the grant or contract, and include those comments, if any, with the application to the Secretary.

(Pub. L. 89–10, title VI, § 6206, formerly title VII, § 7206, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1941; renumbered title VI, § 6206, Pub. L. 114–95, title VI, § 6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046.)

PRIOR PROVISIONS

A prior section 7516, Pub. L. 89–10, title VII, § 7206, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3739, authorized appropriations for foreign language assistance, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

§ 7517. Definitions

In this part:

(1) Community consultation

The term ''community consultation'' means a public gathering—

(A) to discuss Native Hawaiian education concerns; and

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

(2) Native Hawaiian

The term ''Native Hawaiian'' means any individual who is—

(A) a citizen of the United States; and

(B) a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii, as evidenced by—

(i) genealogical records;

(ii) Kupuna (elders) or Kamaaina (long-term community residents) verification; or

(iii) certified birth records.

(3) Native Hawaiian community-based organization

The term ''Native Hawaiian community-based organization'' means any organization that is composed primarily of Native Hawaiians from a specific community and that assists in the social, cultural, and educational development of Native Hawaiians in that community.

(4) Native Hawaiian educational organization

The term ''Native Hawaiian educational organization'' means a private nonprofit organization that—

(A) serves the interests of Native Hawaiians;

(B) has Native Hawaiians in substantive and policymaking positions within the organization;

(C) incorporates Native Hawaiian perspective, values, language, culture, and traditions into the core function of the organization;

(D) has demonstrated expertise in the education of Native Hawaiian youth; and

(E) has demonstrated expertise in research and program development.

(5) Native Hawaiian language

The term ''Native Hawaiian language'' means the single Native American language indigenous to the original inhabitants of the State of Hawaii.

(6) Native Hawaiian organization

The term ''Native Hawaiian organization'' means a private nonprofit organization that—

(A) serves the interests of Native Hawaiians;

(B) has Native Hawaiians in substantive and policymaking positions within the organization; and

(C) is recognized by the Governor of Hawaii for the purpose of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

(7) Office of Hawaiian Affairs

The term ''Office of Hawaiian Affairs'' means the Office of Hawaiian Affairs established by the Constitution of the State of Hawaii.

(Pub. L. 89–10, title VI, § 6207, formerly title VII, § 7207, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1941; renumbered title VI, § 6207, and amended Pub. L. 114–95, title VI,

§§ 6001(a), (b)(1), 6003(d), Dec. 10, 2015, 129 Stat. 2046, 2067.)

AMENDMENTS

2015—Pub. L. 114–95, § 6003(d), added par. (1) and redesignated former pars. (1) to (6) as (2) to (7), respectively.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

PART C—ALASKA NATIVE EDUCATION

§ 7541. Short title

This part may be cited as the ''Alaska Native Educational Equity, Support, and Assistance Act''.

(Pub. L. 89–10, title VI, § 6301, formerly title VII, § 7301, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1942; renumbered title VI, § 6301, Pub. L. 114–95, title VI, § 6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046.)

PRIOR PROVISIONS

Provisions naming former part C (§ 7931 et seq.) of subchapter IX of this chapter as the ''Alaska Native Educational Equity, Support and Assistance Act'' were contained in section 7931 of this title, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

A prior section 7541, Pub. L. 89–10, title VII, § 7301, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3739, set forth findings and purpose of emergency immigrant education program, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6301 of Pub. L. 89–10 was classified to section 7371 of this title prior to the general amendment of part C of subchapter V of this chapter by Pub. L. 114–95.

Another prior section 6301 of Pub. L. 89–10 was classified to section 7351 of this title, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107–110.

§ 7542. Findings

Congress finds and declares the following:

(1) It is the policy of the Federal Government to maximize the leadership of and participation by Alaska Natives in the planning and the management of Alaska Native education programs and to support efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

(2) Many Alaska Native children enter and exit school with serious educational disadvantages.

(3) Overcoming the magnitude of the geographic challenges, historical inequities, and other barriers to successfully improving educational outcomes for Alaska Native students in rural, village, and urban settings is challenging. Significant disparities between academic achievement of Alaska Native students and non-Native students continue, including lower graduation rates, increased school dropout rates, and lower achievement scores on standardized tests.

(4) The preservation of Alaska Native cultures and languages and the integration of Alaska Native cultures and languages into education, positive identity development for Alaska Native students, and local, place-based, and culture-based programming are critical to the attainment of educational success and the long-term well-being of Alaska Native students.

(5) Improving educational outcomes for Alaska Native students increases access to employment opportunities.

(6) The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for Alaska Native students. In 1983, pursuant to Public Law 98–63, Alaska ceased to receive educational funding from the Bureau of Indian Affairs. The Bureau of Indian Education does not operate any schools in Alaska, nor operate or fund Alaska Native education programs. The program under this part supports the Federal trust responsibility of the United States to Alaska Natives.

(Pub. L. 89–10, title VI, § 6302, formerly title VII, § 7302, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1942; renumbered title VI, § 6302, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6004(a), Dec. 10, 2015, 129 Stat. 2046, 2067.)

REFERENCES IN TEXT

Public Law 98–63, referred to in par. (6), is Pub. L. 98–63, July 30, 1983, 97 Stat. 301, known as the Supplemental Appropriations Act, 1983. For complete classification of this Act to the Code, see Tables. For provisions related to cessation of funding from the Bureau of Indian Affairs for schools in Alaska, see 97 Stat. 326.

PRIOR PROVISIONS

A prior section 7542, Pub. L. 89–10, title VII, § 7302, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3739, related to State administrative costs, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6302 of Pub. L. 89–10 was classified to section 7372 of this title prior to the general amendment of part C of subchapter V of this chapter by Pub. L. 114–95.

Another prior section 6302 of Pub. L. 89–10 was classified to section 7352 of this title, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 6004(a), added pars. (1) to (6) and struck out former pars. (1) to (7) which related to findings concerning Alaska Native educational equity, support, and assistance.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7543. Purposes

The purposes of this part are as follows:

(1) To recognize and address the unique educational needs of Alaska Natives.

(2) To recognize the role of Alaska Native languages and cultures in the educational success and long-term well-being of Alaska Native students.

(3) To integrate Alaska Native cultures and languages into education, develop Alaska Native students' positive identity, and support local place-based and culture-based curriculum and programming.

(4) To authorize the development, management, and expansion of effective supplemental educational programs to benefit Alaska Natives.

(5) To provide direction and guidance to appropriate Federal, State and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.

(6) To ensure the maximum participation by Alaska Native educators and leaders in the planning, development, implementation, management, and evaluation of programs designed to serve Alaska Native students.

(Pub. L. 89–10, title VI, § 6303, formerly title VII, § 7303, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1943; renumbered title VI, § 6303, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6004(b), Dec. 10, 2015, 129 Stat. 2046, 2068.)

PRIOR PROVISIONS

A prior section 7543, Pub. L. 89–10, title VII, § 7303, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3739, related to withholding, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6303 of Pub. L. 89–10 was classified to section 7353 of this title, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Par. (1). Pub. L. 114–95, § 6004(b)(1), inserted ''and address'' after ''To recognize''.

Pars. (2) to (5). Pub. L. 114–95, § 6004(b)(2)–(5), added pars. (2) and (3), redesignated former pars. (2) and (4) as (4) and (5), respectively, substituted '', management, and expansion of effective supplemental educational programs to benefit Alaska Natives.'' for ''of supplemental educational programs to benefit Alaska Natives.'' in par. (4), and struck out former par. (3) which read as follows: ''To supplement existing programs and authorities in the area of education to further the purposes of this part.''

Par. (6). Pub. L. 114–95, § 6004(b)(6), added par. (6).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7544. Program authorized

(a) General authority

(1) Grants and contracts

The Secretary is authorized to make grants to, or enter into contracts with—

(A) Alaska Native organizations with experience operating programs that fulfill the purposes of this part;

(B) Alaska Native organizations that do not have the experience described in subparagraph (A) but are in partnership with—

(i) a State educational agency or a local educational agency; or

(ii) an Alaska Native organization that operates a program that fulfills the purposes of this part;

(C) an entity located in Alaska, and predominately governed by Alaska Natives, that does not meet the definition of an Alaska Native organization under this part but—

(i) has experience operating programs that fulfill the purposes of this part; and

(ii) is granted an official charter or sanction, as described in the definition of a tribal organization under section 450b of title 25, from at least one Alaska Native tribe or Alaska Native organization to carry out programs that meet the purposes of this part.

(2) Mandatory activities

Activities provided through the programs carried out under this part shall include the following:

(A) The development and implementation of plans, methods, strategies, and activities to improve the educational outcomes of Alaska Natives.

(B) The collection of data to assist in the evaluation of the programs carried out under this part.

(3) Permissible activities

Activities provided through programs carried out under this part may include the following:

(A) The development of curricula and programs that address the educational needs of Alaska Native students, including the following:

(i) Curriculum materials that are culturally informed and reflect the cultural diversity, languages, history, or the contributions of Alaska Native people, including curricula intended to preserve and promote Alaska Native culture.

(ii) Instructional programs that make use of Alaska Native languages and cultures.

(iii) Networks that develop, test, and disseminate best practices and introduce successful programs, materials, and techniques to meet the educational needs of Alaska Native students in urban and rural schools.

(B) Training and professional development activities for educators, including the following:

(i) Pre-service and in-service training and professional development programs to prepare teachers to develop appreciation for, and understanding of, Alaska Native history, cultures, values, and ways of knowing and learning in order to effectively address the cultural diversity and unique needs of Alaska Native students and improve the teaching methods of educators.

(ii) Recruitment and preparation of Alaska Native teachers.

(iii) Programs that will lead to the certification and licensing of Alaska Native teachers, principals, other school leaders, and superintendents.

(C) Early childhood and parenting education activities designed to improve the school readiness of Alaska Native children, including—

(i) the development and operation of home visiting programs for Alaska Native preschool children, to ensure the active involvement of parents in their children's education from the earliest ages;

(ii) training, education, and support, including in-home visitation, for parents and caregivers of Alaska Native children to improve parenting and caregiving skills (including skills relating to discipline and cognitive development, reading readiness, observation, storytelling, and critical thinking);

(iii) family literacy services;

(iv) activities carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(v) programs for parents and their infants, from the prenatal period of the infant through age 3;

(vi) early childhood education programs; and

(vii) native language immersion within early childhood education programs, Head Start, or preschool programs.

(D) The development and operation of student enrichment programs, including programs in science, technology, engineering, and mathematics that—

(i) are designed to prepare Alaska Native students to excel in such subjects;

(ii) provide appropriate support services to enable such students to benefit from the programs; and

(iii) include activities that recognize and support the unique cultural and educational needs of Alaska Native children and incorporate appropriately qualified Alaska Native elders and other tradition bearers.

(E) Research and data collection activities to determine the educational status and needs of Alaska Native children and adults and other such research and evaluation activities related to programs funded under this part.

(F) Activities designed to enable Alaska Native students served under this part to meet the challenging State academic standards or increase the graduation rates of Alaska Native students, such as—

(i) remedial and enrichment programs;

(ii) culturally based education programs, such as—

(I) programs of study and other instruction in Alaska Native history and ways of living to share the rich and diverse cultures of Alaska Natives among Alaska Native youth and elders, non-Native students and teachers, and the larger community;

(II) instructing Alaska Native youth in leadership, communication, and Alaska Native culture, arts, history, and languages;

(III) intergenerational learning and internship opportunities to Alaska Native youth and young adults;

(IV) providing cultural immersion activities aimed at Alaska Native cultural preservation;

(V) native language instruction and immersion activities, including native language immersion nests or schools;

(VI) school-within-a-school model programs; and

(VII) preparation for postsecondary education and career planning; and

(iii) comprehensive school or community-based support services, including services that—

(I) address family instability and trauma; and

(II) improve conditions for learning at home, in the community, and at school.

(G) Student and teacher exchange programs, cross-cultural immersion programs, and culture camps designed to build mutual respect and understanding among participants.

(H) Education programs for at-risk urban Alaska Native students that are designed to improve academic proficiency and graduation rates, use strategies otherwise permissible under this part, and incorporate a strong data collection and continuous evaluation component.

(I) Strategies designed to increase the involvement of parents in their children's education.

(J) Programs and strategies that increase connections between and among schools, families, and communities, including positive youth-adult relationships, to—

(i) promote the academic progress and positive development of Alaska Native children and youth; and

(ii) improve conditions for learning at home, in the community, and at school.

(K) Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing tech-prep, mentoring, training, and apprenticeship activities.

(L) Support for the development and operational activities of regional vocational schools in rural areas of Alaska to provide students with necessary resources to prepare for skilled employment opportunities.

(M) Regional leadership academies that demonstrate effectiveness in building respect and understanding, and fostering a sense of Alaska Native identity in Alaska Native students to promote their pursuit of and success in completing higher education or career training.

(N) Other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

(b) Authorization of appropriations

There are authorized to be appropriated to carry out this section $31,453,000 for each of fiscal years 2017 through 2020.

(Pub. L. 89–10, title VI, § 6304, formerly title VII, § 7304, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1943; amended Pub. L. 108–11, title II, § 2504, Apr. 16, 2003, 117 Stat. 599; renumbered title VI, § 6304, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6004(c), Dec. 10, 2015, 129 Stat. 2046, 2068.)

REFERENCES IN TEXT

The Head Start Act, referred to in subsec. (a)(3)(C)(iv), is subchapter B (§ 635 et seq.) of chapter 8 of subtitle A of title VI of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 499, which is classified generally to subchapter II (§ 9831 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 7544, Pub. L. 89–10, title VII, § 7304, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3740, related to State allocations, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 6004(c), amended section generally. Prior to amendment, section related to program authorized, consisting of subsecs. (a) to (d).

2003—Subsec. (a)(2)(P). Pub. L. 108–11 substituted ''operated by'' for ''such as''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7545. Administrative provisions

Not more than 5 percent of funds provided to an award recipient under this part for any fiscal year may be used for administrative purposes.

(Pub. L. 89–10, title VI, § 6305, formerly title VII, § 7305, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1946; renumbered title VI, § 6305, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6004(d), Dec. 10, 2015, 129 Stat. 2046, 2071.)

PRIOR PROVISIONS

A prior section 7545, Pub. L. 89–10, title VII, § 7305, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3741, related to State applications, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 6004(d), amended section generally. Prior to amendment, section set out various administrative provisions relating to applications for grants and awards under this part, consisting of subsecs. (a) to (d).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7546. Definitions

In this part:

(1) Alaska Native

The term ''Alaska Native'' has the same meaning as the term ''Native'' has in section 1602(b) of title 43 and includes the descendants of individuals so defined.

(2) Alaska Native organization

The term ''Alaska Native organization'' means an organization that has or commits to acquire expertise in the education of Alaska Natives and is—

(A) an Indian tribe, as defined in section 450b of title 25, that is an Indian tribe located in Alaska;

(B) a ''tribal organization'', as defined in section 450b of title 25, that is a tribal organization located in Alaska; or

(C) an organization listed in clauses (i) through (xii) of section 619(4)(B) of title 42, or the successor of an entity so listed.

(Pub. L. 89–10, title VI, § 6306, formerly title VII, § 7306, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1946; renumbered title VI, § 6306, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6004(e), Dec. 10, 2015, 129 Stat. 2046, 2071.)

PRIOR PROVISIONS

A prior section 7546, Pub. L. 89–10, title VII, § 7306, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3743, related to administrative provisions, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

Prior sections 7547 to 7602 were omitted in the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

Section 7547, Pub. L. 89–10, title VII, § 7307, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3743, related to uses of funds.

Section 7548, Pub. L. 89–10, title VII, § 7308, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3744, related to reports.

Section 7549, Pub. L. 89–10, title VII, § 7309, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3744, authorized appropriations.

Section 7571, Pub. L. 89–10, title VII, § 7401, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3744, related to release time.

Section 7572, Pub. L. 89–10, title VII, § 7402, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3744, related to acquisition or development of education technology.

Section 7573, Pub. L. 89–10, title VII, § 7403, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3744, related to notification of awards.

Section 7574, Pub. L. 89–10, title VII, § 7404, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3744, related to continued eligibility for grants.

Section 7575, Pub. L. 89–10, title VII, § 7405, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3744, related to coordination and reporting requirements.

Section 7601, Pub. L. 89–10, title VII, § 7501, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3745; amended Pub. L. 105–244, title I, § 102(a)(6)(J), title IX, § 901(d), Oct. 7, 1998, 112 Stat. 1619, 1828, defined terms.

Section 7602, Pub. L. 89–10, title VII, § 7502, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3748, related to regulations and parental notification.

AMENDMENTS

2015—Par. (1). Pub. L. 114–95, § 6004(e)(1), inserted ''and includes the descendants of individuals so defined'' before period at end.

Par. (2). Pub. L. 114–95, § 6004(e)(2), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: ''The term 'Alaska Native organization' means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, and another organization that—

''(A) has or commits to acquire expertise in the education of Alaska Natives; and

''(B) has Alaska Natives in substantive and policymaking positions within the organization.''

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive pro-

grams and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

SUBCHAPTER VII—IMPACT AID

CODIFICATION

Pub. L. 114–95, title VII, § 7001(c), Dec. 10, 2015, 129 Stat. 2074, redesignated subchapter VIII (§ 7701 et seq.) of this chapter as this subchapter.

Title VII of the Elementary and Secondary Education Act of 1965, comprising this subchapter, was originally enacted as part of Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27, and subsequently revised, restated, redesignated, and amended by other public laws. Title VII is shown, herein, as having been added as title VIII of Pub. L. 89–10 by Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3749, without reference to earlier amendments because of the extensive revision of the title's provisions by Pub. L. 103–382. Title VIII of Pub. L. 89–10 was subsequently redesignated title VII by Pub. L. 114–95, title VII, § 7001(c), Dec. 10, 2015, 129 Stat. 2074, and transferred to this subchapter. See Codification note preceding section 6301 of this title.

PRIOR PROVISIONS

A prior title VII of the Elementary and Secondary Education Act of 1965, comprising former subchapter VII (§ 7401 et seq.) of this chapter, was redesignated title VI of the Act by Pub. L. 114–95, title VI, § 6001(a), Dec. 10, 2015, 129 Stat. 2046, and transferred to subchapter VI (§ 7401 et seq.) of this chapter.

§ 7701. Purpose

In order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children in a manner that promotes control by local educational agencies with little or no Federal or State involvement, because certain activities of the Federal Government, such as activities to fulfill the responsibilities of the Federal Government with respect to Indian tribes and activities under section 4001 of title 50, place a financial burden on the local educational agencies serving areas where such activities are carried out, and to help such children meet the same challenging State academic standards, it is the purpose of this subchapter to provide financial assistance to local educational agencies that—

(1) experience a substantial and continuing financial burden due to the acquisition of real property by the United States;

(2) educate children who reside on Federal property and whose parents are employed on Federal property;

(3) educate children of parents who are in the military services and children who live in low-rent housing;

(4) educate heavy concentrations of children whose parents are civilian employees of the Federal Government and do not reside on Federal property; or

(5) need special assistance with capital expenditures for construction activities because of the enrollments of substantial numbers of children who reside on Federal lands and because of the difficulty of raising local revenue through bond referendums for capital projects due to the inability to tax Federal property.

(Pub. L. 89–10, title VII, § 7001, formerly title VIII, § 8001, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3749; amended Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1802], Oct. 30, 2000, 114 Stat. 1654, 1654A–368; Pub. L. 108–189, § 2(f), Dec. 19, 2003, 117 Stat. 2866; renumbered title VII, § 7001, and amended Pub. L. 114–95, title VII, §§ 7001(c)(1), 7002, Dec. 10, 2015, 129 Stat. 2074, 2075.)

PRIOR PROVISIONS

A prior section 7001 of Pub. L. 89–10 was classified to section 3281 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Pub. L. 114–95, § 7002, substituted ''the same challenging State academic standards'' for ''challenging State standards'' in introductory provisions.

2003—Pub. L. 108–189 substituted ''section 4001 of title 50'' for ''section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 574)'' in introductory provisions.

2000—Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1802(1)], inserted in introductory provisions ''in a manner that promotes control by local educational agencies with little or no Federal or State involvement'' after ''educational services to federally connected children'' and '', such as activities to fulfill the responsibilities of the Federal Government with respect to Indian tribes and activities under section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 574),'' after ''certain activities of the Federal Government''.

Par. (4). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1802(2)], inserted ''or'' at end.

Pars. (5), (6). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1802(3)–(5)], redesignated par. (6) as (5), inserted ''and because of the difficulty of raising local revenue through bond referendums for capital projects due to the inability to tax Federal property'' before period at end, and struck out former par. (5) which read as follows: ''experience sudden and substantial increases or decreases in enrollments because of military realignments; or''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, and effective with respect to appropriations for use under this subchapter beginning fiscal year 2017, except as otherwise provided in such amendment, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1818], Oct. 30, 2000, 114 Stat. 1654, 1654A–389, provided that: ''This title [amending this section and sections 1228, 7702, 7703, 7705, 7707, 7709 to 7713, and 7714 of this title, repealing section 7706 of this title, and enacting provisions set out as notes under sections 6301, 7703, and 7711 of this title], and the amendments made by this title, shall take effect on October 1, 2000, or the date of the enactment of this Act [Oct. 30, 2000], whichever occurs later.''

EFFECTIVE DATE

Pub. L. 103–382, § 3(a)(1), Oct. 20, 1994, 108 Stat. 3518, provided that:

''(A) Title I [amending generally Pub. L. 89–10 (formerly chapter 47 of this title, now this chapter)] and the amendment made by title I of this Act shall take effect July 1, 1995, except that those provisions of title I that apply to programs under title VIII [now VII] (Impact Aid) of the Elementary and Secondary Education Act of 1965 [this subchapter], as amended by this Act, and to programs under such Act [this chapter] that are conducted on a competitive basis, shall be effective with respect to appropriations for use under such programs for fiscal year 1995 and for subsequent fiscal years.

''(B) Title VIII of the Elementary and Secondary Education Act of 1965 [this subchapter], as amended by title I of this Act, shall take effect on the date of the enactment of this Act [Oct. 20, 1994].''

§ 7702. Payments relating to Federal acquisition of real property

(a) In general

Where the Secretary, after consultation with any local educational agency and with the appropriate State educational agency, determines—

(1) that the United States owns Federal property in the local educational agency, and that such property—

(A) has been acquired by the United States since 1938;

(B) was not acquired by exchange for other Federal property in the local educational agency which the United States owned before 1939; and

(C) had an assessed value according to original records (including facsimiles or other reproductions of those records) documenting the assessed value of such property (determined as of the time or times when so acquired) prepared by the local officials referred to in subsection (b)(3) or, when such original records are not available due to unintentional destruction (such as natural disaster, fire, flooding, pest infestation, or deterioration due to age), other records, including Federal agency records, local historical records, or other records that the Secretary determines to be appropriate and reliable, aggregating 10 percent or more of the assessed value of—

(i) all real property in the local educational agency (similarly determined as of the time or times when such Federal property was so acquired); or

(ii) all real property in the local educational agency as assessed in the first year preceding or succeeding acquisition, whichever is greater, only if—

(I) the assessment of all real property in the local educational agency is not made at the same time or times that such Federal property was so acquired and assessed; and

(II) State law requires an assessment be made of property so acquired; and

(2) that such agency is not being substantially compensated for the loss in revenue resulting from such ownership by increases in revenue accruing to the agency from the conduct of Federal activities with respect to such Federal property,

then such agency shall be eligible to receive the amount described in subsection (b) or (h) of this section.

(b) Amount

(1) In general

(A)(i)(I) Subject to subclauses (II) and (III), the amount that a local educational agency shall be paid under subsection (a) of this section for a fiscal year shall be calculated in accordance with paragraph (2).

(II) Except as provided in subclause (III), the Secretary may not reduce the amount of a payment under this section to a local educational agency for a fiscal year by (aa) the amount equal to the amount of revenue, if any, the agency received during the previous fiscal year from activities conducted on Federal property eligible under this section and located in a school district served by the agency, including amounts received from any Federal department or agency (other than the Department of Education) from such activities, by reason of receipt of such revenue, or (bb) any other amount by reason of receipt of such revenue.

(III) If the amount equal to the sum of (aa) the proposed payment under this section to a local educational agency for a fiscal year and (bb) the amount of revenue described in subclause (II)(aa) received by the agency during the previous fiscal year, exceeds the maximum amount the agency is eligible to receive under this section for the fiscal year involved, then the Secretary shall reduce the amount of the proposed payment under this section by an amount equal to such excess amount.

(ii) For purposes of clause (i), the amount of revenue that a local educational agency receives during the previous fiscal year from activities conducted on Federal property shall not include payments received by the agency from the Secretary of Defense to support—

(I) the operation of a domestic dependent elementary or secondary school; or

(II) the provision of a free public education to dependents of members of the Armed Forces residing on or near a military installation.

(B) If funds appropriated under section 7714(a) of this title are insufficient to pay the amount determined under subparagraph (A), the Secretary shall calculate the payment for each eligible local educational agency in accordance with subsection (h) of this section.

(C) Notwithstanding any other provision of this subsection, a local educational agency may not be paid an amount under this section that, when added to the amount such agency receives under section 7703(b) of this title, exceeds the maximum amount that such agency is eligible to receive for such fiscal year under section 7703(b)(1)(C) of this title, or the maximum amount that such agency is eligible to receive for such fiscal year under this section, whichever is greater.

(2) Application of current levied real property tax rate

In calculating the amount that a local educational agency is eligible to receive for a fiscal year, the Secretary shall apply the current levied real property tax rate for current expenditures levied by fiscally independent local educational agencies, or imputed for fiscally dependent local educational agencies, to the current annually determined estimated taxable value of such acquired Federal property.

(3) Determination of taxable value for eligible Federal property

(A) In general

In determining the estimated taxable value of such acquired Federal property for

fiscal year 2010 and each succeeding fiscal year, the Secretary shall—

(i) first determine the total taxable value for the purpose of levying property tax for school purposes for current expenditures of real property located within the boundaries of such local educational agency;

(ii) then determine the per acre value of the eligible Federal property by dividing the total taxable value as determined in clause (i) by the difference between the total acres located within the boundaries of the local educational agency and the number of Federal acres eligible under this section; and

(iii) then determine the total taxable value of the eligible Federal property by multiplying the per acre value as calculated under clause (ii) by the number of Federal acres eligible under this section.

(B) Special rule

In the case of Federal property eligible under this section that is within the boundaries of 2 or more local educational agencies that are eligible under this section, any of such agencies may ask the Secretary to calculate (and the Secretary shall calculate) the taxable value of the eligible Federal property that is within its boundaries by—

(i) first calculating the per-acre value of the eligible Federal property separately for each eligible local educational agency that shared the Federal property, as provided in subparagraph (A)(ii);

(ii) then averaging the resulting per-acre values of the eligible Federal property from each eligible local educational agency that shares the Federal property; and

(iii) then applying the average per-acre value to determine the total taxable value of the eligible Federal property under subparagraph (A)(iii) for the requesting local educational agency.

(c) Applicability to Tennessee Valley Authority Act

For the purpose of this section, any real property with respect to which payments are being made under section 13 of the Tennessee Valley Authority Act of 1933 [16 U.S.C. 831*l*] shall not be regarded as Federal property.

(d) Ownership by United States

The United States shall be deemed to own Federal property for the purposes of this chapter, where—

(1) prior to the transfer of Federal property, the United States owned Federal property meeting the requirements of subparagraphs (A), (B), and (C) of subsection (a)(1) of this section; and

(2) the United States transfers a portion of the property referred to in paragraph (1) to another nontaxable entity, and the United States—

(A) restricts some or any construction on such property;

(B) requires that the property be used in perpetuity for the public purposes for which the property was conveyed;

(C) requires the grantee of the property to report to the Federal Government (or its agent) regarding information on the use of the property;

(D) except with the approval of the Federal Government (or its agent), prohibits the sale, lease, assignment, or other disposal of the property unless such sale, lease, assignment, or other disposal is to another eligible government agency; and

(E) reserves to the Federal Government a right of reversion at any time the Federal Government (or its agent) deems it necessary for the national defense.

(e) Local educational agency containing Forest Service land and serving certain counties

Beginning with fiscal year 1995, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) of this section if such local educational agency meets the following requirements:

(1) Acreage and acquisition by the Forest Service

The local educational agency serves a school district that contains between 20,000 and 60,000 acres of land that has been acquired by the Forest Service of the Department of Agriculture between 1915 and 1990, as demonstrated by written evidence from the Forest Service satisfactory to the Secretary.

(2) County charter

The local educational agency serves a county chartered under State law in 1875 or 1890. For each fiscal year beginning on or after December 10, 2015, the Secretary shall treat local educational agencies chartered in 1871 having more than 70 percent of the county in Federal ownership as meeting the eligibility requirements of subparagraphs (A) and (C) of subsection (a)(1).

(f) Special rule

For each fiscal year beginning on or after December 10, 2015, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) if the agency was eligible under paragraph (1) or (3) of section 7702(f) of this title as such section was in effect on the day before December 10, 2015.

(g) Former districts

(1) Consolidations

For fiscal year 2006 and each succeeding fiscal year, if a local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of 2 or more former school districts, the local educational agency may elect to have the Secretary determine its eligibility for assistance under this section for any fiscal year on the basis of 1 or more of those former districts, as designated by the local educational agency.

(2) Eligible local educational agencies

A local educational agency referred to in paragraph (1) is—

(A) any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied, and was determined to be eligible under, section 2(c) of the Act of September

30, 1950 (Public Law 874, 81st Congress) as that section was in effect for that fiscal year; or

(B) a local educational agency—

(i) that was formed by the consolidation of 2 or more districts, at least 1 of which was eligible for assistance under this section for the fiscal year preceding the year of the consolidation; and

(ii) which includes the designation referred to in paragraph (1) in its application under section 7705 of this title for a fiscal year beginning on or after December 10, 2015, or any timely amendment to such application.

(3) Amount

A local educational agency eligible under paragraph (1) shall receive a foundation payment as provided for under subparagraphs (A) and (B) of subsection (h)(1), except that the foundation payment shall be calculated based on the most recent payment received by the local educational agency based on its status prior to consolidation.

(h) Payments with respect to fiscal years in which insufficient funds are appropriated

For any fiscal year for which the amount appropriated under section 7714(a) of this title is insufficient to pay to each eligible local educational agency the full amount determined under subsection (b) of this section, the Secretary shall make payments to each local educational agency under this section as follows:

(1) Foundation payments for pre-2010 recipients

(A) In general

The Secretary shall first make a foundation payment to each local educational agency that is determined by the Secretary to be eligible to receive a payment under this section for the fiscal year involved and that filed a timely application, and met, or has been determined by statute to meet, the eligibility requirements of subsection (a) for fiscal year 2009.

(B) Amount

(i) In general

The amount of a payment under subparagraph (A) for a local educational agency shall be equal to the greater of 90 percent of the payment the local educational agency received from dollars appropriated for fiscal year 2009 or 90 percent of the average payment that the local educational agency received from dollars appropriated for fiscal years 2006, 2007, 2008, and 2009, and shall be calculated without regard to the maximum payment provisions in subsection (b)(1)(C).

(ii) Exception

In calculating such average payment for a local educational agency that did not receive a payment under subsection (b) for 1 or more of the fiscal years between fiscal year 2006 and 2009, inclusive, the lowest such payment made to the agency for fiscal year 2006, 2007, 2008, or 2009, shall be treated as the payment that the agency received under subsection (b) for each fiscal year for which the agency did not receive such a payment.

(C) Insufficient appropriations

If the amount appropriated under section 7714(a) of this title is insufficient to pay the full amount determined under this paragraph for all eligible local educational agencies for the fiscal year, then the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

(2) Foundation payments for new applicants

(A) First year

From any amounts remaining after making payments under paragraph (1) and subsection (i)(1) for the fiscal year involved, the Secretary shall make a payment, in an amount determined in accordance with subparagraph (C), to each local educational agency that the Secretary determines eligible for a payment under this section for a fiscal year after fiscal year 2009 and that did not receive a payment under paragraph (1) for the fiscal year for which such agency was determined eligible for such payment.

(B) Second and succeeding years

For any succeeding fiscal year after the first fiscal year that a local educational agency receives a foundation payment under subparagraph (A), the amount of the local educational agency's foundation payment under this paragraph for such succeeding fiscal year shall be equal to the local educational agency's foundation payment under this paragraph for the first fiscal year.

(C) Amounts

The amount of a payment under subparagraph (A) for a local educational agency shall be determined as follows:

(i) Calculate the local educational agency's maximum payment under subsection (b).

(ii) Calculate the percentage that the amount appropriated under section 7714(a) of this title for the most recent fiscal year for which the Secretary has completed making payments under this section is of the total maximum payments for such fiscal year for all local educational agencies eligible for a payment under subsection (b) and multiply the agency's maximum payment by such percentage.

(iii) Multiply the amount determined under clause (ii) by 90 percent.

(D) Insufficient funds

If the amount appropriated under section 7714(a) of this title is insufficient to pay the full amount determined under this paragraph for all eligible local educational agencies for the fiscal year, then the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

(3) Remaining funds

From any funds remaining after making payments under paragraphs (1) and (2) for the

fiscal year involved, the Secretary shall make a payment to each local educational agency that received a foundation payment under paragraph (1) or (2) or subsection (i)(1), for the fiscal year involved in an amount that bears the same relation to the remainder as a percentage share determined for the local educational agency (by dividing the maximum amount that the agency is eligible to receive under subsection (b) by the total of the maximum amounts for all such agencies) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that, for the purpose of calculating a local educational agency's maximum amount under subsection (b), data from the most current fiscal year shall be used.

(4) Data

For each local educational agency that received a payment under this section for fiscal year 2010 or any succeeding fiscal year, the Secretary shall not make a payment under paragraph (3) to a local educational agency that fails to submit, within 60 days of the date the Secretary notifies the agency that the information is needed, the data necessary to calculate the maximum amount of a payment under subsection (b) for that local educational agency.

(i) Special payments

(1) In general

For any fiscal year beginning with fiscal year 2000 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996 and for which subsection (b)(1)(B) of this section applies, the Secretary shall use the remainder described in subsection (h)(3) of this section for the fiscal year involved (not to exceed the amount equal to the difference between (A) the amount appropriated to carry out this section for fiscal year 1997 and (B) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) of this section for any local educational agency described in paragraph (2).

(2) Local educational agency described

A local educational agency described in this paragraph is a local educational agency that—

(A) received a payment under this section for fiscal year 1996;

(B) serves a school district that contains all or a portion of a United States military academy;

(C) serves a school district in which the local tax assessor has certified that at least 60 percent of the real property is federally owned; and

(D) demonstrates to the satisfaction of the Secretary that such agency's per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.

(j) Prior year data

Notwithstanding any other provision of this section, in determining the eligibility of a local educational agency for a payment under subsection (b) or (h)(2) of this section for a fiscal year, and in calculating the amount of such payment, the Secretary—

(1) shall use data from the prior fiscal year with respect to the Federal property involved, including data with respect to the assessed value of the property and the real property tax rate for current expenditures levied against or imputed to the property; and

(2) shall use data from the second prior fiscal year with respect to determining the amount of revenue referred to in subsection (b)(1)(A)(i) of this section.

(k) Loss of eligibility

(1) In general

Notwithstanding any other provision of this section, the Secretary shall make a minimum payment to a local educational agency described in paragraph (2), for the first fiscal year that the agency loses eligibility for assistance under this section as a result of property located within the school district served by the agency failing to meet the definition of Federal property under section 7713(5)(C)(iii) of this title, in an amount equal to 90 percent of the amount received by the agency under this section for the preceding year.

(2) Local educational agency described

A local educational agency described in this paragraph is an agency that—

(A) was eligible for, and received, a payment under this section for fiscal year 2002; and

(B) beginning in fiscal year 2003 or a subsequent fiscal year, is no longer eligible for payments under this section as provided for in subsection (a)(1)(C) of this section as a result of the transfer of the Federal property involved to a non-Federal entity.

(Pub. L. 89–10, title VII, § 7002, formerly title VIII, § 8002, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3749; amended Pub. L. 104–195, §§ 1, 6, Sept. 16, 1996, 110 Stat. 2379, 2382; Pub. L. 105–18, title VI, §§ 60004, 60006, June 12, 1997, 111 Stat. 214, 215; Pub. L. 105–78, title III, Nov. 13, 1997, 111 Stat. 1498; Pub. L. 105–277, div. A, § 101(f) [title III], Oct. 21, 1998, 112 Stat. 2681–337, 2681–365; Pub. L. 106–113, div. B, § 1000(a)(4) [title III], Nov. 29, 1999, 113 Stat. 1535, 1501A–247; Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1803], Oct. 30, 2000, 114 Stat. 1654, 1654A–369; Pub. L. 107–110, title VIII, § 801(a)–(e), Jan. 8, 2002, 115 Stat. 1947, 1948; Pub. L. 108–447, div. F, title III, § 305, Dec. 8, 2004, 118 Stat. 3151; Pub. L. 112–239, div. A, title V, § 563(b)(1), (c)(4), Jan. 2, 2013, 126 Stat. 1744, 1748; renumbered title VII, § 7002, and amended Pub. L. 114–95, title VII, §§ 7001(a)(1), (c)(1), (d)(6), (9), 7003, Dec. 10, 2015, 129 Stat. 2074, 2075.)

REFERENCES IN TEXT

Section 7702(f) of this title as such section was in effect on the day before December 10, 2015, referred to in subsec. (f), means section 7702(f) of this title prior to amendment by Pub. L. 114–95, title VII, §§ 7001(c)(1),

7003(4), Dec. 10, 2015, 129 Stat. 2074, 2076. See 2015 Amendment note below.

Section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress), referred to in subsec. (g)(2)(A), means section 2(c) of act Sept. 30, 1950, ch. 1124, which was classified to section 237(c) of this title prior to repeal by Pub. L. 103–382, title III, § 331(b), Oct. 20, 1994, 108 Stat. 3965.

PRIOR PROVISIONS

A prior section 7002 of Pub. L. 89–10 was classified to section 3282 of this title prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Pub. L. 114–95, § 7001(a)(1), repealed Pub. L. 112–239, § 563(c)(4). See 2013 Amendment notes below.

Subsec. (a)(1)(C). Pub. L. 114–95, § 7003(1), inserted introductory provisions and struck out former introductory provisions which read as follows: ''had an assessed value (determined as of the time or times when so acquired) aggregating 10 percent or more of the assessed value of—''.

Subsec. (b)(1)(B). Pub. L. 114–95, § 7001(d)(9), made technical amendment to reference in original act which appears in text as reference to section 7714(a) of this title.

Subsec. (b)(1)(C). Pub. L. 114–95, § 7003(2)(A), made technical amendment to reference in original act which appears in text as reference to section 7703(b)(1)(C) of this title.

Pub. L. 114–95, § 7001(d)(6), made technical amendment to reference in original act which appears in text as reference to section 7703(b) of this title.

Subsec. (b)(3)(B). Pub. L. 114–95, § 7003(2)(B), added subpar. (B) and struck out former subpar. (B). Prior to amendment, text read as follows: ''In the case of Federal property eligible under this section that is within the boundaries of 2 or more local educational agencies, such a local educational agency may ask the Secretary to calculate the per acre value of each such local educational agency as provided under subparagraph (A) and apply the average of these per acre values to the acres of the Federal property in such agency.''

Subsec. (e)(2). Pub. L. 114–95, § 7003(3), inserted at end ''For each fiscal year beginning on or after December 10, 2015, the Secretary shall treat local educational agencies chartered in 1871 having more than 70 percent of the county in Federal ownership as meeting the eligibility requirements of subparagraphs (A) and (C) of subsection (a)(1).''

Subsec. (f). Pub. L. 114–95, § 7003(4), added subsec. (f) and struck out former subsec. (f) which related to special rules for certain local educational agencies.

Subsec. (g). Pub. L. 114–95, § 7003(5), added subsec. (g) and struck out former subsec. (g) which allowed a local educational agency formed by the consolidation of 2 or more former school districts to elect to have its eligibility, and the amount which the agency was eligible to receive, determined only with respect to such of the former school districts as the agency designated.

Subsec. (h). Pub. L. 114–95, § 7001(d)(9), made technical amendment to references in original act which appear in text as references to section 7714(a) of this title wherever appearing.

Subsec. (h)(4). Pub. L. 114–95, § 7003(6), substituted ''For each local educational agency that received a payment under this section for fiscal year 2010 or any succeeding fiscal year'' for ''For each local educational agency that received a payment under this section for fiscal year 2010 through the fiscal year in which the Impact Aid Improvement Act of 2012 is enacted''.

Subsec. (j). Pub. L. 114–95, § 7003(8), (9), redesignated subsec. (*l*) as (j) and substituted ''(h)(2)'' for ''(h)(4)(B)'' in introductory provisions.

Subsec. (k). Pub. L. 114–95, § 7003(7), (10), redesignated subsec. (n) as (k) and struck out former subsec. (k) which related to special rules for certain local educational agencies.

Subsec. (k)(1). Pub. L. 114–95, § 7003(11), made technical amendment to reference in original act which appears in text as reference to section 7713(5)(C)(iii) of this title.

Subsec. (*l*). Pub. L. 114–95, § 7003(8), redesignated subsec. (*l*) as (j).

Subsec. (m). Pub. L. 114–95, § 7003(7), struck out subsec. (m) which related to eligibility of local educational agencies for payments for Federal property acquired by the Federal Government.

Subsec. (n). Pub. L. 114–95, § 7003(10), redesignated subsec. (n) as (k).

2013—Pub. L. 112–239, § 563(c)(4), which directed repeal of the amendments by Pub. L. 112–239, § 563(b)(1), on the day after the 5-year period that began on Jan. 3, 2013, was itself repealed by Pub. L. 114–95, § 7001(a)(1).

Subsec. (a). Pub. L. 112–239, § 563(b)(1)(A), struck out ''for a fiscal year ending prior to October 1, 2003'' at end of introductory provisions and inserted ''or (h)'' after ''subsection (b)'' in concluding provisions.

Subsec. (b)(2). Pub. L. 112–239, § 563(b)(1)(B)(i), substituted ''estimated taxable'' for ''aggregate assessed''.

Subsec. (b)(3). Pub. L. 112–239, § 563(b)(1)(B)(ii), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: ''Such aggregate assessed value of such acquired Federal property shall be determined on the basis of the highest and best use of property adjacent to such acquired Federal property as of the time such value is determined, and provided to the Secretary, by the local official responsible for assessing the value of real property located in the jurisdiction of such local educational agency for the purpose of levying a property tax.''

Subsec. (h)(1). Pub. L. 112–239, § 563(b)(1)(C)(i), substituted ''for pre-2010 recipients'' for ''for pre-1995 recipients'' in heading, added pars. (A) and (B), and struck out former pars. (A) and (B) which related to foundation payments for pre-1995 recipients.

Subsec. (h)(2) to (4). Pub. L. 112–239, § 563(b)(1)(C)(ii), added pars. (2) to (4) and struck out former pars. (2) to (4) which related to payments for 1995 recipients, payments in accordance with subsection (i), and funds remaining after making payments, respectively.

2004—Subsec. (m). Pub. L. 108–447 substituted ''7 years'' for ''5 years'' in pars. (1), (2)(B), and (3).

2002—Subsec. (h)(1)(A). Pub. L. 107–110, § 801(a)(1), substituted ''and that filed, or has been determined pursuant to statute to have filed a timely application, and met, or has been determined pursuant to statute to meet, the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950'' for ''and was eligible to receive a payment under section 2 of the Act of September 30, 1950''.

Subsec. (h)(1)(B). Pub. L. 107–110, § 801(a)(2), substituted ''(or if the local educational agency did not meet, or has not been determined pursuant to statute to meet, the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950 for fiscal year 1994'' for ''(or if the local educational agency was not eligible to receive a payment under such section 2 for fiscal year 1994''.

Subsec. (h)(2)(A). Pub. L. 107–110, § 801(b)(1), inserted before period at end '', or whose application under this section for fiscal year 1995 was determined pursuant to statute to be timely filed for purposes of payments for subsequent fiscal years''.

Subsec. (h)(2)(B)(ii). Pub. L. 107–110, § 801(b)(2), substituted ''for each local educational agency described in subparagraph (A)'' for ''for each local educational agency that received a payment under this section for fiscal year 1995''.

Subsec. (h)(4)(B). Pub. L. 107–110, § 801(c), substituted ''(by dividing the maximum amount that the agency is eligible to receive under subsection (b) of this section by the total of the maximum amounts for all such agencies)'' for ''(in the same manner as percentage shares are determined for local educational agencies under paragraph (2)(B)(ii))'' and '', except that, for the purpose of calculating a local educational agency's maximum amount under subsection (b) of this section''

for ‘‘, except that for the purpose of calculating a local educational agency’s assessed value of the Federal property’’.

Subsec. (j). Pub. L. 107–110, § 801(d), struck out subsec. (j) which authorized additional assistance for certain local educational agencies impacted by Federal property acquisition.

Subsec. (n). Pub. L. 107–110, § 801(e), added subsec. (n).

2000—Subsec. (a). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1803(a)], substituted ‘‘2003’’ for ‘‘1999’’ in introductory provisions.

