

(Pub. L. 89–10, title VIII, § 8531, formerly title IX, § 9531, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1984; renumbered title VIII, § 8531, Pub. L. 114–95, title VIII, § 8001(a)(6), Dec. 10, 2015, 129 Stat. 2088, 2089.)

Editorial Notes

PRIOR PROVISIONS

A prior section 7911, Pub. L. 89–10, title IX, § 9211, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3804, set out administrative provisions, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

§ 7912. Unsafe school choice option

(a) Unsafe school choice policy

Each State receiving funds under this chapter shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

(b) Certification

As a condition of receiving funds under this chapter, a State shall certify in writing to the Secretary that the State is in compliance with this section.

(Pub. L. 89–10, title VIII, § 8532, formerly title IX, § 9532, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1984; renumbered title VIII, § 8532, Pub. L. 114–95, title VIII, § 8001(a)(6), Dec. 10, 2015, 129 Stat. 2088, 2089.)

Editorial Notes

PRIOR PROVISIONS

A prior section 7912, Pub. L. 89–10, title IX, § 9212, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3805, defined terms, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

§ 7913. Prohibition on discrimination

Nothing in this chapter shall be construed to require, authorize, or permit, the Secretary, or a State educational agency, local educational agency, or school to grant to a student, or deny or impose upon a student, any financial or educational benefit or burden, in violation of the fifth or 14th amendments to the Constitution or other law relating to discrimination in the provision of federally funded programs or activities.

(Pub. L. 89–10, title VIII, § 8533, formerly title IX, § 9533, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1985; renumbered title VIII, § 8533, Pub. L. 114–95, title VIII, § 8001(a)(6), Dec. 10, 2015, 129 Stat. 2088, 2089.)

§ 7914. Civil rights

(a) In general

Nothing in this chapter shall be construed to permit discrimination on the basis of race,

color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.]), national origin, or disability in any program funded under this chapter.

(b) Rule of construction

Nothing in this chapter shall be construed to require the disruption of services to a child or the displacement of a child enrolled in or participating in a program administered by an eligible entity, as defined in section 6311(d) of this title and part C of subchapter IV, at the commencement of the entity's participation in a grant under section 6311(d) of this title or part C of subchapter IV.

(Pub. L. 89–10, title VIII, § 8534, formerly title IX, § 9534, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1985; renumbered title VIII, § 8534, and amended Pub. L. 114–95, title VIII, § 8001(a)(6), 8029, Dec. 10, 2015, 129 Stat. 2088, 2089, 2116.)

Editorial Notes

REFERENCES IN TEXT

The Education Amendments of 1972, referred to in subsec. (a), is Pub. L. 92–318, June 23, 1972, 86 Stat. 235. Title IX of the Act, known as the Patsy Takemoto Mink Equal Opportunity in Education Act, is classified principally to chapter 38 (§ 1681 et seq.) of this title. For complete classification of title IX to the Code, see Short Title note set out under section 1681 of this title and Tables.

AMENDMENTS

2015—Subsec. (b). Pub. L. 114–95, § 8029, substituted “as defined in section 6311(d) of this title and part C of subchapter IV” for “as defined in section 6316 of this title and part B of subchapter V” and “grant under section 6311(d) of this title or part C of subchapter IV” for “grant under section 6316 of this title or part B of subchapter V”.

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.

§ 7915. Rulemaking

The Secretary shall issue regulations under this chapter only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this chapter.

(Pub. L. 89–10, title VIII, § 8535, formerly title IX, § 9535, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1985; renumbered title VIII, § 8535, Pub. L. 114–95, title VIII, § 8001(a)(6), Dec. 10, 2015, 129 Stat. 2088, 2089.)

§ 7916. Severability

If any provision of this chapter is held invalid, the remainder of this chapter shall be unaffected thereby.

(Pub. L. 89–10, title VIII, § 8536, formerly title IX, § 9536, as added Pub. L. 107–110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1985; renumbered title VIII,

§ 8536, Pub. L. 114-95, title VIII, § 8001(a)(6), Dec. 10, 2015, 129 Stat. 2088, 2089.)

