

under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) Contents

At a minimum, each application submitted under subsection (a) of this section shall include information on specific measurable goals and objectives to be achieved through the activities carried out through the grant, which may include specific educational goals and objectives relating to—

- (1) increased student academic achievement;
- (2) decreased student dropout rates; or
- (3) such other factors as the State educational agency or specially qualified agency may choose to measure.

(Pub. L. 89–10, title VI, §6223, as added Pub. L. 107–110, title VI, §601, Jan. 8, 2002, 115 Stat. 1895.)

§ 7351c. Accountability

(a) State report

Each State educational agency that receives a grant under this subpart shall prepare and submit an annual report to the Secretary. The report shall describe—

- (1) 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 goals and objectives described in the application submitted under section 7351b of this title.

(b) Specially qualified agency report

Each specially qualified agency that receives a grant under this subpart shall provide an annual report to the Secretary. Such report shall describe—

- (1) how such agency uses funds provided under this subpart; and
- (2) 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.

(c) Report to Congress

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 biennial report. The report shall describe—

- (1) the methods the State educational agencies used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart; local¹ educational agencies and schools used funds provided under this subpart; and
- (3) the degree to which progress has been made toward meeting the goals and objectives described in the applications submitted under section 7351b of this title.

(d) Academic achievement assessment

Each local educational agency or specially qualified agency that receives a grant under this

subpart for a fiscal year shall administer an assessment that is consistent with section 6311(b)(3) of this title.

(e) Determination regarding continuing participation

Each State educational agency or specially qualified agency that receives a grant under this subpart shall—

- (1) after the third year that a local educational agency or specially qualified agency in the State receives funds under this subpart, and on the basis of the results of the assessments described in subsection (d) of this section—

(A) in the case of a local educational agency, determine whether the local educational agency made adequate yearly progress, as described in section 6311(b)(2) of this title; and

(B) in the case of a specially qualified agency, submit to the Secretary information that would allow the Secretary to determine whether the specially qualified agency has made adequate yearly progress, as described in section 6311(b)(2) of this title;

- (2) permit only those local educational agencies or specially qualified agencies that made adequate yearly progress, as described in section 6311(b)(2) of this title, to continue to receive grants under this subpart; and

(3) permit those local educational agencies or specially qualified agencies that failed to make adequate yearly progress, as described in section 6311(b)(2) of this title, to continue to receive such grants only if the State educational agency disbursed such grants to the local educational agencies or specially qualified agencies to carry out the requirements of section 6316 of this title.

(Pub. L. 89–10, title VI, §6224, as added Pub. L. 107–110, title VI, §601, Jan. 8, 2002, 115 Stat. 1896.)

PRIOR PROVISIONS

Prior sections 7352 and 7353 were omitted in the general amendment of this subchapter 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. See section 7215a of this title.

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. See section 7215b 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

¹ So in original. Probably should be preceded by "(2) how".

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 VI, §6231, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1897.)

§ 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 VI, §6232, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1897.)

§ 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 VI, §6233, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1897.)

§ 7355c. Authorization of appropriations

There are authorized to be appropriated to carry out this part \$300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years, to be distributed equally between subparts 1 and 2 of this part.

(Pub. L. 89-10, title VI, §6234, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1897.)

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 achievement standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this chapter.

(Pub. L. 89-10, title VI, §6301, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1897.)

¹ So in original. Probably should be "subpart 2."

PRIOR PROVISIONS

A 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 this subchapter by Pub. L. 107-110. See section 7217 of this title.

A prior section 6301 of Pub. L. 89-10 was classified to section 7351 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

§ 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 VI, §6302, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1898.)

PRIOR PROVISIONS

A 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 this subchapter by Pub. L. 107-110. See section 7217a of this title.

A prior section 6302 of Pub. L. 89-10 was classified to section 7352 of this title, prior to the general amendment of this subchapter 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 this subchapter by Pub. L. 107-110. See section 7217b of this title.

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

CODIFICATION

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, amended, and subsequently revised, restated, and amended by other public laws. Title VII is shown, herein, as having been added 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. See Codification note preceding section 6301 of this title.

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.

(Pub. L. 89-10, title VII, §7101, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1907.)

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.