Subsec. (b)(1)(A)(i). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1803(b)(1)], designated existing provisions as subcl. (I), substituted ‘‘Subject to subclauses (II) and (III), the amount’’ for ‘‘The amount’’, struck out ‘‘, except that such amount shall be reduced by the Secretary by an amount equal to the amount of revenue, if any, that such agency received during the previous fiscal year from activities conducted on such Federal property’’ after ‘‘in accordance with paragraph (2)’’, and added subcls. (II) and (III).

Subsec. (b)(1)(B). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1803(b)(2)], substituted ‘‘shall calculate the payment for each eligible local educational agency in accordance with subsection (h) of this section’’ for ‘‘shall ratably reduce the payment to each eligible local educational agency’’.

Subsec. (b)(1)(C). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1803(b)(3)], inserted before period at end ‘‘, or the maximum amount that such agency is eligible to receive for such fiscal year under this section, whichever is greater’’.

Subsec. (h). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1803(c)], amended heading and text generally. Prior to amendment, subsec. (h) required the Secretary to pay under subsec. (b) of this section to eligible local education agencies certain minimum amounts for fiscal years 1995 to 2000.

Subsec. (i). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1803(d)(2)], substituted ‘‘Special’’ for ‘‘Priority’’ in heading.

Subsec. (i)(1). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1803(d)(1)], amended heading and text of par. (1) generally. Prior to amendment, text read as follows: ‘‘Notwithstanding subsection (b)(1)(B) of this section, and for any fiscal year beginning with fiscal year 1997 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996—

‘‘(A) the Secretary shall first use the excess amount (not to exceed the amount equal to the difference of (i) the amount appropriated to carry out this section for fiscal year 1997, and (ii) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) of this section for any local educational agency described in paragraph (2); and

‘‘(B) the Secretary shall use the remainder of the excess amount to increase the payments to each eligible local educational agency under this section.’’

Subsec. (j)(2). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1803(e)], struck out ‘‘(A)’’ before ‘‘A local educational agency’’, redesignated cls. (i) to (v) as subpars. (A) to (E), respectively, and inserted ‘‘and, at the time at which the agency is applying for a payment under this subsection, the agency does not have a military installation located within its geographic boundaries’’ before the semicolon at the end of subpar. (C).

Subsec. (*l*). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1803(f)], added subsec. (*l*).

Subsec. (m). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1803(g)], added subsec. (m).

1999—Subsec. (f)(3) to (5). Pub. L. 106–113 added pars. (3) to (5).

1998—Subsec. (f). Pub. L. 105–277 designated existing provisions as par. (1) and added par. (2).

Subsec. (k). Pub. L. 105–277 added subsec. (k).

1997—Subsec. (h)(1)(C). Pub. L. 105–18, § 60004, added subpar. (C).

Subsec. (i). Pub. L. 105–18, § 60006, amended heading and text of subsec. (i) generally. Prior to amendment, text read as follows: ‘‘Notwithstanding subsection (b)(1)(B) of this section, and for any fiscal year beginning with fiscal year 1997 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996, the Secretary shall first use such excess amount to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) of this section for any local educational agency that—

‘‘(1) received a payment under this section for fiscal year 1996;

‘‘(2) serves a school district that contains all or a portion of a United States military academy;

‘‘(3) serves a school district in which the local tax assessor has certified that at least 60 percent of the real property is federally owned; and

‘‘(4) demonstrates to the satisfaction of the Secretary that such agency’s per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.’’

Subsec. (j). Pub. L. 105–78 added subsec. (j).

1996—Subsecs. (g), (h). Pub. L. 104–195, § 1, added subsecs. (g) and (h).

Subsec. (i). Pub. L. 104–195, § 6, added subsec. (i).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, and effective with respect to appropriations for use under this subchapter beginning fiscal year 2017, except as otherwise provided in such amendment, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112–239, div. A, title V, § 563(c), Jan. 2, 2013, 126 Stat. 1748, as amended by Pub. L. 113–291, div. A, title V, § 563, Dec. 19, 2014, 128 Stat. 3384; Pub. L. 114–95, title VII, § 7001(a), title IX, § 9215(pp), Dec. 10, 2015, 129 Stat. 2074, 2180, provided that:

‘‘(1) EFFECTIVE DATE.—With respect to applications submitted under section 8002 [now 7002] of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7702], as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act [Dec. 10, 2015], for fiscal year 2010, title VIII [now VII] of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7701 et seq.] (including the amendments made by subsection (b)(1) [amending this section]), as in effect on such date, and subsection (b)(1) shall take effect with respect to such applications, notwithstanding section 8005(d) [now 7005(d)] of such Act [20 U.S.C. 7705(d)], as in effect on such date.

‘‘(2) IMPLEMENTATION.—The Secretary of Education shall carry out the amendments made by this section [amending this section and sections 7703 and 7710 of this title] without regard to the rulemaking procedures under section 553 of title 5, United States Code.

‘‘[(3) Redesignated (2).]

‘‘[(4) Repealed. Pub. L. 114–95, title VII, § 7001(a)(1), Dec. 10, 2015, 129 Stat. 2074.]’’

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–110 effective Jan. 8, 2002, and effective with respect to appropriations for use under this subchapter for fiscal year 2002, see section 5 of Pub. L. 107–110, set out as an Effective Date note under section 6301 of this title.

CONSOLIDATIONS

Pub. L. 113–76, div. H, title III, § 309, Jan. 17, 2014, 128 Stat. 400, allowed a local educational agency formed by the consolidation of 2 or more former school districts to elect to have the Secretary of Education determine its eligibility for fiscal year 2006 and any succeeding fiscal year on the basis of 1 or more of such former districts, prior to repeal by Pub. L. 114–95, title VII, § 7001(b), Dec. 10, 2015, 129 Stat. 2074.

§ 7703. Payments for eligible federally connected children

(a) Computation of payment

(1) In general

For the purpose of computing the amount that a local educational agency is eligible to receive under subsection (b) or (d) of this section for any fiscal year, the Secretary shall determine the number of children who were in average daily attendance in the schools of such agency, and for whom such agency provided free public education, during the preceding school year and who, while in attendance at such schools—

(A)(i) resided on Federal property with a parent employed on Federal property situated in whole or in part within the boundaries of the school district of such agency; or

(ii) resided on Federal property with a parent who is an official of, and accredited by, a foreign government and is a foreign military officer;

(B) resided on Federal property and had a parent on active duty in the uniformed services (as defined in section 101 of title 37);

(C) resided on Indian lands;

(D)(i) had a parent on active duty in the uniformed services (as defined by section 101 of title 37) but did not reside on Federal property; or

(ii) had a parent who is an official of, and has been accredited by, a foreign government and is a foreign military officer but did not reside on Federal property;

(E) resided in low-rent housing;

(F) resided on Federal property and is not described in subparagraph (A) or (B); or

(G) resided with a parent employed on Federal property situated—

(i) in whole or in part in the county in which such agency is located, or in whole or in part in such agency if such agency is located in more than one county; or

(ii) if not in such county, in whole or in part in the same State as such agency.

(2) Determination of weighted student units

For the purpose of computing the basic support payment under subsection (b) of this section, the Secretary shall calculate the total number of weighted student units for a local educational agency by adding together the results obtained by the following computations:

(A) Multiply the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of 1.0.

(B) Multiply the number of children described in paragraph (1)(C) by a factor of 1.25.

(C) Multiply the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of .35 if the local educational agency has—

(i) a number of such children described in such subparagraphs which exceeds 5,000; and

(ii) an average daily attendance for all children which exceeds 100,000.

(D) Multiply the number of children described in subparagraph (D) of paragraph (1) by a factor of .20.

(E) Multiply the number of children described in subparagraph (E) of paragraph (1) by a factor of .10.

(F) Multiply the number of children described in subparagraphs (F) and (G) of paragraph (1) by a factor of .05.

(3) Special rule

The Secretary shall only compute a payment for a local educational agency for children described in subparagraph (F) or (G) of paragraph (1) if the number of such children equals or exceeds 1,000 or such number equals or exceeds 10 percent of the total number of students in average daily attendance in the schools of such agency.

(4) Military installation and Indian housing undergoing renovation or rebuilding

(A) Military installation housing

Beginning in fiscal year 2014, in determining the amount of a payment for a local educational agency for children described in paragraph (1)(D)(i), the Secretary shall consider those children as if they were children described in paragraph (1)(B) if the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of Defense, that those children would have resided in housing on Federal property if the housing was not undergoing renovation or rebuilding. The total number of children treated as children described in paragraph (1)(B) shall not exceed the lessor of—

(i) the total number of children eligible under paragraph (1)(B) for the year prior to the initiation of the housing project on Federal property undergoing renovation or rebuilding; or

(ii) the total number of Federally connected children enrolled at the local educational agency as stated in the application filed for the payment for the year for which the determination is made.

(B) Indian lands

Beginning in fiscal year 2014, in determining the amount of a payment for a local educational agency that received a payment for children that resided on Indian lands in accordance with paragraph (1)(C) for the fiscal year prior to the fiscal year for which the local educational agency is making an application, the Secretary shall consider those children to be children described in paragraph (1)(C) if the Secretary determines on the basis of a certification provided to the Secretary by a designated representative of the Secretary of the Interior or the Secretary of Housing and Urban Development that those children would have resided in housing on Indian lands if the housing was not undergoing renovation or rebuilding. The total number of children treated as children described in paragraph (1)(C) shall not exceed the lessor of—

(i) the total number of children eligible under paragraph (1)(C) for the year prior to the initiation of the housing project on Indian lands undergoing renovation or rebuilding; or

(ii) the total number of Federally connected children enrolled at the local educational agency as stated in the application filed for the payment for the year for which the determination is made.

(C) Eligible housing

Renovation or rebuilding shall be defined as projects considered as capitalization, modernization, or restoration, as defined by the Secretary of Defense or the Secretary of the Interior (as the case may be) and are projects that last more than 30 days, but do not include ''sustainment projects'' such as painting, carpeting, or minor repairs.

(5) Military "Build to Lease" program housing

(A) In general

For purposes of computing the amount of payment for a local educational agency for children identified under paragraph (1), the Secretary shall consider children residing in housing initially acquired or constructed under the former section 2828(g) of title 10 (commonly known as the ''Build to Lease'' program), as added by section 801 of the Military Construction Authorization Act, 1984, or under lease of off-base property under subchapter IV of chapter 169 of title 10, to be children described under paragraph (1)(B), if the property described is—

(i) within the fenced security perimeter of the military facility; or

(ii) attached to, and under any type of force protection agreement with, the military installation upon which such housing is situated.

(B) Additional requirements

If the property described in subparagraph (A) is not owned by the Federal Government, is subject to taxation by a State or political subdivision of a State, and thereby generates revenues for a local educational agency that is applying to receive a payment under this section, then the Secretary—

(i) shall require the local educational agency to provide certification from an appropriate official of the Department of Defense that the property is being used to provide military housing; and

(ii) shall reduce the amount of the payment under this section by an amount equal to the amount of revenue from such taxation received in the second preceding fiscal year by such local educational agency, unless the amount of such revenue was taken into account by the State for such second preceding fiscal year and already resulted in a reduction in the amount of State aid paid to such local educational agency.

(b) Basic support payments; insufficient appropriations; State with only one local educational agency

(1) Basic support payments

(A) In general

From the amount appropriated under section 7714(b) of this title for a fiscal year, the Secretary is authorized to make basic support payments to eligible local educational agencies with children described in subsection (a) of this section.

(B) Eligibility

A local educational agency is eligible to receive a basic support payment under subparagraph (A) for a fiscal year with respect to a number of children determined under subsection (a)(1) of this section only if the number of children so determined with respect to such agency amounts to the lesser of—

(i) at least 400 such children; or

(ii) a number of such children which equals at least 3 percent of the total number of children who were in average daily attendance, during such year, at the schools of such agency and for whom such agency provided free public education.

(C) Maximum amount

The maximum amount that a local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) of this section, multiplied by the greater of—

(i) one-half of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made;

(ii) one-half of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made;

(iii) the comparable local contribution rate certified by the State, as determined under regulations prescribed to carry out the Act of September 30, 1950 (Public Law 874, 81st Congress), as such regulations were in effect on January 1, 1994; or

(iv) the average per-pupil expenditure of the State in which the local educational agency is located, multiplied by the local contribution percentage.

(D) Data

If satisfactory data from the third preceding fiscal year are not available for any of the expenditures described in clause (i) or (ii) of subparagraph (C), the Secretary shall use data from the most recent fiscal year for which data that are satisfactory to the Secretary are available.

(E) Increase in local contribution rate due to unusual geographic factors

If the current expenditures in those local educational agencies which the Secretary has determined to be generally comparable to the local educational agency for which a computation is made under subparagraph (C) are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain, in such agency, a level of education equivalent to that maintained in such other agencies, then the Secretary shall increase the local contribution rate for such agency under subparagraph (C)(iii) by such an

amount which the Secretary determines will compensate such agency for the increase in current expenditures necessitated by such unusual geographical factors. The amount of any such supplementary payment may not exceed the per-pupil share (computed with regard to all children in average daily attendance), as determined by the Secretary, of the increased current expenditures necessitated by such unusual geographic factors.

(F) Beginning with fiscal year 2002, for the purpose of calculating a payment under this paragraph for a local educational agency whose local contribution rate was computed under subparagraph (C)(iii) for the previous year, the Secretary shall use a local contribution rate that is not less than 95 percent of the rate that the LEA received for the preceding year.

(2) Basic support payments for heavily impacted local educational agencies

(A) In general

(i) From the amount appropriated under section 7714(b) of this title for a fiscal year, the Secretary is authorized to make basic support payments to eligible heavily impacted local educational agencies with children described in subsection (a) of this section.

(ii) A local educational agency that receives a basic support payment under this paragraph for a fiscal year shall not be eligible to receive a basic support payment under paragraph (1) for that fiscal year.

(B) Eligibility for heavily impacted local educational agencies

(i) In general

A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

(I) is a local educational agency—

(aa) whose boundaries are the same as a Federal military installation or an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

(bb) that has no taxing authority;

(II) is a local educational agency that—

(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 45 percent;

(bb) has a per-pupil expenditure that is less than—

(AA) for an agency that has a total student enrollment of 500 or more students, 125 percent of the average per-pupil expenditure of the State in which the agency is located; or

(BB) for any agency that has a total student enrollment of less than 500 students, 150 percent of the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of 3 or more comparable local educational agencies in the State in which the agency is located; and

(cc) is an agency that has a tax rate for general fund purposes that is not less than 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State;

(III) is a local educational agency that—

(aa) has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State; and

(bb)(AA) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 30 percent; or

(BB) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 20 percent, and for the 3 fiscal years preceding the fiscal year for which the determination is made, the average enrollment of children who are not described in subsection (a)(1) and who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.] constitutes a percentage of the total student enrollment of the agency that is not less than 65 percent;

(IV) is a local educational agency that has a total student enrollment of not less than 25,000 students, of which—

(aa) not less than 50 percent are children described in subsection (a)(1); and

(bb) not less than 5,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

(V) is a local educational agency that—

(aa) has an enrollment of children described in subsection (a)(1) including, for purposes of determining eligibility, those children described in subparagraphs (F) and (G) of such subsection, that is not less than 35 percent of the total student enrollment of the agency;

(bb) has a per-pupil expenditure described in subclause (II)(bb) (except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement) and has a tax rate for general fund purposes which is not less than 95 percent of the average tax rate for general fund purposes for com-

parable local educational agencies in the State; and

(cc) was eligible to receive assistance under subparagraph (A) for fiscal year 2001.

(ii) Loss of eligibility

(I) In general

Subject to subclause (II), a heavily impacted local educational agency that met the requirements of clause (i) for a fiscal year shall be ineligible to receive a basic support payment under subparagraph (A) if the agency fails to meet the requirements of clause (i) for a subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

(II) Loss of eligibility due to falling below 95 percent of the average tax rate for general fund purposes

In the case of a heavily impacted local educational agency described in subclause (II) or (V) of clause (i) that is eligible to receive a basic support payment under subparagraph (A), but that has had, for 2 consecutive fiscal years, a tax rate for general fund purposes that falls below 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State, such agency shall be determined to be ineligible under clause (i) and ineligible to receive a basic support payment under subparagraph (A) for each fiscal year succeeding such 2 consecutive fiscal years for which the agency has such a tax rate for general fund purposes, and until the fiscal year for which the agency resumes such eligibility in accordance with clause (iii).

(III) Taken over by State board of education

In the case of a heavily impacted local educational agency that is eligible to receive a basic support payment under subparagraph (A), but that has been taken over by a State board of education in any 2 previous years, such agency shall be deemed to maintain heavily impacted status for 2 fiscal years following December 10, 2015.

(iii) Resumption of eligibility

A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency meets the requirements of clause (i) for that subsequent fiscal year, except that such agency shall not receive a basic support payment under this paragraph until the fiscal year succeeding the fiscal year for which the eligibility determination is made.

(C) Maximum amount for heavily impacted local educational agencies

(i) In general

Except as provided in subparagraph (D), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) and subject to clause (ii), multiplied by the greater of—

(I) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or

(II) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

(ii) Calculation of weighted student units

(I) In general

(aa) Percentage enrollment

For a local educational agency in which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), and that has an enrollment of children described in subparagraph (A), (B), or (C) of such subsection equal to at least 10 percent of the agency's total enrollment, the Secretary shall calculate the weighted student units of those children described in subparagraph (D) or (E) of such subsection by multiplying the number of such children by a factor of 0.55.

(bb) Exception

Notwithstanding item (aa), a local educational agency that received a payment under this paragraph for fiscal year 2013 shall not be required to have an enrollment of children described in subparagraph (A), (B), or (C) of subsection (a)(1) equal to at least 10 percent of the agency's total enrollment and shall be eligible for the student weight as provided for in item (aa).

(II) Enrollment of 100 or fewer children

For a local educational agency that has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.

(III) Enrollment of more than 100 children but less than 1000

For a local educational agency that is not described under subparagraph (B)(i)(I) and has an enrollment of more

than 100 but not more than 1,000 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

(D) Maximum amount for large heavily impacted local educational agencies

(i) In general

(I) Formula

Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).

(II) Heavily impacted local educational agency

A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 5,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

(ii) Factor

For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.

(E) Data

For purposes of providing assistance under this paragraph, the Secretary shall use student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this paragraph.

(F) Determination of average tax rates for general fund purposes

(i) In general

Except as provided in clause (ii), for the purpose of determining the average tax rates for general fund purposes for local educational agencies in a State under this paragraph, the Secretary shall use either—

(I) the average tax rate for general fund purposes for comparable local educational agencies, as determined by the Secretary in regulations; or

(II) the average tax rate of all the local educational agencies in the State.

(ii) Fiscal years 2010–2015

(I) In general

For fiscal years 2010 through 2015, any local educational agency that was found ineligible to receive a payment under subparagraph (A) because the Secretary determined that it failed to meet the average tax rate requirement for general fund purposes in subparagraph (B)(i)(II)(cc), shall be considered to have met that requirement, if its State determined, through an alternate calculation of average tax rates for general fund purposes, that such local educational agency met that requirement.

(II) Subsequent fiscal years after 2015

For any succeeding fiscal year after 2015, any local educational agency identified in subclause (I) may continue to have its State use that alternate methodology to calculate whether the average tax rate requirement for general fund purposes under subparagraph (B)(i)(II)(cc) is met.

(III) Availability of funds

Notwithstanding any other provision of law limiting the period during which the Secretary may obligate funds appropriated for any fiscal year after 2012, the Secretary shall reserve a total of $14,000,000 from funds that remain unobligated under this section from fiscal years 2015 or 2016 in order to make payments under this clause for fiscal years 2011 through 2014.

(G) Eligibility for heavily impacted local educational agencies affected by privatization of military housing

(i) Eligibility

For any fiscal year, a heavily impacted local educational agency that received a basic support payment under this paragraph for the prior fiscal year, but is ineligible for such payment for the current fiscal year under subparagraph (B) due to the conversion of military housing units to private housing described in clause (iii), or as the direct result of base realignment and closure or modularization as determined by the Secretary of Defense and force structure change or force relocation, shall be deemed to meet the eligibility requirements under subparagraph (B) for the period during which the housing units are undergoing such conversion or during such time as activities associated with base closure and realignment, modularization, force structure change, or force relocation are ongoing.

(ii) Amount of payment

The amount of a payment to a heavily impacted local educational agency for a fiscal year by reason of the application of clause (i), and calculated in accordance with subparagraph (C) or (D), as the case may be, shall be based on the number of children in average daily attendance in the schools of such agency for the fiscal year and under the same provisions of subparagraph (C) or (D) under which the agency was paid during the prior fiscal year.

(iii) Conversion of military housing units to private housing described

For purposes of clause (i), ''conversion of military housing units to private housing''

means the conversion of military housing units to private housing units pursuant to subchapter IV of chapter 169 of title 10 or pursuant to any other related provision of law.

(3) Payments with respect to fiscal years in which insufficient funds are appropriated

(A) In general

For any fiscal year in which the sums appropriated under section 7714(b) of this title are insufficient to pay to each local educational agency the full amount computed under paragraphs (1) and (2), the Secretary shall make payments in accordance with this paragraph.

(B) Learning opportunity threshold payments in lieu of payments under paragraph (1)

(i) For fiscal years described in subparagraph (A), the Secretary shall compute a learning opportunity threshold payment (hereafter in this subchapter referred to as the ''threshold payment'') in lieu of basic support payments under paragraph (1) by multiplying the amount obtained under paragraph (1)(C) by the total percentage obtained by adding—

(I) the percentage of federally connected children for each local educational agency determined by calculating the fraction, the numerator of which is the total number of children described under subsection (a)(1) of this section and the denominator of which is the total number of children in average daily attendance at the schools served by such agency; and

(II) the percentage that funds under paragraph (1)(C) represent of the total budget of the local educational agency, determined by calculating the fraction, the numerator of which is the total amount of funds calculated for each local educational agency under this paragraph, and the denominator of which is the total current expenditures for such agency in the second preceding fiscal year for which the determination is made.

(ii) Such total percentage used to calculate threshold payments under paragraph (1) shall not exceed 100.

(iii) In the case of a local educational agency providing a free public education to students enrolled in kindergarten through grade 12, that enrolls students described in subparagraphs (A), (B), and (D) of subsection (a)(1) only in grades 9 through 12, and that received a final payment for fiscal year 2009 calculated under section 7703(b)(3) of this title (as such section was in effect on the day before December 10, 2015) for students in grades 9 through 12, the Secretary shall, in calculating the agency's payment, consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under clause (i)(I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under clause (i)(II).

(iv) In the case of a local educational agency that has a total student enrollment of fewer than 1,000 students and that has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or less than the average per-pupil expenditure of all the States, the total percentage used to calculate threshold payments under clause (i) shall not be less than 40 percent.

(C) Learning opportunity threshold payments in lieu of payments under paragraph (2)

For fiscal years described in subparagraph (A), the learning opportunity threshold payment in lieu of basic support payments under paragraph (2) shall be equal to the amount obtained under subparagraph (C) or (D) of paragraph (2), as the case may be.

(D) Ratable distribution

For fiscal years described in subparagraph (A), for which the sums available exceed the amount required to pay each local educational agency 100 percent of its threshold payment, the Secretary shall distribute the excess sums to each eligible local educational agency that has not received its full amount computed under paragraphs (1) or (2) (as the case may be) by multiplying—

(i) a percentage, the denominator of which is the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for all local educational agencies and the amount of the threshold payment (as calculated under subparagraphs (B) and (C)) of all local educational agencies, and the numerator of which is the aggregate of the excess sums, by

(ii) the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for the agency and the amount of the threshold payment (as calculated under subparagraphs (B) or (C)) of the agency, except that no local educational agency shall receive more than 100 percent of the maximum payment calculated under subparagraph (C) or (D) of paragraph (2).

(E) Insufficient payments

For each fiscal year described in subparagraph (A) for which the sums appropriated are insufficient to pay each local educational agency all of the local educational agency's threshold payment described in subparagraph (B), the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

(F) Increases

(i) Increases based on insufficient funds

If additional funds become available under 7714(b) of this title for making payments under paragraphs (1) and (2) and those funds are not sufficient to increase each local educational agency's threshold payment above 100 percent of its threshold payment described in subparagraph (B), payments that were reduced under sub-

paragraph (E) shall be increased by the Secretary on the same basis as such payments were reduced.

(ii) Increases based on sufficient funds

If additional funds become available under section 7714(b) of this title for making payments under paragraphs (1) and (2) and those funds are sufficient to increase each local educational agency's threshold payment above 100 percent of its threshold payment described in subparagraph (B), the payment for each local educational agency shall be 100 percent of its threshold payment. The Secretary shall then distribute the excess sums to each eligible local educational agency in accordance with subparagraph (D).

(G) Provision of tax rate and resulting percentage

As soon as practicable following the payment of funds under paragraph (2) to an eligible local educational agency, the Secretary shall provide the local educational agency with a description of—

(i) the tax rate of the local educational agency; and

(ii) the percentage such tax rate represents of the average tax rate for general fund purposes of comparable local educational agencies in the State as determined under subclauses (II)(cc), III(aa), or (V)(bb) of paragraph (2)(B)(i) (as the case may be).

(4) States with only one local educational agency

(A) In general

In any of the 50 States of the United States in which there is only one local educational agency, the Secretary shall, for purposes of subparagraphs (B) and (C) of paragraph (1) or subparagraphs (B) and (C) of paragraph (2), as the case may be, paragraph (3) of this subsection, and subsection (e) of this section, consider each administrative school district in the State to be a separate local educational agency.

(B) Computation of maximum amount of basic support payment and threshold payment

In computing the maximum payment amount under paragraph (1)(C) or subparagraph (C) or (D) of paragraph (2), as the case may be, and the learning opportunity threshold payment under subparagraph (B) or (C) of paragraph (3), as the case may be, for an administrative school district described in subparagraph (A)—

(i) the Secretary shall first determine the maximum payment amount and the total current expenditures for the State as a whole; and

(ii) the Secretary shall then—

(I) proportionately allocate such maximum payment amount among the administrative school districts on the basis of the respective weighted student units of such districts; and

(II) proportionately allocate such total current expenditures among the administrative school districts on the basis of the respective number of students in average daily attendance at such districts.

(5) Local educational agencies affected by removal of Federal property

(A) In general

In computing the amount of a basic support payment under this subsection for a fiscal year for a local educational agency described in subparagraph (B), the Secretary shall meet the additional requirements described in subparagraph (C).

(B) Local educational agency described

A local educational agency described in this subparagraph is a local educational agency with respect to which Federal property (i) located within the boundaries of the agency, and (ii) on which one or more children reside who are receiving a free public education at a school of the agency, is transferred by the Federal Government to another entity in any fiscal year beginning on or after October 30, 2000, so that the property is subject to taxation by the State or a political subdivision of the State.

(C) Additional requirements

The additional requirements described in this subparagraph are the following:

(i) For each fiscal year beginning after the date on which the Federal property is transferred, a child described in subparagraph (B) who continues to reside on such property and who continues to receive a free public education at a school of the agency shall be deemed to be a child who resides on Federal property for purposes of computing under the applicable subparagraph of subsection (a)(1) of this section the amount that the agency is eligible to receive under this subsection.

(ii)(I) For the third fiscal year beginning after the date on which the Federal property is transferred, and for each fiscal year thereafter, the Secretary shall, after computing the amount that the agency is otherwise eligible to receive under this subsection for the fiscal year involved, deduct from such amount an amount equal to the revenue received by the agency for the immediately preceding fiscal year as a result of the taxable status of the former Federal property.

(II) For purposes of determining the amount of revenue to be deducted in accordance with subclause (I), the local educational agency—

(aa) shall provide for a review and certification of such amount by an appropriate local tax authority; and

(bb) shall submit to the Secretary a report containing the amount certified under item (aa).

(c) Prior year data

(1) In general

Except as provided in subsections (b)(1)(D), (b)(2), and paragraph (2), all calculations under this section shall be based on data for each local educational agency from not later than

the fiscal year preceding the fiscal year for which the agency is making application for payment.

(2) Exception

Calculation of payments for a local educational agency shall be based on data from the fiscal year for which the agency is making an application for payment if such agency—

(A) is newly established by a State, for the first year of operation of such agency only;

(B) was eligible to receive a payment under this section for the previous fiscal year and has had an overall increase in enrollment (as determined by the Secretary in consultation with the Secretary of Defense, the Secretary of the Interior, or the heads of other Federal agencies)—

(i)(I) of not less than 10 percent of children described in—

(aa) subparagraph (A), (B), (C), or (D) of subsection (a)(1); or

(bb) subparagraphs (F) and (G) of subsection (a)(1), but only to the extent that such children are civilian dependents of employees of the Department of Defense or the Department of the Interior; or

(II) of not less than 100 of such children; and

(ii) that is the direct result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of the force structure changes or movements of units or personnel between military installations or because of actions initiated by the Secretary of the Interior or the head of another Federal agency; or

(C) was eligible to receive a payment under this section for the previous fiscal year and has had an increase in enrollment (as determined by the Secretary)—

(i) of not less than 10 percent of children described in subsection (a)(1) or not less than 100 of such children; and

(ii) that is the direct result of the closure of a local educational agency that received a payment under subsection (b)(1) or (b)(2) for the previous fiscal year.

(d) Children with disabilities

(1) In general

From the amount appropriated under section 7714(c) of this title for a fiscal year, the Secretary shall pay to each eligible local educational agency, on a pro rata basis, the amounts determined by—

(A) multiplying the number of children described in subparagraphs (A)(ii), (B) and (C) of subsection (a)(1) of this section who are eligible to receive services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) by a factor of 1.0; and

(B) multiplying the number of children described in subparagraph (D) of subsection (a)(1) of this section who are eligible to receive services under such Act by a factor of 0.5.

(2) Use of funds

A local educational agency that receives funds under paragraph (1) shall use such funds to provide a free appropriate public education to children described in paragraph (1) in accordance with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(e) Hold harmless

(1) In general

In the case of any local educational agency eligible to receive a payment under subsection (b) whose calculated payment amount for a fiscal year is reduced by 20 percent, as compared to the amount received for the previous fiscal year, the Secretary shall pay the local educational agency, for the year of the reduction and the following 2 years, the amount determined under paragraph (2).

(2) Amount of reduction

Subject to paragraph (3), A local educational agency described in paragraph (1) shall receive—

(A) for the first year for which the reduced payment is determined, an amount that is not less than 90 percent of the total amount that the local educational agency received under subsection (b) for the previous fiscal year;

(B) for the second year following such reduction, an amount that is not less than 85 percent of the total amount that the local educational agency received under subparagraph (A); and

(C) for the third year following such reduction, an amount that is not less than 80 percent of the total amount that the local educational agency received under subparagraph (B).

(3) Special rule

For any fiscal year for which a local educational agency would receive a payment under subsection (b) in excess of the amount determined under paragraph (2), the payment received by the local educational agency for such fiscal year shall be calculated under paragraph (1) or (2) of subsection (b).

(4) Ratable reductions

(A) In general

If the sums made available under this subchapter for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) for such year, then the Secretary shall ratably reduce the payments to all such agencies for such year.

(B) Additional funds

If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

(f) Other funds

Notwithstanding any other provision of law, a local educational agency receiving funds under this section may also receive funds under sec-

tion 386 of the National Defense Authorization Act for Fiscal Year 1993 or such section's successor authority.

(Pub. L. 89–10, title VII, § 7003, formerly title VIII, § 8003, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3752; amended Pub. L. 104–106, div. A, title X, § 1074(f), (g), Feb. 10, 1996, 110 Stat. 448, 449; Pub. L. 104–195, §§ 3(a), 4(a), 5(a), (b), Sept. 16, 1996, 110 Stat. 2380–2382; Pub. L. 104–201, div. A, title III, § 376, Sept. 23, 1996, 110 Stat. 2503; Pub. L. 104–208, div. A, title I, § 101(e) [title III, § 307(a)], Sept. 30, 1996, 110 Stat. 3009–233, 3009–262; Pub. L. 105–18, title VI, § 60005(a), June 12, 1997, 111 Stat. 214; Pub. L. 105–78, title III, Nov. 13, 1997, 111 Stat. 1497; Pub. L. 106–398, § 1 [[div. A], title XVIII, §§ 1804(a), (b)(1), (c), 1805–1808(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–372, 1654A–374 to 1654A–382; Pub. L. 106–554, § 1(a)(1) [title III, § 323], Dec. 21, 2000, 114 Stat. 2763, 2763A–61; Pub. L. 107–20, title II, § 2703(a), July 24, 2001, 115 Stat. 182; Pub. L. 107–110, title VIII, § 802(a)(1), Jan. 8, 2002, 115 Stat. 1949; Pub. L. 107–206, title I, §§ 801, 802, Aug. 2, 2002, 116 Stat. 874; Pub. L. 107–279, title IV, § 406(a), Nov. 5, 2002, 116 Stat. 1986; Pub. L. 107–314, div. A, title III, § 344, Dec. 2, 2002, 116 Stat. 2515; Pub. L. 108–136, div. A, title V, § 537(a), Nov. 24, 2003, 117 Stat. 1475; Pub. L. 111–84, div. A, title V, § 536, Oct. 28, 2009, 123 Stat. 2293; Pub. L. 112–239, div. A, title V, § 563(b)(2), (c)(4), Jan. 2, 2013, 126 Stat. 1746, 1748; renumbered title VII, § 7003, and amended Pub. L. 114–95, title VII, §§ 7001(a)(1), (c)(1), (d)(10), 7004, Dec. 10, 2015, 129 Stat. 2074, 2075, 2077.)

References in Text

Section 2828(g) of title 10 (commonly known as the "Build to Lease" program), as added by section 801 of the Military Construction Authorization Act, 1984, referred to in subsec. (a)(5)(A), means the subsection (g) added to section 2828 of Title 10, Armed Forces, by section 801 of Pub. L. 98–115, which was repealed by Pub. L. 102–190, div. B, title XXVIII, § 2806(b), Dec. 5, 1991, 105 Stat. 1540.

Act of September 30, 1950, referred to in subsec. (b)(1)(C)(iii), is act Sept. 30, 1950, ch. 1124, 64 Stat. 1100, as amended, which was classified generally to chapter 13 (§ 236 et seq.) of this title, prior to repeal by Pub. L. 103–382, title III, § 331(b), Oct. 20, 1994, 108 Stat. 3965. For complete classification of this Act to the Code, see Tables.

The Richard B. Russell National School Lunch Act, referred to in subsec. (b)(2)(B)(i)(III)(bb)(BB), is act June 4, 1946, ch. 281, 60 Stat. 230, which is classified generally to chapter 13 (§ 1751 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of Title 42 and Tables.

Section 7703(b)(3) of this title (as such section was in effect on the day before December 10, 2015), referred to in subsec. (b)(3)(B)(iii), means section 7703(b)(3) of this title prior to amendment by Pub. L. 114–95, title VII, §§ 7001(c)(1), (d)(10), 7004(2)(C), Dec. 10, 2015, 129 Stat. 2074, 2075, 2082. See 2015 Amendment notes below.

The Individuals with Disabilities Education Act, referred to in subsec. (d), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§ 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

Section 386 of the National Defense Authorization Act for Fiscal Year 1993, referred to in subsec. (f), is section 386 of Pub. L. 102–484, which is set out as a note below.

Prior Provisions

A prior section 7003 of Pub. L. 89—10 was classified to section 3283 of this title prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Amendments

2015—Pub. L. 114–95, § 7001(a)(1), repealed Pub. L. 112–239, § 563(c)(4). See 2013 Amendment notes below.

Subsec. (a)(5)(A). Pub. L. 114–95, § 7004(1), substituted "or under lease of off-base property under subchapter IV of chapter 169 of title 10, to be children described under paragraph (1)(B), if the property described is—" for "to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility upon which such housing is situated." and added cls. (i) and (ii).

Subsec. (b). Pub. L. 114–95, § 7001(d)(10), made technical amendment to references in original act which appear in text as references to section 7714(b) of this title in pars. (1)(A), (2)(A)(i), and (3)(A).

Subsec. (b)(1)(E) to (G). Pub. L. 114–95, § 7004(2)(A), redesignated subpars. (F) and (G) as (E) and (F), respectively, and struck out former subpar. (E) which provided special rule for determining comparable local contribution rate.

Subsec. (b)(2)(B) to (H). Pub. L. 114–95, § 7004(2)(B), added subpars. (B) to (G) and struck out former subpars. (B) to (H), which related to eligibility for receipt of basic support payments by continuing and new heavily impacted local educational agencies, maximum amouts for regular and large heavily impacted local educational agencies, data to be used by the Secretary, determination of average tax rates for general fund purposes, and eligibility as affected by privatization of military housing.

Subsec. (b)(3)(B)(iii). Pub. L. 114–95, § 7004(2)(C)(i), added cl. (iii) and struck out former cl. (iii) which read as follows: "For the purpose of determining the percentages described in subclauses (I) and (II) of clause (i) that are applicable to the local educational agency providing free public education to students in grades 9 through 12 residing on Hanscom Air Force Base, Massachusetts, the Secretary shall consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under such subclause (I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under subclause (II)."

Subsec. (b)(3)(C). Pub. L. 114–95, § 7004(2)(C)(ii), substituted "subparagraph (C) or (D) of paragraph (2), as the case may be" for "subparagraph (D) or (E) of paragraph (2), as the case may be".

Subsec. (b)(3)(D) to (G). Pub. L. 114–95, § 7004(2)(C)(iii), added subpars. (D) to (G) and struck out former subpar. (D). Prior to amendment, text of subpar. (D) read as follows: "For fiscal years described in subparagraph (A), the Secretary shall make payments as a ratable distribution based upon the computations made under subparagraphs (B) and (C)."

Subsec. (b)(4)(A). Pub. L. 114–95, § 7004(2)(D)(i), substituted "and (C) of paragraph (2)" for "through (D) of paragraph (2)".

Subsec. (b)(4)(B). Pub. L. 114–95, § 7004(2)(D)(ii), substituted "subparagraph (C) or (D)" for "subparagraph (D) or (E)" in introductory provisions.

Subsec. (c)(2). Pub. L. 114–95, § 7004(3), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: "Calculations for a local educational agency that is newly established by a State shall, for the first year of operation of such agency, be based on data from the fiscal year for which the agency is making application for payment."

Subsec. (d)(1). Pub. L. 114–95, § 7004(4), made technical amendment to reference in original act which appears in introductory provisions as reference to section 7714(c) of this title.

Subsec. (e). Pub. L. 114–95, § 7004(5), added pars. (1) to (3), redesignated former par. (3) as (4), and struck out

former pars. (1) and (2) which related to amounts payable to a local educational agency for fiscal years 2001 and 2002.

Subsec. (g). Pub. L. 114–95, § 7004(6), struck out subsec. (g). Text read as follows: ''A local educational agency may receive funds under subsection (b) of this section and section 7702 of this title for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.''

2013—Pub. L. 112–239, § 563(c)(4), which directed repeal of the amendment by Pub. L. 112–239, § 563(b)(2), on the day after the 5-year period that began on Jan. 3, 2013, was itself repealed by Pub. L. 114–95, § 7001(a)(1).

Subsec. (a)(4). Pub. L. 112–239, § 563(b)(2), added par. (4) and struck out former par. (4) which related to military installation and Indian housing undergoing renovation or rebuilding.

2009—Subsec. (a)(2)(C)(i). Pub. L. 111–84 substituted ''5,000'' for ''6,500''.

2003—Subsec. (b)(2)(H)(i), (ii). Pub. L. 108–136 added cls. (i) and (ii) and struck out former cls. (i) and (ii) which read as follows:

''(i) ELIGIBILITY.—For any fiscal year beginning with fiscal year 2003, a heavily impacted local educational agency that received a basic support payment under subparagraph (A) for the prior fiscal year, but is ineligible for such payment for the current fiscal year under subparagraph (B) or (C), as the case may be, by reason of the conversion of military housing units to private housing described in clause (iii), shall be deemed to meet the eligibility requirements under subparagraph (B) or (C), as the case may be, for the period during which the housing units are undergoing such conversion.

''(ii) AMOUNT OF PAYMENT.—The amount of a payment to a heavily impacted local educational agency for a fiscal year by reason of the application of clause (i), and calculated in accordance with subparagraph (D) or (E) (as the case may be), shall be based on the number of children in average daily attendance in the schools of such agency for the fiscal year.''

2002—Subsec. (b)(1)(G). Pub. L. 107–206, § 802, added subpar. (G).

Subsec. (b)(2)(C)(i). Pub. L. 107–110, § 802(a)(1)(A), inserted ''(or if the agency is a qualified local educational agency as described in clause (iv))'' after ''Federal military installation'' in introductory provisions.

Subsec. (b)(2)(C)(i)(II)(bb). Pub. L. 107–279 amended item (bb) generally. Prior to amendment, item (bb) read as follows: ''for a local educational agency that has a total student enrollment of less than 350 students, has a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local educational agency in the State in which the agency is located; and''.

Subsec. (b)(2)(C)(ii). Pub. L. 107–110, § 802(a)(1)(A), inserted ''(or if the agency is a qualified local educational agency as described in clause (iv))'' after ''Federal military installation''.

Subsec. (b)(2)(C)(iv). Pub. L. 107–110, § 802(a)(1)(B), added cl. (iv).

Subsec. (b)(2)(D)(ii)(III). Pub. L. 107–206, § 801, amended subcl. (III) generally. Prior to amendment, subcl. (III) read as follows: ''For a local educational agency that has an enrollment of more than 100 but not more than 750 children described in subsection (a)(1) of this section, the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) of this section by multiplying the number of such children by a factor of 1.25.''

Subsec. (b)(2)(H). Pub. L. 107–314 added subpar. (H).

Subsec. (b)(3)(B)(iv). Pub. L. 107–20 inserted ''or less than the average per-pupil expenditure of all the States'' after ''of the State in which the agency is located''.

2000—Subsec. (a)(1). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1806(c)(1)], substituted ''subsection (b) or (d)'' for ''subsection (b), (d), or (f)'' in introductory provisions.

Subsec. (a)(2)(D). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1804(a)(1)(B)], substituted ''subparagraph (D) of paragraph (1) by a factor of .20'' for ''subparagraphs (D) and (E) of paragraph (1) by a factor of .10''.

Subsec. (a)(2)(E), (F). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1804(a)(1)(A), (C)], added subpar. (E) and redesignated former subpar. (E) as (F).

Subsec. (a)(4). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1804(b)(1)], inserted ''and Indian'' after ''Military installation'' and ''or rebuilding'' after ''renovation'' in par. heading, designated existing provisions as subpar. (A)(i), inserted subpar. (A) heading, inserted ''or rebuilding'' after ''undergoing renovation'', added cl. (ii) to subpar. (A) and added subpar. (B).

Subsec. (a)(5). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1804(c)], added par. (5).

Subsec. (b)(1)(C). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1806(c)(2)(A)], substituted ''this paragraph'' for ''this subsection'' in introductory provisions.

Subsec. (b)(1)(D), (E). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1804(a)(2)], added subpars. (D) and (E).

Subsec. (b)(1)(F). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1805], added subpar. (F).

Subsec. (b)(2). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1806(a)(2)], added par. (2). Former par. (2) redesignated (3).

Subsec. (b)(2)(F). Pub. L. 106–554, § 1(a)(1) [title III, § 323(a)], substituted ''the Secretary—'' for ''the Secretary'', designated remaining provisions as cl. (i), and added cl. (ii).

Subsec. (b)(2)(G). Pub. L. 106–554, § 1(a)(1) [title III, § 323(b)], added subpar. (G).

Subsec. (b)(3). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1806(a)(1)], redesignated par. (2) as (3). Former par. (3) redesignated (4).

Subsec. (b)(3)(A). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1806(b)(1)], substituted ''paragraphs (1) and (2)'' for ''paragraph (1)''.

Subsec. (b)(3)(B). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1806(b)(2)(A)], inserted ''in lieu of payments under paragraph (1)'' after ''payments'' in heading.

Subsec. (b)(3)(B)(i). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1806(b)(2)(B)], inserted ''in lieu of basic support payments under paragraph (1)'' before ''by multiplying'' in introductory provisions and struck out ''(not including amounts received under subsection (f) of this section)'' after ''under this paragraph'' in subcl. (II).

Subsec. (b)(3)(B)(iv). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1806(b)(2)(C)], added cl. (iv).

Subsec. (b)(3)(C). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1806(b)(4)], added subpar. (C). Former subpar. (C) redesignated (D).

Subsec. (b)(3)(D). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1806(b)(3), (5)], redesignated subpar. (C) as (D) and substituted ''computations made under subparagraphs (B) and (C)'' for ''computation made under subparagraph (B)''.

Subsec. (b)(4). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1806(a)(1)], redesignated par. (3) as (4).

Subsec. (b)(4)(A). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1806(c)(2)(B)(i)], substituted ''subparagraphs (B) and (C) of paragraph (1) or subparagraphs (B) through (D) of paragraph (2), as the case may be, paragraph (3) of this subsection'' for ''paragraphs (1)(B), (1)(C), and (2) of this subsection''.

