

§ 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.