

Section 4059, Pub. L. 98-377, title VII, §709, Aug. 11, 1984, 98 Stat. 1301; Pub. L. 99-159, title II, §264, Nov. 22, 1985, 99 Stat. 902, related to prohibitions on use of grants.

Section 4060, Pub. L. 98-377, title VII, §710, Aug. 11, 1984, 98 Stat. 1301, related to limitation on payments.

Section 4061, Pub. L. 98-377, title VII, §711, Aug. 11, 1984, 98 Stat. 1301; Pub. L. 98-558, title VII, §702, Oct. 30, 1984, 98 Stat. 2900, related to payments.

Section 4062, Pub. L. 98-377, title VII, §712, Aug. 11, 1984, 98 Stat. 1302, related to withholding.

For similar provisions, see section 7201 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1988, see section 6303 of Pub. L. 100-297, set out as an Effective Date of 1988 Amendment note under section 1071 of this title.

SUBCHAPTER VIII—EQUAL ACCESS

§ 4071. Denial of equal access prohibited

(a) Restriction of limited open forum on basis of religious, political, philosophical, or other speech content prohibited

It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

(b) "Limited open forum" defined

A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.

(c) Fair opportunity criteria

Schools shall be deemed to offer a fair opportunity to students who wish to conduct a meeting within its limited open forum if such school uniformly provides that—

- (1) the meeting is voluntary and student-initiated;
- (2) there is no sponsorship of the meeting by the school, the government, or its agents or employees;
- (3) employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;
- (4) the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- (5) nonschool persons may not direct, conduct, control, or regularly attend activities of student groups.

(d) Construction of subchapter with respect to certain rights

Nothing in this subchapter shall be construed to authorize the United States or any State or political subdivision thereof—

- (1) to influence the form or content of any prayer or other religious activity;
- (2) to require any person to participate in prayer or other religious activity;
- (3) to expend public funds beyond the incidental cost of providing the space for student-initiated meetings;

(4) to compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;

(5) to sanction meetings that are otherwise unlawful;

(6) to limit the rights of groups of students which are not of a specified numerical size; or

(7) to abridge the constitutional rights of any person.

(e) Federal financial assistance to schools unaffected

Notwithstanding the availability of any other remedy under the Constitution or the laws of the United States, nothing in this subchapter shall be construed to authorize the United States to deny or withhold Federal financial assistance to any school.

(f) Authority of schools with respect to order, discipline, well-being, and attendance concerns

Nothing in this subchapter shall be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

(Pub. L. 98-377, title VIII, §802, Aug. 11, 1984, 98 Stat. 1302.)

SHORT TITLE

Pub. L. 98-377, title VIII, §801, Aug. 11, 1984, 98 Stat. 1302, provided that: "This title [enacting this subchapter] may be cited as 'The Equal Access Act'."

§ 4072. Definitions

As used in this subchapter—

(1) The term "secondary school" means a public school which provides secondary education as determined by State law.

(2) The term "sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

(3) The term "meeting" includes those activities of student groups which are permitted under a school's limited open forum and are not directly related to the school curriculum.

(4) The term "noninstructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.

(Pub. L. 98-377, title VIII, §803, Aug. 11, 1984, 98 Stat. 1303.)

§ 4073. Severability

If any provision of this subchapter or the application thereof to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the subchapter and the application to other persons or circumstances shall not be affected thereby.

(Pub. L. 98-377, title VIII, §804, Aug. 11, 1984, 98 Stat. 1304.)

§ 4074. Construction

The provisions of this subchapter shall supersede all other provisions of Federal law that are

inconsistent with the provisions of this subchapter.

(Pub. L. 98-377, title VIII, §805, Aug. 11, 1984, 98 Stat. 1304.)

SUBCHAPTER IX—STAR SCHOOLS PROGRAM

§§ 4081 to 4086. Repealed. Pub. L. 103-382, title III, § 364, Oct. 20, 1994, 108 Stat. 3975

Section 4081, Pub. L. 98-377, title IX, §902, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 320; amended Pub. L. 102-103, title III, §301, Aug. 17, 1991, 105 Stat. 499, related to purpose of star schools program.

Section 4082, Pub. L. 98-377, title IX, §903, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 320; amended Pub. L. 102-103, title III, §302, Aug. 17, 1991, 105 Stat. 499, authorized grants for telecommunications facilities and equipment, instructional programming, and technical assistance.

Section 4083, Pub. L. 98-377, title IX, §904, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 321; amended Pub. L. 102-103, title III, §303, Aug. 17, 1991, 105 Stat. 500, related to eligibility of telecommunications partnerships for grants.

Section 4084, Pub. L. 98-377, title IX, §905, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 321; amended Pub. L. 102-103, title III, §304, Aug. 17, 1991, 105 Stat. 501, related to applications for grants.

Section 4085, Pub. L. 98-377, title IX, §906, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 323, related to dissemination of courses and materials under star schools program.

Section 4085a, Pub. L. 98-377, title IX, §907, as added Pub. L. 102-103, title III, §305(2), Aug. 17, 1991, 105 Stat. 502, related to continuing eligibility for grants.

Section 4085b, Pub. L. 98-377, title IX, §908, as added Pub. L. 102-103, title III, §305(2), Aug. 17, 1991, 105 Stat. 503; amended Pub. L. 103-227, title IX, §961, Mar. 31, 1994, 108 Stat. 263, required independent evaluation of the star schools program.

