

Subsec. (e). Pub. L. 114-95, §6002(i)(3), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 114-95, §6002(i)(5), which directed substitution of “Bureau of Indian Education” for “Bureau of Indian Affairs” in subsec. (f) as redesignated by section 6002(i)(4) of Pub. L. 114-95, was executed by making the substitution in introductory provisions of subsec. (f) as redesignated by section 6002(i)(3) of Pub. L. 114-95, to reflect the probable intent of Congress.

Pub. L. 114-95, §6002(i)(3), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Subsec. (f)(3). Pub. L. 114-95, §6001(b)(7)(C), made technical amendment to reference in original act which appears in text as reference to section 7423 of this title.

Subsec. (g). Pub. L. 114-95, §6002(i)(6), which directed substitution of “subsection (f)(1)” for “subsection (g)(1)” in subsec. (g) as redesignated by section 6002(i)(4) of Pub. L. 114-95, was executed by making the substitution in introductory provisions of subsec. (g) as redesignated by section 6002(i)(3) of Pub. L. 114-95, to reflect the probable intent of Congress.

Pub. L. 114-95, §6002(i)(3), redesignated subsec. (h) as (g). Former subsec. (g) redesignated (f).

Subsec. (h). Pub. L. 114-95, §6002(i)(3), redesignated subsec. (h) as (g).

Subsec. (h)(1). Pub. L. 114-95, §6001(b)(7)(D), made technical amendment to reference in original act which appears in text as reference to section 7424 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.

### § 7428. Payments

#### (a) In general

Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount determined under section 7423 of this title. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

#### (b) Payments taken into account by the State

The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this chapter<sup>1</sup> in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

#### (c) Reduction of payment for failure to maintain fiscal effort

Each local educational agency shall maintain fiscal effort in accordance with section 7901 of this title or be subject to reduced payments under this subpart in accordance with such section 7901 of this title.

#### (d) Reallocations

The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

(2) otherwise become available for reallocation under this subpart.

(Pub. L. 89-10, title VI, §6118, formerly title VII, §7118, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1918; renumbered title VI, §6118, and amended Pub. L. 114-95, title VI, §§6001(a), (b)(1), (8), 6002(j), Dec. 10, 2015, 129 Stat. 2046, 2047, 2054.)

#### PRIOR PROVISIONS

A prior section 7428, Pub. L. 89-10, title VII, §7118, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3727, related to capacity building, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107-110.

#### AMENDMENTS

2015—Subsec. (a). Pub. L. 114-95, §6001(b)(8), made technical amendment to reference in original act which appears in text as reference to section 7423 of this title.

Subsec. (c). Pub. L. 114-95, §6002(j), added subsec. (c) and struck out former subsec. (c) which related to reduction of payment for failure to maintain fiscal effort with possibility of temporary waiver.

#### 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.

### § 7429. State educational agency review

Before submitting an application to the Secretary under section 7424 of this title, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational agency comments on the application, the agency shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.

(Pub. L. 89-10, title VI, §6119, formerly title VII, §7119, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1919; renumbered title VI, §6119, and amended Pub. L. 114-95, title VI, §6001(a), (b)(1), (9), Dec. 10, 2015, 129 Stat. 2046, 2047.)

#### PRIOR PROVISIONS

A prior section 7429, Pub. L. 89-10, title VII, §7119, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3727, authorized subgrants, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107-110.

Prior sections 7430 to 7434 were omitted in the general amendment of former subchapter VII of this chapter by Pub. L. 107-110.

Section 7430, Pub. L. 89-10, title VII, §7120, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3727, related to priority on funding of programs for limited English proficient students.

Section 7431, Pub. L. 89-10, title VII, §7121, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3728, related to coordination with other programs.

Section 7432, Pub. L. 89-10, title VII, §7122, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3728,

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