

House of Representatives and of the Senate, not less than 6 months following the submission of State reports, that evaluates the information provided in the State reports under section 10008 of this title and the information required by section 10005(b)(3) of this title including State-by-State information.

(Pub. L. 111-5, div. A, title XIV, §14010, Feb. 17, 2009, 123 Stat. 285.)

#### CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

### § 10011. Prohibition on provision of certain assistance

No recipient of funds under this chapter shall use such funds to provide financial assistance to students to attend private elementary or secondary schools, unless such funds are used to provide special education and related services to children with disabilities, as authorized by the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(Pub. L. 111-5, div. A, title XIV, §14011, Feb. 17, 2009, 123 Stat. 285; Pub. L. 111-8, div. F, title V, §523(g), Mar. 11, 2009, 123 Stat. 806.)

#### 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, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

#### AMENDMENTS

2009—Pub. L. 111-8 inserted before period at end “, unless such funds are used to provide special education and related services to children with disabilities, as authorized by the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)”.

### § 10012. Fiscal relief

#### (a) In general

For the purpose of relieving fiscal burdens on States and local educational agencies that have experienced a precipitous decline in financial resources, the Secretary of Education may waive or modify any requirement of this chapter relating to maintaining fiscal effort.

#### (b) Duration

A waiver or modification under this section shall be for any of fiscal year 2009, fiscal year 2010, or fiscal year 2011, as determined by the Secretary.

#### (c) Criteria

The Secretary shall not grant a waiver or modification under this section unless the Secretary determines that the State receiving such waiver or modification will not provide for elementary, secondary, and public higher education, for the fiscal year under consideration, a smaller percentage of the total revenues available to the State than the percentage provided for such purpose in the preceding fiscal year.

#### (d) Maintenance of effort

Upon prior approval from the Secretary, a State or local educational agency that receives funds under this chapter may treat any portion of such funds that is used for elementary, secondary, or postsecondary education as non-Federal funds for the purpose of any requirement to maintain fiscal effort under any other program, including part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), administered by the Secretary.

#### (e) Subsequent level of effort

Notwithstanding (d),<sup>1</sup> the level of effort required by a State or local educational agency for the following fiscal year shall not be reduced.

(Pub. L. 111-5, div. A, title XIV, §14012, Feb. 17, 2009, 123 Stat. 285; Pub. L. 111-8, div. F, title V, §523(h), Mar. 11, 2009, 123 Stat. 806.)

#### REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (d), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175. Part C of the Act is classified generally to subchapter III (§1431 et seq.) of chapter 33 of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

#### AMENDMENTS

2009—Subsec. (c). Pub. L. 111-8 amended subsec. (c) generally. Prior to amendment, text read as follows: “The Secretary shall not grant a waiver or modification under this section unless the Secretary determines that the State or local educational agency receiving such waiver or modification will not provide for elementary and secondary education, for the fiscal year under consideration, a smaller percentage of the total revenues available to the State or local educational agency than the amount provided for such purpose in the preceding fiscal year.”

### § 10013. Definitions

Except as otherwise provided in this chapter, as used in this chapter—

(1) the terms “elementary education” and “secondary education” have the meaning given such terms under State law;

(2) the term “high-need local educational agency” means a local educational agency—

(A) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

(B) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line;

(3) the term “institution of higher education” has the meaning given such term in section 1001 of this title;

(4) the term “Secretary” means the Secretary of Education;

(5) the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(6) any other term used that is defined in section 7801<sup>1</sup> of this title shall have the meaning given the term in such section.

(Pub. L. 111-5, div. A, title XIV, §14013, Feb. 17, 2009, 123 Stat. 286.)

<sup>1</sup> So in original. Probably should be “subsection (d).”

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