

If the sums available under this section for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under this section for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to paragraphs (2) and (3).

(2) Additional funds

If additional funds become available for making payments under this section for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

(3) Hold-harmless amounts

For each fiscal year, if sufficient funds are available, the amount made available to each local educational agency under this section shall be

(A) not less than 95 percent of the amount made available for the preceding fiscal year if the number of children counted for grants under section 6333 of this title is not less than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency;

(B) not less than 90 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is between 15 percent and 30 percent; and

(C) not less than 85 percent of the amount made available for the preceding fiscal year if the percentage described in

subparagraph (A) is below 15 percent.

(4) Applicability

Notwithstanding any other provision of law, the Secretary shall not take into consideration the hold-harmless provisions of this subsection for any fiscal year for purposes of calculating State or local allocations for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1125A, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1525.)

–MISC1–

PRIOR PROVISIONS

A prior section 6337, Pub. L. 89–10, title I, Sec. 1126, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3577, related to special allocation procedures, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6338 of this title.

A prior section 1125A of Pub. L. 89–10 was classified to section 6336 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6331, 6332, 6338 of this title.

–CITE–

~~–EXPCITE–~~

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part A – Improving Basic Programs Operated by Local Educational
Agencies

subpart 2 – allocations

~~–HEAD–~~

Sec. 6338. Special allocation procedures

~~–STATUTE–~~

(a) Allocations for neglected children

(1) In general

If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected children as described in section 6333(c)(1)(B) of this title, the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 6333, 6334, 6335, and 6337 of this title that is attributable to such children.

(2) Special rule

If the State educational agency does not assume such

responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

(b) Allocations among local educational agencies

The State educational agency may allocate the amounts of grants under sections 6333, 6334, 6335, and 6337 of this title among the affected local educational agencies –

(1) if two or more local educational agencies serve, in whole or in part, the same geographical area;

(2) if a local educational agency provides free public education for children who reside in the school district of another local educational agency; or

(3) to reflect the merger, creation, or change of boundaries of one or more local educational agencies.

(c) Reallocation

If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 6333, 6334, 6335, and 6337 of this title is more than such local educational agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1126, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1534.)

–MISC1–

PRIOR PROVISIONS

A prior section 6338, Pub. L. 89–10, title I, Sec. 1127, as added
Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3577,
related to carryover and waiver, prior to the general amendment of
this subchapter by Pub. L. 107–110. See section 6339 of this title.

A prior section 1126 of Pub. L. 89–10 was classified to section
6337 of this title, prior to the general amendment of this
subchapter by Pub. L. 107–110.

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6303, 6333 of this title.

–CITE–

20 USC Sec. 6339 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part A – Improving Basic Programs Operated by Local Educational Agencies

subpart 2 – allocations

–HEAD–

Sec. 6339. Carryover and waiver

–STATUTE–

(a) Limitation on carryover

Notwithstanding section 1225(b) of this title or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

(b) Waiver

A State educational agency may, once every 3 years, waive the percentage limitation in subsection (a) of this section if –

- (1) the agency determines that the request of a local educational agency is reasonable and necessary; or
- (2) supplemental appropriations for this subpart become available.

(c) Exclusion

The percentage limitation under subsection (a) of this section shall not apply to any local educational agency that receives less than \$50,000 under this subpart for any fiscal year.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1127, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1534.)

–MISC1–

PRIOR PROVISIONS

A prior section 1127 of Pub. L. 89–10 was classified to section 6338 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

–CITE–

20 USC Part B – Student Reading Skills Improvement Grants 01/06/03

~~–EXPCITE–~~

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

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~~–HEAD–~~

Part B – Student Reading Skills Improvement Grants

~~–SECREP–~~

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 6371 of this title; title 25
section 2019; title 31 section 6703.

~~–CITE–~~

20 USC subpart 1 – reading first 01/06/03

~~–EXPCITE–~~

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 1 – reading first

.

–HEAD–

subpart 1 – reading first

–SECREf–

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 6302, 6372, 7881 of this title.

–CITE–

20 USC Sec. 6361 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 1 – reading first

–HEAD–

Sec. 6361. Purposes

–STATUTE–

The purposes of this subpart are as follows:

- (1) To provide assistance to State educational agencies and local educational agencies in establishing reading programs for students in kindergarten through grade 3 that are based on scientifically based reading research, to ensure that every student can read at grade level or above not later than the end of grade 3.

(2) To provide assistance to State educational agencies and local educational agencies in preparing teachers, including special education teachers, through professional development and other support, so the teachers can identify specific reading barriers facing their students and so the teachers have the tools to effectively help their students learn to read.

(3) To provide assistance to State educational agencies and local educational agencies in selecting or administering screening, diagnostic, and classroom–based instructional reading assessments.

(4) To provide assistance to State educational agencies and local educational agencies in selecting or developing effective instructional materials (including classroom–based materials to assist teachers in implementing the essential components of reading instruction), programs, learning systems, and strategies to implement methods that have been proven to prevent or remediate reading failure within a State.

(5) To strengthen coordination among schools, early literacy programs, and family literacy programs to improve reading achievement for all children.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1201, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1535.)

–MISC1–

PRIOR PROVISIONS

A prior section 6361, Pub. L. 89–10, title I, Sec. 1201, as added

Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3578;
amended Pub. L. 106–554, Sec. 1(a)(4) (div. B, title XVI, Sec.
1604(b)), Dec. 21, 2000, 114 Stat. 2763, 2763A–328, stated purpose
of Even Start family literacy program, prior to the general
amendment of this subchapter by Pub. L. 107–110. See section 6381
of this title.

A prior section 1201 of Pub. L. 89–10 was classified to section
2781 of this title, prior to the general amendment of Pub. L. 89–10
by Pub. L. 103–382.

–CITE–

20 USC Sec. 6362 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 1 – reading first

–HEAD–

Sec. 6362. Formula grants to State educational agencies

–STATUTE–

(a) In general

(1) Authorization to make grants

In the case of each State educational agency that in accordance
with section 6363 of this title submits to the Secretary an

application for a 6-year period, the Secretary, from amounts appropriated under section 6302(b)(1) of this title and subject to the application's approval, shall make a grant to the State educational agency for the uses specified in subsections (c) and (d) of this section. For each fiscal year, the funds provided under the grant shall equal the allotment determined for the State educational agency under subsection (b) of this section.

(2) Duration of grants

Subject to subsection (e)(3) of this section, a grant under this section shall be awarded for a period of not more than 6 years.

(b) Determination of amount of allotments

(1) Reservations from appropriations

From the total amount made available to carry out this subpart for a fiscal year, the Secretary –

(A) shall reserve one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among these outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this subpart;

(B) shall reserve one-half of 1 percent for the Secretary of the Interior for programs under this subpart in schools operated or funded by the Bureau of Indian Affairs;

(C) may reserve not more than 2 1/2 percent or \$25,000,000, whichever is less, to carry out section 6365 of this title

(relating to external evaluation) and section 6366 of this

title (relating to national activities);

(D) shall reserve \$5,000,000 to carry out sections 6367 and 6374 of this title (relating to information dissemination); and

(E) for any fiscal year, beginning with fiscal year 2004, for which the amount appropriated to carry out this subpart exceeds the amount appropriated for fiscal year 2003, shall reserve, to carry out section 6364 of this title, the lesser of –

(i) \$90,000,000; or

(ii) 10 percent of such excess amount.

(2) State allotments

In accordance with paragraph (3), the Secretary shall allot among each of the States the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1).

(3) Determination of State allotment amounts

(A) In general

Subject to subparagraph (B), the Secretary shall allot the amount made available under paragraph (2) for a fiscal year among the States in proportion to the number of children, aged 5 to 17, who reside within the State and are from families with incomes below the poverty line for the most recent fiscal year for which satisfactory data are available, compared to the number of such individuals who reside in all such States for that fiscal year.

(B) Exceptions

(i) Minimum grant amount

Subject to clause (ii), no State receiving an allotment under subparagraph (A) may receive less than one-fourth of 1 percent of the total amount allotted under such subparagraph.

(ii) Puerto Rico

The percentage of the amount allotted under subparagraph (A) that is allotted to the Commonwealth of Puerto Rico for a fiscal year may not exceed the percentage that was received by the Commonwealth of Puerto Rico of the funds allocated to all States under subpart 2 of part A of this subchapter for the preceding fiscal year.

(4) Distribution of subgrants

The Secretary may make a grant to a State educational agency only if the State educational agency agrees to expend at least 80 percent of the amount of the funds provided under the grant for the purpose of making, in accordance with subsection (c) of this section, competitive subgrants to eligible local educational agencies.

(5) Reallotment

If a State educational agency described in paragraph (2) does not apply for an allotment under this section for any fiscal year, or if the State educational agency's application is not approved, the Secretary shall reallot such amount to the remaining State educational agencies in accordance with paragraph

(3).

(6) Definition of State

For purposes of this subsection, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(c) Subgrants to local educational agencies

(1) Authorization to make subgrants

In accordance with paragraph (2), a State educational agency that receives a grant under this section shall make competitive subgrants to eligible local educational agencies.

(2) Allocation

(A) Minimum subgrant amount

In making subgrants under paragraph (1), a State educational agency shall allocate to each eligible local educational agency that receives such a subgrant, at a minimum, an amount that bears the same relation to the funds made available under subsection (b)(4) of this section as the amount the eligible local educational agency received under part A of this subchapter for the preceding fiscal year bears to the amount all the local educational agencies in the State received under part A of this subchapter for the preceding fiscal year.

(B) Priority

In making subgrants under paragraph (1), a State educational agency shall give priority to eligible local educational agencies in which at least –

(i) 15 percent of the children served by the eligible local educational agency are from families with incomes below the poverty line; or

(ii) 6,500 children served by the eligible local educational agency are from families with incomes below the poverty line.

(3) Notice

A State educational agency receiving a grant under this section shall provide notice to all eligible local educational agencies in the State of the availability of competitive subgrants under this subsection and of the requirements for applying for the subgrants.

(4) Local application

To be eligible to receive a subgrant under this subsection, an eligible local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

(5) State requirement

In distributing subgrant funds to eligible local educational agencies under this subsection, a State educational agency shall

–

(A) provide funds in sufficient size and scope to enable the eligible local educational agencies to improve reading instruction; and

(B) provide the funds in amounts related to the number or percentage of students in kindergarten through grade 3 who are reading below grade level.

(6) Limitation to certain schools

In distributing subgrant funds under this subsection, an eligible local educational agency shall provide funds only to schools that both –

(A) are among the schools served by that eligible local educational agency with the highest percentages or numbers of students in kindergarten through grade 3 reading below grade level, based on the most currently available data; and

(B)(i) are identified for school improvement under section 6316(b) of this title; or

(ii) have the highest percentages or numbers of children counted under section 6333(c) of this title.

(7) Local uses of funds

(A) Required uses

Subject to paragraph (8), an eligible local educational agency that receives a subgrant under this subsection shall use the funds provided under the subgrant to carry out the following activities:

(i) Selecting and administering screening, diagnostic, and classroom–based instructional reading assessments.

(ii) Selecting and implementing a learning system or program of reading instruction based on scientifically based reading research that –

(I) includes the essential components of reading instruction; and

(II) provides such instruction to the children in kindergarten through grade 3 in the schools served by the

eligible local educational agency, including children who –

(aa) may have reading difficulties;

(bb) are at risk of being referred to special education based on these difficulties;

(cc) have been evaluated under section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414) but, in accordance with section 614(b)(5) of that Act (20 U.S.C. 1414(b)(5)), have not been identified as being a child with a disability (as defined in section 602 of that Act (20 U.S.C. 1401));

(dd) are being served under such Act (20 U.S.C. 1400 et seq.) primarily due to being identified as being a child with a specific learning disability (as defined in section 602 of that Act (20 U.S.C. 1401)) related to reading;

(ee) are deficient in the essential components of reading skills, as listed in subparagraphs (A) through (E) of section 6368(3) of this title; or

(ff) are identified as having limited English proficiency.

(iii) Procuring and implementing instructional materials, including education technology such as software and other digital curricula, that are based on scientifically based reading research.

(iv) Providing professional development for teachers of kindergarten through grade 3, and special education teachers

of kindergarten through grade 12, that –

(I) will prepare these teachers in all of the essential components of reading instruction;

(II) shall include –

(aa) information on instructional materials, programs, strategies, and approaches based on scientifically based reading research, including early intervention, classroom reading materials, and remedial programs and approaches;

and

(bb) instruction in the use of screening, diagnostic, and classroom–based instructional reading assessments and other procedures that effectively identify students who may be at risk for reading failure or who are having difficulty reading;

(III) shall be provided by eligible professional development providers; and

(IV) will assist teachers in becoming highly qualified in reading instruction in accordance with the requirements of section 6319 of this title.

(v) Collecting and summarizing data –

(I) to document the effectiveness of activities carried out under this subpart in individual schools and in the local educational agency as a whole; and

(II) to stimulate and accelerate improvement by identifying the schools that produce significant gains in reading achievement.

(vi) Reporting data for all students and categories of students described in section 6311(b)(2)(C)(v)(II) of this title.

(vii) Promoting reading and library programs that provide access to engaging reading material, including coordination with programs funded through grants received under subpart 4 of this part, where applicable.

(B) Additional uses

Subject to paragraph (8), an eligible local educational agency that receives a subgrant under this subsection may use the funds provided under the subgrant to carry out the following activities:

(i) Humanities–based family literacy programs (which may be referred to as "Prime Time Family Reading Time") that bond families around the acts of reading and using public libraries.

(ii) Providing training in the essential components of reading instruction to a parent or other individual who volunteers to be a student's reading tutor, to enable such parent or individual to support instructional practices that are based on scientifically based reading research and are being used by the student's teacher.

(iii) Assisting parents, through the use of materials and reading programs, strategies, and approaches (including family literacy services) that are based on scientifically based reading research, to encourage reading and support

their child's reading development.

(8) Local planning and administration

An eligible local educational agency that receives a subgrant under this subsection may use not more than 3.5 percent of the funds provided under the subgrant for planning and administration.

(d) State uses of funds

(1) In general

A State educational agency that receives a grant under this section may expend not more than a total of 20 percent of the grant funds to carry out the activities described in paragraphs (3), (4), and (5).

(2) Priority

A State educational agency shall give priority to carrying out the activities described in paragraphs (3), (4), and (5) for schools described in subsection (c)(6) of this section.

(3) Professional inservice and preservice development and review

A State educational agency may expend not more than 65 percent of the amount of the funds made available under paragraph (1) –

(A) to develop and implement a program of professional development for teachers, including special education teachers, of kindergarten through grade 3 that –

(i) will prepare these teachers in all the essential components of reading instruction;

(ii) shall include –

(I) information on instructional materials, programs,

strategies, and approaches based on scientifically based reading research, including early intervention and reading remediation materials, programs, and approaches; and

(II) instruction in the use of screening, diagnostic, and classroom–based instructional reading assessments and other scientifically based procedures that effectively identify students who may be at risk for reading failure or who are having difficulty reading; and

(iii) shall be provided by eligible professional development providers;

(B) to strengthen and enhance preservice courses for students preparing, at all public institutions of higher education in the State, to teach kindergarten through grade 3 by –

(i) reviewing such courses to determine whether the courses' content is consistent with the findings of the most current scientifically based reading research, including findings on the essential components of reading instruction;

(ii) following up such reviews with recommendations to ensure that such institutions offer courses that meet the highest standards; and

(iii) preparing a report on the results of such reviews, submitting the report to the reading and literacy partnership for the State established under section 6363(d) of this title, and making the report available for public review by means of the Internet; and

(C) to make recommendations on how the State licensure and

certification standards in the area of reading might be improved.

(4) Technical assistance for local educational agencies and schools

A State educational agency may expend not more than 25 percent of the amount of the funds made available under paragraph (1) for one or more of the following:

(A) Assisting local educational agencies in accomplishing the tasks required to design and implement a program under this subpart, including –

(i) selecting and implementing a program or programs of reading instruction based on scientifically based reading research;

(ii) selecting screening, diagnostic, and classroom–based instructional reading assessments; and

(iii) identifying eligible professional development providers to help prepare reading teachers to teach students using the programs and assessments described in clauses (i) and (ii).

(B) Providing expanded opportunities to students in kindergarten through grade 3 who are served by eligible local educational agencies for receiving reading assistance from alternative providers that includes –

(i) screening, diagnostic, and classroom–based instructional reading assessments; and

(ii) as need is indicated by the assessments under clause

(i), instruction based on scientifically based reading research that includes the essential components of reading instruction.

(5) Planning, administration, and reporting

(A) Expenditure of funds

A State educational agency may expend not more than 10 percent of the amount of funds made available under paragraph

(1) for the activities described in this paragraph.

(B) Planning and administration

A State educational agency that receives a grant under this section may expend funds made available under subparagraph (A) for planning and administration relating to the State uses of funds authorized under this subpart, including the following:

(i) Administering the distribution of competitive subgrants to eligible local educational agencies under subsection (c) of this section and section 6364(d) of this title.

(ii) Assessing and evaluating, on a regular basis, eligible local educational agency activities assisted under this subpart, with respect to whether they have been effective in increasing the number of children in grades 1, 2, and 3 served under this subpart who can read at or above grade level.

(C) Annual reporting

(i) In general

A State educational agency that receives a grant under this section shall expend funds made available under subparagraph

(A) to provide the Secretary annually with a report on the implementation of this subpart.

(ii) Information included

Each report under this subparagraph shall include information on the following:

(I) Evidence that the State educational agency is fulfilling its obligations under this subpart.

(II) Specific identification of those schools and local educational agencies that report the largest gains in reading achievement.

(III) The progress the State educational agency and local educational agencies within the State are making in reducing the number of students served under this subpart in grades 1, 2, and 3 who are reading below grade level, as demonstrated by such information as teacher reports and school evaluations of mastery of the essential components of reading instruction.

(IV) Evidence on whether the State educational agency and local educational agencies within the State have significantly increased the number of students reading at grade level or above, significantly increased the percentages of students described in section 6311(b)(2)(C)(v)(II) of this title who are reading at grade level or above, and successfully implemented this subpart.

(iii) Privacy protection

Data in the report shall be reported in a manner that

protects the privacy of individuals.

(iv) Contract

To the extent practicable, a State educational agency shall enter into a contract with an entity that conducts scientifically based reading research, under which contract the entity will assist the State educational agency in producing the reports required to be submitted under this subparagraph.

(e) Review

(1) Progress report

(A) Submission

Not later than 60 days after the termination of the third year of the grant period, each State educational agency receiving a grant under this section shall submit a progress report to the Secretary.

(B) Information included

The progress report shall include information on the progress the State educational agency and local educational agencies within the State are making in reducing the number of students served under this subpart in grades 1, 2, and 3 who are reading below grade level (as demonstrated by such information as teacher reports and school evaluations of mastery of the essential components of reading instruction). The report shall also include evidence from the State educational agency and local educational agencies within the State that the State educational agency and the local educational agencies have

significantly increased the number of students reading at grade level or above, significantly increased the percentages of students described in section 6311(b)(2)(C)(v)(II) of this title who are reading at grade level or above, and successfully implemented this subpart.

(2) Peer review

The progress report described in paragraph (1) shall be reviewed by the peer review panel convened under section 6363(c)(2) of this title.

(3) Consequences of insufficient progress

After submission of the progress report described in paragraph (1), if the Secretary determines that the State educational agency is not making significant progress in meeting the purposes of this subpart, the Secretary may withhold from the State educational agency, in whole or in part, further payments under this section in accordance with section 1234d of this title or take such other action authorized by law as the Secretary determines necessary, including providing technical assistance upon request of the State educational agency.

(f) Funds not used for State level activities

Any portion of funds described in subsection (d)(1) of this section that a State educational agency does not expend in accordance with subsection (d)(1) of this section shall be expended for the purpose of making subgrants in accordance with subsection (c) of this section.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1202, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1535.)

–REFTEXT–

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (c)(7)(A)(ii)(II), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (Sec. 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

–MISC2–

PRIOR PROVISIONS

A prior section 6362, Pub. L. 89–10, title I, Sec. 1202, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3578; amended Pub. L. 105–220, title II, Sec. 251(b)(2)(A), Aug. 7, 1998, 112 Stat. 1079; Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 201, 202), Oct. 21, 1998, 112 Stat. 2681–337, 2681–407, 2681–408; Pub. L. 106–554, Sec. 1(a)(4) (div. B, title XVI, Sec. 1604(c)–(e), 1606(b)(1)), Dec. 21, 2000, 114 Stat. 2763, 2763A–329, 2763A–330, 2763A–334, authorized Even Start program, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6381a of this title.

A prior section 1202 of Pub. L. 89–10 was classified to section 2782 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6363, 6364, 6365, 6366, 6367, 6374, 6381a, 7315a of this title.

–CITE–

20 USC Sec. 6363 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 1 – reading first

–HEAD–

Sec. 6363. State formula grant applications

–STATUTE–

(a) Applications

(1) In general

A State educational agency that desires to receive a grant under section 6362 of this title shall submit an application to the Secretary at such time and in such form as the Secretary may require. The application shall contain the information described in subsection (b) of this section.

(2) Special application provisions

For those State educational agencies that have received a grant under part C of title II (as such part was in effect on the day

before January 8, 2002), the Secretary shall establish a modified set of requirements for an application under this section that takes into account the information already submitted and approved under that program and minimizes the duplication of effort on the part of such State educational agencies.

