

Section 7301, Pub. L. 89-10, title V, §6111, formerly title VI, §6111, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1873; renumbered title V, §6111, Pub. L. 114-95, title V, §5001(a), Dec. 10, 2015, 129 Stat. 2039, related to grants for State assessments and related activities.

A prior section 7301, Pub. L. 89-10, title VI, §6001, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3707, set forth findings and purpose, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107-110.

Section 7301a, Pub. L. 89-10, title V, §6112, formerly title VI, §6112, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1874; renumbered title V, §6112, Pub. L. 114-95, title V, §5001(a), Dec. 10, 2015, 129 Stat. 2039, related to grants for enhanced assessment instruments.

Section 7301b, Pub. L. 89-10, title V, §6113, formerly title VI, §6113, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1875; renumbered title V, §6113, Pub. L. 114-95, title V, §5001(a), Dec. 10, 2015, 129 Stat. 2039, related to funding.

Prior sections 7302 and 7303 were omitted in the general amendment of former subchapter VI of this chapter by Pub. L. 107-110.

Section 7302, Pub. L. 89-10, title VI, §6002, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3707, related to authorization of appropriations and duration of assistance.

Section 7303, Pub. L. 89-10, title VI, §6003, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3707, defined “effective schools programs”.

EFFECTIVE DATE

Section 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 an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBCHAPTER V—FLEXIBILITY AND ACCOUNTABILITY

CODIFICATION

Pub. L. 114-95, title V, §5001(a), Dec. 10, 2015, 129 Stat. 2039, redesignated subchapter VI (§7301 et seq.) of this chapter as this subchapter.

Title V of the Elementary and Secondary Education Act of 1965, comprising this subchapter, was originally enacted as part of Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, and subsequently revised, restated, and amended by other public laws. Title V is shown, herein, as having been added as title VI of Pub. L. 89-10 by Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1873, without reference to earlier amendments because of the extensive revision of the title’s provisions by Pub. L. 107-110. Title VI of Pub. L. 89-10 was subsequently redesignated title V by Pub. L. 114-95, title V, §5001(a), Dec. 10, 2015, 129 Stat. 2039, and transferred to this subchapter. See Codification note preceding section 6301 of this title.

PRIOR PROVISIONS

A prior title V of the Elementary and Secondary Education Act of 1965, comprising former subchapter V (§7201 et seq.) of this chapter, was originally enacted as part of Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, and subsequently revised, restated, and amended by other public laws. Title V as extensively revised by Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1776, related to promoting informed parental choice and innovative programs, and was set out in former subchapter V of this chapter as having been added by Pub. L. 107-110. Except as provided below, title V of the Act was repealed by Pub. L. 114-95, title IV, §4001(b)(1)(A)–(C), (4), Dec. 10, 2015, 129 Stat. 1967.

A prior part B of title V of the Elementary and Secondary Education Act of 1965, comprising part B (§7221 et seq.) of former subchapter V of this chapter, was re-

designated part C of title IV of the Act and transferred to part C (§7221 et seq.) of subchapter IV of this chapter by Pub. L. 114-95, title IV, §4001(b)(2)(A)–(C), Dec. 10, 2015, 129 Stat. 1967.

A prior part C of title V of the Elementary and Secondary Education Act of 1965, comprising part C (§7231 et seq.) of former subchapter V of this chapter, was redesignated part D of title IV of the Act and transferred to part D (§7231 et seq.) of subchapter IV of this chapter by Pub. L. 114-95, §4001(b)(3)(A)–(C), Dec. 10, 2015, 129 Stat. 1967.

PART A—FUNDING TRANSFERABILITY FOR STATE AND LOCAL EDUCATIONAL AGENCIES

CODIFICATION

Pub. L. 114-95, title V, §5002(1), (2), Dec. 10, 2015, 129 Stat. 2040, substituted “Funding Transferability for State and Local Educational Agencies” for “Improving Academic Achievement” in part heading and struck out subpart 2 designation and heading.

PRIOR PROVISIONS

Prior subparts 1, 3, and 4 of this part, consisting of sections 7301 to 7301b, 7311 to 7311b, 7315 to 7315c, 7321 to 7321e, and 7325 to 7325c, related to accountability, State and local flexibility demonstration, and State accountability for adequate yearly progress, prior to repeal by Pub. L. 114-95, title V, §5001(b)(1), Dec. 10, 2015, 129 Stat. 2040.

§ 7305. Short title

This part may be cited as the “State and Local Transferability Act”.

(Pub. L. 89-10, title V, §5101, formerly title VI, §6121, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1876; renumbered title V, §5101, and amended Pub. L. 114-95, title V, §§5001(a)(1), 5002(3), Dec. 10, 2015, 129 Stat. 2039, 2040.)

