

L. 89-10, Apr. 11, 1965, 79 Stat. 27, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

CODIFICATION

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

PRIOR PROVISIONS

A prior section 7933, Pub. L. 89-10, title IX, §9303, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3806, stated purpose of former part C of subchapter IX of this chapter, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107-110.

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.

§ 7934. Accountability to taxpayers through monitoring and oversight

To improve monitoring and oversight of taxpayer funds authorized for appropriation under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and to deter and prohibit waste, fraud, and abuse with respect to such funds, the Secretary of Education shall—

(1) notify each recipient of a grant under such Act (and, if applicable, require the grantee to inform each subgrantee) of its responsibility to—

(A) comply with all monitoring requirements under the applicable program or programs; and

(B) monitor properly any subgrantee under the applicable program or programs;

(2) review and analyze the results of monitoring and compliance reviews—

(A) to understand trends and identify common issues; and

(B) to issue guidance to help grantees address such issues before the loss or misuse of taxpayer funding occurs;

(3) publicly report the work undertaken by the Secretary to prevent fraud, waste, and abuse with respect to such taxpayer funds; and

(4) work with the Office of Inspector General of the Department of Education, as needed, to help ensure that employees of the Department understand how to adequately monitor grantees and to help grantees adequately monitor any subgrantees.

(Pub. L. 114-95, title IX, §9204, Dec. 10, 2015, 129 Stat. 2138.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965 and such Act, referred to in text, are Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

CODIFICATION

Section was enacted as part of the Every Student Succeeds Act, and not as part of the Elementary and

Secondary Education Act of 1965 which comprises this chapter.

PRIOR PROVISIONS

Prior sections 7934 to 7938 were omitted in the general amendment of former subchapter IX of this chapter by Pub. L. 107-110.

Section 7934, Pub. L. 89-10, title IX, §9304, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3806, related to Alaska Native educational planning, curriculum development, and teacher training and recruitment programs.

Section 7935, Pub. L. 89-10, title IX, §9305, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3807, related to Alaska Native home based education for preschool children.

Section 7936, Pub. L. 89-10, title IX, §9306, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3808, related to Alaska Native student enrichment programs.

Section 7937, Pub. L. 89-10, title IX, §9307, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3809, set forth administrative provisions.

Section 7938, Pub. L. 89-10, title IX, §9308, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3809, defined terms.

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.

SUBPART 3—TEACHER LIABILITY PROTECTION

CODIFICATION

Pub. L. 114-95, title II, §2001(a)(3)(A)–(C), title VIII, §8001(a), (b)(1), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089, redesignated subpart 5 (§6731 et seq.) of part C of subchapter II of this chapter as subpart 3 of part F of this subchapter.

§ 7941. Short title

This subpart may be cited as the “Paul D. Coverdell Teacher Protection Act of 2001”.

(Pub. L. 89-10, title VIII, §8551, formerly title II, §2361, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1667; renumbered title IX, §9541, renumbered title VIII, §8551, Pub. L. 114-95, title II, §2001(a)(3)(A), (B), (D), title VIII, §8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089.)

CODIFICATION

Section was classified to section 6731 of this title prior to renumbering by Pub. L. 114-95.

PRIOR PROVISIONS

A prior section 7941, Pub. L. 89-10, title IX, §9601, as added Pub. L. 107-110, title IX, §901, Jan. 8, 2002, 115 Stat. 1985, which related to evaluations, was renumbered section 8601 of title VIII of Pub. L. 89-10 by Pub. L. 114-95, title VIII, §8001(a)(10), Dec. 10, 2015, 129 Stat. 2088, 2089, and transferred to section 7981 of this title.

§ 7942. Purpose

The purpose of this subpart is to provide teachers, principals, and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment.

(Pub. L. 89-10, title VIII, §8552, formerly title II, §2362, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1667; renumbered title IX, §9542, renumbered title VIII, §8552, Pub. L. 114-95, title

II, §2001(a)(3)(A), (B), (D), title VIII, §8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089.)

CODIFICATION

Section was classified to section 6732 of this title prior to renumbering by Pub. L. 114-95.

§ 7943. Definitions

For purposes of this subpart:

(1) Economic loss

The term “economic loss” means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) Harm

The term “harm” includes physical, non-physical, economic, and noneconomic losses.

(3) Noneconomic loss

The term “noneconomic loss” means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society or companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, or any other nonpecuniary loss of any kind or nature.

(4) School

The term “school” means a public or private kindergarten, a public or private elementary school or secondary school, or a home school.

(5) State

The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) Teacher

The term “teacher” means—

(A) a teacher, instructor, principal, or administrator;

(B) another educational professional who works in a school;

(C) a professional or nonprofessional employee who—

(i) works in a school; and

(ii)(I) in the employee’s job, maintains discipline or ensures safety; or

(II) in an emergency, is called on to maintain discipline or ensure safety; or

(D) an individual member of a school board (as distinct from the board).

(Pub. L. 89-10, title VIII, §8553, formerly title II, §2363, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1667; renumbered title IX, §9543, renumbered title VIII, §8553, Pub. L. 114-95, title II, §2001(a)(3)(A), (B), (D), title VIII, §8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089.)

CODIFICATION

Section was classified to section 6733 of this title prior to renumbering by Pub. L. 114-95.

§ 7944. Applicability

This subpart shall only apply to States that receive funds under this chapter, and shall apply to such a State as a condition of receiving such funds.

(Pub. L. 89-10, title VIII, §8554, formerly title II, §2364, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1668; renumbered title IX, §9544, renumbered title VIII, §8554, Pub. L. 114-95, title II, §2001(a)(3)(A), (B), (D), title VIII, §8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089.)

CODIFICATION

Section was classified to section 6734 of this title prior to renumbering by Pub. L. 114-95.

§ 7945. Preemption and election of State nonapplicability

(a) Preemption

This subpart preempts the laws of any State to the extent that such laws are inconsistent with this subpart, except that this subpart shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) Election of State regarding nonapplicability

This subpart shall not apply to any civil action in a State court against a teacher with respect to claims arising within that State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this subpart shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

(Pub. L. 89-10, title VIII, §8555, formerly title II, §2365, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1668; renumbered title IX, §9545, renumbered title VIII, §8555, Pub. L. 114-95, title II, §2001(a)(3)(A), (B), (D), title VIII, §8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089.)

CODIFICATION

Section was classified to section 6735 of this title prior to renumbering by Pub. L. 114-95.

§ 7946. Limitation on liability for teachers

(a) Liability protection for teachers

Except as provided in subsection (b), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher’s employment or responsibilities to a school or governmental entity;

(2) the actions of the teacher were carried out in conformity with Federal, State, and local laws (including rules and regulations) in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice involved in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher’s responsibilities;