

(Pub. L. 89–10, title VIII, §8534, formerly title IX, §9534, as added Pub. L. 107–110, title IX, §901, Jan. 8, 2002, 115 Stat. 1985; renumbered title VIII, §8534, and amended Pub. L. 114–95, title VIII, §8001(a)(6), 8029, Dec. 10, 2015, 129 Stat. 2088, 2089, 2116.)

## REFERENCES IN TEXT

The Education Amendments of 1972, referred to in subsec. (a), is Pub. L. 92–318, June 23, 1972, 86 Stat. 235, as amended. Title IX of the Act, known as the Patsy Takemoto Mink Equal Opportunity in Education Act, is classified principally to chapter 38 (§1681 et seq.) of this title. For complete classification of title IX to the Code, see Short Title note set out under section 1681 of this title and Tables.

## AMENDMENTS

2015—Subsec. (b). Pub. L. 114–95, §8029, substituted “as defined in section 6311(d) of this title and part C of subchapter IV” for “as defined in section 6316 of this title and part B of subchapter V” and “grant under section 6311(d) of this title or part C of subchapter IV” for “grant under section 6316 of this title or part B of subchapter V”.

## 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.

**§ 7915. Rulemaking**

The Secretary shall issue regulations under this chapter only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this chapter.

(Pub. L. 89–10, title VIII, §8535, formerly title IX, §9535, as added Pub. L. 107–110, title IX, §901, Jan. 8, 2002, 115 Stat. 1985; renumbered title VIII, §8535, Pub. L. 114–95, title VIII, §8001(a)(6), Dec. 10, 2015, 129 Stat. 2088, 2089.)

**§ 7916. Severability**

If any provision of this chapter is held invalid, the remainder of this chapter shall be unaffected thereby.

(Pub. L. 89–10, title VIII, §8536, formerly title IX, §9536, as added Pub. L. 107–110, title IX, §901, Jan. 8, 2002, 115 Stat. 1985; renumbered title VIII, §8536, Pub. L. 114–95, title VIII, §8001(a)(6), Dec. 10, 2015, 129 Stat. 2088, 2089.)

**§ 7917. Transfer of school disciplinary records****(a) Nonapplication of provisions**

This section shall not apply to any disciplinary records with respect to a suspension or expulsion that are transferred from a private, parochial or other nonpublic school, person, institution, or other entity, that provides education below the college level.

**(b) Disciplinary records**

In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after January 8, 2002, each State receiving Federal funds under this chapter shall provide an assurance to the Secretary that the State has a procedure in place to facilitate

the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.

(Pub. L. 89–10, title VIII, §8537, formerly title IV, §4155, as added Pub. L. 107–110, title IV, §401, Jan. 8, 2002, 115 Stat. 1765; renumbered title IX, §9537, renumbered title VIII, §8537, Pub. L. 114–95, title IV, §4001(a)(3), title VIII, §8001(a)(6), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089.)

## REFERENCES IN TEXT

The Family Educational Rights and Privacy Act of 1974, referred to in subsec. (b), is section 513 of Pub. L. 93–380, title V, Aug. 21, 1974, 88 Stat. 571, which enacted section 1232g of this title and provisions set out as notes under sections 1221 and 1232g of this title. For complete classification of this Act to the Code, see Short Title of 1974 Amendment note set out under section 1221 of this title and Tables.

## CODIFICATION

Section was classified to section 7165 of this title prior to renumbering by Pub. L. 114–95.

**§ 7918. Consultation with Indian tribes and tribal organizations****(a) In general**

To ensure timely and meaningful consultation on issues affecting American Indian and Alaska Native students, an affected local educational agency shall consult with appropriate officials from Indian tribes or tribal organizations approved by the tribes located in the area served by the local educational agency prior to the affected local educational agency’s submission of a required plan or application for a covered program under this chapter or for a program under subchapter VI of this chapter. Such consultation shall be done in a manner and in such time that provides the opportunity for such appropriate officials from Indian tribes or tribal organizations to meaningfully and substantively contribute to such plan.

**(b) Documentation**

Each affected local educational agency shall maintain in the agency’s records and provide to the State educational agency a written affirmation signed by the appropriate officials of the participating tribes or tribal organizations approved by the tribes that the consultation required by this section has occurred. If such officials do not provide such affirmation within a reasonable period of time, the affected local educational agency shall forward documentation that such consultation has taken place to the State educational agency.

**(c) Definitions**

In this section:

**(1) Affected local educational agency**

The term “affected local educational agency” means a local educational agency—

(A) with an enrollment of American Indian or Alaska Native students that is not less than 50 percent of the total enrollment of the local educational agency; or