

(4) Rule of construction prohibiting opt-in processes

Nothing in this subsection shall be construed to allow a local educational agency to withhold access to a student's name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process under paragraph (2)(A).

(5) Parental consent

For purposes of this subsection, whenever a student has attained 18 years of age, the permission or consent required of and the rights accorded to the parents of the student shall only be required of and accorded to the student.

(b) Notification

The Secretary, in consultation with the Secretary of Defense, shall, not later than 120 days after December 10, 2015, notify school leaders, school administrators, and other educators about the requirements of this section.

(c) Exception

The requirements of this section do not apply to a private secondary school that maintains a religious objection to service in the Armed Forces if the objection is verifiable through the corporate or other organizational documents or materials of that school.

(Pub. L. 89–10, title VIII, § 8528, formerly title IX, § 9528, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1983; renumbered title VIII, § 8528, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(6), 8025, Dec. 10, 2015, 129 Stat. 2088, 2089, 2114.)

PRIOR PROVISIONS

A prior section 7908, Pub. L. 89–10, title IX, § 9208, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3802, related to Native Hawaiian special education programs, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 8025, added subsecs. (a) to (c) and struck out former subsecs. (a) to (d) which related to policy regarding access to student recruiting information, notification of requirements of this section, exception for a private secondary school that maintains a religious objection to service in the Armed Forces, and special rule regarding Connecticut State law, respectively.

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.

§ 7909. Prohibition on federally sponsored testing

(a) General prohibition

Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this chapter to the Secretary or to the recipient of any award may be used to develop, incentivize, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading,

mathematics, or any other subject, unless specifically and explicitly authorized by law, including any assessment or testing materials aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States.

(b) Exceptions

Subsection (a) shall not apply to international comparative assessments developed under the authority of section 9543(a)(6) of this title and administered to only a representative sample of pupils in the United States and in foreign nations.

(Pub. L. 89–10, title VIII, § 8529, formerly title IX, § 9529, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1984; amended Pub. L. 107–279, title IV, § 404(d)(9), Nov. 5, 2002, 116 Stat. 1986; renumbered title VIII, § 8529, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(6), 8026, Dec. 10, 2015, 129 Stat. 2088, 2089, 2115.)

PRIOR PROVISIONS

A prior section 7909, Pub. L. 89–10, title IX, § 9209, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3803, related to Native Hawaiian curriculum development and teacher training and recruitment programs, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Pub. L. 114–95, § 8026, amended section generally. Prior to amendment, section consisted of subsecs. (a) and (b) relating to general prohibition on federally sponsored testing and exceptions, respectively.

2002—Subsec. (b). Pub. L. 107–279 substituted “section 9543(a)(5) of this title” for “section 9003(a)(6) 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.

§ 7910. Limitations on national testing or certification for teachers, principals, or other school leaders

(a) Mandatory national testing or certification of teachers, principals, or other school leaders

Notwithstanding any other provision of this chapter or any other provision of law, no funds available to the Department or otherwise available under this chapter may be used for any purpose relating to a mandatory nationwide test or certification of teachers, principals, other school leaders, or education paraprofessionals, including any planning, development, implementation, or administration of, or incentive regarding, such test or certification.

(b) Prohibition on withholding funds

The Secretary is prohibited from withholding funds from any State educational agency or local educational agency if the State educational agency or local educational agency fails to adopt a specific method of teacher or paraprofessional certification.

(Pub. L. 89–10, title VIII, § 8530, formerly title IX, § 9530, as added Pub. L. 107–110, title IX, § 901,

Jan. 8, 2002, 115 Stat. 1984; renumbered title VIII, § 8530, and amended Pub. L. 114-95, title VIII, §§ 8001(a)(6), 8027, Dec. 10, 2015, 129 Stat. 2088, 2089, 2116.)

PRIOR PROVISIONS

A prior section 7910, Pub. L. 89-10, title IX, § 9210, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3804, related to Native Hawaiian community-based education learning centers, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107-110.

AMENDMENTS

2015—Pub. L. 114-95, § 8027(1), inserted “, principals, or other school leaders” after “teachers” in section catchline.

Subsec. (a). Pub. L. 114-95, § 8027(3), inserted “, principals, other school leaders,” after “teachers” and “, or incentive regarding,” after “administration of”.

Pub. L. 114-95, § 8027(2), which directed amendment of subsection heading by inserting “, principals, or other school leaders” after “teachers”, was executed by making the insertion in the heading of subsec. (a) to reflect the probable intent of Congress.

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.

§ 7910a. Prohibition on requiring State participation

Any State that opts out of receiving funds, or that has not been awarded funds, under one or more programs under this chapter shall not be required to carry out any of the requirements of such program or programs, and nothing in this chapter shall be construed to require a State to participate in any program under this chapter.

(Pub. L. 89-10, title VIII, § 8530A, as added Pub. L. 114-95, title VIII, § 8028, Dec. 10, 2015, 129 Stat. 2116.)

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.

§ 7911. Prohibition on nationwide database

Nothing in this chapter (other than section 6398(b) of this title) shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this chapter.

(Pub. L. 89-10, title VIII, § 8531, formerly title IX, § 9531, as added Pub. L. 107-110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1984; renumbered title VIII, § 8531, Pub. L. 114-95, title VIII, § 8001(a)(6), Dec. 10, 2015, 129 Stat. 2088, 2089.)

PRIOR PROVISIONS

A prior section 7911, Pub. L. 89-10, title IX, § 9211, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3804, set out administrative provisions, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107-110.

§ 7912. Unsafe school choice option

(a) Unsafe school choice policy

Each State receiving funds under this chapter shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

(b) Certification

As a condition of receiving funds under this chapter, a State shall certify in writing to the Secretary that the State is in compliance with this section.

(Pub. L. 89-10, title VIII, § 8532, formerly title IX, § 9532, as added Pub. L. 107-110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1984; renumbered title VIII, § 8532, Pub. L. 114-95, title VIII, § 8001(a)(6), Dec. 10, 2015, 129 Stat. 2088, 2089.)

PRIOR PROVISIONS

A prior section 7912, Pub. L. 89-10, title IX, § 9212, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3805, defined terms, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107-110.

§ 7913. Prohibition on discrimination

Nothing in this chapter shall be construed to require, authorize, or permit, the Secretary, or a State educational agency, local educational agency, or school to grant to a student, or deny or impose upon a student, any financial or educational benefit or burden, in violation of the fifth or 14th amendments to the Constitution or other law relating to discrimination in the provision of federally funded programs or activities.

(Pub. L. 89-10, title VIII, § 8533, formerly title IX, § 9533, as added Pub. L. 107-110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1985; renumbered title VIII, § 8533, Pub. L. 114-95, title VIII, § 8001(a)(6), Dec. 10, 2015, 129 Stat. 2088, 2089.)

§ 7914. Civil rights

(a) In general

Nothing in this chapter shall be construed to permit discrimination on the basis of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.]), national origin, or disability in any program funded under this chapter.

(b) Rule of construction

Nothing in this chapter shall be construed to require the disruption of services to a child or the displacement of a child enrolled in or participating in a program administered by an eligible entity, as defined in section 6311(d) of this title and part C of subchapter IV, at the commencement of the entity's participation in a grant under section 6311(d) of this title or part C of subchapter IV.