

or order, or both, are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

(Pub. L. 89-10, title VIII, § 8573, formerly title IV, § 4303, as added Pub. L. 107-110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1774; renumbered title IX, § 9563, renumbered title VIII, § 8573, and amended Pub. L. 114-95, title IV, § 4001(a)(1), (4)(A), (B), (C)(ii), title VIII, § 8001(a)(9), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089.)

CODIFICATION

Section was classified to section 7183 of this title prior to renumbering by Pub. L. 114-95.

AMENDMENTS

2015—Subsec. (b)(1). Pub. L. 114-95, § 4001(a)(1)(A), substituted “early childhood education programs” for “early childhood development (Head Start) services”.

Subsec. (c)(2). Pub. L. 114-95, § 4001(a)(1)(B)(i), substituted “education programs” for “development services” in heading.

Subsec. (c)(2)(A). Pub. L. 114-95, § 4001(a)(1)(B)(ii), substituted “education programs” for “development (Head Start) services”.

Subsec. (e)(3)(C). Pub. L. 114-95, § 4001(a)(1)(C), added subpar. (C) and struck out former subpar. (C) which was missing an opening parenthesis before the subpar. designation and read as follows: “such other matters as justice may require.”

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.

§ 7974. Preemption

Nothing in this subpart¹ is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this subpart.¹

(Pub. L. 89-10, title VIII, § 8574, formerly title IV, § 4304, as added Pub. L. 107-110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1776; renumbered title IX, § 9564, renumbered title VIII, § 8574, Pub. L. 114-95, title IV, § 4001(a)(4)(A), (B), (C)(ii), title VIII, § 8001(a)(9), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089.)

REFERENCES IN TEXT

This subpart, referred to in text, was in the original “this part”, and was translated as reading “this subpart”, to reflect the probable intent of Congress. Pub. L. 114-95 redesignated part C of title IV of Pub. L. 89-10 as subpart 5 of part F of title VIII of Pub. L. 89-10, which is classified to this subpart.

CODIFICATION

Section was classified to section 7184 of this title prior to renumbering by Pub. L. 114-95.

PART G—EVALUATIONS

CODIFICATION

Pub. L. 114-95, title VIII, § 8001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2088, 2089, redesignated part F (§ 7941) of subchapter IX of this chapter as part G of this subchapter.

¹ See References in Text note below.

§ 7981. Evaluations

(a) Reservation of funds

Except as provided in subsection¹ (b) and (e), the Secretary, in consultation with the Director of the Institute of Education Sciences, may reserve not more than 0.5 percent of the amount appropriated for each program authorized under this chapter to carry out activities under this section. If the Secretary elects to make a reservation under this subsection, the reserved amounts—

(1) shall first be used by the Secretary, acting through the Director of the Institute of Education Sciences, to—

(A) conduct comprehensive, high-quality evaluations of the programs that—

(i) are consistent with the evaluation plan under subsection (d); and

(ii) primarily include impact evaluations that use experimental or quasi-experimental designs, where practicable and appropriate, and other rigorous methodologies that permit the strongest possible causal inferences;

(B) conduct studies of the effectiveness of the programs and the administrative impact of the programs on schools and local educational agencies; and

(C) widely disseminate evaluation findings under this section related to programs authorized under this chapter—

(i) in a timely fashion;

(ii) in forms that are understandable, easily accessible, usable, and adaptable for use in the improvement of educational practice;

(iii) through electronic transfer and other means, such as posting, as available, to the websites of State educational agencies, local educational agencies, the Institute of Education Sciences, or the Department, or in another relevant place; and

(iv) in a manner that promotes the utilization of such findings; and

(2) may be used by the Secretary, acting through the Director of the Institute of Education Sciences—

(A) to evaluate the aggregate short- and long-term effects and cost efficiencies across—

(i) Federal programs assisted or authorized under this chapter; and

(ii) related Federal early childhood education programs, preschool programs, elementary school programs, and secondary school programs, under any other Federal law;

(B) to increase the usefulness of the evaluations conducted under this section by improving the quality, timeliness, efficiency, and use of information relating to performance to promote continuous improvement of programs assisted or authorized under this chapter; and

(C) to assist recipients of grants under such programs in collecting and analyzing data and other activities related to conduct-

¹ So in original. Probably should be “subsections”.

ing high-quality evaluations under paragraph (1).

(b) Subchapter I

The Secretary, acting through the Director of the Institute of Education Sciences, shall use funds authorized under section 6302(e) of this title to carry out evaluation activities under this section related to subchapter I, and shall not reserve any other money from such subchapter for evaluation.

