

(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.)

PRIOR PROVISIONS

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.)

PRIOR PROVISIONS

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.)

PRIOR PROVISIONS

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-

sional development shall not be considered to be planning for purposes of this subsection) not more than 50 percent of the grant funds received under this part for the first year of the program and not more than 15 percent of such funds for each of the second and third such years.

(c) Amount

No local educational agency, or consortium of such agencies, awarded a grant under this part shall receive more than \$4,000,000 under this part for any 1 fiscal year.

(d) Timing

To the extent practicable, the Secretary shall award grants for any fiscal year under this part not later than July 1 of the applicable fiscal year.

(Pub. L. 89-10, title V, §5309, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1810.)

§ 7231i. Evaluations

(a) Reservation

The Secretary may reserve not more than 2 percent of the funds appropriated under section 7231j(a) of this title for any fiscal year to carry out evaluations, provide technical assistance, and carry out dissemination projects with respect to magnet school programs assisted under this part.

(b) Contents

Each evaluation described in subsection (a) of this section, at a minimum, shall address—

- (1) how and the extent to which magnet school programs lead to educational quality and improvement;
- (2) the extent to which magnet school programs enhance student access to a high quality education;
- (3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students; and
- (4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.

(c) Dissemination

The Secretary shall collect and disseminate to the general public information on successful magnet school programs.

(Pub. L. 89-10, title V, §5310, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1810.)

§ 7231j. Authorization of appropriations; reservation

(a) Authorization

For the purpose of carrying out this part, there are authorized to be appropriated \$125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(b) Availability of funds for grants to agencies not previously assisted

In any fiscal year for which the amount appropriated pursuant to subsection (a) of this section

exceeds \$75,000,000, the Secretary shall give priority in using such amounts in excess of \$75,000,000 to awarding grants to local educational agencies or consortia of such agencies that did not receive a grant under this part in the preceding fiscal year.

(Pub. L. 89-10, title V, §5311, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1810.)

PRIOR PROVISIONS

Prior sections 7232 to 7238 were omitted in the general amendment of this subchapter by Pub. L. 107-110.

Section 7232, Pub. L. 89-10, title V, §5202, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3696, set forth purposes of former part B of this subchapter relating to gender equity. See section 7283a of this title.

Section 7233, Pub. L. 89-10, title V, §5203, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3696; amended Pub. L. 104-193, title I, §110(j)(3), Aug. 22, 1996, 110 Stat. 2172, authorized gender equity programs. See section 7283b of this title.

Section 7234, Pub. L. 89-10, title V, §5204, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3699, related to applications. See section 7283c of this title.

Section 7235, Pub. L. 89-10, title V, §5205, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3699, set forth criteria and priorities for awards. See section 7283d of this title.

Section 7236, Pub. L. 89-10, title V, §5206, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3700, related to submission of report. See section 7283e of this title.

Section 7237, Pub. L. 89-10, title V, §5207, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3700, related to administration. See section 7283f of this title.

Section 7238, Pub. L. 89-10, title V, §5208, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3701, authorized appropriations. See section 7283g of this title.

PART D—FUND FOR THE IMPROVEMENT OF EDUCATION

§ 7241. Authorization of appropriations

There are authorized to be appropriated to carry out this part the following amounts:

- (1) \$550,000,000 for fiscal year 2002.
- (2) \$575,000,000 for fiscal year 2003.
- (3) \$600,000,000 for fiscal year 2004.
- (4) \$625,000,000 for fiscal year 2005.
- (5) \$650,000,000 for fiscal year 2006.
- (6) \$675,000,000 for fiscal year 2007.

(Pub. L. 89-10, title V, §5401, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1811.)

SUBPART 1—FUND FOR THE IMPROVEMENT OF EDUCATION

§ 7243. Programs authorized

(a) Authorization

The Secretary is authorized to support nationally significant programs to improve the quality of elementary and secondary education at the State and local levels and help all children meet challenging State academic content and student academic achievement standards. The Secretary may carry out such programs directly, or through grants to, or contracts with—

- (1) States or local educational agencies;
- (2) institutions of higher education; and
- (3) other public and private agencies, organizations, and institutions.