

Elementary and Secondary Education Act of 1965

[As Amended Through P.L. 114–95, Enacted December 10, 2015]

Part A, Subpart 1, SEC. 1111. (d)(1)(C)(ii)

(C) STATE EDUCATIONAL AGENCY DISCRETION – With respect to any high school in the State identified under subsection (c)(4)(D)(i)(II), the State educational agency may ----

“(i) permit differentiated improvement activities that utilize evidence-based interventions in the case of such a school that predominantly serves students –

“(I) returning to education after having exited secondary school without a regular high school diploma; or

“(II) who, based on their grade or age, are significantly off track to accumulate sufficient academic credits to meet high school graduation requirements, as established by the State; and

(ii) in the case of such a school that has a **total enrollment of less than 100 students**, permit the local educational agency to forego implementation of improvement activities under this paragraph.

(bold added by USBE)

<https://www2.ed.gov/documents/essa-act-of-1965.pdf> p. 40