

(§236 et seq.) of this title prior to repeal by Pub. L. 103-382, title III, §331(b), Oct. 20, 1994, 108 Stat. 3965. Section 403 of the Act was classified to section 244 of this title. For complete classification of this Act to the Code, see Tables.

## AMENDMENTS

2000—Par. (5)(A)(iii)(II). Pub. L. 106-400 made technical amendment to reference in original act which appears in text as reference to section 11411 of title 42.

Par. (5)(A)(iii)(III). Pub. L. 106-398, §1 [[div. A], title XVIII, §1816(1)(A)], added subcl. (III).

Par. (5)(F)(i). Pub. L. 106-398, §1 [[div. A], title XVIII, §1816(1)(B)], substituted “or authorized by the Native American Housing Assistance and Self-Determination Act of 1996” for “the mutual help ownership opportunity program under section 202 of the United States Housing Act of 1937”.

Par. (8)(B). Pub. L. 106-398, §1 [[div. A], title XVIII, §1816(2)], substituted “the 50 States and the District of Columbia” for “all States”.

Pars. (11) to (13). Pub. L. 106-398, §1 [[div. A], title XVIII, §1816(3), (4)], added par. (11) and redesignated former pars. (11) and (12) as (12) and (13), respectively.

**§ 7713a. School facilities for children of Government employees and other residents in Indian reservations, national parks, and national monuments**

In order to facilitate the providing of educational opportunities for children of Government employees and other residents in Indian reservations, the national parks and national monuments the Secretary of the Interior is hereby authorized in his discretion to make available for elementary school purposes therein, without charge, space in Government-owned buildings, when such space may be available for such purposes without detriment to the official business of such Indian reservations, national parks and national monuments.

(July 16, 1940, ch. 629, 54 Stat. 761.)

## CODIFICATION

Section was not enacted as part of the Elementary and Secondary Education Act of 1965, which comprises this chapter.

Section was formerly classified to section 244a of this title. Prior thereto, section was classified to section 76a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

**§ 7714. Authorization of appropriations**

**(a) Payments for Federal acquisition of real property**

For the purpose of making payments under section 7702 of this title, there are authorized to be appropriated \$32,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years.

**(b) Basic payments; payments for heavily impacted local educational agencies**

For the purpose of making payments under section 7703(b) of this title, there are authorized to be appropriated \$809,400,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years.

**(c) Payments for children with disabilities**

For the purpose of making payments under section 7703(d) of this title, there are authorized to be appropriated \$50,000,000 for fiscal year 2000

and such sums as may be necessary for each of the seven succeeding fiscal years.

**(d) Repealed. Pub. L. 106-398, §1 [[div. A], title XVIII, §1817(d)], Oct. 30, 2000, 114 Stat. 1654, 1654A-388**

**(e) Construction**

For the purpose of carrying out section 7707 of this title, there are authorized to be appropriated \$10,052,000 for fiscal year 2000 and such sums as may be necessary for fiscal year 2001, \$150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the five succeeding fiscal years.

**(f) Facilities maintenance**

For the purpose of carrying out section 7708 of this title, there are authorized to be appropriated \$5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years.

(Pub. L. 89-10, title VIII, §8014, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3772; amended Pub. L. 105-78, title III, Nov. 13, 1997, 111 Stat. 1498; Pub. L. 106-398, §1 [[div. A], title XVIII, §1817], Oct. 30, 2000, 114 Stat. 1654, 1654A-388; Pub. L. 107-110, title VIII, §805, Jan. 8, 2002, 115 Stat. 1956.)

## AMENDMENTS

2002—Subsecs. (a) to (c). Pub. L. 107-110, §805(a), substituted “seven succeeding fiscal years” for “three succeeding fiscal years”.

Subsec. (e). Pub. L. 107-110, §805(b), substituted “for fiscal year 2001, \$150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the five succeeding fiscal years” for “for each of the three succeeding fiscal years”.

Subsec. (f). Pub. L. 107-110, §805(a), substituted “seven succeeding fiscal years” for “three succeeding fiscal years”.

Subsec. (g). Pub. L. 107-110, §805(c), struck out heading and text of subsec. (g). Text read as follows: “For the purpose of carrying out section 7702(j) of this title there are authorized to be appropriated \$1,500,000 for fiscal year 2000 and such sums as may be necessary for each of the three succeeding fiscal years.”

2000—Subsec. (a). Pub. L. 106-398, §1 [[div. A], title XVIII, §1817(a)], substituted “\$32,000,000 for fiscal year 2000” for “\$16,750,000 for fiscal year 1995” and “three” for “four”.

