

(III) the instructional practices that will be used;

(iii) how the operation of such charter schools will be sustained after the grant under this subsection has ended, which shall include a multi-year financial and operating model for the eligible entity;

(iv) how the eligible entity will ensure that such charter schools will recruit and enroll students, including children with disabilities, English learners, and other educationally disadvantaged students; and

(v) any request and justification for any waivers of Federal statutory or regulatory requirements that the eligible entity believes are necessary for the successful operation of such charter schools.

(C) Assurance

An assurance that the eligible entity has sufficient procedures in effect to ensure timely closure of low-performing or financially mismanaged charter schools and clear plans and procedures in effect for the students in such schools to attend other high-quality schools.

(4) Selection criteria

The Secretary shall select eligible entities to receive grants under this subsection, on the basis of the quality of the applications submitted under paragraph (3), after taking into consideration such factors as—

(A) the degree to which the eligible entity has demonstrated success in increasing academic achievement for all students and for each of the subgroups of students described in section 6311(c)(2) of this title attending the charter schools the eligible entity operates or manages;

(B) a determination that the eligible entity has not operated or managed a significant proportion of charter schools that—

(i) have been closed;

(ii) have had the school's charter revoked due to problems with statutory or regulatory compliance; or

(iii) have had the school's affiliation with the eligible entity revoked or terminated, including through voluntary disaffiliation; and

(C) a determination that the eligible entity has not experienced significant problems with statutory or regulatory compliance that could lead to the revocation of a school's charter.

(5) Priority

In awarding grants under this section, the Secretary shall give priority to eligible entities that—

(A) plan to operate or manage high-quality charter schools with racially and socio-economically diverse student bodies;

(B) demonstrate success in working with schools identified by the State for comprehensive support and improvement under section 6311(c)(4)(D)(i) of this title;

(C) propose to use funds—

(i) to expand high-quality charter schools to serve high school students; or

(ii) to replicate high-quality charter schools to serve high school students; or

(D) propose to operate or manage high-quality charter schools that focus on drop-out recovery and academic reentry.

(c) Terms and conditions

Except as otherwise provided, grants awarded under paragraphs (1) and (2) of subsection (a) shall have the same terms and conditions as grants awarded to State entities under section 7221b of this title.

(Pub. L. 89-10, title IV, § 4305, as added Pub. L. 114-95, title IV, § 4301(1), Dec. 10, 2015, 129 Stat. 2009.)

PRIOR PROVISIONS

A prior section 7221d, Pub. L. 89-10, title IV, § 4305, formerly title V, § 5205, as added Pub. L. 107-110, title V, § 501, Jan. 8, 2002, 115 Stat. 1795; renumbered title IV, § 4305, Pub. L. 114-95, title IV, § 4001(b)(2)(A), (B), (D)(iii), Dec. 10, 2015, 129 Stat. 1967, related to national activities, prior to repeal by Pub. L. 114-95, § 5, title IV, § 4301(1), Dec. 10, 2015, 129 Stat. 1806, 1993, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

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.

§ 7221e. Federal formula allocation during first year and for successive enrollment expansions

(a) In general

For purposes of the allocation to schools by the States or their agencies of funds under part A of subchapter I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that charter school are not fully and completely determined until that charter school actually opens. The measures similarly shall ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which the charter school is eligible not later than 5 months after such expansion.

(b) Adjustment and late openings

(1) In general

The measures described in subsection (a) shall include provision for appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, in cases where payments made to a charter school on the basis of estimated or projected enrollment data exceed the amounts that the school is eligible to receive on the basis of actual or final enrollment data.

(2) Rule

For charter schools that first open after November 1 of any academic year, the State, in

accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) for such academic year have a full and fair opportunity to receive those funds during the charter schools' first year of operation.

(c) New or significantly expanding charter schools

For purposes of implementing the hold harmless protections in sections 6332(c) and 6337(g)(3)¹ of this title for a newly opened or significantly expanded charter school under this part, a State educational agency shall calculate a hold-harmless base for the prior year that, as applicable, reflects the new or significantly expanded enrollment of the charter school.

(Pub. L. 89–10, title IV, §4306, formerly title V, §5206, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1797; renumbered title IV, §4306, and amended Pub. L. 114–95, title IV, §§4001(b)(2)(A), (B), (D)(iii), 4301(2), Dec. 10, 2015, 129 Stat. 1967, 2011.)

REFERENCES IN TEXT

Section 6337(g)(3) of this title, referred to in subsec. (c), was redesignated section 6337(f)(3) of this title by Pub. L. 114–95, title I, §1017(7), Dec. 10, 2015, 129 Stat. 1879.

AMENDMENTS

2015—Subsec. (c). Pub. L. 114–95, §4301(2), added subsec. (c).

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.

§ 7221f. Solicitation of input from charter school operators

To the extent practicable, the Secretary shall ensure that administrators, teachers, and other individuals directly involved in the operation of charter schools are consulted in the development of any rules or regulations required to implement this subpart, as well as in the development of any rules or regulations relevant to charter schools that are required to implement part A of subchapter I, the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.], or any other program administered by the Secretary that provides education funds to charter schools or regulates the activities of charter schools.

(Pub. L. 89–10, title IV, §4307, formerly title V, §5207, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1798; renumbered title IV, §4307, Pub. L. 114–95, title IV, §4001(b)(2)(A), (B), (D)(iii), Dec. 10, 2015, 129 Stat. 1967.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in text, is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§1400 et seq.) of this title. For com-

¹ See References in Text note below.

plete classification of this Act to the Code, see section 1400 of this title and Tables.

§ 7221g. Records transfer

State educational agencies and local educational agencies, as quickly as possible and to the extent practicable, shall ensure that a student's records and, if applicable, a student's individualized education program as defined in section 1401 of this title, are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.

(Pub. L. 89–10, title IV, §4308, formerly title V, §5208, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1798; amended Pub. L. 108–446, title III, §305(g)(2), Dec. 3, 2004, 118 Stat. 2805; renumbered title IV, §4308, and amended Pub. L. 114–95, title IV, §§4001(b)(2)(A), (B), (D)(iii), 4301(3), Dec. 10, 2015, 129 Stat. 1967, 2012.)

AMENDMENTS

2015—Pub. L. 114–95, §4301(3), inserted “as quickly as possible and” before “to the extent practicable”.

2004—Pub. L. 108–446 substituted “section 1401” for “section 1401(11)”.

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.

§ 7221h. Paperwork reduction

To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that implementation of this subpart results in a minimum of paperwork for any eligible applicant or charter school.

(Pub. L. 89–10, title IV, §4309, formerly title V, §5209, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1798; renumbered title IV, §4309, Pub. L. 114–95, title IV, §4001(b)(2)(A), (B), (D)(iii), Dec. 10, 2015, 129 Stat. 1967.)

§ 7221i. Definitions

In this part:

(1) Authorized public chartering agency

The term “authorized public chartering agency” means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.

(2) Charter school

The term “charter school” means a public school that—

(A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

(B) is created by a developer as a public school, or is adapted by a developer from an