

for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system, except for funds appropriated pursuant to title VII of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7701 et seq.], but not including any portion of such funds as are attributable to children counted under section 7003(d) of such Act [20 U.S.C. 7703(d)] or residing on property described in section 7013(10) of such Act [20 U.S.C. 7713(10)].

(Pub. L. 90-247, title IV, § 426, formerly § 420, as added Pub. L. 93-380, title II, § 252, Aug. 21, 1974, 88 Stat. 519; renumbered § 426 and amended Pub. L. 103-382, title II, §§ 212(b)(1), 261(b), Oct. 20, 1994, 108 Stat. 3913, 3927; Pub. L. 106-398, § 1 [[div. A], title XVIII, § 1808(b)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-382; Pub. L. 114-95, title IX, § 9215(mm)(2), Dec. 10, 2015, 129 Stat. 2176.)

#### REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in text, is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27. Title VII of the Act is classified generally to subchapter VII (§ 7701 et seq.) of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

#### PRIOR PROVISIONS

A prior section 426 of Pub. L. 90-247 was renumbered section 433, and is classified to section 1231c of this title.

Another prior section 426 of Pub. L. 90-247 was renumbered section 435, and is classified to section 1231e of this title.

Another prior section 426 of Pub. L. 90-247 was renumbered section 436, and was classified to section 1232e of this title prior to repeal by Pub. L. 95-561.

#### AMENDMENTS

2015—Pub. L. 114-95 substituted “title VII of the Elementary and Secondary Education Act of 1965, but not including any portion of such funds as are attributable to children counted under section 7003(d) of such Act or residing on property described in section 7013(10) of such Act.” for “title VIII of the Elementary and Secondary Education Act of 1965, but not including any portion of such funds as are attributable to children counted under section 8003(d) of such Act or residing on property described in section 8013(10) of such Act.”

2000—Pub. L. 106-398 substituted “section 8003(d) of such Act” for “subsections (d) and (g) of section 8003 of such Act”.

1994—Pub. L. 103-382, § 261(b), substituted “title VIII of the Elementary and Secondary Education Act of 1965” for “subchapter I of chapter 13 of this title” and “subsections (d) and (g) of section 8003 of such Act or residing on property described in section 8013(10) of such Act” for “subparagraph (C) of section 238(d)(2) of this title or section 244(1)(C) of this title”.

#### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

#### EFFECTIVE DATE

Section effective on and after sixtieth day after Aug. 21, 1974, see section 2(c) of Pub. L. 93-380, set out as a note under section 1221-1 of this title.

## § 1228a. Equity for students, teachers, and other program beneficiaries

### (a) Purpose

The purpose of this section is to assist the Department in implementing the Department’s mission to ensure equal access to education and to promote educational excellence throughout the Nation, by—

(1) ensuring equal opportunities to participate for all eligible students, teachers, and other program beneficiaries in any project or activity carried out under an applicable program; and

(2) promoting the ability of such students, teachers, and beneficiaries to meet high standards.

### (b) Requirement to develop steps to ensure equity

The Secretary shall require each applicant for assistance under an applicable program (other than an individual) to develop and describe in such applicant’s application the steps such applicant proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.

### (c) Establishment of criteria

The Secretary may establish criteria and provide technical assistance for meeting the requirements of this section.

### (d) Effect on other laws

Nothing in this section shall be construed to alter in any way the rights or responsibilities established under the laws cited in section 1221(d) of this title.

(Pub. L. 90-247, title IV, § 427, as added Pub. L. 103-382, title II, § 236, Oct. 20, 1994, 108 Stat. 3917.)

#### PRIOR PROVISIONS

A prior section 427 of Pub. L. 90-247 was renumbered section 434, and is classified to section 1231d of this title.

Another prior section 427 of Pub. L. 90-247 was renumbered section 429, and was classified to section 1231f of this title prior to repeal by Pub. L. 103-382.

#### EFFECTIVE DATE

Section effective July 1, 1995, for noncompetitive programs in which funds are allocated on the basis of a formula and for programs that are conducted on a competitive basis, with respect to appropriations for use under such programs in fiscal year 1995 and in subsequent fiscal years, see section 3(a)(2) of Pub. L. 103-382, set out as an Effective Date of 1994 Amendment note under section 1221 of this title.

## § 1228b. Coordination

The National Assessment Governing Board, the Advisory Council on Education Statistics, the National Education Goals Panel, and any other board established to analyze, address, or approve education content or student performance standards and assessments shall coordinate and interact with one another in order to ensure that each such entity does not duplicate activi-