

**(B) Judgment**

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.

**(b) Determination**

Any determination by the Secretary under this section shall continue in effect until the Secretary determines, in consultation with that agency, consortium, or entity and representatives of the affected private school children, teachers, or other educational personnel, that there will no longer be any failure or inability on the part of the agency, consortium, or entity to meet the applicable requirements of section 7881 of this title or any other provision of this chapter.

**(c) Payment from State allotment**

When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of those services, including the administrative costs of arranging for those services, from the appropriate allocation or allocations under this chapter.

**(d) Prior determination**

Any by-pass determination by the Secretary under this chapter as in effect on the day preceding January 8, 2002, shall remain in effect to the extent the Secretary determines that that determination is consistent with the purpose of this section.

(Pub. L. 89-10, title VIII, § 8504, formerly title IX, § 9504, as added Pub. L. 107-110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1978; renumbered title VIII, § 8504, and amended Pub. L. 114-95, title VIII, §§ 8001(a)(5), (b)(4), 8018, Dec. 10, 2015, 129 Stat. 2088, 2089, 2112.)

**Editorial Notes****AMENDMENTS**

2015—Subsec. (a)(1)(A). Pub. L. 114-95, § 8018, made technical amendment to reference in original act which appears in text as reference to section 7882 of this title.

Subsec. (b). Pub. L. 114-95, § 8001(b)(4), made technical amendment to reference in original act which appears in text as reference to section 7881 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.

**§ 7885. Prohibition against funds for religious worship or instruction**

Nothing contained in this chapter shall be construed to authorize the making of any payment under this chapter for religious worship or instruction.

(Pub. L. 89-10, title VIII, § 8505, formerly title IX, § 9505, as added Pub. L. 107-110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1979; renumbered title VIII, § 8505, Pub. L. 114-95, title VIII, § 8001(a)(5), Dec. 10, 2015, 129 Stat. 2088, 2089.)

**§ 7886. Private, religious, and home schools****(a) Applicability to nonrecipient private schools**

Nothing in this chapter shall be construed to affect any private school that does not receive funds or services under this chapter, nor shall any student who attends a private school that does not receive funds or services under this chapter be required to participate in any assessment referenced in this chapter.

**(b) Applicability to home schools**

Nothing in this chapter shall be construed to affect a home school, whether or not a home school is treated as a home school or a private school under State law, nor shall any student schooled at home be required to participate in any assessment referenced in this chapter.

**(c) Rule of construction on prohibition of Federal control over nonpublic schools**

Nothing in this chapter shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this chapter.

**(d) Rule of construction on State and local educational agency mandates**

Nothing in this chapter shall be construed to require any State educational agency or local educational agency that receives funds under this chapter to mandate, direct, or control the curriculum of a private or home school, regardless or<sup>1</sup> whether or not a home school is treated as a private school under state<sup>2</sup> law, nor shall any funds under this chapter be used for this purpose.

(Pub. L. 89-10, title VIII, § 8506, formerly title IX, § 9506, as added Pub. L. 107-110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1979; renumbered title VIII, § 8506, Pub. L. 114-95, title VIII, § 8001(a)(5), Dec. 10, 2015, 129 Stat. 2088, 2089.)

**SUBPART 2—OTHER PROVISIONS****§ 7901. Maintenance of effort****(a) In general**

A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of the agency and the State with respect to the provision of free public education by the agency for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of subsection (b).

**(b) Reduction in case of failure to meet****(1) In general**

The State educational agency shall reduce the amount of the allocation of funds under a

<sup>1</sup> So in original. Probably should be “of”.

<sup>2</sup> So in original. Probably should be capitalized.