

(D) the anticipated benefits to State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulation; and

(E) any regulations that will be repealed when the new regulation is issued.

**(2) Comment period for Congress**

The Secretary shall—

(A) before issuing any notice of proposed rulemaking under this subsection, provide Congress with a comment period of 15 business days to make comments on the proposed regulation, beginning on the date that the Secretary provides the notice of intent to the appropriate committees of Congress under paragraph (1); and

(B) include and seek to address all comments submitted by Congress in the public rulemaking record for the regulation published in the Federal Register.

**(3) Comment and review period; emergency situations**

The comment and review period for any proposed regulation shall be not less than 60 days unless an emergency requires a shorter period, in which case the Secretary shall—

(A) designate the proposed regulation as an emergency with an explanation of the emergency in the notice to Congress under paragraph (1);

(B) publish the length of the comment and review period in such notice and in the Federal Register; and

(C) conduct immediately thereafter regional meetings to review such proposed regulation before issuing any final regulation.

**(d) Limitation**

Regulations to carry out this subchapter may not require local programs to follow a particular instructional model, such as the provision of services outside the regular classroom or school program.

**(e) Rule of construction**

Nothing in this section affects the applicability of subchapter II of chapter 5, and chapter 7, of title 5 (commonly known as the “Administrative Procedure Act”) or chapter 8 of title 5 (commonly known as the “Congressional Review Act”).

(Pub. L. 89–10, title I, § 1601, formerly § 1901, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1617; renumbered § 1601 and amended Pub. L. 114–95, title I, §§ 1501(a)(4), 1601(a), Dec. 10, 2015, 129 Stat. 1906, 1910.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (b)(4)(A), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 1601 of Pub. L. 89–10 was classified to section 6511 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 1601 of Pub. L. 89–10 was classified to section 6511 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 1601(a)(1), inserted “, in accordance with subsections (b) through (d) and

subject to section 6311(e) of this title,” after “may issue”.

Subsec. (b)(1). Pub. L. 114–95, § 1601(a)(2)(A), inserted “principals, other school leaders (including charter school leaders),” after “teachers.”

Subsec. (b)(2). Pub. L. 114–95, § 1601(a)(2)(B), inserted at end “Such regional meetings and electronic exchanges of information shall be public and notice of such meetings and exchanges shall be provided to interested stakeholders.”

Subsec. (b)(3)(A). Pub. L. 114–95, § 1601(a)(2)(C), substituted “standards, assessments under section 6311(b)(2) of this title, and the requirement under section 6321 of this title that funds under part A be used to supplement, and not supplant, State and local funds” for “standards and assessments”.

Subsec. (b)(4). Pub. L. 114–95, § 1601(a)(2)(D), added par. (4) and struck out former par. (4). Prior to amendment, text read as follows: “Such process—

“(A) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later than 1 year after January 8, 2002; and

“(B) shall not be subject to the Federal Advisory Committee Act, but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).”

Subsec. (b)(5). Pub. L. 114–95, § 1601(a)(2)(E), struck out par. (5). Text read as follows: “In an emergency situation in which regulations to carry out this subchapter must be issued within a very limited time to assist State educational agencies and local educational agencies with the operation of a program under this subchapter, the Secretary may issue proposed regulations without following such process but shall, immediately thereafter and before issuing final regulations, conduct regional meetings to review such proposed regulations.”

Subsecs. (c), (d). Pub. L. 114–95, § 1601(a)(3)–(5), added subsec. (c), redesignated former subsec. (c) as (d), and in subsec. (d) substituted “this subchapter” for “this part”.

Subsec. (e). Pub. L. 114–95, § 1601(a)(6), 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.

**§ 6572. Agreements and records**

**(a) Agreements**

In any case in which a negotiated rulemaking process is established under section 6571(b) of this title, all published proposed regulations shall conform to agreements that result from the rulemaking described in section 6571 of this title unless the Secretary reopens the negotiated rulemaking process.

**(b) Records**

The Secretary shall ensure that an accurate and reliable record of agreements reached during the negotiations process is maintained.

(Pub. L. 89–10, title I, § 1602, formerly § 1902, as added Pub. L. 107–110, title I, § 101, Jan. 8, 2002, 115 Stat. 1618; renumbered § 1602 and amended Pub. L. 114–95, title I, §§ 1501(a)(4), 1601(b), Dec. 10, 2015, 129 Stat. 1906, 1912.)

PRIOR PROVISIONS

A prior section 1602 of Pub. L. 89–10 was classified to section 6512 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 1602 of Pub. L. 89–10 was classified to section 6512 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

## AMENDMENTS

2015—Subsec. (a). Pub. L. 114-95, §1601(b), amended subsec. (a) generally. Prior to amendment, text read as follows: “All published proposed regulations shall conform to agreements that result from negotiated rulemaking described in section 6571 of this title unless the Secretary reopens the negotiated rulemaking process or provides a written explanation to the participants involved in the process explaining why the Secretary decided to depart from, and not adhere to, such agreements.”

## 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.

**§ 6573. State administration****(a) Rulemaking****(1) In general**

Each State that receives funds under this subchapter shall—

(A) ensure that any State rules, regulations, and policies relating to this subchapter conform to the purposes of this subchapter and provide any such proposed rules, regulations, and policies to the committee of practitioners created under subsection (b) for review and comment;

(B) minimize such rules, regulations, and policies to which the State’s local educational agencies and schools are subject;

(C) eliminate or modify State and local fiscal accounting requirements in order to facilitate the ability of schools to consolidate funds under schoolwide programs;

(D) identify any such rule, regulation, or policy as a State-imposed requirement; and

(E)(i) identify any duplicative or contrasting requirements between the State and Federal rules or regulations; and

(ii) eliminate the State rules and regulations that are duplicative of Federal requirements.

**(2) Support and facilitation**

State rules, regulations, and policies under this subchapter shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the challenging State academic standards.

**(b) Committee of practitioners****(1) In general**

Each State educational agency that receives funds under this subchapter shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this subchapter.

**(2) Membership**

Each such committee shall include—

(A) as a majority of its members, representatives from local educational agencies;

(B) administrators, including the administrators of programs described in other parts of this subchapter;

(C) teachers from traditional public schools and charter schools (if there are

charter schools in the State) and career and technical educators;

(D) principals and other school leaders;

(E) parents;

(F) members of local school boards;

(G) representatives of private school children;

(H) specialized instructional support personnel and paraprofessionals;

(I) representatives of authorized public chartering agencies (if there are charter schools in the State); and

(J) charter school leaders (if there are charter schools in the State).

**(3) Duties**

The duties of such committee shall include a review, before publication, of any proposed or final State rule or regulation pursuant to this subchapter. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program under this subchapter, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation before issuance in final form.

(Pub. L. 89-10, title I, §1603, formerly §1903, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1618; renumbered §1603 and amended Pub. L. 114-95, title I, §§1501(a)(4), 1601(c), Dec. 10, 2015, 129 Stat. 1906, 1912.)

## PRIOR PROVISIONS

A prior section 1603 of Pub. L. 89-10 was classified to section 6513 of this title, prior to repeal by Pub. L. 114-95.

Another prior section 1603 of Pub. L. 89-10 was classified to section 6513 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

## AMENDMENTS

2015—Subsec. (a)(1)(E). Pub. L. 114-95, §1601(c)(1)(A), added subpar. (E).

Subsec. (a)(2). Pub. L. 114-95, §1601(c)(1)(B), substituted “the challenging State academic standards” for “the challenging State student academic achievement standards”.

Subsec. (b)(2)(C) to (J). Pub. L. 114-95, §1601(c)(2), added subpars. (C) to (J) and struck out former subpars. (C) to (G) which read as follows:

“(C) teachers, including vocational educators;

“(D) parents;

“(E) members of local school boards;

“(F) representatives of private school children; and

“(G) pupil services personnel.”

## 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.

**§ 6574. Repealed. Pub. L. 113-188, title IX, § 901(a), Nov. 26, 2014, 128 Stat. 2020**

Section, Pub. L. 89-10, title I, §1904, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1619, related to annual local educational agency spending audits and reports.