(b) Contents

An application under this section shall contain the following:

(1) An assurance that the Governor of the State, in consultation with the State educational agency, has established a reading and literacy partnership described in subsection (d) of this section, and a description of how such partnership –

(A) coordinated the development of the application; and

(B) will assist in the oversight and evaluation of the State educational agency's activities under this subpart.

(2) A description, if applicable, of the State's strategy to expand, continue, or modify activities authorized under part C of title II (as such part was in effect on the day before January 8, 2002).

(3) An assurance that the State educational agency, and any local educational agencies receiving a subgrant from that State educational agency under section 6362 of this title, will, if requested, participate in the external evaluation under section 6365 of this title.

(4) A State educational agency plan containing a description of the following:

(A) How the State educational agency will assist local

educational agencies in identifying screening, diagnostic, and classroom-based instructional reading assessments.

(B) How the State educational agency will assist local educational agencies in identifying instructional materials, programs, strategies, and approaches, based on scientifically based reading research, including early intervention and reading remediation materials, programs, and approaches.

(C) How the State educational agency will ensure that professional development activities related to reading instruction and provided under section 6362 of this title are –

(i) coordinated with other Federal, State, and local level funds, and used effectively to improve instructional practices for reading; and

(ii) based on scientifically based reading research.

(D) How the activities assisted under section 6362 of this title will address the needs of teachers and other instructional staff in implementing the essential components of reading instruction.

(E) How subgrants made by the State educational agency under section 6362 of this title will meet the requirements of section 6362 of this title, including how the State educational agency will ensure that eligible local educational agencies receiving subgrants under section 6362 of this title will use practices based on scientifically based reading research.

(F) How the State educational agency will, to the extent practicable, make grants to eligible local educational agencies

in both rural and urban areas.

(G) How the State educational agency will build on, and promote coordination among literacy programs in the State (including federally funded programs such as programs under the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and subpart 2 of this part), to increase the effectiveness of the programs in improving reading for adults and children and to avoid duplication of the efforts of the program.

(H) How the State educational agency will assess and evaluate, on a regular basis, eligible local educational agency activities assisted under section 6362 of this title, with respect to whether the activities have been effective in achieving the purposes of section 6362 of this title.

(I) Any other information that the Secretary may reasonably require.

(c) Approval of applications

(1) In general

The Secretary shall approve an application of a State educational agency under this section only if such application meets the requirements of this section.

(2) Peer review

(A) In general

The Secretary, in consultation with the National Institute for Literacy, shall convene a panel to evaluate applications

under this section. At a minimum, the panel shall include –

- (i) three individuals selected by the Secretary;
- (ii) three individuals selected by the National Institute for Literacy;
- (iii) three individuals selected by the National Research Council of the National Academy of Sciences; and
- (iv) three individuals selected by the National Institute of Child Health and Human Development.

(B) Experts

The panel shall include –

- (i) experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications under this section;
- (ii) experts who provide professional development to individuals who teach reading to children and adults based on scientifically based reading research;
- (iii) experts who provide professional development to other instructional staff based on scientifically based reading research; and
- (iv) an individual who has expertise in screening, diagnostic, and classroom–based instructional reading assessments.

(C) Recommendations

The panel shall recommend grant applications from State educational agencies under this section to the Secretary for funding or for disapproval.

(d) Reading and literacy partnerships

(1) In general

For a State educational agency to receive a grant under section 6362 of this title, the Governor of the State, in consultation with the State educational agency, shall establish a reading and literacy partnership.

(2) Required participants

The reading and literacy partnership shall include the following participants:

(A) The Governor of the State.

(B) The chief State school officer.

(C) The chairman and the ranking member of each committee of the State legislature that is responsible for education policy.

(D) A representative, selected jointly by the Governor and the chief State school officer, of at least one eligible local educational agency.

(E) A representative, selected jointly by the Governor and the chief State school officer, of a community-based organization working with children to improve their reading skills, particularly a community-based organization using tutors and scientifically based reading research.

(F) State directors of appropriate Federal or State programs with a strong reading component, selected jointly by the Governor and the chief State school officer.

(G) A parent of a public or private school student or a parent who educates the parent's child in the parent's home,

selected jointly by the Governor and the chief State school officer.

(H) A teacher, who may be a special education teacher, who successfully teaches reading, and another instructional staff member, selected jointly by the Governor and the chief State school officer.

(I) A family literacy service provider selected jointly by the Governor and the chief State school officer.

(3) Optional participants

The reading and literacy partnership may include additional participants, who shall be selected jointly by the Governor and the chief State school officer, and who may include a representative of –

(A) an institution of higher education operating a program of teacher preparation in the State that is based on scientifically based reading research;

(B) a local educational agency;

(C) a private nonprofit or for-profit eligible professional development provider providing instruction based on scientifically based reading research;

(D) an adult education provider;

(E) a volunteer organization that is involved in reading programs; or

(F) a school library or a public library that offers reading or literacy programs for children or families.

(4) Preexisting partnership

If, before January 8, 2002, a State educational agency established a consortium, partnership, or any other similar body that was considered a reading and literacy partnership for purposes of part C of title II of this Act (as such part was in effect on January 8, 2002), that consortium, partnership, or body may be considered a reading and literacy partnership for purposes of this subsection consistent with the provisions of this subpart.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1203, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1543.)

–REFTEXT–

REFERENCES IN TEXT

Part C of title II (as such part was in effect on the day before January 8, 2002), referred to in subsecs. (a)(2), (b)(2), and (d)(4), means part C of title II of Pub. L. 89–10, as added by Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 101(a)(2)), Oct. 21, 1998, 112 Stat. 2681–337, 2681–391, as amended, which was classified generally to part C (Sec. 6661 et seq.) of subchapter II of this chapter prior to the general amendment of subchapter II by Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1620.

The Adult Education and Family Literacy Act, referred to in subsec. (b)(4)(G), is title II of Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 1059, as amended, which is classified principally to subchapter I (Sec. 9201 et seq.) of chapter 73 of this title. For complete classification of this Act to the Code, see Short Title

note set out under section 9201 of this title and Tables.

The Individuals with Disabilities Education Act, referred to in subsec. (b)(4)(G), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (Sec. 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

–MISC2–

PRIOR PROVISIONS

A prior section 6363, Pub. L. 89-10, title I, Sec. 1203, as added Pub. L. 103-382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3579; amended Pub. L. 105-277, div. A, Sec. 101(f) (title VIII, Sec. 204(b)), Oct. 21, 1998, 112 Stat. 2681-337, 2681-409; Pub. L. 106-554, Sec. 1(a)(4) (div. B, title XVI, Sec. 1604(f), (g)), Dec. 21, 2000, 114 Stat. 2763, 2763A-330, related to State Even Start programs, prior to the general amendment of this subchapter by Pub. L. 107-110. See section 6381b of this title.

A prior section 1203 of Pub. L. 89-10 was classified to section 2783 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6362, 6364, 6372, 6381a of this title.

–CITE–

20 USC Sec. 6364 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 1 – reading first

–HEAD–

Sec. 6364. Targeted assistance grants

–STATUTE–

(a) Eligibility criteria for awarding targeted assistance grants to
States

Beginning with fiscal year 2004, from funds appropriated under
section 6362(b)(1)(E) of this title, the Secretary shall make
grants, on a competitive basis, to those State educational agencies
that –

- (1) for each of 2 consecutive years, demonstrate that an
increasing percentage of third graders in each of the groups
described in section 6311(b)(2)(C)(v)(II) of this title in the
schools served by the local educational agencies receiving funds
under section 6362 of this title are reaching the proficient
level in reading; and
- (2) for each of the same such consecutive 2 years, demonstrate
that schools receiving funds under section 6362 of this title are
improving the reading skills of students in grades 1, 2, and 3
based on screening, diagnostic, and classroom–based instructional

reading assessments.

(b) Continuation of performance awards

For any State educational agency that receives a competitive grant under this section, the Secretary shall make an award for each of the succeeding years that the State educational agency demonstrates it is continuing to meet the criteria described in subsection (a) of this section.

(c) Distribution of targeted assistance grants

(1) In general

The Secretary shall make a grant to each State educational agency with an application approved under this section in an amount that bears the same relation to the amount made available to carry out this section for a fiscal year as the number of children counted under section 6333(c) of this title for the State bears to the number of such children so counted for all States with applications approved for that year.

(2) Peer review

The peer review panel convened under section 6363(c)(2) of this title shall review the applications submitted under this subsection. The panel shall recommend such applications to the Secretary for funding or for disapproval.

(3) Application contents

A State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall

include the following:

(A) Evidence that the State educational agency has carried out its obligations under section 6363 of this title.

(B) Evidence that the State educational agency has met the criteria described in subsection (a) of this section.

(C) The amount of funds requested by the State educational agency and a description of the criteria the State educational agency intends to use in distributing subgrants to eligible local educational agencies under this section to continue or expand activities under subsection (d)(5) of this section.

(D) Evidence that the State educational agency has increased significantly the percentage of students reading at grade level or above.

(E) Any additional evidence that demonstrates success in the implementation of this section.

(d) Subgrants to eligible local educational agencies

(1) In general

The Secretary may make a grant to a State educational agency under this section only if the State educational agency agrees to expend 100 percent of the amount of the funds provided under the grant for the purpose of making competitive subgrants in accordance with this subsection to eligible local educational agencies.

(2) Notice

A State educational agency receiving a grant under this section shall provide notice to all local educational agencies in the

State of the availability of competitive subgrants under this subsection and of the requirements for applying for the subgrants.

(3) Application

To be eligible to receive a subgrant under this subsection, an eligible local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

(4) Distribution

(A) In general

A State educational agency shall distribute subgrants under this section through a competitive process based on relative need of eligible local educational agencies and the evidence described in this paragraph.

(B) Evidence used in all years

For all fiscal years, a State educational agency shall distribute subgrants under this section based on evidence that an eligible local educational agency –

(i) satisfies the requirements of section 6362(c)(4) of this title;

(ii) will carry out its obligations under this subpart;

(iii) will work with other local educational agencies in the State that have not received a subgrant under this subsection to assist such nonreceiving agencies in increasing the reading achievement of students; and

(iv) is meeting the criteria described in subsection (a) of this section.

(5) Local uses of funds

An eligible local educational agency that receives a subgrant under this subsection –

(A) shall use the funds provided under the subgrant to carry out the activities described in section 6362(c)(7)(A) of this title; and

(B) may use such funds to carry out the activities described in section 6362(c)(7)(B) of this title.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1204, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1546.)

–MISC1–

PRIOR PROVISIONS

A prior section 6364, Pub. L. 89–10, title I, Sec. 1204, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3580; amended Pub. L. 104–134, title I, Sec. 101(b) (title II, Sec. 2755(a)), Apr. 26, 1996, 110 Stat. 1321–77, 1321–151; renumbered title I, Pub. L. 104–140, Sec. 1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 106–113, div. B, Sec. 1000(a)(4) (title III, Sec. 306(a)), Nov. 29, 1999, 113 Stat. 1535, 1501A–260; Pub. L. 106–554, Sec. 1(a)(4) (div. B, title XVI, Sec. 1604(h)), Dec. 21, 2000, 114 Stat. 2763, 2763A–330, related to uses of funds in carrying out an Even Start program, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6381c of this title.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6362, 6365 of this title.

–CITE–

20 USC Sec. 6365 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 1 – reading first

–HEAD–

Sec. 6365. External evaluation

–STATUTE–

(a) In general

From funds reserved under section 6362(b)(1)(C) of this title,
the Secretary shall contract with an independent organization
outside of the Department for a 5–year, rigorous, scientifically
valid, quantitative evaluation of this subpart.

(b) Process

The evaluation under subsection (a) of this section shall be
conducted by an organization that is capable of designing and
carrying out an independent evaluation that identifies the effects
of specific activities carried out by State educational agencies

and local educational agencies under this subpart on improving reading instruction. Such evaluation shall take into account factors influencing student performance that are not controlled by teachers or education administrators.

(c) Analysis

The evaluation under subsection (a) of this section shall include the following:

- (1) An analysis of the relationship between each of the essential components of reading instruction and overall reading proficiency.
- (2) An analysis of whether assessment tools used by State educational agencies and local educational agencies measure the essential components of reading.
- (3) An analysis of how State reading standards correlate with the essential components of reading instruction.
- (4) An analysis of whether the receipt of a targeted assistance grant under section 6364 of this title results in an increase in the number of children who read proficiently.
- (5) A measurement of the extent to which specific instructional materials improve reading proficiency.
- (6) A measurement of the extent to which specific screening, diagnostic, and classroom-based instructional reading assessments assist teachers in identifying specific reading deficiencies.
- (7) A measurement of the extent to which professional development programs implemented by State educational agencies using funds received under this subpart improve reading

instruction.

(8) A measurement of how well students preparing to enter the teaching profession are prepared to teach the essential components of reading instruction.

(9) An analysis of changes in students' interest in reading and time spent reading outside of school.

(10) Any other analysis or measurement pertinent to this subpart that is determined to be appropriate by the Secretary.

(d) Program improvement

The findings of the evaluation conducted under this section shall be provided to State educational agencies and local educational agencies on a periodic basis for use in program improvement.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1205, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1548.)

–MISC1–

PRIOR PROVISIONS

A prior section 6365, Pub. L. 89–10, title I, Sec. 1205, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3580; amended Pub. L. 104–134, title I, Sec. 101(b) (title II, Sec. 2755(b)), Apr. 26, 1996, 110 Stat. 1321–77, 1321–151; renumbered title I, Pub. L. 104–140, Sec. 1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 105–220, title II, Sec. 251(b)(2)(B), Aug. 7, 1998, 112 Stat. 1079; Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 405(d)(18)(A), (f)(13)(A)), Oct. 21, 1998, 112 Stat. 2681–337, 2681–422, 2681–431; Pub. L. 106–554, Sec. 1(a)(4) (div. B, title

XVI, Sec. 1604(i)), Dec. 21, 2000, 114 Stat. 2763, 2763A–331,

related to Even Start program elements, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6381d of this title.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6362, 6363, 6366 of this title.

–CITE–

20 USC Sec. 6366 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 1 – reading first

–HEAD–

Sec. 6366. National activities

–STATUTE–

From funds reserved under section 6362(b)(1)(C) of this title, the Secretary –

(1) may provide technical assistance in achieving the purposes of this subpart to State educational agencies, local educational agencies, and schools requesting such assistance;

(2) shall, at a minimum, evaluate the impact of services provided to children under this subpart with respect to their referral to, and eligibility for, special education services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (based on their difficulties learning to read); and

(3) shall carry out the external evaluation as described in section 6365 of this title.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1206, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1548.)

–REFTEXT–

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in par. (2), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (Sec. 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

–MISC2–

PRIOR PROVISIONS

A prior section 6366, Pub. L. 89–10, title I, Sec. 1206, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3581; amended Pub. L. 105–220, title II, Sec. 251(b)(2)(C), Aug. 7, 1998, 112 Stat. 1079; Pub. L. 106–554, Sec. 1(a)(4) (div. B, title XVI, Sec. 1604(j)), Dec. 21, 2000, 114 Stat. 2763, 2763A–332, related to eligible participants in an Even Start program, prior to the general amendment of this subchapter by Pub. L. 107–110. See

section 6381e of this title.

~~–SECRET–~~

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6362 of this title.

~~–CITE–~~

20 USC Sec. 6367 01/06/03

~~–EXPCITE–~~

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 1 – reading first

~~–HEAD–~~

Sec. 6367. Information dissemination

~~–STATUTE–~~

(a) In general

From funds reserved under section 6362(b)(1)(D) of this title,
the National Institute for Literacy, in collaboration with the
Secretary of Education, the Secretary of Health and Human Services,
and the Director of the National Institute for Child Health and
Human Development shall –

- (1) disseminate information on scientifically based reading
research pertaining to children, youth, and adults;
- (2) identify and disseminate information about schools, local

educational agencies, and State educational agencies that have effectively developed and implemented classroom reading programs that meet the requirements of this subpart, including those State educational agencies, local educational agencies, and schools that have been identified as effective through the evaluation and peer review provisions of this subpart; and

(3) support the continued identification and dissemination of information on reading programs that contain the essential components of reading instruction as supported by scientifically based reading research, that can lead to improved reading outcomes for children, youth, and adults.

(b) Dissemination and coordination

At a minimum, the National Institute for Literacy shall disseminate the information described in subsection (a) of this section to –

(1) recipients of Federal financial assistance under this subchapter, subchapter III of this chapter, the Head Start Act (42 U.S.C. 9831 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.); and

(2) each Bureau funded school (as defined in section 2021 of title 25).

(c) Use of existing networks

In carrying out this section, the National Institute for Literacy shall, to the extent practicable, use existing information and dissemination networks developed and maintained through other

public and private entities including through the Department and the National Center for Family Literacy.

(d) National Institute for Literacy

For purposes of funds reserved under section 6362(b)(1)(D) of this title to carry out this section, the National Institute for Literacy shall administer such funds in accordance with section 9252(b) of this title (relating to the establishment and administration of the National Institute for Literacy).

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1207, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1549.)

–REFTEXT–

REFERENCES IN TEXT

The Head Start Act, referred to in subsec. (b)(1), is subchapter B (Sec. 635–657) of chapter 8 of subtitle A of title VI of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 499, as amended, which is classified generally to subchapter II (Sec. 9831 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of Title 42 and Tables.

The Individuals with Disabilities Education Act, referred to in subsec. (b)(1), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (Sec. 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

The Adult Education and Family Literacy Act, referred to in

subsec. (b)(1), is title II of Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 1059, as amended, which is classified principally to subchapter I (Sec. 9201 et seq.) of chapter 73 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

–MISC2–

PRIOR PROVISIONS

A prior section 6367, Pub. L. 89–10, title I, Sec. 1207, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3582; amended Pub. L. 106–554, Sec. 1(a)(4) (div. B, title XVI, Sec. 1604(k)), Dec. 21, 2000, 114 Stat. 2763, 2763A–332, related to applications for Even Start subgrants, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6381f of this title.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6362, 6381j of this title.

–CITE–

20 USC Sec. 6368 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 1 – reading first

–HEAD–

Sec. 6368. Definitions

–STATUTE–

In this subpart:

(1) Eligible local educational agency

The term "eligible local educational agency" means a local educational agency that –

(A) is among the local educational agencies in the State with the highest numbers or percentages of students in kindergarten through grade 3 reading below grade level, based on the most currently available data; and

(B) has –

(i) jurisdiction over a geographic area that includes an area designated as an empowerment zone, or an enterprise community, under part I of subchapter U of chapter 1 of title 26;

(ii) jurisdiction over a significant number or percentage of schools that are identified for school improvement under section 6316(b) of this title; or

(iii) the highest numbers or percentages of children who are counted under section 6333(c) of this title, in comparison to other local educational agencies in the State.

(2) Eligible professional development provider

The term "eligible professional development provider" means a

provider of professional development in reading instruction to teachers, including special education teachers, that is based on scientifically based reading research.

(3) Essential components of reading instruction

The term "essential components of reading instruction" means explicit and systematic instruction in –

- (A) phonemic awareness;
- (B) phonics;
- (C) vocabulary development;
- (D) reading fluency, including oral reading skills; and
- (E) reading comprehension strategies.

(4) Instructional staff

The term "instructional staff" –

- (A) means individuals who have responsibility for teaching children to read; and
- (B) includes principals, teachers, supervisors of instruction, librarians, library school media specialists, teachers of academic subjects other than reading, and other individuals who have responsibility for assisting children to learn to read.

(5) Reading

The term "reading" means a complex system of deriving meaning from print that requires all of the following:

- (A) The skills and knowledge to understand how phonemes, or speech sounds, are connected to print.
- (B) The ability to decode unfamiliar words.

- (C) The ability to read fluently.
- (D) Sufficient background information and vocabulary to foster reading comprehension.
- (E) The development of appropriate active strategies to construct meaning from print.
- (F) The development and maintenance of a motivation to read.
- (6) Scientifically based reading research

The term "scientifically based reading research" means research that –

- (A) applies rigorous, systematic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties; and
- (B) includes research that –
 - (i) employs systematic, empirical methods that draw on observation or experiment;
 - (ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
 - (iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and
 - (iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.
- (7) Screening, diagnostic, and classroom-based instructional reading assessments

(A) In general

The term "screening, diagnostic, and classroom–based instructional reading assessments" means –

- (i) screening reading assessments;
- (ii) diagnostic reading assessments; and
- (iii) classroom–based instructional reading assessments.

(B) Screening reading assessment

The term "screening reading assessment" means an assessment that is –

- (i) valid, reliable, and based on scientifically based reading research; and
- (ii) a brief procedure designed as a first step in identifying children who may be at high risk for delayed development or academic failure and in need of further diagnosis of their need for special services or additional reading instruction.

(C) Diagnostic reading assessment

The term "diagnostic reading assessment" means an assessment that is –

- (i) valid, reliable, and based on scientifically based reading research; and
- (ii) used for the purpose of –
 - (I) identifying a child's specific areas of strengths and weaknesses so that the child has learned to read by the end of grade 3;
 - (II) determining any difficulties that a child may have

in learning to read and the potential cause of such

difficulties; and

(III) helping to determine possible reading intervention strategies and related special needs.

(D) Classroom–based instructional reading assessment

The term "classroom–based instructional reading assessment"

means an assessment that –

- (i) evaluates children's learning based on systematic observations by teachers of children performing academic tasks that are part of their daily classroom experience; and
- (ii) is used to improve instruction in reading, including classroom instruction.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1208, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1549.)

