

(Pub. L. 99-519, §5, Oct. 22, 1986, 100 Stat. 2990; Pub. L. 101-637, §12, Nov. 28, 1990, 104 Stat. 4593; Pub. L. 104-66, title I, §1131(c), Dec. 21, 1995, 109 Stat. 725.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Asbestos Hazard Emergency Response Act of 1986, and not as part of the Asbestos School Hazard Abatement Act of 1984 which comprises this subchapter nor as part of the Education for Economic Security Act which comprises this chapter.

AMENDMENTS

1995—Subsec. (c)(2). Pub. L. 104-66 struck out heading and text of par. (2). Text read as follows: “It shall be the duty of the Secretary of the Treasury to hold the Asbestos Trust Fund and to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next 5 fiscal years.”

1990—Subsec. (b)(1). Pub. L. 101-637, §12(a), substituted a comma for “as in effect on October 22, 1986, and” in subpar. (A) and “, and” for period at end of subpar. (B), and added subpar. (C).

Subsec. (d). Pub. L. 101-637, §12(b), struck out before period at end “as in effect on October 22, 1986”.

SUBCHAPTER VI—EXCELLENCE IN EDUCATION PROGRAM

§§ 4031 to 4037. Repealed. Pub. L. 100-297, title II, § 2303, Apr. 28, 1988, 102 Stat. 324

Section 4031, Pub. L. 98-377, title VI, §602, Aug. 11, 1984, 98 Stat. 1295, related to statement of purpose.

Section 4032, Pub. L. 98-377, title VI, §603, Aug. 11, 1984, 98 Stat. 1296, related to definitions.

Section 4033, Pub. L. 98-377, title VI, §604, Aug. 11, 1984, 98 Stat. 1296; Pub. L. 99-159, title II, §251, Nov. 22, 1985, 99 Stat. 901; Pub. L. 99-425, title VII, §701, Sept. 30, 1986, 100 Stat. 977, related to school excellence awards.

Section 4034, Pub. L. 98-377, title VI, §605, Aug. 11, 1984, 98 Stat. 1296, related to selection of schools for awards.

Section 4035, Pub. L. 98-377, title VI, §606, Aug. 11, 1984, 98 Stat. 1298, related to amount and conditions of awards.

Section 4036, Pub. L. 98-377, title VI, §607, Aug. 11, 1984, 98 Stat. 1298, related to special school awards.

Section 4037, Pub. L. 98-377, title VI, §608, Aug. 11, 1984, 98 Stat. 1298, related to research, evaluation, dissemination, and monitoring activities.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1988, see section 6303 of Pub. L. 100-297, set out as an Effective Date of 1988 Amendment note under section 1071 of this title.

SHORT TITLE

Pub. L. 98-377, title VI, §601, Aug. 11, 1984, 98 Stat. 1295, which provided that title VI of Pub. L. 98-377 was to be cited as the “Excellence in Education Act”, was repealed by Pub. L. 100-297, title II, §2303, Apr. 28, 1988, 102 Stat. 324.

SUBCHAPTER VII—MAGNET SCHOOLS ASSISTANCE

§§ 4051 to 4062. Repealed. Pub. L. 100-297, title II, § 2303, Apr. 28, 1988, 102 Stat. 324

Section 4051, Pub. L. 98-377, title VII, §701, Aug. 11, 1984, 98 Stat. 1299; Pub. L. 99-159, title II, §261, Nov. 22,

1985, 99 Stat. 901, related to authorization of appropriations.

Section 4052, Pub. L. 98-377, title VII, §702, Aug. 11, 1984, 98 Stat. 1299, related to eligibility requirements.

Section 4053, Pub. L. 98-377, title VII, §703, Aug. 11, 1984, 98 Stat. 1299; Pub. L. 99-159, title II, §262, Nov. 22, 1985, 99 Stat. 901, related to statement of purpose.

Section 4054, Pub. L. 98-377, title VII, §704, Aug. 11, 1984, 98 Stat. 1299, related to program authorization.

Section 4055, Pub. L. 98-377, title VII, §705, Aug. 11, 1984, 98 Stat. 1300, defined term “magnet school”.

Section 4056, Pub. L. 98-377, title VII, §706, Aug. 11, 1984, 98 Stat. 1300; Pub. L. 99-159, title II, §263, Nov. 22, 1985, 99 Stat. 902, related to uses of funds.

Section 4057, Pub. L. 98-377, title VII, §707, Aug. 11, 1984, 98 Stat. 1300, related to applications and requirements.

Section 4058, Pub. L. 98-377, title VII, §708, Aug. 11, 1984, 98 Stat. 1301, related to special considerations in approving applications.

Section 4059, Pub. L. 98-377, title VII, §709, Aug. 11, 1984, 98 Stat. 1301; Pub. L. 99-159, title II, §264, Nov. 22, 1985, 99 Stat. 902, related to prohibitions on use of grants.

Section 4060, Pub. L. 98-377, title VII, §710, Aug. 11, 1984, 98 Stat. 1301, related to limitation on payments.

Section 4061, Pub. L. 98-377, title VII, §711, Aug. 11, 1984, 98 Stat. 1301; Pub. L. 98-558, title VII, §702, Oct. 30, 1984, 98 Stat. 2900, related to payments.

