

title” for “funds appropriated under subsection (f) of this section”.

Subsec. (b)(1)(A). Pub. L. 114-95, §1017(2)(A), substituted “funds made available for any fiscal year to carry out this section” for “funds appropriated pursuant to subsection (f) of this section” in introductory provisions.

Subsec. (b)(1)(B)(i). Pub. L. 114-95, §1017(2)(B), substituted “the total amount reserved under section 6332(a) of this title to carry out this section” for “total appropriations”.

Subsec. (c). Pub. L. 114-95, §1017(3), redesignated pars. (A) and (B) as (1) and (2), respectively.

Subsec. (d)(1)(A)(ii). Pub. L. 114-95, §1017(4), struck out opening quotation marks before “(i)” in introductory provisions.

Subsec. (e). Pub. L. 114-95, §1017(5), added subsec. (e) and struck out former subsec. (e) which related to general rule for full allotment of funds, reduction of funds in any fiscal year where State fails to meet requirements, and equitable waiver of requirements for 1 fiscal year only.

Subsec. (f). Pub. L. 114-95, §1017(6), (7), redesignated subsec. (g) as (f) and struck out former subsec. (f). Prior to amendment, text of subsec. (f) read as follows: “There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002 and for each of the 5 succeeding fiscal years.”

Subsec. (f)(1). Pub. L. 114-95, §1017(8)(A), substituted “to carry out this section” for “under this section”.

Subsec. (f)(3). Pub. L. 114-95, §1017(8)(B), substituted “shall be—” for “shall be” in introductory provisions.

Subsec. (g). Pub. L. 114-95, §1017(7), redesignated subsec. (g) as (f).

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.

§ 6338. Special allocation procedures

(a) Allocations for neglected children

(1) In general

If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected children as described in section 6333(c)(1)(B) of this title, the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency’s allocation under sections 6333, 6334, 6335, and 6337 of this title that is attributable to such children.

(2) Special rule

If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency’s allocation.

(b) Allocations among local educational agencies

The State educational agency may allocate the amounts of grants under sections 6333, 6334, 6335, and 6337 of this title among the affected local educational agencies—

- (1) if two or more local educational agencies serve, in whole or in part, the same geographical area;
- (2) if a local educational agency provides free public education for children who reside

in the school district of another local educational agency; or

(3) to reflect the merger, creation, or change of boundaries of one or more local educational agencies.

(c) Reallocation

If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 6333, 6334, 6335, and 6337 of this title is more than such local educational agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

(Pub. L. 89-10, title I, §1126, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1534.)

PRIOR PROVISIONS

A prior section 6338, Pub. L. 89-10, title I, §1127, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3577, related to carryover and waiver, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 1126 of Pub. L. 89-10 was classified to section 6337 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

§ 6339. Carryover and waiver

(a) Limitation on carryover

Notwithstanding section 1225(b) of this title or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

(b) Waiver

A State educational agency may, once every 3 years, waive the percentage limitation in subsection (a) if—

- (1) the agency determines that the request of a local educational agency is reasonable and necessary; or
- (2) supplemental appropriations for this subpart become available.

(c) Exclusion

The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than \$50,000 under this subpart for any fiscal year.

(Pub. L. 89-10, title I, §1127, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1534.)

PRIOR PROVISIONS

A prior section 1127 of Pub. L. 89-10 was classified to section 6338 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

PART B—STATE ASSESSMENT GRANTS

CODIFICATION

Part B of title I of the Elementary and Secondary Education Act of 1965, comprising this part, was originally enacted in the general amendment of title I of Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, by Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1535, and amended by Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 11;