–MISC1–

PRIOR PROVISIONS

A prior section 6368, Pub. L. 89–10, title I, Sec. 1208, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3583; amended Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 204(c)), Oct. 21, 1998, 112 Stat. 2681–337, 2681–409; Pub. L. 106–113, div. B, Sec. 1000(a)(4) (title III, Sec. 306(b)), Nov. 29, 1999, 113 Stat. 1535, 1501A–260; Pub. L. 106–554, Sec. 1(a)(4) (div. B, title XVI, Sec. 1604(l)), Dec. 21, 2000, 114 Stat. 2763, 2763A–332, related to award of Even Start subgrants, prior to the general amendment of this subchapter by Pub. L. 107–110. See

section 6381g of this title.

Prior sections 6369, 6369a, 6369b, and 6370 were omitted in the general amendment of this subchapter by Pub. L. 107–110.

Section 6369, Pub. L. 89–10, title I, Sec. 1209, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3584; amended Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 203), Oct. 21, 1998, 112 Stat. 2681–337, 2681–408, related to evaluation of Even Start programs. See section 6381h of this title.

Section 6369a, Pub. L. 89–10, title I, Sec. 1210, as added Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 204(a)(2)), Oct. 21, 1998, 112 Stat. 2681–337, 2681–409, related to indicators of Even Start program quality. See section 6381i of this title.

Section 6369b, Pub. L. 89–10, title I, Sec. 1211, as added Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 205), Oct. 21, 1998, 112 Stat. 2681–337, 2681–410; amended Pub. L. 106–554, Sec. 1(a)(4) (div. B, title XVI, Sec. 1604(m)), Dec. 21, 2000, 114 Stat. 2763, 2763A–333, authorized research. See section 6381j of this title.

Section 6370, Pub. L. 89–10, title I, Sec. 1212, formerly Sec. 1210, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3584; renumbered Sec. 1212, Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 204(a)(1)), Oct. 21, 1998, 112 Stat. 2681–337, 2681–409, related to construction of provisions. See section 6381k of this title.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6312, 6362, 6371, 6381a

of this title.

–CITE–

20 USC subpart 2 – early reading first 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 2 – early reading first

.

–HEAD–

subpart 2 – early reading first

–SECREP–

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 6302, 6363 of this title.

–CITE–

20 USC Sec. 6371 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 2 – early reading first

–HEAD–

Sec. 6371. Purposes; definitions

–STATUTE–

(a) Purposes

The purposes of this subpart are as follows:

- (1) To support local efforts to enhance the early language, literacy, and prereading development of preschool age children, particularly those from low-income families, through strategies and professional development that are based on scientifically based reading research.
- (2) To provide preschool age children with cognitive learning opportunities in high-quality language and literature-rich environments, so that the children can attain the fundamental knowledge and skills necessary for optimal reading development in kindergarten and beyond.
- (3) To demonstrate language and literacy activities based on scientifically based reading research that supports the age-appropriate development of –
 - (A) recognition, leading to automatic recognition, of letters of the alphabet;
 - (B) knowledge of letter sounds, the blending of sounds, and the use of increasingly complex vocabulary;
 - (C) an understanding that written language is composed of phonemes and letters each representing one or more speech

sounds that in combination make up syllables, words, and sentences;

(D) spoken language, including vocabulary and oral comprehension abilities; and

(E) knowledge of the purposes and conventions of print.

(4) To use screening assessments to effectively identify preschool age children who may be at risk for reading failure.

(5) To integrate such scientific reading research–based instructional materials and literacy activities with existing programs of preschools, child care agencies and programs, Head Start centers, and family literacy services.

(b) Definitions

For purposes of this subpart:

(1) Eligible applicant

The term "eligible applicant" means –

(A) one or more local educational agencies that are eligible to receive a subgrant under subpart 1 of this part;

(B) one or more public or private organizations or agencies, acting on behalf of one or more programs that serve preschool age children (such as a program at a Head Start center, a child care program, or a family literacy program), which organizations or agencies shall be located in a community served by a local educational agency described in subparagraph

(A); or

(C) one or more local educational agencies described in subparagraph (A) in collaboration with one or more

organizations or agencies described in subparagraph (B).

(2) Scientifically based reading research

The term "scientifically based reading research" has the same meaning given to that term in section 6368 of this title.

(3) Screening reading assessment

The term "screening reading assessment" has the same meaning given to that term in section 6368 of this title.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1221, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1552.)

–MISC1–

PRIOR PROVISIONS

A prior section 1221 of Pub. L. 89–10 was classified to section 2791 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

–CITE–

20 USC Sec. 6372 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 2 – early reading first

–HEAD–

Sec. 6372. Local Early Reading First grants

–STATUTE–

(a) Program authorized

From amounts appropriated under section 6302(b)(2) of this title, the Secretary shall award grants, on a competitive basis, for periods of not more than 6 years, to eligible applicants to enable the eligible applicants to carry out the authorized activities described in subsection (d) of this section.

(b) Applications

An eligible applicant that desires to receive a grant under this section shall submit an application to the Secretary, which shall include a description of –

- (1) the programs to be served by the proposed project, including demographic and socioeconomic information on the preschool age children enrolled in the programs;
- (2) how the proposed project will enhance the school readiness of preschool age children in high-quality oral language and literature-rich environments;
- (3) how the proposed project will prepare and provide ongoing assistance to staff in the programs, through professional development and other support, to provide high-quality language, literacy, and prereading activities using scientifically based reading research, for preschool age children;
- (4) how the proposed project will provide services and use instructional materials that are based on scientifically based reading research on early language acquisition, prereading

- activities, and the development of spoken vocabulary skills;
- (5) how the proposed project will help staff in the programs to meet more effectively the diverse needs of preschool age children in the community, including such children with limited English proficiency, disabilities, or other special needs;
- (6) how the proposed project will integrate such instructional materials and literacy activities with existing preschool programs and family literacy services;
- (7) how the proposed project will help children, particularly children experiencing difficulty with spoken language, prereading, and early reading skills, to make the transition from preschool to formal classroom instruction in school;
- (8) if the eligible applicant has received a subgrant under subpart 1 of this part, how the activities conducted under this subpart will be coordinated with the eligible applicant's activities under subpart 1 of this part at the kindergarten through grade 3 level;
- (9) how the proposed project will evaluate the success of the activities supported under this subpart in enhancing the early language, literacy, and prereading development of preschool age children served by the project; and
- (10) such other information as the Secretary may require.

(c) Approval of local applications

The Secretary shall select applicants for funding under this subpart based on the quality of the applications and the recommendations of a peer review panel convened under section

6363(c)(2) of this title, that includes, at a minimum, three individuals, selected from the entities described in clauses (ii), (iii), and (iv) of section 6363(c)(2)(A) of this title, who are experts in early reading development and early childhood development.

(d) Authorized activities

An eligible applicant that receives a grant under this subpart shall use the funds provided under the grant to carry out the following activities:

(1) Providing preschool age children with high-quality oral language and literature-rich environments in which to acquire language and prereading skills.

(2) Providing professional development that is based on scientifically based reading research knowledge of early language and reading development for the staff of the eligible applicant and that will assist in developing the preschool age children's –

(A) recognition, leading to automatic recognition, of letters of the alphabet, knowledge of letters, sounds, blending of letter sounds, and increasingly complex vocabulary;

(B) understanding that written language is composed of phonemes and letters each representing one or more speech sounds that in combination make up syllables, words, and sentences;

(C) spoken language, including vocabulary and oral comprehension abilities; and

(D) knowledge of the purposes and conventions of print.

(3) Identifying and providing activities and instructional materials that are based on scientifically based reading research for use in developing the skills and abilities described in paragraph (2).

(4) Acquiring, providing training for, and implementing screening reading assessments or other appropriate measures that are based on scientifically based reading research to determine whether preschool age children are developing the skills described in this subsection.

(5) Integrating such instructional materials, activities, tools, and measures into the programs offered by the eligible applicant.

(e) Award amounts

The Secretary may establish a maximum award amount, or ranges of award amounts, for grants under this subpart.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1222, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1553.)

–MISC1–

PRIOR PROVISIONS

A prior section 1222 of Pub. L. 89–10 was classified to section 2792 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6375, 6383 of this title.

–CITE–

20 USC Sec. 6373 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 2 – early reading first

–HEAD–

Sec. 6373. Federal administration

–STATUTE–

The Secretary shall consult with the Secretary of Health and
Human Services to coordinate the activities under this subpart with
preschool age programs administered by the Department of Health and
Human Services.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1223, as added Pub. L. 107–110, title
I, Sec. 101, Jan. 8, 2002, 115 Stat. 1554.)

–MISC1–

PRIOR PROVISIONS

A prior section 1223 of Pub. L. 89–10 was classified to section
2793 of this title, prior to the general amendment of Pub. L. 89–10
by Pub. L. 103–382.

–CITE–

20 USC Sec. 6374 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 2 – early reading first

–HEAD–

Sec. 6374. Information dissemination

–STATUTE–

From the funds the National Institute for Literacy receives under section 6362(b)(1)(D) of this title, the National Institute for Literacy, in consultation with the Secretary, shall disseminate information regarding projects assisted under this subpart that have proven effective.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1224, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1554.)

–MISC1–

PRIOR PROVISIONS

A prior section 1224 of Pub. L. 89–10 was classified to section 2794 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6362 of this title.

–CITE–

20 USC Sec. 6375 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 2 – early reading first

–HEAD–

Sec. 6375. Reporting requirements

–STATUTE–

Each eligible applicant receiving a grant under this subpart shall report annually to the Secretary regarding the eligible applicant's progress in addressing the purposes of this subpart.

Such report shall include, at a minimum, a description of –

(1) the research–based instruction, materials, and activities

being used in the programs funded under the grant;

(2) the types of programs funded under the grant and the ages

of children served by such programs;

(3) the qualifications of the program staff who provide early

literacy instruction under such programs and the type of ongoing

professional development provided to such staff; and

(4) the results of the evaluation described in section

6372(b)(9) of this title.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1225, as added Pub. L. 107–110, title

I, Sec. 101, Jan. 8, 2002, 115 Stat. 1554.)

–MISC1–

PRIOR PROVISIONS

A prior section 1225 of Pub. L. 89–10 was classified to section

2795 of this title, prior to the general amendment of Pub. L. 89–10

by Pub. L. 103–382.

–CITE–

20 USC Sec. 6376 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND

SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE

DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 2 – early reading first

–HEAD–

Sec. 6376. Evaluation

–STATUTE–

(a) In general

From the total amount made available under section 6302(b)(2) of

this title for the period beginning October 1, 2002, and ending

September 30, 2006, the Secretary shall reserve not more than \$3,000,000 to conduct an independent evaluation of the effectiveness of this subpart.

(b) Reports

(1) Interim report

Not later than October 1, 2004, the Secretary shall submit an interim report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(2) Final report

Not later than September 30, 2006, the Secretary shall submit a final report to the committees described in paragraph (1).

(c) Contents

The reports submitted under subsection (b) of this section shall include information on the following:

(1) How the grant recipients under this subpart are improving the prereading skills of preschool children.

(2) The effectiveness of the professional development program assisted under this subpart.

(3) How early childhood teachers are being prepared with scientifically based reading research on early reading development.

(4) What activities and instructional practices are most effective.

(5) How prereading instructional materials and literacy activities based on scientifically based reading research are

being integrated into preschools, child care agencies and programs, programs carried out under the Head Start Act (42 U.S.C. 9831 et seq.), and family literacy programs.

(6) Any recommendations on strengthening or modifying this subpart.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1226, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1555.)

–REFTEXT–

REFERENCES IN TEXT

The Head Start Act, referred to in subsec. (c)(5), is subchapter B (Sec. 635–657) of chapter 8 of subtitle A of title VI of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 499, as amended, which is classified generally to subchapter II (Sec. 9831 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of Title 42 and Tables.

–MISC2–

PRIOR PROVISIONS

A prior section 1226 of Pub. L. 89–10 was classified to section 2796 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

–CITE–

20 USC subpart 3 – william f. goodling even start family literacy programs 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 3 – william f. goodling even start family literacy programs

.

–HEAD–

subpart 3 – william f. goodling even start family literacy programs

–SECF–

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 5891b, 6302, 7544, 7801,

7881 of this title.

–CITE–

20 USC Sec. 6381 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 3 – william f. goodling even start family literacy programs

–HEAD–

Sec. 6381. Statement of purpose

–STATUTE–

It is the purpose of this subpart to help break the cycle of poverty and illiteracy by –

(1) improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as "Even Start"; and

(2) establishing a program that shall –

(A) be implemented through cooperative projects that build on high-quality existing community resources to create a new range of services;

(B) promote the academic achievement of children and adults;

(C) assist children and adults from low-income families to achieve to challenging State content standards and challenging State student achievement standards; and

(D) use instructional programs based on scientifically based reading research and addressing the prevention of reading difficulties for children and adults, to the extent such research is available.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1231, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1555.)

–CITE–

20 USC Sec. 6381a 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 3 – william f. goodling even start family literacy programs

–HEAD–

Sec. 6381a. Program authorized

–STATUTE–

(a) Reservation for migrant programs, outlying areas, and Indian
tribes

(1) In general

For each fiscal year, the Secretary shall reserve 5 percent of
the amount appropriated under section 6302(b)(3) of this title
(or, if such appropriated amount exceeds \$200,000,000, 6 percent
of such amount) for programs, under such terms and conditions as
the Secretary shall establish, that are consistent with the
purpose of this subpart, and according to their relative needs,
for –

- (A) children of migratory workers;
- (B) the outlying areas; and
- (C) Indian tribes and tribal organizations.

(2) Special rule

After December 21, 2000, the Secretary shall award a grant, on
a competitive basis, of sufficient size and for a period of

sufficient duration to demonstrate the effectiveness of a family literacy program in a prison that houses women and their preschool age children and that has the capability of developing a program of high quality.

(3) Coordination of programs for American Indians

The Secretary shall ensure that programs under paragraph (1)(C) are coordinated with family literacy programs operated by the Bureau of Indian Affairs in order to avoid duplication and to encourage the dissemination of information on high-quality family literacy programs serving American Indians.

(b) Reservation for Federal activities

(1) Evaluation, technical assistance, program improvement, and replication activities

Subject to paragraph (2), from amounts appropriated under section 6302(b)(3) of this title, the Secretary may reserve not more than 3 percent of such amounts for purposes of –

(A) carrying out the evaluation required by section 6381h of this title; and

(B) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

(2) Research

In any fiscal year, if the amount appropriated under section 6302(b)(3) of this title for such year –

(A) is equal to or less than the amount appropriated for the preceding fiscal year, the Secretary may reserve from such

amount only the amount necessary to continue multi-year activities carried out pursuant to section 6381j(b) of this title that began during or prior to the fiscal year preceding the fiscal year for which the determination is made; or (B) exceeds the amount appropriated for the preceding fiscal year, then the Secretary shall reserve from such excess amount \$2,000,000 or 50 percent, whichever is less, to carry out section 6381j(b) of this title.

(c) Reservation for grants

(1) Grants authorized

(A) In general

For any fiscal year for which at least one State educational agency applies and submits an application that meets the requirements and goals of this subsection and for which the amount appropriated under section 6302(b)(3) of this title exceeds the amount appropriated under that section for the preceding fiscal year, the Secretary shall reserve, from the amount of the excess remaining after the application of subsection (b)(2) of this section, the amount of the remainder or \$1,000,000, whichever is less, to award grants, on a competitive basis, to State educational agencies to enable them to plan and implement statewide family literacy initiatives to coordinate and, where appropriate, integrate existing Federal, State, and local literacy resources consistent with the purposes of this subpart.

(B) Coordination and integration

The coordination and integration described in subparagraph (A) shall include coordination and integration of funds available under the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), this subpart, part A of this subchapter, and part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(C) Restriction

No State educational agency may receive more than one grant under this subsection.

(2) Consortia

(A) Establishment

To receive a grant under this subsection, a State educational agency shall establish a consortium of State-level programs under the following provisions of laws:

- (i) This subchapter (other than part D).
- (ii) The Head Start Act (42 U.S.C. 9831 et seq.).
- (iii) The Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.).
- (iv) All other State-funded preschool programs and programs providing literacy services to adults.

(B) Plan

To receive a grant under this subsection, the consortium established by a State educational agency shall create a plan to use a portion of the State educational agency's resources, derived from the programs referred to in subparagraph (A), to strengthen and expand family literacy services in the State.

(C) Coordination with subpart 1

The consortium shall coordinate its activities under this paragraph with the activities of the reading and literacy partnership for the State educational agency established under section 6363(d) of this title, if the State educational agency receives a grant under section 6362 of this title.

(3) Reading instruction

Statewide family literacy initiatives implemented under this subsection shall base reading instruction on scientifically based reading research.

(4) Technical assistance

The Secretary shall provide, directly or through a grant or contract with an organization with experience in the development and operation of successful family literacy services, technical assistance to State educational agencies receiving a grant under this subsection.

(5) Matching requirement

The Secretary shall not make a grant to a State educational agency under this subsection unless the State educational agency agrees that, with respect to the costs to be incurred by the eligible consortium in carrying out the activities for which the grant was awarded, the State educational agency will make available non-Federal contributions in an amount equal to not less than the Federal funds provided under the grant.

(d) State educational agency allocation

(1) In general

From amounts appropriated under section 6302(b)(3) of this title and not reserved under subsection (a), (b), or (c) of this section, the Secretary shall make grants to State educational agencies from allocations under paragraph (2).

(2) Allocations

Except as provided in paragraph (3), from the total amount available under paragraph (1) for allocation to State educational agencies in any fiscal year, each State educational agency shall be eligible to receive a grant under paragraph (1) in an amount that bears the same ratio to the total amount as the amount allocated under part A of this subchapter to that State educational agency bears to the total amount allocated under that part to all State educational agencies.

(3) Minimum

No State educational agency shall receive a grant under paragraph (1) in any fiscal year in an amount that is less than \$250,000, or one-half of 1 percent of the amount appropriated under section 6302(b)(3) of this title and not reserved under subsections (a), (b), and (c) of this section for such year, whichever is greater.

(e) Definitions

For the purpose of this subpart –

(1) the term "eligible entity" means a partnership composed of –

(A) a local educational agency; and

(B) a nonprofit community-based organization, a public agency

other than a local educational agency, an institution of higher education, or a public or private nonprofit organization other than a local educational agency, of demonstrated quality;

(2) the term "eligible organization" means any public or private nonprofit organization with a record of providing effective services to family literacy providers, such as the National Center for Family Literacy, Parents as Teachers, Inc., the Home Instruction Program for Preschool Youngsters, and the Home and School Institute, Inc.;

(3) the terms "Indian tribe" and "tribal organization" have the meanings given those terms in section 450b of title 25;

(4) the term "scientifically based reading research" has the meaning given that term in section 6368 of this title; and

(5) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1232, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1556.)

–REFTEXT–

REFERENCES IN TEXT

The Adult Education and Family Literacy Act, referred to in subsec. (c)(1)(B), (2)(A)(iii), is title II of Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 1059, as amended, which is classified principally to subchapter I (Sec. 9201 et seq.) of chapter 73 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and

Tables.

The Head Start Act, referred to in subsec. (c)(1)(B), (2)(A)(ii), is subchapter B (Sec. 635–657) of chapter 8 of subtitle A of title VI of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 499, as amended, which is classified generally to subchapter II (Sec. 9831 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of Title 42 and Tables.

The Social Security Act, referred to in subsec. (c)(1)(B), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title IV of the Act is classified generally to part A (Sec. 601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6381b, 6381c, 6381h, 6381j of this title.

–CITE–

20 USC Sec. 6381b 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 3 – william f. goodling even start family literacy programs

–HEAD–

Sec. 6381b. State educational agency programs

–STATUTE–

(a) State educational agency level activities

Each State educational agency that receives a grant under section

6381a(d)(1) of this title may use not more than a total of 6

percent of the grant funds for the costs of –

(1) administration, which amount shall not exceed half of the total;

(2) providing, through one or more subgrants or contracts, technical assistance for program improvement and replication, to eligible entities that receive subgrants under subsection (b) of this section; and

(3) carrying out sections 6381i and 6381c(c) of this title.

(b) Subgrants for local programs

(1) In general

Each State educational agency shall use the grant funds received under section 6381a(d)(1) of this title and not reserved under subsection (a) of this section to award subgrants to eligible entities to carry out Even Start programs.

(2) Minimum subgrant amounts

(A) In general

Except as provided in subparagraphs (B) and (C), no State educational agency shall award a subgrant under paragraph (1)

in an amount less than \$75,000.

(B) Subgrantees in ninth and succeeding years

No State educational agency shall award a subgrant under paragraph (1) in an amount less than \$52,500 to an eligible entity for a fiscal year to carry out an Even Start program that is receiving assistance under this subpart or its predecessor authority for the ninth (or any subsequent) fiscal year.

(C) Exception for single subgrant

A State educational agency may award one subgrant in each fiscal year of sufficient size, scope, and quality to be effective in an amount less than \$75,000 if, after awarding subgrants under paragraph (1) for that fiscal year in accordance with subparagraphs (A) and (B), less than \$75,000 is available to the State educational agency to award those subgrants.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1233, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1558.)

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6381c of this title.

–CITE–

20 USC Sec. 6381c 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 3 – william f. goodling even start family literacy programs

–HEAD–

Sec. 6381c. Uses of funds

–STATUTE–

(a) In general

In carrying out an Even Start program under this subpart, a recipient of funds under this subpart shall use those funds to pay the Federal share of the cost of providing intensive family literacy services that involve parents and children, from birth through age 7, in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners.

(b) Federal share limitation

(1) In general

(A) Federal share

Except as provided in paragraph (2), the Federal share under this subpart may not exceed –

(i) 90 percent of the total cost of the program in the first year that the program receives assistance under this subpart or its predecessor authority;

(ii) 80 percent in the second year;

- (iii) 70 percent in the third year;
- (iv) 60 percent in the fourth year;
- (v) 50 percent in the fifth, sixth, seventh, and eighth such years; and
- (vi) 35 percent in any subsequent year.

(B) Remaining cost

The remaining cost of a program assisted under this subpart may be provided in cash or in kind, fairly evaluated, and may be obtained from any source, including other Federal funds under this chapter.

(2) Waiver

The State educational agency may waive, in whole or in part, the Federal share described in paragraph (1) for an eligible entity if the entity –

- (A) demonstrates that it otherwise would not be able to participate in the program assisted under this subpart; and
- (B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver will be applicable.

(3) Prohibition

Federal funds provided under this subpart may not be used for the indirect costs of a program assisted under this subpart, except that the Secretary may waive this paragraph if an eligible recipient of funds reserved under section 6381a(a)(1)(C) of this title demonstrates to the Secretary's satisfaction that the recipient otherwise would not be able to participate in the

program assisted under this subpart.

(c) Use of funds for family literacy services

(1) In general

A State educational agency may use a portion of funds reserved under section 6381b(a) of this title, to assist eligible entities receiving a subgrant under section 6381b(b) of this title in improving the quality of family literacy services provided under Even Start programs under this subpart, except that in no case may a State educational agency's use of funds for this purpose for a fiscal year result in a decrease from the level of activities and services provided to program participants in the preceding year.

(2) Priority

In carrying out paragraph (1), a State educational agency shall give priority to programs that were of low quality, as evaluated based on the indicators of program quality developed by the State educational agency under section 6381i of this title.

(3) Technical assistance to help local programs raise additional funds

In carrying out paragraph (1), a State educational agency may use the funds referred to in that paragraph to provide technical assistance to help local programs of demonstrated effectiveness to access and leverage additional funds for the purpose of expanding services and reducing waiting lists, including requesting and applying for non-Federal resources.

(4) Technical assistance and training

Assistance under paragraph (1) shall be in the form of technical assistance and training, provided by a State educational agency through a grant, contract, or cooperative agreement with an entity that has experience in offering high-quality training and technical assistance to family literacy providers.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1234, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1559.)

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6381b, 6381c, 6381g of this title.

–CITE–

20 USC Sec. 6381d 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 3 – william f. goodling even start family literacy programs

–HEAD–

Sec. 6381d. Program elements

–STATUTE–

Each program assisted under this subpart shall –

(1) include the identification and recruitment of families most in need of services provided under this subpart, as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need–related indicators;

(2) include screening and preparation of parents, including teenage parents, and children to enable those parents and children to participate fully in the activities and services provided under this subpart, including testing, referral to necessary counselling, other developmental and support services, and related services;

(3) be designed to accommodate the participants' work schedule and other responsibilities, including the provision of support services, when those services are unavailable from other sources, necessary for participation in the activities assisted under this subpart, such as –

(A) scheduling and locating of services to allow joint participation by parents and children;

(B) child care for the period that parents are involved in the program provided under this subpart; and

(C) transportation for the purpose of enabling parents and their children to participate in programs authorized by this subpart;

(4) include high–quality, intensive instructional programs that promote adult literacy and empower parents to support the

educational growth of their children, developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;

(5) with respect to the qualifications of staff the cost of whose salaries are paid, in whole or in part, with Federal funds provided under this subpart, ensure that –

(A) not later than December 21, 2004 –

(i) a majority of the individuals providing academic instruction –

(I) shall have obtained an associate's, bachelor's, or graduate degree in a field related to early childhood education, elementary school or secondary school education, or adult education; and

(II) if applicable, shall meet qualifications established by the State for early childhood education, elementary school or secondary school education, or adult education provided as part of an Even Start program or another family literacy program;

(ii) the individual responsible for administration of family literacy services under this subpart has received training in the operation of a family literacy program; and

(iii) paraprofessionals who provide support for academic instruction have a secondary school diploma or its recognized equivalent; and

(B) all new personnel hired to provide academic instruction –

(i) have obtained an associate's, bachelor's, or graduate

degree in a field related to early childhood education, elementary school or secondary school education, or adult education; and

(ii) if applicable, meet qualifications established by the State for early childhood education, elementary school or secondary school education, or adult education provided as part of an Even Start program or another family literacy program;

(6) include special training of staff, including child-care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this subpart;

(7) provide and monitor integrated instructional services to participating parents and children through home-based programs;

(8) operate on a year-round basis, including the provision of some program services, including instructional and enrichment services, during the summer months;

(9) be coordinated with –

(A) other programs assisted under this chapter;

(B) any relevant programs under the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

(C) the Head Start program, volunteer literacy programs, and other relevant programs;

(10) use instructional programs based on scientifically based reading research for children and adults, to the extent that research is available;

(11) encourage participating families to attend regularly and to remain in the program a sufficient time to meet their program goals;

(12) include reading–readiness activities for preschool children based on scientifically based reading research, to the extent available, to ensure that children enter school ready to learn to read;

(13) if applicable, promote the continuity of family literacy to ensure that individuals retain and improve their educational outcomes;

(14) ensure that the programs will serve those families most in need of the activities and services provided by this subpart; and

(15) provide for an independent evaluation of the program, to be used for program improvement.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1235, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1560.)

–REFTEXT–

REFERENCES IN TEXT

The Adult Education and Family Literacy Act, referred to in par.

(9)(B), is title II of Pub. L. 105–220, Aug. 7, 1998, 112 Stat.

1059, as amended, which is classified principally to subchapter I

(Sec. 9201 et seq.) of chapter 73 of this title. For complete

classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

The Individuals with Disabilities Education Act, referred to in par. (9)(B), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (Sec. 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

The Workforce Investment Act of 1998, referred to in par. (9)(B), is Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 936, as amended. Title I of the Act is classified principally to chapter 30 (Sec. 2801 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6381f, 6381g, 6381h of this title.

–CITE–

20 USC Sec. 6381e 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 3 – william f. goodling even start family literacy programs

–HEAD–

Sec. 6381e. Eligible participants

–STATUTE–

(a) In general

Except as provided in subsection (b) of this section, eligible participants in an Even Start program are –

(1) a parent or parents –

(A) who are eligible for participation in adult education and literacy activities under the Adult Education and Family

Literacy Act (20 U.S.C. 9201 et seq.); or

(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this subpart, or who are attending secondary school; and

(2) the child or children, from birth through age 7, of any individual described in paragraph (1).

(b) Eligibility for certain other participants

(1) In general

Family members of eligible participants described in subsection

(a) of this section may participate in activities and services provided under this subpart, when appropriate to serve the purpose of this subpart.

(2) Special rule

Any family participating in a program assisted under this

subpart that becomes ineligible to participate as a result of one or more members of the family becoming ineligible to participate may continue to participate in the program until all members of the family become ineligible to participate, which –

(A) in the case of a family in which ineligibility was due to the child or children of the family attaining the age of 8, shall be in 2 years or when the parent or parents become ineligible due to educational advancement, whichever occurs first; and

(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of the family, shall be when all children in the family attain the age of 8.

(3) Children 8 years of age or older

If an Even Start program assisted under this subpart collaborates with a program under part A of this subchapter, and funds received under the part A program contribute to paying the cost of providing programs under this subpart to children 8 years of age or older, the Even Start program may, notwithstanding subsection (a)(2) of this section, permit the participation of children 8 years of age or older if the focus of the program continues to remain on families with young children.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1236, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1562.)

–REFTEXT–

REFERENCES IN TEXT

The Adult Education and Family Literacy Act, referred to in subsec. (a)(1)(A), is title II of Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 1059, as amended, which is classified principally to subchapter I (Sec. 9201 et seq.) of chapter 73 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

–CITE–

20 USC Sec. 6381f 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 3 – william f. goodling even start family literacy programs

–HEAD–

Sec. 6381f. Applications

–STATUTE–

(a) Submission

To be eligible to receive a subgrant under this subpart, an eligible entity shall submit an application to the State educational agency in such form and containing or accompanied by such information as the State educational agency shall require.

(b) Required documentation

Each application shall include documentation, satisfactory to the State educational agency, that the eligible entity has the qualified personnel needed –

(1) to develop, administer, and implement an Even Start program under this subpart; and

(2) to provide access to the special training necessary to prepare staff for the program, which may be offered by an eligible organization.

(c) Plan

(1) In general

The application shall also include a plan of operation and continuous improvement for the program, that includes –

(A) a description of the program objectives, strategies to meet those objectives, and how those strategies and objectives are consistent with the program indicators established by the State;

(B) a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 6381d of this title;

(C) a description of the population to be served and an estimate of the number of participants to be served;

(D) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the State educational agency, private elementary schools, or other eligible organizations in

carrying out the program for which assistance is sought;

(E) a statement of the methods that will be used –

(i) to ensure that the programs will serve families most in need of the activities and services provided by this subpart;

(ii) to provide services under this subpart to individuals with special needs, such as individuals with limited English proficiency and individuals with disabilities; and

(iii) to encourage participants to remain in the program for a time sufficient to meet the program's purpose;

(F) a description of how the plan is integrated with other programs under this chapter or other Acts, as appropriate; and

(G) a description of how the plan provides for rigorous and objective evaluation of progress toward the program objectives described in subparagraph (A) and for continuing use of evaluation data for program improvement.

(2) Duration of the plan

Each plan submitted under paragraph (1) shall –

(A) remain in effect for the duration of the eligible entity's participation under this subpart; and

(B) be periodically reviewed and revised by the eligible entity as necessary.

(d) Consolidated application

The plan described in subsection (c)(1) of this section may be submitted as part of a consolidated application under section 7845 of this title.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1237, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1563.)

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6381g of this title.

–CITE–

20 USC Sec. 6381g 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 3 – william f. goodling even start family literacy programs

–HEAD–

Sec. 6381g. Award of subgrants

–STATUTE–

(a) Selection process

(1) In general

The State educational agency shall establish a review panel in accordance with paragraph (3) that will approve applications that

–

(A) are most likely to be successful in –

(i) meeting the purpose of this subpart; and

(ii) effectively implementing the program elements required

under section 6381d of this title;

(B) demonstrate that the area to be served by the program has a high percentage or a large number of children and families who are in need of those services as indicated by high levels of poverty, illiteracy, unemployment, limited English proficiency, or other need–related indicators, such as a high percentage of children to be served by the program who reside in a school attendance area served by a local educational agency eligible for participation in programs under part A of this subchapter, a high number or percentage of parents who have been victims of domestic violence, or a high number or percentage of parents who are receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(C) provide services for at least a 3–year age range, which may begin at birth;

(D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;

(E) include cost–effective budgets, given the scope of the application;

(F) demonstrate the applicant's ability to provide the non–Federal share required by section 6381c(b) of this title;

(G) are representative of urban and rural regions of the State; and

(H) show the greatest promise for providing models that may

be adopted by other family literacy projects and other local educational agencies.

(2) Priority for subgrants

The State educational agency shall give priority for subgrants under this subsection to applications that –

(A) target services primarily to families described in paragraph (1)(B); or

(B) are located in areas designated as empowerment zones or enterprise communities.

(3) Review panel

A review panel shall consist of at least three members, including one early childhood professional, one adult education professional, and one individual with expertise in family literacy programs, and may include other individuals, such as one or more of the following:

(A) A representative of a parent–child education organization.

(B) A representative of a community–based literacy organization.

(C) A member of a local board of education.

(D) A representative of business and industry with a commitment to education.

(E) An individual who has been involved in the implementation of programs under this subchapter in the State.

(b) Duration

(1) In general

Subgrants under this subpart may be awarded for a period not to exceed 4 years.

(2) Startup period

The State educational agency may provide subgrant funds to an eligible recipient, at the recipient's request, for a 3- to 6-month start-up period during the first year of the 4-year grant period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program.

(3) Continuing eligibility

In awarding subgrant funds to continue a program under this subpart after the first year, the State educational agency shall review the progress of each eligible entity in meeting the objectives of the program referred to in section 6381f(c)(1)(A) of this title and shall evaluate the program based on the indicators of program quality developed by the State under section 6381i of this title.

(4) Insufficient progress

The State educational agency may refuse to award subgrant funds to an eligible entity if the agency finds that the eligible entity has not sufficiently improved the performance of the program, as evaluated based on the indicators of program quality developed by the State under section 6381i of this title, after –

(A) providing technical assistance to the eligible entity;

and

(B) affording the eligible entity notice and an opportunity

for a hearing.

(5) Grant renewal

(A) An eligible entity that has previously received a subgrant under this subpart may reapply under this subpart for additional subgrants.

(B) The Federal share of any subgrant renewed under subparagraph (A) shall be limited in accordance with section 6381c(b) of this title.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1238, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1564.)

–REFTEXT–

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a)(1)(B), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title IV of the Act is classified generally to part A (Sec. 601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

–CITE–

20 USC Sec. 6381h 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE

DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 3 – william f. goodling even start family literacy programs

–HEAD–

Sec. 6381h. Evaluation

–STATUTE–

From funds reserved under section 6381a(b)(1) of this title, the Secretary shall provide for an independent evaluation of programs assisted under this subpart –

- (1) to determine the performance and effectiveness of programs assisted under this subpart;
- (2) to identify effective Even Start programs assisted under this subpart that can be duplicated and used in providing technical assistance to Federal, State, and local programs; and
- (3) to provide State educational agencies and eligible entities receiving a subgrant under this subpart, directly or through a grant or contract with an organization with experience in the development and operation of successful family literacy services, technical assistance to ensure that local evaluations undertaken under section 6381d(15) of this title provide accurate information on the effectiveness of programs assisted under this subpart.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1239, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1566.)

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6381a of this title.

–CITE–

20 USC Sec. 6381i 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 3 – william f. goodling even start family literacy programs

–HEAD–

Sec. 6381i. Indicators of program quality

–STATUTE–

Each State educational agency receiving funds under this subpart shall develop, based on the best available research and evaluation data, indicators of program quality for programs assisted under this subpart. The indicators shall be used to monitor, evaluate, and improve those programs within the State. The indicators shall include the following:

(1) With respect to eligible participants in a program who are adults –

(A) achievement in the areas of reading, writing,

English–language acquisition, problem solving, and numeracy;

(B) receipt of a secondary school diploma or a general

equivalency diploma (GED);

(C) entry into a postsecondary school, job retraining program, or employment or career advancement, including the military; and

(D) such other indicators as the State may develop.

(2) With respect to eligible participants in a program who are children –

(A) improvement in ability to read on grade level or reading readiness;

(B) school attendance;

(C) grade retention and promotion; and

(D) such other indicators as the State may develop.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1240, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1566.)

–SECFEF–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6381b, 6381c, 6381g of this title.

–CITE–

20 USC Sec. 6381j 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE

DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 3 – william f. goodling even start family literacy programs

–HEAD–

Sec. 6381j. Research

–STATUTE–

(a) In general

The Secretary shall carry out, through grant or contract, research into the components of successful family literacy services, in order to –

(1) improve the quality of existing programs assisted under this subpart or other family literacy programs carried out under this chapter or the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.); and

(2) develop models for new programs to be carried out under this chapter or the Adult Education and Family Literacy Act.

(b) Scientifically based research on family literacy

(1) In general

From amounts reserved under section 6381a(b)(2) of this title, the National Institute for Literacy, in consultation with the Secretary, shall carry out research that –

(A) is scientifically based reading research; and

(B) determines –

(i) the most effective ways of improving the literacy skills of adults with reading difficulties; and

(ii) how family literacy services can best provide parents

with the knowledge and skills the parents need to support their children's literacy development.

(2) Use of expert entity

The National Institute for Literacy, in consultation with the Secretary, shall carry out the research under paragraph (1) through an entity, including a Federal agency, that has expertise in carrying out longitudinal studies of the development of literacy skills in children and has developed effective interventions to help children with reading difficulties.

(c) Dissemination

The National Institute for Literacy shall disseminate, pursuant to section 6367 of this title, the results of the research described in subsections (a) and (b) of this section to State educational agencies and recipients of subgrants under this subpart.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1241, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1566.)

–REFTEXT–

REFERENCES IN TEXT

The Adult Education and Family Literacy Act, referred to in subsec. (a), is title II of Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 1059, as amended, which is classified principally to subchapter I (Sec. 9201 et seq.) of chapter 73 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

–MISC2–

PRIOR PROVISIONS

A prior section 1241 of Pub. L. 89–10 was classified to section 2801 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6381a of this title.

–CITE–

20 USC Sec. 6381k 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 3 – william f. goodling even start family literacy programs

–HEAD–

Sec. 6381k. Construction

–STATUTE–

Nothing in this subpart shall be construed to prohibit a recipient of funds under this subpart from serving students participating in Even Start simultaneously with students with similar educational needs, in the same educational settings where appropriate.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1242, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1567.)

–MISC1–

PRIOR PROVISIONS

A prior section 1242 of Pub. L. 89–10 was classified to section 2802 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

–CITE–

20 USC subpart 4 – improving literacy through school libraries 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 4 – improving literacy through school libraries

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–HEAD–

subpart 4 – improving literacy through school libraries

–SECREf–

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 6302, 6362 of this title.

–CITE–

~~–EXPCITE–~~

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part B – Student Reading Skills Improvement Grants

subpart 4 – improving literacy through school libraries

~~–HEAD–~~

Sec. 6383. Improving literacy through school libraries

~~–STATUTE–~~

(a) Purposes

The purpose of this subpart is to improve literacy skills and academic achievement of students by providing students with increased access to up-to-date school library materials, a well-equipped, technologically advanced school library media center, and well-trained, professionally certified school library media specialists.

(b) Reservation

From the funds appropriated under section 6302(b)(4) of this title for a fiscal year, the Secretary shall reserve –

(1) one-half of 1 percent to award assistance under this section to the Bureau of Indian Affairs to carry out activities consistent with the purpose of this subpart; and

(2) one-half of 1 percent to award assistance under this

section to the outlying areas according to their respective needs for assistance under this subpart.

(c) Grants

(1) Competitive grants to eligible local educational agencies

If the amount of funds appropriated under section 6302(b)(4) of this title for a fiscal year is less than \$100,000,000, then the Secretary shall award grants, on a competitive basis, to eligible local educational agencies under subsection (e) of this section.

(2) Formula grants to States

If the amount of funds appropriated under section 6302(b)(4) of this title for a fiscal year equals or exceeds \$100,000,000, then the Secretary shall award grants to State educational agencies from allotments under subsection (d) of this section.

(3) Definition of eligible local educational agency

In this section the term "eligible local educational agency" means –

(A) in the case of a local educational agency receiving assistance made available under paragraph (1), a local educational agency in which 20 percent of the students served by the local educational agency are from families with incomes below the poverty line; and

(B) in the case of a local educational agency receiving assistance from State allocations made available under paragraph (2), a local educational agency in which –

(i) 15 percent of the students who are served by the local educational agency are from such families; or

(ii) the percentage of students from such families who are served by the local educational agency is greater than the statewide percentage of children from such families.

(d) State grants

(1) Allotments

From funds made available under subsection (c)(2) of this section and not reserved under subsections (b) and (j) of this section for a fiscal year, the Secretary shall allot to each State educational agency having an application approved under subsection (f)(1) of this section an amount that bears the same relation to the funds as the amount the State educational agency received under part A of this subchapter for the preceding fiscal year bears to the amount all such State educational agencies received under part A of this subchapter for the preceding fiscal year, to increase literacy and reading skills by improving school libraries.

(2) Competitive grants to eligible local educational agencies

Each State educational agency receiving an allotment under paragraph (1) for a fiscal year –

(A) may reserve not more than 3 percent of the allotted funds to provide technical assistance, disseminate information about school library media programs that are effective and based on scientifically based research, and pay administrative costs related to activities under this section; and

(B) shall use the allotted funds that remain after making the reservation under subparagraph (A) to award grants, for a

period of 1 year, on a competitive basis, to eligible local educational agencies in the State that have an application approved under subsection (f)(2) of this section for activities described in subsection (g) of this section.

(3) Reallotment

If a State educational agency does not apply for an allotment under this section for any fiscal year, or if the State educational agency's application is not approved, the Secretary shall reallot the amount of the State educational agency's allotment to the remaining State educational agencies in accordance with paragraph (1).

(e) Direct competitive grants to eligible local educational agencies

(1) In general

From amounts made available under subsection (c)(1) of this section and not reserved under subsections (b) and (j) of this section for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible local educational agencies that have applications approved under subsection (f)(2) of this section for activities described in subsection (g) of this section.

(2) Duration

The Secretary shall award grants under this subsection for a period of 1 year.

(3) Distribution

The Secretary shall ensure that grants under this subsection

are equitably distributed among the different geographic regions of the United States, and among local educational agencies serving urban and rural areas.

(f) Applications

(1) State educational agency

Each State educational agency desiring assistance under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require. The application shall contain a description of –

(A) how the State educational agency will assist eligible local educational agencies in meeting the requirements of this section and in using scientifically based research to implement effective school library media programs; and

(B) the standards and techniques the State educational agency will use to evaluate the quality and impact of activities carried out under this section by eligible local educational agencies to determine the need for technical assistance and whether to continue to provide additional funding to the agencies under this section.

