

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”.

related to programs for Native Americans and Puerto Rico.

Section 7433, Pub. L. 89-10, title VII, §7123, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3728, related to evaluations.

Section 7434, Pub. L. 89-10, title VII, §7124, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3728, related to construction of provisions.

#### AMENDMENTS

2015—Pub. L. 114-95, §6001(b)(9), 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.

#### SUBPART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

### § 7441. Improvement of educational opportunities for Indian children and youth

#### (a) Purpose

##### (1) In general

It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children and youth.

##### (2) Coordination

The Secretary shall take the necessary actions to achieve the coordination of activities assisted under this subpart with—

- (A) other programs funded under this chapter; and
- (B) other Federal programs operated for the benefit of Indian children and youth.

#### (b) Eligible entities

In this section, the term “eligible entity” means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, a Tribal College or University (as defined in section 1059c(b) of this title), or a consortium of such entities.

#### (c) Grants authorized

The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose of this section, including—

- (1) innovative programs related to the educational needs of educationally disadvantaged Indian children and youth;
- (2) educational services that are not available to such children and youth in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the subjects of English, mathematics, science, foreign languages, art, history, and geography;
- (3) bilingual and bicultural programs and projects;
- (4) special health and nutrition services, and other related activities, that address the spe-

cial health, social, and psychological problems of Indian children and youth;

(5) special compensatory and other programs and projects designed to assist and encourage Indian children and youth to enter, remain in, or reenter school, and to increase the rate of high school graduation for Indian children and youth;

(6) comprehensive guidance, counseling, and testing services;

(7) early childhood education programs that are effective in preparing young children to make sufficient academic growth by the end of grade 3, including kindergarten and pre-kindergarten programs, family-based preschool programs that emphasize school readiness, screening and referral, and the provision of services to Indian children and youth with disabilities;

(8) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary to postsecondary education;

(9) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill career;

(10) programs designed to encourage and assist Indian students to work toward, and gain entrance into, institutions of higher education;

(11) family literacy services;

(12) activities that recognize and support the unique cultural and educational needs of Indian children and youth, and incorporate traditional leaders;

(13) high-quality professional development of teaching professionals and paraprofessionals; or

(14) other services that meet the purpose described in this section.

#### (d) Grant requirements and applications

##### (1) Grant requirements

###### (A) In general

The Secretary may make multiyear grants under subsection (c) for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

###### (B) Priority

In making multiyear grants described in this paragraph, the Secretary shall give priority to entities submitting applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

###### (C) Progress

The Secretary shall award grants for an initial period of not more than 3 years and may renew such grants for not more than an additional 2 years if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance