

related to State educational agency review. See section 7429 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; and
- (H) implementation of the Cooperative Audit Resolution and Oversight Initiative of the Department.

(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 IX, §9201, as added Pub. L. 107-110, title IX, §901, Jan. 8, 2002, 115 Stat. 1966.)

PRIOR PROVISIONS

A prior section 9201 of Pub. L. 89-10 was classified to section 7901 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

§ 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 IX, §9202, as added Pub. L. 107-110, title IX, §901, Jan. 8, 2002, 115 Stat. 1967.)

PRIOR PROVISIONS

A prior section 9202 of Pub. L. 89-10 was classified to section 7902 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

§ 7823. Consolidation of funds for local administration.

(a) General authority

In accordance with regulations of the Secretary and for any fiscal year, a local educational 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

Within 1 year after January 8, 2002, 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

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.

(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 IX, §9203, as added Pub. L. 107-110, title IX, §901, Jan. 8, 2002, 115 Stat. 1967.)

PRIOR PROVISIONS

A prior section 9203 of Pub. L. 89-10 was classified to section 7903 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

§ 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 VII of this chapter, 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 measurable goals and 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.

(Pub. L. 89-10, title IX, §9204, as added Pub. L. 107-110, title IX, §901, Jan. 8, 2002, 115 Stat. 1968.)

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.

PRIOR PROVISIONS

A prior section 9204 of Pub. L. 89-10 was classified to section 7904 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

Prior sections 7831 to 7835 were omitted in the general amendment of this subchapter 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. See section 7441 of this title.

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. See section 7442 of this title.

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. See section 7453 of this title.

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. See section 7454 of this title.

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. See section 7455 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 IX, §9301, as added Pub. L. 107-110, title IX, §901, Jan. 8, 2002, 115 Stat. 1968.)

PRIOR PROVISIONS

A prior section 9301 of Pub. L. 89-10 was classified to section 7931 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

§ 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—