(2) Eligible local educational agency

Each eligible local educational agency desiring assistance under this section shall submit to the Secretary or State educational agency, as appropriate, an application at such time, in such manner, and containing such information as the Secretary or State educational agency, respectively, shall require. The

application shall contain a description of –

(A) a needs assessment relating to the need for school library media improvement, based on the age and condition of school library media resources, including book collections, access of school library media centers to advanced technology, and the availability of well-trained, professionally certified school library media specialists, in schools served by the eligible local educational agency;

(B) the manner in which the eligible local educational agency will use the funds made available through the grant to carry out the activities described in subsection (g) of this section;

(C) how the eligible local educational agency will extensively involve school library media specialists, teachers, administrators, and parents in the activities assisted under this section, and the manner in which the eligible local educational agency will carry out the activities described in subsection (g) of this section using programs and materials that are grounded in scientifically based research;

(D) the manner in which the eligible local educational agency will effectively coordinate the funds and activities provided under this section with Federal, State, and local funds and activities under this subpart and other literacy, library, technology, and professional development funds and activities; and

(E) the manner in which the eligible local educational agency will collect and analyze data on the quality and impact of

activities carried out under this section by schools served by the eligible local educational agency.

(g) Local activities

Funds under this section may be used to –

- (1) acquire up-to-date school library media resources, including books;
- (2) acquire and use advanced technology, incorporated into the curricula of the school, to develop and enhance the information literacy, information retrieval, and critical thinking skills of students;
- (3) facilitate Internet links and other resource-sharing networks among schools and school library media centers, and public and academic libraries, where possible;
- (4) provide professional development described in section 6372(d)(2) of this title for school library media specialists, and activities that foster increased collaboration between school library media specialists, teachers, and administrators; and
- (5) provide students with access to school libraries during nonschool hours, including the hours before and after school, during weekends, and during summer vacation periods.

(h) Accountability and reporting

(1) Local reports

Each eligible local educational agency that receives funds under this section for a fiscal year shall report to the Secretary or State educational agency, as appropriate, on how the funding was used and the extent to which the availability of, the

access to, and the use of, up-to-date school library media resources in the elementary schools and secondary schools served by the eligible local educational agency was increased.

(2) State report

Each State educational agency that receives funds under this section shall compile the reports received under paragraph (1) and submit the compiled reports to the Secretary.

(i) Supplement, not supplant

Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds expended to carry out activities relating to library, technology, or professional development activities.

(j) National activities

(1) Evaluations

From the funds appropriated under section 6302(b)(4) of this title for each fiscal year, the Secretary shall reserve not more than 1 percent for annual, independent, national evaluations of the activities assisted under this section and their impact on improving the reading skills of students. The evaluations shall be conducted not later than 3 years after January 8, 2002, and biennially thereafter.

(2) Report to Congress

The Secretary shall transmit the State reports received under subsection (h)(2) of this section and the evaluations conducted under paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the

Workforce of the House of Representatives.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1251, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1567.)

–CITE–

20 USC Part C – Education of Migratory Children 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part C – Education of Migratory Children

.

–HEAD–

Part C – Education of Migratory Children

–SECREf–

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 1070d–2, 3414, 5891b, 6302,
6303, 6304, 6315, 7801, 7881 of this title.

–CITE–

20 USC Sec. 6391 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part C – Education of Migratory Children

–HEAD–

Sec. 6391. Program purpose

–STATUTE–

It is the purpose of this part to assist States to –

- (1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;
- (2) ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and State academic content and student academic achievement standards;
- (3) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;
- (4) ensure that migratory children receive full and appropriate opportunities to meet the same challenging State academic content and student academic achievement standards that all children are expected to meet;
- (5) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to do well in school,

and to prepare such children to make a successful transition to postsecondary education or employment; and
(6) ensure that migratory children benefit from State and local systemic reforms.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1301, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1571.)

–MISC1–

PRIOR PROVISIONS

A prior section 6391, Pub. L. 89–10, title I, Sec. 1301, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3585, related to program purpose, prior to the general amendment of this subchapter by Pub. L. 107–110.

–CITE–

20 USC Sec. 6392 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND

SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE

DISADVANTAGED

Part C – Education of Migratory Children

–HEAD–

Sec. 6392. Program authorized

–STATUTE–

In order to carry out the purpose of this part, the Secretary

shall make grants to State educational agencies, or combinations of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this part.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1302, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1571.)

–MISC1–

PRIOR PROVISIONS

A prior section 6392, Pub. L. 89–10, title I, Sec. 1302, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3585, authorized migratory children education program, prior to the general amendment of this subchapter by Pub. L. 107–110.

–CITE–

20 USC Sec. 6393 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND

SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE

DISADVANTAGED

Part C – Education of Migratory Children

–HEAD–

Sec. 6393. State allocations

–STATUTE–

(a) State allocations

(1) Fiscal year 2002

For fiscal year 2002, each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part an amount equal to –

(A) the sum of the estimated number of migratory children aged 3 through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged 3 through 21 who reside in the State part time, as determined in accordance with subsection (e) of this section; multiplied by

(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

(2) Subsequent years

(A) Base amount

(i) In general

Except as provided in subsection (b) of this section and clause (ii), each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part, for fiscal year 2003 and succeeding fiscal years, an amount equal to –

(I) the amount that such State received under this part for fiscal year 2002; plus

(II) the amount allocated to the State under subparagraph

(B).

(ii) Nonparticipating States

In the case of a State (other than the Commonwealth of Puerto Rico) that did not receive any funds for fiscal year 2002 under this part, the State shall receive, for fiscal year 2003 and succeeding fiscal years, an amount equal to –

(I) the amount that such State would have received under this part for fiscal year 2002 if its application under section 6394 of this title for the year had been approved;

plus

(II) the amount allocated to the State under subparagraph

(B).

(B) Allocation of additional amount

For fiscal year 2003 and succeeding fiscal years, the amount (if any) by which the funds appropriated to carry out this part for the year exceed such funds for fiscal year 2002 shall be allocated to a State (other than the Commonwealth of Puerto Rico) so that the State receives an amount equal to –

(i) the sum of –

(I) the number of identified eligible migratory children, aged 3 through 21, residing in the State during the previous year; and

(II) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State during such year; multiplied by

(ii) 40 percent of the average per-pupil expenditure in the

State, except that the amount determined under this clause may not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

(b) Allocation to Puerto Rico

(1) In general

For each fiscal year, the grant which the Commonwealth of Puerto Rico shall be eligible to receive under this part shall be the amount determined by multiplying the number of children who would be counted under subsection (a)(1)(A) of this section if such subsection applied to the Commonwealth of Puerto Rico by the product of –

(A) the percentage which the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

(B) 32 percent of the average per-pupil expenditure in the United States.

(2) Minimum percentage

The percentage in paragraph (1)(A) shall not be less than –

(A) for fiscal year 2002, 77.5 percent;

(B) for fiscal year 2003, 80.0 percent;

(C) for fiscal year 2004, 82.5 percent; and

(D) for fiscal year 2005 and succeeding fiscal years, 85.0 percent.

(3) Limitation

If the application of paragraph (2) for any fiscal year would result in any of the 50 States or the District of Columbia

receiving less under this part than it received under this part for the preceding fiscal year, then the percentage described in paragraph (1)(A) that is used for the Commonwealth of Puerto Rico for the fiscal year for which the determination is made shall be the greater of the percentage in paragraph (1)(A) for such fiscal year or the percentage used for the preceding fiscal year.

(c) Ratable reductions; reallocations

(1) In general

(A) If, after the Secretary reserves funds under section 6398(c) of this title, the amount appropriated to carry out this part for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

(B) If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary determines will best carry out the purpose of this part.

(2) Special rule

(A) The Secretary shall further reduce the amount of any grant to a State under this part for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address such needs, that such amount exceeds the amount required under section 6394 of this title.

(B) The Secretary shall reallocate such excess funds to other States whose grants under this part would otherwise be

insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

(d) Consortium arrangements

(1) In general

In the case of a State that receives a grant of \$1,000,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or other appropriate entity would result in delivery of services in a more effective and efficient manner.

(2) Proposals

Any State, regardless of the amount of such State's allocation, may submit a consortium arrangement to the Secretary for approval.

(3) Approval

The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will –

(A) reduce administrative costs or program function costs for State programs; and

(B) make more funds available for direct services to add substantially to the welfare or educational attainment of children to be served under this part.

(e) Determining numbers of eligible children

In order to determine the estimated number of migratory children

residing in each State for purposes of this section, the Secretary shall –

(1) use such information as the Secretary finds most accurately reflects the actual number of migratory children;

(2) develop and implement a procedure for more accurately reflecting cost factors for different types of summer and intersession program designs;

(3) adjust the full–time equivalent number of migratory children who reside in each State to take into account –

(A) the special needs of those children participating in special programs provided under this part that operate during the summer and intersession periods; and

(B) the additional costs of operating such programs; and

(4) conduct an analysis of the options for adjusting the formula so as to better direct services to the child whose education has been interrupted.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1303, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1571.)

–MISC1–

PRIOR PROVISIONS

A prior section 6393, Pub. L. 89–10, title I, Sec. 1303, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3585, related to State allocations, prior to the general amendment of this subchapter by Pub. L. 107–110.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6394 of this title.

–CITE–

20 USC Sec. 6394 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part C – Education of Migratory Children

–HEAD–

Sec. 6394. State applications; services

–STATUTE–

(a) Application required

Any State desiring to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(b) Program information

Each such application shall include –

(1) a description of how, in planning, implementing, and evaluating programs and projects assisted under this part, the State and its local operating agencies will ensure that the special educational needs of migratory children, including preschool migratory children, are identified and addressed through –

- (A) the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;
- (B) joint planning among local, State, and Federal educational programs serving migrant children, including language instruction educational programs under part A or B of subchapter III of this chapter;
- (C) the integration of services available under this part with services provided by those other programs; and
- (D) measurable program goals and outcomes;
- (2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same challenging State academic content standards and challenging State student academic achievement standards that all children are expected to meet;
- (3) a description of how the State will use funds received under this part to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not such move occurs during the regular school year;
- (4) a description of the State's priorities for the use of funds received under this part, and how such priorities relate to the State's assessment of needs for services in the State;

(5) a description of how the State will determine the amount of any subgrants the State will award to local operating agencies, taking into account the numbers and needs of migratory children, the requirements of subsection (d) of this section, and the availability of funds from other Federal, State, and local programs;

(6) such budgetary and other information as the Secretary may require; and

(7) a description of how the State will encourage programs and projects assisted under this part to offer family literacy services if the program or project serves a substantial number of migratory children who have parents who do not have a high school diploma or its recognized equivalent or who have low levels of literacy.

(c) Assurances

Each such application shall also include assurances, satisfactory to the Secretary, that –

(1) funds received under this part will be used only –

(A) for programs and projects, including the acquisition of equipment, in accordance with section 6396 of this title; and

(B) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families;

(2) such programs and projects will be carried out in a manner consistent with the objectives of section 6314 of this title,

subsections (b) and (d) of section 6315 of this title,
subsections (b) and (c) of section 6321 of this title, and part I
of this subchapter;

(3) in the planning and operation of programs and projects at
both the State and local agency operating level, there is
consultation with parent advisory councils for programs of 1
school year in duration, and that all such programs and projects
are carried out –

(A) in a manner that provides for the same parental
involvement as is required for programs and projects under
section 6318 of this title, unless extraordinary circumstances
make such provision impractical; and

(B) in a format and language understandable to the parents;

(4) in planning and carrying out such programs and projects,
there has been, and will be, adequate provision for addressing
the unmet education needs of preschool migratory children;

(5) the effectiveness of such programs and projects will be
determined, where feasible, using the same approaches and
standards that will be used to assess the performance of
students, schools, and local educational agencies under part A of
this subchapter;

(6) to the extent feasible, such programs and projects will
provide for –

(A) advocacy and outreach activities for migratory children
and their families, including informing such children and
families of, or helping such children and families gain access

to, other education, health, nutrition, and social services;

(B) professional development programs, including mentoring, for teachers and other program personnel;

(C) family literacy programs, including such programs that use models developed under Even Start;

(D) the integration of information technology into educational and related programs; and

(E) programs to facilitate the transition of secondary school students to postsecondary education or employment; and

(7) the State will assist the Secretary in determining the number of migratory children under paragraphs (1)(A) and (2)(B)(i) of section 6393(a) of this title, through such procedures as the Secretary may require.

(d) Priority for services

In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging State academic content standards and challenging State student academic achievement standards, and whose education has been interrupted during the regular school year.

(e) Continuation of services

Notwithstanding any other provision of this part –

(1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term;

(2) a child who is no longer a migratory child may continue to receive services for 1 additional school year, but only if

comparable services are not available through other programs; and
(3) secondary school students who were eligible for services in
secondary school may continue to be served through credit accrual
programs until graduation.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1304, as added Pub. L. 107–110, title
I, Sec. 101, Jan. 8, 2002, 115 Stat. 1574.)

–MISC1–

REFERENCES TO PARTS A AND B OF SUBCHAPTER III CONSIDERED TO BE
REFERENCES TO PARTS B AND A OF SUBCHAPTER III

References to parts A and B of subchapter III of this chapter are
considered to be references to parts B and A, respectively, of
subchapter III of this chapter in certain fiscal years. See
section 6801(c) of this title.

PRIOR PROVISIONS

A prior section 6394, Pub. L. 89–10, title I, Sec. 1304, as added
Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3587;
amended Pub. L. 106–554, Sec. 1(a)(4) (div. B, title XVI, Sec.
1605), Dec. 21, 2000, 114 Stat. 2763, 2763A–334, related to State
applications and services, prior to the general amendment of this
subchapter by Pub. L. 107–110.

–CITE–

20 USC Sec. 6395 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND

SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part C – Education of Migratory Children

–HEAD–

Sec. 6395. Secretarial approval; peer review

–STATUTE–

(a) Secretarial approval

The Secretary shall approve each State application that meets the requirements of this part.

(b) Peer review

The Secretary may review any such application with the assistance and advice of State officials and other individuals with relevant expertise.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1305, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1576.)

–MISC1–

PRIOR PROVISIONS

A prior section 6395, Pub. L. 89–10, title I, Sec. 1305, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3588, related to Secretarial approval and peer review, prior to the general amendment of this subchapter by Pub. L. 107–110.

–CITE–

20 USC Sec. 6396 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part C – Education of Migratory Children

–HEAD–

Sec. 6396. Comprehensive needs assessment and service–delivery
plan; authorized activities

–STATUTE–

(a) Comprehensive plan

(1) In general

Each State that receives assistance under this part shall
ensure that the State and its local operating agencies identify
and address the special educational needs of migratory children
in accordance with a comprehensive State plan that –

(A) is integrated with other programs under this chapter or
other Acts, as appropriate;

(B) may be submitted as a part of a consolidated application
under section 7842 of this title, if –

(i) the special needs of migratory children are
specifically addressed in the comprehensive State plan;

(ii) the comprehensive State plan is developed in
collaboration with parents of migratory children; and

(iii) the comprehensive State plan is not used to supplant
State efforts regarding, or administrative funding for, this

part;

(C) provides that migratory children will have an opportunity to meet the same challenging State academic content standards and challenging State student academic achievement standards that all children are expected to meet;

(D) specifies measurable program goals and outcomes;

(E) encompasses the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

(F) is the product of joint planning among such local, State, and Federal programs, including programs under part A of this subchapter, early childhood programs, and language instruction educational programs under part A or B of subchapter III of this chapter; and

(G) provides for the integration of services available under this part with services provided by such other programs.

(2) Duration of the plan

Each such comprehensive State plan shall –

(A) remain in effect for the duration of the State's participation under this part; and

(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

(b) Authorized activities

(1) Flexibility

In implementing the comprehensive plan described in subsection

(a) of this section, each State educational agency, where applicable through its local educational agencies, shall have the flexibility to determine the activities to be provided with funds made available under this part, except that such funds first shall be used to meet the identified needs of migratory children that result from their migratory lifestyle, and to permit these children to participate effectively in school.

(2) Unaddressed needs

Funds provided under this part shall be used to address the needs of migratory children that are not addressed by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under part A of this subchapter may receive those services through funds provided under that part, or through funds under this part that remain after the agency addresses the needs described in paragraph (1).

(3) Construction

Nothing in this part shall be construed to prohibit a local educational agency from serving migratory children simultaneously with students with similar educational needs in the same educational settings, where appropriate.

(4) Special rule

Notwithstanding section 6314 of this title, a school that receives funds under this part shall continue to address the identified needs described in paragraph (1), and shall meet the special educational needs of migratory children before using

funds under this part for schoolwide programs under section 6314
of this title.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1306, as added Pub. L. 107–110, title
I, Sec. 101, Jan. 8, 2002, 115 Stat. 1576.)

–MISC1–

REFERENCES TO PARTS A AND B OF SUBCHAPTER III CONSIDERED TO BE

REFERENCES TO PARTS B AND A OF SUBCHAPTER III

References to parts A and B of subchapter III of this chapter are
considered to be references to parts B and A, respectively, of
subchapter III of this chapter in certain fiscal years. See
section 6801(c) of this title.

PRIOR PROVISIONS

A prior section 6396, Pub. L. 89–10, title I, Sec. 1306, as added
Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3589,
related to comprehensive needs assessments and service–delivery
plans, prior to the general amendment of this subchapter by Pub. L.
107–110.

–CITE–

20 USC Sec. 6397 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part C – Education of Migratory Children

–HEAD–

Sec. 6397. Bypass

–STATUTE–

The Secretary may use all or part of any State's allocation under this part to make arrangements with any public or private nonprofit agency to carry out the purpose of this part in such State if the Secretary determines that –

- (1) the State is unable or unwilling to conduct educational programs for migratory children;
- (2) such arrangements would result in more efficient and economic administration of such programs; or
- (3) such arrangements would add substantially to the welfare or educational attainment of such children.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1307, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1578.)

–MISC1–

PRIOR PROVISIONS

A prior section 6397, Pub. L. 89–10, title I, Sec. 1307, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3590, related to bypass of State, prior to the general amendment of this subchapter by Pub. L. 107–110.

–CITE–

20 USC Sec. 6398 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part C – Education of Migratory Children

–HEAD–

Sec. 6398. Coordination of migrant education activities

–STATUTE–

(a) Improvement of coordination

(1) In general

The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private nonprofit entities to improve the interstate and intrastate coordination among such agencies' educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students.

(2) Duration

Grants under this subsection may be awarded for not more than 5 years.

(b) Student records

(1) Assistance

The Secretary shall assist States in developing effective methods for the electronic transfer of student records and in

determining the number of migratory children in each State.

(2) Information system

(A) In general

The Secretary, in consultation with the States, shall ensure the linkage of migrant student record systems for the purpose of electronically exchanging, among the States, health and educational information regarding all migratory students. The Secretary shall ensure such linkage occurs in a cost-effective manner, utilizing systems used by the States prior to, or developed after, January 8, 2002, and shall determine the minimum data elements that each State receiving funds under this part shall collect and maintain. Such elements may include –

- (i) immunization records and other health information;
- (ii) elementary and secondary academic history (including partial credit), credit accrual, and results from State assessments required under section 6311(b) of this title;
- (iii) other academic information essential to ensuring that migratory children achieve to high standards; and
- (iv) eligibility for services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) Notice and comment

After consulting with the States under subparagraph (A), the Secretary shall publish a notice in the Federal Register seeking public comment on the proposed data elements that each State receiving funds under this part shall be required to

collect for purposes of electronic transfer of migratory student information and the requirements that States shall meet for immediate electronic access to such information. Such publication shall occur not later than 120 days after January 8, 2002.

(3) No cost for certain transfers

A State educational agency or local educational agency receiving assistance under this part shall make student records available to another State educational agency or local educational agency that requests the records at no cost to the requesting agency, if the request is made in order to meet the needs of a migratory child.

(4) Report to Congress

(A) In general

Not later than April 30, 2003, the Secretary shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives the Secretary's findings and recommendations regarding the maintenance and transfer of health and educational information for migratory students by the States.

(B) Required contents

The Secretary shall include in such report –

- (i) a review of the progress of States in developing and linking electronic records transfer systems;
- (ii) recommendations for the development and linkage of

such systems; and

(iii) recommendations for measures that may be taken to ensure the continuity of services provided for migratory students.

(c) Availability of funds

For the purpose of carrying out this section in any fiscal year, the Secretary shall reserve not more than \$10,000,000 of the amount appropriated to carry out this part for such year.

(d) Incentive grants

From the amounts made available to carry out this section for any fiscal year, the Secretary may reserve not more than \$3,000,000 to award grants of not more than \$250,000 on a competitive basis to State educational agencies that propose a consortium arrangement with another State or other appropriate entity that the Secretary determines, pursuant to criteria that the Secretary shall establish, will improve the delivery of services to migratory children whose education is interrupted.

(e) Data collection

The Secretary shall direct the National Center for Education Statistics to collect data on migratory children.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1308, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1578.)

–REFTEXT–

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in

subsec. (b)(2)(A)(iv), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (Sec. 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

–MISC2–

PRIOR PROVISIONS

A prior section 6398, Pub. L. 89–10, title I, Sec. 1308, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3590, related to coordination of migrant education activities, prior to the general amendment of this subchapter by Pub. L. 107–110.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6393, 7911 of this title.

–CITE–

20 USC Sec. 6399 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part C – Education of Migratory Children

–HEAD–

Sec. 6399. Definitions

–STATUTE–

As used in this part:

(1) Local operating agency

The term "local operating agency" means –

(A) a local educational agency to which a State educational agency makes a subgrant under this part;

(B) a public or nonprofit private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project under this part; or

(C) a State educational agency, if the State educational agency operates the State's migrant education program or projects directly.

