

§ 7221. Purpose

It is the purpose of this part to—

(1) improve the United States education system and education opportunities for all people in the United States by supporting innovation in public education in public school settings that prepare students to compete and contribute to the global economy and a stronger Nation;

(2) provide financial assistance for the planning, program design, and initial implementation of charter schools;

(3) increase the number of high-quality charter schools available to students across the United States;

(4) evaluate the impact of charter schools on student achievement, families, and communities, and share best practices between charter schools and other public schools;

(5) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount States typically provide for traditional public schools;

(6) expand opportunities for children with disabilities, English learners, and other traditionally underserved students to attend charter schools and meet the challenging State academic standards;

(7) support efforts to strengthen the charter school authorizing process to improve performance management, including transparency, oversight and monitoring (including financial audits), and evaluation of such schools; and

(8) support quality, accountability, and transparency in the operational performance of all authorized public chartering agencies, including State educational agencies, local educational agencies, and other authorizing entities.

(Pub. L. 89–10, title IV, §4301, as added Pub. L. 114–95, title IV, §4301(1), Dec. 10, 2015, 129 Stat. 1993.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 7221, Pub. L. 89–10, title IV, §4301, formerly title V, §5201, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1788; renumbered title IV, §4301, Pub. L. 114–95, title IV, §4001(b)(2)(A), (B), (D)(iii), Dec. 10, 2015, 129 Stat. 1967, related to purpose of former subpart 1 of part B of subchapter V of this chapter, prior to repeal by Pub. L. 114–95, §5, title IV, §4301(1), Dec. 10, 2015, 129 Stat. 1806, 1993, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 4301 of Pub. L. 89–10 was renumbered section 8571, and is classified to section 7971 of this title.

Another prior section 4301 of Pub. L. 89–10 was classified to section 3081 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Statutory Notes and Related Subsidiaries**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.

§ 7221a. Program authorized**(a) In general**

The Secretary may carry out a charter school program that supports charter schools that serve early childhood, elementary school, or secondary school students by—

(1) supporting the startup of new charter schools, the replication of high-quality charter schools, and the expansion of high-quality charter schools;

(2) assisting charter schools in accessing credit to acquire and renovate facilities for school use; and

(3) carrying out national activities to support—

(A) the activities described in paragraph (1);

(B) the dissemination of best practices of charter schools for all schools;

(C) the evaluation of the impact of the charter school program under this part on schools participating in such program; and

(D) stronger charter school authorizing practices.

(b) Funding allotment

From the amount made available under section 7221j of this title for a fiscal year, the Secretary shall—

(1) reserve 12.5 percent to support charter school facilities assistance under section 7221c of this title;

(2) reserve 22.5 percent to carry out national activities under section 7221d of this title; and

(3) use the remaining amount after the reservations under paragraphs (1) and (2) to carry out section 7221b of this title.

(c) Prior grants and subgrants

The recipient of a grant or subgrant under part B of title V (as such part was in effect on the day before December 10, 2015) shall continue to receive funds in accordance with the terms and conditions of such grant or subgrant.

(Pub. L. 89–10, title IV, §4302, as added Pub. L. 114–95, title IV, §4301(1), Dec. 10, 2015, 129 Stat. 1994.)

Editorial Notes**REFERENCES IN TEXT**

Part B of title V (as such part was in effect on the day before December 10, 2015), referred to in subsec. (c), means part B of title V of Pub. L. 89–10, which was classified generally to part B (§7221 et seq.) of subchapter V of this chapter prior to being amended by Pub. L. 114–95. Pub. L. 114–95, title IV, §§4001(b)(1)(B), (2), 4301, Dec. 10, 2015, 129 Stat. 1967, 1993, repealed subparts 2 (§7223 et seq.) and 3 (§7225 et seq.) of part B of subchapter V, redesignated the remainder of part B as this part, struck out the subpart 1 designation and heading, repealed and amended various sections of this part, and added several new sections. For complete classification of Pub. L. 114–95 to the Code, see Tables.

