

**(11) Modernization**

The term “modernization” means repair, renovation, alteration, or construction, including—

(A) the concurrent installation of equipment; and

(B) the complete or partial replacement of an existing school facility, but only if such replacement is less expensive and more cost-effective than repair, renovation, or alteration of the school facility.

**(12) Revenue derived from local sources**

The term “revenue derived from local sources” means—

(A) revenue produced within the boundaries of a local educational agency and available to such agency for such agency’s use; or

(B) funds collected by another governmental unit, but distributed back to a local educational agency in the same proportion as such funds were collected as a local revenue source.

**(13) School facilities**

The term “school facilities” includes—

(A) classrooms and related facilities; and

(B) equipment, machinery, and utilities necessary or appropriate for school purposes.

(Pub. L. 89–10, title VII, §7013, formerly title VIII, §8013, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3769; amended Pub. L. 106–398, §1 [[div. A], title XVIII, §1816], Oct. 30, 2000, 114 Stat. 1654, 1654A–387; renumbered title VII, §7013, and amended Pub. L. 114–95, title VII, §§7001(c)(2), 7012, Dec. 10, 2015, 129 Stat. 2074, 2087.)

## REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (5)(A)(ii)(III), is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

The United States Housing Act of 1937, referred to in par. (5)(A)(iii)(I), is act Sept. 1, 1937, ch. 896, as revised generally by Pub. L. 93–383, title II, §201(a), Aug. 22, 1974, 88 Stat. 653, which is classified generally to chapter 8 (§1437 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of Title 42 and Tables.

The Native American Housing Assistance and Self-Determination Act of 1996, referred to in par. (5)(A)(iii)(III), (F)(i), is Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, as amended, which is classified principally to chapter 43 (§4101 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of Title 25 and Tables.

Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding October 20, 1994), referred to in pars. (5)(F)(ii)(II) and (9)(B)(i), is act Sept. 30, 1950, ch. 1124, 64 Stat. 1100, as amended, which was classified generally to chapter 13 (§236 et seq.) of this title prior to repeal by Pub. L. 103–382, title III, §331(b), Oct. 20, 1994, 108 Stat. 3965. Section 403 of the Act was classified to section 244 of this title. For complete classification of this Act to the Code, see Tables.

## AMENDMENTS

2015—Par. (1). Pub. L. 114–95, §7012(1), substituted “Marine Corps, and Coast Guard” for “and Marine Corps”.

Par. (4). Pub. L. 114–95, §7012(2), struck out “and subchapter VI” after “part A of subchapter I”.

Par. (5)(A)(ii)(III). Pub. L. 114–95, §7012(3)(A), added subcl. (III) and struck out former subcl. (III) which read as follows: “conveyed at any time under the Alaska Native Claims Settlement Act to a Native individual, Native group, or village or regional corporation.”

Par. (5)(A)(iii)(II). Pub. L. 114–95, §7012(3)(B)(i), made technical amendment to reference in original act which appears in text as reference to section 11411 of title 42.

Par. (5)(A)(iii)(III). Pub. L. 114–95, §7012(3)(B)(ii), added subcl. (III) and struck out former subcl. (III) which read as follows: “used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996; or”.

2000—Par. (5)(A)(iii)(III). Pub. L. 106–398, §1 [[div. A], title XVIII, §1816(1)(A)], added subcl. (III).

Par. (5)(F)(i). Pub. L. 106–398, §1 [[div. A], title XVIII, §1816(1)(B)], substituted “or authorized by the Native American Housing Assistance and Self-Determination Act of 1996” for “the mutual help ownership opportunity program under section 202 of the United States Housing Act of 1937”.

Par. (8)(B). Pub. L. 106–398, §1 [[div. A], title XVIII, §1816(2)], substituted “the 50 States and the District of Columbia” for “all States”.

Pars. (11) to (13). Pub. L. 106–398, §1 [[div. A], title XVIII, §1816(3), (4)], added par. (11) and redesignated former pars. (11) and (12) as (12) and (13), respectively.

## EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, and effective with respect to appropriations for use under this subchapter beginning fiscal year 2017, except as otherwise provided in such amendment, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

**§ 7713a. School facilities for children of Government employees and other residents in Indian reservations, national parks, and national monuments**

In order to facilitate the providing of educational opportunities for children of Government employees and other residents in Indian reservations, the national parks and national monuments the Secretary of the Interior is hereby authorized in his discretion to make available for elementary school purposes therein, without charge, space in Government-owned buildings, when such space may be available for such purposes without detriment to the official business of such Indian reservations, national parks and national monuments.

(July 16, 1940, ch. 629, 54 Stat. 761.)

## CODIFICATION

Section was not enacted as part of the Elementary and Secondary Education Act of 1965, which comprises this chapter.

Section was formerly classified to section 244a of this title. Prior thereto, section was classified to section 76a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, §1, Sept. 6, 1966, 80 Stat. 378.

