

“(c) CONSULTATION AND DELEGATION OF AUTHORITY.—In carrying out the responsibilities of this section, the Secretary may delegate authority to the Director, and in any event, shall consult with the Director, representatives of State and local educational agencies, appropriate groups and organizations involved in bilingual education, the Committee on Labor and Human Resources [now Committee on Health, Education, Labor, and Pensions] of the Senate, and the Committee on Education and Labor [now Committee on Education and the Workforce] of the House of Representatives.

“(d) PUBLICATION OF PROPOSALS.—The Secretary shall publish and disseminate all requests for proposals in research and development assisted under such title.

“(e) LIMITATION OF AUTHORITY.—Nothing in this section shall be construed as authorizing the Secretary to conduct or support studies or analyses of the content of educational textbooks.”

INFORMATION REGARDING BILINGUAL EDUCATION

Pub. L. 100-297, title VI, §6213, Apr. 28, 1988, 102 Stat. 429, as amended by Pub. L. 104-66, title I, §1042(a), Dec. 21, 1995, 109 Stat. 715, provided that: “The Secretary [of Education] shall collect data for program management and accountability purposes regarding—

“(1) a national assessment of the educational needs of children and other persons with limited English proficiency and of the extent to which such needs are being met from Federal, State, and local efforts;

“(2) a plan, including cost estimates, to be carried out during the 5-year period beginning on such date [sic], for extending programs of bilingual education and bilingual vocational and adult education programs to all such preschool and elementary school-children and other persons of limited English proficiency, including a phased plan for the training of the necessary teachers and other education personnel necessary for such purpose;

“(3) a statement of the activities intended to be carried out during the succeeding period, including an estimate of the cost of such activities; and

“(4)(A) an assessment of the number of teachers and other educational personnel needed to carry out programs of bilingual education under such title [sic] and those carried out under other programs for persons of limited English proficiency;

“(B) a statement describing the activities carried out thereunder designed to prepare teachers and other educational personnel for such programs; and

“(C) the number of other educational personnel needed to carry out programs of bilingual education in the States.”

§ 7012. Repealed. Pub. L. 114-95, title III, § 3001(5)(B), Dec. 10, 2015, 129 Stat. 1953

Section, Pub. L. 89-10, title III, §3302, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1732, related to parental notification.

A prior section 3302 of Pub. L. 89-10 was classified to section 6922 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

EFFECTIVE DATE OF REPEAL

Repeal 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.

§ 7013. National clearinghouse

(a) In general

The Secretary shall establish and support the operation of a National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs, which shall collect, analyze, synthesize, and disseminate information about language instruction edu-

cational programs for English learners, and related programs. The National Clearinghouse shall—

(1) be administered as an adjunct clearinghouse of the Educational Resources Information Center Clearinghouses system supported by the Institute of Education Sciences;

(2) coordinate activities with Federal data and information clearinghouses and entities operating Federal dissemination networks and systems;

(3) develop a system for improving the operation and effectiveness of federally funded language instruction educational programs;

(4) collect and disseminate information on—

(A) educational research and processes related to the education of English learners, including English learners with a disability, that includes information on best practices on instructing and serving English learners; and

(B) accountability systems that monitor the academic progress of English learners in language instruction educational programs, including information on academic content and English proficiency assessments for language instruction educational programs; and

(5) publish, on an annual basis, a list of grant recipients under this subchapter.

(b) Construction

Nothing in this section shall authorize the Secretary to hire additional personnel to execute subsection (a).

(Pub. L. 89-10, title III, §3202, formerly §3303, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1733; amended Pub. L. 107-279, title IV, §404(d)(5)(B), Nov. 5, 2002, 116 Stat. 1986; renumbered §3202 and amended Pub. L. 114-95, title III, §§3001(5)(C), 3004(b), Dec. 10, 2015, 129 Stat. 1953, 1965.)

PRIOR PROVISIONS

A prior section 3202 of Pub. L. 89-10 was classified to section 6892 of this title, prior to repeal by Pub. L. 114-95.

Another prior section 3202 of Pub. L. 89-10 was classified to section 6892 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

AMENDMENTS

2015—Pub. L. 114-95, §3004(b)(1), designated existing provisions as subsec. (a) and substituted “English learners” for “limited English proficient children” in introductory provisions.