Subsec. (b). Pub. L. 106-398, §1 [[div. A], title XVIII, §1817(b)], substituted “section 7703(b)” for “subsections (b) and (f) of section 7703”, “\$809,400,000 for fiscal year 2000” for “\$775,000,000 for fiscal year 1995”, and “three” for “four” and struck out “, of which 6 percent shall be available, until expended, for each such fiscal year to carry out section 7703(f) of this title” before period at end.

Subsec. (c). Pub. L. 106-398, §1 [[div. A], title XVIII, §1817(c)], substituted “\$50,000,000 for fiscal year 2000” for “\$45,000,000 for fiscal year 1995” and “three” for “four”.

Subsec. (d). Pub. L. 106-398, §1 [[div. A], title XVIII, §1817(d)], struck out heading and text of subsec. (d). Text read as follows: “For the purpose of making payments under section 7706 of this title, there are authorized to be appropriated \$2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.”

Subsec. (e). Pub. L. 106-398, §1 [[div. A], title XVIII, §1817(e)], substituted “\$10,052,000 for fiscal year 2000” for “\$25,000,000 for fiscal year 1995” and “three” for “four”.

Subsec. (f). Pub. L. 106-398, §1 [[div. A], title XVIII, §1817(f)], substituted “\$5,000,000 for fiscal year 2000” for “\$2,000,000 for fiscal year 1995” and “three” for “four”.

Subsec. (g). Pub. L. 106-398, §1 [[div. A], title XVIII, §1817(g)], amended heading and substituted “\$1,500,000 for fiscal year 2000 and such sums as may be necessary for each of the three succeeding fiscal years” for “such sums as are necessary beginning in fiscal year 1998 and for each succeeding fiscal year” in text.

1997—Subsec. (g). Pub. L. 105-78 added subsec. (g).

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, and effective with respect to appropriations for use under this subchapter for fiscal year 2002, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of this title.

### SUBCHAPTER IX—GENERAL PROVISIONS

#### CODIFICATION

Title IX of the Elementary and Secondary Education Act of 1965, comprising this subchapter, was originally enacted as part of Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, amended, and subsequently revised, restated, and amended by other public laws. Title IX is shown, herein, as having been added by Pub. L. 107-110, title IX, §901, Jan. 8, 2002, 115 Stat. 1956, without reference to earlier amendments because of the extensive revision of the title’s provisions by Pub. L. 107-110. See Codification note preceding section 6301 of this title.

#### PART A—DEFINITIONS

### § 7801. Definitions

Except as otherwise provided, in this chapter:

#### (1) Average daily attendance

##### (A) In general

Except as provided otherwise by State law or this paragraph, the term “average daily attendance” means—

(i) the aggregate number of days of attendance of all students during a school year; divided by

(ii) the number of days school is in session during that year.

##### (B) Conversion

The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership (or other similar data).

##### (C) Special rule

If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for the purpose of this chapter—

(i) consider the child to be in attendance at a school of the agency making the payment; and

(ii) not consider the child to be in attendance at a school of the agency receiving the payment.

##### (D) Children with disabilities

If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with a disability, as defined in section 1401 of this title, the Secretary shall, for the purpose of this chapter, consider the

child to be in attendance at a school of the agency making the payment.

#### (2) Average per-pupil expenditure

The term “average per-pupil expenditure” means, in the case of a State or of the United States—

(A) without regard to the source of funds—

(i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States, for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

(ii) any direct current expenditures by the State for the operation of those agencies; divided by

(B) the aggregate number of children in average daily attendance to whom those agencies provided free public education during that preceding year.

#### (3) Beginning teacher

The term “beginning teacher” means a teacher in a public school who has been teaching less than a total of three complete school years.

#### (4) Child

The term “child” means any person within the age limits for which the State provides free public education.

#### (5) Child with a disability

The term “child with a disability” has the same meaning given that term in section 1401 of this title.

#### (6) Community-based organization

The term “community-based organization” means a public or private nonprofit organization of demonstrated effectiveness that—

(A) is representative of a community or significant segments of a community; and

(B) provides educational or related services to individuals in the community.

#### (7) Consolidated local application

The term “consolidated local application” means an application submitted by a local educational agency pursuant to section 7845 of this title.

#### (8) Consolidated local plan

The term “consolidated local plan” means a plan submitted by a local educational agency pursuant to section 7845 of this title.

#### (9) Consolidated State application

The term “consolidated State application” means an application submitted by a State educational agency pursuant to section 7842 of this title.

#### (10) Consolidated State plan

The term “consolidated State plan” means a plan submitted by a State educational agency pursuant to section 7842 of this title.