

it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

(Pub. L. 89–10, title VII, § 7011, formerly title VIII, § 8011, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3768; amended Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1814(a)(1), (b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–387; renumbered title VII, § 7011, and amended Pub. L. 114–95, title VII, §§ 7001(c)(2), 7011, Dec. 10, 2015, 129 Stat. 2074, 2087.)

Editorial Notes

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, § 7011, struck out “or under the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding October 20, 1994)” after “any action of the Secretary under this subchapter”.

2000—Subsec. (a). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1814(a)(1)], inserted “if the local educational agency or State, as the case may be, submits to the Secretary a request for the hearing not later than 60 days after the date of the action of the Secretary under this subchapter” before period at end.

Subsec. (b)(1). Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1814(b)], substituted “30 working days (as determined by the local educational agency or State)” for “60 days”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, and effective with respect to appropriations for use under this subchapter beginning fiscal year 2017, except as otherwise provided in such amendment, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1814(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–387, provided that: “The amendment made by paragraph (1) [amending this section] shall apply with respect to an action of the Secretary under title VIII [now VII] of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) initiated on or after the date of the enactment of this Act [Oct. 30, 2000].”

§ 7712. Forgiveness of overpayments

Notwithstanding any other provision of law, the Secretary may forgive the obligation of a local educational agency to repay, in whole or in part, the amount of any overpayment received under this subchapter, or under this subchapter’s predecessor authorities, if the Secretary determines that the overpayment was made as a result of an error made by—

- (1) the Secretary; or
- (2) the local educational agency and repayment of the full amount of the overpayment will result in an undue financial hardship on the agency and seriously harm the agency’s educational program.

(Pub. L. 89–10, title VII, § 7012, formerly title VIII, § 8012, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3769; amended Pub. L. 106–398, § 1 [[div. A], title XVIII, § 1815], Oct. 30, 2000, 114 Stat. 1654, 1654A–387; renumbered title

VII, § 7012, Pub. L. 114–95, title VII, § 7001(c)(2), Dec. 10, 2015, 129 Stat. 2074.)

Editorial Notes

AMENDMENTS

2000—Pub. L. 106–398 substituted “under this subchapter’s predecessor authorities” for “under the Act of September 30, 1950 (Public Law 874, 81st Congress) or the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Acts were in effect on the day preceding October 20, 1994)” in introductory provisions.

§ 7713. Definitions

For purposes of this subchapter:

(1) Armed Forces

The term “Armed Forces” means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(2) Average per-pupil expenditure

The term “average per-pupil expenditure” means—

(A) the aggregate current expenditures of all local educational agencies in the State; divided by

(B) the total number of children in average daily attendance for whom such agencies provided free public education.

(3) Construction

The term “construction” means—

(A) the preparation of drawings and specifications for school facilities;

(B) erecting, building, acquiring, altering, remodeling, repairing, or extending school facilities;

(C) inspecting and supervising the construction of school facilities; and

(D) debt service for such activities.

(4) Current expenditures

The term “current expenditures” means expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but does not include expenditures for community services, capital outlay, and debt service, or any expenditures made from funds awarded under part A of subchapter I. The determination of whether an expenditure for the replacement of equipment is considered a current expenditure or a capital outlay shall be determined in accordance with generally accepted accounting principles as determined by the State.

(5) Federal property

(A) In general

Except as provided in subparagraphs (B) through (F), the term “Federal property” means real property that is not subject to taxation by any State or any political subdivision of a State due to Federal agreement, law, or policy, and that is—

(i) owned by the United States or leased by the United States from another entity;

(ii) held in trust by the United States for individual Indians or Indian tribes;