

## PRIOR PROVISIONS

A prior section 7231, Pub. L. 89-10, title V, §5201, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3695, set forth short title and findings for the Women's Educational Equity Act of 1994, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 5301 of Pub. L. 89-10 was classified to section 7261 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

**§ 7231a. Definition**

For the purpose of this part, the term "magnet school" means a public elementary school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

(Pub. L. 89-10, title V, §5302, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1807.)

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A prior section 5302 of Pub. L. 89-10 was classified to section 7262 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

**§ 7231b. Program authorized**

The Secretary, in accordance with this part, is authorized to award grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this part for magnet schools that are—

- (1) part of an approved desegregation plan; and
- (2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

(Pub. L. 89-10, title V, §5303, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1807.)

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A prior section 5303 of Pub. L. 89-10 was classified to section 7263 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

**§ 7231c. Eligibility**

A local educational agency, or consortium of such agencies where appropriate, is eligible to receive a grant under this part to carry out the purpose of this part if such agency or consortium—

- (1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary schools and secondary schools of such agency; or
- (2) without having been required to do so, has adopted and is implementing, or will, if a grant is awarded to such local educational agency, or consortium of such agencies, under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.] for the desegregation of minority-group-segregated children or faculty in such schools.

(Pub. L. 89-10, title V, §5304, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1807.)

## REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in par. (2), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Act is classified generally to subchapter V (§2000d et seq.) of chapter 21 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 2000a of Title 42 and Tables.

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A prior section 5404, which probably should have been section 5304, of Pub. L. 89-10 was classified to section 7264 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

**§ 7231d. Applications and requirements****(a) Applications**

An eligible local educational agency, or consortium of such agencies, desiring to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

**(b) Information and assurances**

Each application submitted under subsection (a) of this section shall include—

- (1) a description of—
  - (A) how a grant awarded under this part will be used to promote desegregation, including how the proposed magnet school programs will increase interaction among students of different social, economic, ethnic, and racial backgrounds;
  - (B) the manner and extent to which the magnet school program will increase student academic achievement in the instructional area or areas offered by the school;
  - (C) how the applicant will continue the magnet school program after assistance under this part is no longer available, and, if applicable, an explanation of why magnet schools established or supported by the applicant with grant funds under this part cannot be continued without the use of grant funds under this part;
  - (D) how grant funds under this part will be used—
    - (i) to improve student academic achievement for all students attending the magnet school programs; and
    - (ii) to implement services and activities that are consistent with other programs under this chapter, and other Acts, as appropriate; and
  - (E) the criteria to be used in selecting students to attend the proposed magnet school program; and

(2) assurances that the applicant will—

- (A) use grant funds under this part for the purposes specified in section 7231(b) of this title;
- (B) employ highly qualified teachers in the courses of instruction assisted under this part;
- (C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—
  - (i) the hiring, promotion, or assignment of employees of the applicant or other personnel for whom the applicant has any administrative responsibility;

(ii) the assignment of students to schools, or to courses of instruction within the schools, of such applicant, except to carry out the approved plan; and

(iii) designing or operating extracurricular activities for students;

(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

(E) give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate the students.

**(c) Special rule**

No grant shall be awarded under this part unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) of this section will be met.

(Pub. L. 89-10, title V, §5305, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1808.)

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A prior section 5305 of Pub. L. 89-10 was classified to section 7265 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

**§ 7231e. Priority**

In awarding grants under this part, the Secretary shall give priority to applicants that—

(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out approved desegregation plans and the magnet school program for which the grant is sought;

(2) propose to carry out new magnet school programs, or significantly revise existing magnet school programs; and

(3) propose to select students to attend magnet school programs by methods such as lottery, rather than through academic examination.

(Pub. L. 89-10, title V, §5306, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1809.)

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A prior section 5306 of Pub. L. 89-10 was classified to section 7266 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

**§ 7231f. Use of funds**

**(a) In general**

Grant funds made available under this part may be used by an eligible local educational agency, or consortium of such agencies—

(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation of materials, equipment, and computers, necessary to conduct programs in magnet schools;

(3) for the compensation, or subsidization of the compensation, of elementary school and

secondary school teachers who are highly qualified, and instructional staff where applicable, who are necessary to conduct programs in magnet schools;

(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

(A) are designed to make available the special curriculum that is offered by the magnet school program to students who are enrolled in the school but who are not enrolled in the magnet school program; and

(B) further the purpose of this part;

(5) for activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended;

(6) to enable the local educational agency, or consortium of such agencies, to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program; and

(7) to enable the local educational agency, or consortium of such agencies, to have flexibility in designing magnet schools for students in all grades.

**(b) Special rule**

Grant funds under this part may be used for activities described in paragraphs (2) and (3) of subsection (a) of this section only if the activities are directly related to improving student academic achievement based on the State's challenging academic content standards and student academic achievement standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational, technological, and professional skills.

(Pub. L. 89-10, title V, §5307, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1809.)

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A prior section 5307 of Pub. L. 89-10 was classified to section 7267 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

**§ 7231g. Prohibition**

Grants under this part may not be used for transportation or any activity that does not augment academic improvement.

(Pub. L. 89-10, title V, §5308, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1810.)

PRIOR PROVISIONS

A prior section 5308 of Pub. L. 89-10 was classified to section 7268 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

**§ 7231h. Limitations**

**(a) Duration of awards**

A grant under this part shall be awarded for a period that shall not exceed 3 fiscal years.

**(b) Limitation on planning funds**

A local educational agency, or consortium of such agencies, may expend for planning (profes-