PRIOR PROVISIONS

A prior section 5101 of Pub. L. 89-10 was classified to section 7201 of this title prior to repeal by Pub. L. 114-95.

Another prior section 5101 of Pub. L. 89-10 was classified to section 7201 of this title, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107-110.

Another prior section 5101 of Pub. L. 89-10 was classified to section 3171 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

AMENDMENTS

2015—Pub. L. 114-95, §5002(3), substituted “part” for “subpart”.

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.

§ 7305a. Purpose

The purpose of this part is to allow States and local educational agencies the flexibility to target Federal funds to the programs and activities that most effectively address the unique needs of States and localities.

(Pub. L. 89-10, title V, §5102, formerly title VI, §6122, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1876; renumbered title V, §5102, and amended Pub. L. 114-95, title V,

§§ 5001(a)(1), 5002(4), Dec. 10, 2015, 129 Stat. 2039, 2040.)

PRIOR PROVISIONS

A prior section 5102 of Pub. L. 89–10 was classified to section 7202 of this title, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

Another prior section 5102 of Pub. L. 89–10 was classified to section 3172 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Pub. L. 114–95, § 5002(4), amended section generally. Prior to amendment, text read as follows: “The purpose of this subpart is to allow States and local educational agencies the flexibility—

“(1) to target Federal funds to Federal programs that most effectively address the unique needs of States and localities; and

“(2) to transfer Federal funds allocated to other activities to allocations for certain activities authorized under subchapter I of this chapter.”

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.

§ 7305b. Transferability of funds

(a) Transfers by States

(1) In general

In accordance with this part, a State may transfer all, or any lesser amount, of State funds (including funds transferred under paragraph (2)) allotted to the State for use for State-level activities under the following provisions for a fiscal year to one or more of the State’s allotments for such fiscal year under any other of such provisions:

- (A) Part A of subchapter II.
- (B) Part A of subchapter IV.
- (C) Section 7172(c)(3) of this title.

(2) Additional funds

In accordance with this part, a State may transfer any funds allotted to the State under a provision listed in paragraph (1) for a fiscal year to its allotment under any other of the following provisions:

- (A) Part A of subchapter I.
- (B) Part C of subchapter I.
- (C) Part D of subchapter I.
- (D) Part A of subchapter III.
- (E) Part B.

(b) Transfers by local educational agencies

(1) Authority to transfer funds

(A) In general

In accordance with this part, a local educational agency may transfer all, or any lesser amount, of the funds allocated to it under each of the provisions listed in paragraph (2) for a fiscal year to one or more of its allocations for such fiscal year under any other provision listed in paragraph (2).

(B) Additional funds

In accordance with this part, a local educational agency may transfer any funds allotted to such agency under a provision list-

ed in paragraph (2) for a fiscal year to its allotment under any other of the following provisions:

- (i) Part A of subchapter I.
- (ii) Part C of subchapter I.
- (iii) Part D of subchapter I.
- (iv) Part A of subchapter III.
- (v) Part B.

(2) Applicable provisions

A local educational agency may transfer funds under subparagraph (A) or (B) of paragraph (1) from allocations made under each of the following provisions:

- (A) Part A of subchapter II.
- (B) Part A of subchapter IV.

(c) No transfer of certain funding

A State or local educational agency may not transfer under this part to any other program any funds allotted or allocated to it for the following provisions:

- (1) Part A of subchapter I.
- (2) Part C of subchapter I.
- (3) Part D of subchapter I.
- (4) Part A of subchapter III.
- (5) Part B.

(d) Modification of plans and applications; notification

(1) State transfers

Each State that makes a transfer of funds under this section shall—

- (A) modify, to account for such transfer, each State plan, or application submitted by the State, to which such funds relate;
- (B) not later than 30 days after the date of such transfer, submit a copy of such modified plan or application to the Secretary; and
- (C) not later than 30 days before the effective date of such transfer, notify the Secretary of such transfer.

(2) Local transfers

Each local educational agency that makes a transfer of funds under this section shall—

- (A) modify, to account for such transfer, each local plan, or application submitted by the agency, to which such funds relate;
- (B) not later than 30 days after the date of such transfer, submit a copy of such modified plan or application to the State; and
- (C) not later than 30 days before the effective date of such transfer, notify the State of such transfer.

(e) Applicable rules

(1) In general

Except as otherwise provided in this part, funds transferred under this section are subject to each of the rules and requirements applicable to the funds under the provision to which the transferred funds are transferred.

(2) Consultation

Each State educational agency or local educational agency that transfers funds under this section shall conduct consultations in accordance with section 7881 of this title, if such transfer transfers funds from a program that provides for the participation of students,