Subsec. (b)(4)(B). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1806(c)(2)(B)(ii)], in introductory provisions, inserted ''or subparagraph (D) or (E) of paragraph (2), as the case may be,'' after ''paragraph (1)(C)'' and substituted ''subparagraph (B) or (C) of paragraph (3), as the case may be,'' for ''paragraph (2)(B)''.

Subsec. (b)(5). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1807], added par. (5).

Subsec. (c)(1). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1806(c)(3)], substituted ''subsections (b)(1)(D), (b)(2), and paragraph (2)'' for ''paragraph (2) and subsection (f) of this section''.

Subsec. (e). Pub. L. 106–398, §1 [[div. A], title XVIII, §1804(a)(3)], amended heading and text of subsec. (e) generally. Prior to amendment, subsec. (e) required the Secretary to pay local education agencies under subsec. (b) of this section certain minimum amounts for fiscal years 1995 to 1999.

Subsec. (f). Pub. L. 106–398, §1 [[div. A], title XVIII, §§1806(c)(4), 1808(b)(1)], redesignated subsec. (h) as (f) and struck out heading and text of former subsec. (f) which required the Secretary to provide additional assistance to meet special circumstances relating to the provision of education in local educational agencies eligible to receive assistance under this section.

Subsec. (g). Pub. L. 106–398, §1 [[div. A], title XVIII, §1808(a), (b)(1)], redesignated subsec. (i) as (g) and struck out heading and text of former subsec. (g) which related to additional payments for local educational agencies with high concentrations of children with severe disabilities.

Subsec. (h). Pub. L. 106–398, §1 [[div. A], title XVIII, §1808(b)(1)], redesignated subsec. (h) as (f).

Pub. L. 106–398, §1 [[div. A], title XVIII, §1806(c)(5)], substituted ''section 386 of the National Defense Authorization Act for Fiscal Year 1993'' for ''section 6 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding October 20, 1994)''.

Subsec. (i). Pub. L. 106–398, §1 [[div. A], title XVIII, §1808(b)(1)], redesignated subsec. (i) as (g).

1997—Subsec. (f)(2)(A)(ii)(I). Pub. L. 105–78, which directed the amendment of section 8003(f)(2)(ii)(I) of the Elementary and Secondary Education Act of 1965 by substituting ''25 percent of the total student enrollment of such agency. For purposes of this subclause, all students described in subsection (a)(1) of this section are used to determine eligibility, regardless of whether or not a local educational agency receives funds for these children from subsection (b) of this section;'' for ''35 percent'' and all that follows through the semicolon, was executed by making the substitution for ''35 percent of the total student enrollment of such agency;'' in subsection (f)(2)(A)(ii)(I) of this section, to reflect the probable intent of Congress.

Subsec. (f)(4). Pub. L. 105–18 struck out hyphen after ''Secretary'' in introductory provisions, redesignated subpar. (A) as entire par. (4), inserted ''expenditure,'' after ''revenue,'', substituted period for semicolon after ''assistance under this subsection'', and struck out subpar. (B) which read as follows: ''shall derive the per pupil expenditure amount for the fiscal year for which the local educational agency is applying for assistance under this subsection for the local educational agency's comparable school districts by increasing or decreasing the per pupil expenditure data for the second fiscal year preceding the fiscal year for which the determination is made by the same percentage increase or decrease reflected between the per pupil expenditure data for the fourth fiscal year preceding the fiscal year for which the determination is made and the per pupil expenditure data for such second year.''

1996—Subsec. (a)(3). Pub. L. 104–201 substituted ''1,000 or such number equals or exceeds 10 percent'' for ''2,000 and such number equals or exceeds 15 percent''.

Subsec. (a)(4). Pub. L. 104–195, §3(a), added par. (4).

Subsec. (b)(3). Pub. L. 104–195, §4(a), added par. (3).

Subsec. (f)(2)(A). Pub. L. 104–106, §1074(f)(1)(A), substituted ''if such agency is eligible for a supplementary payment in accordance with subparagraph (B) or such agency'' for ''only if such agency'' in introductory provisions.

Subsec. (f)(2)(D). Pub. L. 104–106, §1074(f)(1)(B), added subpar. (D).

Subsec. (f)(3)(A). Pub. L. 104–106, §1074(f)(2)(A)(i), inserted ''(other than any amount received under paragraph (2)(B))'' after ''subsection'' in introductory provisions.

Subsec. (f)(3)(A)(i). Pub. L. 104–208, §101(e) [title III, §307(a)(1), (5)], substituted in introductory provisions, ''The Secretary, in conjunction with the local educational agency, shall first determine each of the following:'' for ''The Secretary shall first determine the greater of—'' and inserted concluding provisions.

Subsec. (f)(3)(A)(i)(I). Pub. L. 104–208, §101(e) [title III, §307(a)(2), (3)], substituted ''The average'' for ''the average'' before ''of the State'' and substituted period for semicolon at end.

Pub. L. 104–106, §1074(f)(2)(A)(ii), struck out ''or the average per-pupil expenditure of all the States'' after ''is located''.

Subsec. (f)(3)(A)(i)(II). Pub. L. 104–208, §101(e) [title III, §307(a)(2)], substituted ''The average'' for ''the average''.

Pub. L. 104–208, §101(e) [title III, §307(a)(4)], which directed substitution of period for ''; or'', was executed by making substitution for ''; or'' to reflect the probable intent of Congress.

Subsec. (f)(3)(A)(i)(III). Pub. L. 104–208, §101(e) [title III, §307(a)(2)], substituted ''The average'' for ''the average''.

Subsec. (f)(3)(A)(ii). Pub. L. 104–106, §1074(f)(2)(A)(iii), amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: ''The Secretary shall next subtract from the amount determined under clause (i) the average amount of State aid per pupil received by the local educational agency.''

Subsec. (f)(3)(A)(iii). Pub. L. 104–195, §5(b)(1), inserted '', except as provided in subparagraph (C),'' after ''but'' in introductory provisions.

Pub. L. 104–106, §1074(f)(2)(A)(iv), amended cl. (iii) generally. Prior to amendment, cl. (iii) read as follows: ''The Secretary shall next multiply the amount determined under clause (ii) by the total number of students in average daily attendance at the schools of the local educational agency as determined by the Secretary under subsection (a)(1) of this section.''

Subsec. (f)(3)(B). Pub. L. 104–106, §1074(f)(2)(B), amended heading and text of subpar. (B) generally. Prior to amendment, text read as follows: ''With respect to payments under this subsection for a local educational agency described in clause (ii) or (iii) of paragraph (2)(A), the maximum amount of such payments shall be computed by taking the product of the average per-pupil expenditure in all States multiplied by 0.7, except that such amount may not exceed 125 percent of the average per-pupil expenditure in all local educational agencies in the State.''

Subsec. (f)(3)(C). Pub. L. 104–195, §5(b)(2), added subpar. (C).

Subsec. (f)(4). Pub. L. 104–195, §5(a), substituted ''Data'' for ''Current year data'' in heading, amended subpar. (A) generally, substituting present provisions for provisions which read ''shall use student and revenue data from the fiscal year for which the local educational agency is applying for assistance under this subsection; and'', and in subpar. (B) substituted ''the fiscal year for which the local educational agency is applying for assistance under this subsection'' for ''such year''.

Pub. L. 104–106, §1074(g), amended heading and text of par. (4) generally. Prior to amendment, text read as follows: ''The Secretary shall, for purposes of providing assistance under this subsection, use—

''(A) student and revenue data from the fiscal year for which the local educational agency is applying for assistance under this subsection; and

''(B) the most recent data available which is adjusted to such fiscal year.''

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, and effective with respect to appropriations for use under this subchapter beginning fiscal year 2017, except as otherwise provided in such amendment, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–136, div. A, title V, §537(b), Nov. 24, 2003, 117 Stat. 1475, provided that: ''The amendment made by

subsection (a) [amending this section] shall take effect beginning with basic support payments under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) for fiscal year 2003.''

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–279, title IV, § 406(b), Nov. 5, 2002, 116 Stat. 1987, provided that: ''The amendment made by section 406(a) [amending this section] shall be effective on September 30, 2001, and shall apply with respect to fiscal year 2001, and all subsequent fiscal years.''

Amendment by Pub. L. 107–110 effective Jan. 8, 2002, and effective with respect to appropriations for use under this subchapter for fiscal year 2002, see section 5 of Pub. L. 107–110, set out as an Effective Date note under section 6301 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1804(b)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–375, provided that: ''The amendments made by paragraph (1) [amending this section] shall apply with respect to payments to a local educational agency for fiscal years beginning before, on, or after the date of the enactment of this Act [Oct. 30, 2000].''

EFFECTIVE DATE OF 1997 AMENDMENT

Title III of Pub. L. 105–78, Nov. 13, 1997, 111 Stat. 1497, provided in part that: ''The amendment made by this proviso [amending this section] shall apply with respect to fiscal years beginning with fiscal year 1996''.

Pub. L. 105–18, title VI, § 60005(b), June 12, 1997, 111 Stat.215, provided that: ''The amendments made by subsection (a) [amending this section] shall apply with respect to fiscal years after fiscal year 1997.''

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104–208, div. A, title I, § 101(e) [title III, § 307(b)], Sept. 30, 1996, 110 Stat. 3009–233, 3009–262, provided that: ''The amendments made by subsection (a) [amending this section] shall apply with respect to fiscal years beginning with fiscal year 1995.''

Pub. L. 104–195, § 3(b), Sept. 16, 1996, 110 Stat. 2381, provided that: ''Paragraph (4) of section 8003(a) of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7703(a)(4)], as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1995.''

Pub. L. 104–195, § 4(b), Sept. 16, 1996, 110 Stat. 2381, provided that: ''Paragraph (3) of section 8003(b) of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7703(b)(3)], as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1994.''

Pub. L. 104–195, § 5(c), Sept. 16, 1996, 110 Stat. 2382, provided that: ''The amendments made by subsections (a) and (b) [amending this section] shall apply with respect to fiscal years after fiscal year 1996.''

TRANSITION PROVISIONS

Pub. L. 107–110, title VIII, § 802(a)(2), Jan. 8, 2002, 115 Stat. 1949, provided that: ''The Secretary shall consider an application for a payment under section 8003(b)(2) [20 U.S.C. 7703(b)(2)] for fiscal year 2002 from a qualified local educational agency described in section 8003(b)(2)(C)(iv), as added by paragraph (1), as meeting the requirements of section 8003(b)(2)(C)(iii), and shall provide a payment under section 8003(b)(2) for fiscal year 2002, if the agency submits to the Secretary an application for payment under such section not later than 30 days after the date of enactment of this Act [Jan. 8, 2002].''

ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES

Pub. L. 102–484, div. A, title III, § 386, Oct. 23, 1992, 106 Stat. 2394, as amended by Pub. L. 103–160, div. A, title III, § 373(a), (b), Nov. 30, 1993, 107 Stat. 1635, 1636; Pub. L. 103–382, title III, § 391(d), Oct. 20, 1994, 108 Stat. 4022; Pub. L. 104–106, div. A, title X, § 1074(c)–(e), (h), Feb. 10, 1996, 110 Stat. 448, 449; Pub. L. 105–85, div. A, title III, § 381(e), Nov. 18, 1997, 111 Stat. 1709; Pub. L. 106–65, div. A, title III, § 351(e), Oct. 5, 1999, 113 Stat. 572, which required the Secretary of Defense, in consultation with the Secretary of Education, to provide financial assistance to certain local educational agencies in States, was repealed by Pub. L. 109–163, div. A, title V, § 572(g), Jan. 6, 2006, 119 Stat. 3273. See section 7703b of this title.

NOTICE TO LOCAL AND STATE EDUCATIONAL AGENCIES OF ENROLLMENT CHANGES DUE TO BASE CLOSURES AND REALIGNMENTS

For provisions requiring Secretary of Defense to identify local educational agencies that will experience at least a 5-percent increase or 10-percent reduction in enrollment in number of dependent children of members of Armed Forces and of civilian employees of Department of Defense enrolled in schools under jurisdiction of such agencies during next academic year as a result of closure or realignment of a military installation, and to transmit notice of schedule of such closure or realignment to affected local and State educational agencies, see section 2833 of Pub. L. 101–189, set out as a note under section 2687 of Title 10, Armed Forces.

§ 7703a. Impact aid for children with severe disabilities

(a) Payments

Subject to subsection (f) of this section, the Secretary of Defense shall make a payment for fiscal years after fiscal year 2001, to each local educational agency eligible to receive a payment for a child described in subparagraph (A)(ii) or (B), or clause (i) or (ii) of subparagraph (D), of section 7703(a)(1)[1] of this title that serves two or more such children with severe disabilities, for costs incurred in providing a free appropriate public education to each such child.

(b) Payment amount

The amount of the payment under subsection (a) of this section to a local educational agency for a fiscal year for each child referred to in such subsection with a severe disability shall be—

(1) the payment made on behalf of the child with a severe disability that is in excess of the average per pupil expenditure in the State in which the local educational agency is located; less

(2) the sum of the funds received by the local educational agency—

(A) from the State in which the child resides to defray the educational and related services for such child;

(B) under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) to defray the educational and related services for such child; and

(C) from any other source to defray the costs of providing educational and related services to the child which are received due to the presence of a severe disabling condition of such child.

(c) Exclusions

No payment shall be made under subsection (a) of this section on behalf of a child with a severe disability whose individual cost of educational and related services does not exceed—

[1] See References in Text note below.

(1) five times the national or State average per pupil expenditure (whichever is lower), for a child who is provided educational and related services under a program that is located outside the boundaries of the school district of the local educational agency that pays for the free appropriate public education of the student; or

(2) three times the State average per pupil expenditure, for a child who is provided educational and related services under a program offered by the local educational agency, or within the boundaries of the school district served by the local educational agency.

(d) Ratable reduction

If the amount available for a fiscal year for payments under subsection (a) of this section is insufficient to pay the full amount all local educational agencies are eligible to receive under such subsection, the Secretary of Defense shall ratably reduce the amounts of the payments made under such subsection to all local educational agencies by an equal percentage.

(e) Report

Each local educational agency desiring a payment under subsection (a) of this section shall report to the Secretary of Defense—

(1) the number of severely disabled children for which a payment may be made under this section; and

(2) a breakdown of the average cost, by placement (inside or outside the boundaries of the school district of the local educational agency), of providing education and related services to such children.

(f) Payments subject to appropriation

Payments shall be made for any period in a fiscal year under this section only to the extent that funds are appropriated specifically for making such payments for that fiscal year.

(g) Local educational agency defined

In this section, the term ''local educational agency'' has the meaning given that term in section 7713 of this title.

(Pub. L. 106–398, § 1 [[div. A], title III, § 363], Oct. 30, 2000, 114 Stat. 1654, 1654A–77; Pub. L. 114–95, title IX, § 9215(kk), Dec. 10, 2015, 129 Stat. 2175.)

REFERENCES IN TEXT

Section 7703(a)(1) of this title, referred to in subsec. (a), was in the original ''section 7003(a)(1)'' and was translated as meaning section 7003(a)(1) of the Elementary and Secondary Education Act of 1965, which is classified to section 7703(a)(1) of this title, to reflect the probable intent of Congress.

The Individuals with Disabilities Education Act, referred to in subsec. (b)(2)(B), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§ 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

CODIFICATION

Section was enacted as part of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and not as part of the Elementary and Secondary Education Act of 1965 which comprises this chapter.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 9215(kk)(1), substituted ''subparagraph (A)(ii) or (B), or clause (i) or (ii) of subparagraph (D), of section 7703(a)(1) of this title'' for ''subparagraph (A)(ii), (B), (D)(i) or (D)(ii) of section 7703(a)(1) of this title''.

Subsec. (g). Pub. L. 114–95, § 9215(kk)(2), substituted ''section 7713 of this title.'' for ''section 7713(9) of this title.''

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7703b. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees

(a) Assistance to schools with significant numbers of military dependent students

(1) Assistance authorized

The Secretary of Defense shall provide financial assistance to an eligible local educational agency described in paragraph (2) if, without such assistance, the local educational agency will be unable (as determined by the Secretary of Defense in consultation with the Secretary of Education) to provide the students in the schools of the local educational agency with a level of education that is equivalent to the minimum level of education available in the schools of the other local educational agencies in the same State.

(2) Eligible local educational agencies

A local educational agency is eligible for assistance under this subsection for a fiscal year if at least 20 percent (as rounded to the nearest whole percent) of the students in average daily attendance in the schools of the local educational agency during the preceding school year were military dependent students counted under section 7703(a)(1) of this title.

(b) Assistance to schools with enrollment changes due to base closures, force structure changes, or force relocations

(1) Assistance authorized

To assist communities in making adjustments resulting from changes in the size or location of the Armed Forces, the Secretary of Defense shall provide financial assistance to an eligible local educational agency described in paragraph (2) if, during the period between the end of the school year preceding the fiscal year for which the assistance is authorized and the beginning of the school year immediately preceding that school year, the local educational agency had (as determined by the Secretary of Defense in consultation with the Secretary of Education) an overall increase or reduction of—

(A) not less than five percent in the average daily attendance of military dependent students in the schools of the local educational agency; or

(B) not less than 250 military dependent students in average daily attendance in the schools of the local educational agency.

(2) Eligible local educational agencies

A local educational agency is eligible for assistance under this subsection for a fiscal year if—

(A) the local educational agency is eligible for assistance under subsection (a) of this section for the same fiscal year, or would have been eligible for such assistance if not for the reduction in military dependent students in schools of the local educational agency; and

(B) the overall increase or reduction in military dependent students in schools of the local educational agency is the result of one or more of the following:

(i) The global rebasing plan of the Department of Defense.

(ii) The official creation or activation of one or more new military units.

(iii) The realignment of forces as a result of the base closure process.

(iv) A change in the number of housing units on a military installation.

(3) Calculation of amount of assistance

(A) Pro rata distribution

The amount of the assistance provided under this subsection to a local educational agency that is eligible for such assistance for a fiscal year shall be equal to the product obtained by multiplying—

(i) the per-student rate determined under subparagraph (B) for that fiscal year; by

(ii) the net of the overall increases and reductions in the number of military dependent students in schools of the local educational agency, as determined under paragraph (1).

(B) Per-student rate

For purposes of subparagraph (A)(i), the per-student rate for a fiscal year shall be equal to the dollar amount obtained by dividing—

(i) the total amount of funds made available for that fiscal year to provide assistance under this subsection; by

(ii) the sum of the overall increases and reductions in the number of military dependent students in schools of all eligible local educational agencies for that fiscal year under this subsection.

(C) Maximum amount of assistance

A local educational agency may not receive more than $1,000,000 in assistance under this subsection for any fiscal year.

(4) Duration

Assistance may not be provided under this subsection after September 30, 2014.

(c) Notification

Not later than June 30, 2006, and June 30 of each fiscal year thereafter for which funds are made available to carry out this section, the Secretary of Defense shall notify each local educational agency that is eligible for assistance under this section for that fiscal year of—

(1) the eligibility of the local educational agency for the assistance, including whether the agency is eligible for assistance under either subsection (a) or (b) of this section or both subsections; and

(2) the amount of the assistance for which the local educational agency is eligible.

(d) Disbursement of funds

The Secretary of Defense shall disburse assistance made available under this section for a fiscal year not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (c) of this section for that fiscal year.

(e) Definitions

In this section:

(1) The term ''base closure process'' means the 2005 base closure and realignment process authorized by Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) or any base closure and realignment process conducted after January 6, 2006, under section 2687 of title 10 or any other similar law enacted after January 6, 2006.

(2) The term ''local educational agency'' has the meaning given that term in section 7713(9) of this title.

(3) The term ''military dependent students'' refers to—

(A) elementary and secondary school students who are dependents of members of the Armed Forces; and

(B) elementary and secondary school students who are dependents of civilian employees of the Department of Defense.

(4) The term ''State'' means each of the 50 States and the District of Columbia.

(Pub. L. 109–163, div. A, title V, § 572, Jan. 6, 2006, 119 Stat. 3271; Pub. L. 111–84, div. A, title V, § 533, Oct. 28, 2009, 123 Stat. 2292; Pub. L. 112–239, div. A, title V, § 561(b)(1), (c), Jan. 2, 2013, 126 Stat. 1743, 1744; Pub. L. 114–95, title IX, § 9215(ccc), Dec. 10, 2015, 129 Stat. 2185.)

REFERENCES IN TEXT

The Defense Base Closure and Realignment Act of 1990, referred to in subsec. (e)(1), is part A of title XXIX of div. B of Pub. L. 101–510, Nov. 5, 1990, 104 Stat. 1808, as amended, which is set out as a note under section 2687 of Title 10, Armed Forces. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section is comprised of section 572 of Pub. L. 109–163. Subsec. (g) of section 572 of Pub. L. 109–163 repealed section 386 of Pub. L. 102–484, formerly set out as a note under section 7703 of this title.

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2006, and not as part of the Elementary and Secondary Education Act of 1965 which comprises this chapter.

AMENDMENTS

2015—Subsec. (a)(2). Pub. L. 114–95, § 9215(ccc)(1), made technical amendment to reference in original act which appears in text as reference to section 7703(a)(1) of this title.

Subsec. (e)(2). Pub. L. 114–95, § 9215(ccc)(2), made technical amendment to reference in original act which appears in text as reference to section 7713(9) of this title.

2013—Subsec. (b)(4). Pub. L. 112–239, § 561(b)(1), substituted ''September 30, 2014'' for ''September 30, 2012''.

Subsecs. (e), (f). Pub. L. 112–239, § 561(c), redesignated subsec. (f) as (e) and struck out former subsec. (e) which read as follows: ''Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities—

''(1) $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of this section; and

''(2) $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of this section.''

2009—Subsec. (b)(4). Pub. L. 111–84 substituted ''September 30, 2012'' for ''September 30, 2010''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

PLAN AND AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES EXPERIENCING GROWTH IN ENROLLMENT DUE TO FORCE STRUCTURE CHANGES, RELOCATION OF MILITARY UNITS, OR BASE CLOSURES AND REALIGNMENTS

Pub. L. 109–364, div. A, title V, § 574, Oct. 17, 2006, 120 Stat. 2226, as amended by Pub. L. 110–181, div. A, title V, § 573, Jan. 28, 2008, 122 Stat. 120; Pub. L. 110–417, [div. A], title V, § 553, Oct. 14, 2008, 122 Stat. 4469; Pub. L. 112–81, div. A, title V, § 573, Dec. 31, 2011, 125 Stat. 1427; Pub. L. 114–92, div. A, title X, § 1072(h), Nov. 25, 2015, 129 Stat. 995, provided that:

''(a) PLAN REQUIRED.—Not later than January 1, 2007, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report setting forth a plan to provide assistance to local educational agencies that experience growth in the enrollment of military dependent students as a result of any of the following events:

''(1) Force structure changes.

''(2) The relocation of a military unit.

''(3) The closure or realignment of military installations pursuant to defense base closure and realignment under the base closure laws.

''(b) ELEMENTS.—The report required by subsection (a), and each updated report required by [former] subsection (c), shall include the following:

''(1) An identification, current as of the date of the report, of the total number of military dependent students who are anticipated to be arriving at or departing from military installations as a result of any event described in subsection (a), including—

''(A) an identification of the military installations affected by such arrivals and departures;

''(B) an estimate of the number of such students arriving at or departing from each such installation; and

''(C) the anticipated schedule of such arrivals and departures.

''(2) Such recommendations as the Office of Economic Adjustment of the Department of Defense considers appropriate for means of assisting affected local educational agencies in accommodating increases in enrollment of military dependent students as a result of any such event.

''(3) A plan for outreach to be conducted to affected local educational agencies, commanders of military installations, and members of the Armed Forces and civilian personnel of the Department of Defense regarding information on the assistance to be provided under the plan under subsection (a).

''(c) TRANSITION OF MILITARY DEPENDENTS AMONG LOCAL EDUCATIONAL AGENCIES.—(1) The Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transitions of military dependent students from Department of Defense dependent schools to other schools and among schools of local educational agencies.

''(2) The Secretary of Defense may use funds of the Department of Defense Education Activity for the following purposes:

''(A) To share expertise and experience of the Activity with local educational agencies as military dependent students make the transitions described in paragraph (1), including transitions resulting from the closure or realignment of military installations under a base closure law, global rebasing, and force restructuring.

''(B) To provide grant assistance programs for local educational agencies with military dependent students undergoing the transitions described in paragraph (1), including programs on the following:

''(i) Access to virtual and distance learning capabilities and related applications.

''(ii) Training for teachers.

''(iii) Academic strategies to increase academic achievement.

''(iv) Curriculum development.

''(v) Support for practices that minimize the impact of transition and deployment.

''(vi) Other appropriate services to improve the academic achievement of such students.

''(3) The authority provided by this subsection expires September 30, 2016.

''(d) DEFINITIONS.—In this section:

''(1) The term 'base closure law' has the meaning given that term in section 101 of title 10, United States Code.

''(2) The term 'local educational agency' has the meaning given that term in section 8013(9) [now 7013(9)] of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

''(3) The term 'military dependent students' refers to—

''(A) elementary and secondary school students who are dependents of members of the Armed Forces;

''(B) elementary and secondary school students who are dependents of civilian employees of the Department of Defense; and

''(C) elementary and secondary school students who are dependents of personnel who are not members of the Armed Forces or civilian employees of the Department of Defense but who are employed on Federal property.''

§ 7704. Policies and procedures relating to children residing on Indian lands

(a) In general

A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 7703 of this title shall establish policies and procedures to ensure that—

(1) such children participate in programs and activities supported by such funds on an equal basis with all other children;

(2) parents of such children and Indian tribes are afforded an opportunity to present their views on such programs and activities, including an opportunity to make recommendations on the needs of those children and how the local educational agency may help such children realize the benefits of such programs and activities;

(3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities;

(4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and

(5) parents and Indian tribes are afforded an opportunity to present their views to such agency regarding such agency's general educational program.

(b) Records

A local educational agency that claims children residing on Indian lands for the purpose of

receiving funds under section 7703 of this title shall maintain records demonstrating such agency's compliance with the requirements contained in subsection (a) of this section.

(c) Waiver

A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 7703 of this title shall not be required to comply with the requirements of subsections (a) and (b) of this section for any fiscal year with respect to any Indian tribe from which such agency has received a written statement that the agency need not comply with those subsections because the tribe is satisfied with the provision of educational services by such agency to such children.

(d) Technical assistance and enforcement

The Secretary shall—

(1) provide technical assistance to local educational agencies, parents, and Indian tribes to enable such agencies, parents, and tribes to carry out this section; and

(2) enforce this section through such actions, which may include the withholding of funds, as the Secretary determines to be appropriate, after affording the affected local educational agency, parents, and Indian tribe an opportunity to present their views.

(e) Complaints

(1) In general

(A) Any tribe, or its designee, which has students in attendance at a local educational agency may, in its discretion and without regard to the requirements of any other provision of law, file a written complaint with the Secretary regarding any action of a local educational agency taken pursuant to, or relevant to, the requirements of this section.

(B) Within ten working days from receipt of a complaint, the Secretary shall—

(i) designate a time and place for a hearing into the matters relating to the complaint at a location in close proximity to the local educational agency involved, or if the Secretary determines there is good cause, at some other location convenient to both the tribe, or its designee, and the local educational agency;

(ii) designate a hearing examiner to conduct the hearing; and

(iii) notify the affected tribe or tribes and the local educational agency involved of the time, place, and nature of the hearing and send copies of the complaint to the local educational agency and the affected tribe or tribes.

(2) Hearing

The hearing shall be held within 30 days of the designation of a hearing examiner and shall be open to the public. A record of the proceedings shall be established and maintained.

(3) Evidence; recommendations; cost

The complaining tribe, or its designee, and the local educational agency shall be entitled to present evidence on matters relevant to the complaint and to make recommendations concerning the appropriate remedial actions. Each party to the hearing shall bear only its own costs in the proceedings.

(4) Findings and recommendations

Within 30 days of the completion of the hearing, the hearing examiner shall, on the basis of the record, make written findings of fact and recommendations concerning appropriate remedial action, if any, which should be taken. The hearing examiner's findings and recommendations, along with the hearing record, shall be forwarded to the Secretary.

(5) Written determination

Within 30 days of the Secretary's receipt of the findings, recommendations, and record, the Secretary shall, on the basis of the record, make a written determination of the appropriate remedial action, if any, to be taken by the local educational agency, the schedule for completion of the remedial action, and the reasons for the Secretary's decision.

(6) Copies provided

Upon completion of the Secretary's final determination, the Secretary shall provide the complaining tribe, or its designee, and the local educational agency with copies of the hearing record, the hearing examiner's findings and recommendations, and the Secretary's final determination. The final determination of the Secretary shall be subject to judicial review.

(7) Consolidation

In all actions under this subsection, the Secretary shall have discretion to consolidate complaints involving the same tribe or local educational agency.

(8) Withholding

If the local educational agency rejects the determination of the Secretary, or if the remedy required is not undertaken within the time established and the Secretary determines that an extension of the time established will not effectively encourage the remedy required, the Secretary shall withhold payment of all moneys to which such local agency is eligible under section 7703 of this title until such time as the remedy required is undertaken, except where the complaining tribe or its designee formally requests that such funds be released to the local educational agency, except that the Secretary may not withhold such moneys during the course of the school year if the Secretary determines that such withholding would substantially disrupt the educational programs of the local educational agency.

(9) Rejection of determination

If the local educational agency rejects the determination of the Secretary and a tribe exercises the option under section 1101(d) of the Education Amendments of 1978, to have education services provided either directly by the Bureau of Indian Education or by contract with the Bureau of Indian Education, any Indian students affiliated with that tribe who wish to remain in attendance at the local educational agency against whom the complaint which led to the tribal action under such sub-

section (d) of this section was lodged may be counted with respect to that local educational agency for the purpose of receiving funds under section 7703 of this title. In such event, funds under such section shall not be withheld pursuant to paragraph (8) and no further complaints with respect to such students may be filed under paragraph (1).

(f) Construction

This section is based upon the special relationship between the Indian nations and the United States and nothing in this section shall be construed to relieve any State of any duty with respect to any citizens of that State.

(Pub. L. 89–10, title VII, § 7004, formerly title VIII, § 8004, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3759; renumbered title VII, § 7004, and amended Pub. L. 114–95, title VII, §§ 7001(c)(1), (d)(2), 7005, Dec. 10, 2015, 129 Stat. 2074, 2086.)

REFERENCES IN TEXT

Section 1101(d) of the Education Amendments of 1978, referred to in subsec. (e)(9), is section 1101(d) of Pub. L. 95–561, Nov. 1, 1978, 92 Stat. 2315, set out below.

AMENDMENTS

2015—Pub. L. 114–95, § 7001(d)(2), made technical amendments to references in original act which appear in text as references to section 7703 of this title.

Subsec. (e)(9). Pub. L. 114–95, § 7005, substituted ''Indian Education'' for ''Indian Affairs'' in two places.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, and effective with respect to appropriations for use under this subchapter beginning fiscal year 2017, except as otherwise provided in such amendment, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

CONTRACT AUTHORITY OF INDIAN TRIBES IF REMEDIAL ACTION IS NOT TAKEN; ELECTION TO HAVE SERVICES PROVIDED BY BUREAU SCHOOLS; SPECIAL REGULATIONS

Pub. L. 95–561, title XI, § 1101(d), Nov. 1, 1978, 92 Stat. 2315, directed Secretary of Health, Education, and Welfare, in cooperation with Commissioner of Education, within one year of Nov. 1, 1978, to promulgate special regulations which would provide that where a local educational agency had not undertaken the remedial action required by the Commissioner under 20 U.S.C. 240(b)(3)(C)(vi), the affected tribes could elect for the Bureau of Indian Affairs to provide educational services provided by the local educational agency.

§ 7705. Application for payments under sections 7702 and 7703 of this title

(a) In general

A local educational agency desiring to receive a payment under section 7702 or 7703 of this title shall—

(1) submit an application for such payment to the Secretary; and

(2) provide a copy of such application to the State educational agency.

(b) Contents

Each such application shall be submitted in such form and manner as the Secretary may require, including—

(1) information to determine the eligibility of the local educational agency for a payment and the amount of such payment; and

(2) where applicable, an assurance that such agency is in compliance with section 7704 of this title (relating to children residing on Indian lands).

(c) Deadline for submission

The Secretary shall establish deadlines for the submission of applications under this section.

(d) Approval

(1) In general

The Secretary shall approve an application submitted under this section that—

(A) except as provided in paragraph (2), is filed by the deadline established under subsection (c) of this section; and

(B) otherwise meets the requirements of this subchapter.

(2) Reduction in payment

The Secretary shall approve an application filed not more than 60 days after a deadline established under subsection (c) of this section, or not more than 60 days after the date on which the Secretary sends written notice to the local educational agency pursuant to paragraph (3)(A), as the case may be, that otherwise meets the requirements of this subchapter, except that, notwithstanding section 7703(e) of this title, the Secretary shall reduce the payment based on such late application by 10 percent of the amount that would otherwise be paid.

(3) Late applications

(A) Notice

The Secretary shall, as soon as practicable after the deadline established under subsection (c) of this section, provide to each local educational agency that applied for a payment under section 7702 or 7703 of this title for the prior fiscal year, and with respect to which the Secretary has not received an application for a payment under either such section (as the case may be) for the fiscal year in question, written notice of the failure to comply with the deadline and instruction to ensure that the application is filed not later than 60 days after the date on which the Secretary sends the notice.

(B) Acceptance and approval of late applications

The Secretary shall not accept or approve any application of a local educational agency that is filed more than 60 days after the date on which the Secretary sends written notice to the local educational agency pursuant to subparagraph (A).

(4) State application authority

Notwithstanding any other provision of law, a State educational agency that had been accepted as an applicant for funds under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding October 20, 1994) in fiscal year 1994 shall be permitted to continue as an applicant under the same conditions by which such agency made application during such fiscal year only if such State educational agency distributes all funds received for the

students for which application is being made by such State educational agency to the local educational agencies providing educational services to such students.

(Pub. L. 89–10, title VII, § 7005, formerly title VIII, § 8005, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3761; amended Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1809], Oct. 30, 2000, 114 Stat. 1654, 1654A–382; renumbered title VII, § 7005, and amended Pub. L. 114–95, title VII, §§ 7001(c)(1), (d)(1), 7006, Dec. 10, 2015, 129 Stat. 2074, 2086.)

REFERENCES IN TEXT

Section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding October 20, 1994), referred to in subsec. (d)(4), means section 3 of act Sept. 30, 1950, ch. 1124, which was classified to section 238 of this title prior to repeal by Pub. L. 103–382, title III, § 331(b), Oct. 20, 1994, 108 Stat. 3965.

PRIOR PROVISIONS

A prior section 7706, Pub. L. 89–10, title VIII, § 8006, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3762, related to payments for sudden and substantial increases in attendance of military dependents, prior to repeal by Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1810], Oct. 30, 2000, 114 Stat. 1654, 1654A–383.

AMENDMENTS

2015—Pub. L. 114–95, § 7006(1), made technical amendment to reference in original act which appears in section catchline as reference to sections 7702 and 7703 of this title.

Subsec. (a). Pub. L. 114–95, § 7006(2), made technical amendment to reference in original act which appears in introductory provisions as reference to section 7703 of this title.

Pub. L. 114–95, § 7001(d)(1), made technical amendment to reference in original act which appears in introductory provisions as reference to section 7702 of this title.

Subsec. (b). Pub. L. 114–95, § 7006(3), struck out ‘‘, and shall contain such information,’’ after ‘‘in such form and manner’’ in introductory provisions.

Subsec. (b)(2). Pub. L. 114–95, § 7006(3)(B), made technical amendment to reference in original act which appears in text as reference to section 7704 of this title.

Subsec. (d)(2). Pub. L. 114–95, § 7006(4), made technical amendment to reference in original act which appears in text as reference to section 7703(e) of this title.

Subsec. (d)(3)(A). Pub. L. 114–95, § 7006(2), made technical amendment to reference in original act which appears in text as reference to section 7703 of this title.

Pub. L. 114–95, § 7001(d)(1), made technical amendment to reference in original act which appears in text as reference to section 7702 of this title.

2000—Subsec. (d)(2). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1809(1)], inserted ‘‘, or not more than 60 days after the date on which the Secretary sends written notice to the local educational agency pursuant to paragraph (3)(A), as the case may be,’’ after ‘‘subsection (c) of this section’’.

Subsec. (d)(3). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1809(2)], amended heading and text generally. Prior to amendment, text read as follows: ‘‘The Secretary shall not accept or approve any application that is filed more than 60 days after a deadline established under subsection (c) of this section.’’

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, and effective with respect to appropriations for use under this subchapter beginning fiscal year 2017, except as otherwise provided in such amendment, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7707. Construction

(a) Construction payments authorized

(1) In general

From 40 percent of the amount appropriated for each fiscal year under section 7714(d) of this title, the Secretary shall make payments in accordance with this subsection to each local educational agency that receives a basic support payment under section 7703(b) of this title for that fiscal year.

(2) Additional requirements

A local educational agency that receives a basic support payment under section 7703(b)(1) of this title shall also meet at least one of the following requirements:

(A) The number of children determined under section 7703(a)(1)(C) of this title for the agency for the preceding school year constituted at least 50 percent of the total student enrollment in the schools of the agency during the preceding school year.

(B) The number of children determined under subparagraphs (B) and (D)(i) of section 7703(a)(1) of this title for the agency for the preceding school year constituted at least 50 percent of the total student enrollment in the schools of the agency during the preceding school year.

(3) Amount of payments

(A) Local educational agencies impacted by military dependent children

The amount of a payment to each local educational agency described in this subsection that is impacted by military dependent children for a fiscal year shall be equal to—

(i)(I) 20 percent of the amount appropriated under section 7714(d) of this title for such fiscal year; divided by

(II) the total number of weighted student units of children described in subparagraphs (B) and (D)(i) of section 7703(a)(1) of this title for all local educational agencies described in this subsection (as calculated under section 7703(a)(2) of this title), including the number of weighted student units of such children attending a school facility described in section 7708(a) of this title if the Secretary does not provide assistance for the school facility under that section for the prior fiscal year; multiplied by

(ii) the total number of such weighted student units for the agency.

(B) Local educational agencies impacted by children who reside on Indian lands

The amount of a payment to each local educational agency described in this subsection that is impacted by children who reside on Indian lands for a fiscal year shall be equal to—

(i)(I) 20 percent of the amount appropriated under section 7714(d) of this title for such fiscal year; divided by

(II) the total number of weighted student units of children described in section 7703(a)(1)(C) of this title for all local edu-

cational agencies described in this subsection (as calculated under section 7703(a)(2) of this title); multiplied by

(ii) the total number of such weighted student units for the agency.

(4) Use of funds

Any local educational agency that receives funds under this subsection shall use such funds for construction, as defined in section 7713(3) of this title.

(b) School facility emergency and modernization grants authorized

(1) In general

From 60 percent of the amount appropriated for each fiscal year under section 7714(d) of this title, the Secretary—

(A) shall award emergency grants in accordance with this subsection to eligible local educational agencies to enable the agencies to carry out emergency repairs of school facilities; and

(B) shall award modernization grants in accordance with this subsection to eligible local educational agencies to enable the agencies to carry out the modernization of school facilities.

(2) Priority

In approving applications from local educational agencies for emergency grants and modernization grants under this subsection, the Secretary shall give priority to applications in accordance with the following:

(A) The Secretary shall first give priority to applications for emergency grants from local educational agencies that meet the requirements of paragraph (3)(A) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(B) The Secretary shall next give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (C) or (D) of paragraph (3) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(C) The Secretary shall next give priority to applications for modernization grants from local educational agencies that meet the requirements of paragraph (3)(B) and, among such applications for modernization grants, shall give priority to those applications of local educational agencies based on the severity of the need for modernization, as determined by the Secretary.

(D) The Secretary shall next give priority to applications for modernization grants from local educational agencies that meet the requirements of subparagraph (C) or (D) of paragraph (3) and, among such applications for modernization grants, shall give priority to those applications of local educational agencies based on the severity of the need for modernization, as determined by the Secretary.

(3) Eligibility requirements

(A) Emergency grants

A local educational agency is eligible to receive an emergency grant under paragraph (2)(A) if—

(i) the agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, the agency's fiscal agent)—

(I) has no practical capacity to issue bonds;

(II) has minimal capacity to issue bonds and is at not less than 75 percent of the agency's limit of bonded indebtedness; or

(III) does not meet the requirements of subclauses (I) and (II) but is eligible to receive funds under section 7703(b)(2) of this title for the fiscal year; and

(ii) the agency is eligible to receive assistance under subsection (a) of this section for the fiscal year and has a school facility emergency, as determined by the Secretary, that poses a health or safety hazard to the students and school personnel assigned to the school facility.

(B) Modernization grants

A local educational agency is eligible to receive a modernization grant under paragraph (2)(C) if—

(i) the agency is eligible to receive assistance under this subchapter for the fiscal year;

(ii) the agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, the agency's fiscal agent) meets the requirements of subclause (I), (II), or (III) of subparagraph (A)(i); and

(iii) the agency has facility needs resulting from the presence of the Federal Government, such as the enrollment of federally connected children, the presence of tax-exempt Federal property, or an increase in enrollment due to the expansion of Federal activities, housing privatization, or the acquisition of Federal property.

(C) Additional eligibility for emergency and modernization grants

(i) A local educational agency is eligible to receive an emergency grant or a modernization grant under subparagraph (B) or (D) of paragraph (2), respectively, if the agency meets the following requirements:

(I) The agency receives a basic support payment under section 7703(b) of this title for the fiscal year and the agency meets at least one of the following requirements:

(aa) The number of children determined under section 7703(a)(1)(C) of this title for the agency for the preceding school year constituted at least 40 percent of the total student enrollment in the schools of the agency during the preceding school year.

(bb) The number of children determined under subparagraphs (B) and (D)(i) of section 7703(a)(1) of this title for the

agency for the preceding school year constituted at least 40 percent of the total student enrollment in the schools of the agency during the preceding school year.

(cc) Not less than 10 percent of the property acreage in the agency is exempt from State and local taxation under Federal law.

(II) The agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, the agency's fiscal agent) is at not less than 75 percent of the agency's limit of bonded indebtedness.

(III) The agency has an assessed value of real property per student that may be taxed for school purposes that is less than the average of the assessed value of real property per student that may be taxed for school purposes in the State in which the local educational agency is located.

(ii) A local educational agency is also eligible to receive a modernization grant under this subparagraph if the agency is eligible to receive assistance under section 7702 of this title for the fiscal year and meets the requirements of subclauses (II) and (III) of clause (i).

(D) Special rule

(i) In general

Any school described in clause (ii) that desires to receive an emergency grant or a modernization grant under subparagraph (B) or (D) of paragraph (2), respectively, shall, except as provided in the following sentence, submit an application in accordance with paragraph (6), and shall otherwise be treated as a local educational agency for the purpose of this subsection. The school shall submit an application for the grant to the local educational agency of such school and the agency shall submit the application on behalf of the school to the Secretary.

(ii) School described

A school described in this clause is a school that meets the following requirements:

(I) The school is located within the geographic boundaries of a local educational agency that does not meet the applicable eligibility requirements under subparagraph (A), (B), or (C) for a grant under this subsection.

(II) The school meets at least one of the following requirements:

(aa) The number of children determined under section 7703(a)(1)(C) of this title for the school for the preceding school year constituted at least 40 percent of the total student enrollment in the school during the preceding school year.

(bb) The number of children determined under subparagraphs (B) and (D)(i) of section 7703(a)(1) of this title for the school for the preceding school year constituted at least 40 percent of the total student enrollment in the school during the preceding school year.

(III) The school is located within the geographic boundaries of a local educational agency that meets the requirements of subclauses (II) and (III) of subparagraph (C)(i).

(E) Rule of construction

For purposes of subparagraph (A)(i), a local educational agency—

(i) has no practical capacity to issue bonds if the total assessed value of real property that may be taxed for school purposes is less than $25,000,000; and

(ii) has minimal capacity to issue bonds if the total assessed value of real property that may be taxed for school purposes is at least $25,000,000 but not more than $50,000,000.

(4) Award criteria

In awarding emergency grants and modernization grants under this subsection, the Secretary shall consider the following factors:

(A) The ability of the local educational agency to respond to the emergency, or to pay for the modernization project, as the case may be, as measured by—

(i) the agency's level of bonded indebtedness;

(ii) the assessed value of real property per student that may be taxed for school purposes compared to the average of the assessed value of real property per student that may be taxed for school purposes in the State in which the agency is located;

(iii) the agency's total tax rate for school purposes (or, if applicable, for capital expenditures) compared to the average total tax rate for school purposes (or the average capital expenditure tax rate, if applicable) in the State in which the agency is located; and

(iv) funds that are available to the agency, from any other source, including subsection (a) of this section, that may be used for capital expenditures.

(B) The percentage of property in the agency that is nontaxable due to the presence of the Federal Government.

(C) The number and percentages of children described in subparagraphs (A), (B), (C), and (D) of section 7703(a)(1) of this title served in the school facility with the emergency or served in the school facility proposed for modernization, as the case may be.