(c) Consolidation

Notwithstanding any other provision of this section or section 6302(e) of this title, the Secretary, in consultation with the Director of the Institute of Education Sciences—

- (1) may consolidate the funds reserved under subsections (a) and (b) for purposes of carrying out the activities under subsection (a)(1); and
- (2) shall not be required to evaluate under subsection (a)(1) each program authorized under this chapter each year.

(d) Evaluation plan

The Director of the Institute of Education Sciences, shall, on a biennial basis, develop, submit to Congress, and make publicly available an evaluation plan, that—

- (1) describes the specific activities that will be carried out under subsection (a) for the 2-year period applicable to the plan, and the timelines of such activities;
- (2) contains the results of the activities carried out under subsection (a) for the most recent 2-year period; and
- (3) describes how programs authorized under this chapter will be regularly evaluated.

(e) Evaluation activities authorized elsewhere

If, under any other provision of this chapter, funds are authorized to be reserved or used for evaluation activities with respect to a program, the Secretary may not reserve additional funds under this section for the evaluation of that program.

(Pub. L. 89–10, title VIII, §8601, formerly title IX, §9601, as added Pub. L. 107–110, title IX, §901, Jan. 8, 2002, 115 Stat. 1985; renumbered title VIII, §8601, and amended Pub. L. 114–95, title VIII, §§8001(a)(10), 8042, Dec. 10, 2015, 129 Stat. 2088, 2089, 2122.)

CODIFICATION

Section was formerly classified to section 7941 of this title.

AMENDMENTS

2015—Pub. L. 114–95, §8042, amended section generally. Prior to amendment, section consisted of subsecs. (a) to (c) relating to reservation of funds for evaluations, exclusion of subchapters I and III, and evaluation activities authorized elsewhere, respectively.

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.

SUBCHAPTER X—PROGRAMS OF NATIONAL SIGNIFICANCE

PART A—FUND FOR THE IMPROVEMENT OF EDUCATION

§§ 8001 to 8007. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8001, Pub. L. 89–10, title X, §10101, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3809; amended Pub. L. 104–134, title I, §101(d) [title VII, §703(b)(4)], Apr. 26, 1996, 110 Stat. 1321–211, 1321–255; renumbered title I, Pub. L. 104–140, §1(a), May 2, 1996, 110 Stat. 1327, related to fund for the improvement of education.

Section 8002, Pub. L. 89–10, title X, §10102, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3812, related to elementary school counseling demonstration.

Section 8003, Pub. L. 89–10, title X, §10103, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3815, related to partnerships in character education pilot project.

Section 8004, Pub. L. 89–10, title X, §10104, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3818; amended Pub. L. 105–332, §2, Oct. 31, 1998, 112 Stat. 3125, related to promotion of scholar-athlete competitions.

Section 8005, Pub. L. 89–10, title X, §10105, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3818, related to development and implementation of smaller learning communities.

Section 8006, Pub. L. 89–10, title X, §10106, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3820, related to national student and parent mock election.

Section 8007, Pub. L. 89–10, title X, §10107, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3820, related to model projects of outreach activities for at-risk children.

PART B—GIFTED AND TALENTED CHILDREN

§§ 8031 to 8037. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8031, Pub. L. 89–10, title X, §10201, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3820, set forth short title of the Jacob K. Javits Gifted and Talented Students Education Act of 1994.

Section 8032, Pub. L. 89–10, title X, §10202, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3820, set forth findings and purposes.

Section 8033, Pub. L. 89–10, title X, §10203, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3822, related to construction of provisions.

Section 8034, Pub. L. 89–10, title X, §10204, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3822, related to authorized programs.

Section 8035, Pub. L. 89–10, title X, §10205, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3823, set forth program priorities.

Section 8036, Pub. L. 89–10, title X, §10206, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3824, set forth general provisions.

Section 8037, Pub. L. 89–10, title X, §10207, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3824, authorized appropriations.

PART C—PUBLIC CHARTER SCHOOLS

SUBPART 1—BASIC CHARTER SCHOOL GRANT PROGRAM

§§ 8061 to 8067. Repealed. Pub. L. 107–110, title X, § 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986

Section 8061, Pub. L. 89–10, title X, §10301, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3824; amended Pub. L. 105–278, §3(a), Oct. 22, 1998, 112 Stat. 2682; Pub. L. 106–554, §1(a)(1) [title III, §322(b)(1)], Dec.