**§ 7714. Authorization of appropriations****(a) Payments for Federal acquisition of real property**

For the purpose of making payments under section 7702 of this title, there are authorized to

be appropriated \$66,813,000 for each of fiscal years 2017 through 2019, and \$71,997,917 for fiscal year 2020.

**(b) Basic payments; payments for heavily impacted local educational agencies**

For the purpose of making payments under section 7703(b) of this title, there are authorized to be appropriated \$1,151,233,000 for each of fiscal years 2017 through 2019, and \$1,240,572,618 for fiscal year 2020.

**(c) Payments for children with disabilities**

For the purpose of making payments under section 7703(d) of this title, there are authorized to be appropriated \$48,316,000 for each of fiscal years 2017 through 2019, and \$52,065,487 for fiscal year 2020.

**(d) Construction**

For the purpose of carrying out section 7707 of this title, there are authorized to be appropriated \$17,406,000 for each of fiscal years 2017 through 2019, and \$18,756,765 for fiscal year 2020.

**(e) Facilities maintenance**

For the purpose of carrying out section 7708 of this title, there are authorized to be appropriated \$4,835,000 for each of fiscal years 2017 through 2019, and \$5,210,213 for fiscal year 2020.

(Pub. L. 89-10, title VII, §7014, formerly title VIII, §8014, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3772; amended Pub. L. 105-78, title III, Nov. 13, 1997, 111 Stat. 1498; Pub. L. 106-398, §1 [[div. A], title XVIII, §1817], Oct. 30, 2000, 114 Stat. 1654, 1654A-388; Pub. L. 107-110, title VIII, §805, Jan. 8, 2002, 115 Stat. 1956; renumbered title VII, §7014, and amended Pub. L. 114-95, title VII, §§7001(c)(2), (d)(1), (6), 7013, Dec. 10, 2015, 129 Stat. 2074, 2088.)

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-95, §7013(1), substituted “\$66,813,000 for each of fiscal years 2017 through 2019, and \$71,997,917 for fiscal year 2020” for “\$32,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years”.

Pub. L. 114-95, §7001(d)(1), made technical amendment to reference in original act which appears in text as reference to section 7702 of this title.

Subsec. (b). Pub. L. 114-95, §7013(2), substituted “\$1,151,233,000 for each of fiscal years 2017 through 2019, and \$1,240,572,618 for fiscal year 2020” for “\$809,400,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years”.

Pub. L. 114-95, §7001(d)(6), made technical amendment to reference in original act which appears in text as reference to section 7703(b) of this title.

Subsec. (c). Pub. L. 114-95, §7013(3), made technical amendment to reference in original act which appears in text as reference to section 7703(d) of this title and substituted “\$48,316,000 for each of fiscal years 2017 through 2019, and \$52,065,487 for fiscal year 2020” for “\$50,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years”.

Subsec. (d). Pub. L. 114-95, §7013(5), made technical amendment to reference in original act which appears in text as reference to section 7707 of this title and substituted “\$17,406,000 for each of fiscal years 2017 through 2019, and \$18,756,765 for fiscal year 2020” for “\$10,052,000 for fiscal year 2000 and such sums as may be necessary for fiscal year 2001, \$150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the five succeeding fiscal years”.

Pub. L. 114-95, §7013(4), redesignated subsec. (e) as (d).

Subsec. (e). Pub. L. 114-95, §7013(6), made technical amendment to reference in original act which appears in text as reference to section 7708 of this title and substituted “\$4,835,000 for each of fiscal years 2017 through 2019, and \$5,210,213 for fiscal year 2020” for “\$5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years”.

Pub. L. 114-95, §7013(4), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 114-95, §7013(4), redesignated subsec. (f) as (e).

2002—Subsecs. (a) to (c). Pub. L. 107-110, §805(a), substituted “seven succeeding fiscal years” for “three succeeding fiscal years”.

Subsec. (e). Pub. L. 107-110, §805(b), substituted “for fiscal year 2001, \$150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the five succeeding fiscal years” for “for each of the three succeeding fiscal years”.

Subsec. (f). Pub. L. 107-110, §805(a), substituted “seven succeeding fiscal years” for “three succeeding fiscal years”.

Subsec. (g). Pub. L. 107-110, §805(c), struck out heading and text of subsec. (g). Text read as follows: “For the purpose of carrying out section 7702(j) of this title there are authorized to be appropriated \$1,500,000 for fiscal year 2000 and such sums as may be necessary for each of the three succeeding fiscal years.”

2000—Subsec. (a). Pub. L. 106-398, §1 [[div. A], title XVIII, §1817(a)], substituted “\$32,000,000 for fiscal year 2000” for “\$16,750,000 for fiscal year 1995” and “three” for “four”.

Subsec. (b). Pub. L. 106-398, §1 [[div. A], title XVIII, §1817(b)], substituted “section 7703(b)” for “subsections (b) and (f) of section 7703”, “\$809,400,000 for fiscal year 2000” for “\$775,000,000 for fiscal year 1995”, and “three” for “four” and struck out “, of which 6 percent shall be available, until expended, for each such fiscal year to carry out section 7703(f) of this title” before period at end.