(2) Migratory child

The term "migratory child" means a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work –

(A) has moved from one school district to another;

(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

(C) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1309, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1579.)

–MISC1–

PRIOR PROVISIONS

A prior section 6399, Pub. L. 89–10, title I, Sec. 1309, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3591, defined terms for this part, prior to the general amendment of this subchapter by Pub. L. 107–110.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6314 of this title; title 42 section 11434a.

–CITE–

20 USC Part D – Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At–Risk 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At–Risk

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–HEAD–

Part D – Prevention and Intervention Programs for Children and

Youth Who Are Neglected, Delinquent, or At-Risk

–SECREf–

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 5891b, 6302, 6303, 6304,
6362, 6381a, 6603, 7801 of this title.

–CITE–

20 USC Sec. 6421 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and

Youth Who Are Neglected, Delinquent, or At-Risk

–HEAD–

Sec. 6421. Purpose and program authorization

–STATUTE–

(a) Purpose

It is the purpose of this part –

(1) to improve educational services for children and youth in
local and State institutions for neglected or delinquent children
and youth so that such children and youth have the opportunity to
meet the same challenging State academic content standards and
challenging State student academic achievement standards that all

children in the State are expected to meet;

(2) to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and

(3) to prevent at-risk youth from dropping out of school, and to provide dropouts, and children and youth returning from correctional facilities or institutions for neglected or delinquent children and youth, with a support system to ensure their continued education.

(b) Program authorized

In order to carry out the purpose of this part and from amounts appropriated under section 6302(d) of this title, the Secretary shall make grants to State educational agencies to enable such agencies to award subgrants to State agencies and local educational agencies to establish or improve programs of education for neglected, delinquent, or at-risk children and youth.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1401, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1580.)

–MISC1–

PRIOR PROVISIONS

A prior section 6421, Pub. L. 89–10, title I, Sec. 1401, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3591, set out findings and purpose and authorized program, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1401 of Pub. L. 89–10 was classified to section

2821 of this title, prior to the general amendment of Pub. L. 89–10

by Pub. L. 103–382.

–CITE–

20 USC Sec. 6422 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND

SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE

DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and

Youth Who Are Neglected, Delinquent, or At-Risk

–HEAD–

Sec. 6422. Payments for programs under this part

–STATUTE–

(a) Agency subgrants

Based on the allocation amount computed under section 6432 of this title, the Secretary shall allocate to each State educational agency an amount necessary to make subgrants to State agencies under subpart 1 of this part.

(b) Local subgrants

Each State shall retain, for the purpose of carrying out subpart 2 of this part, funds generated throughout the State under part A of this subchapter based on children and youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1402, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1580.)

–MISC1–

PRIOR PROVISIONS

A prior section 6422, Pub. L. 89–10, title I, Sec. 1402, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3592, related to payments for programs, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1402 of Pub. L. 89–10 was classified to section 2822 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6452 of this title.

–CITE–

20 USC subpart 1 – state agency programs 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk

subpart 1 – state agency programs

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–HEAD–

subpart 1 – state agency programs

–SECREf–

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 6333, 6422, 6471 of this title.

–CITE–

20 USC Sec. 6431 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and

Youth Who Are Neglected, Delinquent, or At-Risk

subpart 1 – state agency programs

–HEAD–

Sec. 6431. Eligibility

–STATUTE–

A State agency is eligible for assistance under this subpart if such State agency is responsible for providing free public education for children and youth –

(1) in institutions for neglected or delinquent children and youth;

(2) attending community day programs for neglected or

delinquent children and youth; or

(3) in adult correctional institutions.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1411, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1581.)

–MISC1–

PRIOR PROVISIONS

A prior section 6431, Pub. L. 89–10, title I, Sec. 1411, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3592, related to eligibility, prior to the general amendment of this subchapter by Pub. L. 107–110.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6432 of this title.

–CITE–

20 USC Sec. 6432 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and

Youth Who Are Neglected, Delinquent, or At–Risk

subpart 1 – state agency programs

–HEAD–

Sec. 6432. Allocation of funds

–STATUTE–

(a) Subgrants to State agencies

(1) In general

Each State agency described in section 6431 of this title (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this subpart, for each fiscal year, in an amount equal to the product of –

(A) the number of neglected or delinquent children and youth described in section 6431 of this title who –

(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

(ii) are enrolled for at least 20 hours per week –

(I) in education programs in institutions for neglected or delinquent children and youth; or

(II) in community day programs for neglected or delinquent children and youth; and

(B) 40 percent of the average per–pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, nor more than 48 percent, of the average per–pupil expenditure in the United States.

(2) Special rule

The number of neglected or delinquent children and youth determined under paragraph (1) shall –

(A) be determined by the State agency by a deadline set by the Secretary, except that no State agency shall be required to determine the number of such children and youth on a specific date set by the Secretary; and

(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

(b) Subgrants to State agencies in Puerto Rico

(1) In general

For each fiscal year, the amount of the subgrant which a State agency in the Commonwealth of Puerto Rico shall be eligible to receive under this subpart shall be the amount determined by multiplying the number of children counted under subsection (a)(1)(A) of this section for the Commonwealth of Puerto Rico by the product of –

(A) the percentage which the average per–pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per–pupil expenditure of any of the 50 States; and

(B) 32 percent of the average per–pupil expenditure in the United States.

(2) Minimum percentage

The percentage in paragraph (1)(A) shall not be less than –

(A) for fiscal year 2002, 77.5 percent;

(B) for fiscal year 2003, 80.0 percent;

(C) for fiscal year 2004, 82.5 percent; and

(D) for fiscal year 2005 and succeeding fiscal years, 85.0

percent.

(3) Limitation

If the application of paragraph (2) would result in any of the 50 States or the District of Columbia receiving less under this subpart than it received under this subpart for the preceding fiscal year, then the percentage described in paragraph (1)(A) that is used for the Commonwealth of Puerto Rico for the fiscal year for which the determination is made shall be the greater of

–

(A) the percentage in paragraph (1)(A) for such fiscal year;

or

(B) the percentage used for the preceding fiscal year.

(c) Ratable reductions in case of insufficient appropriations

If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) of this section is insufficient to pay the full amount for which all State agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1412, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1581.)

–MISC1–

PRIOR PROVISIONS

A prior section 6432, Pub. L. 89–10, title I, Sec. 1412, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3592, related to allocation of funds, prior to the general amendment of

this subchapter by Pub. L. 107–110.

~~–SECRET–~~

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6422 of this title.

~~–CITE–~~

20 USC Sec. 6433 01/06/03

~~–EXPCITE–~~

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and

Youth Who Are Neglected, Delinquent, or At-Risk

subpart 1 – state agency programs

~~–HEAD–~~

Sec. 6433. State reallocation of funds

~~–STATUTE–~~

If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this subpart for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other eligible State agencies that need additional funds to carry out the purpose of this part, in such amounts as the State educational agency shall determine.

~~–SOURCE–~~

(Pub. L. 89–10, title I, Sec. 1413, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1582.)

–MISC1–

PRIOR PROVISIONS

A prior section 6433, Pub. L. 89–10, title I, Sec. 1413, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3593, related to State reallocation of funds, prior to the general amendment of this subchapter by Pub. L. 107–110.

–CITE–

20 USC Sec. 6434 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk

subpart 1 – state agency programs

–HEAD–

Sec. 6434. State plan and State agency applications

–STATUTE–

(a) State plan

(1) In general

Each State educational agency that desires to receive a grant under this subpart shall submit, for approval by the Secretary, a

plan –

(A) for meeting the educational needs of neglected, delinquent, and at-risk children and youth;

(B) for assisting in the transition of children and youth from correctional facilities to locally operated programs; and

(C) that is integrated with other programs under this chapter or other Acts, as appropriate.

(2) Contents

Each such State plan shall –

(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving the academic, vocational, and technical skills of children in the program;

(B) provide that, to the extent feasible, such children will have the same opportunities to achieve as such children would have if such children were in the schools of local educational agencies in the State; and

(C) contain an assurance that the State educational agency will –

(i) ensure that programs assisted under this subpart will be carried out in accordance with the State plan described in this subsection;

(ii) carry out the evaluation requirements of section 6471 of this title;

(iii) ensure that the State agencies receiving subgrants under this subpart comply with all applicable statutory and

regulatory requirements; and

(iv) provide such other information as the Secretary may reasonably require.

(3) Duration of the plan

Each such State plan shall –

(A) remain in effect for the duration of the State's participation under this part; and

(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

(b) Secretarial approval and peer review

(1) Secretarial approval

The Secretary shall approve each State plan that meets the requirements of this subpart.

(2) Peer review

The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

(c) State agency applications

Any State agency that desires to receive funds to carry out a program under this subpart shall submit an application to the State educational agency that –

(1) describes the procedures to be used, consistent with the State plan under section 6311 of this title, to assess the educational needs of the children to be served under this subpart;

(2) provide an assurance that in making services available to

children and youth in adult correctional institutions, priority will be given to such children and youth who are likely to complete incarceration within a 2-year period;

(3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

(4) describes how the program will meet the goals and objectives of the State plan;

(5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 6436 of this title are of high quality;

(6) describes how the State agency will carry out the evaluation requirements of section 7941 of this title and how the results of the most recent evaluation will be used to plan and improve the program;

(7) includes data showing that the State agency has maintained the fiscal effort required of a local educational agency, in accordance with section 7901 of this title;

(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under title I of Public Law 105-220 (29 U.S.C. 2801 et seq.), vocational and technical education programs, State and local dropout prevention programs, and special education programs;

(9) describes how the State agency will encourage correctional facilities receiving funds under this subpart to coordinate with

local educational agencies or alternative education programs attended by incarcerated children and youth prior to their incarceration to ensure that student assessments and appropriate academic records are shared jointly between the correctional facility and the local educational agency or alternative education program;

(10) describes how appropriate professional development will be provided to teachers and other staff;

(11) designates an individual in each affected correctional facility or institution for neglected or delinquent children and youth to be responsible for issues relating to the transition of children and youth from such facility or institution to locally operated programs;

(12) describes how the State agency will endeavor to coordinate with businesses for training and mentoring for participating children and youth;

(13) provides an assurance that the State agency will assist in locating alternative programs through which students can continue their education if the students are not returning to school after leaving the correctional facility or institution for neglected or delinquent children and youth;

(14) provides assurances that the State agency will work with parents to secure parents' assistance in improving the educational achievement of their children and youth, and preventing their children's and youth's further involvement in delinquent activities;

(15) provides an assurance that the State agency will work with children and youth with disabilities in order to meet an existing individualized education program and an assurance that the agency will notify the child's or youth's local school if the child or youth –

(A) is identified as in need of special education services while the child or youth is in the correctional facility or institution for neglected or delinquent children and youth; and

(B) intends to return to the local school;

(16) provides an assurance that the State agency will work with children and youth who dropped out of school before entering the correctional facility or institution for neglected or delinquent children and youth to encourage the children and youth to reenter school once the term of the incarceration is completed or provide the child or youth with the skills necessary to gain employment, continue the education of the child or youth, or achieve a secondary school diploma or its recognized equivalent if the child or youth does not intend to return to school;

(17) provides an assurance that teachers and other qualified staff are trained to work with children and youth with disabilities and other students with special needs taking into consideration the unique needs of such students;

(18) describes any additional services to be provided to children and youth, such as career counseling, distance learning, and assistance in securing student loans and grants; and

(19) provides an assurance that the program under this subpart

will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) or other comparable programs, if applicable.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1414, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1582.)

–REFTEXT–

REFERENCES IN TEXT

Pub. L. 105–220, referred to in subsec. (c)(8), is Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 936, as amended, known as the Workforce Investment Act of 1998. Title I of the Act is classified principally to chapter 30 (Sec. 2801 et seq.) of Title 29, Labor.

For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in subsec. (c)(19), is Pub. L. 93–415, Sept. 7, 1974, 88 Stat. 1109, as amended, which is classified principally to chapter 72 (Sec. 5601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of Title 42 and Tables.

–MISC2–

PRIOR PROVISIONS

A prior section 6434, Pub. L. 89–10, title I, Sec. 1414, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3593; amended Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 405(d)(18)(B), (f)(13)(B)), Oct. 21, 1998, 112 Stat. 2681–337,

2681–422, 2681–431, related to State plan and State agency

applications, prior to the general amendment of this subchapter by

Pub. L. 107–110.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6435 of this title.

–CITE–

20 USC Sec. 6435 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND

SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE

DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and

Youth Who Are Neglected, Delinquent, or At–Risk

subpart 1 – state agency programs

–HEAD–

Sec. 6435. Use of funds

–STATUTE–

(a) Uses

(1) In general

A State agency shall use funds received under this subpart only

for programs and projects that –

(A) are consistent with the State plan under section 6434(a)

of this title; and

(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, vocational or technical training, further education, or employment.

(2) Programs and projects

Such programs and projects –

(A) may include the acquisition of equipment;

(B) shall be designed to support educational services that –

(i) except for institution–wide projects under section 6436 of this title, are provided to children and youth identified by the State agency as failing, or most at–risk of failing, to meet the State's challenging academic content standards and student academic achievement standards;

(ii) supplement and improve the quality of the educational services provided to such children and youth by the State agency; and

(iii) afford such children and youth an opportunity to meet challenging State academic achievement standards;

(C) shall be carried out in a manner consistent with section 6321 of this title and part I of this subchapter (as applied to programs and projects under this part); and

(D) may include the costs of meeting the evaluation requirements of section 7941 of this title.

(b) Supplement, not supplant

A program under this subpart that supplements the number of hours of instruction students receive from State and local sources shall

be considered to comply with the supplement, not supplant requirement of section 6321 of this title (as applied to this part) without regard to the subject areas in which instruction is given during those hours.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1415, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1585.)

–MISC1–

PRIOR PROVISIONS

A prior section 6435, Pub. L. 89–10, title I, Sec. 1415, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3596, related to use of funds, prior to the general amendment of this subchapter by Pub. L. 107–110.

–CITE–

20 USC Sec. 6436 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk

subpart 1 – state agency programs

–HEAD–

Sec. 6436. Institution-wide projects

–STATUTE–

A State agency that provides free public education for children and youth in an institution for neglected or delinquent children and youth (other than an adult correctional institution) or attending a community–day program for such children and youth may use funds received under this subpart to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that –

- (1) provides for a comprehensive assessment of the educational needs of all children and youth in the institution or program serving juveniles;
- (2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a 2–year period;
- (3) describes the steps the State agency has taken, or will take, to provide all children and youth under age 21 with the opportunity to meet challenging State academic content standards and student academic achievement standards in order to improve the likelihood that the children and youth will complete secondary school, attain a secondary diploma or its recognized equivalent, or find employment after leaving the institution;
- (4) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision

of mentors for the children and youth described in paragraph (1);

(5) specifically describes how such funds will be used;

(6) describes the measures and procedures that will be used to assess student progress;

(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and youth, and with personnel from the State educational agency; and

(8) includes an assurance that the State agency has provided for appropriate training for teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1416, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1585.)

–MISC1–

PRIOR PROVISIONS

A prior section 6436, Pub. L. 89–10, title I, Sec. 1416, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3596, related to institution-wide projects, prior to the general amendment of this subchapter by Pub. L. 107–110.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6435 of this title.

–CITE–

20 USC Sec. 6437 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and
Youth Who Are Neglected, Delinquent, or At-Risk

subpart 1 – state agency programs

–HEAD–

Sec. 6437. Three-year programs or projects

–STATUTE–

If a State agency operates a program or project under this
subpart in which individual children or youth are likely to
participate for more than 1 year, the State educational agency may
approve the State agency's application for a subgrant under this
subpart for a period of not more than 3 years.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1417, as added Pub. L. 107–110, title
I, Sec. 101, Jan. 8, 2002, 115 Stat. 1586.)

–MISC1–

PRIOR PROVISIONS

A prior section 6437, Pub. L. 89–10, title I, Sec. 1417, as added
Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3597,

related to three-year programs and projects, prior to the general amendment of this subchapter by Pub. L. 107-110.

-CITE-

20 USC Sec. 6438 01/06/03

-EXPCITE-

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk

subpart 1 – state agency programs

-HEAD-

Sec. 6438. Transition services

-STATUTE-

(a) Transition services

Each State agency shall reserve not less than 15 percent and not more than 30 percent of the amount such agency receives under this subpart for any fiscal year to support –

(1) projects that facilitate the transition of children and youth from State-operated institutions to schools served by local educational agencies; or

(2) the successful reentry of youth offenders, who are age 20 or younger and have received a secondary school diploma or its recognized equivalent, into postsecondary education, or

vocational and technical training programs, through strategies designed to expose the youth to, and prepare the youth for, postsecondary education, or vocational and technical training programs, such as –

(A) preplacement programs that allow adjudicated or incarcerated youth to audit or attend courses on college, university, or community college campuses, or through programs provided in institutional settings;

(B) worksite schools, in which institutions of higher education and private or public employers partner to create programs to help students make a successful transition to postsecondary education and employment; and

(C) essential support services to ensure the success of the youth, such as –

(i) personal, vocational and technical, and academic, counseling;

(ii) placement services designed to place the youth in a university, college, or junior college program;

(iii) information concerning, and assistance in obtaining, available student financial aid;

(iv) counseling services; and

(v) job placement services.

(b) Conduct of projects

A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies,

or private nonprofit organizations.

(c) Rule of construction

Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) of this section from serving neglected and delinquent children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1418, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1586.)

–MISC1–

PRIOR PROVISIONS

A prior section 6438, Pub. L. 89–10, title I, Sec. 1418, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3597, related to transition services, prior to the general amendment of this subchapter by Pub. L. 107–110.

–CITE–

20 USC Sec. 6439 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND

SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE

DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and

Youth Who Are Neglected, Delinquent, or At-Risk

subpart 1 – state agency programs

–HEAD–

Sec. 6439. Evaluation; technical assistance; annual model program

–STATUTE–

The Secretary may reserve not more than 2.5 percent of the amount made available to carry out this subpart for a fiscal year –

(1) to develop a uniform model to evaluate the effectiveness of programs assisted under this subpart; and

(2) to provide technical assistance to and support the capacity building of State agency programs assisted under this subpart.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1419, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1587.)

–CITE–

20 USC subpart 2 – local agency programs 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk

subpart 2 – local agency programs

.

–HEAD–

subpart 2 – local agency programs

~~–SECRET–~~

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 6422, 6471 of this title.

~~–CITE–~~

20 USC Sec. 6451 01/06/03

~~–EXPCITE–~~

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and

Youth Who Are Neglected, Delinquent, or At-Risk

subpart 2 – local agency programs

~~–HEAD–~~

Sec. 6451. Purpose

~~–STATUTE–~~

The purpose of this subpart is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities –

- (1) to carry out high quality education programs to prepare children and youth for secondary school completion, training, employment, or further education;
- (2) to provide activities to facilitate the transition of such children and youth from the correctional program to further

education or employment; and

(3) to operate programs in local schools for children and youth returning from correctional facilities, and programs which may serve at-risk children and youth.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1421, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1587.)

–MISC1–

PRIOR PROVISIONS

A prior section 6451, Pub. L. 89–10, title I, Sec. 1421, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3597, related to purpose of subpart, prior to the general amendment of this subchapter by Pub. L. 107–110.

–CITE–

20 USC Sec. 6452 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND

SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE

DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and

Youth Who Are Neglected, Delinquent, or At-Risk

subpart 2 – local agency programs

–HEAD–

Sec. 6452. Programs operated by local educational agencies

–STATUTE–

(a) Local subgrants

With funds made available under section 6422(b) of this title, the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of children and youth residing in locally operated (including county operated) correctional facilities for children and youth (including facilities involved in community day programs).

(b) Special rule

A local educational agency that serves a school operated by a correctional facility is not required to operate a program of support for children and youth returning from such school to a school that is not operated by a correctional agency but served by such local educational agency, if more than 30 percent of the children and youth attending the school operated by the correctional facility will reside outside the boundaries served by the local educational agency after leaving such facility.

(c) Notification

A State educational agency shall notify local educational agencies within the State of the eligibility of such agencies to receive a subgrant under this subpart.

(d) Transitional and academic services

Transitional and supportive programs operated in local educational agencies under this subpart shall be designed primarily to meet the transitional and academic needs of students returning to local educational agencies or alternative education programs

from correctional facilities. Services to students at-risk of dropping out of school shall not have a negative impact on meeting the transitional and academic needs of the students returning from correctional facilities.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1422, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1587.)

–MISC1–

PRIOR PROVISIONS

A prior section 6452, Pub. L. 89–10, title I, Sec. 1422, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3598, related to programs operated by local educational agencies, prior to the general amendment of this subchapter by Pub. L. 107–110.