(D) In the case of an emergency grant, the severity of the emergency, as measured by the threat that the condition of the school facility poses to the health, safety, and well-being of students.

(E) In the case of a modernization grant—

(i) the severity of the need for modernization, as measured by such factors as—

(I) overcrowding, as evidenced by the use of portable classrooms, or the potential for future overcrowding because of increased enrollment; or

(II) the agency's inability to utilize technology or offer a curriculum in accordance with contemporary State standards due to the physical limitations of the current school facility; and

(ii) the age of the school facility proposed for modernization.

(5) Other award provisions

(A) General provisions

(i) Limitations on amount of funds

(I) In general

The amount of funds provided under an emergency grant or a modernization grant awarded under this subsection to a local educational agency that meets the requirements of subclause (II) or (III) of paragraph (3)(A)(i) for purposes of eligibility under subparagraph (A) or (B) of paragraph (3) or that meets the requirements of clause (i) or (ii) of paragraph (3)(C) for purposes of eligibility under such paragraph (3)(C), or to a school that is eligible under paragraph (3)(D)—

(aa) shall not exceed 50 percent of the total cost of the project to be assisted under this subsection; and

(bb) shall not exceed $4,000,000 during any 4-year period.

(II) In-kind contributions

A local educational agency may use in-kind contributions to meet the matching requirement of subclause (I)(aa).

(ii) Prohibitions on use of funds

A local educational agency may not use funds provided under an emergency grant or modernization grant awarded under this subsection for—

(I) a project for a school facility for which the agency does not have full title or other interest;

(II) stadiums or other school facilities that are primarily used for athletic contests, exhibitions, or other events for which admission is charged to the general public; or

(III) the acquisition of real property.

(iii) Supplement, not supplant

A local educational agency shall use funds provided under an emergency grant or modernization grant awarded under this subsection only to supplement the amount of funds that would, in the absence of the Federal funds provided under the grant, be made available from non-Federal sources to carry out emergency repairs of school facilities or to carry out the modernization of school facilities, as the case may be, and not to supplant such funds.

(iv) Maintenance costs

Nothing in this subsection shall be construed to authorize the payment of maintenance costs in connection with any school facility modernized in whole or in part with Federal funds provided under this subsection.

(v) Environmental safeguards

All projects carried out with Federal funds provided under this subsection shall comply with all relevant Federal, State, and local environmental laws and regulations.

(vi) Carry-over of certain applications

A local educational agency that applies for an emergency grant or a modernization grant under this subsection for a fiscal year and does not receive the grant for the fiscal year shall have the application for the grant considered for the following fiscal year, subject to the priority requirements of paragraph (2) and the award criteria requirements of paragraph (4).

(B) Emergency grants; prohibition on use of funds

A local educational agency that is awarded an emergency grant under this subsection may not use amounts under the grant for the complete or partial replacement of an existing school facility unless such replacement is less expensive or more cost-effective than correcting the identified emergency.

(6) Application

A local educational agency that desires to receive an emergency grant or a modernization grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall contain the following:

(A) A description of how the local educational agency meets the award criteria under paragraph (4), including the information described in clauses (i) through (iv) of paragraph (4)(A) and subparagraphs (B) and (C) of paragraph (4), and containing such additional information as may be necessary to meet any award criteria for a grant under this subsection as provided by any other Act.

(B) In the case of an application for an emergency grant—

(i) a description of the school facility deficiency that poses a health or safety hazard to the occupants of the facility and a description of how the deficiency will be repaired; and

(ii) a signed statement from an appropriate local official certifying that a deficiency in the school facility threatens the health or safety of the occupants of the facility or that prevents the use of all or a portion of the building.

(C) In the case of an application for a modernization grant—

(i) an explanation of the need for the school facility modernization project;

(ii) the date on which original construction of the facility to be modernized was completed;

(iii) a listing of the school facilities to be modernized, including the number and percentage of children determined under section 7703(a)(1) of this title in average daily attendance in each school facility; and

(iv) a description of the ownership of the property on which the current school facility is located or on which the planned school facility will be located.

(D) A description of the project for which a grant under this subsection will be used, including a cost estimate for the project.

(E) A description of the interest in, or authority over, the school facility involved, such as an ownership interest or a lease arrangement.

(Pub. L. 89–10, title VII, § 7007, formerly title VIII, § 8007, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3763; amended Pub. L. 104–134, title I, § 101(d) [title III, § 306(b)], Apr. 26, 1996, 110 Stat. 1321–211, 1321–236; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1811], Oct. 30, 2000, 114 Stat. 1654, 1654A–383; Pub. L. 107–110, title VIII, § 803, Jan. 8, 2002, 115 Stat. 1950; Pub. L. 113–188, title V, § 501, Nov. 26, 2014, 128 Stat. 2019; renumbered title VII, § 7007, and amended Pub. L. 114–95, title VII, §§ 7001(c)(2), (d)(1), (3)–(8), (11), 7007, Dec. 10, 2015, 129 Stat. 2074, 2075, 2086.)

AMENDMENTS

2015—Pub. L. 114–95, § 7001(d)(11), substituted ''section 7714(d) of this title'' for ''section 7714(e) of this title'' wherever appearing.

Pub. L. 114–95, § 7001(d)(4), made technical amendment to references in original act which appear in text as references to section 7703(a)(1)(C) of this title wherever appearing.

Pub. L. 114–95, § 7001(d)(3), made technical amendment to references in original act which appear in text as references to section 7703(a)(1) of this title wherever appearing.

Subsec. (a)(1). Pub. L. 114–95, § 7001(d)(6), made technical amendment to reference in original act which appears in text as reference to section 7703(b) of this title.

Subsec. (a)(2). Pub. L. 114–95, § 7001(d)(7), made technical amendment to reference in original act which appears in introductory provisions as reference to section 7703(b)(1) of this title.

Subsec. (a)(3)(A)(i)(I). Pub. L. 114–95, § 7007(1)(A)(i), redesignated subcl. (II) relating to 20 percent of the amount appropriated as (I).

Subsec. (a)(3)(A)(i)(II). Pub. L. 114–95, § 7007(1)(A)(ii), made technical amendment to reference in original act which appears in text as reference to section 7708(a) of this title.

Pub. L. 114–95, § 7007(1)(A)(i), redesignated subcl. (II) relating to 20 percent of the amount appropriated as (I).

Pub. L. 114–95, § 7001(d)(5), made technical amendment to reference in original act which appears in text as reference to section 7703(a)(2) of this title.

Subsec. (a)(3)(B)(i)(II). Pub. L. 114–95, § 7001(d)(5), made technical amendment to reference in original act which appears in text as reference to section 7703(a)(2) of this title.

Subsec. (a)(4). Pub. L. 114–95, § 7007(1)(B), made technical amendment to reference in original act which appears in text as reference to section 7713(3) of this title.

Subsec. (b)(3)(A)(i)(III). Pub. L. 114–95, § 7001(d)(8), made technical amendment to reference in original act which appears in text as reference to section 7703(b)(2) of this title.

Subsec. (b)(3)(C)(i)(I). Pub. L. 114–95, § 7001(d)(6), made technical amendment to reference in original act which appears in introductory provisions as reference to section 7703(b) of this title.

Subsec. (b)(3)(C)(i)(I)(cc). Pub. L. 114–95, § 7007(2)(A), added item (cc).

Subsec. (b)(3)(C)(ii). Pub. L. 114–95, § 7001(d)(1), made technical amendment to reference in original act which appears in text as reference to section 7702 of this title.

Subsec. (b)(6). Pub. L. 114–95, § 7007(2)(B)(i), in introductory provisions, substituted ''and in such manner'' for '', in such manner, and accompanied by such information''.

Subsec. (b)(6)(A). Pub. L. 114–95, § 7007(2)(B)(ii), inserted before period at end '', and containing such additional information as may be necessary to meet any award criteria for a grant under this subsection as provided by any other Act''.

Subsec. (b)(6)(F). Pub. L. 114–95, § 7007(2)(B)(iii), struck out subpar. (F) which read as follows: ''Such other information and assurances as the Secretary may reasonably require.''

2014—Subsec. (b)(7). Pub. L. 113–188 struck out par. (7) which required annual reports containing justifications for each grant awarded under subsec. (b) for the prior fiscal year.

2002—Subsec. (b). Pub. L. 107–110 amended heading and text generally, reorganizing and revising provisions relating to emergency and modernization grants.

2000—Pub. L. 106–398 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (c) authorizing payments to certain local educational agencies for construction.

1996—Subsec. (a)(2)(B). Pub. L. 104–134 struck out ''and in which the agency at any 2 times during the four fiscal years preceding October 20, 1994, was denied by a vote of the agency's eligible voters a bond referendum for the purposes of school construction or renovation'' before semicolon at end.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, and effective with respect to appropriations for use under this subchapter beginning fiscal year 2017, except as otherwise provided in such amendment, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–110 effective Jan. 8, 2002, and effective with respect to appropriations for use under this subchapter for fiscal year 2002, see section 5 of Pub. L. 107–110, set out as an Effective Date note under section 6301 of this title.

§ 7708. Facilities

(a) Current facilities

From the amount appropriated for any fiscal year under section 7714(e) of this title, the Secretary may continue to provide assistance for school facilities that were supported by the Secretary under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on the day preceding October 20, 1994).

(b) Transfer of facilities

(1) In general

The Secretary shall, as soon as practicable, transfer to the appropriate local educational agency or another appropriate entity all the right, title, and interest of the United States in and to each facility provided under section 10 of the Act of September 23, 1950[1] (Public Law 815, 81st Congress), or under section 204 or 310 of the Act of September 30, 1950[1] (Public Law 874, 81st Congress) (as such Acts were in effect on January 1, 1958).

(2) Other requirements

Any such transfer shall be without charge to such agency or entity, and prior to such transfer, the transfer shall be consented to by the local educational agency or other appropriate entity, and may be made on such terms and conditions as the Secretary deems appropriate to carry out the purposes of this subchapter.

[1] See References in Text note below.

(Pub. L. 89–10, title VII, § 7008, formerly title VIII, § 8008, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3764; renumbered title VII, § 7008, and amended Pub. L. 114–95, title VII, §§ 7001(c)(2), 7008, Dec. 10, 2015, 129 Stat. 2074, 2086.)

REFERENCES IN TEXT

Section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on the day preceding October 20, 1994), referred to in subsec. (a), means section 10 of act Sept. 23, 1950, ch. 995, which was classified to section 640 of this title prior to repeal by Pub. L. 103–382, title III, § 331(a), Oct. 20, 1994, 108 Stat. 3965.

Section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on January 1, 1958), referred to in subsec. (b)(1), probably means section 10 of act Sept. 23, 1950, ch. 995, as added by Pub. L. 85–620, title I, § 101, Aug. 12, 1958, 72 Stat. 553, as amended, which was classified to section 640 of this title prior to repeal by Pub. L. 103–382, title III, § 331(a), Oct. 20, 1994, 108 Stat. 3965. The act Sept. 23, 1950, did not contain a section 10 on Jan. 1, 1958.

Sections 204 and 310 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on January 1, 1958), referred to in subsec. (b)(1), probably mean sections 204 and 310 of act Sept. 23, 1950, ch. 995, which were classified to sections 274 and 300, respectively, of this title prior to the general amendment of that Act by Pub. L. 85–620, Aug. 12, 1958, 72 Stat. 548. The act Sept. 30, 1950, did not contain a section 204 or 310 on Jan. 1, 1958.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 7008, substituted ''section 7714(e) of this title'' for ''section 7714(f) of this title''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, and effective with respect to appropriations for use under this subchapter beginning fiscal year 2017, except as otherwise provided in such amendment, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7709. State consideration of payments in providing State aid

(a) General prohibition

Except as provided in subsection (b) of this section, a State may not—

(1) consider payments under this subchapter in determining for any fiscal year—

(A) the eligibility of a local educational agency for State aid for free public education; or

(B) the amount of such aid; or

(2) make such aid available to local educational agencies in a manner that results in less State aid to any local educational agency that is eligible for such payment than such agency would receive if such agency were not so eligible.

(b) State equalization plans

(1) In general

A State may reduce State aid to a local educational agency that receives a payment under section 7702 or 7703(b) of this title (except the amount calculated in excess of 1.0 under section 7703(a)(2)(B) of this title and, with respect to a local educational agency that receives a payment under section 7703(b)(2) of this title, the amount in excess of the amount that the agency would receive if the agency were deemed to be an agency eligible to receive a payment under section 7703(b)(1) of this title and not section 7703(b)(2) of this title) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A) of this section, that the State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in the State.

(2) Computation

(A) In general

For purposes of paragraph (1), a program of State aid equalizes expenditures among local educational agencies if, in the second fiscal year preceding the fiscal year for which the determination is made, the amount of per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the highest such per-pupil expenditures or revenues did not exceed the amount of such per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the lowest such expenditures or revenues by more than 25 percent.

(B) Other factors

In making a determination under this subsection, the Secretary shall—

(i) disregard local educational agencies with per-pupil expenditures or revenues above the 95th percentile or below the 5th percentile of such expenditures or revenues in the State; and

(ii) take into account the extent to which a program of State aid reflects the additional cost of providing free public education in particular types of local educational agencies, such as those that are geographically isolated, or to particular types of students, such as children with disabilities.

(3) Exception

Notwithstanding paragraph (2), if the Secretary determines that the State has substantially revised its program of State aid, the Secretary may certify such program for any fiscal year only if—

(A) the Secretary determines, on the basis of projected data, that the State's program will meet the disparity standard described in paragraph (2) for the fiscal year for which the determination is made; and

(B) the State provides an assurance to the Secretary that, if final data do not demonstrate that the State's program met such standard for the fiscal year for which the determination is made, the State will pay to each affected local educational agency the amount by which the State reduced State aid to the local educational agency.

(c) Procedures for review of State equalization plans

(1) Written notice

(A) In general

Any State that wishes to consider payments described in subsection (b)(1) of this

section in providing State aid to local educational agencies shall submit to the Secretary, not later than 120 days before the beginning of the State's fiscal year, a written notice of such State's intention to do so.

(B) Contents

Such notice shall be in the form that the Secretary requires, including evidence that the State has notified each local educational agency in the State of such State's intention to consider such payments in providing State aid.

(2) Opportunity to present views

Before making a determination under subsection (b) of this section, the Secretary shall afford the State, and local educational agencies in the State, an opportunity to present their views.

(3) Qualification procedures

If the Secretary determines that a program of State aid qualifies under subsection (b) of this section, the Secretary shall—

(A) certify the program and so notify the State; and

(B) afford an opportunity for a hearing, in accordance with section 7711(a) of this title, to any local educational agency adversely affected by such certification.

(4) Nonqualification procedures

If the Secretary determines that a program of State aid does not qualify under subsection (b) of this section, the Secretary shall—

(A) so notify the State; and

(B) afford an opportunity for a hearing, in accordance with section 7711(a) of this title, to the State, and to any local educational agency adversely affected by such determination.

(d) Treatment of State aid

(1) In general

If a State has in effect a program of State aid for free public education for any fiscal year, which is designed to equalize expenditures for free public education among the local educational agencies of that State, payments under this subchapter for any fiscal year may be taken into consideration by such State in determining the relative—

(A) financial resources available to local educational agencies in that State; and

(B) financial need of such agencies for the provision of free public education for children served by such agency, except that a State may consider as local resources funds received under this subchapter only in proportion to the share that local tax revenues covered under a State equalization program are of total local tax revenues.

(2) Prohibition

A State may not take into consideration payments under this subchapter before such State's program of State aid has been certified by the Secretary under subsection (c)(3) of this section.

(e) Remedies for State violations

(1) In general

The Secretary or any aggrieved local educational agency may, not earlier than 150 days after an adverse determination by the Secretary against a State for violation of subsections (a) or (d)(2) of this section or for failure to carry out an assurance under subsection (b)(3)(B) of this section, and if an administrative proceeding has not been concluded within such time, bring an action in a United States district court against such State for such violations or failure.

(2) Immunity

A State shall not be immune under the 11th amendment to the Constitution of the United States from an action described in paragraph (1).

(3) Relief

The court shall grant such relief as the court determines is appropriate.

(Pub. L. 89–10, title VII, § 7009, formerly title VIII, § 8009, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3764; amended Pub. L. 104–195, § 10, Sept. 16, 1996, 110 Stat. 2384; Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1812], Oct. 30, 2000, 114 Stat. 1654, 1654A–386; Pub. L. 107–110, title VIII, § 804, Jan. 8, 2002, 115 Stat. 1956; renumbered title VII, § 7009, and amended Pub. L. 114–95, title VII, §§ 7001(c)(2), (d)(1), (7), (8), 7009, Dec. 10, 2015, 129 Stat. 2074, 2087.)

AMENDMENTS

2015—Subsec. (b)(1). Pub. L. 114–95, § 7009(2), made technical amendments to references in original act which appear in text as references to sections 7703(b) and 7703(a)(2)(B) of this title.

Pub. L. 114–95, § 7001(d)(8), made technical amendment to references in original act which appear in two places in text as references to section 7703(b)(2) of this title.

Pub. L. 114–95, § 7001(d)(7), made technical amendment to reference in original act which appears in text as reference to section 7703(b)(1) of this title.

Pub. L. 114–95, § 7001(d)(1), made technical amendment to reference in original act which appears in text as reference to section 7702 of this title.

Subsec. (c)(1)(B). Pub. L. 114–95, § 7009(3), substituted ''that the Secretary requires'' for ''and contain the information the Secretary requires''.

Subsec. (c)(3)(B), (4)(B). Pub. L. 114–95, § 7009(1), made technical amendment to reference in original act which appears in text as reference to section 7711(a) of this title.

2002—Subsec. (b)(1). Pub. L. 107–110 inserted ''and, with respect to a local educational agency that receives a payment under section 7703(b)(2) of this title, the amount in excess of the amount that the agency would receive if the agency were deemed to be an agency eligible to receive a payment under section 7703(b)(1) of this title and not section 7703(b)(2) of this title'' after ''section 7703(a)(2)(B) of this title''.

2000—Subsec. (a)(1). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1812(1)], struck out ''or under the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding October 20, 1994)'' after ''under this subchapter'' in introductory provisions.

Subsec. (b)(1). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1812(2)], amended heading and text of par. (1) generally. Prior to amendment, text read as follows: ''A State may reduce State aid to a local educational agency that receives a payment under section 7702 or 7703(b) of this title (except the amount calculated in excess of 1.0 under subparagraph (B) of section 7703(a)(2) of this title) or under the Act of September 30, 1950 (Public Law 874, 81st Congress) as such Act was in effect on the day preceding October 20, 1994 (other than an increase in payments described in paragraphs (2)(B), (2)(C),

(2)(D), or (3)(B)(ii) of section 3(d) of such Act of September 30, 1950) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A) of this section, that such State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in such State.''

Subsec. (d). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1812(3)], struck out ''or under the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding October 20, 1994)'' after ''under this subchapter'' wherever appearing.

1996—Subsec. (b)(2)(A). Pub. L. 104–195 substituted ''more than 25 percent'' for ''more than—

''(i) 25 percent for fiscal year 1995, 1996, or 1997; and

''(ii) 20 percent for fiscal year 1998 or 1999''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, and effective with respect to appropriations for use under this subchapter beginning fiscal year 2017, except as otherwise provided in such amendment, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–110 effective Jan. 8, 2002, and effective with respect to appropriations for use under this subchapter for fiscal year 2002, see section 5 of Pub. L. 107–110, set out as an Effective Date note under section 6301 of this title.

§ 7710. Federal administration

(a) Payments in whole dollar amounts

The Secretary shall round any payments under this subchapter to the nearest whole dollar amount.

(b) Other agencies

Each Federal agency administering Federal property on which children reside, and each agency principally responsible for an activity that may occasion assistance under this subchapter, shall, to the maximum extent practicable, comply with requests of the Secretary for information the Secretary may require to carry out this subchapter.

(c) Special rules

(1) Certain children eligible under subparagraphs (A) and (G)(ii) of section 7703(a)(1)

(A) The Secretary shall treat as eligible under subparagraph (A) of section 7703(a)(1) of this title any child who would be eligible under such subparagraph except that the Federal property on which the child resides or on which the child's parent is employed is not in the same State in which the child attends school, if such child meets the requirements of paragraph (2).

(B) The Secretary shall treat as eligible under subparagraph (G) of section 7703(a)(1) of this title any child who would be eligible under such subparagraph except that such child does not meet the requirements of clause (ii) of such subparagraph, if such child meets the requirements of paragraph (2).

(2) Requirements

A child meets the requirements of this paragraph if—

(A) such child resides—

(i) in a State adjacent to the State in which the local educational agency serving the school such child attends is located; or

(ii) with a parent employed on Federal property in a State adjacent to the State in which such agency is located;

(B) the schools of such agency are within a more reasonable commuting distance of such child's home than the schools of the local educational agency that serves the school attendance area where such child resides;

(C) attending the schools of the local educational agency that serves the school attendance area where such child resides will impose a substantial hardship on such child;

(D) the State in which such child attends school provides funds for the education of such child on the same basis as all other public school children in the State, unless otherwise permitted under section 7709(b) of this title; and

(E) such agency received a payment for fiscal year 1999 under section 7703(b) of this title on behalf of children described in paragraph (1).

(d) Timely payments

(1) In general

Subject to paragraph (2), the Secretary shall pay a local educational agency the full amount that the agency is eligible to receive under this subchapter for a fiscal year not later than September 30 of the second fiscal year following the fiscal year for which such amount has been appropriated if, not later than 1 calendar year following the fiscal year in which such amount has been appropriated, such local educational agency submits to the Secretary all the data and information necessary for the Secretary to pay the full amount that the agency is eligible to receive under this subchapter for such fiscal year.

(2) Payments with respect of fiscal years in which insufficient funds are appropriated

For a fiscal year in which the amount appropriated under section 7714 of this title is insufficient to pay the full amount a local educational agency is eligible to receive under this subchapter, paragraph (1) shall be applied by substituting ''is available to pay the agency'' for ''the agency is eligible to receive'' each place the term appears.

(Pub. L. 89–10, title VII, § 7010, formerly title VIII, § 8010, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3767; amended Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1813], Oct. 30, 2000, 114 Stat. 1654, 1654A–387; Pub. L. 112–239, div. A, title V, § 563(b)(3), (c)(4), Jan. 2, 2013, 126 Stat. 1747, 1748; renumbered title VII, § 7010, and amended Pub. L. 114–95, title VII, §§ 7001(a)(1), (c)(2), (d)(3), (6), 7010, Dec. 10, 2015, 129 Stat. 2074, 2087.)

AMENDMENTS

2015—Pub. L. 114–95, § 7001(a)(1), repealed Pub. L. 112–239, § 563(c)(4). See 2013 Amendment notes below.

Subsec. (c)(1). Pub. L. 114–95, § 7010(1)(A), made technical amendment to reference in original act which appears in heading as reference to section 7703(a)(1).

Subsec. (c)(1)(A), (B). Pub. L. 114–95, § 7001(d)(3), made technical amendment to reference in original act which appears in text as reference to section 7703(a)(1) of this title.

Subsec. (c)(2)(D). Pub. L. 114–95, § 7010(1)(B), made technical amendment to reference in original act which appears in text as reference to section 7709(b) of this title.

Subsec. (c)(2)(E). Pub. L. 114–95, § 7001(d)(6), made technical amendment to reference in original act which appears in text as reference to section 7703(b) of this title.

Subsec. (d)(2). Pub. L. 114–95, § 7010(2), made technical amendment to reference in original act which appears in text as reference to section 7714 of this title.

2013—Pub. L. 112–239, § 563(c)(4), which directed repeal of the amendment by Pub. L. 112–239, § 563(b)(3)(B), on the day after the 5-year period that began on Jan. 3, 2013, was itself repealed by Pub. L. 114–95, § 7001(a)(1).

Subsec. (c)(1). Pub. L. 112–239, § 563(b)(3)(A), substituted ''paragraph (2)'' for ''paragraph (3) of this subsection'' in subpars. (A) and (B).

Subsec. (d). Pub. L. 112–239, § 563(b)(3)(B), added subsec. (d).

2000—Subsec. (c)(1). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1813(1), (2)], redesignated par. (2) as (1) and struck out heading and text of former par. (1). Text read as follows: ''Notwithstanding any other provision of law, for any fiscal year before fiscal year 1995, the Secretary shall treat as eligible under subsection (a) or (b) of section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such subsection was in effect on the day preceding October 20, 1994), and shall forgive the obligation of a local educational agency to repay any amounts that such agency received under such section for such fiscal year based on, any child who would be eligible under such subsections except that such child does not meet the requirements of subsection (a)(1)(B) or (b)(2)(B), respectively, of such section 3, if such child meets the requirements of paragraph (3) of this subsection.''

Subsec. (c)(2). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1813(2)], redesignated par. (3) as (2). Former par. (2) redesignated (1).

Subsec. (c)(2)(D). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1813(3)(A)], struck out ''section 5(d)(2) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding October 20, 1994) or'' after ''otherwise permitted under''.

Subsec. (c)(2)(E). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1813(3)(B)], substituted ''1999'' for ''1994'', struck out ''(or such section's predecessor authority)'' after ''section 7703(b) of this title'', and substituted ''paragraph (1)'' for ''paragraph (2)''.

Subsec. (c)(3). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1813(2)], redesignated par. (3) as (2).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, and effective with respect to appropriations for use under this subchapter beginning fiscal year 2017, except as otherwise provided in such amendment, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7711. Administrative hearings and judicial review

(a) Administrative hearings

A local educational agency and a State that is adversely affected by any action of the Secretary under this subchapter shall be entitled to a hearing on such action in the same manner as if such agency were a person under chapter 5 of title 5 if the local educational agency or State, as the case may be, submits to the Secretary a request for the hearing not later than 60 days after the date of the action of the Secretary under this subchapter.

(b) Judicial review of secretarial action

(1) In general

A local educational agency or a State aggrieved by the Secretary's final decision following an agency proceeding under subsection (a) of this section may, within 30 working days (as determined by the local educational agency or State) after receiving notice of such decision, file with the United States court of appeals for the circuit in which such agency or State is located a petition for review of that action. The clerk of the court shall promptly transmit a copy of the petition to the Secretary. The Secretary shall then file in the court the record of the proceedings on which the Secretary's action was based, as provided in section 2112 of title 28.

(2) Findings of fact

The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence. The Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) Review

The court shall have exclusive jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

(Pub. L. 89–10, title VII, § 7011, formerly title VIII, § 8011, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3768; amended Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1814(a)(1), (b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–387; renumbered title VII, § 7011, and amended Pub. L. 114–95, title VII, §§ 7001(c)(2), 7011, Dec. 10, 2015, 129 Stat. 2074, 2087.)

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 7011, struck out ''or under the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding October 20, 1994)'' after ''any action of the Secretary under this subchapter''.

2000—Subsec. (a). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1814(a)(1)], inserted ''if the local educational agency or State, as the case may be, submits to the Secretary a request for the hearing not later than 60 days after the date of the action of the Secretary under this subchapter'' before period at end.

Subsec. (b)(1). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1814(b)], substituted ''30 working days (as determined by the local educational agency or State)'' for ''60 days''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, and effective with respect to appropriations for use under this subchapter beginning fiscal year 2017, except as otherwise provided in such amendment, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1814(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–387, provided that: ''The amendment made by paragraph (1) [amending this section] shall apply with respect to an action of the Secretary under title VIII [now VII] of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) initiated on or after the date of the enactment of this Act [Oct. 30, 2000].''

§ 7712. Forgiveness of overpayments

Notwithstanding any other provision of law, the Secretary may forgive the obligation of a local educational agency to repay, in whole or in part, the amount of any overpayment received under this subchapter, or under this subchapter's predecessor authorities, if the Secretary determines that the overpayment was made as a result of an error made by—

(1) the Secretary; or

(2) the local educational agency and repayment of the full amount of the overpayment will result in an undue financial hardship on the agency and seriously harm the agency's educational program.

(Pub. L. 89–10, title VII, § 7012, formerly title VIII, § 8012, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3769; amended Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1815], Oct. 30, 2000, 114 Stat. 1654, 1654A–387; renumbered title VII, § 7012, Pub. L. 114–95, title VII, § 7001(c)(2), Dec. 10, 2015, 129 Stat. 2074.)

AMENDMENTS

2000—Pub. L. 106–398 substituted ''under this subchapter's predecessor authorities'' for ''under the Act of September 30, 1950 (Public Law 874, 81st Congress) or the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Acts were in effect on the day preceding October 20, 1994)'' in introductory provisions.

§ 7713. Definitions

For purposes of this subchapter:

(1) Armed Forces

The term ''Armed Forces'' means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(2) Average per-pupil expenditure

The term ''average per-pupil expenditure'' means—

(A) the aggregate current expenditures of all local educational agencies in the State; divided by

(B) the total number of children in average daily attendance for whom such agencies provided free public education.

(3) Construction

The term ''construction'' means—

(A) the preparation of drawings and specifications for school facilities;

(B) erecting, building, acquiring, altering, remodeling, repairing, or extending school facilities;

(C) inspecting and supervising the construction of school facilities; and

(D) debt service for such activities.

(4) Current expenditures

The term ''current expenditures'' means expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but does not include expenditures for community services, capital outlay, and debt service, or any expenditures made from funds awarded under part A of subchapter I. The determination of whether an expenditure for the replacement of equipment is considered a current expenditure or a capital outlay shall be determined in accordance with generally accepted accounting principles as determined by the State.

(5) Federal property

(A) In general

Except as provided in subparagraphs (B) through (F), the term ''Federal property'' means real property that is not subject to taxation by any State or any political subdivision of a State due to Federal agreement, law, or policy, and that is—

(i) owned by the United States or leased by the United States from another entity;

(ii)(I) held in trust by the United States for individual Indians or Indian tribes;

(II) held by individual Indians or Indian tribes subject to restrictions on alienation imposed by the United States;

(III) conveyed at any time under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] to a Native individual, Native group, or village or regional corporation (including single family occupancy properties that may have been subsequently sold or leased to a third party), except that property that is conveyed under such Act—

(aa) that is not taxed is, for the purposes of this paragraph, considered tax-exempt due to Federal law; and

(bb) is considered Federal property for the purpose of this paragraph if the property is located within a Regional Educational Attendance Area that has no taxing power;

(IV) public land owned by the United States that is designated for the sole use and benefit of individual Indians or Indian tribes; or

(V) used for low-rent housing, as described in paragraph (10), that is located on land described in subclause (I), (II), (III), or (IV) of this clause or on land that met one of those descriptions immediately before such property's use for such housing;

(iii)(I) part of a low-rent housing project assisted under the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.];

(II) used to provide housing for homeless children at closed military installations pursuant to section 11411 of title 42; or

(III) used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); or

(iv) owned by a foreign government or by an international organization.

(B) Schools providing flight training to members of Air Force

The term ''Federal property'' includes, so long as not subject to taxation by any State or any political subdivision of a State, and whether or not that tax exemption is due to Federal agreement, law, or policy, any school providing flight training to members of the Air Force under contract with the Air Force at an airport owned by a State or political subdivision of a State.

(C) Non-Federal easements, leases, licenses, permits, improvements, and certain other real property

The term ''Federal property'' includes, whether or not subject to taxation by a State or a political subdivision of a State—

(i) any non-Federal easement, lease, license, permit, or other such interest in Federal property as otherwise described in this paragraph, but not including any non-Federal fee-simple interest;

(ii) any improvement on Federal property as otherwise described in this paragraph; and

(iii) real property that, immediately before its sale or transfer to a non-Federal party, was owned by the United States and otherwise qualified as Federal property described in this paragraph, but only for one year beyond the end of the fiscal year of such sale or transfer.

(D) Certain Postal Service property and pipelines and utility lines

Notwithstanding any other provision of this paragraph, the term ''Federal property'' does not include—

(i) any real property under the jurisdiction of the United States Postal Service that is used primarily for the provision of postal services; or

(ii) pipelines and utility lines.

(E) Property with respect to which State or local tax revenues may not be expended, allocated, or available for free public education

Notwithstanding any other provision of this paragraph, ''Federal property'' does not include any property on which children reside that is otherwise described in this paragraph if—

(i) no tax revenues of the State or of any political subdivision of the State may be expended for the free public education of children who reside on that Federal property; or

(ii) no tax revenues of the State are allocated or available for the free public education of such children.

(F) Property located in the State of Oklahoma owned by Indian housing authority for low-income housing

The term ''Federal property'' includes any real property located in the State of Oklahoma that—

(i) is owned by an Indian housing authority and used for low-income housing (including housing assisted under or authorized by the Native American Housing Assistance and Self-Determination Act of 1996 [25 U.S.C. 4101 et seq.]); and

(ii) at any time—

(I) was designated by treaty as tribal land; or

(II) satisfied the definition of Federal property under section 403(1)(A) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding October 20, 1994).

(6) Free public education

The term ''free public education'' means education that is provided—

(A) at public expense, under public supervision and direction, and without tuition charge; and

(B) as elementary or secondary education, as determined under State law, except that, notwithstanding State law, such term—

(i) includes preschool education; and

(ii) does not include any education provided beyond grade 12.

(7) Indian lands

The term ''Indian lands'' means any Federal property described in paragraph (5)(A)(ii) or (5)(F).

(8) Local contribution percentage

(A) In general

The term ''local contribution percentage'' means the percentage of current expenditures in the State derived from local and intermediate sources, as reported to and verified by the National Center for Education Statistics.

(B) Hawaii and District of Columbia

Notwithstanding subparagraph (A), the local contribution percentage for Hawaii and for the District of Columbia shall be the average local contribution percentage for the 50 States and the District of Columbia.

(9) Local educational agency

(A) In general

Except as provided in subparagraph (B), the term ''local educational agency''—

(i) means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent school district, or other school district; and

(ii) includes any State agency that directly operates and maintains facilities for providing free public education.

(B) Exception

The term ''local educational agency'' does not include any agency or school authority that the Secretary determines on a case-by-case basis—

(i) was constituted or reconstituted primarily for the purpose of receiving assistance under this subchapter or the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding October 20, 1994) or increasing the amount of such assistance; or

(ii) is not constituted or reconstituted for legitimate educational purposes.

(10) Low-rent housing

The term ''low-rent housing'' means housing located on property that is described in paragraph (5)(A)(iii).

(11) Modernization

The term ''modernization'' means repair, renovation, alteration, or construction, including—

(A) the concurrent installation of equipment; and

(B) the complete or partial replacement of an existing school facility, but only if such replacement is less expensive and more cost-effective than repair, renovation, or alteration of the school facility.

(12) Revenue derived from local sources

The term ''revenue derived from local sources'' means—

(A) revenue produced within the boundaries of a local educational agency and available to such agency for such agency's use; or

(B) funds collected by another governmental unit, but distributed back to a local educational agency in the same proportion as such funds were collected as a local revenue source.

(13) School facilities

The term ''school facilities'' includes—

(A) classrooms and related facilities; and

(B) equipment, machinery, and utilities necessary or appropriate for school purposes.

(Pub. L. 89–10, title VII, § 7013, formerly title VIII, § 8013, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3769; amended Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1816], Oct. 30, 2000, 114 Stat. 1654, 1654A–387; renumbered title VII, § 7013, and amended Pub. L. 114–95, title VII, §§ 7001(c)(2), 7012, Dec. 10, 2015, 129 Stat. 2074, 2087.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (5)(A)(ii)(III), 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.

The United States Housing Act of 1937, referred to in par. (5)(A)(iii)(I), is act Sept. 1, 1937, ch. 896, as revised generally by Pub. L. 93–383, title II, § 201(a), Aug. 22, 1974, 88 Stat. 653, which is classified generally to chapter 8 (§ 1437 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of Title 42 and Tables.

The Native American Housing Assistance and Self-Determination Act of 1996, referred to in par. (5)(A)(iii)(III), (F)(i), is Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, as amended, which is classified principally to chapter 43 (§ 4101 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of Title 25 and Tables.

Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding October 20, 1994), referred to in pars. (5)(F)(ii)(II) and (9)(B)(i), is act Sept. 30, 1950, ch. 1124, 64 Stat. 1100, as amended, which was classified generally to chapter 13 (§ 236 et seq.) of this title prior to repeal by Pub. L. 103–382, title III, § 331(b), Oct. 20, 1994, 108 Stat. 3965. Section 403 of the Act was classified to section 244 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2015—Par. (1). Pub. L. 114–95, § 7012(1), substituted ''Marine Corps, and Coast Guard'' for ''and Marine Corps''.

Par. (4). Pub. L. 114–95, § 7012(2), struck out ''and subchapter VI'' after ''part A of subchapter I''.

Par. (5)(A)(ii)(III). Pub. L. 114–95, § 7012(3)(A), added subcl. (III) and struck out former subcl. (III) which read as follows: ''conveyed at any time under the Alaska Native Claims Settlement Act to a Native individual, Native group, or village or regional corporation;''.

Par. (5)(A)(iii)(II). Pub. L. 114–95, § 7012(3)(B)(i), made technical amendment to reference in original act which appears in text as reference to section 11411 of title 42.

Par. (5)(A)(iii)(III). Pub. L. 114–95, § 7012(3)(B)(ii), added subcl. (III) and struck out former subcl. (III) which read as follows: ''used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996; or''.

2000—Par. (5)(A)(iii)(III). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1816(1)(A)], added subcl. (III).

Par. (5)(F)(i). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1816(1)(B)], substituted ''or authorized by the Native American Housing Assistance and Self-Determination Act of 1996'' for ''the mutual help ownership opportunity program under section 202 of the United States Housing Act of 1937''.

Par. (8)(B). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1816(2)], substituted ''the 50 States and the District of Columbia'' for ''all States''.

Pars. (11) to (13). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1816(3), (4)], added par. (11) and redesignated former pars. (11) and (12) as (12) and (13), respectively.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, and effective with respect to appropriations for use under this subchapter beginning fiscal year 2017, except as otherwise provided in such amendment, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7713a. School facilities for children of Government employees and other residents in Indian reservations, national parks, and national monuments

In order to facilitate the providing of educational opportunities for children of Government employees and other residents in Indian reservations, the national parks and national monuments the Secretary of the Interior is hereby authorized in his discretion to make available for elementary school purposes therein, without charge, space in Government-owned buildings, when such space may be available for such purposes without detriment to the official business of such Indian reservations, national parks and national monuments.

(July 16, 1940, ch. 629, 54 Stat. 761.)

CODIFICATION

Section was not enacted as part of the Elementary and Secondary Education Act of 1965, which comprises this chapter.

Section was formerly classified to section 244a of this title. Prior thereto, section was classified to section 76a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 7714. Authorization of appropriations

(a) Payments for Federal acquisition of real property

For the purpose of making payments under section 7702 of this title, there are authorized to be appropriated $66,813,000 for each of fiscal years 2017 through 2019, and $71,997,917 for fiscal year 2020.

(b) Basic payments; payments for heavily impacted local educational agencies

For the purpose of making payments under section 7703(b) of this title, there are authorized to be appropriated $1,151,233,000 for each of fiscal years 2017 through 2019, and $1,240,572,618 for fiscal year 2020.

(c) Payments for children with disabilities

For the purpose of making payments under section 7703(d) of this title, there are authorized to be appropriated $48,316,000 for each of fiscal years 2017 through 2019, and $52,065,487 for fiscal year 2020.

(d) Construction

For the purpose of carrying out section 7707 of this title, there are authorized to be appropriated $17,406,000 for each of fiscal years 2017 through 2019, and $18,756,765 for fiscal year 2020.

(e) Facilities maintenance

For the purpose of carrying out section 7708 of this title, there are authorized to be appropriated $4,835,000 for each of fiscal years 2017 through 2019, and $5,210,213 for fiscal year 2020.

(Pub. L. 89–10, title VII, § 7014, formerly title VIII, § 8014, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3772; amended Pub. L. 105–78, title III, Nov. 13, 1997, 111 Stat. 1498; Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1817], Oct. 30, 2000, 114 Stat. 1654, 1654A–388; Pub. L. 107–110, title VIII, § 805, Jan. 8, 2002, 115 Stat. 1956; renumbered title VII, § 7014, and amended Pub. L. 114–95, title VII, §§ 7001(c)(2), (d)(1), (6), 7013, Dec. 10, 2015, 129 Stat. 2074, 2088.)

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 7013(1), substituted ''$66,813,000 for each of fiscal years 2017 through 2019, and $71,997,917 for fiscal year 2020'' for ''$32,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years''.

Pub. L. 114–95, § 7001(d)(1), made technical amendment to reference in original act which appears in text as reference to section 7702 of this title.

Subsec. (b). Pub. L. 114–95, § 7013(2), substituted ''$1,151,233,000 for each of fiscal years 2017 through 2019, and $1,240,572,618 for fiscal year 2020'' for ''$809,400,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years''.

Pub. L. 114–95, § 7001(d)(6), made technical amendment to reference in original act which appears in text as reference to section 7703(b) of this title.

Subsec. (c). Pub. L. 114–95, § 7013(3), made technical amendment to reference in original act which appears in text as reference to section 7703(d) of this title and substituted ''$48,316,000 for each of fiscal years 2017 through 2019, and $52,065,487 for fiscal year 2020'' for ''$50,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years''.

Subsec. (d). Pub. L. 114–95, § 7013(5), made technical amendment to reference in original act which appears in text as reference to section 7707 of this title and substituted ''$17,406,000 for each of fiscal years 2017 through 2019, and $18,756,765 for fiscal year 2020'' for ''$10,052,000 for fiscal year 2000 and such sums as may be necessary for fiscal year 2001, $150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the five succeeding fiscal years''.

Pub. L. 114–95, § 7013(4), redesignated subsec. (e) as (d).

Subsec. (e). Pub. L. 114–95, § 7013(6), made technical amendment to reference in original act which appears in text as reference to section 7708 of this title and substituted ''$4,835,000 for each of fiscal years 2017 through 2019, and $5,210,213 for fiscal year 2020'' for ''$5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years''.

Pub. L. 114–95, § 7013(4), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 114–95, § 7013(4), redesignated subsec. (f) as (e).

2002—Subsecs. (a) to (c). Pub. L. 107–110, § 805(a), substituted ''seven succeeding fiscal years'' for ''three succeeding fiscal years''.

Subsec. (e). Pub. L. 107–110, § 805(b), substituted ''for fiscal year 2001, $150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the five succeeding fiscal years'' for ''for each of the three succeeding fiscal years''.

Subsec. (f). Pub. L. 107–110, § 805(a), substituted ''seven succeeding fiscal years'' for ''three succeeding fiscal years''.

Subsec. (g). Pub. L. 107–110, § 805(c), struck out heading and text of subsec. (g). Text read as follows: ''For the purpose of carrying out section 7702(j) of this title there are authorized to be appropriated $1,500,000 for fiscal year 2000 and such sums as may be necessary for each of the three succeeding fiscal years.''

2000—Subsec. (a). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1817(a)], substituted ''$32,000,000 for fiscal year 2000'' for ''$16,750,000 for fiscal year 1995'' and ''three'' for ''four''.

Subsec. (b). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1817(b)], substituted ''section 7703(b)'' for ''subsections (b) and (f) of section 7703'', ''$809,400,000 for fiscal year 2000'' for ''$775,000,000 for fiscal year 1995'', and ''three'' for ''four'' and struck out '', of which 6 percent shall be available, until expended, for each such fiscal year to carry out section 7703(f) of this title'' before period at end.

Subsec. (c). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1817(c)], substituted ''$50,000,000 for fiscal year 2000'' for ''$45,000,000 for fiscal year 1995'' and ''three'' for ''four''.

Subsec. (d). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1817(d)], struck out heading and text of subsec. (d). Text read as follows: ''For the purpose of making payments under section 7706 of this title, there are authorized to be appropriated $2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.''

Subsec. (e). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1817(e)], substituted ''$10,052,000 for fiscal year 2000'' for ''$25,000,000 for fiscal year 1995'' and ''three'' for ''four''.

Subsec. (f). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1817(f)], substituted ''$5,000,000 for fiscal year 2000'' for ''$2,000,000 for fiscal year 1995'' and ''three'' for ''four''.

Subsec. (g). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1817(g)], amended heading and substituted ''$1,500,000 for fiscal year 2000 and such sums as may be necessary for each of the three succeeding fiscal years'' for ''such sums as are necessary beginning in fiscal year 1998 and for each succeeding fiscal year'' in text.

1997—Subsec. (g). Pub. L. 105–78 added subsec. (g).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, and effective with respect to appropriations for use under this subchapter beginning fiscal year 2017, except as otherwise provided in such amendment, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–110 effective Jan. 8, 2002, and effective with respect to appropriations for use under this subchapter for fiscal year 2002, see section 5 of Pub. L. 107–110, set out as an Effective Date note under section 6301 of this title.

SUBCHAPTER VIII—GENERAL PROVISIONS

CODIFICATION

Pub. L. 114–95, title VIII, § 8001(a), Dec. 10, 2015, 129 Stat. 2088, redesignated subchapter IX (§ 7801 et seq.) of this chapter as this subchapter.

