

**Statutory Notes and Related Subsidiaries**

## 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.

**§ 7351d. Choice of participation****(a) In general**

If a local educational agency is eligible for funding under both this subpart and subpart 1, such local educational agency may receive funds under either this subpart or subpart 1 for a fiscal year, but may not receive funds under both subparts for such fiscal year.

**(b) Notification**

A local educational agency eligible for funding under both this subpart and subpart 1 shall notify the Secretary and the State educational agency under which of such subparts the local educational agency intends to receive funds for a fiscal year by a date that is established by the Secretary for the notification.

(Pub. L. 89-10, title V, §5225, as added Pub. L. 114-95, title V, §5003(8), Dec. 10, 2015, 129 Stat. 2044.)

**Editorial Notes**

## PRIOR PROVISIONS

A prior section 5225 of Pub. L. 89-10 was classified to section 7223d of this title, prior to repeal by Pub. L. 114-95.

Prior sections 7352 and 7353 were omitted in the general amendment of former subchapter VI of this chapter by Pub. L. 107-110.

Section 7352, Pub. L. 89-10, title VI, §6302, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3711, related to administrative authority.

Section 7353, Pub. L. 89-10, title VI, §6303, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3711, related to local applications for allocations of funds.

**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.

## SUBPART 3—GENERAL PROVISIONS

**§ 7355. Annual average daily attendance determination****(a) Census determination**

Each local educational agency desiring a grant under section 7345a of this title and each local educational agency or specially qualified agency desiring a grant under subpart 2 of this part shall—

(1) not later than December 1 of each year, conduct a census to determine the number of students in average daily attendance in kindergarten through grade 12 at the schools served by the agency; and

(2) not later than March 1 of each year, submit the number described in paragraph (1) to

the Secretary (and to the State educational agency, in the case of a local educational agency seeking a grant under subpart (2)).<sup>1</sup>

**(b) Penalty**

If the Secretary determines that a local educational agency or specially qualified agency has knowingly submitted false information under subsection (a) for the purpose of gaining additional funds under section 7345a of this title or subpart 2 of this part, then the agency shall be fined an amount equal to twice the difference between the amount the agency received under this section and the correct amount the agency would have received under section 7345a of this title or subpart 2 of this part if the agency had submitted accurate information under subsection (a).

(Pub. L. 89-10, title V, §5231, formerly title VI, §6231, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1897; renumbered title V, §5231, and amended Pub. L. 114-95, title V, §5001(a)(5), (b)(2), Dec. 10, 2015, 129 Stat. 2039, 2040.)

**Editorial Notes**

## PRIOR PROVISIONS

A prior section 5231 of Pub. L. 89-10 was classified to section 7223j of this title, prior to repeal by Pub. L. 114-95.

## AMENDMENTS

2015—Pub. L. 114-95, §5001(b)(2), made technical amendment to references in original act which appear in text as references to section 7345a of this title.

**Statutory Notes and Related Subsidiaries**

## 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.

**§ 7355a. Supplement, not supplant**

Funds made available under subpart 1 or subpart 2 of this part shall be used to supplement, and not supplant, any other Federal, State, or local education funds.

(Pub. L. 89-10, title V, §5232, formerly title VI, §6232, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1897; renumbered title V, §5232, Pub. L. 114-95, title V, §5001(a)(5), Dec. 10, 2015, 129 Stat. 2039, 2040.)

**§ 7355b. Rule of construction**

Nothing in this part shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services, pursuant to State law or a written agreement, from entering into similar arrangements for the use, or the coordination of the use, of the funds made available under this part.

(Pub. L. 89-10, title V, §5233, formerly title VI, §6233, as added Pub. L. 107-110, title VI, §601,

<sup>1</sup> So in original. Probably should be "subpart 2)."