–CITE–

20 USC Sec. 6453 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND

SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE

DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and

Youth Who Are Neglected, Delinquent, or At-Risk

subpart 2 – local agency programs

–HEAD–

Sec. 6453. Local educational agency applications

–STATUTE–

Each local educational agency desiring assistance under this subpart shall submit an application to the State educational agency that contains such information as the State educational agency may require. Each such application shall include –

- (1) a description of the program to be assisted;
- (2) a description of formal agreements, regarding the program to be assisted, between –
 - (A) the local educational agency; and
 - (B) correctional facilities and alternative school programs serving children and youth involved with the juvenile justice system;
- (3) as appropriate, a description of how participating schools will coordinate with facilities working with delinquent children and youth to ensure that such children and youth are participating in an education program comparable to one operating in the local school such youth would attend;
- (4) a description of the program operated by participating schools for children and youth returning from correctional facilities and, as appropriate, the types of services that such schools will provide such children and youth and other at-risk children and youth;
- (5) a description of the characteristics (including learning difficulties, substance abuse problems, and other special needs) of the children and youth who will be returning from correctional facilities and, as appropriate, other at-risk children and youth

expected to be served by the program, and a description of how the school will coordinate existing educational programs to meet the unique educational needs of such children and youth;

(6) as appropriate, a description of how schools will coordinate with existing social, health, and other services to meet the needs of students returning from correctional facilities, at-risk children or youth, and other participating children or youth, including prenatal health care and nutrition services related to the health of the parent and the child or youth, parenting and child development classes, child care, targeted reentry and outreach programs, referrals to community resources, and scheduling flexibility;

(7) as appropriate, a description of any partnerships with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring services for participating students;

(8) as appropriate, a description of how the program will involve parents in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;

(9) a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under title I of Public Law 105-220 (29 U.S.C. 2801 et seq.) and vocational and technical education programs serving at-risk children and youth;

(10) a description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) and other comparable programs, if applicable;

(11) as appropriate, a description of how schools will work with probation officers to assist in meeting the needs of children and youth returning from correctional facilities;

(12) a description of the efforts participating schools will make to ensure correctional facilities working with children and youth are aware of a child's or youth's existing individualized education program; and

(13) as appropriate, a description of the steps participating schools will take to find alternative placements for children and youth interested in continuing their education but unable to participate in a regular public school program.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1423, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1588.)

–REFTEXT–

REFERENCES IN TEXT

Pub. L. 105–220, referred to in par. (9), is Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 936, as amended, known as the Workforce Investment Act of 1998. Title I of the Act is classified principally to chapter 30 (Sec. 2801 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in par. (10), is Pub. L. 93–415, Sept. 7, 1974, 88 Stat. 1109, as amended, which is classified principally to chapter 72 (Sec. 5601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of Title 42 and Tables.

–MISC2–

PRIOR PROVISIONS

A prior section 6453, Pub. L. 89–10, title I, Sec. 1423, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3598; amended Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 405(d)(18)(C), (f)(13)(C)), Oct. 21, 1998, 112 Stat. 2681–337, 2681–422, 2681–431, related to local educational agency applications, prior to the general amendment of this subchapter by Pub. L. 107–110.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6455 of this title.

–CITE–

20 USC Sec. 6454 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND

SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE

DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and

Youth Who Are Neglected, Delinquent, or At-Risk

subpart 2 – local agency programs

–HEAD–

Sec. 6454. Uses of funds

–STATUTE–

Funds provided to local educational agencies under this subpart may be used, as appropriate, for –

- (1) programs that serve children and youth returning to local schools from correctional facilities, to assist in the transition of such children and youth to the school environment and help them remain in school in order to complete their education;
- (2) dropout prevention programs which serve at-risk children and youth, including pregnant and parenting teens, children and youth who have come in contact with the juvenile justice system, children and youth at least 1 year behind their expected grade level, migrant youth, immigrant youth, students with limited English proficiency, and gang members;
- (3) the coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care, drug and alcohol counseling, and mental health services, will improve the likelihood such individuals will complete their education;
- (4) special programs to meet the unique academic needs of participating children and youth, including vocational and technical education, special education, career counseling,

curriculum-based youth entrepreneurship education, and assistance
in securing student loans or grants for postsecondary education;
and

(5) programs providing mentoring and peer mediation.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1424, as added Pub. L. 107–110, title
I, Sec. 101, Jan. 8, 2002, 115 Stat. 1589.)

–MISC1–

PRIOR PROVISIONS

A prior section 6454, Pub. L. 89–10, title I, Sec. 1424, as added
Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3599,
related to uses of funds, prior to the general amendment of this
subchapter by Pub. L. 107–110.

–CITE–

20 USC Sec. 6455 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk

subpart 2 – local agency programs

–HEAD–

Sec. 6455. Program requirements for correctional facilities

receiving funds under this section

–STATUTE–

Each correctional facility entering into an agreement with a local educational agency under section 6453(2) of this title to provide services to children and youth under this subpart shall –

- (1) where feasible, ensure that educational programs in the correctional facility are coordinated with the student's home school, particularly with respect to a student with an individualized education program under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.);
- (2) if the child or youth is identified as in need of special education services while in the correctional facility, notify the local school of the child or youth of such need;
- (3) where feasible, provide transition assistance to help the child or youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;
- (4) provide support programs that encourage children and youth who have dropped out of school to reenter school once their term at the correctional facility has been completed, or provide such children and youth with the skills necessary to gain employment or seek a secondary school diploma or its recognized equivalent;
- (5) work to ensure that the correctional facility is staffed with teachers and other qualified staff who are trained to work with children and youth with disabilities taking into

consideration the unique needs of such children and youth;

(6) ensure that educational programs in the correctional facility are related to assisting students to meet high academic achievement standards;

(7) to the extent possible, use technology to assist in coordinating educational programs between the correctional facility and the community school;

(8) where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

(9) coordinate funds received under this subpart with other local, State, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of Public Law 105–220 (29 U.S.C. 2801 et seq.), and vocational and technical education funds;

(10) coordinate programs operated under this subpart with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) and other comparable programs, if applicable; and

(11) if appropriate, work with local businesses to develop training, curriculum–based youth entrepreneurship education, and mentoring programs for children and youth.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1425, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1589.)

–REFTEXT–

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in par. (1), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended. Part B of the Act is classified generally to subchapter II (Sec. 1411 et seq.) of chapter 33 of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

Pub. L. 105–220, referred to in par. (9), is Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 936, as amended, known as the Workforce Investment Act of 1998. Title I of the Act is classified principally to chapter 30 (Sec. 2801 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in par. (10), is Pub. L. 93–415, Sept. 7, 1974, 88 Stat. 1109, as amended, which is classified principally to chapter 72 (Sec. 5601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of Title 42 and Tables.

–MISC2–

PRIOR PROVISIONS

A prior section 6455, Pub. L. 89–10, title I, Sec. 1425, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3599; amended Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 405(d)(18)(D), (f)(13)(D)), Oct. 21, 1998, 112 Stat. 2681–337, 2681–422, 2681–431, related to program requirements for

correctional facilities receiving funds, prior to the general amendment of this subchapter by Pub. L. 107–110.

–CITE–

20 USC Sec. 6456 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk

subpart 2 – local agency programs

–HEAD–

Sec. 6456. Accountability

–STATUTE–

The State educational agency may –

(1) reduce or terminate funding for projects under this subpart if a local educational agency does not show progress in reducing dropout rates for male students and for female students over a 3-year period; and

(2) require correctional facilities or institutions for neglected or delinquent children and youth to demonstrate, after receiving assistance under this subpart for 3 years, that there has been an increase in the number of children and youth returning to school, obtaining a secondary school diploma or its

recognized equivalent, or obtaining employment after such children and youth are released.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1426, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1590.)

–MISC1–

PRIOR PROVISIONS

A prior section 6456, Pub. L. 89–10, title I, Sec. 1426, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3600, related to accountability, prior to the general amendment of this subchapter by Pub. L. 107–110.

–CITE–

20 USC subpart 3 – general provisions 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
subpart 3 – general provisions

.

–HEAD–

subpart 3 – general provisions

–CITE–

~~–EXPCITE–~~

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and
Youth Who Are Neglected, Delinquent, or At-Risk
subpart 3 – general provisions

~~–HEAD–~~

Sec. 6471. Program evaluations

~~–STATUTE–~~

(a) Scope of evaluation

Each State agency or local educational agency that conducts a
program under subpart 1 or 2 of this part shall evaluate the
program, disaggregating data on participation by gender, race,
ethnicity, and age, not less than once every 3 years, to determine
the program's impact on the ability of participants –

- (1) to maintain and improve educational achievement;
- (2) to accrue school credits that meet State requirements for
grade promotion and secondary school graduation;
- (3) to make the transition to a regular program or other
education program operated by a local educational agency;
- (4) to complete secondary school (or secondary school
equivalency requirements) and obtain employment after leaving the

correctional facility or institution for neglected or delinquent children and youth; and

(5) as appropriate, to participate in postsecondary education and job training programs.

(b) Exception

The disaggregation required under subsection (a) of this section shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

(c) Evaluation measures

In conducting each evaluation under subsection (a) of this section, a State agency or local educational agency shall use multiple and appropriate measures of student progress.

(d) Evaluation results

Each State agency and local educational agency shall –

(1) submit evaluation results to the State educational agency and the Secretary; and

(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1431, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1591.)

–MISC1–

PRIOR PROVISIONS

A prior section 6471, Pub. L. 89–10, title I, Sec. 1431, as added
Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3600,
related to program evaluations, prior to the general amendment of
this subchapter by Pub. L. 107–110.

A prior section 1431 of Pub. L. 89–10 was classified to section
2831 of this title, prior to the general amendment of Pub. L. 89–10
by Pub. L. 103–382.

–SECREFP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6434 of this title.

–CITE–

20 USC Sec. 6472 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part D – Prevention and Intervention Programs for Children and

Youth Who Are Neglected, Delinquent, or At–Risk

subpart 3 – general provisions

–HEAD–

Sec. 6472. Definitions

–STATUTE–

In this part:

(1) Adult correctional institution

The term "adult correctional institution" means a facility in which persons (including persons under 21 years of age) are confined as a result of a conviction for a criminal offense.

(2) At-risk

The term "at-risk", when used with respect to a child, youth, or student, means a school aged individual who is at-risk of academic failure, has a drug or alcohol problem, is pregnant or is a parent, has come into contact with the juvenile justice system in the past, is at least 1 year behind the expected grade level for the age of the individual, has limited English proficiency, is a gang member, has dropped out of school in the past, or has a high absenteeism rate at school.

(3) Community day program

The term "community day program" means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children and youth.

(4) Institution for neglected or delinquent children and youth

The term "institution for neglected or delinquent children and youth" means –

(A) a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians; or

(B) a public or private residential facility for the care of

children who have been adjudicated to be delinquent or in need of supervision.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1432, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1591.)

–MISC1–

PRIOR PROVISIONS

A prior section 6472, Pub. L. 89–10, title I, Sec. 1432, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3601, defined terms for this part, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1432 of Pub. L. 89–10 was classified to section 2832 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

–CITE–

20 USC Part E – National Assessment of Subchapter I 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part E – National Assessment of Subchapter I

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–HEAD–

Part E – National Assessment of Subchapter I

~~–SECRET–~~

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 9563 of this title.

~~–CITE–~~

20 USC Sec. 6491 01/06/03

~~–EXPCITE–~~

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part E – National Assessment of Subchapter I

~~–HEAD–~~

Sec. 6491. Evaluations

~~–STATUTE–~~

(a) National assessment of subchapter I

(1) In general

The Secretary shall conduct a national assessment of the programs assisted under this subchapter and the impact of this subchapter on States, local educational agencies, schools, and students.

(2) Issues to be examined

In conducting the assessment under this subsection, the Secretary shall examine, at a minimum, the following:

(A) The implementation of programs assisted under this subchapter and the impact of such implementation on increasing

student academic achievement (particularly in schools with high concentrations of children living in poverty), relative to the goal of all students reaching the proficient level of achievement based on State academic assessments, challenging State academic content standards, and challenging State student academic achievement standards under section 6311 of this title.

(B) The types of programs and services that have demonstrated the greatest likelihood of helping students reach the proficient and advanced levels of achievement based on State student academic achievement standards and State academic content standards.

(C) The implementation of State academic standards, assessments, and accountability systems developed under this subchapter, including –

- (i) the time and cost required for the development of academic assessments for students in grades 3 through 8;
- (ii) how well such State assessments meet the requirements for assessments described in this subchapter; and
- (iii) the impact of such standards, assessments, and accountability systems on educational programs and instruction at the local level.

(D) Each State's definition of adequate yearly progress, including –

- (i) the impact of applying this definition to schools, local educational agencies, and the State;

(ii) the number of schools and local educational agencies

not meeting this definition; and

(iii) the changes in the identification of schools in need of improvement as a result of such definition.

(E) How schools, local educational agencies, and States have

—

(i) publicized and disseminated the local educational agency report cards required under section 6311(h)(2) of this title to teachers, school staff, students, parents, and the community;

(ii) used funds made available under this subchapter to provide preschool and family literacy services and the impact of these services on students' school readiness;

(iii) implemented the provisions of section 6318 of this title and afforded parents meaningful opportunities to be involved in the education of their children;

(iv) used Federal, State, and local educational agency funds and resources to support schools and provide technical assistance to improve the achievement of students in low-performing schools, including the impact of the technical assistance on such achievement; and

(v) used State educational agency and local educational agency funds and resources to help schools in which 50 percent or more of the students are from families with incomes below the poverty line meet the requirement described in section 6319 of this title of having all teachers highly

qualified not later than the end of the 2005–2006 school year.

(F) The implementation of schoolwide programs and targeted assistance programs under this subchapter and the impact of such programs on improving student academic achievement, including the extent to which schools meet the requirements of such programs.

(G) The extent to which varying models of comprehensive school reform are funded and implemented under this subchapter, and the effect of the implementation of such models on improving achievement of disadvantaged students.

(H) The costs as compared to the benefits of the activities assisted under this subchapter.

(I) The extent to which actions authorized under section 6316 of this title are implemented by State educational agencies and local educational agencies to improve the academic achievement of students in low–performing schools, and the effectiveness of the implementation of such actions, including the following:

(i) The number of schools identified for school improvement and how many years the schools remain in this status.

(ii) The types of support provided by the State educational agencies and local educational agencies to schools and local educational agencies respectively identified as in need of improvement, and the impact of such support on student achievement.

(iii) The number of parents who take advantage of the

public school choice provisions of this subchapter, the costs (including transportation costs) associated with implementing these provisions, the implementation of these provisions, and the impact of these provisions (including the impact of attending another school) on student achievement.

(iv) The number of parents who choose to take advantage of the supplemental educational services option, the criteria used by the States to determine the quality of providers, the kinds of services that are available and utilized, the costs associated with implementing this option, and the impact of receiving supplemental educational services on student achievement.

(v) The implementation and impact of actions that are taken with regard to schools and local educational agencies identified for corrective action and restructuring.

(J) The extent to which State and local fiscal accounting requirements under this subchapter affect the flexibility of schoolwide programs.

(K) The implementation and impact of the professional development activities assisted under this subchapter and subchapter II of this chapter on instruction, student academic achievement, and teacher qualifications.

(L) The extent to which the assistance made available under this subchapter, including funds under section 6302 of this title, is targeted to disadvantaged students, schools, and local educational agencies with the greatest need.

(M) The effectiveness of Federal administration assistance made available under this subchapter, including monitoring and technical assistance.

(N) The academic achievement of the groups of students described in section 6311(b)(2)(C)(v)(II) of this title.

(O) Such other issues as the Secretary considers appropriate.

(3) Sources of information

In conducting the assessment under this subsection, the Secretary shall use information from a variety of sources, including the National Assessment of Educational Progress (carried out under section 9622 of this title), State evaluations, and other research studies.

(4) Coordination

In carrying out this subsection, the Secretary shall –

(A) coordinate the national assessment under this subsection with the longitudinal study described in subsection (c) of this section; and

(B) ensure that the independent review panel described in subsection (d) of this section participates in conducting the national assessment under this subsection, including planning for and reviewing the assessment.

(5) Developmentally appropriate measures

In conducting the national assessment under this subsection, the Secretary shall use developmentally appropriate measures to assess student academic achievement.

(6) Reports

(A) Interim report

Not later than 3 years after January 8, 2002, the Secretary shall transmit to the President, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate an interim report on the national assessment conducted under this subsection.

(B) Final report

Not later than 5 years after January 8, 2002, the Secretary shall transmit to the President, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a final report on the national assessment conducted under this subsection.

(b) Studies and data collection

(1) In general

In addition to other activities described in this section, the Secretary may, directly or through awarding grants to or entering into contracts with appropriate entities –

(A) assess the implementation and effectiveness of programs under this subchapter;

(B) collect the data necessary to comply with the Government Performance and Results Act of 1993; and

(C) provide guidance and technical assistance to State educational agencies and local educational agencies in developing and maintaining management information systems

through which such agencies may develop program performance indicators to improve services and performance.

(2) Minimum information

In carrying out this subsection, the Secretary shall collect, at a minimum, trend information on the effect of each program authorized under this subchapter, which shall complement the data collected and reported under subsections (a) and (c) of this section.

(c) National longitudinal study

(1) In general

The Secretary shall conduct a longitudinal study of schools receiving assistance under part A of this subchapter.

(2) Issues to be examined

In carrying out this subsection, the Secretary shall ensure that the study referred to in paragraph (1) provides Congress and educators with each of the following:

(A) An accurate description and analysis of the short- and long-term effect of the assistance made available under this subchapter on academic achievement.

(B) Information that can be used to improve the effectiveness of the assistance made available under this subchapter in enabling students to meet challenging academic achievement standards.

(C) An analysis of educational practices or model programs that are effective in improving the achievement of disadvantaged children.

(D) An analysis of the costs as compared to the benefits of the assistance made available under this subchapter in improving the achievement of disadvantaged children.

(E) An analysis of the effects of the availability of school choice options under section 6316 of this title on the academic achievement of disadvantaged students, on schools in school improvement, and on schools from which students have transferred under such options.

(F) Such other information as the Secretary considers appropriate.

(3) Scope

In conducting the study referred to in paragraph (1), the Secretary shall ensure that the study –

(A) bases its analysis on a nationally representative sample of schools participating in programs under this subchapter;

(B) to the extent practicable, includes in its analysis students who transfer to different schools during the course of the study; and

(C) analyzes varying models or strategies for delivering school services, including –

(i) schoolwide and targeted services; and

(ii) comprehensive school reform models.

(d) Independent Review Panel

(1) In general

The Secretary shall establish an independent review panel (in this subsection referred to as the "Review Panel") to advise

the Secretary on methodological and other issues that arise in carrying out subsections (a) and (c) of this section.

(2) Appointment of members

(A) In general

Subject to subparagraph (B), the Secretary shall appoint members of the Review Panel from among qualified individuals who are –

- (i) specialists in statistics, evaluation, research, and assessment;
- (ii) education practitioners, including teachers, principals, and local and State superintendents;
- (iii) parents and members of local school boards or other organizations involved with the implementation and operation of programs under this subchapter; and
- (iv) other individuals with technical expertise who will contribute to the overall rigor and quality of the program evaluation.

(B) Limitations

In appointing members of the Review Panel, the Secretary shall ensure that –

- (i) in order to ensure diversity, the Review Panel includes individuals appointed under subparagraph (A)(i) who represent disciplines or programs outside the field of education; and
- (ii) the total number of the individuals appointed under subparagraph (A)(ii) or (A)(iv) does not exceed one-fourth of the total number of the individuals appointed under this

paragraph.

(3) Functions

The Review Panel shall consult with and advise the Secretary –

(A) to ensure that the assessment conducted under subsection

(a) of this section and the study conducted under subsection

(c) of this section –

(i) adhere to the highest possible standards of quality

with respect to research design, statistical analysis, and

the dissemination of findings; and

(ii) use valid and reliable measures to document program

implementation and impacts; and

(B) to ensure –

(i) that the final report described in subsection (a)(6)(B)

of this section is reviewed not later than 120 days after its

completion by not less than two independent experts in

program evaluation (who may be from among the members of the

Review Panel appointed under paragraph (2));

(ii) that such experts evaluate and comment on the degree

to which the report complies with subsection (a) of this

section; and

(iii) that the comments of such experts are transmitted

with the report under subsection (a)(6)(B) of this section.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1501, as added Pub. L. 107–110, title

I, Sec. 101, Jan. 8, 2002, 115 Stat. 1592; amended Pub. L. 107–279,

title IV, Sec. 404(d)(4), Nov. 5, 2002, 116 Stat. 1986.)

–REFTEXT–

REFERENCES IN TEXT

The Government Performance and Results Act of 1993, referred to in subsec. (b)(1)(B), is Pub. L. 103–62, Aug. 3, 1993, 107 Stat. 285, which enacted section 306 of Title 5, Government Organization and Employees, sections 1115 to 1119, 9703, and 9704 of Title 31, Money and Finance, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of Title 31, and enacted provisions set out as notes under sections 1101 and 1115 of Title 31. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of Title 31 and Tables.

–MISC2–

PRIOR PROVISIONS

A prior section 6491, Pub. L. 89–10, title I, Sec. 1501, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3601; amended Pub. L. 104–134, title I, Sec. 101(d) (title VII, Sec. 703(b)(3)), Apr. 26, 1996, 110 Stat. 1321–211, 1321–255; renumbered title I, Pub. L. 104–140, Sec. 1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 105–18, title VI, Sec. 60002, June 12, 1997, 111 Stat. 214, related to evaluations, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1501 of Pub. L. 89–10 was classified to section 2911 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2002 – Subsec. (a)(3). Pub. L. 107–279 substituted "section 9622

of this title" for "section 9010 of this title".

–SECFREF–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6302 of this title.

–CITE–

20 USC Sec. 6492 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part E – National Assessment of Subchapter I

–HEAD–

Sec. 6492. Demonstrations of innovative practices

–STATUTE–

(a) In general

From the funds appropriated for any fiscal year under section 6302(e)(1) of this title, the Secretary may award grants to State educational agencies, local educational agencies, other public agencies, nonprofit organizations, public or private partnerships involving business and industry organizations, and consortia of such entities to carry out demonstration projects that show the most promise of enabling children served under this subchapter to meet challenging State academic content standards and challenging

State student academic achievement standards.

