

AMENDMENTS

2015—Pub. L. 114-95, §5001(b)(2), made technical amendment to references in original act which appear in text as references to section 7345a 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.

§ 7355a. Supplement, not supplant

Funds made available under subpart 1 or subpart 2 of this part shall be used to supplement, and not supplant, any other Federal, State, or local education funds.

(Pub. L. 89-10, title V, §5232, formerly title VI, §6232, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1897; renumbered title V, §5232, Pub. L. 114-95, title V, §5001(a)(5), Dec. 10, 2015, 129 Stat. 2039, 2040.)

§ 7355b. Rule of construction

Nothing in this part shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services, pursuant to State law or a written agreement, from entering into similar arrangements for the use, or the coordination of the use, of the funds made available under this part.

(Pub. L. 89-10, title V, §5233, formerly title VI, §6233, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1897; renumbered title V, §5233, Pub. L. 114-95, title V, §5001(a)(5), Dec. 10, 2015, 129 Stat. 2039, 2040.)

§ 7355c. Authorization of appropriations

There are authorized to be appropriated to carry out this part \$169,840,000 for each of the fiscal years 2017 through 2020, to be distributed equally between subparts 1 and 2 of this part.

(Pub. L. 89-10, title V, §5234, formerly title VI, §6234, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1897; renumbered title V, §5234, and amended Pub. L. 114-95, title V, §§5001(a)(5), 5003(9), Dec. 10, 2015, 129 Stat. 2039, 2040, 2045.)

AMENDMENTS

2015—Pub. L. 114-95, §5003(9), substituted “\$169,840,000 for each of the fiscal years 2017 through 2020,” for “\$300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.”

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.

PART C—GENERAL PROVISIONS

§ 7371. Prohibition against Federal mandates, direction, or control

Nothing in this subchapter shall be construed to authorize an officer or employee of the Fed-

eral Government to mandate, direct, or control a State, local educational agency, or school’s specific instructional content, academic standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this chapter.

(Pub. L. 89-10, title V, §5301, as added Pub. L. 114-95, title V, §5004, Dec. 10, 2015, 129 Stat. 2045.)

PRIOR PROVISIONS

A prior section 7371, Pub. L. 89-10, title V, §6301, formerly title VI, §6301, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1897; renumbered title V, §6301, Pub. L. 114-95, title V, §5001(a), Dec. 10, 2015, 129 Stat. 2039, related to prohibition against Federal mandates, direction, or control, prior to the general amendment of this part by Pub. L. 114-95.

Another prior section 7371, Pub. L. 89-10, title VI, §6401, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3712, related to maintenance of effort and supplementary nature of Federal funds, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107-110.

A prior section 5301 of Pub. L. 89-10 was renumbered section 4401 and is classified to section 7231 of this title.

Another prior section 5301 of Pub. L. 89-10 was classified to section 7261 of this title, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107-110.

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.

§ 7372. Rule of construction on equalized spending

Nothing in this subchapter shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

(Pub. L. 89-10, title V, §5302, as added Pub. L. 114-95, title V, §5004, Dec. 10, 2015, 129 Stat. 2045.)

PRIOR PROVISIONS

A prior section 7372, Pub. L. 89-10, title V, §6302, formerly title VI, §6302, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1898; renumbered title V, §6302, Pub. L. 114-95, title V, §5001(a), Dec. 10, 2015, 129 Stat. 2039, related to rule of construction on equalized spending, prior to the general amendment of this part by Pub. L. 114-95.

Another prior section 7372, Pub. L. 89-10, title VI, §6402, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3713, related to participation of children enrolled in private schools, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107-110.

A prior section 5302 of Pub. L. 89-10 was renumbered section 4402 and is classified to section 7231a of this title.

Another prior section 5302 of Pub. L. 89-10 was classified to section 7262 of this title, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107-110.

A prior section 7373, Pub. L. 89-10, title VI, §6403, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3715, which related to Federal administration, was omitted in the general amendment of former subchapter VI of this chapter by Pub. L. 107-110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive pro-

grams, 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 VI—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

CODIFICATION

Pub. L. 114-95, title VI, §6001(a), Dec. 10, 2015, 129 Stat. 2046, redesignated subchapter VII (§7401 et seq.) of this chapter as this subchapter.

Title VI 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 VI is shown, herein, as having been added as title VII of Pub. L. 89-10 by Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1907, without reference to earlier amendments because of the extensive revision of the title's provisions by Pub. L. 107-110. Title VII of Pub. L. 89-10 was subsequently redesignated title VI by Pub. L. 114-95, title VI, §6001(a), Dec. 10, 2015, 129 Stat. 2046, and transferred to this subchapter. See Codification note preceding section 6301 of this title.