Subsec. (a)(4)(A). Pub. L. 114-95, §3004(b)(2)(A), substituted “English learners, including English learners with a disability, that includes information on best practices on instructing and serving English learners” for “limited English proficient children”.

Subsec. (a)(4)(B). Pub. L. 114-95, §3004(b)(2)(B), substituted “English learners” for “limited English proficient children”.

Subsec. (b). Pub. L. 114-95, §3004(b)(3), added subsec. (b).

2002—Par. (1). Pub. L. 107-279 substituted “Institute of Education Sciences” for “Office of Educational Research and Improvement”.

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.

§ 7014. Regulations

In developing regulations under this subchapter, the Secretary shall consult with State educational agencies and local educational agencies, organizations representing English learners, and organizations representing teachers and other personnel involved in the education of English learners.

(Pub. L. 89-10, title III, § 3203, formerly § 3304, as added Pub. L. 107-110, title III, § 301, Jan. 8, 2002, 115 Stat. 1734; renumbered § 3203 and amended Pub. L. 114-95, title III, §§ 3001(5)(C), 3004(c), Dec. 10, 2015, 129 Stat. 1953, 1965.)

PRIOR PROVISIONS

A prior section 3203 of Pub. L. 89-10 was classified to section 6893 of this title, prior to repeal by Pub. L. 114-95.

Another prior section 3203 of Pub. L. 89-10 was classified to section 6893 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

AMENDMENTS

2015—Pub. L. 114-95, § 3004(c), substituted “representing English learners” for “representing limited English proficient individuals” and “education of English learners” for “education of limited English proficient children”.

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.

SUBCHAPTER IV—21ST CENTURY SCHOOLS

CODIFICATION

Title IV 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, and amended by other public laws. Title IV is shown, herein, as having been added by Pub. L. 107-110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1734, without reference to earlier amendments because of the extensive revision of the title’s provisions by Pub. L. 107-110. See Codification note preceding section 6301 of this title.

PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

CODIFICATION

Pub. L. 114-95, title IV, § 4001(a)(5)(A), Dec. 10, 2015, 129 Stat. 1966, substituted “Student Support and Academic Enrichment Grants” for “Safe and Drug-Free Schools and Communities” in part heading.

§ 7101. General provisions

(a) Parental consent

(1) In general

(A) Informed written consent

A State, local educational agency, or other entity receiving funds under this subchapter shall obtain prior written, informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment or service that is funded under this subchapter and conducted in con-

nection with an elementary school or secondary school under this subchapter.

(B) Contents

Before obtaining the consent described in subparagraph (A), the entity shall provide the parent written notice describing in detail such mental health assessment or service, including the purpose for such assessment or service, the provider of such assessment or service, when such assessment or service will begin, and how long such assessment or service may last.

(C) Limitation

The informed written consent required under this paragraph shall not be a waiver of any rights or protections under section 1232g of this title.

(2) Exception

Notwithstanding paragraph (1)(A), the written, informed consent described in such paragraph shall not be required in—

(A) an emergency, where it is necessary to protect the immediate health and safety of the child, other children, or entity personnel; or

(B) other instances in which an entity actively seeks parental consent but such consent cannot be reasonably obtained, as determined by the State or local educational agency, including in the case of—

(i) a child whose parent has not responded to the notice described in paragraph (1)(B); or

(ii) a child who has attained 14 years of age and is an unaccompanied youth, as defined in section 11434a of title 42.

(b) Prohibited use of funds

No funds under this subchapter may be used for medical services or drug treatment or rehabilitation, except for integrated student supports, specialized instructional support services, or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs.

(c) Prohibition on mandatory medication

No child shall be required to obtain a prescription for a controlled substance, as defined in section 802 of title 21 as a condition of—

(1) receiving an evaluation or other service described under this subchapter; or

(2) attending a school receiving assistance under this subchapter.

(Pub. L. 89-10, title IV, § 4001, as added Pub. L. 114-95, title IV, § 4002, Dec. 10, 2015, 129 Stat. 1967.)

PRIOR PROVISIONS

A prior section 7101, Pub. L. 89-10, title IV, § 4001, as added Pub. L. 107-110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1734, provided that this part could be cited as the “Safe and Drug-Free Schools and Communities Act”, prior to repeal by Pub. L. 114-95, § 5, title IV, § 4002, Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Another prior section 7101, Pub. L. 89-10, title IV, § 4001, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994,