

§ 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—

(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 nonprofit 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 IX, §9302, as added Pub. L. 107-110, title IX, §901, Jan. 8, 2002, 115 Stat. 1968.)

PRIOR PROVISIONS

A prior section 9302 of Pub. L. 89-10 was classified to section 7932 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

§ 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 IX, §9303, as added Pub. L. 107-110, title IX, §901, Jan. 8, 2002, 115 Stat. 1969.)

PRIOR PROVISIONS

A prior section 9303 of Pub. L. 89-10 was classified to section 7933 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

§ 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 nonprofit 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, nonprofit private agency, institution, or organization, or Indian 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—