Subsec. (c). Pub. L. 106-398, §1 [[div. A], title XVIII, §1817(c)], substituted “\$50,000,000 for fiscal year 2000” for “\$45,000,000 for fiscal year 1995” and “three” for “four”.

Subsec. (d). Pub. L. 106-398, §1 [[div. A], title XVIII, §1817(d)], struck out heading and text of subsec. (d). Text read as follows: “For the purpose of making payments under section 7706 of this title, there are authorized to be appropriated \$2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.”

Subsec. (e). Pub. L. 106-398, §1 [[div. A], title XVIII, §1817(e)], substituted “\$10,052,000 for fiscal year 2000” for “\$25,000,000 for fiscal year 1995” and “three” for “four”.

Subsec. (f). Pub. L. 106-398, §1 [[div. A], title XVIII, §1817(f)], substituted “\$5,000,000 for fiscal year 2000” for “\$2,000,000 for fiscal year 1995” and “three” for “four”.

Subsec. (g). Pub. L. 106-398, §1 [[div. A], title XVIII, §1817(g)], amended heading and substituted “\$1,500,000 for fiscal year 2000 and such sums as may be necessary for each of the three succeeding fiscal years” for “such sums as are necessary beginning in fiscal year 1998 and for each succeeding fiscal year” in text.

1997—Subsec. (g). Pub. L. 105-78 added subsec. (g).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, and effective with respect to appropriations for use under this subchapter beginning fiscal year 2017, except as otherwise provided in such amendment, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, and effective with respect to appropriations for use under this subchapter for fiscal year 2002, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of this title.

## SUBCHAPTER VIII—GENERAL PROVISIONS

## CODIFICATION

Pub. L. 114-95, title VIII, § 8001(a), Dec. 10, 2015, 129 Stat. 2088, redesignated subchapter IX (§ 7801 et seq.) of this chapter as this subchapter.

Title VIII 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, redesignated, and amended by other public laws. Title VIII is shown, herein, as having been added as title IX of Pub. L. 89-10 by Pub. L. 107-110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1956, without reference to earlier amendments because of the extensive revision of the title's provisions by Pub. L. 107-110. Title IX of Pub. L. 89-10 was subsequently redesignated title VIII by Pub. L. 114-95, title VIII, § 8001(a), Dec. 10, 2015, 129 Stat. 2088, and transferred to this subchapter. See Codification note preceding section 6301 of this title.

## PRIOR PROVISIONS

A prior title VIII of the Elementary and Secondary Education Act of 1965, comprising former subchapter VIII (§ 7701 et seq.) of this chapter, was redesignated title VII of the Act by Pub. L. 114-95, title VII, § 7001(c), Dec. 10, 2015, 129 Stat. 2074, and transferred to subchapter VII (§ 7701 et seq.) of this chapter.

## PART A—DEFINITIONS

## § 7801. Definitions

Except as otherwise provided, in this chapter:

**(1) Average daily attendance****(A) In general**

Except as provided otherwise by State law or this paragraph, the term “average daily attendance” means—

- (i) the aggregate number of days of attendance of all students during a school year; divided by
- (ii) the number of days school is in session during that year.

**(B) Conversion**

The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership (or other similar data).

**(C) Special rule**

If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for the purpose of this chapter—

- (i) consider the child to be in attendance at a school of the agency making the payment; and
- (ii) not consider the child to be in attendance at a school of the agency receiving the payment.

**(D) Children with disabilities**

If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with a disability, as defined in section 1401 of this title, the Secretary shall,

for the purpose of this chapter, consider the child to be in attendance at a school of the agency making the payment.

**(2) Average per-pupil expenditure**

The term “average per-pupil expenditure” means, in the case of a State or of the United States—

(A) without regard to the source of funds—

(i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States, for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

(ii) any direct current expenditures by the State for the operation of those agencies; divided by

(B) the aggregate number of children in average daily attendance to whom those agencies provided free public education during that preceding year.

**(3) Child**

The term “child” means any person within the age limits for which the State provides free public education.

**(4) Child with a disability**

The term “child with a disability” has the same meaning given that term in section 1401 of this title.

**(5) Community-based organization**

The term “community-based organization” means a public or private nonprofit organization of demonstrated effectiveness that—

- (A) is representative of a community or significant segments of a community; and
- (B) provides educational or related services to individuals in the community.

**(6) Consolidated local application**

The term “consolidated local application” means an application submitted by a local educational agency pursuant to section 7845 of this title.

**(7) Consolidated local plan**

The term “consolidated local plan” means a plan submitted by a local educational agency pursuant to section 7845 of this title.

**(8) Consolidated State application**

The term “consolidated State application” means an application submitted by a State educational agency pursuant to section 7842 of this title.

**(9) Consolidated State plan**

The term “consolidated State plan” means a plan submitted by a State educational agency pursuant to section 7842 of this title.

**(10) County**

The term “county” means one of the divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.