

evidence is not available, a rationale, based on current research, for how the proposed magnet school programs will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

(B) the manner and extent to which the magnet school program will increase student academic achievement in the instructional area or areas offered by the school, including any evidence, or if such evidence is not available, a rationale based on current research findings, to support such description;

(C) how the applicant will continue the magnet school program after assistance under this part is no longer available, and, if applicable, an explanation of why magnet schools established or supported by the applicant with grant funds under this part cannot be continued without the use of grant funds under this part;

(D) how the applicant will assess, monitor, and evaluate the impact of the activities funded under this part on student achievement and integration;

(E) how grant funds under this part will be used—

(i) to improve student academic achievement for all students attending the magnet school programs; and

(ii) to implement services and activities that are consistent with other programs under this chapter, and other Acts, as appropriate; and

(F) the criteria to be used in selecting students to attend the proposed magnet school program; and

(2) assurances that the applicant will—

(A) use grant funds under this part for the purposes specified in section 7231(b) of this title;

(B) employ effective teachers in the courses of instruction assisted under this part;

(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

(i) the hiring, promotion, or assignment of employees of the applicant or other personnel for whom the applicant has any administrative responsibility;

(ii) the assignment of students to schools, or to courses of instruction within the schools, of such applicant, except to carry out the approved plan; and

(iii) designing or operating extra-curricular activities for students;

(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

(E) give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate the students.

(c) Special rule

No grant shall be awarded under this part unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

(Pub. L. 89–10, title IV, § 4405, formerly title V, § 5305, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1808; renumbered title IV, § 4405, and amended Pub. L. 114–95, title IV, §§ 4001(b)(3)(A), (B), (D)(i), 4401(2), Dec. 10, 2015, 129 Stat. 1967, 2014.)

PRIOR PROVISIONS

A prior section 4405 of Pub. L. 89–10 was classified to section 3125 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Subsec. (b)(1)(A). Pub. L. 114–95, § 4401(2)(A)(i), inserted “any available evidence on, or if such evidence is not available, a rationale, based on current research, for” before “how the proposed magnet school programs”.

Subsec. (b)(1)(B). Pub. L. 114–95, § 4401(2)(A)(ii), inserted “, including any evidence, or if such evidence is not available, a rationale based on current research findings, to support such description” before semicolon at end.

Subsec. (b)(1)(D) to (F). Pub. L. 114–95, § 4401(2)(A)(iii), (iv), added subpar. (D) and redesignated former subpars. (D) and (E) as (E) and (F), respectively.

Subsec. (b)(2)(A). Pub. L. 114–95, § 4401(2)(B)(i), made technical amendment to reference in original act which appears in text as reference to section 7231(b) of this title.

Subsec. (b)(2)(B). Pub. L. 114–95, § 4401(2)(B)(ii), substituted “effective” for “highly qualified”.

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.

§ 7231e. Priority

In awarding grants under this part, the Secretary shall give priority to applicants that—

(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out approved desegregation plans and the magnet school program for which the grant is sought;

(2) propose to—

(A) carry out a new, evidence-based magnet school program;

(B) significantly revise an existing magnet school program, using evidence-based methods and practices, as available; or

(C) replicate an existing magnet school program that has a demonstrated record of success in increasing student academic achievement and reducing isolation of minority groups;

(3) propose to select students to attend magnet school programs by methods such as lottery, rather than through academic examination; and

(4) propose to increase racial integration by taking into account socioeconomic diversity in designing and implementing magnet school programs.

(Pub. L. 89–10, title IV, § 4406, formerly title V, § 5306, as added Pub. L. 107–110, title V, § 501, Jan. 8, 2002, 115 Stat. 1809; renumbered title IV, § 4406, and amended Pub. L. 114–95, title IV, §§ 4001(b)(3)(A), (B), (D)(i), 4401(3), Dec. 10, 2015, 129 Stat. 1967, 2014.)

PRIOR PROVISIONS

A prior section 4406 of Pub. L. 89–10 was classified to section 3126 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Pars. (2) to (4). Pub. L. 114–95, §4401(3), added pars. (2) to (4) and struck out former pars. (2) and (3) which read as follows:

“(2) propose to carry out new magnet school programs, or significantly revise existing magnet school programs; and

“(3) propose to select students to attend magnet school programs by methods such as lottery, rather than through academic examination.”

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.

§ 7231f. Use of funds

(a) In general

Grant funds made available under this part may be used by an eligible local educational agency, or consortium of such agencies—

(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation of materials, equipment, and computers, necessary to conduct programs in magnet schools;

(3) for the compensation, or subsidization of the compensation, of elementary school and secondary school teachers who are effective, and instructional staff where applicable, who are necessary to conduct programs in magnet schools;

(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

(A) are designed to make available the special curriculum that is offered by the magnet school program to students who are enrolled in the school but who are not enrolled in the magnet school program; and

(B) further the purpose of this part;

(5) for activities, which may include professional development, that will build the recipient’s capacity to operate magnet school programs once the grant period has ended;

(6) to enable the local educational agency, or consortium of such agencies, to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program;

(7) to enable the local educational agency, or consortium of such agencies, to have flexibility in designing magnet schools for students in all grades;

(8) to enable the local educational agency, or consortium of such agencies, or other organizations partnered with such agency or consor-

tium, to establish, expand, or strengthen inter-district and regional magnet programs; and

(9) notwithstanding section 1228 of this title, to provide transportation to and from the magnet school, provided that—

(A) such transportation is sustainable beyond the grant period; and

(B) the costs of providing transportation do not represent a significant portion of the grant funds received by the eligible local educational agency under this part.

(b) Special rule

Grant funds under this part may be used for activities described in paragraphs (2) and (3) of subsection (a) only if the activities are directly related to improving student academic achievement based on the challenging State academic standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving career, technical, and professional skills.

(Pub. L. 89–10, title IV, §4407, formerly title V, §5307, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1809; renumbered title IV, §4407, and amended Pub. L. 114–95, title IV, §§4001(b)(3)(A), (B), (D)(i), 4401(4), Dec. 10, 2015, 129 Stat. 1967, 2015.)

PRIOR PROVISIONS

A prior section 4407 of Pub. L. 89–10 was classified to section 3127 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Subsec. (a)(3). Pub. L. 114–95, §4401(4)(A)(i), substituted “effective” for “highly qualified”.

Subsec. (a)(8), (9). Pub. L. 114–95, §4401(4)(A)(ii)–(iv), added pars. (8) and (9).

Subsec. (b). Pub. L. 114–95, §4401(4)(B), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “Grant funds under this part may be used for activities described in paragraphs (2) and (3) of subsection (a) of this section only if the activities are directly related to improving student academic achievement based on the State’s challenging academic content standards and student academic achievement standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational, technological, and professional skills.”

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.

§ 7231g. Repealed. Pub. L. 114–95, title IV, § 4001(b)(3)(D)(ii), Dec. 10, 2015, 129 Stat. 1967

Section, Pub. L. 89–10, title IV, §5308, formerly title V, §5308, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1810; renumbered title IV, §5308, Pub. L. 114–95, title IV, §4001(b)(3)(A), (B), Dec. 10, 2015, 129 Stat. 1967, prohibited certain uses of grants under this part.

PRIOR PROVISIONS

A prior section 5308 of Pub. L. 89–10 was classified to section 7268 of this title, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107–110.