

reference to section 6318 of this title. Former par. (39) redesignated (46).

Par. (40). Pub. L. 114-95, § 8002(15), added par. (40).

Par. (41). Pub. L. 114-95, § 8002(2), redesignated par. (33) as (41). Former par. (41) redesignated (49).

Par. (42). Pub. L. 114-95, § 8002(16), added par. (42) and struck out former par. (42) which defined “professional development”.

Pub. L. 114-95, § 8002(1), (2), redesignated par. (34) as (42) and struck out former par. (42) which defined “teacher mentoring”.

Pars. (43), (44). Pub. L. 114-95, § 8002(17), added pars. (43) and (44). Former par. (43) redesignated (50).

Pars. (45), (46). Pub. L. 114-95, § 8002(2), redesignated pars. (38) and (39) as (45) and (46), respectively.

Par. (47). Pub. L. 114-95, § 8002(18), added par. (47).

Par. (48). Pub. L. 114-95, § 8002(19), added par. (48).

Par. (49). Pub. L. 114-95, § 8002(2), redesignated par. (41) as (49).

Par. (50). Pub. L. 114-95, § 8002(20), added par. (50) and struck out former par. (50) which defined “technology”.

Pub. L. 114-95, § 8002(2), redesignated par. (43) as (50).

Pars. (51), (52). Pub. L. 114-95, § 8002(21), added pars. (51) and (52).

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.

HIGHLY QUALIFIED TEACHER

Pub. L. 111-242, § 163, as added by Pub. L. 111-322, title I, § 1(a)(2), Dec. 22, 2010, 124 Stat. 3521; amended by Pub. L. 112-175, § 145, Sept. 28, 2012, 126 Stat. 1322; Pub. L. 113-46, div. A, § 144, Oct. 17, 2013, 127 Stat. 565; Pub. L. 114-53, div. B, § 140, Sept. 30, 2015, 129 Stat. 510, renumbered div. B, Pub. L. 114-113, § 8(3), Dec. 18, 2015, 129 Stat. 2245, provided that:

“(a) A ‘highly qualified teacher’ includes a teacher who meets the requirements in 34 CFR 200.56(a)(2)(ii), as published in the Federal Register on December 2, 2002.

“(b) This provision is effective on the date of enactment of this provision [Dec. 22, 2010] through the end of the 2016–2017 academic year.

“(c) Not later than December 31, 2013, the Secretary of Education shall submit a report to the Committees on Appropriations and Health, Education, Labor, and Pensions of the Senate and the Committees on Appropriations and Education and the Workforce of the House of Representatives, using data required under existing law (section 1111(h)(6)(A) of Public Law 107-110 [probably meant section 1111(h)(6)(A) of Pub. L. 89-10, as added by Pub. L. 107-110; former 20 U.S.C. 6311(h)(6)(A)]) by State and each local educational agency, regarding the extent to which students in the following categories are taught by teachers who are deemed highly qualified pursuant to 34 CFR 200.56(a)(2)(ii) as published in the Federal Register on December 2, 2002:

“(1) Students with disabilities.

“(2) English Learners.

“(3) Students in rural areas.

“(4) Students from low-income families.”

§ 7802. Applicability of subchapter

Parts B, C, D, E, and F of this subchapter do not apply to subchapter VII of this chapter.

(Pub. L. 89-10, title VIII, § 8102, formerly title IX, § 9102, as added Pub. L. 107-110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1966; renumbered title VIII, § 8102, and amended Pub. L. 114-95, title VIII, § 8001(a)(1), 8003, Dec. 10, 2015, 129 Stat. 2088, 2089, 2099.)

PRIOR PROVISIONS

A prior section 7802, Pub. L. 89-10, title IX, § 9102, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat.

3774, set out purpose of provisions relating to Indian education, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107-110.

AMENDMENTS

2015—Pub. L. 114-95, § 8003, substituted “Parts B, C, D, E, and F of this subchapter do not apply to subchapter VII” for “Parts B, C, D, and E of this subchapter do not apply to subchapter VIII”.

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.

§ 7803. Applicability to Bureau of Indian Education operated schools

For the purpose of any competitive program under this chapter—

(1) a consortium of schools operated by the Bureau of Indian Education;

(2) a school operated under a contract or grant with the Bureau of Indian Education in consortium with another contract or grant school or a tribal or community organization; or

(3) a Bureau of Indian Education school in consortium with an institution of higher education, a contract or grant school, or a tribal or community organization,

shall be given the same consideration as a local educational agency.