§ 7917. Transfer of school disciplinary records

(a) Nonapplication of provisions

This section shall not apply to any disciplinary records with respect to a suspension or expulsion that are transferred from a private, parochial or other nonpublic school, person, institution, or other entity, that provides education below the college level.

(b) Disciplinary records

In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after January 8, 2002, each State receiving Federal funds under this chapter shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.

(Pub. L. 89-10, title VIII, § 8537, formerly title IV, § 4155, as added Pub. L. 107-110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1765; renumbered title IX, § 9537, renumbered title VIII, § 8537, Pub. L. 114-95, title IV, § 4001(a)(3), title VIII, § 8001(a)(6), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089.)

Editorial Notes

REFERENCES IN TEXT

The Family Educational Rights and Privacy Act of 1974, referred to in subsec. (b), is section 513 of Pub. L. 93-380, title V, Aug. 21, 1974, 88 Stat. 571, which enacted section 1232g of this title and provisions set out as notes under sections 1221 and 1232g of this title. For complete classification of this Act to the Code, see Short Title of 1974 Amendment note set out under section 1221 of this title and Tables.

CODIFICATION

Section was classified to section 7165 of this title prior to renumbering by Pub. L. 114-95.

§ 7918. Consultation with Indian tribes and tribal organizations

(a) In general

To ensure timely and meaningful consultation on issues affecting American Indian and Alaska Native students, an affected local educational agency shall consult with appropriate officials from Indian tribes or tribal organizations approved by the tribes located in the area served by the local educational agency prior to the affected local educational agency's submission of a required plan or application for a covered program under this chapter or for a program under subchapter VI of this chapter. Such consultation shall be done in a manner and in such time that provides the opportunity for such appropriate officials from Indian tribes or tribal organizations to meaningfully and substantively contribute to such plan.

(b) Documentation

Each affected local educational agency shall maintain in the agency's records and provide to

the State educational agency a written affirmation signed by the appropriate officials of the participating tribes or tribal organizations approved by the tribes that the consultation required by this section has occurred. If such officials do not provide such affirmation within a reasonable period of time, the affected local educational agency shall forward documentation that such consultation has taken place to the State educational agency.

(c) Definitions

In this section:

(1) Affected local educational agency

The term "affected local educational agency" means a local educational agency—

(A) with an enrollment of American Indian or Alaska Native students that is not less than 50 percent of the total enrollment of the local educational agency; or

(B) that—

(i) for fiscal year 2017, received a grant in the previous year under subpart 1 of part A of title VII¹ (as such subpart was in effect on the day before December 10, 2015) that exceeded \$40,000; or

(ii) for any fiscal year following fiscal year 2017, received a grant in the previous fiscal year under subpart 1 of part A of subchapter VI that exceeded \$40,000.

(2) Appropriate officials

The term "appropriate officials" means—

(A) tribal officials who are elected; or

(B) appointed tribal leaders or officials designated in writing by an Indian tribe for the specific consultation purpose under this section.

(d) Rule of construction

Nothing in this section shall be construed—

(1) to require the local educational agency to determine who are the appropriate officials; or

(2) to make the local educational agency liable for consultation with appropriate officials that the tribe determines not to be the correct appropriate officials.

(e) Limitation

Consultation required under this section shall not interfere with the timely submission of the plans or applications required under this chapter.

(Pub. L. 89-10, title VIII, § 8538, as added Pub. L. 114-95, title VIII, § 8030, Dec. 10, 2015, 129 Stat. 2116.)

Editorial Notes

REFERENCES IN TEXT

Subpart 1 of part A of title VII (as such subpart was in effect on the day before December 10, 2015), referred to in subsec. (c)(1)(B)(i), means subpart 1 of part A of title VII of Pub. L. 89-10, which was classified generally to subpart 1 (§7421 et seq.) of part A of subchapter VII of this chapter prior to being redesignated as subpart 1 of part A of title VI of Pub. L. 89-10 and amended by Pub. L. 114-95, title VI, §§6001(a), 6002(c)-(j), Dec. 10, 2015, 129 Stat. 2046-2049, 2052-2054, and transferred to subpart 1 (§7421 et seq.) of part A of subchapter VI of this chapter.

¹ See References in Text note below.