

§ 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 VII<sup>1</sup> (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.

<sup>1</sup> See References in Text note below.

**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.

**§ 7919. Outreach and technical assistance for rural local educational agencies****(a) Outreach**

The Secretary shall engage in outreach to rural local educational agencies regarding opportunities to apply for competitive grant programs under this chapter.

**(b) Technical assistance**

If requested to do so, the Secretary shall provide technical assistance to rural local educational agencies with locale codes 32, 33, 41, 42, or 43, or an educational service agency representing rural local educational agencies with locale codes 32, 33, 41, 42, or 43 on applications or pre-applications for any competitive grant program under this chapter. No rural local educational agency or educational service agency shall be required to request technical assistance or include any technical assistance provided by the Secretary in any application.

(Pub. L. 89-10, title VIII, §8539, as added Pub. L. 114-95, title VIII, §8031, Dec. 10, 2015, 129 Stat. 2117.)

**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.

**§ 7920. Consultation with the Governor****(a) In general**

A State educational agency shall consult in a timely and meaningful manner with the Governor, or appropriate officials from the Governor's office, in the development of State plans under subchapters I and II and section 7842 of this title.

**(b) Timing**

The consultation described in subsection (a) shall include meetings of officials from the State educational agency and the Governor's office and shall occur—

- (1) during the development of such plan; and
- (2) prior to submission of the plan to the Secretary.

**(c) Joint signature authority**

A Governor shall have 30 days prior to the State educational agency submitting the State plan under subchapter I or II or section 7842 of this title to the Secretary to sign such plan. If the Governor has not signed the plan within 30 days of delivery by the State educational agency to the Governor, the State educational agency shall submit the plan to the Secretary without such signature.

(Pub. L. 89-10, title VIII, §8540, as added Pub. L. 114-95, title VIII, §8032, Dec. 10, 2015, 129 Stat. 2118.)

**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.

**§ 7921. Local governance****(a) Rule of construction**

Nothing in this chapter shall be construed to allow the Secretary to—

- (1) exercise any governance or authority over school administration, including the development and expenditure of school budgets, unless otherwise authorized under this chapter;
- (2) issue any regulation without first complying with the rulemaking requirements of section 553 of title 5; or
- (3) issue any nonregulatory guidance without first, to the extent feasible, considering input from stakeholders.

**(b) Authority under other law**

Nothing in subsection (a) shall be construed to affect any authority the Secretary has under any other Federal law.

(Pub. L. 89-10, title VIII, §8541, as added Pub. L. 114-95, title VIII, §8033, Dec. 10, 2015, 129 Stat. 2118.)

**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.

**§ 7922. Rule of construction regarding travel to and from school****(a) In general**

Subject to subsection (b), nothing in this chapter shall authorize the Secretary to, or shall be construed to—

- (1) prohibit a child from traveling to and from school on foot or by car, bus, or bike when the parents of the child have given permission; or
- (2) expose parents to civil or criminal charges for allowing their child to responsibly and safely travel to and from school by a means the parents believe is age appropriate.

**(b) No preemption of State or local laws**

Notwithstanding subsection (a), nothing in this section shall be construed to preempt State or local laws.

(Pub. L. 89-10, title VIII, §8542, as added Pub. L. 114-95, title VIII, §8034, Dec. 10, 2015, 129 Stat. 2118.)

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive pro-