(Pub. L. 89-10, title VIII, § 8103, formerly title IX, § 9103, as added Pub. L. 107-110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1966; renumbered title VIII, § 8103, and amended Pub. L. 114-95, title VIII, § 8001(a)(1), 8004, Dec. 10, 2015, 129 Stat. 2088, 2089, 2100.)

PRIOR PROVISIONS

Prior sections 7811 to 7818 were omitted in the general amendment of former subchapter IX of this chapter by Pub. L. 107-110.

Section 7811, Pub. L. 89-10, title IX, § 9111, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3774, set forth purpose of provisions relating to formula grants to local educational agencies.

Section 7812, Pub. L. 89-10, title IX, § 9112, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3774; amended Pub. L. 104-5, § 1, Mar. 23, 1995, 109 Stat. 72, related to grants to local educational agencies.

Section 7813, Pub. L. 89-10, title IX, § 9113, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3775, related to amount of grants.

Section 7814, Pub. L. 89-10, title IX, § 9114, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3776, related to applications for grants.

Section 7815, Pub. L. 89-10, title IX, § 9115, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3778; amended Pub. L. 105-332, § 3(c)(2), Oct. 31, 1998, 112 Stat. 3125, related to authorized services and activities.

Section 7816, Pub. L. 89-10, title IX, § 9116, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3779, related to student eligibility forms.

Section 7817, Pub. L. 89-10, title IX, § 9117, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3781, related to payments.

Section 7818, Pub. L. 89-10, title IX, § 9118, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3782, related to State educational agency review.

AMENDMENTS

2015—Pub. L. 114-95, § 8004, substituted “Bureau of Indian Education” for “Bureau of Indian Affairs” in section catchline and wherever appearing in text.

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 B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

§ 7821. Consolidation of State administrative funds for elementary and secondary education programs**(a) Consolidation of administrative funds****(1) In general**

A State educational agency may consolidate the amounts specifically made available to it for State administration under one or more of the programs under paragraph (2) if the State educational agency can demonstrate that the majority of its resources are derived from non-Federal sources.

(2) Applicability

This section applies to any program under this chapter under which funds are authorized to be used for administration, and such other programs as the Secretary may designate.

(b) Use of funds**(1) In general**

A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

(2) Additional uses

A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under programs included in the consolidation under subsection (a), such as—

- (A) the coordination of those programs with other Federal and non-Federal programs;
- (B) the establishment and operation of peer-review mechanisms under this chapter;
- (C) the administration of this subchapter;
- (D) the dissemination of information regarding model programs and practices;
- (E) technical assistance under any program under this chapter;
- (F) State-level activities designed to carry out this subchapter;
- (G) training personnel engaged in audit and other monitoring activities;
- (H) implementation of the Cooperative Audit Resolution and Oversight Initiative of the Department; and
- (I) implementation of fiscal support teams that provide technical fiscal support assistance, which shall include evaluating fiscal, administrative, and staffing functions, and any other key operational function.

(c) Records

A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating

to the administration of programs included in the consolidation under subsection (a).

(d) Review

To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of that administration.

(e) Unused administrative funds

If a State educational agency does not use all of the funds available to the agency under this section for administration, the agency may use those funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

(f) Consolidation of funds for standards and assessment development

In order to develop challenging State academic standards and assessments, a State educational agency may consolidate the amounts described in subsection (a) for those purposes under subchapter I.

(Pub. L. 89-10, title VIII, § 8201, formerly title IX, § 9201, as added Pub. L. 107-110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1966; renumbered title VIII, § 8201, and amended Pub. L. 114-95, title VIII, §§ 8001(a)(2), 8005, Dec. 10, 2015, 129 Stat. 2088, 2089, 2100.)

AMENDMENTS

2015—Subsec. (b)(2)(I). Pub. L. 114-95, § 8005, added subpar. (I).

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.

§ 7822. Single local educational agency States

A State educational agency that also serves as a local educational agency shall, in its applications or plans under this chapter, describe how the agency will eliminate duplication in conducting administrative functions.

(Pub. L. 89-10, title VIII, § 8202, formerly title IX, § 9202, as added Pub. L. 107-110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1967; renumbered title VIII, § 8202, Pub. L. 114-95, title VIII, § 8001(a)(2), Dec. 10, 2015, 129 Stat. 2088, 2089.)

§ 7823. Consolidation of funds for local administration**(a) General authority**

In accordance with regulations of the Secretary and for any fiscal year, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more programs under this chapter (or such other programs as the Secretary shall designate) not more than the percentage, established in each program, of the total available for the local educational agency under those programs.