Title VIII of the Elementary and Secondary Education Act of 1965, comprising this subchapter, was originally enacted as part of Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27, and subsequently revised, restated, redesignated, and amended by other public laws. Title VIII is shown, herein, as having been added as title IX of Pub. L. 89–10 by Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1956, without reference to earlier amendments because of the extensive revision of the title's provisions by Pub. L. 107–110. Title IX of Pub. L. 89–10 was subsequently redesignated title VIII by Pub. L. 114–95, title VIII, § 8001(a), Dec. 10, 2015, 129 Stat. 2088, and transferred to this subchapter. See Codification note preceding section 6301 of this title.

PRIOR PROVISIONS

A prior title VIII of the Elementary and Secondary Education Act of 1965, comprising former subchapter VIII (§ 7701 et seq.) of this chapter, was redesignated title VII of the Act by Pub. L. 114–95, title VII, § 7001(c), Dec. 10, 2015, 129 Stat. 2074, and transferred to subchapter VII (§ 7701 et seq.) of this chapter.

PART A—DEFINITIONS

§ 7801. Definitions

Except as otherwise provided, in this chapter:

(1) Average daily attendance

(A) In general

Except as provided otherwise by State law or this paragraph, the term ''average daily attendance'' means—

(i) the aggregate number of days of attendance of all students during a school year; divided by

(ii) the number of days school is in session during that year.

(B) Conversion

The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership (or other similar data).

(C) Special rule

If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for the purpose of this chapter—

(i) consider the child to be in attendance at a school of the agency making the payment; and

(ii) not consider the child to be in attendance at a school of the agency receiving the payment.

(D) Children with disabilities

If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with a disability, as defined in section 1401 of this title, the Secretary shall, for the purpose of this chapter, consider the child to be in attendance at a school of the agency making the payment.

(2) Average per-pupil expenditure

The term ''average per-pupil expenditure'' means, in the case of a State or of the United States—

(A) without regard to the source of funds—

(i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States, for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

(ii) any direct current expenditures by the State for the operation of those agencies; divided by

(B) the aggregate number of children in average daily attendance to whom those agencies provided free public education during that preceding year.

(3) Child

The term ''child'' means any person within the age limits for which the State provides free public education.

(4) Child with a disability

The term ''child with a disability'' has the same meaning given that term in section 1401 of this title.

(5) Community-based organization

The term ''community-based organization'' means a public or private nonprofit organization of demonstrated effectiveness that—

(A) is representative of a community or significant segments of a community; and

(B) provides educational or related services to individuals in the community.

(6) Consolidated local application

The term ''consolidated local application'' means an application submitted by a local educational agency pursuant to section 7845 of this title.

(7) Consolidated local plan

The term ''consolidated local plan'' means a plan submitted by a local educational agency pursuant to section 7845 of this title.

(8) Consolidated State application

The term ''consolidated State application'' means an application submitted by a State educational agency pursuant to section 7842 of this title.

(9) Consolidated State plan

The term ''consolidated State plan'' means a plan submitted by a State educational agency pursuant to section 7842 of this title.

(10) County

The term ''county'' means one of the divisions of a State used by the Secretary of Com-

merce in compiling and reporting data regarding counties.

(11) Covered program

The term ''covered program'' means each of the programs authorized by—

(A) part A of subchapter I;
(B) part C of subchapter I;
(C) part D of subchapter I;
(D) part A of subchapter II;
(E) part A of subchapter III;
(F) part A of subchapter IV;
(G) part B of subchapter IV; and
(H) subpart 2 of part B of subchapter V.

(12) Current expenditures

The term ''current expenditures'' means expenditures for free public education—

(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under subchapter I.

(13) Department

The term ''Department'' means the Department of Education.

(14) Distance learning

The term ''distance learning'' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

(15) Dual or concurrent enrollment program

The term ''dual or concurrent enrollment program'' means a program offered by a partnership between at least one institution of higher education and at least one local educational agency through which a secondary school student who has not graduated from high school with a regular high school diploma is able to enroll in one or more postsecondary courses and earn postsecondary credit that—

(A) is transferable to the institutions of higher education in the partnership; and

(B) applies toward completion of a degree or recognized educational credential as described in the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) [and 42 U.S.C. 2751 et seq.].

(16) Early childhood education program

The term ''early childhood education program'' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(17) Early college high school

The term ''early college high school'' means a partnership between at least one local educational agency and at least one institution of higher education that allows participants to simultaneously complete requirements toward earning a regular high school diploma and earn not less than 12 credits that are transferable to the institutions of higher education in the partnership as part of an organized course of study toward a postsecondary degree or credential at no cost to the participant or participant's family.

(18) Educational service agency

The term ''educational service agency'' means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

(19) Elementary school

The term ''elementary school'' means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.

(20) English learner

The term ''English learner'', when used with respect to an individual, means an individual—

(A) who is aged 3 through 21;

(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

(C)(i) who was not born in the United States or whose native language is a language other than English;

(ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and

(II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—

(i) the ability to meet the challenging State academic standards;

(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

(iii) the opportunity to participate fully in society.

(21) Evidence-based

(A) In general

Except as provided in subparagraph (B), the term ''evidence-based'', when used with respect to a State, local educational agency, or school activity, means an activity, strategy, or intervention that—

(i) demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—

(I) strong evidence from at least 1 well-designed and well-implemented experimental study;

(II) moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or

(III) promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias; or

(ii)(I) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and

(II) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

(B) Definition for specific activities funded under this chapter

When used with respect to interventions or improvement activities or strategies funded under section 6303 of this title, the term ''evidence-based'' means a State, local educational agency, or school activity, strategy, or intervention that meets the requirements of subclause (I), (II), or (III) of subparagraph (A)(i).

(22) Expanded learning time

The term ''expanded learning time'' means using a longer school day, week, or year schedule to significantly increase the total number of school hours, in order to include additional time for—

(A) activities and instruction for enrichment as part of a well-rounded education; and

(B) instructional and support staff to collaborate, plan, and engage in professional development (including professional development on family and community engagement) within and across grades and subjects.

(23) Extended-year adjusted cohort graduation rate

(A) In general

The term ''extended-year adjusted cohort graduation rate'' means the fraction—

(i) the denominator of which consists of the number of students who form the original cohort of entering first-time students in grade 9 enrolled in the high school no later than the date by which student membership data must be collected annually by State educational agencies for submission to the National Center for Education Statistics under section 9543 of this title, adjusted by—

(I) adding the students who joined that cohort, after the date of the determination of the original cohort; and

(II) subtracting only those students who left that cohort, after the date of the determination of the original cohort, as described in subparagraph (B); and

(ii) the numerator of which—

(I) consists of the sum of—

(aa) the number of students in the cohort, as adjusted under clause (i), who earned a regular high school diploma before, during, or at the conclusion of—

(AA) one or more additional years beyond the fourth year of high school; or

(BB) a summer session immediately following the additional year of high school; and

(bb) all students with the most significant cognitive disabilities in the cohort, as adjusted under clause (i), assessed using the alternate assessment aligned to alternate academic achievement standards under section 6311(b)(2)(D) of this title and awarded a State-defined alternate diploma that is—

(AA) standards-based;

(BB) aligned with the State requirements for the regular high school diploma; and

(CC) obtained within the time period for which the State ensures the availability of a free appropriate public education under section 1412(a)(1) of this title; and

(II) shall not include any student awarded a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential.

(B) Cohort removal

To remove a student from a cohort, a school or local educational agency shall require documentation, or obtain documentation from the State educational agency, to confirm that the student has transferred out, emigrated to another country, or transferred to a prison or juvenile facility, or is deceased.

(C) Transferred out

For purposes of this paragraph, the term ''transferred out'' has the meaning given the term in clauses (i), (ii), and (iii) of paragraph (25)(C).

(D) Special rules

(i) Schools starting after grade 9

For those high schools that start after grade 9, the original cohort shall be calculated for the earliest high school grade students attend no later than the date by which student membership data is collected annually by State educational agencies for submission to the National Center for Education Statistics pursuant to section 9543 of this title.

(ii) Very small schools

A State educational agency may calculate the extended year adjusted cohort graduation rate described under this paragraph for a high school with an average enrollment over a 4-year period of less than 100 students for the purposes of section 6311(c)(4) of this title by—

(I) averaging the extended-year adjusted cohort graduation rate of the school over a period of three years; or

(II) establishing a minimum number of students that must be included in the cohort described in clause (i) of subparagraph (A) that will provide a valid graduation rate calculation as determined by the Secretary, below which the school shall be exempt from differentiation and identification under such section.

(24) Family literacy services

The term ''family literacy services'' means services provided to participants on a vol-

untary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

(A) Interactive literacy activities between parents and their children.

(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

(C) Parent literacy training that leads to economic self-sufficiency.

(D) An age-appropriate education to prepare children for success in school and life experiences.

(25) Four-year adjusted cohort graduation rate

(A) In general

The term ''four-year adjusted cohort graduation rate'' means the fraction—

(i) the denominator of which consists of the number of students who form the original cohort of entering first-time students in grade 9 enrolled in the high school no later than the date by which student membership data is collected annually by State educational agencies for submission to the National Center for Education Statistics pursuant to section 9543 of this title, adjusted by—

(I) adding the students who joined that cohort, after the date of the determination of the original cohort; and

(II) subtracting only those students who left that cohort, after the date of the determination of the original cohort, as described in subparagraph (B); and

(ii) the numerator of which—

(I) consists of the sum of—

(aa) the number of students in the cohort, as adjusted under clause (i), who earned a regular high school diploma before, during, or at the conclusion of—

(AA) the fourth year of high school; or

(BB) a summer session immediately following the fourth year of high school; and

(bb) all students with the most significant cognitive disabilities in the cohort, as adjusted under clause (i), assessed using the alternate assessment aligned to alternate academic achievement standards under section 6311(b)(2)(D) of this title and awarded a State-defined alternate diploma that is—

(AA) standards-based;

(BB) aligned with the State requirements for the regular high school diploma; and

(CC) obtained within the time period for which the State ensures the availability of a free appropriate public education under section 1412(a)(1) of this title; and

(II) shall not include any student awarded a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential.

(B) Cohort removal

To remove a student from a cohort, a school or local educational agency shall require documentation, or obtain documentation from the State educational agency, to confirm that the student has transferred out, emigrated to another country, or transferred to a prison or juvenile facility, or is deceased.

(C) Transferred out

(i) In general

For purposes of this paragraph, the term ''transferred out'' means that a student, as confirmed by the high school or local educational agency in accordance with clause (ii), has transferred to—

(I) another school from which the student is expected to receive a regular high school diploma; or

(II) another educational program from which the student is expected to receive a regular high school diploma or an alternate diploma that meets the requirements of subparagraph (A)(ii)(I)(bb).

(ii) Confirmation requirements

(I) Documentation required

The confirmation of a student's transfer to another school or educational program described in clause (i) requires documentation of such transfer from the receiving school or program in which the student enrolled.

(II) Lack of confirmation

A student who was enrolled in a high school, but for whom there is no confirmation of the student having transferred out, shall remain in the adjusted cohort.

(iii) Programs not providing credit

Except as provided in subparagraph (A)(ii)(I)(bb), a student who is retained in grade or who is enrolled in a program leading to a general equivalency diploma, or other alternative educational program that does not issue or provide credit toward the issuance of a regular high school diploma, shall not be considered transferred out and shall remain in the adjusted cohort.

(D) Special rules

(i) Schools starting after grade 9

For those high schools that start after grade 9, the original cohort shall be calculated for the earliest high school grade students attend no later than the date by which student membership data must be collected annually by State educational agencies for submission to the National Center for Education Statistics pursuant to section 9543 of this title.

(ii) Very small schools

A State educational agency may calculate the four-year adjusted cohort grad-

uation rate described under this paragraph for a high school with an average enrollment over a 4-year period of less than 100 students for the purposes of section 6311(c)(4) of this title by—

(I) averaging the four-year adjusted cohort graduation rate of the school over a period of three years; or

(II) establishing a minimum number of students that must be included in the cohort described in clause (i) of subparagraph (A) that will provide a valid graduation rate calculation as determined by the Secretary, below which the school shall be exempt from differentiation and identification under such section.

(26) Free public education

The term ''free public education'' means education that is provided—

(A) at public expense, under public supervision and direction, and without tuition charge; and

(B) as elementary school or secondary school education as determined under applicable State law, except that the term does not include any education provided beyond grade 12.

(27) Gifted and talented

The term ''gifted and talented'', when used with respect to students, children, or youth, means students, children, or youth who give evidence of high achievement capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who need services or activities not ordinarily provided by the school in order to fully develop those capabilities.

(28) High school

The term ''high school'' means a secondary school that—

(A) grants a diploma, as defined by the State; and

(B) includes, at least, grade 12.

(29) Institution of higher education

The term ''institution of higher education'' has the meaning given that term in section 1001(a) of this title.

(30) Local educational agency

(A) In general

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 of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

(B) Administrative control and direction

The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(C) Bureau of Indian Education schools

The term includes an elementary school or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this chapter with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Education.

(D) Educational service agencies

The term includes educational service agencies and consortia of those agencies.

(E) State educational agency

The term includes the State educational agency in a State in which the State educational agency is the sole educational agency for all public schools.

(31) Mentoring

The term ''mentoring'', except when used to refer to teacher mentoring, means a process by which a responsible adult, postsecondary student, or secondary school student works with a child to provide a positive role model for the child, to establish a supportive relationship with the child, and to provide the child with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the child to become a responsible adult.

(32) Middle grades

The term middle grades means any of grades 5 through 8.

(33) Multi-tier system of supports

The term ''multi-tier system of supports'' means a comprehensive continuum of evidence-based, systemic practices to support a rapid response to students' needs, with regular observation to facilitate data-based instructional decisionmaking.

(34) Native American and Native American language

The terms ''Native American'' and ''Native American language'' have the same meaning given those terms in section 2902 of title 25.

(35) Other staff

The term ''other staff'' means specialized instructional support personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

(36) Outlying area

The term ''outlying area''—

(A) means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the United States Virgin Islands;

(B) means the Republic of Palau, to the extent permitted under section 1921d(f)(1)(B)(ix) of title 48 and until an

agreement for the extension of United States education assistance under the Compact of Free Association becomes effective for the Republic of Palau; and

(C) for the purpose of any discretionary grant program under this chapter, includes the Republic of the Marshall Islands and the Federated States of Micronesia, to the extent permitted under section 1921d(f)(1)(B)(viii) of title 48.

(37) Paraprofessional

The term ''paraprofessional'', also known as a ''paraeducator'', includes an education assistant and instructional assistant.

(38) Parent

The term ''parent'' includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

(39) Parental involvement

The term ''parental involvement'' means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—

(A) that parents play an integral role in assisting their child's learning;

(B) that parents are encouraged to be actively involved in their child's education at school;

(C) that parents are full partners in their child's education and are included, as appropriate, in decisionmaking and on advisory committees to assist in the education of their child; and

(D) the carrying out of other activities, such as those described in section 6318 of this title.

(40) Pay for success initiative

The term ''pay for success initiative'' means a performance-based grant, contract, or cooperative agreement awarded by a public entity in which a commitment is made to pay for improved outcomes that result in social benefit and direct cost savings or cost avoidance to the public sector. Such an initiative shall include—

(A) a feasibility study on the initiative describing how the proposed intervention is based on evidence of effectiveness;

(B) a rigorous, third-party evaluation that uses experimental or quasi-experimental design or other research methodologies that allow for the strongest possible causal inferences to determine whether the initiative has met its proposed outcomes;

(C) an annual, publicly available report on the progress of the initiative; and

(D) a requirement that payments are made to the recipient of a grant, contract, or cooperative agreement only when agreed upon outcomes are achieved, except that the entity may make payments to the third party conducting the evaluation described in subparagraph (B).

(41) Poverty line

The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 9902(2) of title 42) applicable to a family of the size involved.

(42) Professional development

The term ''professional development'' means activities that—

(A) are an integral part of school and local educational agency strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging State academic standards; and

(B) are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, and may include activities that—

(i) improve and increase teachers'—

(I) knowledge of the academic subjects the teachers teach;

(II) understanding of how students learn; and

(III) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;

(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;

(iii) allow personalized plans for each educator to address the educator's specific needs identified in observation or other feedback;

(iv) improve classroom management skills;

(v) support the recruitment, hiring, and training of effective teachers, including teachers who became certified through State and local alternative routes to certification;

(vi) advance teacher understanding of—

(I) effective instructional strategies that are evidence-based; and

(II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;

(vii) are aligned with, and directly related to, academic goals of the school or local educational agency;

(viii) are developed with extensive participation of teachers, principals, other school leaders, parents, representatives of Indian tribes (as applicable), and administrators of schools to be served under this chapter;

(ix) are designed to give teachers of English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

(x) to the extent appropriate, provide training for teachers, principals, and other school leaders in the use of technology (including education about the harms of copyright piracy), so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach;

(xi) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;

(xii) are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services, to those children, including positive behavioral interventions and supports, multi-tier system of supports, and use of accommodations;

(xiii) include instruction in the use of data and assessments to inform and instruct classroom practice;

(xiv) include instruction in ways that teachers, principals, other school leaders, specialized instructional support personnel, and school administrators may work more effectively with parents and families;

(xv) involve the forming of partnerships with institutions of higher education, including, as applicable, Tribal Colleges and Universities as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), to establish school-based teacher, principal, and other school leader training programs that provide prospective teachers, novice teachers, principals, and other school leaders with an opportunity to work under the guidance of experienced teachers, principals, other school leaders, and faculty of such institutions;

(xvi) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of subchapter I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers;

(xvii) provide follow-up training to teachers who have participated in activities described in this paragraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and

(xviii) where practicable, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.

(43) Regular high school diploma

The term ''regular high school diploma''—

(A) means the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma, except that a regular high school diploma shall not be aligned to the alternate academic achievement standards described in section 6311(b)(1)(E) of this title; and

(B) does not include a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential.

(44) School leader

The term ''school leader'' means a principal, assistant principal, or other individual who is—

(A) an employee or officer of an elementary school or secondary school, local educational agency, or other entity operating an elementary school or secondary school; and

(B) responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building.

(45) Secondary school

The term ''secondary school'' means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12.

(46) Secretary

The term ''Secretary'' means the Secretary of Education.

(47) Specialized instructional support personnel; specialized instructional support services

(A) Specialized instructional support personnel

The term ''specialized instructional support personnel'' means—

(i) school counselors, school social workers, and school psychologists; and

(ii) other qualified professional personnel, such as school nurses, speech language pathologists, and school librarians, involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 1401 of this title) as part of a comprehensive program to meet student needs.

(B) Specialized instructional support services

The term ''specialized instructional support services'' means the services provided by specialized instructional support personnel.

(48) State

The term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

(49) State educational agency

The term ''State educational agency'' means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

(50) Technology

The term ''technology'' means modern information, computer and communication technology products, services, or tools, including, the Internet and other communications networks, computer devices and other computer and communications hardware, software applications, data systems, and other electronic content (including multimedia content) and data storage.

(51) Universal design for learning

The term ''universal design for learning'' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(52) Well-rounded education

The term ''well-rounded education'' means courses, activities, and programming in subjects such as English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the State or local educational agency, with the purpose of providing all students access to an enriched curriculum and educational experience.

(Pub. L. 89–10, title VIII, § 8101, formerly title IX, § 9101, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1956; renumbered title VIII, § 8101, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(1), (b)(2), (3), 8002, Dec. 10, 2015, 129 Stat. 2088, 2089.)

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in par. (15)(B), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219, which is classified generally to chapter 28 (§ 1001 et seq.) of this title and part C (§ 2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

PRIOR PROVISIONS

A prior section 7801, Pub. L. 89–10, title IX, § 9101, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3773, set forth findings regarding Indian education, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 8002(19), struck out undesignated par. following par. (47) which defined ''State''.

Pars. (3) to (6). Pub. L. 114–95, § 8002(1), (2), redesignated pars. (4) to (7) as (3) to (6), respectively, and struck out former par. (3) which defined ''beginning teacher''.

Pars. (7), (8). Pub. L. 114–95, § 8002(2), redesignated pars. (8) and (9) as (7) and (8), respectively. Former par. (7) redesignated (6).

Pub. L. 114–95, § 8001(b)(2), made technical amendment to reference in original act which appears in text as reference to section 7845 of this title.

Pars. (9), (10). Pub. L. 114–95, § 8002(2), redesignated pars. (10) and (12) as (9) and (10), respectively. Former par. (9) redesignated (8).

Pub. L. 114–95, § 8001(b)(3), made technical amendment to reference in original act which appears in text as reference to section 7842 of this title.

Par. (11). Pub. L. 114–95, § 8002(3), added par. (11) and struck out former par. (11) which defined ''covered program''.

Pub. L. 114–95, § 8002(1), (2), redesignated par. (13) as (11) and struck out former par. (11) which defined ''core academic subjects''.

Par. (12). Pub. L. 114–95, § 8002(3), added par. (12) and struck out former par. (12) which defined ''current expenditures''.

Pub. L. 114–95, § 8002(2), redesignated par. (14) as (12). Former par. (12) redesignated (10).

Pars. (13), (14). Pub. L. 114–95, § 8002(2), redesignated pars. (15) and (16) as (13) and (14), respectively. Former pars. (13) and (14) redesignated (11) and (12), respectively.

Pars. (15) to (17). Pub. L. 114–95, § 8002(4), added pars. (15) to (17). Former pars. (15), (16), and (17) redesignated (13), (14), and (18), respectively.

Par. (18). Pub. L. 114–95, § 8002(2), redesignated par. (17) as (18). Former par. (18) redesignated (19).

Par. (19). Pub. L. 114–95, § 8002(1), (2), redesignated par. (18) as (19) and struck out former par. (19) which defined ''exemplary teacher''.

Par. (20). Pub. L. 114–95, § 8002(5)(A), (B), substituted ''English learner'' for ''Limited English proficient'' in heading and ''English learner'' for ''limited English proficient'' in introductory provisions.

Pub. L. 114–95, § 8002(2), redesignated par. (25) as (20). Former par. (20) redesignated (24).

Par. (20)(D)(i). Pub. L. 114–95, § 8002(5)(C), substituted ''challenging State academic standards'' for ''State's proficient level of achievement on State assessments described in section 6311(b)(3) of this title''.

Pars. (21), (22). Pub. L. 114–95, § 8002(6), added pars. (21) and (22). Former pars. (21) and (22) redesignated (26) and (27), respectively.

Par. (23). Pub. L. 114–95, § 8002(1), (6), added par. (23) and struck out former par. (23) which defined ''highly qualified''.

Par. (24). Pub. L. 114–95, § 8002(2), redesignated par. (20) as (24). Former par. (24) redesignated (29).

Par. (25). Pub. L. 114–95, § 8002(7), added par. (25). Former par. (25) redesignated (20).

Pars. (26), (27). Pub. L. 114–95, § 8002(2), redesignated pars. (21) and (22) as (26) and (27), respectively. Former pars. (26) and (27) redesignated (30) and (31), respectively.

Par. (28). Pub. L. 114–95, § 8002(8), added par. (28). Former par. (28) redesignated (34).

Par. (29). Pub. L. 114–95, § 8002(2), redesignated par. (24) as (29). Former par. (29) redesignated (35).

Par. (30). Pub. L. 114–95, § 8002(2), (9), redesignated par. (26) as (30) and, in subpar. (C), substituted ''Bureau of Indian Education schools'' for ''BIA schools'' in heading and ''Indian Education'' for ''Indian Affairs'' in two places in text. Former par. (30) redesignated (36).

Par. (31). Pub. L. 114–95, § 8002(2), redesignated par. (27) as (31). Former par. (31) redesignated (38).

Pars. (32), (33). Pub. L. 114–95, § 8002(10), added pars. (32) and (33). Former pars. (32) and (33) redesignated (39) and (41), respectively.

Par. (34). Pub. L. 114–95, § 8002(2), redesignated par. (28) as (34). Former par. (34) redesignated (42).

Par. (35). Pub. L. 114–95, § 8002(1), (2), (11), redesignated par. (29) as (35), substituted ''specialized instructional support'' for ''pupil services'', and struck out former par. (35) which defined ''public telecommunications entity''.

Par. (36). Pub. L. 114–95, § 8002(12), added par. (36) and struck out former par. (36) which defined ''outlying area''.

Pub. L. 114–95, § 8002(1), (2), redesignated par. (30) as (36) and struck out former par. (36) which defined ''pupil services personnel'' and ''pupil services''.

Par. (37). Pub. L. 114–95, § 8002(1), (13), added par. (37) and struck out former par. (37) which defined ''scientifically based research''.

Par. (38). Pub. L. 114–95, § 8002(2), redesignated par. (31) as (38). Former par. (38) redesignated (45).

Par. (39). Pub. L. 114–95, § 8002(2), (14), redesignated par. (32) as (39), inserted ''and'' after semicolon at end

of subpar. (C), and made technical amendment to reference in original act which appears in subpar. (D) as reference to section 6318 of this title. Former par. (39) redesignated (46).

Par. (40). Pub. L. 114–95, § 8002(15), added par. (40).

Par. (41). Pub. L. 114–95, § 8002(2), redesignated par. (33) as (41). Former par. (41) redesignated (49).

Par. (42). Pub. L. 114–95, § 8002(16), added par. (42) and struck out former par. (42) which defined ''professional development''.

Pub. L. 114–95, § 8002(1), (2), redesignated par. (34) as (42) and struck out former par. (42) which defined ''teacher mentoring''.

Pars. (43), (44). Pub. L. 114–95, § 8002(17), added pars. (43) and (44). Former par. (43) redesignated (50).

Pars. (45), (46). Pub. L. 114–95, § 8002(2), redesignated pars. (38) and (39) as (45) and (46), respectively.

Par. (47). Pub. L. 114–95, § 8002(18), added par. (47).

Par. (48). Pub. L. 114–95, § 8002(19), added par. (48).

Par. (49). Pub. L. 114–95, § 8002(2), redesignated par. (41) as (49).

Par. (50). Pub. L. 114–95, § 8002(20), added par. (50) and struck out former par. (50) which defined ''technology''.

Pub. L. 114–95, § 8002(2), redesignated par. (43) as (50).

Pars. (51), (52). Pub. L. 114–95, § 8002(21), added pars. (51) and (52).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

HIGHLY QUALIFIED TEACHER

Pub. L. 111–242, § 163, as added by Pub. L. 111–322, title I, § 1(a)(2), Dec. 22, 2010, 124 Stat. 3521; amended by Pub. L. 112–175, § 145, Sept. 28, 2012, 126 Stat. 1322; Pub. L. 113–46, div. A, § 144, Oct. 17, 2013, 127 Stat. 565; Pub. L. 114–53, div. B, § 140, Sept. 30, 2015, 129 Stat. 510, renumbered div. B, Pub. L. 114–113, § 8(3), Dec. 18, 2015, 129 Stat. 2245, provided that:

''(a) A 'highly qualified teacher' includes a teacher who meets the requirements in 34 CFR 200.56(a)(2)(ii), as published in the Federal Register on December 2, 2002.

''(b) This provision is effective on the date of enactment of this provision [Dec. 22, 2010] through the end of the 2016–2017 academic year.

''(c) Not later than December 31, 2013, the Secretary of Education shall submit a report to the Committees on Appropriations and Health, Education, Labor, and Pensions of the Senate and the Committees on Appropriations and Education and the Workforce of the House of Representatives, using data required under existing law (section 1111(h)(6)(A) of Public Law 107–110 [probably meant section 1111(h)(6)(A) of Pub. L. 89–10, as added by Pub. L. 107–110; former 20 U.S.C. 6311(h)(6)(A)]) by State and each local educational agency, regarding the extent to which students in the following categories are taught by teachers who are deemed highly qualified pursuant to 34 CFR 200.56(a)(2)(ii) as published in the Federal Register on December 2, 2002:

''(1) Students with disabilities.

''(2) English Learners.

''(3) Students in rural areas.

''(4) Students from low-income families.''

§ 7802. Applicability of subchapter

Parts B, C, D, E, and F of this subchapter do not apply to subchapter VII of this chapter.

(Pub. L. 89–10, title VIII, § 8102, formerly title IX, § 9102, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1966; renumbered title VIII, § 8102, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(1), 8003, Dec. 10, 2015, 129 Stat. 2088, 2089, 2099.)

PRIOR PROVISIONS

A prior section 7802, Pub. L. 89–10, title IX, § 9102, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3774, set out purpose of provisions relating to Indian education, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 8003, substituted ''Parts B, C, D, E, and F of this subchapter do not apply to subchapter VII'' for ''Parts B, C, D, and E of this subchapter do not apply to subchapter VIII''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7803. Applicability to Bureau of Indian Education operated schools

For the purpose of any competitive program under this chapter—

(1) a consortium of schools operated by the Bureau of Indian Education;

(2) a school operated under a contract or grant with the Bureau of Indian Education in consortium with another contract or grant school or a tribal or community organization; or

(3) a Bureau of Indian Education school in consortium with an institution of higher education, a contract or grant school, or a tribal or community organization,

shall be given the same consideration as a local educational agency.

(Pub. L. 89–10, title VIII, § 8103, formerly title IX, § 9103, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1966; renumbered title VIII, § 8103, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(1), 8004, Dec. 10, 2015, 129 Stat. 2088, 2089, 2100.)

PRIOR PROVISIONS

Prior sections 7811 to 7818 were omitted in the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

Section 7811, Pub. L. 89–10, title IX, § 9111, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3774, set forth purpose of provisions relating to formula grants to local educational agencies.

Section 7812, Pub. L. 89–10, title IX, § 9112, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3774; amended Pub. L. 104–5, § 1, Mar. 23, 1995, 109 Stat. 72, related to grants to local educational agencies.

Section 7813, Pub. L. 89–10, title IX, § 9113, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3775, related to amount of grants.

Section 7814, Pub. L. 89–10, title IX, § 9114, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3776, related to applications for grants.

Section 7815, Pub. L. 89–10, title IX, § 9115, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3778; amended Pub. L. 105–332, § 3(c)(2), Oct. 31, 1998, 112 Stat. 3125, related to authorized services and activities.

Section 7816, Pub. L. 89–10, title IX, § 9116, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3779, related to student eligibility forms.

Section 7817, Pub. L. 89–10, title IX, § 9117, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3781, related to payments.

Section 7818, Pub. L. 89–10, title IX, § 9118, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3782, related to State educational agency review.

AMENDMENTS

2015—Pub. L. 114–95, § 8004, substituted ''Bureau of Indian Education'' for ''Bureau of Indian Affairs'' in section catchline and wherever appearing in text.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

§ 7821. Consolidation of State administrative funds for elementary and secondary education programs

(a) Consolidation of administrative funds

(1) In general

A State educational agency may consolidate the amounts specifically made available to it for State administration under one or more of the programs under paragraph (2) if the State educational agency can demonstrate that the majority of its resources are derived from non-Federal sources.

(2) Applicability

This section applies to any program under this chapter under which funds are authorized to be used for administration, and such other programs as the Secretary may designate.

(b) Use of funds

(1) In general

A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a) of this section.

(2) Additional uses

A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under programs included in the consolidation under subsection (a) of this section, such as—

(A) the coordination of those programs with other Federal and non-Federal programs;

(B) the establishment and operation of peer-review mechanisms under this chapter;

(C) the administration of this subchapter;

(D) the dissemination of information regarding model programs and practices;

(E) technical assistance under any program under this chapter;

(F) State-level activities designed to carry out this subchapter;

(G) training personnel engaged in audit and other monitoring activities;

(H) implementation of the Cooperative Audit Resolution and Oversight Initiative of the Department; and

(I) implementation of fiscal support teams that provide technical fiscal support assistance, which shall include evaluating fiscal, administrative, and staffing functions, and any other key operational function.

(c) Records

A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a) of this section.

(d) Review

To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of that administration.

(e) Unused administrative funds

If a State educational agency does not use all of the funds available to the agency under this section for administration, the agency may use those funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a) of this section.

(f) Consolidation of funds for standards and assessment development

In order to develop challenging State academic standards and assessments, a State educational agency may consolidate the amounts described in subsection (a) of this section for those purposes under subchapter I of this chapter.

(Pub. L. 89–10, title VIII, § 8201, formerly title IX, § 9201, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1966; renumbered title VIII, § 8201, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(2), 8005, Dec. 10, 2015, 129 Stat. 2088, 2089, 2100.)

AMENDMENTS

2015—Subsec. (b)(2)(I). Pub. L. 114–95, § 8005, added subpar. (I).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7822. Single local educational agency States

A State educational agency that also serves as a local educational agency shall, in its applications or plans under this chapter, describe how the agency will eliminate duplication in conducting administrative functions.

(Pub. L. 89–10, title VIII, § 8202, formerly title IX, § 9202, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1967; renumbered title VIII, § 8202, Pub. L. 114–95, title VIII, § 8001(a)(2), Dec. 10, 2015, 129 Stat. 2088, 2089.)

§ 7823. Consolidation of funds for local administration

(a) General authority

In accordance with regulations of the Secretary and for any fiscal year, a local edu-

cational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more programs under this chapter (or such other programs as the Secretary shall designate) not more than the percentage, established in each program, of the total available for the local educational agency under those programs.

(b) State procedures

A State educational agency shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) of this section and for establishing limitations on the amount of funds under those programs that may be used for administration on a consolidated basis.

(c) Conditions

A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

(d) Uses of administrative funds

(1) In general

A local educational agency that consolidates administrative funds under this section may use the consolidated funds for the administration of the programs and for uses, at the school district and school levels, comparable to those described in section 7821(b)(2) of this title.

(2) Fiscal support teams

A local educational agency that uses funds as described in section 7821(b)(2)(I) of this title may contribute State or local funds to expand the reach of such support without violating any supplement, not supplant requirement of any program contributing administrative funds.

(e) Records

A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of the programs included in the consolidation.

(Pub. L. 89–10, title VIII, § 8203, formerly title IX, § 9203, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1967; renumbered title VIII, § 8203, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(2), 8006, Dec. 10, 2015, 129 Stat. 2088, 2089, 2100.)

AMENDMENTS

2015—Subsec. (b). Pub. L. 114–95, § 8006(1), substituted ''A State'' for ''Within 1 year after January 8, 2002, a State''.

Subsec. (d). Pub. L. 114–95, § 8006(2), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: ''A local educational agency that consolidates administrative funds under this section may use the consolidated funds for the administration of the programs and for uses, at the school district and school levels, comparable to those described in section 7821(b)(2) of this title.''

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7824. Consolidated set-aside for Department of the Interior funds

(a) General authority

(1) Transfer

The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of subchapter VI, and the education for homeless children and youth program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11431 et seq.], the amounts allotted to the Department of the Interior under those programs.

(2) Agreement

(A) In general

The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those program funds under terms that the Secretary determines best meet the purposes of those programs.

(B) Contents

The agreement shall—

(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred and the achievement measures to assess program effectiveness, including program objectives; and

(ii) be developed in consultation with Indian tribes.

(b) Administration

The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for its costs related to the administration of the funds transferred under this section.

(c) Accountability system

(1) For the purposes of part A of subchapter I, the Secretary of Interior, in consultation with the Secretary, if the Secretary of the Interior requests the consultation, using a negotiated rulemaking process to develop regulations for implementation no later than the 2017-2018 academic year, shall define the standards, assessments, and accountability system consistent with section 6311 of this title, for the schools funded by the Bureau of Indian Education on a national, regional, or tribal basis, as appropriate, taking into account the unique circumstances and needs of such schools and the students served by such schools.

(2) The tribal governing body or school board of a school funded by the Bureau of Indian Affairs may waive, in part or in whole, the requirements established pursuant to paragraph (1) where such requirements are determined by such body or school board to be inappropriate. If such requirements are waived, the tribal governing body or school board shall, within 60 days, submit to the Secretary of Interior a proposal for alternative standards, assessments, and an

accountability system, if applicable, consistent with section 6311 of this title, that takes into account the unique circumstances and needs of such school or schools and the students served. The Secretary of the Interior and the Secretary shall approve such standards, assessments, and accountability system unless the Secretary determines that the standards, assessments, and accountability system do not meet the requirements of section 6311 of this title, taking into account the unique circumstances and needs of such school or schools and the students served.

(3) TECHNICAL ASSISTANCE.—The Secretary of Interior and the Secretary shall, either directly or through a contract, provide technical assistance, upon request, to a tribal governing body or school board of a school funded by the Bureau of Indian Affairs that seeks a waiver under paragraph (2).

(Pub. L. 89–10, title VIII, § 8204, formerly title IX, § 9204, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1968; renumbered title VIII, § 8204, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(2), 8007, Dec. 10, 2015, 129 Stat. 2088, 2089, 2100.)

REFERENCES IN TEXT

The McKinney-Vento Homeless Assistance Act, referred to in subsec. (a)(1), is Pub. L. 100–77, July 22, 1987, 101 Stat. 482, as amended. Subtitle B of title VII of the Act is classified generally to part B (§ 11431 et seq.) of subchapter VI of chapter 119 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of Title 42 and Tables.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114–95, § 8007(1)(A), substituted ''part A of subchapter VI'' for ''part A of subchapter VII''.

Subsec. (a)(2)(B). Pub. L. 114–95, § 8007(1)(B), added subpar. (B) and struck out former subpar. (B). Prior to amendment, text read as follows: ''The agreement shall—

''(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred and the achievement measures to assess program effectiveness, including measurable goals and objectives; and

''(ii) be developed in consultation with Indian tribes.''

Subsec. (c). Pub. L. 114–95, § 8007(2), added subsec. (c).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7825. Department staff

The Secretary shall—

(1) not later than 60 days after December 10, 2015, identify the number of Department full-time equivalent employees who worked on or administered each education program or project authorized under this chapter, as such program or project was in effect on the day before December 10, 2015, and publish such information on the Department's website;

(2) not later than 60 days after December 10, 2015, identify the number of full-time equivalent employees who worked on or administered each program or project authorized under this chapter, as such program or project was in effect on the day before December 10, 2015, that has been eliminated or consolidated since December 10, 2015;

(3) not later than 1 year after December 10, 2015, reduce the workforce of the Department by the number of full-time equivalent employees the Department identified under paragraph (2); and

(4) not later than 1 year after December 10, 2015, report to Congress on—

(A) the number of full-time equivalent employees associated with each program or project authorized under this chapter and administered by the Department;

(B) the number of full-time equivalent employees who were determined to be associated with eliminated or consolidated programs or projects described in paragraph (2);

(C) how the Secretary has reduced the number of full-time equivalent employees as described in paragraph (3);

(D) the average salary of the full-time equivalent employees described in subparagraph (B) whose positions were eliminated; and

(E) the average salary of the full-time equivalent employees who work on or administer a program or project authorized by the Department under this chapter, disaggregated by employee function within each such program or project.

(Pub. L. 89–10, title VIII, § 8205, as added Pub. L. 114–95, title VIII, § 8008, Dec. 10, 2015, 129 Stat. 2101.)

PRIOR PROVISIONS

Prior sections 7831 to 7835 were omitted in the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

Section 7831, Pub. L. 89–10, title IX, § 9121, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3782, related to improvement of educational opportunities for Indian children.

Section 7832, Pub. L. 89–10, title IX, § 9122, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3784, related to professional development.

Section 7833, Pub. L. 89–10, title IX, § 9123, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3786, authorized fellowships for Indian students.

Section 7834, Pub. L. 89–10, title IX, § 9124, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3787; amended Pub. L. 105–244, title IX, § 901(d), Oct. 7, 1998, 112 Stat. 1828, related to gifted and talented Indian students.

Section 7835, Pub. L. 89–10, title IX, § 9125, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3789, related to grants to tribes for education administrative planning and development.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

§ 7841. Purposes

The purposes of this part are—

(1) to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery;

(2) to provide greater flexibility to State and local authorities through consolidated plans, applications, and reporting; and

(3) to enhance the integration of programs under this chapter with State and local programs.

(Pub. L. 89–10, title VIII, § 8301, formerly title IX, § 9301, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1968; renumbered title VIII, § 8301, Pub. L. 114–95, title VIII, § 8001(a)(3), Dec. 10, 2015, 129 Stat. 2088, 2089.)

§ 7842. Optional consolidated State plans or applications

(a) General authority

(1) Simplification

In order to simplify application requirements and reduce the burden for State educational agencies under this chapter, the Secretary, in accordance with subsection (b) of this section, shall establish procedures and criteria under which, after consultation with the Governor, a State educational agency may submit a consolidated State plan or a consolidated State application meeting the requirements of this section for—

(A) each of the covered programs in which the State participates; and

(B) such other programs as the Secretary may designate.

(2) Consolidated applications and plans

After consultation with the Governor, a State educational agency that submits a consolidated State plan or a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which the consolidated State plan or consolidated State application under this section applies.

(b) Collaboration

(1) In general

In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

(2) Contents

Through the collaborative process described in paragraph (1), the Secretary shall establish, for each program under this chapter to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or consolidated State application.

(3) Necessary materials

The Secretary shall require only descriptions, information, assurances (including assurances of compliance with applicable provisions regarding participation by private school children and teachers), and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.

(Pub. L. 89–10, title VIII, § 8302, formerly title IX, § 9302, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1968; renumbered title VIII, § 8302, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(3), 8009, Dec. 10, 2015, 129 Stat. 2088, 2089, 2102.)

AMENDMENTS

2015—Subsec. (b)(1). Pub. L. 114–95, § 8009, struck out ''nonprofit'' after ''public and private''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7843. Consolidated reporting

(a) In general

In order to simplify reporting requirements and reduce reporting burdens, the Secretary shall establish procedures and criteria under which a State educational agency, in consultation with the Governor of the State, may submit a consolidated State annual report.

(b) Contents

The report shall contain information about the programs included in the report, including the performance of the State under those programs, and other matters as the Secretary determines are necessary, such as monitoring activities.

(c) Replacement

The report shall replace separate individual annual reports for the programs included in the consolidated State annual report.

(Pub. L. 89–10, title VIII, § 8303, formerly title IX, § 9303, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1969; renumbered title VIII, § 8303, Pub. L. 114–95, title VIII, § 8001(a)(3), Dec. 10, 2015, 129 Stat. 2088, 2089.)

§ 7844. General applicability of State educational agency assurances

(a) Assurances

A State educational agency, in consultation with the Governor of the State, that submits a consolidated State plan or consolidated State application under this chapter, whether separately or under section 7842 of this title, shall have on file with the Secretary a single set of assurances, applicable to each program for which the plan or application is submitted, that provides that—

(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, a[1] eligible private agency, institution, or organization, or an Indian tribe, if the law authorizing the program provides for assistance to those entities; and

(B) the public agency, eligible private agency, institution, or organization, or Indian

[1] So in original. Probably should be ''an''.

tribe will administer those funds and property to the extent required by the authorizing law;

(3) the State will adopt and use proper methods of administering each such program, including—

(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;

(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the programs;

(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

(6) the State will—

(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

(B) maintain such records, provide such information to the Secretary, and afford such access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

(7) before the plan or application was submitted to the Secretary, the State afforded a reasonable opportunity for public comment on the plan or application and considered such comment.

(b) GEPA provision

Section 441 of the General Education Provisions Act [20 U.S.C. 1232d] shall not apply to programs under this chapter.

(Pub. L. 89–10, title VIII, § 8304, formerly title IX, § 9304, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1969; renumbered title VIII, § 8304, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(3), (b)(3), 8010, Dec. 10, 2015, 129 Stat. 2088, 2089, 2102.)

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 8001(b)(3), made technical amendment to reference in original act which appears in introductory provisions as reference to section 7842 of this title.

Subsec. (a)(2). Pub. L. 114–95, § 8010, substituted ''eligible'' for ''nonprofit'' in subpars. (A) and (B).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7845. Consolidated local plans or applications

(a) General authority

(1) Consolidated plan

A local educational agency receiving funds under more than one covered program may submit plans or applications to the State educational agency under those programs on a consolidated basis.

(2) Availability to Governor

The State educational agency shall make any consolidated local plans and applications available to the Governor.

(b) Required consolidated plans or applications

A State educational agency that has an approved consolidated State plan or application under section 7842 of this title may require local educational agencies in the State receiving funds under more than one program included in the consolidated State plan or consolidated State application to submit consolidated local plans or applications under those programs, but may not require those agencies to submit separate plans.

(c) Collaboration

A State educational agency, in consultation with the Governor, shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated State plans or consolidated State applications under this section.

(d) Necessary materials

The State educational agency shall require only descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the local educational agency plan or application.

(e) Rural consolidated plan

(1) In general

Two or more eligible local educational agencies, a consortium of eligible local educational service agencies, or an educational service agency on behalf of eligible local educational agencies may submit plans or applications for 1 or more covered programs to the State educational agency on a consolidated basis, if each eligible local educational agency impacted elects to participate in the joint application or elects to allow the educational service agency to apply on its behalf.

(2) Eligible local educational agency

For the purposes of this subsection, the term ''eligible local educational agency'' means a local educational agency that is an eligible local educational agency under part B of subchapter V.

(Pub. L. 89–10, title VIII, § 8305, formerly title IX, § 9305, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1970; renumbered title VIII, § 8305, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(3), (b)(3), 8011, Dec. 10, 2015, 129 Stat. 2088, 2089, 2102.)

