

to the administration of programs included in the consolidation under subsection (a).

(d) Review

To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of that administration.

(e) Unused administrative funds

If a State educational agency does not use all of the funds available to the agency under this section for administration, the agency may use those funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

(f) Consolidation of funds for standards and assessment development

In order to develop challenging State academic standards and assessments, a State educational agency may consolidate the amounts described in subsection (a) for those purposes under subchapter I.

(Pub. L. 89–10, title VIII, § 8201, formerly title IX, § 9201, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1966; renumbered title VIII, § 8201, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(2), 8005, Dec. 10, 2015, 129 Stat. 2088, 2089, 2100.)

AMENDMENTS

2015—Subsec. (b)(2)(I). Pub. L. 114–95, § 8005, added subpar. (I).

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.

§ 7822. Single local educational agency States

A State educational agency that also serves as a local educational agency shall, in its applications or plans under this chapter, describe how the agency will eliminate duplication in conducting administrative functions.

(Pub. L. 89–10, title VIII, § 8202, formerly title IX, § 9202, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1967; renumbered title VIII, § 8202, Pub. L. 114–95, title VIII, § 8001(a)(2), Dec. 10, 2015, 129 Stat. 2088, 2089.)

§ 7823. Consolidation of funds for local administration

(a) General authority

In accordance with regulations of the Secretary and for any fiscal year, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more programs under this chapter (or such other programs as the Secretary shall designate) not more than the percentage, established in each program, of the total available for the local educational agency under those programs.

(b) State procedures

A State educational agency shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under those programs that may be used for administration on a consolidated basis.

(c) Conditions

A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

(d) Uses of administrative funds

(1) In general

A local educational agency that consolidates administrative funds under this section may use the consolidated funds for the administration of the programs and for uses, at the school district and school levels, comparable to those described in section 7821(b)(2) of this title.

(2) Fiscal support teams

A local educational agency that uses funds as described in section 7821(b)(2)(I) of this title may contribute State or local funds to expand the reach of such support without violating any supplement, not supplant requirement of any program contributing administrative funds.

(e) Records

A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of the programs included in the consolidation.

(Pub. L. 89–10, title VIII, § 8203, formerly title IX, § 9203, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1967; renumbered title VIII, § 8203, and amended Pub. L. 114–95, title VIII, §§ 8001(a)(2), 8006, Dec. 10, 2015, 129 Stat. 2088, 2089, 2100.)

AMENDMENTS

2015—Subsec. (b). Pub. L. 114–95, § 8006(1), substituted “A State” for “Within 1 year after January 8, 2002, a State”.

Subsec. (d). Pub. L. 114–95, § 8006(2), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: “A local educational agency that consolidates administrative funds under this section may use the consolidated funds for the administration of the programs and for uses, at the school district and school levels, comparable to those described in section 7821(b)(2) of this title.”

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.

§ 7824. Consolidated set-aside for Department of the Interior funds

(a) General authority

(1) Transfer

The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of subchapter VI, and the education for homeless children and youth program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11431 et seq.], the amounts allotted to the Department of the Interior under those programs.

(2) Agreement

(A) In general

The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those program funds under terms that the Secretary determines best meet the purposes of those programs.

(B) Contents

The agreement shall—

- (i) set forth the plans of the Secretary of the Interior for the use of the amount transferred and the achievement measures to assess program effectiveness, including program objectives; and
- (ii) be developed in consultation with Indian tribes.

(b) Administration

The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for its costs related to the administration of the funds transferred under this section.

(c) Accountability system

(1) For the purposes of part A of subchapter I, the Secretary of Interior, in consultation with the Secretary, if the Secretary of the Interior requests the consultation, using a negotiated rulemaking process to develop regulations for implementation no later than the 2017-2018 academic year, shall define the standards, assessments, and accountability system consistent with section 6311 of this title, for the schools funded by the Bureau of Indian Education on a national, regional, or tribal basis, as appropriate, taking into account the unique circumstances and needs of such schools and the students served by such schools.

(2) The tribal governing body or school board of a school funded by the Bureau of Indian Affairs may waive, in part or in whole, the requirements established pursuant to paragraph (1) where such requirements are determined by such body or school board to be inappropriate. If such requirements are waived, the tribal governing body or school board shall, within 60 days, submit to the Secretary of Interior a proposal for alternative standards, assessments, and an accountability system, if applicable, consistent with section 6311 of this title, that takes into account the unique circumstances and needs of such school or schools and the students served.

The Secretary of the Interior and the Secretary shall approve such standards, assessments, and accountability system unless the Secretary determines that the standards, assessments, and accountability system do not meet the requirements of section 6311 of this title, taking into account the unique circumstances and needs of such school or schools and the students served.

(3) TECHNICAL ASSISTANCE.—The Secretary of Interior and the Secretary shall, either directly or through a contract, provide technical assistance, upon request, to a tribal governing body or school board of a school funded by the Bureau of Indian Affairs that seeks a waiver under paragraph (2).

(Pub. L. 89-10, title VIII, § 8204, formerly title IX, § 9204, as added Pub. L. 107-110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1968; renumbered title VIII, § 8204, and amended Pub. L. 114-95, title VIII, §§ 8001(a)(2), 8007, Dec. 10, 2015, 129 Stat. 2088, 2089, 2100.)

REFERENCES IN TEXT

The McKinney-Vento Homeless Assistance Act, referred to in subsec. (a)(1), is Pub. L. 100-77, July 22, 1987, 101 Stat. 482, as amended. Subtitle B of title VII of the Act is classified generally to part B (§11431 et seq.) of subchapter VI of chapter 119 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of Title 42 and Tables.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114-95, § 8007(1)(A), substituted “part A of subchapter VI” for “part A of subchapter VII”.

Subsec. (a)(2)(B). Pub. L. 114-95, § 8007(1)(B), added subpar. (B) and struck out former subpar. (B). Prior to amendment, text read as follows: “The agreement shall—

“(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred and the achievement measures to assess program effectiveness, including measurable goals and objectives; and

“(ii) be developed in consultation with Indian tribes.”

Subsec. (c). Pub. L. 114-95, § 8007(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.

§ 7825. Department staff

The Secretary shall—

(1) not later than 60 days after December 10, 2015, identify the number of Department full-time equivalent employees who worked on or administered each education program or project authorized under this chapter, as such program or project was in effect on the day before December 10, 2015, and publish such information on the Department’s website;

(2) not later than 60 days after December 10, 2015, identify the number of full-time equivalent employees who worked on or administered each program or project authorized under this chapter, as such program or project was in effect on the day before December 10, 2015, that has been eliminated or consolidated since December 10, 2015;