PRIOR PROVISIONS

A prior title VI of the Elementary and Secondary Education Act of 1965, comprising former subchapter VI (§7301 et seq.) of this chapter, was redesignated title V of the Act by Pub. L. 114-95, title V, §5001(a), Dec. 10, 2015, 129 Stat. 2039, and transferred to subchapter V (§7305 et seq.) of this chapter.

PART A—INDIAN EDUCATION

§ 7401. Statement of policy

It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children. The Federal Government will continue to work with local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children. It is further the policy of the United States to ensure that Indian children do not attend school in buildings that are dilapidated or deteriorating, which may negatively affect the academic success of such children.

(Pub. L. 89-10, title VI, §6101, formerly title VII, §7101, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1907; renumbered title VI, §6101, and amended Pub. L. 114-95, title VI, §6001(a), (b)(1), 6002(a), Dec. 10, 2015, 129 Stat. 2046, 2047.)

PRIOR PROVISIONS

A prior section 7401, Pub. L. 89-10, title VII, §7101, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3716, set forth short title of Bilingual Education Act, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107-110.

A prior section 6101 of Pub. L. 89-10 was classified to section 7311 of this title, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107-110.

Another prior section 6101 of Pub. L. 89-10 was classified to section 3261 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

AMENDMENTS

2015—Pub. L. 114-95, §6002(a), inserted at end “It is further the policy of the United States to ensure that Indian children do not attend school in buildings that are dilapidated or deteriorating, which may negatively affect the academic success of such children.”

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.

SAVINGS PROVISIONS

Pub. L. 107-110, title VII, §703, Jan. 8, 2002, 115 Stat. 1947, provided that: “Funds appropriated for parts A, B, and C of title IX of the Elementary and Secondary Education Act of 1965 [former 20 U.S.C. 7801 et seq., 7901 et seq., 7931 et seq.] (as in effect on the day before the date of enactment of this Act [Jan. 8, 2002]) shall be available for use under parts A, B, and C, respectively, of title VII [now VI] of such Act [20 U.S.C. 7401 et seq., 7511 et seq., 7541 et seq.], as added by this section [section 701].”

EXECUTIVE ORDER NO. 13096

Ex. Ord. No. 13096, Aug. 6, 1998, 63 F.R. 42681, which related to American Indian and Alaska Native education, was revoked by Ex. Ord. No. 13336, §9(b), Apr. 30, 2004, 69 F.R. 25297, formerly set out below.

EXECUTIVE ORDER NO. 13336

Ex. Ord. No. 13336, Apr. 30, 2004, 69 F.R. 25295, which established the Interagency Working Group on American Indian and Alaska Native Education and required a study, report, and conference relating to American Indian and Alaska Native students' achievement under the No Child Left Behind Act of 2001, was revoked by Ex. Ord. No. 13592, §5(c), Dec. 2, 2011, 76 F.R. 76607, set out below.

EX. ORD. NO. 13592. IMPROVING AMERICAN INDIAN AND ALASKA NATIVE EDUCATIONAL OPPORTUNITIES AND STRENGTHENING TRIBAL COLLEGES AND UNIVERSITIES

Ex. Ord. No. 13592, Dec. 2, 2011, 76 F.R. 76603, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby order as follows:

SECTION 1. *Policy.* The United States has a unique political and legal relationship with the federally recognized American Indian and Alaska Native (AI/AN) tribes across the country, as set forth in the Constitution of the United States, treaties, Executive Orders, and court decisions. For centuries, the Federal Government's relationship with these tribes has been guided by a trust responsibility—a long-standing commitment on the part of our Government to protect the unique rights and ensure the well-being of our Nation's tribes, while respecting their tribal sovereignty. In recognition of that special commitment—and in fulfillment of the solemn obligations it entails—Federal agencies must help improve educational opportunities provided to all AI/AN students, including students attending public schools in cities and in rural areas, students attending schools operated and funded by the Department of the Interior's Bureau of Indian Education (BIE), and students attending postsecondary institutions, including Tribal Colleges and Universities (TCUs). This is an urgent need. Recent studies show that AI/AN students are dropping out of school at an alarming rate, that our Nation has made little or no progress in closing the achievement gap between AI/AN students and their non-AI/AN student counterparts, and that many Native languages are on the verge of extinction.

It is the policy of my Administration to support activities that will strengthen the Nation by expanding educational opportunities and improving educational