

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Section effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111-13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

§ 12527. Participation of students and teachers from private schools**(a) In general**

To the extent consistent with the number of students in the State, in the territory, or served by the Indian tribe or in the school district of the local educational agency involved who are enrolled in private nonprofit elementary schools and secondary schools, such State, territory, or Indian tribe, or agency shall (after consultation with appropriate private school representatives) make provision—

(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this part; and

(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this part.

(b) Waiver

If a State, territory, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private nonprofit schools as required by subsection (a), or if the Corporation determines that a State, territory, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Chief Executive Officer shall waive such requirements and shall arrange for the provision of services to such students and teachers.

(Pub. L. 101-610, title I, §115, as added Pub. L. 111-13, title I, §1201, Apr. 21, 2009, 123 Stat. 1473.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 12527, Pub. L. 101-610, title I, §115, as added Pub. L. 103-82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 830, related to consideration of applications, prior to the general amendment of this part by Pub. L. 111-13.

Another prior section 12527, Pub. L. 101-610, title I, §117, Nov. 16, 1990, 104 Stat. 3138; Pub. L. 102-10, §4(5), Mar. 12, 1991, 105 Stat. 30, prescribed authorized uses of funds, prior to repeal by Pub. L. 103-82, §103(a)(2).

A prior section 115 of Pub. L. 101-610 was classified to section 12525 of this title prior to repeal by Pub. L. 103-82.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Section effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111-13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

§ 12528. Federal, State, and local contributions**(a) Corporation share****(1) In general**

The Corporation share of the cost of carrying out a program for which a grant is made from an allotment under this part—

(A) for new grants may not exceed 80 percent of the total cost of the program for the first year of the grant period, 65 percent for the second year, and 50 percent for each remaining year; and

(B) for continuing grants, may not exceed 50 percent of the total cost of the program.

(2) Noncorporation contribution

In providing for the remaining share of the cost of carrying out such a program, each recipient of such a grant under this part—

(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services;

(B) except as provided in subparagraph (C), may provide for such share through Federal, State, or local sources, including private funds or donated services; and

(C) may not provide for such share through Federal funds made available under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) [20 U.S.C. 6301 et seq.] or the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(b) Waiver

The Chief Executive Officer may waive the requirements of subsection (a) in whole or in part with respect to any such program for any fiscal year, on a determination that such a waiver would be equitable due to a lack of resources at the local level.

(Pub. L. 101-610, title I, §116, as added Pub. L. 111-13, title I, §1201, Apr. 21, 2009, 123 Stat. 1473.)

Editorial Notes**REFERENCES IN TEXT**

The Elementary and Secondary Education Act of 1965, referred to in subsec. (a)(2)(C), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27. Title I of the Act is classified generally to subchapter I (§6301 et seq.) of chapter 70 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 20 and Tables.

The Individuals with Disabilities Education Act, referred to in subsec. (a)(2)(C), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§1400 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

PRIOR PROVISIONS

A prior section 12528, Pub. L. 101-610, title I, §115A, as added Pub. L. 103-82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 831; amended Pub. L. 103-382, title III, §394(h)(3), Oct. 20, 1994, 108 Stat. 4028, related to participation of students and teachers from private schools, prior to the general amendment of this part by Pub. L. 111-13.

A prior section 116 of Pub. L. 101-610 was classified to section 12529 of this title prior to the general amendment of this part by Pub. L. 111-13.

Another prior section 116 of Pub. L. 101-610 was classified to section 12526 of this title prior to repeal by Pub. L. 103-82.