Section 4062, Pub. L. 98-377, title VII, §712, Aug. 11, 1984, 98 Stat. 1302, related to withholding.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1988, see section 6303 of Pub. L. 100-297, set out as an Effective Date of 1988 Amendment note under section 1071 of this title.

SUBCHAPTER VIII—EQUAL ACCESS

§ 4071. Denial of equal access prohibited

(a) Restriction of limited open forum on basis of religious, political, philosophical, or other speech content prohibited

It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

(b) “Limited open forum” defined

A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.

(c) Fair opportunity criteria

Schools shall be deemed to offer a fair opportunity to students who wish to conduct a meeting within its limited open forum if such school uniformly provides that—

(1) the meeting is voluntary and student-initiated;

(2) there is no sponsorship of the meeting by the school, the government, or its agents or employees;

(3) employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;

(4) the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and

(5) nonschool persons may not direct, conduct, control, or regularly attend activities of student groups.

(d) Construction of subchapter with respect to certain rights

Nothing in this subchapter shall be construed to authorize the United States or any State or political subdivision thereof—

(1) to influence the form or content of any prayer or other religious activity;

(2) to require any person to participate in prayer or other religious activity;

(3) to expend public funds beyond the incidental cost of providing the space for student-initiated meetings;

(4) to compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;

(5) to sanction meetings that are otherwise unlawful;

(6) to limit the rights of groups of students which are not of a specified numerical size; or

(7) to abridge the constitutional rights of any person.

(e) Federal financial assistance to schools unaffected

Notwithstanding the availability of any other remedy under the Constitution or the laws of the United States, nothing in this subchapter shall be construed to authorize the United States to deny or withhold Federal financial assistance to any school.

(f) Authority of schools with respect to order, discipline, well-being, and attendance concerns

Nothing in this subchapter shall be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

(Pub. L. 98-377, title VIII, §802, Aug. 11, 1984, 98 Stat. 1302.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 98-377, title VIII, §801, Aug. 11, 1984, 98 Stat. 1302, provided that: "This title [enacting this subchapter] may be cited as 'The Equal Access Act'."

§ 4072. Definitions

As used in this subchapter—

(1) The term "secondary school" means a public school which provides secondary education as determined by State law.

(2) The term "sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

(3) The term "meeting" includes those activities of student groups which are permitted

under a school's limited open forum and are not directly related to the school curriculum.

(4) The term "noninstructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.

(Pub. L. 98-377, title VIII, §803, Aug. 11, 1984, 98 Stat. 1303.)

§ 4073. Severability

If any provision of this subchapter or the application thereof to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the subchapter and the application to other persons or circumstances shall not be affected thereby.

(Pub. L. 98-377, title VIII, §804, Aug. 11, 1984, 98 Stat. 1304.)

§ 4074. Construction

The provisions of this subchapter shall supersede all other provisions of Federal law that are inconsistent with the provisions of this subchapter.

(Pub. L. 98-377, title VIII, §805, Aug. 11, 1984, 98 Stat. 1304.)

SUBCHAPTER IX—STAR SCHOOLS PROGRAM

§§ 4081 to 4086. Repealed. Pub. L. 103-382, title III, §364, Oct. 20, 1994, 108 Stat. 3975

Section 4081, Pub. L. 98-377, title IX, §902, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 320; amended Pub. L. 102-103, title III, §301, Aug. 17, 1991, 105 Stat. 499, related to purpose of star schools program.

Section 4082, Pub. L. 98-377, title IX, §903, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 320; amended Pub. L. 102-103, title III, §302, Aug. 17, 1991, 105 Stat. 499, authorized grants for telecommunications facilities and equipment, instructional programming, and technical assistance.

Section 4083, Pub. L. 98-377, title IX, §904, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 321; amended Pub. L. 102-103, title III, §303, Aug. 17, 1991, 105 Stat. 500, related to eligibility of telecommunications partnerships for grants.

Section 4084, Pub. L. 98-377, title IX, §905, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 321; amended Pub. L. 102-103, title III, §304, Aug. 17, 1991, 105 Stat. 501, related to applications for grants.

Section 4085, Pub. L. 98-377, title IX, §906, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 323, related to dissemination of courses and materials under star schools program.

Section 4085a, Pub. L. 98-377, title IX, §907, as added Pub. L. 102-103, title III, §305(2), Aug. 17, 1991, 105 Stat. 502, related to continuing eligibility for grants.

Section 4085b, Pub. L. 98-377, title IX, §908, as added Pub. L. 102-103, title III, §305(2), Aug. 17, 1991, 105 Stat. 503; amended Pub. L. 103-227, title IX, §961, Mar. 31, 1994, 108 Stat. 263, required independent evaluation of the star schools program.

Section 4085c, Pub. L. 98-377, title IX, §909, as added Pub. L. 102-103, title III, §305(2), Aug. 17, 1991, 105 Stat. 504, authorized assistance for acquiring satellite time.

Section 4085d, Pub. L. 98-377, title IX, §910, as added Pub. L. 102-103, title III, §305(2), Aug. 17, 1991, 105 Stat. 504, authorized grants for dissemination and technical assistance to State and local educational agencies.

Section 4086, Pub. L. 98-377, title IX, §911, formerly §907, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 324; amended Pub. L. 102-73, title VIII,