AMENDMENTS

2015—Subsec. (b). Pub. L. 114–95, § 8001(b)(3), made technical amendment to reference in original act which appears in text as reference to section 7842 of this title.

Subsec. (e). Pub. L. 114–95, § 8011, added subsec. (e).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub.

L. 114–95, set out as a note under section 6301 of this title.

§ 7846. Other general assurances

(a) Assurances

Any applicant, other than a State educational agency that submits a plan or application under this chapter, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a[1] eligible private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities; and

(B) the public agency, eligible private agency, institution, or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes;

(3) the applicant will adopt and use proper methods of administering each such program, including—

(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary, or other Federal officials;

(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the applicant under each such program;

(6) the applicant will—

(A) submit such reports to the State educational agency (which shall make the reports available to the Governor) and the Secretary as the State educational agency and Secretary may require to enable the State educational agency and the Secretary to perform their duties under each such program; and

(B) maintain such records, provide such information, and afford such access to the records as the State educational agency (after consultation with the Governor) or the Secretary may reasonably require to carry out the State educational agency's or the Secretary's duties; and

(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment.

(b) GEPA provision

Section 442 of the General Education Provisions Act [20 U.S.C. 1232e] shall not apply to programs under this chapter.

[1] So in original. Probably should be ''an''.

(Pub. L. 89–10, title VIII, § 8306, formerly title IX, § 9306, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1971; renumbered title VIII, § 8306, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(3), (b)(2), 8012, Dec. 10, 2015, 129 Stat. 2088, 2089, 2102.)

PRIOR PROVISIONS

A prior section 7851, Pub. L. 89–10, title IX, § 9131, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3790, which related to improvement of educational opportunities for adult Indians, was omitted in the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 8012(1), struck out ''whether separately or pursuant to section 7845 of this title,'' before ''shall have on file'' in introductory provisions.

Pub. L. 114–95, § 8001(b)(2), made technical amendment to reference in original act which appears in introductory provisions as reference to section 7845 of this title.

Subsec. (a)(2). Pub. L. 114–95, § 8012(2), substituted ''eligible'' for ''nonprofit'' in subpars. (A) and (B).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

PART D—WAIVERS

§ 7861. Waivers of statutory and regulatory requirements

(a) In general

(1) Request for waiver by State or Indian tribe

A State educational agency or Indian tribe that receives funds under a program authorized under this chapter may submit a request to the Secretary to waive any statutory or regulatory requirement of this chapter.

(2) Local educational agency and school requests submitted through the State

(A) Request for waiver by local educational agency

A local educational agency that receives funds under a program authorized under this chapter and desires a waiver of any statutory or regulatory requirement of this chapter shall submit a request containing the information described in subsection (b)(1) to the appropriate State educational agency. The State educational agency may then submit the request to the Secretary if the State educational agency determines the waiver appropriate.

(B) Request for waiver by school

An elementary school or secondary school that desires a waiver of any statutory or regulatory requirement of this chapter shall submit a request containing the information described in subsection (b)(1) to the local educational agency serving the school. The local educational agency may then submit the request to the State educational agency in accordance with subparagraph (A) if the local educational agency determines the waiver appropriate.

(3) Receipt of waiver

Except as provided in subsection (b)(4) or (c), the Secretary may waive any statutory or regulatory requirement of this chapter for which a waiver request is submitted to the Secretary pursuant to this subsection.

(b) Request for waiver

(1) In general

A State educational agency, acting on its own behalf or on behalf of a local educational agency in accordance with subsection (a)(2), or Indian tribe that desires a waiver shall submit a waiver request to the Secretary, which shall include a plan that—

(A) identifies the Federal programs affected by the requested waiver;

(B) describes which Federal statutory or regulatory requirements are to be waived;

(C) describes how the waiving of such requirements will advance student academic achievement;

(D) describes the methods the State educational agency, local educational agency, school, or Indian tribe will use to monitor and regularly evaluate the effectiveness of the implementation of the plan;

(E) includes only information directly related to the waiver request; and

(F) describes how schools will continue to provide assistance to the same populations served by programs for which waivers are requested and, if the waiver relates to provisions of subsections (b) or (h) of section 6311 of this title, describes how the State educational agency, local educational agency, school, or Indian tribe will maintain or improve transparency in reporting to parents and the public on student achievement and school performance, including the achievement of the subgroups of students identified in section 6311(b)(2)(B)(xi) of this title.

(2) Additional information

Such requests—

(A) may provide for waivers of requirements applicable to State educational agencies, local educational agencies, Indian tribes, and schools; and

(B) shall be developed and submitted—

(i)(I) by local educational agencies (on behalf of those agencies and schools) to State educational agencies; and

(II) by State educational agencies (on behalf of those agencies or on behalf of, and based on the requests of, local educational agencies in the State) to the Secretary; or

(ii) by Indian tribes (on behalf of schools operated by the tribes) to the Secretary.

(3) General requirements

(A) State educational agencies

In the case of a waiver request submitted by a State educational agency acting on its own behalf, or on behalf of local educational agencies in the State under subsection (a)(2), the State educational agency shall—

(i) provide the public and any interested local educational agency in the State with notice and a reasonable opportunity to comment and provide input on the request, to the extent that the request impacts the local educational agency;

(ii) submit the comments and input to the Secretary, with a description of how the State addressed the comments and input; and

(iii) provide notice and a reasonable time to comment to the public and local educational agencies in the manner in which the applying agency customarily provides similar notice and opportunity to comment to the public.

(B) Local educational agencies

In the case of a waiver request submitted by a local educational agency that receives funds under this chapter—

(i) the request shall be reviewed and approved by the State educational agency in accordance with subsection (a)(2) before being submitted to the Secretary and be accompanied by the comments, if any, of the State educational agency and the public; and

(ii) notice and a reasonable opportunity to comment regarding the waiver request shall be provided to the State educational agency and the public by the agency requesting the waiver in the manner in which that agency customarily provides similar notice and opportunity to comment to the public.

(4) Waiver determination, demonstration, and revision

(A) In general

The Secretary shall issue a written determination regarding the initial approval or disapproval of a waiver request not more than 120 days after the date on which such request is submitted. Initial disapproval of such request shall be based on the determination of the Secretary that—

(i) the waiver request does not meet the requirements of this section;

(ii) the waiver is not permitted under subsection (c);

(iii) the description required under paragraph (1)(C) in the plan provides insufficient information to demonstrate that the waiving of such requirements will advance student academic achievement consistent with the purposes of this chapter; or

(iv) the waiver request does not provide for adequate evaluation to ensure review and continuous improvement of the plan.

(B) Waiver determination and revision

Upon the initial determination of disapproval under subparagraph (A), the Secretary shall—

(i) immediately—

(I) notify the State educational agency, local educational agency (through the State educational agency), school (through the local educational agency), or Indian tribe, as applicable, of such determination; and

(II) provide detailed reasons for such determination in writing to the applicable entity under subclause (I) to the public, such as posting in a clear and easily

accessible format to the Department's website;

(ii) offer the State educational agency, local educational agency (through the State educational agency), school (through the local educational agency), or Indian tribe an opportunity to revise and resubmit the waiver request by a date that is not more than 60 days after the date of such determination; and

(iii) if the Secretary determines that the resubmission under clause (ii) does not meet the requirements of this section, at the request of the State educational agency, local educational agency, school, or Indian tribe, conduct a hearing not more than 30 days after the date of such resubmission.

(C) Waiver disapproval

The Secretary may ultimately disapprove a waiver request if—

(i) the State educational agency, local educational agency, school, or Indian tribe has been notified and offered an opportunity to revise and resubmit the waiver request, as described under clauses (i) and (ii) of subparagraph (B); and

(ii) the State educational agency, local educational agency (through the State educational agency), school (through the local educational agency), or Indian tribe—

(I) does not revise and resubmit the waiver request; or

(II) revises and resubmits the waiver request, and the Secretary determines that such waiver request does not meet the requirements of this section after a hearing conducted under subparagraph (B)(iii), if such a hearing is requested.

(D) External conditions

The Secretary shall not disapprove a waiver request under this section based on conditions outside the scope of the waiver request.

(c) Restrictions

The Secretary shall not waive under this section any statutory or regulatory requirements relating to—

(1) the allocation or distribution of funds to States, local educational agencies, Indian tribes, or other recipients of funds under this chapter;

(2) maintenance of effort;

(3) comparability of services;

(4) use of Federal funds to supplement, not supplant, non-Federal funds;

(5) equitable participation of private school students and teachers;

(6) parental participation and involvement;

(7) applicable civil rights requirements;

(8) the requirement for a charter school under part C of subchapter IV;

(9) the prohibitions—

(A) in subpart 2 of part F;

(B) regarding use of funds for religious worship or instruction in section 7885 of this title; and

(C) regarding activities in section 7906 of this title; or

(10) the selection of a school attendance area or school under subsections (a) and (b) of section 6313 of this title, except that the Secretary may grant a waiver to allow a school attendance area or school to participate in activities under part A of subchapter I of this chapter if the percentage of children from low-income families in the school attendance area or who attend the school is not more than 10 percentage points below the lowest percentage of those children for any school attendance area or school of the local educational agency that meets the requirements of subsections (a) and (b) of section 6313 of this title.

(d) Duration and extension of waiver; limitations

(1) In general

Except as provided in paragraph (2), a waiver approved by the Secretary under this section may be for a period not to exceed 4 years.

(2) Extension

The Secretary may extend the period described in paragraph (1) if the State demonstrates that—

(A) the waiver has been effective in enabling the State or affected recipient to carry out the activities for which the waiver was requested and the waiver has contributed to improved student achievement; and

(B) the extension is in the public interest.

(3) Specific limitations

The Secretary shall not require a State educational agency, local educational agency, school, or Indian tribe, as a condition of approval of a waiver request, to—

(A) include in, or delete from, such request, specific academic standards, such as the Common Core State Standards developed under the Common Core State Standards Initiative or any other standards common to a significant number of States;

(B) use specific academic assessment instruments or items, including assessments aligned to the standards described in subparagraph (A); or

(C) include in, or delete from, such waiver request any specific elements of—

(i) State academic standards;

(ii) academic assessments;

(iii) State accountability systems; or

(iv) teacher and school leader evaluation systems.

(e) Reports

A State educational agency, local educational agency, school, or Indian tribe receiving a waiver under this section shall describe, as part of, and pursuant to, the required annual reporting under section 6311(h) of this title—

(1) the progress of schools covered under the provisions of such waiver toward improving student academic achievement; and

(2) how the use of the waiver has contributed to such progress.

(f) Termination of waivers

The Secretary shall terminate a waiver under this section if, after notice and an opportunity for a hearing, the Secretary—

(A) presents a rationale and supporting information that clearly demonstrates that the

waiver is not contributing to the progress of schools described in subsection (e)(1); or

(B) determines that the waiver is no longer necessary to achieve its original purposes.

(g) Publication

A notice of the Secretary's decision to grant each waiver under subsection (a) of this section shall be published in the Federal Register and the Secretary shall provide for the dissemination of the notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, and the public.

(Pub. L. 89–10, title VIII, § 8401, formerly title IX, § 9401, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1972; renumbered title VIII, § 8401, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(4), 8013, Dec. 10, 2015, 129 Stat. 2088, 2089, 2103.)

PRIOR PROVISIONS

A prior section 7861, Pub. L. 89–10, title IX, § 9141, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3792, related to national activities, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 8013(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: ''Except as provided in subsection (c) of this section, the Secretary may waive any statutory or regulatory requirement of this chapter for a State educational agency, local educational agency, Indian tribe, or school through a local educational agency, that—

''(1) receives funds under a program authorized by this chapter; and

''(2) requests a waiver under subsection (b) of this section.''

Subsec. (b)(1). Pub. L. 114–95, § 8013(2)(A)(i), in introductory provisions, substituted ''acting on its own behalf or on behalf of a local educational agency in accordance with subsection (a)(2),'' for ''local educational agency,'' and inserted '', which shall include a plan'' after ''to the Secretary''.

Subsec. (b)(1)(B) to (E). Pub. L. 114–95, § 8013(2)(A)(iii), added subpars. (B) to (E) and struck out former subpars. (B) to (D) which required a waiver request to contain a description of the Federal statutory or regulatory requirements to be waived, a description of the measurable educational goals for each school year affected by the waiver, and an explanation of how the waiver would provide assistance. Former subpar. (E) redesignated (F).

Subsec. (b)(1)(F). Pub. L. 114–95, § 8013(2)(A)(ii), (iv), redesignated subpar. (E) as (F) and inserted ''and, if the waiver relates to provisions of subsections (b) or (h) of section 6311 of this title, describes how the State educational agency, local educational agency, school, or Indian tribe will maintain or improve transparency in reporting to parents and the public on student achievement and school performance, including the achievement of the subgroups of students identified in section 6311(b)(2)(B)(xi) of this title'' after ''waivers are requested''.

Subsec. (b)(2)(B)(i)(II). Pub. L. 114–95, § 8013(2)(B), substituted ''(on behalf of those agencies or on behalf of, and based on the requests of, local educational agencies in the State)'' for ''(on behalf of, and based on the requests of, local educational agencies)''.

Subsec. (b)(3)(A). Pub. L. 114–95, § 8013(2)(C)(i), inserted ''or on behalf of local educational agencies in the State under subsection (a)(2),'' after ''acting on its own behalf,'' in introductory provisions, added cls. (i) to (iii), and struck out former cls. (i) to (iii) which read as follows:

''(i) provide all interested local educational agencies in the State with notice and a reasonable opportunity to comment on the request;

''(ii) submit the comments to the Secretary; and

''(iii) provide notice and information to the public regarding the waiver request in the manner in which the applying agency customarily provides similar notices and information to the public.''

Subsec. (b)(3)(B). Pub. L. 114–95, § 8013(2)(C)(ii), added cls. (i) and (ii) and struck out former cls. (i) and (ii) which read as follows:

''(i) the request shall be reviewed by the State educational agency and be accompanied by the comments, if any, of the State educational agency; and

''(ii) notice and information regarding the waiver request shall be provided to the public by the agency requesting the waiver in the manner in which that agency customarily provides similar notices and information to the public.''

Subsec. (b)(4). Pub. L. 114–95, § 8013(2)(D), added par. (4).

Subsec. (c)(1). Pub. L. 114–95, § 8013(3)(A), inserted '', Indian tribes'' after ''local educational agencies''.

Subsec. (c)(8). Pub. L. 114–95, § 8013(3)(B), substituted ''part C of subchapter IV'' for ''subpart 1 of part B of subchapter V''.

Subsec. (c)(9). Pub. L. 114–95, § 8013(3)(C), added par. (9) and struck out former par. (9) which read as follows: ''the prohibitions regarding—

''(A) State aid in section 7902 of this title;

''(B) use of funds for religious worship or instruction in section 7885 of this title; and

''(C) activities in section 7906 of this title; or''.

Subsec. (d). Pub. L. 114–95, § 8013(4)(A), inserted ''; limitations'' after ''waiver'' in heading.

Subsec. (d)(2). Pub. L. 114–95, § 8013(4)(B), substituted ''State demonstrates'' for ''Secretary determines'' in introductory provisions.

Subsec. (d)(3). Pub. L. 114–95, § 8013(4)(C), added par. (3).

Subsec. (e). Pub. L. 114–95, § 8013(5), added subsec. (e) and struck out former subsec. (e) which required certain reports to State educational agencies, the Secretary, and Congress concerning waivers under this section.

Subsec. (f). Pub. L. 114–95, § 8013(6), substituted ''if, after notice and an opportunity for a hearing, the Secretary—'' for ''if the Secretary determines, after notice and an opportunity for a hearing, that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver or if the waiver is no longer necessary to achieve its original purposes.'' and added pars. (A) and (B).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

PART E—APPROVAL AND DISAPPROVAL OF STATE PLANS AND LOCAL APPLICATIONS

§ 7871. Approval and disapproval of State plans

(a) Approval

A plan submitted by a State pursuant to section 6611(d), 7113(c), 7173, or 7842 of this title shall be approved by the Secretary unless the Secretary makes a written determination (which shall include the supporting information and rationale supporting such determination), prior to the expiration of the 120-day period beginning on the date on which the Secretary received the plan, that the plan is not in compliance with section 6611(d), 7113(c), or 7173 of this title, or part C, respectively.

(b) Disapproval process

(1) In general

The Secretary shall not finally disapprove a plan submitted under section 6611(d), 7113(c), 7173, or 7842 of this title, except after giving the State educational agency notice and an opportunity for a hearing.

(2) Notifications

If the Secretary finds that the plan is not in compliance, in whole or in part, with section 6611(d), 7113(c), or 7173 of this title, or part C, as applicable, the Secretary shall—

(A) immediately notify the State of such determination;

(B) provide a detailed description of the specific provisions of the plan that the Secretary determines fail to meet the requirements, in whole or in part, of such section or part, as applicable;

(C) offer the State an opportunity to revise and resubmit its plan within 45 days of such determination, including the chance for the State to present supporting information to clearly demonstrate that the State plan meets the requirements of such section or part, as applicable;

(D) provide technical assistance, upon request of the State, in order to assist the State to meet the requirements of such section or part, as applicable;

(E) conduct a hearing within 30 days of the plan's resubmission under subparagraph (C), unless a State declines the opportunity for such hearing; and

(F) request additional information, only as to the noncompliant provisions, needed to make the plan compliant.

(3) Response

If the State educational agency responds to the Secretary's notification described in paragraph (2)(A) prior to the expiration of the 45-day period beginning on the date on which the State educational agency received the notification, and resubmits the plan as described in paragraph (2)(C), the Secretary shall approve such plan unless the Secretary determines the plan does not meet the requirements of section 6611(d), 7113(c), or 7173 of this title, or part C, as applicable.

(4) Failure to respond

If the State educational agency does not respond to the Secretary's notification described in paragraph (2)(A) prior to the expiration of the 45-day period beginning on the date on which the State educational agency received the notification, such plan shall be deemed to be disapproved.

(c) Limitation

A plan submitted under section 6611(d), 7113(c), 7173, or 7842 of this title shall not be approved or disapproved based upon the nature of the activities proposed within such plan if such proposed activities meet the applicable program requirements.

(d) Peer-review requirements

Notwithstanding any other requirements of this part, the Secretary shall ensure that any portion of a consolidated State plan that is related to part A of subchapter I is subject to the peer-review process described in section 6311(a)(4) of this title.

(Pub. L. 89–10, title VIII, § 8451, as added Pub. L. 114–95, title VIII, § 8014, Dec. 10, 2015, 129 Stat. 2107.)

PRIOR PROVISIONS

A prior section 7871, Pub. L. 89–10, title IX, § 9151, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3792, established the National Advisory Council on Indian Education, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7872. Approval and disapproval of local educational agency applications

(a) Approval

An application submitted by a local educational agency pursuant to section 6612(b), 7116, 7174(b) or 7845 of this title, shall be approved by the State educational agency unless the State educational agency makes a written determination (which shall include the supporting information and rationale for such determination), prior to the expiration of the 120-day period beginning on the date on which the State educational agency received the application, that the application is not in compliance with section 6612(b), 7116, or 7174(b) of this title, or part C, respectively.

(b) Disapproval process

(1) In general

The State educational agency shall not finally disapprove an application submitted under section 6612(b), 7116, 7174(b) or 7845 of this title except after giving the local educational agency notice and opportunity for a hearing.

(2) Notifications

If the State educational agency finds that the application submitted under section 6612(b), 7116, 7174(b) or 7845 of this title is not in compliance, in whole or in part, with section 6612(b), 7116, or 7174(b) of this title, or part C, respectively, the State educational agency shall—

(A) immediately notify the local educational agency of such determination;

(B) provide a detailed description of the specific provisions of the application that the State determines fail to meet the requirements, in whole or in part, of such section or part, as applicable;

(C) offer the local educational agency an opportunity to revise and resubmit its application within 45 days of such determination, including the chance for the local educational agency to present supporting information to clearly demonstrate that the application meets the requirements of such section or part;

(D) provide technical assistance, upon request of the local educational agency, in order to assist the local educational agency to meet the requirements of such section or part, as applicable;

(E) conduct a hearing within 30 days of the application's resubmission under subparagraph (C), unless a local educational agency declines the opportunity for such a hearing; and

(F) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

(3) Response

If the local educational agency responds to the State educational agency's notification described in paragraph (2)(A) prior to the expiration of the 45-day period beginning on the date on which the local educational agency received the notification, and resubmits the application as described in paragraph (2)(C), the State educational agency shall approve such application unless the State educational agency determines the application does not meet the requirements of this part.

(4) Failure to respond

If the local educational agency does not respond to the State educational agency's notification described in paragraph (2)(A) prior to the expiration of the 45-day period beginning on the date on which the local educational agency received the notification, such application shall be deemed to be disapproved.

(Pub. L. 89–10, title VIII, § 8452, as added Pub. L. 114–95, title VIII, § 8014, Dec. 10, 2015, 129 Stat. 2108.)

PRIOR PROVISIONS

Prior sections 7872 to 7874 were omitted in the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

Section 7872, Pub. L. 89–10, title IX, § 9152, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3793, related to peer review of applications.

Section 7873, Pub. L. 89–10, title IX, § 9153, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3793, related to preference for Indian applicants for grants.

Section 7874, Pub. L. 89–10, title IX, § 9154, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3793, related to minimum grant criteria.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

PART F—UNIFORM PROVISIONS

CODIFICATION

Pub. L. 114–95, title VIII, § 8001(b)(1), Dec. 10, 2015, 129 Stat. 2089, redesignated part E (§ 7881 et seq.) of subchapter IX of this chapter as part F of this subchapter.

SUBPART 1—PRIVATE SCHOOLS

§ 7881. Participation by private school children and teachers

(a) Private school participation

(1) In general

Except as otherwise provided in this chapter, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or another entity receiving financial assistance under a program specified in subsection (b) of this section, who are enrolled in private elementary schools and secondary schools in areas served by such agency, consortium, or entity, the agency, consortium, or entity shall, after timely and meaningful consultation with appropriate private school officials provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under the program.

(2) Secular, neutral, and nonideological services or benefits

Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.

(3) Special rule

(A) In general

Educational services and other benefits provided under this section for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.

(B) Ombudsman

To help ensure equitable services are provided to private school children, teachers, and other educational personnel under this section, the State educational agency involved shall direct the ombudsman designated by the agency under section 6320 of this title to monitor and enforce the requirements of this section.

(4) Expenditures

(A) In general

Expenditures for educational services and other benefits provided under this section for eligible private school children, their teachers, and other educational personnel serving those children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

(B) Obligation of funds

Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the agency.

(C) Notice of allocation

Each State educational agency shall provide notice in a timely manner to the appropriate private school officials in the State of the allocation of funds for educational services and other benefits under this subpart that the local educational agencies have de-

termined are available for eligible private school children.

(5) Provision of services

An agency, consortium, or entity described in subsection (a)(1) of this section may provide those services directly or through contracts with public and private agencies, organizations, and institutions.

(b) Applicability

(1) In general

This section applies to programs under—

(A) part C of subchapter I;

(B) part A of subchapter II;

(C) part A of subchapter III;

(D) part A of subchapter IV; and

(E) part B of subchapter IV.

(2) Definition

For the purpose of this section, the term ''eligible children'' means children eligible for services under a program described in paragraph (1).

(c) Consultation

(1) In general

To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials. Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children, on issues such as—

(A) how the children's needs will be identified;

(B) what services will be offered;

(C) how, where, and by whom the services will be provided;

(D) how the services will be assessed and how the results of the assessment will be used to improve those services;

(E) the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel, the amount of funds available for those services, and how that amount is determined;

(F) how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of services through potential third-party providers; and

(G) whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor; and

(H) whether to provide equitable services to eligible private school children—

(i) by creating a pool or pools of funds with all of the funds allocated under subsection (a)(4)(C) based on all the children from low-income families in a participating school attendance area who attend private schools; or

(ii) in the agency's participating school attendance area who attend private schools with the proportion of funds allocated under subsection (a)(4)(C) based on the number of children from low-income families who attend private schools.

(2) Disagreement

If the agency, consortium, or entity disagrees with the views of the private school officials on the provision of services through a contract, the agency, consortium, or entity shall provide to the private school officials a written explanation of the reasons why the local educational agency has chosen not to use a contractor.

(3) Timing

The consultation required by paragraph (1) shall occur before the agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this chapter, and shall continue throughout the implementation and assessment of activities under this section.

(4) Discussion required

The consultation required by paragraph (1) shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

(5) Documentation

Each local educational agency shall maintain in the agency's records, and provide to the State educational agency involved, a written affirmation signed by officials of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.

(6) Compliance

(A) In general

If the consultation required under this section is with a local educational agency or educational service agency, a private school official shall have the right to file a complaint with the State educational agency that the consultation required under this section was not meaningful and timely, did not give due consideration to the views of the private school official, or did not make a decision that treats the private school or its students equitably as required by this section.

(B) Procedure

If the private school official wishes to file a complaint, the private school official shall provide the basis of the noncompliance and

all parties shall provide the appropriate documentation to the appropriate officials.

(C) Services

A State educational agency shall provide services under this section directly or through contracts with public and private agencies, organizations, and institutions, if the appropriate private school officials have—

(i) requested that the State educational agency provide such services directly; and

(ii) demonstrated that the local educational agency involved has not met the requirements of this section in accordance with the procedures for making such a request, as prescribed by the State educational agency.

(d) Public control of funds

(1) In general

The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for the uses and purposes provided in this chapter, and a public agency shall administer the funds and property.

(2) Provision of services

(A) In general

The provision of services under this section shall be provided—

(i) by employees of a public agency; or

(ii) through contract by the public agency with an individual, association, agency, organization, or other entity.

(B) Independence; public agency

In the provision of those services, the employee, person, association, agency, organization, or other entity shall be independent of the private school and of any religious organization, and the employment or contract shall be under the control and supervision of the public agency.

(C) Commingling of funds prohibited

Funds used to provide services under this section shall not be commingled with non-Federal funds.

(Pub. L. 89–10, title VIII, § 8501, formerly title IX, § 9501, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1975; renumbered title VIII, § 8501, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(5), 8015, Dec. 10, 2015, 129 Stat. 2088, 2089, 2109.)

PRIOR PROVISIONS

A prior section 7881, Pub. L. 89–10, title IX, § 9161, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3793; amended Pub. L. 105–220, title II, § 251(b)(2)(E), Aug. 7, 1998, 112 Stat. 1080, defined terms, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a)(3). Pub. L. 114–95, § 8015(1)(A), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: ''Educational services and other benefits provided under this section for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.''

Subsec. (a)(4). Pub. L. 114–95, § 8015(1)(B), added par. (4) and struck out former par. (4). Prior to amendment, text read as follows: ''Expenditures for educational services and other benefits provided under this section for eligible private school children, their teachers, and other educational personnel serving those children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.''

Subsec. (b)(1). Pub. L. 114–95, § 8015(2)(A), added subpars. (A) to (E) and struck out former subpars. (A) to (H) which read as follows:

''(A) subparts 1 and 3 of part B of subchapter I of this chapter;

''(B) part C of subchapter I of this chapter;

''(C) part A of subchapter II of this chapter, to the extent provided in paragraph (3);

''(D) part B of subchapter II of this chapter;

''(E) part D of subchapter II of this chapter;

''(F) part A of subchapter III of this chapter;

''(G) part A of subchapter IV of this chapter; and

''(H) part B of subchapter IV of this chapter.''

Subsec. (b)(3). Pub. L. 114–95, § 8015(2)(B), struck out par. (3) which related to application of this subpart to funds awarded to a local educational agency under part A of former subchapter II of this chapter.

Subsec. (c)(1). Pub. L. 114–95, § 8015(3)(A), in introductory provisions, substituted ''To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials. Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children, on issues such as'' for ''To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials during the design and development of the programs under this chapter, on issues such as''.

Subsec. (c)(1)(E). Pub. L. 114–95, § 8015(3)(B)(i), substituted '', the amount'' for ''and the amount'' and ''services, and how that amount is determined;'' for ''services; and''.

Subsec. (c)(1)(F). Pub. L. 114–95, § 8015(3)(B)(ii), struck out ''contract'' after ''provision of'' and substituted ''; and'' for period at end.

Subsec. (c)(1)(G), (H). Pub. L. 114–95, § 8015(3)(B)(iii), added subpars. (G) and (H).

Subsec. (c)(5), (6). Pub. L. 114–95, § 8015(4), which directed amendment of this section by adding pars. (5) and (6) at the end, was executed by adding pars. (5) and (6) at the end of subsec. (c), to reflect the probable intent of Congress.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7882. Standards for by-pass

(a) In general

If, by reason of any provision of law, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or other entity is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary schools and secondary schools, on an equitable

basis, or if the Secretary determines that the agency, consortium, or entity has substantially failed or is unwilling to provide for that participation, as required by section 7881 of this title, the Secretary shall—

(1) waive the requirements of that section for the agency, consortium, or entity; and

(2) arrange for the provision of equitable services to those children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 7881, 7883, and 7884 of this title.

(b) Determination

In making the determination under subsection (a) of this section, the Secretary shall consider one or more factors, including the quality, size, scope, and location of the program, and the opportunity of private school children, teachers, and other educational personnel to participate in the program.

(Pub. L. 89–10, title VIII, § 8502, formerly title IX, § 9502, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1977; renumbered title VIII, § 8502, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(5), (b)(4), 8016, Dec. 10, 2015, 129 Stat. 2088, 2089, 2111.)

PRIOR PROVISIONS

A prior section 7882, Pub. L. 89–10, title IX, § 9162, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3794, authorized appropriations, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 8001(b)(4), made technical amendment to reference in original act which appears in two places in text as reference to section 7881 of this title.

Subsec. (a)(2). Pub. L. 114–95, § 8016, made technical amendment to reference in original act which appears in text as reference to sections 7883 and 7884 of this title.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7883. Complaint process for participation of private school children

(a) Procedures for complaints

The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of section 7881 of this title by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity. The individual or organization shall submit the complaint to the State educational agency for a written resolution by the State educational agency within 45 days.

(b) Appeals to Secretary

The resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within the 45-day time limit. The appeal shall be accompanied by a copy of the State educational agency's resolution, and, if there is one, a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve the appeal not later than 90 days after receipt of the appeal.

(Pub. L. 89–10, title VIII, § 8503, formerly title IX, § 9503, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1977; renumbered title VIII, § 8503, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(5), 8017, Dec. 10, 2015, 129 Stat. 2088, 2089, 2111.)

AMENDMENTS

2015—Pub. L. 114–95, § 8017, added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which related to procedures for complaints and appeals to Secretary, respectively.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7884. By-pass determination process

(a) Review

(1) In general

(A) Written objections

The Secretary shall not take any final action under section 7882 of this title until the State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity affected by the action has had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken.

(B) Prior to reduction

Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary may withhold from the allocation of the affected State educational agency or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

(2) Petition for review

(A) Petition

If the affected agency, consortium, or entity is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), the agency, consortium, or entity may, within 60 days after notice of that action, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action.

(B) Transmission

A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary.

(C) Filing

The Secretary, upon receipt of the copy of the petition, shall file in the court the

record of the proceedings on which the Secretary based the action, as provided in section 2112 of title 28.

(3) Findings of fact

(A) In general

The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may then make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings.

(B) New or modified findings

Any new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(4) Jurisdiction

(A) In general

Upon the filing of a petition, the court shall have jurisdiction to affirm the action of the Secretary or to set the action aside, in whole or in part.

(B) Judgment

The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

(b) Determination

Any determination by the Secretary under this section shall continue in effect until the Secretary determines, in consultation with that agency, consortium, or entity and representatives of the affected private school children, teachers, or other educational personnel, that there will no longer be any failure or inability on the part of the agency, consortium, or entity to meet the applicable requirements of section 7881 of this title or any other provision of this chapter.

(c) Payment from State allotment

When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of those services, including the administrative costs of arranging for those services, from the appropriate allocation or allocations under this chapter.

(d) Prior determination

Any by-pass determination by the Secretary under this chapter as in effect on the day preceding January 8, 2002, shall remain in effect to the extent the Secretary determines that that determination is consistent with the purpose of this section.

(Pub. L. 89–10, title VIII, § 8504, formerly title IX, § 9504, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1978; renumbered title VIII, § 8504, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(5), (b)(4), 8018, Dec. 10, 2015, 129 Stat. 2088, 2089, 2112.)

AMENDMENTS

2015—Subsec. (a)(1)(A). Pub. L. 114–95, § 8018, made technical amendment to reference in original act which appears in text as reference to section 7882 of this title.

Subsec. (b). Pub. L. 114–95, § 8001(b)(4), made technical amendment to reference in original act which appears in text as reference to section 7881 of this title.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7885. Prohibition against funds for religious worship or instruction

Nothing contained in this chapter shall be construed to authorize the making of any payment under this chapter for religious worship or instruction.

(Pub. L. 89–10, title VIII, § 8505, formerly title IX, § 9505, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1979; renumbered title VIII, § 8505, Pub. L. 114–95, title VIII, § 8001(a)(5), Dec. 10, 2015, 129 Stat. 2088, 2089.)

§ 7886. Private, religious, and home schools

(a) Applicability to nonrecipient private schools

Nothing in this chapter shall be construed to affect any private school that does not receive funds or services under this chapter, nor shall any student who attends a private school that does not receive funds or services under this chapter be required to participate in any assessment referenced in this chapter.

(b) Applicability to home schools

Nothing in this chapter shall be construed to affect a home school, whether or not a home school is treated as a home school or a private school under State law, nor shall any student schooled at home be required to participate in any assessment referenced in this chapter.

(c) Rule of construction on prohibition of Federal control over nonpublic schools

Nothing in this chapter shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this chapter.

(d) Rule of construction on State and local educational agency mandates

Nothing in this chapter shall be construed to require any State educational agency or local educational agency that receives funds under this chapter to mandate, direct, or control the curriculum of a private or home school, regardless or[1] whether or not a home school is treated as a private school under state[2] law, nor shall any funds under this chapter be used for this purpose.

(Pub. L. 89–10, title VIII, § 8506, formerly title IX, § 9506, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1979; renumbered title VIII, § 8506, Pub. L. 114–95, title VIII, § 8001(a)(5), Dec. 10, 2015, 129 Stat. 2088, 2089.)

[1] So in original. Probably should be "of".

[2] So in original. Probably should be capitalized.

SUBPART 2—OTHER PROVISIONS

§ 7901. Maintenance of effort

(a) In general

A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of the agency and the State with respect to the provision of free public education by the agency for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of subsection (b).

(b) Reduction in case of failure to meet

(1) In general

The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion by which a local educational agency fails to meet the requirement of subsection (a) of this section by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the local agency), if such local educational agency has also failed to meet such requirement (as determined using the measure most favorable to the local agency) for 1 or more of the 5 immediately preceding fiscal years.

(2) Special rule

No such lesser amount shall be used for computing the effort required under subsection (a) of this section for subsequent years.

(c) Waiver

The Secretary may waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

(1) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the local educational agency; or

(2) a precipitous decline in the financial resources of the local educational agency.

(Pub. L. 89–10, title VIII, § 8521, formerly title IX, § 9521, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1980; renumbered title VIII, § 8521, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(6), 8019, Dec. 10, 2015, 129 Stat. 2088, 2089, 2112.)

PRIOR PROVISIONS

A prior section 7901, Pub. L. 89–10, title IX, § 9201, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3794, set forth short title of the Native Hawaiian Education Act, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 8019(1), inserted ‘‘, subject to the requirements of subsection (b)’’ after ‘‘for the second preceding fiscal year’’.

Subsec. (b)(1). Pub. L. 114–95, § 8019(2), inserted before period at end ‘‘, if such local educational agency has also failed to meet such requirement (as determined using the measure most favorable to the local agency) for 1 or more of the 5 immediately preceding fiscal years’’.

Subsec. (c)(1). Pub. L. 114–95, § 8019(3), inserted ‘‘or a change in the organizational structure of the local educational agency’’ after ‘‘such as a natural disaster’’.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7902. Prohibition regarding State aid

A State shall not take into consideration payments under this chapter (other than under subchapter VII) in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

(Pub. L. 89–10, title VIII, § 8522, formerly title IX, § 9522, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1980; renumbered title VIII, § 8522, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(6), 8020, Dec. 10, 2015, 129 Stat. 2088, 2089, 2112.)

PRIOR PROVISIONS

A prior section 7902, Pub. L. 89–10, title IX, § 9202, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3794, set forth findings, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 8020, substituted ‘‘subchapter VII’’ for ‘‘subchapter VIII’’.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7903. Privacy of assessment results

Any results from an individual assessment referred to in this chapter of a student that become part of the education records of the student shall have the protections provided in section 1232g of this title.

(Pub. L. 89–10, title VIII, § 8523, formerly title IX, § 9523, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1980; renumbered title VIII, § 8523, Pub. L. 114–95, title VIII, § 8001(a)(6), Dec. 10, 2015, 129 Stat. 2088, 2089.)

PRIOR PROVISIONS

A prior section 7903, Pub. L. 89–10, title IX, § 9203, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3798, set forth purpose of provisions relating to Native Hawaiian educational programs, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

§ 7904. School prayer

(a) Guidance

The Secretary shall provide and revise guidance, not later than September 1, 2002, and of every second year thereafter, to State educational agencies, local educational agencies, and the public on constitutionally protected prayer in public elementary schools and secondary schools, including making the guidance

available by electronic means, including by posting the guidance on the Department's website in a clear and easily accessible manner. The guidance shall be reviewed, prior to distribution, by the Office of Legal Counsel of the Department of Justice for verification that the guidance represents the current state of the law concerning constitutionally protected prayer in public elementary schools and secondary schools.

(b) Certification

As a condition of receiving funds under this chapter, a local educational agency shall certify in writing to the State educational agency involved that no policy of the local educational agency prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary schools and secondary schools, as detailed in the guidance required under subsection (a) of this section. The certification shall be provided by October 1 of each year. The State educational agency shall report to the Secretary by November 1 of each year a list of those local educational agencies that have not filed the certification or against which complaints have been made to the State educational agency that the local educational agencies are not in compliance with this section.

(c) Enforcement

The Secretary is authorized and directed to effectuate subsection (b) of this section by issuing, and securing compliance with, rules or orders with respect to a local educational agency that fails to certify, or is found to have certified in bad faith, that no policy of the local educational agency prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary schools and secondary schools.

(Pub. L. 89–10, title VIII, § 8524, formerly title IX, § 9524, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1980; renumbered title VIII, § 8524, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(6), 8021, Dec. 10, 2015, 129 Stat. 2088, 2089, 2112.)

PRIOR PROVISIONS

A prior section 7904, Pub. L. 89–10, title IX, § 9204, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3798, established the Native Hawaiian Education Council and island councils, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 8021, substituted ''by electronic means, including by posting the guidance on the Department's website in a clear and easily accessible manner'' for ''on the Internet''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7905. Equal access to public school facilities

(a) Short title

This section may be cited as the ''Boy Scouts of America Equal Access Act''.

(b) In general

(1) Equal access

Notwithstanding any other provision of law, no public elementary school, public secondary school, local educational agency, or State educational agency that has a designated open forum or a limited public forum and that receives funds made available through the Department shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in title 36 (as a patriotic society), that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed in title 36 (as a patriotic society).

(2) Voluntary sponsorship

Nothing in this section shall be construed to require any school, agency, or a school served by an agency to sponsor any group officially affiliated with the Boy Scouts of America, or any other youth group listed in title 36 (as a patriotic society).

(c) Termination of assistance and other action

(1) Departmental action

The Secretary is authorized and directed to effectuate subsection (b) of this section by issuing and securing compliance with rules or orders with respect to a public elementary school, public secondary school, local educational agency, or State educational agency that receives funds made available through the Department and that denies equal access, or a fair opportunity to meet, or discriminates, as described in subsection (b) of this section.

(2) Procedure

The Secretary shall issue and secure compliance with the rules or orders, under paragraph (1), through the Office for Civil Rights and in a manner consistent with the procedure used by a Federal department or agency under section 2000d–1 of title 42. If the public school or agency does not comply with the rules or orders, then notwithstanding any other provision of law, no funds made available through the Department shall be provided to a school that fails to comply with such rules or orders or to any agency or school served by an agency that fails to comply with such rules or orders.

(3) Judicial review

Any action taken by the Secretary under paragraph (1) shall be subject to the judicial review described in section 2000d–2 of title 42. Any person aggrieved by the action may obtain that judicial review in the manner, and to the extent, provided in section 2000d–2 of title 42.

(d) Definition and rule

(1) Definition

In this section, the term ''youth group'' means any group or organization intended to serve young people under the age of 21.

(2) Rule

For the purpose of this section, an elementary school or secondary school has a limited public forum whenever the school involved grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

(Pub. L. 89–10, title VIII, § 8525, formerly title IX, § 9525, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1981; renumbered title VIII, § 8525, Pub. L. 114–95, title VIII, § 8001(a)(6), Dec. 10, 2015, 129 Stat. 2088, 2089.)

PRIOR PROVISIONS

A prior section 7905, Pub. L. 89–10, title IX, § 9205, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3800, related to Native Hawaiian Family-Based Education Centers, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

§ 7906. Prohibited uses of funds

No funds under this chapter may be used—

(1) for construction, renovation, or repair of any school facility, except as authorized under this chapter;

(2) for transportation unless otherwise authorized under this chapter;

(3) to develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;

(4) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;

(5) to provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or

(6) to operate a program of contraceptive distribution in schools.

(Pub. L. 89–10, title VIII, § 8526, formerly title IX, § 9526, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1982; renumbered title VIII, § 8526, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(6), 8022, Dec. 10, 2015, 129 Stat. 2088, 2089, 2112.)

PRIOR PROVISIONS

A prior section 7906, Pub. L. 89–10, title IX, § 9206, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3800, authorized grants for a Native Hawaiian higher education program, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 8022, substituted ''Prohibited uses of funds'' for ''General prohibitions'' in section catchline, in subsec. (a), struck out ''(a) Prohibition'' before introductory provisions, substituted ''No funds under this chapter may be used'' for ''None of the funds authorized under this chapter shall be used'' in introductory provisions, added pars. (1) and (2) and redesignated former pars. (1) to (4) as (3) to (6), respectively, and struck out subsec. (b). Prior to amendment, text of subsec. (b) read as follows: ''Nothing in this section shall be construed to—

''(1) authorize an officer or employee of the Federal Government to mandate, direct, review, or control a State, local educational agency, or school's instructional content, curriculum, and related activities;

''(2) limit the application of the General Education Provisions Act;

''(3) require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or

''(4) create any legally enforceable right.''

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7906a. Prohibition against Federal mandates, direction, or control

(a) In general

No officer or employee of the Federal Government shall, through grants, contracts, or other cooperative agreements, mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic standards and assessments, curricula, or program of instruction developed and implemented to meet the requirements of this chapter (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards), nor shall anything in this chapter be construed to authorize such officer or employee to do so.

(b) Financial support

No officer or employee of the Federal Government shall condition or incentivize the receipt of any grant, contract, or cooperative agreement, the receipt of any priority or preference under such grant, contract, or cooperative agreement, or the receipt of a waiver under section 7861 of this title upon a State, local educational agency, or school's adoption or implementation of specific instructional content, academic standards and assessments, curricula, or program of instruction developed and implemented to meet the requirements of this chapter (including any condition, priority, or preference to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards).

(Pub. L. 89–10, title VIII, § 8526A, as added Pub. L. 114–95, title VIII, § 8023, Dec. 10, 2015, 129 Stat. 2113.)

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7907. Prohibitions on Federal Government and use of Federal funds

(a) General prohibition

Nothing in this chapter shall be construed to authorize an officer or employee of the Federal

Government, including through a grant, contract, or cooperative agreement, to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this chapter.

(b) Prohibition on endorsement of curriculum

Notwithstanding any other provision of Federal law, no funds provided to the Department under this chapter may be used by the Department, whether through a grant, contract, or cooperative agreement, to endorse, approve, develop, require, or sanction any curriculum, including any curriculum aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States, designed to be used in an elementary school or secondary school.

(c) Local control

Nothing in this section shall be construed to—

(1) authorize an officer or employee of the Federal Government, whether through a grant, contract, or cooperative agreement to mandate, direct, review, or control a State, local educational agency, or school's instructional content, curriculum, and related activities;

(2) limit the application of the General Education Provisions Act (20 U.S.C. 1221 et seq.);

(3) require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or

(4) create any legally enforceable right.

(d) Prohibition on requiring Federal approval or certification of standards

(1) In general

Notwithstanding any other provision of Federal law, no State shall be required to have academic standards approved or certified by the Federal Government, in order to receive assistance under this chapter.

(2) Rule of construction

Nothing in this chapter shall be construed to prohibit a State, local educational agency, or school from using funds provided under this chapter for the development or implementation of any instructional content, academic standards, academic assessments, curriculum, or program of instruction that a State, local educational agency, or school chooses, as permitted under State and local law, as long as the use of such funds is consistent with the terms of the grant, contract, or cooperative agreement providing such funds.

(3) Building standards

Nothing in this chapter shall be construed to mandate national school building standards for a State, local educational agency, or school.