PRIOR PROVISIONS

A prior section 7221a, Pub. L. 89–10, title IV, §4302, formerly title V, §5202, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1788; renumbered title IV, §4302, Pub. L. 114–95, title IV, §4001(b)(2)(A), (B), (D)(iii), Dec. 10, 2015, 129 Stat. 1967, related to authorization of grant program, prior to repeal by Pub. L. 114–95, §5,

title IV, § 4301(1), Dec. 10, 2015, 129 Stat. 1806, 1993, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 4302 of Pub. L. 89-10 was renumbered section 8572, and is classified to section 7972 of this title.

Statutory Notes and Related Subsidiaries

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.

§ 7221b. Grants to support high-quality charter schools

(a) State entity defined

For purposes of this section, the term “State entity” means—

- (1) a State educational agency;
- (2) a State charter school board;
- (3) a Governor of a State; or
- (4) a charter school support organization.

(b) Program authorized

From the amount available under section 7221a(b)(3) of this title, the Secretary shall award, on a competitive basis, grants to State entities having applications approved under subsection (f) to enable such entities to—

- (1) award subgrants to eligible applicants to enable eligible applicants to—
 - (A) open and prepare for the operation of new charter schools;
 - (B) open and prepare for the operation of replicated high-quality charter schools; or
 - (C) expand high-quality charter schools; and
- (2) provide technical assistance to eligible applicants and authorized public chartering agencies in carrying out the activities described in paragraph (1), and work with authorized public chartering agencies in the State to improve authorizing quality, including developing capacity for, and conducting, fiscal oversight and auditing of charter schools.

(c) State entity uses of funds

(1) In general

A State entity receiving a grant under this section shall—

- (A) use not less than 90 percent of the grant funds to award subgrants to eligible applicants, in accordance with the quality charter school program described in the State entity’s application pursuant to subsection (f), for the purposes described in subsection (b)(1);
- (B) reserve not less than 7 percent of such funds to carry out the activities described in subsection (b)(2); and
- (C) reserve not more than 3 percent of such funds for administrative costs, which may include technical assistance.

(2) Contracts and grants

A State entity may use a grant received under this section to carry out the activities described in subsection (b)(2) directly or

through grants, contracts, or cooperative agreements.

(3) Rule of construction

(A) Use of lottery

Nothing in this chapter shall prohibit the Secretary from awarding grants to State entities, or prohibit State entities from awarding subgrants to eligible applicants, that use a weighted lottery to give slightly better chances for admission to all, or a subset of, educationally disadvantaged students if—

- (i) the use of weighted lotteries in favor of such students is not prohibited by State law, and such State law is consistent with laws described in section 7221i(2)(G) of this title; and
- (ii) such weighted lotteries are not used for the purpose of creating schools exclusively to serve a particular subset of students.

(B) Students with special needs

Nothing in this paragraph shall be construed to prohibit schools from specializing in providing specific services for students with a demonstrated need for such services, such as students who need specialized instruction in reading, spelling, or writing.

(d) Program periods; peer review; distribution of subgrants; waivers

(1) Program periods

(A) Grants

A grant awarded by the Secretary to a State entity under this section shall be for a period of not more than 5 years.

(B) Subgrants

A subgrant awarded by a State entity under this section shall be for a period of not more than 5 years, of which an eligible applicant may use not more than 18 months for planning and program design.

(2) Peer review

The Secretary, and each State entity awarding subgrants under this section, shall use a peer-review process to review applications for assistance under this section.

(3) Grant awards

(A) In general

The Secretary—

- (i) shall for each fiscal year for which funds are appropriated under section 7221j of this title—

- (I) award not less than 3 grants under this section; and
- (II) fully obligate the first 2 years of funds appropriated for the purpose of awarding grants under this section in the first fiscal year for which such grants are awarded; and

- (ii) prior to the start of the third year of the grant period and each succeeding year of each grant awarded under this section to a State entity—

(I) shall review—

- (aa) whether the State entity is using the grant funds for the agreed upon uses of funds; and