

(1) if the report is submitted by a State educational agency, the method the State educational agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart;

(2) how local educational agencies and schools used funds provided under this subpart; and

(3) the degree to which progress has been made toward meeting the objectives and outcomes described in the application submitted under section 7351b of this title, including having all students in the State or the area served by the specially qualified agency, as applicable, meet the challenging State academic standards.

(Pub. L. 89–10, title V, § 5224, formerly title VI, § 6224, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1896; renumbered title V, § 5224, and amended Pub. L. 114–95, title V, §§ 5001(a)(4), 5003(7), Dec. 10, 2015, 129 Stat. 2039, 2040, 2044.)

#### PRIOR PROVISIONS

A prior section 5224 of Pub. L. 89–10 was classified to section 7223c of this title, prior to repeal by Pub. L. 114–95.

#### AMENDMENTS

2015—Pub. L. 114–95, § 5003(7)(C), inserted “or specially qualified agency” after “Each State educational agency” in introductory provisions.

Pub. L. 114–95, § 5003(7)(A), (B), substituted “Report” for “Accountability” in section catchline, struck out subsec. (a) designation and heading before “Each State”, and struck out subsecs. (b) to (e) which related to specially qualified agency report, biennial reports to Congress, academic achievement assessment, and determination regarding continuing participation, respectively.

Par. (1). Pub. L. 114–95, § 5003(7)(D), added par. (1) and struck out former par. (1) which read as follows: “the method the State educational agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart;”.

Par. (3). Pub. L. 114–95, § 5003(7)(E), added par. (3) and struck out former par. (3) which read as follows: “the degree to which progress has been made toward meeting the goals and objectives described in the application submitted under section 7351b of this title.”

#### 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.

### § 7351d. Choice of participation

#### (a) In general

If a local educational agency is eligible for funding under both this subpart and subpart 1, such local educational agency may receive funds under either this subpart or subpart 1 for a fiscal year, but may not receive funds under both subparts for such fiscal year.

#### (b) Notification

A local educational agency eligible for funding under both this subpart and subpart 1 shall notify the Secretary and the State educational agency under which of such subparts the local educational agency intends to receive funds for

a fiscal year by a date that is established by the Secretary for the notification.

(Pub. L. 89–10, title V, § 5225, as added Pub. L. 114–95, title V, § 5003(8), Dec. 10, 2015, 129 Stat. 2044.)

#### PRIOR PROVISIONS

A prior section 5225 of Pub. L. 89–10 was classified to section 7223d of this title, prior to repeal by Pub. L. 114–95.

Prior sections 7352 and 7353 were omitted in the general amendment of former subchapter VI of this chapter by Pub. L. 107–110.

Section 7352, Pub. L. 89–10, title VI, § 6302, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3711, related to administrative authority.

Section 7353, Pub. L. 89–10, title VI, § 6303, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3711, related to local applications for allocations of funds.

#### 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.

#### SUBPART 3—GENERAL PROVISIONS

### § 7355. Annual average daily attendance determination

#### (a) Census determination

Each local educational agency desiring a grant under section 7345a of this title and each local educational agency or specially qualified agency desiring a grant under subpart 2 of this part shall—

(1) not later than December 1 of each year, conduct a census to determine the number of students in average daily attendance in kindergarten through grade 12 at the schools served by the agency; and

(2) not later than March 1 of each year, submit the number described in paragraph (1) to the Secretary (and to the State educational agency, in the case of a local educational agency seeking a grant under subpart (2)).<sup>1</sup>

#### (b) Penalty

If the Secretary determines that a local educational agency or specially qualified agency has knowingly submitted false information under subsection (a) for the purpose of gaining additional funds under section 7345a of this title or subpart 2 of this part, then the agency shall be fined an amount equal to twice the difference between the amount the agency received under this section and the correct amount the agency would have received under section 7345a of this title or subpart 2 of this part if the agency had submitted accurate information under subsection (a).

(Pub. L. 89–10, title V, § 5231, formerly title VI, § 6231, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1897; renumbered title V, § 5231, and amended Pub. L. 114–95, title V, § 5001(a)(5), (b)(2), Dec. 10, 2015, 129 Stat. 2039, 2040.)

#### PRIOR PROVISIONS

A prior section 5231 of Pub. L. 89–10 was classified to section 7223j of this title, prior to repeal by Pub. L. 114–95.

<sup>1</sup> So in original. Probably should be “subpart 2.”