

policy of the local educational agency prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary schools and secondary schools.

(Pub. L. 89–10, title VIII, §8524, formerly title IX, §9524, as added Pub. L. 107–110, title IX, §901, Jan. 8, 2002, 115 Stat. 1980; renumbered title VIII, §8524, and amended Pub. L. 114–95, title VIII, §§8001(a)(6), 8021, Dec. 10, 2015, 129 Stat. 2088, 2089, 2112.)

Editorial Notes

PRIOR PROVISIONS

A prior section 7904, Pub. L. 89–10, title IX, §9204, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3798, established the Native Hawaiian Education Council and island councils, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, §8021, substituted “by electronic means, including by posting the guidance on the Department’s website in a clear and easily accessible manner” for “on the Internet”.

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.

§ 7905. Equal access to public school facilities

(a) Short title

This section may be cited as the “Boy Scouts of America Equal Access Act”.

(b) In general

(1) Equal access

Notwithstanding any other provision of law, no public elementary school, public secondary school, local educational agency, or State educational agency that has a designated open forum or a limited public forum and that receives funds made available through the Department shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in title 36 (as a patriotic society), that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed in title 36 (as a patriotic society).

(2) Voluntary sponsorship

Nothing in this section shall be construed to require any school, agency, or a school served by an agency to sponsor any group officially affiliated with the Boy Scouts of America, or any other youth group listed in title 36 (as a patriotic society).

(c) Termination of assistance and other action

(1) Departmental action

The Secretary is authorized and directed to effectuate subsection (b) by issuing and secur-

ing compliance with rules or orders with respect to a public elementary school, public secondary school, local educational agency, or State educational agency that receives funds made available through the Department and that denies equal access, or a fair opportunity to meet, or discriminates, as described in subsection (b).

(2) Procedure

The Secretary shall issue and secure compliance with the rules or orders, under paragraph (1), through the Office for Civil Rights and in a manner consistent with the procedure used by a Federal department or agency under section 2000d–1 of title 42. If the public school or agency does not comply with the rules or orders, then notwithstanding any other provision of law, no funds made available through the Department shall be provided to a school that fails to comply with such rules or orders or to any agency or school served by an agency that fails to comply with such rules or orders.

(3) Judicial review

Any action taken by the Secretary under paragraph (1) shall be subject to the judicial review described in section 2000d–2 of title 42. Any person aggrieved by the action may obtain that judicial review in the manner, and to the extent, provided in section 2000d–2 of title 42.

(d) Definition and rule

(1) Definition

In this section, the term “youth group” means any group or organization intended to serve young people under the age of 21.

(2) Rule

For the purpose of this section, an elementary school or secondary school has a limited public forum whenever the school involved grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

(Pub. L. 89–10, title VIII, §8525, formerly title IX, §9525, as added Pub. L. 107–110, title IX, §901, Jan. 8, 2002, 115 Stat. 1981; renumbered title VIII, §8525, Pub. L. 114–95, title VIII, §8001(a)(6), Dec. 10, 2015, 129 Stat. 2088, 2089.)

Editorial Notes

PRIOR PROVISIONS

A prior section 7905, Pub. L. 89–10, title IX, §9205, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3800, related to Native Hawaiian Family-Based Education Centers, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

§ 7906. Prohibited uses of funds

No funds under this chapter may be used—

(1) for construction, renovation, or repair of any school facility, except as authorized under this chapter;

(2) for transportation unless otherwise authorized under this chapter;

(3) to develop or distribute materials, or operate programs or courses of instruction di-