

accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) of this section for such academic year have a full and fair opportunity to receive those funds during the charter schools' first year of operation.

**(c) New or significantly expanding charter schools**

For purposes of implementing the hold harmless protections in sections 6332(c) and 6337(g)(3)<sup>1</sup> of this title for a newly opened or significantly expanded charter school under this part, a State educational agency shall calculate a hold-harmless base for the prior year that, as applicable, reflects the new or significantly expanded enrollment of the charter school.

(Pub. L. 89–10, title IV, §4306, formerly title V, §5206, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1797; renumbered title IV, §4306, and amended Pub. L. 114–95, title IV, §§4001(b)(2)(A), (B), (D)(iii), 4301(2), Dec. 10, 2015, 129 Stat. 1967, 2011.)

REFERENCES IN TEXT

Section 6337(g)(3) of this title, referred to in subsec. (c), was redesignated section 6337(f)(3) of this title by Pub. L. 114–95, title I, §1017(7), Dec. 10, 2015, 129 Stat. 1879.

AMENDMENTS

2015—Subsec. (c). Pub. L. 114–95, §4301(2), added subsec. (c).

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.

**§ 7221f. Solicitation of input from charter school operators**

To the extent practicable, the Secretary shall ensure that administrators, teachers, and other individuals directly involved in the operation of charter schools are consulted in the development of any rules or regulations required to implement this subpart, as well as in the development of any rules or regulations relevant to charter schools that are required to implement part A of subchapter I of this chapter, the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.], or any other program administered by the Secretary that provides education funds to charter schools or regulates the activities of charter schools.

(Pub. L. 89–10, title IV, §4307, formerly title V, §5207, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1798; renumbered title IV, §4307, Pub. L. 114–95, title IV, §4001(b)(2)(A), (B), (D)(iii), Dec. 10, 2015, 129 Stat. 1967.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in text, is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§1400 et seq.) of this title. For com-

<sup>1</sup> See References in Text note below.

plete classification of this Act to the Code, see section 1400 of this title and Tables.

**§ 7221g. Records transfer**

State educational agencies and local educational agencies, as quickly as possible and to the extent practicable, shall ensure that a student's records and, if applicable, a student's individualized education program as defined in section 1401 of this title, are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.

(Pub. L. 89–10, title IV, §4308, formerly title V, §5208, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1798; amended Pub. L. 108–446, title III, §305(g)(2), Dec. 3, 2004, 118 Stat. 2805; renumbered title IV, §4308, and amended Pub. L. 114–95, title IV, §§4001(b)(2)(A), (B), (D)(iii), 4301(3), Dec. 10, 2015, 129 Stat. 1967, 2012.)

AMENDMENTS

2015—Pub. L. 114–95, §4301(3), inserted “as quickly as possible and” before “to the extent practicable”.

2004—Pub. L. 108–446 substituted “section 1401” for “section 1401(11)”.

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.

**§ 7221h. Paperwork reduction**

To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that implementation of this subpart results in a minimum of paperwork for any eligible applicant or charter school.

(Pub. L. 89–10, title IV, §4309, formerly title V, §5209, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1798; renumbered title IV, §4309, Pub. L. 114–95, title IV, §4001(b)(2)(A), (B), (D)(iii), Dec. 10, 2015, 129 Stat. 1967.)

**§ 7221i. Definitions**

In this part:

**(1) Authorized public chartering agency**

The term “authorized public chartering agency” means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.

**(2) Charter school**

The term “charter school” means a public school that—

(A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

(B) is created by a developer as a public school, or is adapted by a developer from an