

tribe will administer those funds and property to the extent required by the authorizing law;

(3) the State will adopt and use proper methods of administering each such program, including—

(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;

(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the programs;

(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

(6) the State will—

(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

(B) maintain such records, provide such information to the Secretary, and afford such access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

(7) before the plan or application was submitted to the Secretary, the State afforded a reasonable opportunity for public comment on the plan or application and considered such comment.

(b) GEPA provision

Section 441 of the General Education Provisions Act [20 U.S.C. 1232d] shall not apply to programs under this chapter.

(Pub. L. 89-10, title VIII, §8304, formerly title IX, §9304, as added Pub. L. 107-110, title IX, §901, Jan. 8, 2002, 115 Stat. 1969; renumbered title VIII, §8304, and amended Pub. L. 114-95, title VIII, §§8001(a)(3), (b)(3), 8010, Dec. 10, 2015, 129 Stat. 2088, 2089, 2102.)

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-95, §8001(b)(3), made technical amendment to reference in original act which appears in introductory provisions as reference to section 7842 of this title.

Subsec. (a)(2). Pub. L. 114-95, §8010, substituted "eligible" for "nonprofit" in subpars. (A) and (B).

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.

§ 7845. Consolidated local plans or applications

(a) General authority

(1) Consolidated plan

A local educational agency receiving funds under more than one covered program may

submit plans or applications to the State educational agency under those programs on a consolidated basis.

(2) Availability to Governor

The State educational agency shall make any consolidated local plans and applications available to the Governor.

(b) Required consolidated plans or applications

A State educational agency that has an approved consolidated State plan or application under section 7842 of this title may require local educational agencies in the State receiving funds under more than one program included in the consolidated State plan or consolidated State application to submit consolidated local plans or applications under those programs, but may not require those agencies to submit separate plans.

(c) Collaboration

A State educational agency, in consultation with the Governor, shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated State plans or consolidated State applications under this section.

(d) Necessary materials

The State educational agency shall require only descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the local educational agency plan or application.

(e) Rural consolidated plan

(1) In general

Two or more eligible local educational agencies, a consortium of eligible local educational service agencies, or an educational service agency on behalf of eligible local educational agencies may submit plans or applications for 1 or more covered programs to the State educational agency on a consolidated basis, if each eligible local educational agency impacted elects to participate in the joint application or elects to allow the educational service agency to apply on its behalf.

(2) Eligible local educational agency

For the purposes of this subsection, the term "eligible local educational agency" means a local educational agency that is an eligible local educational agency under part B of subchapter V.

(Pub. L. 89-10, title VIII, §8305, formerly title IX, §9305, as added Pub. L. 107-110, title IX, §901, Jan. 8, 2002, 115 Stat. 1970; renumbered title VIII, §8305, and amended Pub. L. 114-95, title VIII, §§8001(a)(3), (b)(3), 8011, Dec. 10, 2015, 129 Stat. 2088, 2089, 2102.)

AMENDMENTS

2015—Subsec. (b). Pub. L. 114-95, §8001(b)(3), made technical amendment to reference in original act which appears in text as reference to section 7842 of this title.

Subsec. (e). Pub. L. 114-95, §8011, added subsec. (e).

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.

§ 7846. Other general assurances

(a) Assurances

Any applicant, other than a State educational agency that submits a plan or application under this chapter, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a¹ eligible private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities; and

(B) the public agency, eligible private agency, institution, or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes;

(3) the applicant will adopt and use proper methods of administering each such program, including—

(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary, or other Federal officials;

(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the applicant under each such program;

(6) the applicant will—

(A) submit such reports to the State educational agency (which shall make the reports available to the Governor) and the Secretary as the State educational agency and Secretary may require to enable the State educational agency and the Secretary to perform their duties under each such program; and

(B) maintain such records, provide such information, and afford such access to the records as the State educational agency (after consultation with the Governor) or the Secretary may reasonably require to carry out the State educational agency's or the Secretary's duties; and

(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment.

(b) GEPA provision

Section 442 of the General Education Provisions Act [20 U.S.C. 1232e] shall not apply to programs under this chapter.

¹ So in original. Probably should be "an".

(Pub. L. 89-10, title VIII, § 8306, formerly title IX, § 9306, as added Pub. L. 107-110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1971; renumbered title VIII, § 8306, and amended Pub. L. 114-95, title VIII, §§ 8001(a)(3), (b)(2), 8012, Dec. 10, 2015, 129 Stat. 2088, 2089, 2102.)

PRIOR PROVISIONS

A prior section 7851, Pub. L. 89-10, title IX, § 9131, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3790, which related to improvement of educational opportunities for adult Indians, was omitted in the general amendment of former subchapter IX of this chapter by Pub. L. 107-110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-95, § 8012(1), struck out “whether separately or pursuant to section 7845 of this title,” before “shall have on file” in introductory provisions.

Pub. L. 114-95, § 8001(b)(2), made technical amendment to reference in original act which appears in introductory provisions as reference to section 7845 of this title.

Subsec. (a)(2). Pub. L. 114-95, § 8012(2), substituted “eligible” for “nonprofit” in subpars. (A) and (B).

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.

PART D—WAIVERS

§ 7861. Waivers of statutory and regulatory requirements

(a) In general

(1) Request for waiver by State or Indian tribe

A State educational agency or Indian tribe that receives funds under a program authorized under this chapter may submit a request to the Secretary to waive any statutory or regulatory requirement of this chapter.

(2) Local educational agency and school requests submitted through the State

(A) Request for waiver by local educational agency

A local educational agency that receives funds under a program authorized under this chapter and desires a waiver of any statutory or regulatory requirement of this chapter shall submit a request containing the information described in subsection (b)(1) to the appropriate State educational agency. The State educational agency may then submit the request to the Secretary if the State educational agency determines the waiver appropriate.

(B) Request for waiver by school

An elementary school or secondary school that desires a waiver of any statutory or regulatory requirement of this chapter shall submit a request containing the information described in subsection (b)(1) to the local educational agency serving the school. The local educational agency may then submit the request to the State educational agency in accordance with subparagraph (A) if the local educational agency determines the waiver appropriate.