

locale codes 32, 33, 41, 42, or 43 on applications or pre-applications for any competitive grant program under this chapter. No rural local educational agency or educational service agency shall be required to request technical assistance or include any technical assistance provided by the Secretary in any application.

(Pub. L. 89–10, title VIII, §8539, as added Pub. L. 114–95, title VIII, §8031, Dec. 10, 2015, 129 Stat. 2117.)

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.

**§ 7920. Consultation with the Governor**

**(a) In general**

A State educational agency shall consult in a timely and meaningful manner with the Governor, or appropriate officials from the Governor's office, in the development of State plans under subchapters I and II and section 7842 of this title.

**(b) Timing**

The consultation described in subsection (a) shall include meetings of officials from the State educational agency and the Governor's office and shall occur—

- (1) during the development of such plan; and
- (2) prior to submission of the plan to the Secretary.

**(c) Joint signature authority**

A Governor shall have 30 days prior to the State educational agency submitting the State plan under subchapter I or II or section 7842 of this title to the Secretary to sign such plan. If the Governor has not signed the plan within 30 days of delivery by the State educational agency to the Governor, the State educational agency shall submit the plan to the Secretary without such signature.

(Pub. L. 89–10, title VIII, §8540, as added Pub. L. 114–95, title VIII, §8032, Dec. 10, 2015, 129 Stat. 2118.)

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.

**§ 7921. Local governance**

**(a) Rule of construction**

Nothing in this chapter shall be construed to allow the Secretary to—

- (1) exercise any governance or authority over school administration, including the development and expenditure of school budgets, unless otherwise authorized under this chapter;
- (2) issue any regulation without first complying with the rulemaking requirements of section 553 of title 5; or
- (3) issue any nonregulatory guidance without first, to the extent feasible, considering input from stakeholders.

**(b) Authority under other law**

Nothing in subsection (a) shall be construed to affect any authority the Secretary has under any other Federal law.

(Pub. L. 89–10, title VIII, §8541, as added Pub. L. 114–95, title VIII, §8033, Dec. 10, 2015, 129 Stat. 2118.)

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.

**§ 7922. Rule of construction regarding travel to and from school**

**(a) In general**

Subject to subsection (b), nothing in this chapter shall authorize the Secretary to, or shall be construed to—

- (1) prohibit a child from traveling to and from school on foot or by car, bus, or bike when the parents of the child have given permission; or
- (2) expose parents to civil or criminal charges for allowing their child to responsibly and safely travel to and from school by a means the parents believe is age appropriate.

**(b) No preemption of State or local laws**

Notwithstanding subsection (a), nothing in this section shall be construed to preempt State or local laws.

(Pub. L. 89–10, title VIII, §8542, as added Pub. L. 114–95, title VIII, §8034, Dec. 10, 2015, 129 Stat. 2118.)

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.

**§ 7923. Limitations on school-based health centers**

Notwithstanding section 7802 of this title, funds used for activities under this chapter shall be carried out in accordance with the provision of section 280h–5(a)(3)(C) of title 42.

(Pub. L. 89–10, title VIII, §8543, as added Pub. L. 114–95, title VIII, §8035, Dec. 10, 2015, 129 Stat. 2119.)

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.

**§ 7924. State control over standards**

**(a) In general**

Nothing in this chapter shall be construed to prohibit a State from withdrawing from the Common Core State Standards or from otherwise revising their standards.

**(b) Prohibition**

No officer or employee of the Federal Government shall, directly or indirectly, through

grants, contracts or other cooperative agreements, through waiver granted under section 7861 of this title or through any other authority, take any action against a State that exercises its rights under subsection (a).

(Pub. L. 89-10, title VIII, §8544, as added Pub. L. 114-95, title VIII, §8036, Dec. 10, 2015, 129 Stat. 2119.)

#### 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.

### § 7925. Sense of Congress on protecting student privacy

#### (a) Findings

The Congress finds as follows:

(1) Students' personally identifiable information is important to protect.

(2) Students' information should not be shared with individuals other than school officials in charge of educating those students without clear notice to parents.

(3) With the use of more technology, and more research about student learning, the responsibility to protect students' personally identifiable information is more important than ever.

(4) Regulations allowing more access to students' personal information could allow that information to be shared or sold by individuals who do not have the best interest of the students in mind.

(5) The Secretary has the responsibility to ensure every entity that receives funding under this chapter holds any personally identifiable information in strict confidence.

#### (b) Sense of Congress

It is the sense of the Congress that the Secretary should review all regulations addressing issues of student privacy, including those under this chapter, and ensure that students' personally identifiable information is protected.

(Pub. L. 89-10, title VIII, §8545, as added Pub. L. 114-95, title VIII, §8037, Dec. 10, 2015, 129 Stat. 2119.)

#### 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.

### § 7926. Prohibition on aiding and abetting sexual abuse

#### (a) In general

A State, State educational agency, or local educational agency in the case of a local educational agency that receives Federal funds under this chapter shall have laws, regulations, or policies that prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee, contractor, or agent in obtaining a new job, apart

from the routine transmission of administrative and personnel files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

#### (b) Exception

The requirements of subsection (a) shall not apply if the information giving rise to probable cause—

(1)(A) has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and

(B) has been properly reported to any other authorities as required by Federal, State, or local law, including title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the regulations implementing such title under part 106 of title 34, Code of Federal Regulations, or any succeeding regulations; and

(2)(A) the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law;

(B) the school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or

(C) the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

#### (c) Prohibition

The Secretary shall not have the authority to mandate, direct, or control the specific measures adopted by a State, State educational agency, or local educational agency under this section.

#### (d) Construction

Nothing in this section shall be construed to prevent a State from adopting, or to override a State law, regulation, or policy that provides, greater or additional protections to prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee who engaged in sexual misconduct regarding a minor or student in violation of the law in obtaining a new job.

(Pub. L. 89-10, title VIII, §8546, as added Pub. L. 114-95, title VIII, §8038, Dec. 10, 2015, 129 Stat. 2120.)

#### REFERENCES IN TEXT

The Education Amendments of 1972, referred to in subsec. (b)(1)(B), is Pub. L. 92-318, June 23, 1972, 86 Stat. 235. Title IX of the Act, known as the Patsy Takemoto Mink Equal Opportunity in Education Act, is classified principally to chapter 38 (§1681 et seq.) of this title. For complete classification of title IX to the Code, see Short Title note set out under section 1681 of this title and Tables.