

in the State receives funds under this subpart, and on the basis of the results of the assessments described in subsection (d) of this section—

(A) in the case of a local educational agency, determine whether the local educational agency made adequate yearly progress, as described in section 6311(b)(2) of this title; and

(B) in the case of a specially qualified agency, submit to the Secretary information that would allow the Secretary to determine whether the specially qualified agency has made adequate yearly progress, as described in section 6311(b)(2) of this title;

(2) permit only those local educational agencies or specially qualified agencies that made adequate yearly progress, as described in section 6311(b)(2) of this title, to continue to receive grants under this subpart; and

(3) permit those local educational agencies or specially qualified agencies that failed to make adequate yearly progress, as described in section 6311(b)(2) of this title, to continue to receive such grants only if the State educational agency disbursed such grants to the local educational agencies or specially qualified agencies to carry out the requirements of section 6316 of this title.

(Pub. L. 89-10, title VI, § 6224, as added Pub. L. 107-110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1896.)

#### PRIOR PROVISIONS

Prior sections 7352 and 7353 were omitted in the general amendment of this subchapter by Pub. L. 107-110.

Section 7352, Pub. L. 89-10, title VI, § 6302, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3711, related to administrative authority. See section 7215a of this title.

Section 7353, Pub. L. 89-10, title VI, § 6303, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3711, related to local applications for allocations of funds. See section 7215b of this title.

#### SUBPART 3—GENERAL PROVISIONS

### § 7355. Annual average daily attendance determination

#### (a) Census determination

Each local educational agency desiring a grant under section 7345a of this title and each local educational agency or specially qualified agency desiring a grant under subpart 2 of this part shall—

(1) not later than December 1 of each year, conduct a census to determine the number of students in average daily attendance in kindergarten through grade 12 at the schools served by the agency; and

(2) not later than March 1 of each year, submit the number described in paragraph (1) to the Secretary (and to the State educational agency, in the case of a local educational agency seeking a grant under subpart (2)).<sup>1</sup>

#### (b) Penalty

If the Secretary determines that a local educational agency or specially qualified agency has knowingly submitted false information

under subsection (a) of this section for the purpose of gaining additional funds under section 7345a of this title or subpart 2 of this part, then the agency shall be fined an amount equal to twice the difference between the amount the agency received under this section and the correct amount the agency would have received under section 7345a of this title or subpart 2 of this part if the agency had submitted accurate information under subsection (a) of this section.

(Pub. L. 89-10, title VI, § 6231, as added Pub. L. 107-110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1897.)

#### § 7355a. Supplement, not supplant

Funds made available under subpart 1 or subpart 2 of this part shall be used to supplement, and not supplant, any other Federal, State, or local education funds.

(Pub. L. 89-10, title VI, § 6232, as added Pub. L. 107-110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1897.)

#### § 7355b. Rule of construction

Nothing in this part shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services, pursuant to State law or a written agreement, from entering into similar arrangements for the use, or the coordination of the use, of the funds made available under this part.

(Pub. L. 89-10, title VI, § 6233, as added Pub. L. 107-110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1897.)

#### § 7355c. Authorization of appropriations

There are authorized to be appropriated to carry out this part \$300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years, to be distributed equally between subparts 1 and 2 of this part.

(Pub. L. 89-10, title VI, § 6234, as added Pub. L. 107-110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1897.)

#### PART C—GENERAL PROVISIONS

### § 7371. Prohibition against Federal mandates, direction, or control

Nothing in this subchapter shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this chapter.

(Pub. L. 89-10, title VI, § 6301, as added Pub. L. 107-110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1897.)

#### PRIOR PROVISIONS

A prior section 7371, Pub. L. 89-10, title VI, § 6401, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3712, related to maintenance of effort and supplementary nature of Federal funds, prior to the general amendment of this subchapter by Pub. L. 107-110. See section 7217 of this title.

A prior section 6301 of Pub. L. 89-10 was classified to section 7351 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

<sup>1</sup> So in original. Probably should be "subpart 2."