(Pub. L. 89–10, title VIII, § 8527, formerly title IX, § 9527, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1983; renumbered title VIII, § 8527, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(6), 8024, Dec. 10, 2015, 129 Stat. 2088, 2089, 2113.)

REFERENCES IN TEXT

The General Education Provisions Act, referred to in subsec. (c)(2), is title IV of Pub. L. 90–247, Jan. 2, 1968, 81 Stat. 814, which is classified generally to chapter 31 (§ 1221 et seq.) of this title. For complete classification of this Act to the Code, see section 1221 of this title and Tables.

PRIOR PROVISIONS

A prior section 7907, Pub. L. 89–10, title IX, § 9207, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3801, related to Native Hawaiian gifted and talented program, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 8024, amended section generally. Prior to amendment, section consisted of subsecs. (a) to (d) relating to prohibitions on Federal Government and use of Federal funds.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7908. Armed Forces recruiter access to students and student recruiting information

(a) Policy

(1) Access to student recruiting information

Notwithstanding section 1232g(a)(5)(B) of this title, each local educational agency receiving assistance under this chapter shall provide, upon a request made by a military recruiter or an institution of higher education, access to the name, address, and telephone listing of each secondary school student served by the local educational agency, unless the parent of such student has submitted the prior consent request under paragraph (2).

(2) Consent

(A) Opt-out process

A parent of a secondary school student may submit a written request, to the local educational agency, that the student's name, address, and telephone listing not be released for purposes of paragraph (1) without prior written consent of the parent. Upon receiving such request, the local educational agency may not release the student's name, address, and telephone listing for such purposes without the prior written consent of the parent.

(B) Notification of opt-out process

Each local educational agency shall notify the parents of the students served by the agency of the option to make a request described in subparagraph (A).

(3) Same access to students

Each local educational agency receiving assistance under this chapter shall provide military recruiters the same access to secondary school students as is provided to institutions of higher education or to prospective employers of those students.

(4) Rule of construction prohibiting opt-in processes

Nothing in this subsection shall be construed to allow a local educational agency to withhold access to a student's name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process under paragraph (2)(A).

(5) Parental consent

For purposes of this subsection, whenever a student has attained 18 years of age, the permission or consent required of and the rights accorded to the parents of the student shall only be required of and accorded to the student.

(b) Notification

The Secretary, in consultation with the Secretary of Defense, shall, not later than 120 days after December 10, 2015, notify school leaders, school administrators, and other educators about the requirements of this section.

(c) Exception

The requirements of this section do not apply to a private secondary school that maintains a religious objection to service in the Armed Forces if the objection is verifiable through the corporate or other organizational documents or materials of that school.

(Pub. L. 89–10, title VIII, § 8528, formerly title IX, § 9528, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1983; renumbered title VIII, § 8528, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(6), 8025, Dec. 10, 2015, 129 Stat. 2088, 2089, 2114.)

PRIOR PROVISIONS

A prior section 7908, Pub. L. 89–10, title IX, § 9208, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3802, related to Native Hawaiian special education programs, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 8025, added subsecs. (a) to (c) and struck out former subsecs. (a) to (d) which related to policy regarding access to student recruiting information, notification of requirements of this section, exception for a private secondary school that maintains a religious objection to service in the Armed Forces, and special rule regarding Connecticut State law, respectively.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7909. Prohibition on federally sponsored testing

(a) General prohibition

Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this chapter to the Secretary or to the recipient of any award may be used to develop, incentivize, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law, including any assessment or testing materials aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States.

(b) Exceptions

Subsection (a) shall not apply to international comparative assessments developed under the authority of section 9543(a)(6) of this title and administered to only a representative sample of pupils in the United States and in foreign nations.

(Pub. L. 89–10, title VIII, § 8529, formerly title IX, § 9529, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1984; amended Pub. L. 107–279, title IV, § 404(d)(9), Nov. 5, 2002, 116 Stat. 1986; renumbered title VIII, § 8529, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(6), 8026, Dec. 10, 2015, 129 Stat. 2088, 2089, 2115.)

PRIOR PROVISIONS

A prior section 7909, Pub. L. 89–10, title IX, § 9209, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3803, related to Native Hawaiian curriculum development and teacher training and recruitment programs, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 8026, amended section generally. Prior to amendment, section consisted of subsecs. (a) and (b) relating to general prohibition on federally sponsored testing and exceptions, respectively.

2002—Subsec. (b). Pub. L. 107–279 substituted "section 9543(a)(5) of this title" for "section 9003(a)(6) of this title".

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7910. Limitations on national testing or certification for teachers, principals, or other school leaders

(a) Mandatory national testing or certification of teachers, principals, or other school leaders

Notwithstanding any other provision of this chapter or any other provision of law, no funds available to the Department or otherwise available under this chapter may be used for any purpose relating to a mandatory nationwide test or certification of teachers, principals, other school leaders, or education paraprofessionals, including any planning, development, implementation, or administration of, or incentive regarding, such test or certification.

(b) Prohibition on withholding funds

The Secretary is prohibited from withholding funds from any State educational agency or local educational agency if the State educational agency or local educational agency fails to adopt a specific method of teacher or paraprofessional certification.

(Pub. L. 89–10, title VIII, § 8530, formerly title IX, § 9530, as added Pub. L. 107–110, title IX, § 901,

Jan. 8, 2002, 115 Stat. 1984; renumbered title VIII, § 8530, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(6), 8027, Dec. 10, 2015, 129 Stat. 2088, 2089, 2116.)

PRIOR PROVISIONS

A prior section 7910, Pub. L. 89–10, title IX, § 9210, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3804, related to Native Hawaiian community-based education learning centers, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 8027(1), inserted '', principals, or other school leaders'' after ''teachers'' in section catchline.

Subsec. (a). Pub. L. 114–95, § 8027(3), inserted ''principals, other school leaders,'' after ''teachers'' and '', or incentive regarding,'' after ''administration of''.

Pub. L. 114–95, § 8027(2), which directed amendment of subsection heading by inserting '', principals, or other school leaders'' after ''teachers'', was executed by making the insertion in the heading of subsec. (a) to reflect the probable intent of Congress.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7910a. Prohibition on requiring State participation

Any State that opts out of receiving funds, or that has not been awarded funds, under one or more programs under this chapter shall not be required to carry out any of the requirements of such program or programs, and nothing in this chapter shall be construed to require a State to participate in any program under this chapter.

(Pub. L. 89–10, title VIII, § 8530A, as added Pub. L. 114–95, title VIII, § 8028, Dec. 10, 2015, 129 Stat. 2116.)

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7911. Prohibition on nationwide database

Nothing in this chapter (other than section 6398(b) of this title) shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this chapter.

(Pub. L. 89–10, title VIII, § 8531, formerly title IX, § 9531, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1984; renumbered title VIII, § 8531, Pub. L. 114–95, title VIII, § 8001(a)(6), Dec. 10, 2015, 129 Stat. 2088, 2089.)

PRIOR PROVISIONS

A prior section 7911, Pub. L. 89–10, title IX, § 9211, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3804, set out administrative provisions, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

§ 7912. Unsafe school choice option

(a) Unsafe school choice policy

Each State receiving funds under this chapter shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

(b) Certification

As a condition of receiving funds under this chapter, a State shall certify in writing to the Secretary that the State is in compliance with this section.

(Pub. L. 89–10, title VIII, § 8532, formerly title IX, § 9532, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1984; renumbered title VIII, § 8532, Pub. L. 114–95, title VIII, § 8001(a)(6), Dec. 10, 2015, 129 Stat. 2088, 2089.)

PRIOR PROVISIONS

A prior section 7912, Pub. L. 89–10, title IX, § 9212, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3805, defined terms, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

§ 7913. Prohibition on discrimination

Nothing in this chapter shall be construed to require, authorize, or permit, the Secretary, or a State educational agency, local educational agency, or school to grant to a student, or deny or impose upon a student, any financial or educational benefit or burden, in violation of the fifth or 14th amendments to the Constitution or other law relating to discrimination in the provision of federally funded programs or activities.

(Pub. L. 89–10, title VIII, § 8533, formerly title IX, § 9533, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1985; renumbered title VIII, § 8533, Pub. L. 114–95, title VIII, § 8001(a)(6), Dec. 10, 2015, 129 Stat. 2088, 2089.)

§ 7914. Civil rights

(a) In general

Nothing in this chapter shall be construed to permit discrimination on the basis of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.]), national origin, or disability in any program funded under this chapter.

(b) Rule of construction

Nothing in this chapter shall be construed to require the disruption of services to a child or the displacement of a child enrolled in or participating in a program administered by an eligible entity, as defined in section 6311(d) of this title and part C of subchapter IV, at the commencement of the entity's participation in a grant under section 6311(d) of this title or part C of subchapter IV.

(Pub. L. 89–10, title VIII, § 8534, formerly title IX, § 9534, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1985; renumbered title VIII, § 8534, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(6), 8029, Dec. 10, 2015, 129 Stat. 2088, 2089, 2116.)

REFERENCES IN TEXT

The Education Amendments of 1972, referred to in subsec. (a), is Pub. L. 92–318, June 23, 1972, 86 Stat. 235, as amended. Title IX of the Act, known as the Patsy Takemoto Mink Equal Opportunity in Education Act, is classified principally to chapter 38 (§ 1681 et seq.) of this title. For complete classification of title IX to the Code, see Short Title note set out under section 1681 of this title and Tables.

AMENDMENTS

2015—Subsec. (b). Pub. L. 114–95, § 8029, substituted ''as defined in section 6311(d) of this title and part C of subchapter IV'' for ''as defined in section 6316 of this title and part B of subchapter V'' and ''grant under section 6311(d) of this title or part C of subchapter IV'' for ''grant under section 6316 of this title or part B of subchapter V''.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7915. Rulemaking

The Secretary shall issue regulations under this chapter only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this chapter.

(Pub. L. 89–10, title VIII, § 8535, formerly title IX, § 9535, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1985; renumbered title VIII, § 8535, Pub. L. 114–95, title VIII, § 8001(a)(6), Dec. 10, 2015, 129 Stat. 2088, 2089.)

§ 7916. Severability

If any provision of this chapter is held invalid, the remainder of this chapter shall be unaffected thereby.

(Pub. L. 89–10, title VIII, § 8536, formerly title IX, § 9536, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1985; renumbered title VIII, § 8536, Pub. L. 114–95, title VIII, § 8001(a)(6), Dec. 10, 2015, 129 Stat. 2088, 2089.)

§ 7917. Transfer of school disciplinary records

(a) Nonapplication of provisions

This section shall not apply to any disciplinary records with respect to a suspension or expulsion that are transferred from a private, parochial or other nonpublic school, person, institution, or other entity, that provides education below the college level.

(b) Disciplinary records

In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after January 8, 2002, each State receiving Federal funds under this chapter shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.

(Pub. L. 89–10, title VIII, § 8537, formerly title IV, § 4155, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1765; renumbered title IX, § 9537, renumbered title VIII, § 8537, Pub. L. 114–95, title IV, § 4001(a)(3), title VIII, § 8001(a)(6), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089.)

REFERENCES IN TEXT

The Family Educational Rights and Privacy Act of 1974, referred to in subsec. (b), is section 513 of Pub. L. 93–380, title V, Aug. 21, 1974, 88 Stat. 571, which enacted section 1232g of this title and provisions set out as notes under sections 1221 and 1232g of this title. For complete classification of this Act to the Code, see Short Title of 1974 Amendment note set out under section 1221 of this title and Tables.

CODIFICATION

Section was classified to section 7165 of this title prior to renumbering by Pub. L. 114–95.

§ 7918. Consultation with Indian tribes and tribal organizations

(a) In general

To ensure timely and meaningful consultation on issues affecting American Indian and Alaska Native students, an affected local educational agency shall consult with appropriate officials from Indian tribes or tribal organizations approved by the tribes located in the area served by the local educational agency prior to the affected local educational agency's submission of a required plan or application for a covered program under this chapter or for a program under subchapter VI of this chapter. Such consultation shall be done in a manner and in such time that provides the opportunity for such appropriate officials from Indian tribes or tribal organizations to meaningfully and substantively contribute to such plan.

(b) Documentation

Each affected local educational agency shall maintain in the agency's records and provide to the State educational agency a written affirmation signed by the appropriate officials of the participating tribes or tribal organizations approved by the tribes that the consultation required by this section has occurred. If such officials do not provide such affirmation within a reasonable period of time, the affected local educational agency shall forward documentation that such consultation has taken place to the State educational agency.

(c) Definitions

In this section:

(1) Affected local educational agency

The term ''affected local educational agency'' means a local educational agency—

(A) with an enrollment of American Indian or Alaska Native students that is not less than 50 percent of the total enrollment of the local educational agency; or

(B) that—

(i) for fiscal year 2017, received a grant in the previous year under subpart 1 of part A of title VII[1] (as such subpart was in effect on the day before December 10, 2015) that exceeded $40,000; or

(ii) for any fiscal year following fiscal year 2017, received a grant in the previous fiscal year under subpart 1 of part A of subchapter VI that exceeded $40,000.

(2) Appropriate officials

The term ''appropriate officials'' means—

(A) tribal officials who are elected; or

(B) appointed tribal leaders or officials designated in writing by an Indian tribe for the specific consultation purpose under this section.

(d) Rule of construction

Nothing in this section shall be construed—

(1) to require the local educational agency to determine who are the appropriate officials; or

(2) to make the local educational agency liable for consultation with appropriate officials that the tribe determines not to be the correct appropriate officials.

(e) Limitation

Consultation required under this section shall not interfere with the timely submission of the plans or applications required under this chapter.

(Pub. L. 89–10, title VIII, § 8538, as added Pub. L. 114–95, title VIII, § 8030, Dec. 10, 2015, 129 Stat. 2116.)

REFERENCES IN TEXT

Subpart 1 of part A of title VII (as such subpart was in effect on the day before December 10, 2015), referred to in subsec. (c)(1)(B)(i), means subpart 1 of part A of title VII of Pub. L. 89–10, which was classified generally to subpart 1 (§ 7421 et seq.) of part A of subchapter VII of this chapter prior to being redesignated as subpart 1 of part A of title VI of Pub. L. 89–10 and amended by Pub. L. 114–95, title VI, §§ 6001(a), 6002(c)–(j), Dec. 10, 2015, 129 Stat. 2046–2049, 2052–2054, and transferred to subpart 1 (§ 7421 et seq.) of part A of subchapter VI of this chapter.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7919. Outreach and technical assistance for rural local educational agencies

(a) Outreach

The Secretary shall engage in outreach to rural local educational agencies regarding opportunities to apply for competitive grant programs under this chapter.

(b) Technical assistance

If requested to do so, the Secretary shall provide technical assistance to rural local educational agencies with locale codes 32, 33, 41, 42, or 43, or an educational service agency representing rural local educational agencies with locale codes 32, 33, 41, 42, or 43 on applications or pre-applications for any competitive grant program under this chapter. No rural local educational agency or educational service agency shall be required to request technical assistance or include any technical assistance provided by the Secretary in any application.

(Pub. L. 89–10, title VIII, § 8539, as added Pub. L. 114–95, title VIII, § 8031, Dec. 10, 2015, 129 Stat. 2117.)

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7920. Consultation with the Governor

(a) In general

A State educational agency shall consult in a timely and meaningful manner with the Governor, or appropriate officials from the Governor's office, in the development of State plans under subchapters I and II and section 7842 of this title.

(b) Timing

The consultation described in subsection (a) shall include meetings of officials from the State educational agency and the Governor's office and shall occur—

(1) during the development of such plan; and

(2) prior to submission of the plan to the Secretary.

(c) Joint signature authority

A Governor shall have 30 days prior to the State educational agency submitting the State plan under subchapter I or II or section 7842 of this title to the Secretary to sign such plan. If the Governor has not signed the plan within 30 days of delivery by the State educational agency to the Governor, the State educational agency shall submit the plan to the Secretary without such signature.

(Pub. L. 89–10, title VIII, § 8540, as added Pub. L. 114–95, title VIII, § 8032, Dec. 10, 2015, 129 Stat. 2118.)

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7921. Local governance

(a) Rule of construction

Nothing in this chapter shall be construed to allow the Secretary to—

(1) exercise any governance or authority over school administration, including the development and expenditure of school budgets, unless otherwise authorized under this chapter;

(2) issue any regulation without first complying with the rulemaking requirements of section 553 of title 5; or

(3) issue any nonregulatory guidance without first, to the extent feasible, considering input from stakeholders.

[1] See References in Text note below.

(b) Authority under other law

Nothing in subsection (a) shall be construed to affect any authority the Secretary has under any other Federal law.

(Pub. L. 89–10, title VIII, § 8541, as added Pub. L. 114–95, title VIII, § 8033, Dec. 10, 2015, 129 Stat. 2118.)

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7922. Rule of construction regarding travel to and from school

(a) In general

Subject to subsection (b), nothing in this chapter shall authorize the Secretary to, or shall be construed to—

(1) prohibit a child from traveling to and from school on foot or by car, bus, or bike when the parents of the child have given permission; or

(2) expose parents to civil or criminal charges for allowing their child to responsibly and safely travel to and from school by a means the parents believe is age appropriate.

(b) No preemption of State or local laws

Notwithstanding subsection (a), nothing in this section shall be construed to preempt State or local laws.

(Pub. L. 89–10, title VIII, § 8542, as added Pub. L. 114–95, title VIII, § 8034, Dec. 10, 2015, 129 Stat. 2118.)

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7923. Limitations on school-based health centers

Notwithstanding section 7802 of this title, funds used for activities under this chapter shall be carried out in accordance with the provision of section 280h–5(a)(3)(C) of title 42.

(Pub. L. 89–10, title VIII, § 8543, as added Pub. L. 114–95, title VIII, § 8035, Dec. 10, 2015, 129 Stat. 2119.)

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7924. State control over standards

(a) In general

Nothing in this chapter shall be construed to prohibit a State from withdrawing from the Common Core State Standards or from otherwise revising their standards.

(b) Prohibition

No officer or employee of the Federal Government shall, directly or indirectly, through grants, contracts or other cooperative agreements, through waiver granted under section 7861 of this title or through any other authority, take any action against a State that exercises its rights under subsection (a).

(Pub. L. 89–10, title VIII, § 8544, as added Pub. L. 114–95, title VIII, § 8036, Dec. 10, 2015, 129 Stat. 2119.)

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7925. Sense of Congress on protecting student privacy

(a) Findings

The Congress finds as follows:

(1) Students' personally identifiable information is important to protect.

(2) Students' information should not be shared with individuals other than school officials in charge of educating those students without clear notice to parents.

(3) With the use of more technology, and more research about student learning, the responsibility to protect students' personally identifiable information is more important than ever.

(4) Regulations allowing more access to students' personal information could allow that information to be shared or sold by individuals who do not have the best interest of the students in mind.

(5) The Secretary has the responsibility to ensure every entity that receives funding under this chapter holds any personally identifiable information in strict confidence.

(b) Sense of Congress

It is the sense of the Congress that the Secretary should review all regulations addressing issues of student privacy, including those under this chapter, and ensure that students' personally identifiable information is protected.

(Pub. L. 89–10, title VIII, § 8545, as added Pub. L. 114–95, title VIII, § 8037, Dec. 10, 2015, 129 Stat. 2119.)

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7926. Prohibition on aiding and abetting sexual abuse

(a) In general

A State, State educational agency, or local educational agency in the case of a local educational agency that receives Federal funds under this chapter shall have laws, regulations, or policies that prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee, contractor, or agent in obtaining a new job, apart

from the routine transmission of administrative and personnel files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

(b) Exception

The requirements of subsection (a) shall not apply if the information giving rise to probable cause—

(1)(A) has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and

(B) has been properly reported to any other authorities as required by Federal, State, or local law, including title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the regulations implementing such title under part 106 of title 34, Code of Federal Regulations, or any succeeding regulations; and

(2)(A) the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law;

(B) the school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or

(C) the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

(c) Prohibition

The Secretary shall not have the authority to mandate, direct, or control the specific measures adopted by a State, State educational agency, or local educational agency under this section.

(d) Construction

Nothing in this section shall be construed to prevent a State from adopting, or to override a State law, regulation, or policy that provides, greater or additional protections to prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee who engaged in sexual misconduct regarding a minor or student in violation of the law in obtaining a new job.

(Pub. L. 89–10, title VIII, § 8546, as added Pub. L. 114–95, title VIII, § 8038, Dec. 10, 2015, 129 Stat. 2120.)

REFERENCES IN TEXT

The Education Amendments of 1972, referred to in subsec. (b)(1)(B), is Pub. L. 92–318, June 23, 1972, 86 Stat. 235. Title IX of the Act, known as the Patsy Takemoto Mink Equal Opportunity in Education Act, is classified principally to chapter 38 (§ 1681 et seq.) of this title. For complete classification of title IX to the Code, see Short Title note set out under section 1681 of this title and Tables.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7927. Sense of Congress on restoration of State sovereignty over public education

It is the Sense of Congress that State and local officials should be consulted and made aware of the requirements that accompany participation in activities authorized under this chapter prior to a State or local educational agency's request to participate in such activities.

(Pub. L. 89–10, title VIII, § 8547, as added Pub. L. 114–95, title VIII, § 8039, Dec. 10, 2015, 129 Stat. 2121.)

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7928. Privacy

The Secretary shall require an assurance that each grantee receiving funds under this chapter understands the importance of privacy protections for students and is aware of the responsibilities of the grantee under section 1232g of this title (commonly known as the ''Family Education Rights and Privacy Act of 1974'').

(Pub. L. 89–10, title VIII, § 8548, as added Pub. L. 114–95, title VIII, § 8040, Dec. 10, 2015, 129 Stat. 2121.)

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7929. Analysis and periodic review of departmental guidance

The Secretary shall develop procedures for the approval and periodic review of significant guidance documents that include—

(1) appropriate approval processes within the Department;

(2) appropriate identification of the agency or office issuing the documents, the activities to which and the persons to whom the documents apply, and the date of issuance;

(3) a publicly available list to identify those significant guidance documents that were issued, revised, or withdrawn within the past year; and

(4) an opportunity for the public to request that an agency modify or rescind an existing significant guidance document.

(Pub. L. 89–10, title VIII, § 8549, as added Pub. L. 114–95, title VIII, § 8041, Dec. 10, 2015, 129 Stat. 2121.)

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive pro-

grams, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7930. Sense of Congress

(a) Findings

The Congress finds as follows:

(1) This chapter prohibits the Federal Government from mandating, directing, or controlling a State, local educational agency, or school's curriculum, program of instruction, or allocation of State and local resources, and from mandating a State or any subdivision thereof to spend any funds or incur any costs not paid for under this chapter.

(2) This chapter prohibits the Federal Government from funding the development, pilot testing, field testing, implementation, administration, or distribution of any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(b) Sense of Congress

It is the sense of the Congress that States and local educational agencies retain the rights and responsibilities of determining educational curriculum, programs of instruction, and assessments for elementary and secondary education.

(Pub. L. 89–10, title VIII, § 8549A, as added Pub. L. 114–95, title VIII, § 8041, Dec. 10, 2015, 129 Stat. 2121.)

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7931. Sense of Congress on early learning and child care

It is the Sense of the Congress that a State retains the right to make decisions, free from Federal intrusion, concerning its system of early learning and child care, and whether or not to use funding under this chapter to offer early childhood education programs. Such systems should continue to include robust choice for parents through a mixed delivery system of services so parents can determine the right early learning and child care option for their children. States, while protecting the rights of early learning and child care providers, retain the right to make decisions that shall include the age at which to set compulsory attendance in school, the content of a State's early learning guidelines, and how to determine quality in programs.

(Pub. L. 89–10, title VIII, § 8549B, as added Pub. L. 114–95, title VIII, § 8041, Dec. 10, 2015, 129 Stat. 2122.)

PRIOR PROVISIONS

A prior section 7931, Pub. L. 89–10, title IX, § 9301, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3805, set forth short title of the Alaska Native Educational Equity, Support and Assistance Act, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7932. Technical assistance

If requested by a State or local educational agency, a regional educational laboratory under part D of the Education Sciences Reform Act of 2002 (20 U.S.C. 9561 et seq.) shall provide technical assistance to such State or local educational agency in meeting the requirements of section 7801(21) of this title.

(Pub. L. 89–10, title VIII, § 8549C, as added Pub. L. 114–95, title VIII, § 8041, Dec. 10, 2015, 129 Stat. 2122.)

REFERENCES IN TEXT

The Education Sciences Reform Act of 2002, referred to in text, is title I of Pub. L. 107–279, Nov. 5, 2002, 116 Stat. 1941. Part D of the Act is classified generally to part D (§ 9561 et seq.) of subchapter I of chapter 76 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9501 of this title and Tables.

PRIOR PROVISIONS

A prior section 7932, Pub. L. 89–10, title IX, § 9302, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3805, set forth findings, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7933. Preventing improper use of taxpayer funds

To address the misuse of taxpayer funds, the Secretary of Education shall—

(1) require that each recipient of a grant or subgrant under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) display, in a public place, the hotline contact information of the Office of Inspector General of the Department of Education so that any individual who observes, detects, or suspects improper use of taxpayer funds can easily report such improper use;

(2) annually notify employees of the Department of Education of their responsibility to report fraud; and

(3) require any applicant—

(A) for a grant under such Act to provide an assurance to the Secretary that any information submitted when applying for such grant and responding to monitoring and compliance reviews is truthful and accurate; and

(B) for a subgrant under such Act to provide the assurance described in subparagraph (A) to the entity awarding the subgrant.

(Pub. L. 114–95, title IX, § 9203, Dec. 10, 2015, 129 Stat. 2138.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965 and such Act, referred to in pars. (1) and (3), are Pub.

L. 89–10, Apr. 11, 1965, 79 Stat. 27, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

CODIFICATION

Section was enacted as part of the Every Student Succeeds Act, and not as part of the Elementary and Secondary Education Act of 1965 which comprises this chapter.

PRIOR PROVISIONS

A prior section 7933, Pub. L. 89–10, title IX, § 9303, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3806, stated purpose of former part C of subchapter IX of this chapter, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7934. Accountability to taxpayers through monitoring and oversight

To improve monitoring and oversight of taxpayer funds authorized for appropriation under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and to deter and prohibit waste, fraud, and abuse with respect to such funds, the Secretary of Education shall—

(1) notify each recipient of a grant under such Act (and, if applicable, require the grantee to inform each subgrantee) of its responsibility to—

(A) comply with all monitoring requirements under the applicable program or programs; and

(B) monitor properly any subgrantee under the applicable program or programs;

(2) review and analyze the results of monitoring and compliance reviews—

(A) to understand trends and identify common issues; and

(B) to issue guidance to help grantees address such issues before the loss or misuse of taxpayer funding occurs;

(3) publicly report the work undertaken by the Secretary to prevent fraud, waste, and abuse with respect to such taxpayer funds; and

(4) work with the Office of Inspector General of the Department of Education, as needed, to help ensure that employees of the Department understand how to adequately monitor grantees and to help grantees adequately monitor any subgrantees.

(Pub. L. 114–95, title IX, § 9204, Dec. 10, 2015, 129 Stat. 2138.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965 and such Act, referred to in text, are Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

CODIFICATION

Section was enacted as part of the Every Student Succeeds Act, and not as part of the Elementary and Secondary Education Act of 1965 which comprises this chapter.

PRIOR PROVISIONS

Prior sections 7934 to 7938 were omitted in the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

Section 7934, Pub. L. 89–10, title IX, § 9304, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3806, related to Alaska Native educational planning, curriculum development, and teacher training and recruitment programs.

Section 7935, Pub. L. 89–10, title IX, § 9305, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3807, related to Alaska Native home based education for preschool children.

Section 7936, Pub. L. 89–10, title IX, § 9306, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3808, related to Alaska Native student enrichment programs.

Section 7937, Pub. L. 89–10, title IX, § 9307, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3809, set forth administrative provisions.

Section 7938, Pub. L. 89–10, title IX, § 9308, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3809, defined terms.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBPART 3—TEACHER LIABILITY PROTECTION

CODIFICATION

Pub. L. 114–95, title II, § 2001(a)(3)(A)–(C), title VIII, § 8001(a), (b)(1), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089, redesignated subpart 5 (§ 6731 et seq.) of part C of subchapter II of this chapter as subpart 3 of part F of this subchapter.

§ 7941. Short title

This subpart may be cited as the ''Paul D. Coverdell Teacher Protection Act of 2001''.

(Pub. L. 89–10, title VIII, § 8551, formerly title II, § 2361, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1667; renumbered title IX, § 9541, renumbered title VIII, § 8551, Pub. L. 114–95, title II, § 2001(a)(3)(A), (B), (D), title VIII, § 8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089.)

CODIFICATION

Section was classified to section 6731 of this title prior to renumbering by Pub. L. 114–95.

PRIOR PROVISIONS

A prior section 7941, Pub. L. 89–10, title IX, § 9601, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1985, which related to evaluations, was renumbered section 8601 of title VIII of Pub. L. 89–10 by Pub. L. 114–95, title VIII, § 8001(a)(10), Dec. 10, 2015, 129 Stat. 2088, 2089, and transferred to section 7981 of this title.

§ 7942. Purpose

The purpose of this subpart is to provide teachers, principals, and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment.

(Pub. L. 89–10, title VIII, § 8552, formerly title II, § 2362, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1667; renumbered title IX, § 9542, renumbered title VIII, § 8552, Pub. L. 114–95, title

II, § 2001(a)(3)(A), (B), (D), title VIII, § 8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089.)

CODIFICATION

Section was classified to section 6732 of this title prior to renumbering by Pub. L. 114–95.

§ 7943. Definitions

For purposes of this subpart:

(1) Economic loss

The term ''economic loss'' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) Harm

The term ''harm'' includes physical, nonphysical, economic, and noneconomic losses.

(3) Noneconomic loss

The term ''noneconomic loss'' means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society or companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, or any other nonpecuniary loss of any kind or nature.

(4) School

The term ''school'' means a public or private kindergarten, a public or private elementary school or secondary school, or a home school.

(5) State

The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) Teacher

The term ''teacher'' means—

(A) a teacher, instructor, principal, or administrator;

(B) another educational professional who works in a school;

(C) a professional or nonprofessional employee who—

(i) works in a school; and

(ii)(I) in the employee's job, maintains discipline or ensures safety; or

(II) in an emergency, is called on to maintain discipline or ensure safety; or

(D) an individual member of a school board (as distinct from the board).

(Pub. L. 89–10, title VIII, § 8553, formerly title II, § 2363, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1667; renumbered title IX, § 9543, renumbered title VIII, § 8553, Pub. L. 114–95, title II, § 2001(a)(3)(A), (B), (D), title VIII, § 8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089.)

CODIFICATION

Section was classified to section 6733 of this title prior to renumbering by Pub. L. 114–95.

§ 7944. Applicability

This subpart shall only apply to States that receive funds under this chapter, and shall apply to such a State as a condition of receiving such funds.

(Pub. L. 89–10, title VIII, § 8554, formerly title II, § 2364, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1668; renumbered title IX, § 9544, renumbered title VIII, § 8554, Pub. L. 114–95, title II, § 2001(a)(3)(A), (B), (D), title VIII, § 8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089.)

CODIFICATION

Section was classified to section 6734 of this title prior to renumbering by Pub. L. 114–95.

§ 7945. Preemption and election of State nonapplicability

(a) Preemption

This subpart preempts the laws of any State to the extent that such laws are inconsistent with this subpart, except that this subpart shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) Election of State regarding nonapplicability

This subpart shall not apply to any civil action in a State court against a teacher with respect to claims arising within that State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this subpart shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

(Pub. L. 89–10, title VIII, § 8555, formerly title II, § 2365, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1668; renumbered title IX, § 9545, renumbered title VIII, § 8555, Pub. L. 114–95, title II, § 2001(a)(3)(A), (B), (D), title VIII, § 8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089.)

CODIFICATION

Section was classified to section 6735 of this title prior to renumbering by Pub. L. 114–95.

§ 7946. Limitation on liability for teachers

(a) Liability protection for teachers

Except as provided in subsection (b) of this section, no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher's employment or responsibilities to a school or governmental entity;

(2) the actions of the teacher were carried out in conformity with Federal, State, and local laws (including rules and regulations) in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice involved in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) Exceptions to teacher liability protection

If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(c) Limitation on punitive damages based on the actions of teachers

(1) General rule

Punitive damages may not be awarded against a teacher in an action brought for harm based on the act or omission of a teacher acting within the scope of the teacher's employment or responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an act or omission of such teacher that constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) Construction

Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(d) Exceptions to limitations on liability

(1) In general

The limitations on the liability of a teacher under this subpart shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) Hiring

The limitations on the liability of a teacher under this subpart shall not apply to misconduct during background investigations, or during other actions, involved in the hiring of a teacher.

(e) Rules of construction

(1) Concerning responsibility of teachers to schools and governmental entities

Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

(2) Concerning corporal punishment

Nothing in this subpart shall be construed to affect any State or local law (including a rule or regulation) or policy pertaining to the use of corporal punishment.

(Pub. L. 89–10, title VIII, § 8556, formerly title II, § 2366, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1668; renumbered title IX, § 9546, renumbered title VIII, § 8556, and amended Pub. L. 114–95, title II, § 2001(a)(1), (3)(A), (B), (D), title VIII, § 8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089.)

CODIFICATION

Section was classified to section 6736 of this title prior to renumbering by Pub. L. 114–95.

AMENDMENTS

2015—Pub. L. 114–95, § 2001(a)(1), struck out undesignated par. following par. (2) which read as follows: ''ate law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.''

Subsec. (b)(3). Pub. L. 114–95, § 2001(a)(1), added par. (3).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7947. Allocation of responsibility for noneconomic loss

(a) General rule

In any civil action against a teacher, based on an act or omission of a teacher acting within the scope of the teacher's employment or responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b) of this section.

(b) Amount of liability

(1) In general

(A) Liability

Each defendant who is a teacher shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accord-

ance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable.

(B) Separate judgment

The court shall render a separate judgment against each defendant in an amount determined pursuant to subparagraph (A).

(2) Percentage of responsibility

For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the claimant's harm, whether or not such person is a party to the action.

(c) Rule of construction

Nothing in this section shall be construed to preempt or supersede any Federal or State law that further limits the application of joint liability in a civil action described in subsection (a) of this section, beyond the limitations established in this section.

(Pub. L. 89–10, title VIII, § 8557, formerly title II, § 2367, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1670; renumbered title IX, § 9547, renumbered title VIII, § 8557, Pub. L. 114–95, title II, § 2001(a)(3)(A), (B), (D), title VIII, § 8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089.)

CODIFICATION

Section was classified to section 6737 of this title prior to renumbering by Pub. L. 114–95.

§ 7948. Effective date

(a) In general

This subpart shall take effect 90 days after January 8, 2002.

(b) Application

This subpart applies to any claim for harm caused by an act or omission of a teacher if that claim is filed on or after the effective date of the No Child Left Behind Act of 2001 without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

(Pub. L. 89–10, title VIII, § 8558, formerly title II, § 2368, as added Pub. L. 107–110, title II, § 201, Jan. 8, 2002, 115 Stat. 1670; renumbered title IX, § 9548, renumbered title VIII, § 8558, Pub. L. 114–95, title II, § 2001(a)(3)(A), (B), (D), title VIII, § 8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089.)

REFERENCES IN TEXT

For the effective date of the No Child Left Behind Act of 2001, referred to in subsec. (b), see section 5 of Pub. L. 107–110, set out as an Effective Date note under section 6301 of this title.

CODIFICATION

Section was classified to section 6738 of this title prior to renumbering by Pub. L. 114–95.

SUBPART 4—GUN POSSESSION

CODIFICATION

Pub. L. 114–95, title IV, § 4001(a)(2)(A)–(C), title VIII, § 8001(a), (b)(1), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089, redesignated subpart 3 (§ 7151) of part A of subchapter IV of this chapter as subpart 4 of part F of this subchapter.

§ 7961. Gun-free requirements

(a) Short title

This subpart may be cited as the ''Gun-Free Schools Act''.

(b) Requirements

(1) In general

Each State receiving Federal funds under any subchapter of this chapter shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.

(2) Construction

Nothing in this subpart shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

(3) Definition

For the purpose of this section, the term ''firearm'' has the same meaning given such term in section 921(a) of title 18.

(c) Special rule

The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.].

(d) Report to State

Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under any subchapter of this chapter shall provide to the State, in the application requesting such assistance—

(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b) of this section; and

(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b) of this section, including—

(A) the name of the school concerned;

(B) the number of students expelled from such school; and

(C) the type of firearms concerned.

(e) Reporting

Each State shall report the information described in subsection (d) of this section to the Secretary on an annual basis.

(f) Definition

For the purpose of subsection (d) of this section, the term ''school'' means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.

(g) Exception

Nothing in this section shall apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.

(h) Policy regarding criminal justice system referral

(1) In general

No funds shall be made available under any subchapter of this chapter to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

(2) Definition

For the purpose of this subsection, the term ''school'' has the same meaning given to such term by section 921(a) of title 18.

(Pub. L. 89–10, title VIII, § 8561, formerly title IV, § 4141, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1762; renumbered title IX, § 9551, renumbered title VIII, § 8561, Pub. L. 114–95, title IV, § 4001(a)(2)(A), (B), (D), title VIII, § 8001(a)(8), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (c), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§ 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

CODIFICATION

Section was classified to section 7151 of this title prior to renumbering by Pub. L. 114–95.

SUBPART 5—ENVIRONMENTAL TOBACCO SMOKE

CODIFICATION

Pub. L. 114–95, title IV, § 4001(a)(4)(A)–(C)(i), title VIII, § 8001(a), (b)(1), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089, redesignated part C (§ 7181 et seq.) of subchapter IV of this chapter as subpart 5 of part F of this subchapter.

Similar provisions relating to environmental tobacco smoke are contained in part B (§ 6081 et seq.) of subchapter X of chapter 68 of this title.

§ 7971. Short title

This subpart[1] may be cited as the ''Pro-Children Act of 2001''.

(Pub. L. 89–10, title VIII, § 8571, formerly title IV, § 4301, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1773; renumbered title IX, § 9561, renumbered title VIII, § 8571, Pub. L. 114–95, title IV, § 4001(a)(4)(A), (B), (C)(ii), title VIII, § 8001(a)(9), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089.)

REFERENCES IN TEXT

This subpart, referred to in text, was in the original ''this part'', and was translated as reading ''this subpart'', to reflect the probable intent of Congress. Pub. L. 114–95 redesignated part C of title IV of Pub. L. 89–10 as subpart 5 of part F of title VIII of Pub. L. 89–10, which is classified to this subpart.

CODIFICATION

Section was classified to section 7181 of this title prior to renumbering by Pub. L. 114–95.

§ 7972. Definitions

As used in this subpart:[1]

(1) Children

The term ''children'' means individuals who have not attained the age of 18.

(2) Children's services

The term ''children's services'' means the provision on a routine or regular basis of health, day care, education, or library services—

(A) that are funded, after January 8, 2002, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—

(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX of the Social Security Act [42 U.S.C. 1395 et seq., 1396 et seq.]); or

(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in part 246.2 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling)) under section 17(b)(6) of the Child Nutrition Act of 1966 [42 U.S.C. 1786(b)(6)]; or

(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate head of a Federal agency in any enforcement action carried out under this subpart,[1]

except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966 [42 U.S.C. 1771 et seq.].

(3) Indoor facility

The term ''indoor facility'' means a building that is enclosed.

(4) Person

The term ''person'' means any State or local subdivision of a State, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children's services or any individual who owns or operates or otherwise controls and provides such services.

(5) Secretary

The term ''Secretary'' means the Secretary of Health and Human Services.

(Pub. L. 89–10, title VIII, § 8572, formerly title IV, § 4302, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1773; renumbered title IX, § 9562, renumbered title VIII, § 8572, Pub. L.

[1] See References in Text note below.

[1] See References in Text note below.

114–95, title IV, § 4001(a)(4)(A), (B), (C)(ii), title VIII, § 8001(a)(9), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089.)

REFERENCES IN TEXT

This subpart, referred to in text, was in the original ''this part'', and was translated as reading ''this subpart'', to reflect the probable intent of Congress. Pub. L. 114–95 redesignated part C of title IV of Pub. L. 89–10 as subpart 5 of part F of title VIII of Pub. L. 89–10, which is classified to this subpart.

The Child Nutrition Act of 1966, referred to in par. (2), is Pub. L. 89–642, Oct. 11, 1966, 80 Stat. 885, which is classified generally to chapter 13A (§ 1771 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1771 of Title 42 and Tables.

The Social Security Act, referred to in par. (2)(A)(i), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Titles XVIII and XIX of the Act are classified generally to subchapters XVIII (§ 1395 et seq.) and XIX (§ 1396 et seq.), respectively, of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

CODIFICATION

Section was classified to section 7182 of this title prior to renumbering by Pub. L. 114–95.

§ 7973. Nonsmoking policy for children's services

(a) Prohibition

After January 8, 2002, no person shall permit smoking within any indoor facility owned or leased or contracted for, and utilized, by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

(b) Additional prohibition

(1) In general

After January 8, 2002, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized by, such person for the provision of regular or routine health care or day care or early childhood education programs.

(2) Exception

Paragraph (1) shall not apply to—

(A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

(B) any private residence.

(c) Federal agencies

(1) Kindergarten, elementary, or secondary education or library services

After January 8, 2002, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

(2) Health or day care or early childhood education programs

(A) In general

After January 8, 2002, no Federal agency shall permit smoking within any indoor facility (or portion of such facility) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood education programs to children.

(B) Exception

Subparagraph (A) shall not apply to—

(i) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

(ii) any private residence.

(3) Application of provisions

The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

(d) Notice

The prohibitions in subsections (a) through (c) of this section shall be published in a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children's services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after January 8, 2002, whichever occurs first.

(e) Civil penalties

(1) In general

Any failure to comply with a prohibition in this section shall be considered to be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty assessed under this section, the total amount shall not exceed 50 percent of the amount of Federal funds received under any subchapter of this chapter by such person for the fiscal year in which the continuing violation occurred. For the purpose of the prohibition in subsection (c) of this section, the term ''person'', as used in this paragraph, shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

(2) Administrative proceeding

A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued under paragraph (1), by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5. Before making such assessment or issuing such order, or both, the Secretary shall give written notice of the assessment or order to such person by certified mail with return receipt and provide information in the notice of an opportunity to request in writing, not later than 30 days after the date of receipt of such notice, such hearing. The notice shall reasonably describe the violation and be accompanied with

the procedures for such hearing and a simple form that may be used to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing, which shall be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary's designee) and such person may consult to arrange a suitable date and location where appropriate.

(3) Circumstances affecting penalty or order

In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

(C) such other matters as justice may require.

(4) Modification

The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or the agencies or instrumentalities of the United States owe to the person against whom the penalty is assessed.

(5) Petition for review

Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy of the petition to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

(6) Failure to comply

If a person fails to pay an assessment of a civil penalty or comply with an order, after the assessment or order, or both, are final under this section, or after a court has entered a final judgment under paragraph (5) in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at prevailing rates from the day the assessment or order, or both, are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

(Pub. L. 89–10, title VIII, § 8573, formerly title IV, § 4303, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1774; renumbered title IX, § 9563, renumbered title VIII, § 8573, and amended Pub. L. 114–95, title IV, § 4001(a)(1), (4)(A), (B), (C)(ii), title VIII, § 8001(a)(9), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089.)

CODIFICATION

Section was classified to section 7183 of this title prior to renumbering by Pub. L. 114–95.

AMENDMENTS

2015—Subsec. (b)(1). Pub. L. 114–95, § 4001(a)(1)(A), substituted ''early childhood education programs'' for ''early childhood development (Head Start) services''.

Subsec. (c)(2). Pub. L. 114–95, § 4001(a)(1)(B)(i), substituted ''education programs'' for ''development services'' in heading.

Subsec. (c)(2)(A). Pub. L. 114–95, § 4001(a)(1)(B)(ii), substituted ''education programs'' for ''development (Head Start) services''.

Subsec. (e)(3)(C). Pub. L. 114–95, § 4001(a)(1)(C), added subpar. (C) and struck out former subpar. (C) which was missing an opening parenthesis before the subpar. designation and read as follows: ''such other matters as justice may require.''

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7974. Preemption

Nothing in this subpart[1] is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this subpart.[1]

(Pub. L. 89–10, title VIII, § 8574, formerly title IV, § 4304, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1776; renumbered title IX, § 9564, renumbered title VIII, § 8574, Pub. L. 114–95, title IV, § 4001(a)(4)(A), (B), (C)(ii), title VIII, § 8001(a)(9), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089.)

REFERENCES IN TEXT

This subpart, referred to in text, was in the original ''this part'', and was translated as reading ''this subpart'', to reflect the probable intent of Congress. Pub. L. 114–95 redesignated part C of title IV of Pub. L. 89–10 as subpart 5 of part F of title VIII of Pub. L. 89–10, which is classified to this subpart.

CODIFICATION

Section was classified to section 7184 of this title prior to renumbering by Pub. L. 114–95.

