Elementary and Secondary Education Act of 1965 (ESEA), as amended by Public Law 114-95, the Every Student Succeeds Act (ESSA), enacted on December 10, 2015; 129 Stat. 1802

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While compilation is arranged in the order of the ESEA, it consists of individual documents in the following three types of formats:

1. Sections of the ESEA that were not amended by the ESSA are taken from the May 17, 2016 compilation of the ESEA posted by the House Office of Law Revision Counsel at http://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf. These sections are indicated by "ESEA OF 1965" at the top of the page.

2. Sections of the ESEA that were replaced by the ESSA in their entirety, or that were added by the ESSA, are taken from the text of the ESSA (Public Law 114-95), posted at https://www.gpo.gov/fdsys/pkg/PLAW-114publ95/pdf/PLAW-114publ95.pdf. These sections are indicated by "Public Law 114-95" at the top of the page.

3. Mark-ups prepared by DLC for other sections of the ESEA, showing amendments made by the ESAA. In these documents, language that was not deleted or amended is in black, deleted language is shown with strikethrough (such as "education"), and new language is in highlighted red italics.

Effective dates and transition. Sections 4 and 5 of the ESSA (included in this compilation) provide effective dates and transition provisions for the ESSA's amendments to the ESEA. In addition, section 312 of the Department of Education Appropriations Act, 2016 (Title III of Division H of P.L. 114-113, the Consolidated Appropriations Act, 2016), December 18, 2015; 129 Stat. 2638, provides as follows:

Sec. 312. Notwithstanding section 5(b) of the Every Student Succeeds Act, funds provided in this Act for non-competitive formula grant programs authorized by the ESEA for use during academic year 2016-2017 shall be administered in accordance with the ESEA as in effect on the day before the date of enactment of the Every Student Succeeds Act.

Comments and corrections: If you find any inaccuracies in this compilation, or have any comments on it, please send them to OGC.DLC@ed.gov.

[END]
SEC. 3. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 4. TRANSITION.

(a) Funding Authority.—

(1) Multi-year Awards.—

(A) Programs No Longer Authorized.—Except as otherwise provided in this Act or the amendments made by this Act, the recipient of a multiyear award under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as in effect on the day before the date of enactment of this Act, under a program that is not authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by this Act, and—

(i) that is not substantively similar to a program authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by this Act, shall continue to receive funds in accordance with the terms of such prior award, except that no additional funds for such program may be awarded after September 30, 2016; and

(ii) that is substantively similar to a program authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by this Act, shall continue to receive funds in accordance with the terms of such prior award.

(B) Authorized Programs.—Except as otherwise provided in this Act, or the amendments made by this Act, the recipient of a multiyear award under a program that was authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as in effect on the day before the date of enactment of this Act, and that is authorized under such Act (20 U.S.C. 6301 et seq.), as amended by this Act, shall continue to receive funds in accordance with the terms of such prior award.

(2) Planning and Transition.—Notwithstanding any other provision of law, a recipient of funds under a program described in paragraph (1)(A)(ii) or (1)(B) may use funds awarded to the recipient under such program, to carry out necessary and reasonable planning and transition activities in order to ensure the recipient’s compliance with the amendments to such program made by this Act.

(b) Orderly Transition.—Subject to subsection (a)(1)(A)(i), the Secretary shall take such steps as are necessary to provide for the orderly transition to, and implementation of, programs authorized under the Elementary and Secondary Education Act of 1965.
(20 U.S.C. 6301 et seq.), as amended by this Act, from programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as in effect on the day before the date of enactment of this Act.

(c) TERMINATION OF CERTAIN WAIVERs.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, and subject to section 5(e)(2), a waiver described in paragraph (2) shall be null and void and have no legal effect on or after August 1, 2016.

(2) WAIVERs.—A waiver shall be subject to paragraph (1) if the waiver was granted by the Secretary of Education to a State or consortium of local educational agencies under the program first introduced in a letter to chief State school officers dated September 23, 2011, and authorized under section 9401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7861), as in effect on the day before the date of enactment of this Act.

SEC. 5. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act, or an amendment made by this Act, this Act, and the amendments made by this Act, shall be effective upon the date of enactment of this Act.

(b) NONCOMPETITIVE PROGRAMS.—With respect to noncompetitive programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq) and the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) under which any funds are allotted by the Secretary of Education to recipients on the basis of a formula, the amendments made by this Act shall be effective beginning on July 1, 2016, except as otherwise provided in such amendments.

(c) COMPETITIVE PROGRAMS.—With respect to programs that are conducted by the Secretary of Education on a competitive basis (and are not programs described in subsection (b)) under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the amendments made by this Act with respect to appropriations for use under such programs shall be effective beginning on October 1, 2016, except as otherwise provided in such amendments.

