

**(h) Review of determination****(1) Written objections**

The Secretary shall not take any final action under this section until the State educational agency and the local educational agency affected by such action have had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

**(2) Court action**

If a State educational agency or local educational agency is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be transmitted by the clerk of the court to the Secretary. The Secretary thereupon 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) Remand to Secretary**

The findings of fact by the Secretary with respect to a proceeding under paragraph (1), if supported by substantial evidence, shall be conclusive. The court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may 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.

**(4) Court review**

Upon the filing of a petition under paragraph (2), the court shall have jurisdiction to affirm the action of the Secretary or to set such action aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court upon certiorari or certification, as provided in section 1254 of title 28.

**(i) Prior determination**

Any bypass determination by the Secretary under title VI (as such title was in effect on the day preceding January 8, 2002) shall, to the extent consistent with the purposes of this part, apply to programs under this part.

(Pub. L. 89-10, title V, §5142, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1785.)

## REFERENCES IN TEXT

Title VI (as such title was in effect on the day preceding January 8, 2002), referred to in subsec. (i), means title VI of Pub. L. 89-10, as added by Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3707, as amended, which was classified generally to subchapter VI (§7301 et seq.) of this chapter prior to the general amendment of subchapter VI by Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1873.

## PRIOR PROVISIONS

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.

**§ 7217b. Federal administration****(a) Technical assistance**

The Secretary, upon request, shall provide technical assistance to State educational agencies and local educational agencies under this part.

**(b) Rulemaking**

The Secretary shall issue regulations under this part only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this part.

**(c) Availability of appropriations**

Notwithstanding any other provision of law, unless expressly in limitation of this subsection, funds appropriated in any fiscal year to carry out programs under this part shall become available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.

(Pub. L. 89-10, title V, §5143, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1787.)

## PRIOR PROVISIONS

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.

**§ 7217c. Supplement, not supplant**

Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local education funds.

(Pub. L. 89-10, title V, §5144, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1788.)

## PRIOR PROVISIONS

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.

**§ 7217d. Definitions**

In this part:

**(1) Local educational agency**

The term "local educational agency" means a local educational agency or a consortium of such agencies.

**(2) Public school**

The term "public school" means a public elementary school or a public secondary school.

**(3) School-age population**

The term "school-age population" means the population aged 5 through 17.

**(4) 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 V, §5145, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1788.)

## PRIOR PROVISIONS

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.

**§ 7217e. Authorization of appropriations**

There are authorized to be appropriated to carry out this part—