Section 4085c, Pub. L. 98-377, title IX, §909, as added Pub. L. 102-103, title III, §305(2), Aug. 17, 1991, 105 Stat. 504, authorized assistance for acquiring satellite time.

Section 4085d, Pub. L. 98-377, title IX, §910, as added Pub. L. 102-103, title III, §305(2), Aug. 17, 1991, 105 Stat. 504, authorized grants for dissemination and technical assistance to State and local educational agencies.

Section 4086, Pub. L. 98-377, title IX, §911, formerly §907, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 324; amended Pub. L. 102-73, title VIII, §802(c), July 25, 1991, 105 Stat. 361; renumbered §911, Pub. L. 102-103, title III, §305(1), Aug. 17, 1991, 105 Stat. 502, defined terms used in this subchapter.

For similar provisions, see section 6891 et seq. of this title.

SHORT TITLE

Section 901 of title IX of Pub. L. 98-377, as added by Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 320, provided that title IX of Pub. L. 98-377 [enacting this subchapter] could be cited as the "Star Schools Program Assistance Act", prior to repeal by Pub. L. 103-382, title III, §364, Oct. 20, 1994, 108 Stat. 3975.

CHAPTER 53—EMERGENCY IMMIGRANT EDUCATION ASSISTANCE

§§ 4101 to 4108. Repealed. Pub. L. 100-297, title I, § 1003(c), Apr. 28, 1988, 102 Stat. 293

Section 4101, Pub. L. 98-511, title VI, §602, Oct. 19, 1984, 98 Stat. 2401; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095, related to definitions for chapter.

Section 4102, Pub. L. 98-511, title VI, §603, Oct. 19, 1984, 98 Stat. 2401, related to authorization and allocation of appropriations.

Section 4103, Pub. L. 98-511, title VI, §604, Oct. 19, 1984, 98 Stat. 2402, related to State administrative costs.

Section 4104, Pub. L. 98-511, title VI, §605, Oct. 19, 1984, 98 Stat. 2402, related to withholding.

Section 4105, Pub. L. 98-511, title VI, §606, Oct. 19, 1984, 98 Stat. 2402, related to State entitlements.

Section 4106, Pub. L. 98-511, title VI, §607, Oct. 19, 1984, 98 Stat. 2403, related to uses of funds.

Section 4107, Pub. L. 98-511, title VI, §608, Oct. 19, 1984, 98 Stat. 2404, related to applications.

Section 4108, Pub. L. 98-511, title VI, §609, Oct. 19, 1984, 98 Stat. 2405, related to payments.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1988, see section 6303 of Pub. L. 100-297, set out as an Effective Date of 1988 Amendment note under section 1071 of this title.

SHORT TITLE

Pub. L. 98-511, title VI, §601, Oct. 19, 1984, 98 Stat. 2401, provided that title VI of Pub. L. 98-511 was to be cited as the "Emergency Immigrant Education Act of 1984", prior to repeal by Pub. L. 100-297, title I, §1003(c), Apr. 28, 1988, 102 Stat. 293.

CHAPTER 54—LEADERSHIP IN EDUCATIONAL ADMINISTRATION

§§ 4201 to 4206. Repealed. Pub. L. 99-498, title V, § 501(b), Oct. 17, 1986, 100 Stat. 1514

Section 4201, Pub. L. 98-558, title IX, §901, Oct. 30, 1984, 98 Stat. 2902, provided for citation of chapter as "Leadership on Educational Administration Development Act of 1984" and contained statement of purpose and declaration of Congressional intent in enacting chapter.

Section 4202, Pub. L. 98-558, title IX, §902, Oct. 30, 1984, 98 Stat. 2903, authorized appropriations for fiscal years 1985 to 1990 to carry out chapter.

Section 4203, Pub. L. 98-558, title IX, §903, Oct. 30, 1984, 98 Stat. 2903, provided for establishment of technical assistance centers.

Section 4204, Pub. L. 98-558, title IX, §904, Oct. 30, 1984, 98 Stat. 2904, set out general criteria for contracts to establish and operate technical assistance centers.

Section 4205, Pub. L. 98-558, title IX, §905, Oct. 30, 1984, 98 Stat. 2904, authorized Secretary to prescribe regulations to carry out chapter.

Section 4206, Pub. L. 98-558, title IX, §906, Oct. 30, 1984, 98 Stat. 2904; Pub. L. 99-500, §101(d) [title I, §134(a)], Oct. 18, 1986, 100 Stat. 1783-180, 1783-192, and Pub. L. 99-591, §101(d) [title I, §134(a)], Oct. 30, 1986, 100 Stat. 3341-180, 3341-192, defined terms used in chapter.

CHAPTER 55—EDUCATION OF THE DEAF

SUBCHAPTER I—GALLAUDET UNIVERSITY; NATIONAL TECHNICAL INSTITUTE FOR THE DEAF; OTHER PROGRAMS

PART A—GALLAUDET UNIVERSITY

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- 4301. Continuation of Gallaudet College as Gallaudet University.
- 4302. Property rights.
- 4303. Board of Trustees.
- 4304. Laurent Clerc National Deaf Education Center.
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PART B—NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

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