PART G—EVALUATIONS

CODIFICATION

Pub. L. 114–95, title VIII, § 8001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2088, 2089, redesignated part F (§ 7941) of subchapter IX of this chapter as part G of this subchapter.

[1] See References in Text note below.

§ 7981. Evaluations

(a) Reservation of funds

Except as provided in subsection[1] (b) and (e), the Secretary, in consultation with the Director of the Institute of Education Sciences, may reserve not more than 0.5 percent of the amount appropriated for each program authorized under this chapter to carry out activities under this section. If the Secretary elects to make a reservation under this subsection, the reserved amounts—

(1) shall first be used by the Secretary, acting through the Director of the Institute of Education Sciences, to—

(A) conduct comprehensive, high-quality evaluations of the programs that—

(i) are consistent with the evaluation plan under subsection (d); and

(ii) primarily include impact evaluations that use experimental or quasi-experimental designs, where practicable and appropriate, and other rigorous methodologies that permit the strongest possible causal inferences;

(B) conduct studies of the effectiveness of the programs and the administrative impact of the programs on schools and local educational agencies; and

(C) widely disseminate evaluation findings under this section related to programs authorized under this chapter—

(i) in a timely fashion;

(ii) in forms that are understandable, easily accessible, usable, and adaptable for use in the improvement of educational practice;

(iii) through electronic transfer and other means, such as posting, as available, to the websites of State educational agencies, local educational agencies, the Institute of Education Sciences, or the Department, or in another relevant place; and

(iv) in a manner that promotes the utilization of such findings; and

(2) may be used by the Secretary, acting through the Director of the Institute of Education Sciences—

(A) to evaluate the aggregate short- and long-term effects and cost efficiencies across—

(i) Federal programs assisted or authorized under this chapter; and

(ii) related Federal early childhood education programs, preschool programs, elementary school programs, and secondary school programs, under any other Federal law;

(B) to increase the usefulness of the evaluations conducted under this section by improving the quality, timeliness, efficiency, and use of information relating to performance to promote continuous improvement of programs assisted or authorized under this chapter; and

(C) to assist recipients of grants under such programs in collecting and analyzing data and other activities related to conducting high-quality evaluations under paragraph (1).

(b) Subchapter I

The Secretary, acting through the Director of the Institute of Education Sciences, shall use funds authorized under section 6302(e) of this title to carry out evaluation activities under this section related to subchapter I, and shall not reserve any other money from such subchapter for evaluation.

(c) Consolidation

Notwithstanding any other provision of this section or section 6302(e) of this title, the Secretary, in consultation with the Director of the Institute of Education Sciences—

(1) may consolidate the funds reserved under subsections (a) and (b) for purposes of carrying out the activities under subsection (a)(1); and

(2) shall not be required to evaluate under subsection (a)(1) each program authorized under this chapter each year.

(d) Evaluation plan

The Director of the Institute of Education Sciences, shall, on a biennial basis, develop, submit to Congress, and make publicly available an evaluation plan, that—

(1) describes the specific activities that will be carried out under subsection (a) for the 2-year period applicable to the plan, and the timelines of such activities;

(2) contains the results of the activities carried out under subsection (a) for the most recent 2-year period; and

(3) describes how programs authorized under this chapter will be regularly evaluated.

(e) Evaluation activities authorized elsewhere

If, under any other provision of this chapter, funds are authorized to be reserved or used for evaluation activities with respect to a program, the Secretary may not reserve additional funds under this section for the evaluation of that program.

(Pub. L. 89–10, title VIII, § 8601, formerly title IX, § 9601, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1985; renumbered title VIII, § 8601, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(10), 8042, Dec. 10, 2015, 129 Stat. 2088, 2089, 2122.)

CODIFICATION

Section was formerly classified to section 7941 of this title.

AMENDMENTS

2015—Pub. L. 114–95, § 8042, amended section generally. Prior to amendment, section consisted of subsecs. (a) to (c) relating to reservation of funds for evaluations, exclusion of subchapters I and III, and evaluation activities authorized elsewhere, respectively.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

[1] So in original. Probably should be ''subsections''.

SUBCHAPTER X—PROGRAMS OF NATIONAL SIGNIFICANCE

PART A—FUND FOR THE IMPROVEMENT OF EDUCATION

§§ 8001 to 8007. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8001, Pub. L. 89–10, title X, § 10101, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3809; amended Pub. L. 104–134, title I, § 101(d) [title VII, § 703(b)(4)], Apr. 26, 1996, 110 Stat. 1321–211, 1321–255; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327, related to fund for the improvement of education.

Section 8002, Pub. L. 89–10, title X, § 10102, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3812, related to elementary school counseling demonstration.

Section 8003, Pub. L. 89–10, title X, § 10103, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3815, related to partnerships in character education pilot project.

Section 8004, Pub. L. 89–10, title X, § 10104, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3818; amended Pub. L. 105–332, § 2, Oct. 31, 1998, 112 Stat. 3125, related to promotion of scholar-athlete competitions.

Section 8005, Pub. L. 89–10, title X, § 10105, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3818, related to development and implementation of smaller learning communities.

Section 8006, Pub. L. 89–10, title X, § 10106, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3820, related to national student and parent mock election.

Section 8007, Pub. L. 89–10, title X, § 10107, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3820, related to model projects of outreach activities for at-risk children.

PART B—GIFTED AND TALENTED CHILDREN

§§ 8031 to 8037. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8031, Pub. L. 89–10, title X, § 10201, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3820, set forth short title of the Jacob K. Javits Gifted and Talented Students Education Act of 1994.

Section 8032, Pub. L. 89–10, title X, § 10202, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3820, set forth findings and purposes.

Section 8033, Pub. L. 89–10, title X, § 10203, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3822, related to construction of provisions.

Section 8034, Pub. L. 89–10, title X, § 10204, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3822, related to authorized programs.

Section 8035, Pub. L. 89–10, title X, § 10205, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3823, set forth program priorities.

Section 8036, Pub. L. 89–10, title X, § 10206, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3824, set forth general provisions.

Section 8037, Pub. L. 89–10, title X, § 10207, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3824, authorized appropriations.

PART C—PUBLIC CHARTER SCHOOLS

SUBPART 1—BASIC CHARTER SCHOOL GRANT PROGRAM

§§ 8061 to 8067. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8061, Pub. L. 89–10, title X, § 10301, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3824; amended Pub. L. 105–278, § 3(a), Oct. 22, 1998, 112 Stat. 2682; Pub. L. 106–554, § 1(a)(1) [title III, § 322(b)(1)], Dec. 21, 2000, 114 Stat. 2763, 2763A–61, set forth findings and purpose.

Section 8062, Pub. L. 89–10, title X, § 10302, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3825; amended Pub. L. 105–278, § 3(b), Oct. 22, 1998, 112 Stat. 2682; Pub. L. 106–554, § 1(a)(1) [title III, § 322(b)(1)], Dec. 21, 2000, 114 Stat. 2763, 2763A–61, authorized charter school grant program.

Section 8063, Pub. L. 89–10, title X, § 10303, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3826; amended Pub. L. 105–278, § 3(c), Oct. 22, 1998, 112 Stat. 2684; Pub. L. 106–554, § 1(a)(1) [title III, § 322(b)(1)], Dec. 21, 2000, 114 Stat. 2763, 2763A–61, related to applications.

Section 8064, Pub. L. 89–10, title X, § 10304, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3827; amended Pub. L. 105–78, title III, § 315, Nov. 13, 1997, 111 Stat. 1508; Pub. L. 105–278, § 3(d), (k), Oct. 22, 1998, 112 Stat. 2685, 2689; Pub. L. 106–554, § 1(a)(1) [title III, § 322(b)(1)], Dec. 21, 2000, 114 Stat. 2763, 2763A–61, related to administration.

Section 8065, Pub. L. 89–10, title X, § 10305, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3829; amended Pub. L. 105–278, § 3(f), Oct. 22, 1998, 112 Stat. 2686; Pub. L. 106–554, § 1(a)(1) [title III, § 322(b)(1)], Dec. 21, 2000, 114 Stat. 2763, 2763A–61, related to national activities.

Section 8065a, Pub. L. 89–10, title X, § 10306, as added Pub. L. 105–278, § 3(g)(2), Oct. 22, 1998, 112 Stat. 2687, related to Federal formula allocation during first year and for successive enrollment expansions.

Section 8065b, Pub. L. 89–10, title X, § 10307, as added Pub. L. 105–278, § 3(g)(2), Oct. 22, 1998, 112 Stat. 2688; amended Pub. L. 106–554, § 1(a)(1) [title III, § 322(b)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A–61, related to solicitation of input from charter school operators.

Section 8065c, Pub. L. 89–10, title X, § 10308, as added Pub. L. 105–278, § 3(g)(2), Oct. 22, 1998, 112 Stat. 2688, related to records transfer.

Section 8065d, Pub. L. 89–10, title X, § 10309, as added Pub. L. 105–278, § 3(g)(2), Oct. 22, 1998, 112 Stat. 2688; amended Pub. L. 106–554, § 1(a)(1) [title III, § 322(b)(3)], Dec. 21, 2000, 114 Stat. 2763, 2763A–61, related to paperwork reduction.

Section 8066, Pub. L. 89–10, title X, § 10310, formerly § 10306, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3829; renumbered § 10310 and amended, Pub. L. 105–278, § 3(g)(1), (h), Oct. 22, 1998, 112 Stat. 2687, 2688; Pub. L. 106–554, § 1(a)(1) [title III, § 322(b)(3)], Dec. 21, 2000, 114 Stat. 2763, 2763A–61, defined terms.

Section 8067, Pub. L. 89–10, title X, § 10311, formerly § 10307, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3830; renumbered § 10311 and amended, Pub. L. 105–278, § 3(g)(1), (i), Oct. 22, 1998, 112 Stat. 2687, 2688; Pub. L. 106–554, § 1(a)(1) [title III, § 322(b)(3)], Dec. 21, 2000, 114 Stat. 2763, 2763A–61, authorized appropriations.

SUBPART 2—CREDIT ENHANCEMENT INITIATIVES TO ASSIST CHARTER SCHOOL FACILITY ACQUISITION, CONSTRUCTION, AND RENOVATION

§§ 8071 to 8071j. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8071, Pub. L. 89–10, title X, § 10321, as added Pub. L. 106–554, § 1(a)(1) [title III, § 322(a)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A–57, set forth purpose.

Section 8071a, Pub. L. 89–10, title X, § 10322, as added Pub. L. 106–554, § 1(a)(1) [title III, § 322(a)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A–57, related to grants to eligible entities.

Section 8071b, Pub. L. 89–10, title X, § 10323, as added Pub. L. 106–554, § 1(a)(1) [title III, § 322(a)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A–58, related to applications.

Section 8071c, Pub. L. 89–10, title X, § 10324, as added Pub. L. 106–554, § 1(a)(1) [title III, § 322(a)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A–59, set forth charter school objectives.

Section 8071d, Pub. L. 89–10, title X, § 10325, as added Pub. L. 106–554, § 1(a)(1) [title III, § 322(a)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A–59, related to reserve account.

Section 8071e, Pub. L. 89–10, title X, § 10326, as added Pub. L. 106–554, § 1(a)(1) [title III, § 322(a)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A–59, related to limitation on administrative costs.

Section 8071f, Pub. L. 89–10, title X, § 10327, as added Pub. L. 106–554, § 1(a)(1) [title III, § 322(a)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A–59, related to audits and reports.

Section 8071g, Pub. L. 89–10, title X, § 10328, as added Pub. L. 106–554, § 1(a)(1) [title III, § 322(a)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A–60, related to full faith and credit for grantee obligations.

Section 8071h, Pub. L. 89–10, title X, § 10329, as added Pub. L. 106–554, § 1(a)(1) [title III, § 322(a)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A–60, related to recovery of funds.

Section 8071i, Pub. L. 89–10, title X, § 10330, as added Pub. L. 106–554, § 1(a)(1) [title III, § 322(a)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A–61, defined terms.

Section 8071j, Pub. L. 89–10, title X, § 10331, as added Pub. L. 106–554, § 1(a)(1) [title III, § 322(a)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A–61, authorized appropriations.

PART D—ARTS IN EDUCATION

SUBPART 1—ARTS EDUCATION

§ 8091. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section, Pub. L. 89–10, title X, § 10401, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3830; amended Pub. L. 104–208, div. A, title I, § 101(e) [title VII, § 709(b)(3)(A)], Sept. 30, 1996, 110 Stat. 3009–233, 3009–313, related to support for arts education.

SUBPART 2—CULTURAL PARTNERSHIPS FOR AT-RISK CHILDREN AND YOUTH

§§ 8101 to 8105. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8101, Pub. L. 89–10, title X, § 10411, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3832, set forth findings and purpose of subpart.

Section 8102, Pub. L. 89–10, title X, § 10412, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3833; amended Pub. L. 104–208, div. A, title I, § 101(e) [title VII, § 709(b)(3)(B)], Sept. 30, 1996, 110 Stat. 3009–233, 3009–313, authorized program.

Section 8103, Pub. L. 89–10, title X, § 10413, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3835, related to authorized activities.

Section 8104, Pub. L. 89–10, title X, § 10414, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3836; amended Pub. L. 104–208, div. A, title I, § 101(e) [title VII, § 709(b)(3)(C)], Sept. 30, 1996, 110 Stat. 3009–233, 3009–313, related to payments, amounts of award, cost share, and limitations.

Section 8105, Pub. L. 89–10, title X, § 10415, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3837, authorized appropriations.

PART E—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

§ 8131. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section, Pub. L. 89–10, title X, § 10501, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3837, related to inexpensive book distribution program for reading motivation.

PART F—CIVIC EDUCATION

§§ 8141 to 8143. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8141, Pub. L. 89–10, title X, § 10601, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3838, related to instruction on history and principles of democracy in the United States.

Section 8142, Pub. L. 89–10, title X, § 10602, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3839, related to instruction in civics, government, and the law.

Section 8143, Pub. L. 89–10, title X, § 10603, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3840, related to report and authorization of appropriations.

PART G—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

§ 8161. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section, Pub. L. 89–10, title X, § 10701, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3841, set forth findings.

SUBPART 1—PROGRAM FOR MIDDLE AND SECONDARY SCHOOL STUDENTS

§§ 8171, 8172. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8171, Pub. L. 89–10, title X, § 10711, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3841, authorized grants for fellowships.

Section 8172, Pub. L. 89–10, title X, § 10712, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3841, related to applications.

SUBPART 2—PROGRAM FOR MIDDLE AND SECONDARY SCHOOL TEACHERS

§§ 8181, 8182. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8181, Pub. L. 89–10, title X, § 10721, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3842, authorized grants for fellowships.

Section 8182, Pub. L. 89–10, title X, § 10722, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3842, related to applications.

SUBPART 3—PROGRAMS FOR RECENT IMMIGRANTS, STUDENTS OF MIGRANT PARENTS AND OLDER AMERICANS

§§ 8191, 8192. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8191, Pub. L. 89–10, title X, § 10731, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3842, authorized grants for fellowships.

Section 8192, Pub. L. 89–10, title X, § 10732, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3843, related to applications.

SUBPART 4—GENERAL PROVISIONS

§§ 8201, 8202. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8201, Pub. L. 89–10, title X, § 10741, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3843, set forth administrative provisions.

Section 8202, Pub. L. 89–10, title X, § 10742, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3843, authorized appropriations.

PART H—DE LUGO TERRITORIAL EDUCATION IMPROVEMENT PROGRAM

§§ 8221 to 8224. Repealed. Pub. L. 105–277, div. A, § 101(f) [title VIII, § 301(c)(2)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–410

Section 8221, Pub. L. 89–10, title X, § 10801, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3844, related to findings and purposes.

Section 8222, Pub. L. 89–10, title X, §10802, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3844, related to grant authorization.

Section 8223, Pub. L. 89–10, title X, §10803, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3844, prohibited use of grant funds for construction.

Section 8224, Pub. L. 89–10, title X, §10804, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3844, related to authorization of appropriations.

PART I—21ST CENTURY COMMUNITY LEARNING CENTERS

§§ 8241 to 8247. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8241, Pub. L. 89–10, title X, §10901, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3844, set forth short title of the 21st Century Community Learning Centers Act.

Section 8242, Pub. L. 89–10, title X, §10902, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3844, set forth findings.

Section 8243, Pub. L. 89–10, title X, §10903, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3845, authorized program.

Section 8244, Pub. L. 89–10, title X, §10904, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3845, required application.

Section 8245, Pub. L. 89–10, title X, §10905, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3846, related to uses of funds.

Section 8246, Pub. L. 89–10, title X, §10906, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3846, defined ''Community learning center''.

Section 8247, Pub. L. 89–10, title X, §10907, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3846, authorized appropriations.

PART J—URBAN AND RURAL EDUCATION ASSISTANCE

§§ 8271, 8272. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8271, Pub. L. 89–10, title X, §10951, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3847, authorized appropriations.

Section 8272, Pub. L. 89–10, title X, §10952, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3847, defined terms.

SUBPART 1—URBAN EDUCATION DEMONSTRATION GRANTS

§§ 8281 to 8284. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8281, Pub. L. 89–10, title X, §10961, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3848, set forth findings.

Section 8282, Pub. L. 89–10, title X, §10962, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3849, set forth purpose of subpart.

Section 8283, Pub. L. 89–10, title X, §10963, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3849, authorized urban school grants.

Section 8284, Pub. L. 89–10, title X, §10964, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3852, set forth special rules.

SUBPART 2—RURAL EDUCATION INITIATIVE

§§ 8291 to 8297. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8291, Pub. L. 89–10, title X, §10972, as added Pub. L. 106–554, §1(a)(1) [title IX, §901], Dec. 21, 2000, 114 Stat. 2763, 2763A–89, set out purpose of this subpart.

A prior section 8291, Pub. L. 89–10, title X, §10971, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3852, set out findings, prior to the general amendment of this subpart by Pub. L. 106–554.

Section 8292, Pub. L. 89–10, title X, §10973, as added Pub. L. 106–554, §1(a)(1) [title IX, §901], Dec. 21, 2000, 114 Stat. 2763, 2763A–89, authorized appropriations.

A prior section 8292, Pub. L. 89–10, title X, §10972, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3853, related to the purpose of this subpart, prior to the general amendment of this subpart by Pub. L. 106–554.

Section 8293, Pub. L. 89–10, title X, §10974, as added Pub. L. 106–554, §1(a)(1) [title IX, §901], Dec. 21, 2000, 114 Stat. 2763, 2763A–89, authorized formula grant program.

A prior section 8293, Pub. L. 89–10, title X, §10973, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3854, authorized rural school grants, prior to the general amendment of this subpart by Pub. L. 106–554.

Section 8294, Pub. L. 89–10, title X, §10975, as added Pub. L. 106–554, §1(a)(1) [title IX, §901], Dec. 21, 2000, 114 Stat. 2763, 2763A–90, authorized competitive grant program.

A prior section 8294, Pub. L. 89–10, title X, §10974, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3854, related to fund usage, prior to the general amendment of this subpart by Pub. L. 106–554.

Section 8295, Pub. L. 89–10, title X, §10976, as added Pub. L. 106–554, §1(a)(1) [title IX, §901], Dec. 21, 2000, 114 Stat. 2763, 2763A–91, related to accountability.

A prior section 8295, Pub. L. 89–10, title X, §10975, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3857, related to higher education grants, prior to the general amendment of this subpart by Pub. L. 106–554.

Section 8296, Pub. L. 89–10, title X, §10977, as added Pub. L. 106–554, §1(a)(1) [title IX, §901], Dec. 21, 2000, 114 Stat. 2763, 2763A–92, related to ratable reductions in case of insufficient appropriations.

Section 8297, Pub. L. 89–10, title X, §10978, as added Pub. L. 106–554, §1(a)(1) [title IX, §901], Dec. 21, 2000, 114 Stat. 2763, 2763A–92, related to applicability of former sections 8271 and 8272 of this title.

SUBPART 3—WHITE HOUSE CONFERENCES

§§ 8311, 8312. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8311, Pub. L. 89–10, title X, §10981, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3857, related to White House Conference on Urban Education.

Section 8312, Pub. L. 89–10, title X, §10982, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3858, related to White House Conference on Rural Education.

PART K—NATIONAL WRITING PROJECT

§§ 8331, 8332. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8331, Pub. L. 89–10, title X, §10991, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3859, set forth findings.

Section 8332, Pub. L. 89–10, title X, §10992, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3861, related to National Writing Project.

PART L—PHYSICAL EDUCATION FOR PROGRESS

§§ 8351 to 8361. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8351, Pub. L. 89–10, title X, §10999B, as added Pub. L. 106–554, §1(a)(1) [title VII, §701], Dec. 21, 2000, 114 Stat. 2763, 2763A–76, set forth purpose of part.

A prior section 8351, Pub. L. 89–10, title X, §10993, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3863, related to extended time for learning and longer school year, prior to repeal by Pub. L. 105–277, div. A, §101(f) [title VIII, §301(c)(3)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–410.

Section 8352, Pub. L. 89–10, title X, §10999C, as added Pub. L. 106–554, §1(a)(1) [title VII, §701], Dec. 21, 2000, 114 Stat. 2763, 2763A–77, set forth findings.

Section 8353, Pub. L. 89–10, title X, § 10999D, as added Pub. L. 106–554, § 1(a)(1) [title VII, § 701], Dec. 21, 2000, 114 Stat. 2763, 2763A–77, authorized program.

Section 8354, Pub. L. 89–10, title X, § 10999E, as added Pub. L. 106–554, § 1(a)(1) [title VII, § 701], Dec. 21, 2000, 114 Stat. 2763, 2763A–78, related to applications and program elements.

Section 8355, Pub. L. 89–10, title X, § 10999F, as added Pub. L. 106–554, § 1(a)(1) [title VII, § 701], Dec. 21, 2000, 114 Stat. 2763, 2763A–78, related to proportionality.

Section 8356, Pub. L. 89–10, title X, § 10999G, as added Pub. L. 106–554, § 1(a)(1) [title VII, § 701], Dec. 21, 2000, 114 Stat. 2763, 2763A–78, related to participation of private school students and home-schooled students.

Section 8357, Pub. L. 89–10, title X, § 10999H, as added Pub. L. 106–554, § 1(a)(1) [title VII, § 701], Dec. 21, 2000, 114 Stat. 2763, 2763A–78, required report for continued funding.

Section 8358, Pub. L. 89–10, title X, § 10999I, as added Pub. L. 106–554, § 1(a)(1) [title VII, § 701], Dec. 21, 2000, 114 Stat. 2763, 2763A–78, required report to Congress.

Section 8359, Pub. L. 89–10, title X, § 10999J, as added Pub. L. 106–554, § 1(a)(1) [title VII, § 701], Dec. 21, 2000, 114 Stat. 2763, 2763A–79, related to administrative costs.

Section 8360, Pub. L. 89–10, title X, § 10999K, as added Pub. L. 106–554, § 1(a)(1) [title VII, § 701], Dec. 21, 2000, 114 Stat. 2763, 2763A–79, related to Federal share and supplementing, not supplanting, funds.

Section 8361, Pub. L. 89–10, title X, § 10999L, as added Pub. L. 106–554, § 1(a)(1) [title VII, § 701], Dec. 21, 2000, 114 Stat. 2763, 2763A–79, authorized appropriations.

PART M—TERRITORIAL ASSISTANCE

§ 8371. Repealed. Pub. L. 105–277, div. A, § 101(f) [title VIII, § 301(c)(4)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–410

Section, Pub. L. 89–10, title X, § 10995, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3867, related to general assistance to improve public education in the Virgin Islands.

SUBCHAPTER XI—COORDINATED SERVICES

§§ 8401 to 8407. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8401, Pub. L. 89–10, title XI, § 11001, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3867, set forth findings and purpose.

Section 8402, Pub. L. 89–10, title XI, § 11002, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3868, defined terms.

Section 8403, Pub. L. 89–10, title XI, § 11003, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3868, related to authority to use funds.

Section 8404, Pub. L. 89–10, title XI, § 11004, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3868, related to project development and implementation.

Section 8405, Pub. L. 89–10, title XI, § 11005, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3869, related to uses of funds.

Section 8406, Pub. L. 89–10, title XI, § 11006, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3870, related to continuing authority to use funds.

Section 8407, Pub. L. 89–10, title XI, § 11007, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3870, related to identification of barriers to service coordination.

SUBCHAPTER XII—SCHOOL FACILITIES INFRASTRUCTURE IMPROVEMENT

§§ 8501 to 8513. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8501, Pub. L. 89–10, title XII, § 12001, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3870, set out short title of the Education Infrastructure Act of 1994.

Section 8502, Pub. L. 89–10, title XII, § 12002, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3870, set forth findings.

Section 8503, Pub. L. 89–10, title XII, § 12003, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3871, set forth purpose.

Section 8504, Pub. L. 89–10, title XII, § 12004, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3871, authorized program for improvement of public elementary and secondary education facilities.

Section 8505, Pub. L. 89–10, title XII, § 12005, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3871, related to award of grants.

Section 8506, Pub. L. 89–10, title XII, § 12006, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3872, related to applications.

Section 8507, Pub. L. 89–10, title XII, § 12007, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3872, related to authorized activities.

Section 8508, Pub. L. 89–10, title XII, § 12008, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3873, related to budget and accounting, use of funds, powers of Secretary, contracts for supplies or services, and applicability of provisions of title 31.

Section 8509, Pub. L. 89–10, title XII, § 12009, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3874, related to payment of fair wages.

Section 8510, Pub. L. 89–10, title XII, § 12010, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3874, set forth special rules and general limitations.

Section 8511, Pub. L. 89–10, title XII, § 12011, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3875, related to Federal assessment.

Section 8512, Pub. L. 89–10, title XII, § 12012, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3875, defined terms.

Section 8513, Pub. L. 89–10, title XII, § 12013, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3875, authorized appropriations.

SUBCHAPTER XIII—SUPPORT AND ASSISTANCE PROGRAMS TO IMPROVE EDUCATION

§§ 8601, 8602. Repealed. Pub. L. 107–110, title X, § 1011(5)(B), Jan. 8, 2002, 115 Stat. 1986

Section 8601, Pub. L. 89–10, title XIII, § 13001, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3876, set forth findings.

Section 8602, Pub. L. 89–10, title XIII, § 13002, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3876, set forth purpose of subchapter.

PART A—COMPREHENSIVE REGIONAL ASSISTANCE CENTERS

CODIFICATION

Part A of title XIII of Pub. L. 89–10, comprising this part, was renumbered part K of title IX of Pub. L. 103–227, the Educational Research, Development, Dissemination, and Improvement Act of 1994, by Pub. L. 107–110, title X, § 1021(a), Jan. 8, 2002, 115 Stat. 1987, transferred to part G (§ 6053 et seq.) of subchapter IX of chapter 68 of this title, and subsequently repealed.

§§ 8621 to 8625. Transferred

CODIFICATION

Section 8621, Pub. L. 89–10, title XIII, § 13101, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3877, which authorized grant program for comprehensive regional assistance centers, was renumbered section 1001 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 by Pub. L. 107–110, title X, § 1021(a), (b), Jan. 8, 2002, 115 Stat. 1987, transferred to section 6053 of this title, and subsequently repealed.

Section 8622, Pub. L. 89–10, title XIII, § 13102, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3878,

which set forth requirements of comprehensive regional assistance centers, was renumbered section 1002 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 by Pub. L. 107–110, title X, § 1021(a), (b), Jan. 8, 2002, 115 Stat. 1987, transferred to section 6053a of this title, and subsequently repealed.

Section 8623, Pub. L. 89–10, title XIII, § 13103, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3879, which related to maintenance of service and application requirements, was renumbered section 1003 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 by Pub. L. 107–110, title X, § 1021(a), (b), Jan. 8, 2002, 115 Stat. 1987, transferred to section 6053b of this title, and subsequently repealed.

Section 8624, Pub. L. 89–10, title XIII, § 13104, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3880, which related to transition and phase in, was renumbered section 1004 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 by Pub. L. 107–110, title X, § 1021(a), (b), Jan. 8, 2002, 115 Stat. 1987, transferred to section 6053c of this title, and subsequently repealed.

Section 8625, Pub. L. 89–10, title XIII, § 13105, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3880, which authorized appropriations, was renumbered section 1005 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 by Pub. L. 107–110, title X, § 1021(a), (b), Jan. 8, 2002, 115 Stat. 1987, transferred to section 6053d of this title, and subsequently repealed.

PART B—NATIONAL DIFFUSION NETWORK

CODIFICATION

Part B of title XIII of Pub. L. 89–10, comprising this part, was renumbered part L of title IX of Pub. L. 103–227, the Educational Research, Development, Dissemination, and Improvement Act of 1994, by Pub. L. 107–110, title X, § 1022(a), Jan. 8, 2002, 115 Stat. 1987, transferred to part H (§ 6054 et seq.) of subchapter IX of chapter 68 of this title, and subsequently repealed.

§§ 8651, 8652. Transferred

CODIFICATION

Section 8651, Pub. L. 89–10, title XIII, § 13201, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3880, which authorized National Diffusion Network program, was renumbered section 1011 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 by Pub. L. 107–110, title X, § 1022(a), (b), Jan. 8, 2002, 115 Stat. 1987, transferred to section 6054 of this title, and subsequently repealed.

Section 8652, Pub. L. 89–10, title XIII, § 13202, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3882, which authorized appropriations, was renumbered section 1012 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 by Pub. L. 107–110, title X, § 1022(a), (b), Jan. 8, 2002, 115 Stat. 1987, transferred to section 6054a of this title, and subsequently repealed.

PART C—EISENHOWER REGIONAL MATHEMATICS AND SCIENCE EDUCATION CONSORTIA

CODIFICATION

Part C of title XIII of Pub. L. 89–10, comprising this part, was renumbered part M of title IX of Pub. L. 103–227, the Educational Research, Development, Dissemination, and Improvement Act of 1994, by Pub. L. 107–110, title X, § 1023(a), Jan. 8, 2002, 115 Stat. 1987, transferred to part I (§ 6055 et seq.) of subchapter IX of chapter 68 of this title, and subsequently repealed.

§§ 8671 to 8678. Transferred

CODIFICATION

Section 8671, Pub. L. 89–10, title XIII, § 13301, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3882, which established regional mathematics and science education consortia program, was renumbered section 1021 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 by Pub. L. 107–110, title X, § 1023(a), (b), Jan. 8, 2002, 115 Stat. 1987, transferred to section 6055 of this title, and subsequently repealed.

Section 8672, Pub. L. 89–10, title XIII, § 13302, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3883, which related to use of funds, was renumbered section 1022 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 by Pub. L. 107–110, title X, § 1023(a), (b), Jan. 8, 2002, 115 Stat. 1987, transferred to section 6055a of this title, and subsequently repealed.

Section 8673, Pub. L. 89–10, title XIII, § 13303, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3884, which related to application and review, was renumbered section 1023 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 by Pub. L. 107–110, title X, § 1023(a), (b), Jan. 8, 2002, 115 Stat. 1987, transferred to section 6055b of this title, and subsequently repealed.

Section 8674, Pub. L. 89–10, title XIII, § 13304, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3885, which directed the establishment of regional boards, was renumbered section 1024 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 by Pub. L. 107–110, title X, § 1023(a), (b), Jan. 8, 2002, 115 Stat. 1987, transferred to section 6055c of this title, and subsequently repealed.

Section 8675, Pub. L. 89–10, title XIII, § 13305, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3885, which authorized payments and described Federal and non-Federal shares, was renumbered section 1025 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 by Pub. L. 107–110, title X, § 1023(a), (b), Jan. 8, 2002, 115 Stat. 1987, transferred to section 6055d of this title, and subsequently repealed.

Section 8676, Pub. L. 89–10, title XIII, § 13306, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3885, which required evaluation of regional consortia, was renumbered section 1026 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 by Pub. L. 107–110, title X, § 1023(a), (b), Jan. 8, 2002, 115 Stat. 1987, transferred to section 6055e of this title, and subsequently repealed.

Section 8677, Pub. L. 89–10, title XIII, § 13307, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3886, which defined terms, was renumbered section 1027 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 by Pub. L. 107–110, title X, § 1023(a), (b), Jan. 8, 2002, 115 Stat. 1987, transferred to section 6055f of this title, and subsequently repealed.

Section 8678, Pub. L. 89–10, title XIII, § 13308, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3886, which authorized appropriations, was renumbered section 1028 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 by Pub. L. 107–110, title X, § 1023(a), (b), Jan. 8, 2002, 115 Stat. 1987, transferred to section 6055g of this title, and subsequently repealed.

PART D—TECHNOLOGY-BASED TECHNICAL ASSISTANCE

CODIFICATION

Part D of title XIII of Pub. L. 89–10, comprising this part, was renumbered part N of title IX of Pub. L. 103–227, the Educational Research, Development, Dissemination, and Improvement Act of 1994, by Pub. L. 107–110, title X, § 1024(a), Jan. 8, 2002, 115 Stat. 1987, transferred to part J (§ 6056 et seq.) of subchapter IX of chapter 68 of this title, and subsequently repealed.

§ 8701. Transferred

CODIFICATION

Section, Pub. L. 89–10, title XIII, § 13401, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3886,

which authorized technology-based technical assistance, was renumbered section 1031 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 by Pub. L. 107–110, title X, §1024(a), (b), Jan. 8, 2002, 115 Stat. 1987, 1988, transferred to section 6056 of this title, and subsequently repealed.

SUBCHAPTER XIV—GENERAL PROVISIONS

PART A—DEFINITIONS

§§ 8801 to 8803. Repealed. Pub. L. 107–110, title X, § 1011(5)(C), Jan. 8, 2002, 115 Stat. 1986

Section 8801, Pub. L. 89–10, title XIV, §14101, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3887; amended Pub. L. 105–244, title I, §102(a)(6)(K), Oct. 7, 1998, 112 Stat. 1619; Pub. L. 105–277, div. A, §101(f) [title VIII, §101(b)(5)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–407; Pub. L. 105–278, §3(j), Oct. 22, 1998, 112 Stat. 2688; Pub. L. 106–554, §1(a)(4) [div. B, title XVI, §1606(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A–334, defined terms.

Section 8802, Pub. L. 89–10, title XIV, §14102, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3890, related to applicability of subchapter.

Section 8803, Pub. L. 89–10, title XIV, §14103, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3890, related to applicability of chapter to Bureau of Indian Affairs operated schools.

PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

§§ 8821 to 8826. Repealed. Pub. L. 107–110, title X, § 1011(5)(C), Jan. 8, 2002, 115 Stat. 1986

Section 8821, Pub. L. 89–10, title XIV, §14201, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3890, related to consolidation of State administrative funds for elementary and secondary education programs.

Section 8822, Pub. L. 89–10, title XIV, §14202, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3891, related to single local educational agency States.

Section 8823, Pub. L. 89–10, title XIV, §14203, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3892, related to consolidation of funds for local administration.

Section 8824, Pub. L. 89–10, title XIV, §14204, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3892, related to administrative funds studies.

Section 8825, Pub. L. 89–10, title XIV, §14205, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3893; amended Pub. L. 106–400, §2, Oct. 30, 2000, 114 Stat. 1675, related to consolidated set-aside for Department of the Interior funds.

Section 8826, Pub. L. 89–10, title XIV, §14206, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3894, related to availability of unneeded program funds.

PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

§§ 8851 to 8857. Repealed. Pub. L. 107–110, title X, § 1011(5)(C), Jan. 8, 2002, 115 Stat. 1986

Section 8851, Pub. L. 89–10, title XIV, §14301, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3894, set forth purpose of part.

Section 8852, Pub. L. 89–10, title XIV, §14302, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3894; amended Pub. L. 105–332, §3(c)(3), Oct. 31, 1998, 112 Stat. 3125, related to optional consolidated State plans or applications.

Section 8853, Pub. L. 89–10, title XIV, §14303, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3895, related to general applicability of State educational agency assurances.

Section 8854, Pub. L. 89–10, title XIV, §14304, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3896, required report on additional coordination.

Section 8855, Pub. L. 89–10, title XIV, §14305, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3896, related to consolidated local plans or applications.

Section 8856, Pub. L. 89–10, title XIV, §14306, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3897, related to other general assurances.

Section 8857, Pub. L. 89–10, title XIV, §14307, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3898; amended Pub. L. 105–332, §3(c)(4), Oct. 31, 1998, 112 Stat. 3126, related to relationship of State and local plans to plans under Goals 2000: Educate America Act.

PART D—WAIVERS

§ 8881. Repealed. Pub. L. 107–110, title X, § 1011(5)(C), Jan. 8, 2002, 115 Stat. 1986

Section, Pub. L. 89–10, title XIV, §14401, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3899, related to waivers of statutory and regulatory requirements.

PART E—UNIFORM PROVISIONS

§§ 8891 to 8904. Repealed. Pub. L. 107–110, title X, § 1011(5)(C), Jan. 8, 2002, 115 Stat. 1986

Section 8891, Pub. L. 89–10, title XIV, §14501, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3901, related to maintenance of effort.

Section 8892, Pub. L. 89–10, title XIV, §14502, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3902, related to prohibition regarding State aid.

Section 8893, Pub. L. 89–10, title XIV, §14503, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3902; amended Pub. L. 105–277, div. A, §101(f) [title VIII, §101(b)(6)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–407, related to participation by private school children and teachers.

Section 8894, Pub. L. 89–10, title XIV, §14504, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3903, set forth standards for by-pass of requirements.

Section 8895, Pub. L. 89–10, title XIV, §14505, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3904, related to complaint process for participation of private school children.

Section 8896, Pub. L. 89–10, title XIV, §14506, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3904, related to by-pass determination process.

Section 8897, Pub. L. 89–10, title XIV, §14507, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3905, prohibited payments for religious worship or instruction.

Section 8898, Pub. L. 89–10, title XIV, §14508, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3905, related to applicability of chapter to home schools.

Section 8899, Pub. L. 89–10, title XIV, §14509, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3905, related to construction of provisions prohibiting Federal control of nonrecipient nonpublic schools.

Section 8900, Pub. L. 89–10, title XIV, §14510, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3906, related to school prayer.

Section 8901, Pub. L. 89–10, title XIV, §14511, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3906, set forth general prohibitions.

Section 8902, Pub. L. 89–10, title XIV, §14512, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3906, contained prohibition on Federal mandates, direction, and control.

Section 8903, Pub. L. 89–10, title XIV, §14513, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3906, required report on changes made by the Improving America's Schools Act of 1994.

Section 8904, Pub. L. 89–10, title XIV, §14514, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3907, related to participation in Goals 2000: Educate America Act programs.

PART F—GUN POSSESSION

§§ 8921 to 8923. Repealed. Pub. L. 107–110, title X, § 1011(5)(C), Jan. 8, 2002, 115 Stat. 1986

Section 8921, Pub. L. 89–10, title XIV, § 14601, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3907, known as the Gun-Free Schools Act of 1994, related to gun-free requirements.

Section 8922, Pub. L. 89–10, title XIV, § 14602, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3908, related to policy regarding criminal justice system referral.

Section 8923, Pub. L. 89–10, title XIV, § 14603, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3908, related to data and policy dissemination under the Individuals with Disabilities Education Act.

PART G—EVALUATIONS

§ 8941. Repealed. Pub. L. 107–110, title X, § 1011(5)(C), Jan. 8, 2002, 115 Stat. 1986

Section, Pub. L. 89–10, title XIV, § 14701, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3908; amended Pub. L. 104–134, title I, § 101(d) [title VII, § 703(b)(5)], Apr. 26, 1996, 110 Stat. 1321–211, 1321–255; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327, related to evaluations.

PART H—SENSE OF CONGRESS

§§ 8961, 8962. Repealed. Pub. L. 107–110, title X, § 1011(5)(C), Jan. 8, 2002, 115 Stat. 1986

Section 8961, Pub. L. 89–10, title XIV, § 14801, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3911, expressed sense of Congress to increase total share of Federal spending on education.

Section 8962, Pub. L. 89–10, title XIV, § 14802, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3912, expressed sense of Congress regarding purchase of American-made equipment and products.

CHAPTER 71—NATIONAL EDUCATION STATISTICS

Sec.
9001 to 9012. Repealed or Transferred.

§§ 9001 to 9009. Repealed. Pub. L. 107–279, title IV, § 403(1), Nov. 5, 2002, 116 Stat. 1985

Section 9001, Pub. L. 103–382, title IV, § 402, Oct. 20, 1994, 108 Stat. 4029; Pub. L. 105–244, title I, § 102(a)(6)(L), Oct. 7, 1998, 112 Stat. 1619; Pub. L. 107–110, title X, § 1076(r), Jan. 8, 2002, 115 Stat. 2092, set forth findings and purpose and defined terms.

Section 9002, Pub. L. 103–382, title IV, § 403, Oct. 20, 1994, 108 Stat. 4030, established National Center for Education Statistics, to be headed by Commissioner of Education Statistics. See sections 9541 and 9542 of this title.

Section 9003, Pub. L. 103–382, title IV, § 404, Oct. 20, 1994, 108 Stat. 4031, set forth duties of Center. See section 9543 of this title.

Section 9004, Pub. L. 103–382, title IV, § 405, Oct. 20, 1994, 108 Stat. 4032, related to performance of duties. See section 9544 of this title.

Section 9005, Pub. L. 103–382, title IV, § 406, Oct. 20, 1994, 108 Stat. 4033, related to reports. See section 9545 of this title.

Section 9006, Pub. L. 103–382, title IV, § 407, Oct. 20, 1994, 108 Stat. 4033, established Advisory Council on Education Statistics.

Section 9007, Pub. L. 103–382, title IV, § 408, Oct. 20, 1994, 108 Stat. 4034; Pub. L. 107–56, title V, § 508, Oct. 26, 2001, 115 Stat. 368; Pub. L. 107–279, title IV, § 401(a), Nov. 5, 2002, 116 Stat. 1982, related to confidentiality of persons in collection, reporting, and publication of data. See section 9573 of this title.

Section 9008, Pub. L. 103–382, title IV, § 409, Oct. 20, 1994, 108 Stat. 4035, related to dissemination of statistical records and making of statistical compilations and surveys. See section 9546 of this title.

Section 9009, Pub. L. 103–382, title IV, § 410, Oct. 20, 1994, 108 Stat. 4036, authorized establishment of national cooperative education statistics systems. See section 9547 of this title.

SHORT TITLE

Pub. L. 103–382, title IV, § 401, Oct. 20, 1994, 108 Stat. 4029, which provided that title IV of Pub. L. 103–382, enacting this chapter, could be cited as the ''National Education Statistics Act of 1994'', was repealed by Pub. L. 107–279, title IV, § 403(1), Nov. 5, 2002, 116 Stat. 1985.

§§ 9010, 9011. Transferred

CODIFICATION

Section 9010, Pub. L. 103–382, title IV, § 411, Oct. 20, 1994, 108 Stat. 4036; Pub. L. 107–110, title VI, § 602(a), Jan. 8, 2002, 115 Stat. 1898; Pub. L. 107–279, title IV, § 401(d)(1)–(7), Nov. 5, 2002, 116 Stat. 1984, was renumbered Pub. L. 107–279, title III, § 303, by Pub. L. 107–279, title IV, § 401(d)(8), Nov. 5, 2002, 116 Stat. 1984, and transferred to section 9622 of this title.

Section 9011, Pub. L. 103–382, title IV, § 412, Oct. 20, 1994, 108 Stat. 4039; Pub. L. 106–554, § 1(a)(1) [title III, § 307], Dec. 21, 2000, 114 Stat. 2763, 2763A–44; Pub. L. 107–110, title VI, § 602(b), Jan. 8, 2002, 115 Stat. 1904; Pub. L. 107–279, title IV, § 401(c)(1)–(5), Nov. 5, 2002, 116 Stat. 1983, was renumbered Pub. L. 107–279, title III, § 302, by Pub. L. 107–279, title IV, § 401(c)(6), Nov. 5, 2002, 116 Stat. 1984, and transferred to section 9621 of this title.

§ 9012. Repealed. Pub. L. 107–279, title IV, § 403(1), Nov. 5, 2002, 116 Stat. 1985

Section, Pub. L. 103–382, title IV, § 413, Oct. 20, 1994, 108 Stat. 4041, authorized appropriations.

CHAPTER 72—MUSEUM AND LIBRARY SERVICES

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
9101. General definitions.
9102. Institute of Museum and Library Services.
9103. Director of Institute.
9104. Deputy Directors.
9105. Personnel.
9105a. National Museum and Library Services Board.
9106. Contributions.
9107. Awards and medals.
9108. Policy research, analysis, data collection, and dissemination.
9109. Prohibition on use of funds for construction.
9110. Hearings.
9111. Administrative funds.

SUBCHAPTER II—LIBRARY SERVICES AND TECHNOLOGY

9121. Purpose.
9122. Definitions.
9123. Authorization of appropriations.

PART 1—BASIC PROGRAM REQUIREMENTS

9131. Reservations and allotments.
9132. Administration.
9133. Payments; Federal share; and maintenance of effort requirements.
9134. State plans.

PART 2—LIBRARY PROGRAMS

9141. Grants to States.

PART 3—ADMINISTRATIVE PROVISIONS

SUBPART A—STATE REQUIREMENTS

9151. State advisory councils.