

VII, §703(c)], Apr. 26, 1996, 110 Stat. 1321–211, 1321–255; renumbered title I, Pub. L. 104–140, §1(a), May 2, 1996, 110 Stat. 1327.)

PRIOR PROVISIONS

A prior section 428 of Pub. L. 90–247 was renumbered section 435, and is classified to section 1231e of this title.

AMENDMENTS

1996—Pub. L. 104–134 struck out “the National Education Standards and Improvement Council,” before “and any other board”.

§ 1228c. Disclosure requirements

(a) In general

Each educational organization, prior to enrolling a minor and prior to accepting funds for the cost of a minor’s participation in an educational program operated by such organization, shall disclose the following information in written form to the minor or the minor’s parent.

(1) Method of solicitation and selection

The method of solicitation and selection of participants in the educational program, including—

(A) the origin of any mailing list used for such solicitation and selection;

(B) any recruitment through a local school official, teacher, or school personnel, including any compensation or other benefit offered to such official, teacher, or personnel for the recommendation of a minor for participation in the educational program;

(C) any open enrollment activity, including the method of outreach; and

(D) any cooperation with, or sponsorship by, a membership organization, including a description of the cooperation or sponsorship and the name of each such organization.

(2) Cost and fees

Information regarding the cost of the educational program and information regarding the distribution of any enrollment fee, including—

(A) the amount paid for, and the percentage of the total educational program cost of, each feature of the educational program, including—

- (i) food;
- (ii) lodging;
- (iii) transportation;
- (iv) program staffing;
- (v) textbooks, syllabi, or other scholastic educational program materials;
- (vi) speaker fees; and
- (vii) administrative expenses, including expenses related to—

(I) the preparation of nonscholastic educational program materials;

(II) the provision of financial assistance;

(III) mailing list rental or other recruitment activity; and

(IV) administrative salaries and consulting fees;

(B) the identity of the organization or business providing each of the features described in clauses (i) through (vii) of subparagraph (A); and

(C) the nature of any relationship of any board member, officer, or employee of the educational organization to any organization or business described in subparagraph (B), including the salary or other compensation paid by such organization or business to such board member, officer, or employee.

(b) Nondiscriminatory enrollment and service policy

(1) In general

Each educational organization shall include a verifiable statement in all enrollment or recruitment material that the educational organization does not—

(A) fail or refuse to hire, or discharge, any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment; or

(B) exclude any student from participation in an educational program, discriminate against any student in providing the benefits associated with such program (including any scholarship or financial assistance, and use of any facility), or subject the student to discrimination under such program, on the basis of race, disability, or residence in a low-income area.

(2) Construction

Nothing in this subsection shall be construed to entitle a student to—

(A) participation in an educational program or any benefit associated with such program; or

(B) a waiver of any fee charged for such participation or benefit.

(c) Enforcement

The Secretary shall—

(1)(A) widely disseminate information about the requirements of this section to State and local school officials and parents; and

(B) require educational organizations to submit appropriate information or assurances regarding such organizations’ compliance with this section; and

(2) take whatever other steps the Secretary determines are appropriate to enforce this section, including—

(A) promulgating regulations;

(B) establishing a complaint process;

(C) referring complaints to the relevant Federal, State, or local authorities for appropriate action;

(D) alerting educational agencies, schools, and parents to the practices of educational organizations that violate the provisions of this section; and

(E) imposing civil fines (not to exceed \$1,000 per violation) on educational organizations that knowingly violate this section.

(d) Definitions

As used in this section:

(1) Disability

The term “disability” has the same meaning given to such term by section 12102(2) of title 42.

(2) Educational organization

(A) Except as provided in subparagraphs (B) and (C), the term “educational organization” means any organization or entity that—

(i) provides an educational program for a fee; and

(ii) recruits students through means such as commercial media, direct mailings, school recruitment programs, school administrators, teachers or staff, or current or former participants in an educational program offered by such organization or entity.