(d) IMPACT AID.—With respect to title VII of the Elementary and Secondary Education Act of 1965, as amended by this Act, the amendments made by this Act shall take effect with respect to appropriations for use under such title beginning fiscal year 2017, except as otherwise provided in such amendments.

(e) TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(1) EFFECTIVE DATES FOR SECTION 1111 OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Notwithstanding any other provision of this Act, or the amendments made by this Act, and subject to paragraph (2) of this subsection—

(A) section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)), as in effect on the day before the date of enactment of this Act, shall be effective through the close of August 1, 2016;

(B) subsections (c) and (d) of section 1111 of the Elementary and Secondary Education Act of 1965 (20
U.S.C. 6311), as amended by this Act, shall take effect beginning with school year 2017–2018; and

(C) section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)), as amended by this Act, and any other provision of section 1111 of such Act (20 U.S.C. 6311), as amended by this Act, which is not described in subparagraph (B) of this paragraph, shall take effect in a manner consistent with subsection (a).

(2) Special rule.—

(A) In general.—Notwithstanding any other provision of this Act (including subsection (b) and paragraph (1)), any school or local educational agency described in subparagraph (B) shall continue to implement interventions applicable to such school or local educational agency under clause (i) or (ii) of subparagraph (B) until—

(i) the State plan for the State in which the school or agency is located under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311), as amended by this Act, is approved under such section (20 U.S.C. 6311); or

(ii) subsections (c) and (d) of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311), as amended by this Act, take effect in accordance with paragraph (1)(B), whichever occurs first.

(B) Certain schools and local educational agencies.—A school or local educational agency shall be subject to the requirements of subparagraph (A), if such school or local educational agency has been identified by the State in which the school or local educational agency is located—

(i) as in need of improvement, corrective action, or restructuring under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), as in effect on the day before the date of enactment of this Act; or

(ii) as a priority or focus school under a waiver granted by the Secretary of Education under section 9401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7861), as in effect on the day before the date of enactment of this Act.


Section 2 is amended to read as follows:

"Sec. 1. Short title.
"Sec. 2. Table of contents.

"TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

"Sec. 1001. Statement of purpose.
"Sec. 1002. Authorization of appropriations.
"Sec. 1003. School improvement.
"Sec. 1003A. Direct student services.
"Sec. 1004. State administration.

"PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

"SUBPART 1—BASIC PROGRAM REQUIREMENTS

"Sec. 1111. State plans.
Section 5(a) through (c) of the Every Student Succeeds Act (Public Law 114–95) provides as follows:

SEC. 5. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act, or an amendment made by this Act, this Act, and the amendments made by this Act, shall be effective upon the date of enactment of this Act.

(b) NONCOMPETITIVE PROGRAMS.—With respect to noncompetitive programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq) and the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq) under which any funds are allotted by the Secretary of Education to recipients on the basis of a formula, the amendments made by this Act shall be effective beginning on July 1, 2016, except as otherwise provided in such amendments.

(c) COMPETITIVE PROGRAMS.—With respect to programs that are conducted by the Secretary of Education on a competitive basis (and are not programs described in subsection (b)) under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq) and the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq) under which any funds are allotted by the Secretary of Education to recipients on the basis of a formula, the amendments made by this Act shall be effective beginning on October 1, 2016, except as otherwise provided in such amendments.

Section 312 of the Department of Education Appropriations Act, 2016 (division H of P.L. 114–113; Consolidated Appropriations Act, 2016) provides: ‘‘Notwithstanding section 5(b) of the Every Student Succeeds Act, funds provided in this Act for non-competitive formula grant programs authorized by the ESEA for use during academic year 2016–2017 shall be administered in accordance with the ESEA as in effect on the day before the date of enactment of the Every Student Succeeds Act.’’

The amendment by section 6 of Public Law 114–95 to amend section 2 to read in its entirety was executed by striking the table of sections contained in such section (shown above) in order to reflect the probable intent of Congress.
Elementary and Secondary Education Act of 1965 — Table of contents

Following enactment of P.L. 114-95, the Every Student Succeeds Act (ESSA), December 10, 2015 (with parenthetical citations to Title 20, U.S. Code, as updated by the House Office of Law Revision Counsel; see http://uscode.house.gov/classification/tbl114pl_1st.htm)

New provisions and changes in italics

Note: Section 6 of the ESSA amended the table of contents in section 2 of the ESEA, but omitted the items for new sections 5231 – 5234 (Title V, Part B, Subpart 3), which are included here.

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