(B) The definition in subparagraph (A) shall not include—

(i) a local educational agency, State educational agency, a State department of education, or an elementary or secondary school (as defined by the terms “elementary school” and “secondary school” in section 7801 of this title);

(ii) an institution of higher education as defined by section 1001 of this title; or

(iii) a local organization sponsored by an elementary or secondary school, a recreational organization, an entertainment organization, a local sports activity group, or a social club.

(C) For the purpose of subsection (a) only, such term does not include an organization or entity that provides an educational program if such organization or entity—

(i) recruits, for participation in such program, solely through a local school official; and

(ii) does not offer a local school official, teacher, or other school personnel compensation (other than compensation for actual expenses incurred in performing chaperon activities or for participating in separate, professionally-staffed teacher training and technical assistance seminars and workshops related to such program) or any other benefit for such recruitment.

(3) Educational program

(A) Except as provided in subparagraph (B), the term “educational program” means a special honors program, seminar, citizenship experience, government study program, educational vacation, student exchange program, or other educational experience or honor—

(i) that is generally directed toward minors or secondary school students;

(ii) for which a tuition or enrollment fee is charged;

(iii) that is offered away from a student’s regular place of school attendance;

(iv) that includes not less than one supervised night away from home; and

(v) that is intended to enhance a student’s regular course of study.

(B) Such term does not include a recreational program,¹ or a social or religious activity.

(4) Local school official

The term “local school official” means the highest administrative official serving a school district, or such individual’s designee.

(5) Minor

The term “minor” means an individual who has not attained the age of 18 years.

(6) Membership organization

The term “membership organization” includes any organization that maintains a membership list or collects dues or membership fees from its members.

(7) Recreational organization

The term “recreational organization” includes any organization or entity that has as its primary function pleasure, amusement, or sports activities.

(8) Recreational program

The term “recreational program” includes any activity or service that is intended as an entertainment pastime.

(Pub. L. 90-247, title IV, §429, as added Pub. L. 103-382, title II, §238, Oct. 20, 1994, 108 Stat. 3918; amended Pub. L. 105-244, title I, §102(a)(6)(C), Oct. 7, 1998, 112 Stat. 1618; Pub. L. 114-95, title IX, §9215(mm)(3), Dec. 10, 2015, 129 Stat. 2176.)

PRIOR PROVISIONS

A prior section 429 of Pub. L. 90-247 was classified to section 1231f of this title prior to repeal by Pub. L. 103-382.

AMENDMENTS

2015—Subsec. (d)(2)(B)(i). Pub. L. 114-95 substituted “an elementary or secondary school (as defined by the terms ‘elementary school’ and ‘secondary school’ in section 7801 of this title)” for “an elementary or secondary school as defined by the Elementary and Secondary Education Act of 1965”.

1998—Subsec. (d)(2)(B)(ii). Pub. L. 105-244 substituted “section 1001” for “section 1141(a)”.

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.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

SUBCHAPTER III—GENERAL REQUIREMENTS AND CONDITIONS CONCERNING OPERATION AND ADMINISTRATION OF EDUCATION PROGRAMS; GENERAL AUTHORITY OF SECRETARY

CODIFICATION

Pub. L. 103-382, title II, §261(c), Oct. 20, 1994, 108 Stat. 3927, substituted “SECRETARY” for “COMMISSIONER OF EDUCATION”.

Pub. L. 92-318, title III, §301(a)(1), June 23, 1972, 86 Stat. 326, redesignated former subchapter II as III. Former subchapter III redesignated IV.

§ 1230. Repealed. Pub. L. 103-382, title II, § 212(a)(1), Oct. 20, 1994, 108 Stat. 3913

Section, Pub. L. 90-247, title IV, §421, as added Pub. L. 93-380, title V, §507(a), Aug. 21, 1974, 88 Stat. 565; amended Pub. L. 94-482, title IV, §404(a), Oct. 12, 1976, 90 Stat. 2230; Pub. L. 96-88, title III, §301(a)(1), title V, §507, Oct. 17, 1979, 93 Stat. 677, 692, specified programs subject to provisions of this subchapter.

¹ So in original. The comma probably should not appear.