(b) Evaluation

The Secretary shall evaluate the demonstration projects supported under this subchapter, using rigorous methodological designs and techniques, including control groups and random assignment, to the extent feasible, to produce reliable evidence of effectiveness.

(c) Partnerships

From funds appropriated under section 6302(e)(1) of this title for any fiscal year, the Secretary may, directly or through grants or contracts, work in partnership with State educational agencies, local educational agencies, other public agencies, and nonprofit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve the quality of teaching and learning in schools assisted under this subchapter.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1502, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1597.)

–MISC1–

PRIOR PROVISIONS

A prior section 6492, Pub. L. 89–10, title I, Sec. 1502, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3604, related to demonstrations of innovative practices, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1502 of Pub. L. 89–10 was classified to section 2912 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6302 of this title.

–CITE–

20 USC Sec. 6493 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part E – National Assessment of Subchapter I

–HEAD–

Sec. 6493. Assessment evaluation

–STATUTE–

(a) In general

The Secretary shall conduct an independent study of assessments used for State accountability purposes and for making decisions about the promotion and graduation of students. Such research shall be conducted over a period not to exceed 5 years and shall address the components described in subsection (d) of this section.

(b) Contract authorized

The Secretary is authorized to award a contract, through a peer review process, to an organization or entity capable of conducting rigorous, independent research. The Assistant Secretary of Educational Research and Improvement shall appoint peer reviewers

to evaluate the applications for this contract.

(c) Study

The study shall –

- (1) synthesize and analyze existing research that meets standards of quality and scientific rigor; and
- (2) evaluate academic assessment and accountability systems in State educational agencies, local educational agencies, and schools; and
- (3) make recommendations to the Department and to the Committee on Education and the Workforce of the United States House of Representatives and the Committee on Health, Education, Labor, and Pensions of the United States Senate, based on the findings of the study.

(d) Components of the research program

The study described in subsection (a) of this section shall examine –

- (1) the effect of the assessment and accountability systems described in section (FOOTNOTE 1) (c) on students, teachers, parents, families, schools, school districts, and States, including correlations between such systems and –
(FOOTNOTE 1) So in original. Probably should be "subsection".
 - (A) student academic achievement, progress to the State–defined level of proficiency, and progress toward closing achievement gaps, based on independent measures;
 - (B) changes in course offerings, teaching practices, course content, and instructional material;

(C) changes in turnover rates among teachers, principals, and pupil-services personnel;

(D) changes in dropout, grade-retention, and graduation rates for students; and

(E) such other effects as may be appropriate;

(2) the effect of the academic assessments on students with disabilities;

(3) the effect of the academic assessments on low, middle, and high socioeconomic status students, limited and nonlimited English proficient students, racial and ethnic minority students, and nonracial or nonethnic minority students;

(4) guidelines for assessing the validity, reliability, and consistency of those systems using nationally recognized professional and technical standards;

(5) the relationship between accountability systems and the inclusion or exclusion of students from the assessment system; and

(6) such other factors as the Secretary finds appropriate.

(e) Reporting

Not later than 3 years after the contract described in subsection

(b) of this section is awarded, the organization or entity

conducting the study shall submit an interim report to the

Committee on Education and the Workforce of the United States House

of Representatives and the Committee on Health, Education, Labor

and Pensions of the United States Senate, and to the President and

the States, and shall make the report widely available to the

public. The organization or entity shall submit a final report to the same recipients as soon as possible after the completion of the study. Additional reports may be periodically prepared and released as necessary.

(f) Reservation of funds

The Secretary may reserve up to 15 percent of the funds authorized to be appropriated for this part to carry out the study, except such reservation of funds shall not exceed \$1,500,000.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1503, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1597.)

–MISC1–

PRIOR PROVISIONS

A prior section 6493, Pub. L. 89–10, title I, Sec. 1503, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3605, related to innovative elementary school transition projects, prior to repeal by Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 301(c)(1)), Oct. 21, 1998, 112 Stat. 2681–337, 2681–410.

–CITE–

20 USC Sec. 6494 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part E – National Assessment of Subchapter I

–HEAD–

Sec. 6494. Close Up fellowship program

–STATUTE–

(a) Program for middle school and secondary school students

(1) Establishment

(A) General authority

In accordance with this subsection, the Secretary may make grants to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing civic responsibility and understanding of the Federal Government among middle school and secondary school students.

(B) Use of funds

Grants under this subsection shall be used only to provide financial assistance to economically disadvantaged students who participate in the programs described in subparagraph (A).

(C) Name of fellowships

Financial assistance received by students pursuant to this subsection shall be known as Close Up fellowships.

(2) Applications

(A) Application required

No grant under this subsection may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(B) Contents of application

Each application submitted under this paragraph shall contain assurances that –

(i) Close Up fellowships provided under this subsection

shall be made to economically disadvantaged middle school and secondary school students;

(ii) every effort shall be made to ensure the participation

of students from rural, small town, and urban areas;

(iii) in awarding the fellowships to economically

disadvantaged students, special consideration shall be given

to the participation of those students with special

educational needs, including students with disabilities,

ethnic minority students, and students with migrant parents;

and

(iv) the funds received under this subsection shall be

properly disbursed.

(b) Program for middle school and secondary school teachers

(1) Establishment

(A) General authority

In accordance with this subsection, the Secretary may make grants to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of professional development for middle school and secondary school teachers and its programs to increase civic responsibility and understanding of the Federal Government

among the teachers' students.

(B) Use of funds

Grants under this subsection shall be used only to provide financial assistance to teachers who participate in the programs described in subparagraph (A).

(C) Name of fellowships

Financial assistance received by teachers pursuant to this subsection shall be known as Close Up fellowships.

(2) Applications

(A) Application required

No grant under this subsection may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(B) Contents of application

Each application submitted under this paragraph shall contain assurances that –

- (i) Close Up fellowships provided under this subsection shall be made only to a teacher who has worked with at least one student from such teacher's school who participates in a program described in subsection (a)(1)(A) of this section;
- (ii) no teacher shall receive more than one such fellowship in any fiscal year; and
- (iii) the funds received under this subsection shall be properly disbursed.

(c) Programs for new Americans

(1) Establishment

(A) General authority

In accordance with this subsection, the Secretary may make grants to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing civic responsibility and understanding of the Federal Government among economically disadvantaged middle school and secondary school recent immigrant students.

(B) Definition

In this subsection, the term "recent immigrant student" means a student who is a member of a family that immigrated to the United States within 5 years of the student's participation in such a program.

(C) Use of funds

Grants under this subsection shall be used only to provide financial assistance to economically disadvantaged recent immigrant students and their teachers who participate in the programs described in subparagraph (A).

(D) Name of fellowships

Financial assistance received by students and teachers pursuant to this subsection shall be known as Close Up Fellowships for New Americans.

(2) Applications

(A) Application required

No grant under this subsection may be made except upon an application at such time, in such manner, and accompanied by

such information as the Secretary may reasonably require.

(B) Contents of application

Each application submitted under this paragraph shall contain assurances that –

(i) Close Up Fellowships for New Americans shall be made to economically disadvantaged middle school and secondary school recent immigrant students;

(ii) every effort shall be made to ensure the participation of recent immigrant students from rural, small town, and urban areas;

(iii) in awarding the fellowships to economically disadvantaged recent immigrant students, special consideration shall be given to the participation of those students with special educational needs, including students with disabilities, students with migrant parents, and ethnic minority students;

(iv) fully describe the activities to be carried out with the proceeds of the grant made under paragraph (1); and

(v) the funds received under this subsection shall be properly disbursed.

(d) General provisions

(1) Administrative provisions

(A) Accountability

In consultation with the Secretary, the Close Up Foundation shall devise and implement procedures to measure the efficacy of the programs authorized in subsections (a), (b), and (c) of

this section in attaining objectives that include the following:

(i) Providing young people with an increased understanding of the Federal Government.

(ii) Heightening a sense of civic responsibility among young people.

(iii) Enhancing the skills of educators in teaching young people about civic responsibility, the Federal Government, and attaining citizenship competencies.

(B) General rule

Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayments or overpayments.

(C) Audit rule

The Comptroller General of the United States or any of the Comptroller General's duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this section.

(2) Continuation of awards

Notwithstanding any other provision of this chapter, any person or entity that was awarded a grant under part G of title X before January 8, 2002, shall continue to receive funds in accordance with the terms of such award until the date on which the award period terminates under such terms.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1504, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1598.)

–REFTEXT–

REFERENCES IN TEXT

Part G of title X before January 8, 2002, referred to in subsec.

(d)(2), means part G of title X of Pub. L. 89–10, as added by Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3841, which was classified generally to part G (Sec. 8161 et seq.) of subchapter X of this chapter, prior to repeal by Pub. L. 107–110, title X, Sec. 1011(5)(A), Jan. 8, 2002, 115 Stat. 1986.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6302 of this title.

–CITE–

20 USC Part F – Comprehensive School Reform 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part F – Comprehensive School Reform

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–HEAD–

Part F – Comprehensive School Reform

–SECREP–

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 5891b, 6302, 6316, 7801 of this title.

–CITE–

20 USC Sec. 6511 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part F – Comprehensive School Reform

–HEAD–

Sec. 6511. Purpose

–STATUTE–

The purpose of this part is to provide financial incentives for schools to develop comprehensive school reforms, based upon scientifically based research and effective practices that include an emphasis on basic academics and parental involvement so that all children can meet challenging State academic content and academic achievement standards.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1601, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1601.)

–MISC1–

PRIOR PROVISIONS

A prior section 6511, Pub. L. 89–10, title I, Sec. 1601, as added
Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3609,
related to Federal regulations, prior to the general amendment of
this subchapter by Pub. L. 107–110. See section 6571 of this title.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6512 of this title.

–CITE–

20 USC Sec. 6512 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part F – Comprehensive School Reform

–HEAD–

Sec. 6512. Program authorization

–STATUTE–

(a) (FOOTNOTE 1) Program authorized

(FOOTNOTE 1) So in original. No subsec. (b) has been enacted.

(1) In general

The Secretary is authorized to award grants to State
educational agencies, from allotments under paragraph (2), to
enable the State educational agencies to award subgrants to local
educational agencies to carry out the purpose described in

section 6511 of this title.

(2) Allotments

(A) Reservations

Of the amount appropriated under section 6302(f) of this title, the Secretary may reserve –

(i) not more than 1 percent for each fiscal year to provide assistance to schools supported by the Bureau of Indian Affairs and in the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands according to their respective needs for assistance under this part;

(ii) not more than 1 percent for each fiscal year to conduct national evaluation activities described in section 6517 of this title; and

(iii) not more than 3 percent of the amount appropriated in fiscal year 2002 to carry out this part, for quality initiatives described in section 6518 of this title.

(B) In general

Of the amount appropriated under section 6302(f) of this title that remains after making the reservation under subparagraph (A) for a fiscal year, the Secretary shall allot to each State for the fiscal year an amount that bears the same ratio to the remainder for that fiscal year as the amount made available under section 6333 of this title to the State for the preceding fiscal year bears to the total amount made available under section 6333 of this title to all States for that year.

(C) Reallotment

If a State does not apply for funds under this section, the Secretary shall reallot such funds to other States that do apply in proportion to the amount allotted to such other States under subparagraph (B).

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1602, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1601.)

–MISC1–

PRIOR PROVISIONS

A prior section 6512, Pub. L. 89–10, title I, Sec. 1602, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3610, related to coordination of Federal, State, and local administration, prior to the general amendment of this subchapter by Pub. L. 107–110.

–CITE–

20 USC Sec. 6513 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part F – Comprehensive School Reform

–HEAD–

Sec. 6513. State applications

–STATUTE–

(a) In general

Each State educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) Contents

Each such application shall describe –

(1) the process and selection criteria by which the State educational agency, using expert review, will select local educational agencies to receive subgrants under this part;

(2) how the State educational agency will ensure that funds under this part are limited to comprehensive school reform programs that –

(A) include each of the components described in section 6516(a) of this title;

(B) have the capacity to improve the academic achievement of all students in core academic subjects within participating schools; and

(C) are supported by technical assistance providers that have a successful track record, financial stability, and the capacity to deliver high quality materials, professional development for school personnel, and on-site support during the full implementation period of the reforms;

(3) how the State educational agency will disseminate materials and information on comprehensive school reforms that are based on

scientifically based research and effective practices;

(4) how the State educational agency will evaluate annually the implementation of such reforms and measure the extent to which the reforms have resulted in increased student academic achievement; and

(5) how the State educational agency will provide technical assistance to the local educational agency or consortia of local educational agencies, and to participating schools, in evaluating, developing, and implementing comprehensive school reform.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1603, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1602.)

–MISC1–

PRIOR PROVISIONS

A prior section 6513, Pub. L. 89–10, title I, Sec. 1603, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3611, related to State administration, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6573 of this title.

–CITE–

20 USC Sec. 6514 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE

DISADVANTAGED

Part F – Comprehensive School Reform

–HEAD–

Sec. 6514. State use of funds

–STATUTE–

(a) In general

Except as provided in subsection (e) of this section, a State educational agency that receives a grant under this part shall use the grant funds to award subgrants, on a competitive basis, to local educational agencies or consortia of local educational agencies in the State that receive funds under part A of this subchapter, to support comprehensive school reforms in schools that are eligible for funds under part A of this subchapter.

(b) Subgrant requirements

A subgrant to a local educational agency or consortium shall be –

(1) of sufficient size and scope to support the initial costs of comprehensive school reforms selected or designed by each school identified in the application of the local educational agency or consortium;

(2) in an amount not less than \$50,000 –

(A) for each participating school; or

(B) for each participating consortium of small schools (which for purposes of this subparagraph means a consortium of small schools serving a total of not more than 500 students); and

(3) renewable for two additional 1–year subgrant periods after the initial 1–year subgrant is made if the school is or the

schools are making substantial progress in the implementation of reforms.

(c) Priority

A State educational agency, in awarding subgrants under this part, shall give priority to local educational agencies or consortia that –

(1) plan to use the funds in schools identified as being in need of improvement or corrective action under section 6316(c) of this title; and

(2) demonstrate a commitment to assist schools with budget allocation, professional development, and other strategies necessary to ensure the comprehensive school reforms are properly implemented and are sustained in the future.

(d) Grant consideration

In awarding subgrants under this part, the State educational agency shall take into consideration the equitable distribution of subgrants to different geographic regions within the State, including urban and rural areas, and to schools serving elementary and secondary students.

(e) Administrative costs

A State educational agency that receives a grant under this part may reserve not more than 5 percent of the grant funds for administrative, evaluation, and technical assistance expenses.

(f) Supplement

Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds that

would otherwise be available to carry out the activities assisted under this part.

(g) Reporting

Each State educational agency that receives a grant under this part shall provide to the Secretary such information as the Secretary may require, including the names of local educational agencies and schools receiving assistance under this part, the amount of the assistance, a description of the comprehensive school reforms selected and used, and a copy of the State's annual evaluation of the implementation of comprehensive school reforms supported under this part and the student achievement results.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1604, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1603.)

–MISC1–

PRIOR PROVISIONS

A prior section 6514, Pub. L. 89–10, title I, Sec. 1604, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3612, related to construction of provisions, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6576 of this title.

–CITE–

20 USC Sec. 6515 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND

SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part F – Comprehensive School Reform

–HEAD–

Sec. 6515. Local applications

–STATUTE–

(a) In general

Each local educational agency or consortium of local educational agencies desiring a subgrant under this part shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

(b) Contents

Each such application shall –

- (1) identify the schools that are eligible for assistance under part A of this subchapter and plan to implement a comprehensive school reform program, including the projected costs of such a program;
- (2) describe the comprehensive school reforms based on scientifically based research and effective practices that such schools will implement;
- (3) describe how the local educational agency or consortium will provide technical assistance and support for the effective implementation of the comprehensive school reforms based on scientifically based research and effective practices selected by

such schools; and

(4) describe how the local educational agency or consortium will evaluate the implementation of such comprehensive school reforms and measure the results achieved in improving student academic achievement.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1605, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1604.)

–CITE–

20 USC Sec. 6516 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part F – Comprehensive School Reform

–HEAD–

Sec. 6516. Local use of funds

–STATUTE–

(a) Uses of funds

A local educational agency or consortium that receives a subgrant under this part shall provide the subgrant funds to schools that are eligible for assistance under part A of this subchapter and served by the agency, to enable the schools to implement a comprehensive school reform program that –

- (1) employs proven strategies and proven methods for student learning, teaching, and school management that are based on scientifically based research and effective practices and have been replicated successfully in schools;
- (2) integrates a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, and professional development into a comprehensive school reform plan for schoolwide change designed to enable all students to meet challenging State content and student academic achievement standards and addresses needs identified through a school needs assessment;
- (3) provides high quality and continuous teacher and staff professional development;
- (4) includes measurable goals for student academic achievement and benchmarks for meeting such goals;
- (5) is supported by teachers, principals, administrators, school personnel staff, and other professional staff;
- (6) provides support for teachers, principals, administrators, and other school staff;
- (7) provides for the meaningful involvement of parents and the local community in planning, implementing, and evaluating school improvement activities consistent with section 6318 of this title;
- (8) uses high quality external technical support and assistance

from an entity that has experience and expertise in schoolwide reform and improvement, which may include an institution of higher education;

(9) includes a plan for the annual evaluation of the implementation of school reforms and the student results achieved;

(10) identifies other resources, including Federal, State, local, and private resources, that shall be used to coordinate services that will support and sustain the comprehensive school reform effort; and

(11)(A) has been found, through scientifically based research to significantly improve the academic achievement of students participating in such program as compared to students in schools who have not participated in such program; or

(B) has been found to have strong evidence that such program will significantly improve the academic achievement of participating children.

(b) Special rule

A school that receives funds to develop a comprehensive school reform program shall not be limited to using nationally available approaches, but may develop the school's own comprehensive school reform program for schoolwide change as described in subsection (a) of this section.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1606, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1604.)

~~–SECRET–~~

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6513, 6518 of this title.

~~–CITE–~~

20 USC Sec. 6517 01/06/03

~~–EXPCITE–~~

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part F – Comprehensive School Reform

~~–HEAD–~~

Sec. 6517. Evaluation and reports

~~–STATUTE–~~

(a) In general

The Secretary shall develop a plan for a national evaluation of
the programs assisted under this part.

(b) Evaluation

The national evaluation shall –

- (1) evaluate the implementation and results achieved by schools
after 3 years of implementing comprehensive school reforms; and
- (2) assess the effectiveness of comprehensive school reforms in
schools with diverse characteristics.

(c) Reports

The Secretary shall submit a report describing the results of the

evaluation under subsection (b) of this section for the Comprehensive School Reform Program to the Committee on Education and the Workforce, and the Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1607, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1605.)

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6512 of this title.

–CITE–

20 USC Sec. 6518 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part F – Comprehensive School Reform

–HEAD–

Sec. 6518. Quality initiatives

–STATUTE–

The Secretary, through grants or contracts, shall provide funds for –

(1) a public–private effort, in which funds are matched by

private organizations, to assist States, local educational agencies, and schools, in making informed decisions regarding approving or selecting providers of comprehensive school reform, consistent with the requirements described in section 6516(a) of this title; and

(2) activities to foster the development of comprehensive school reform models and to provide effective capacity building for comprehensive school reform providers to expand their work in more schools, assure quality, and promote financial stability.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1608, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1605.)

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6512 of this title.

–CITE–

20 USC Part G – Advanced Placement Programs 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part G – Advanced Placement Programs

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–HEAD–

Part G – Advanced Placement Programs

~~–SECRET–~~

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 6302 of this title.

~~–CITE–~~

20 USC Sec. 6531 01/06/03

~~–EXPCITE–~~

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part G – Advanced Placement Programs

~~–HEAD–~~

Sec. 6531. Short title

~~–STATUTE–~~

This part may be cited as the "Access to High Standards Act".

~~–SOURCE–~~

(Pub. L. 89–10, title I, Sec. 1701, as added Pub. L. 107–110, title
I, Sec. 101, Jan. 8, 2002, 115 Stat. 1606.)

~~–CITE–~~

20 USC Sec. 6532 01/06/03

~~–EXPCITE–~~

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part G – Advanced Placement Programs

–HEAD–

Sec. 6532. Purposes

–STATUTE–

The purposes of this part are –

- (1) to support State and local efforts to raise academic standards through advanced placement programs, and thus further increase the number of students who participate and succeed in advanced placement programs;
- (2) to encourage more of the 600,000 students who take advanced placement courses each year but do not take advanced placement exams each year, to demonstrate their achievements through taking the exams;
- (3) to build on the many benefits of advanced placement programs for students, which benefits may include the acquisition of skills that are important to many employers, Scholastic Aptitude Test (SAT) scores that are 100 points above the national averages, and the achievement of better grades in secondary school and in college than the grades of students who have not participated in the programs;
- (4) to increase the availability and broaden the range of schools, including middle schools, that have advanced placement and pre-advanced placement programs;
- (5) to demonstrate that larger and more diverse groups of

students can participate and succeed in advanced placement programs;

(6) to provide greater access to advanced placement and pre-advanced placement courses and highly trained teachers for low-income and other disadvantaged students;

(7) to provide access to advanced placement courses for secondary school students at schools that do not offer advanced placement programs, increase the rate at which secondary school students participate in advanced placement courses, and increase the numbers of students who receive advanced placement test scores for which college academic credit is awarded;

(8) to increase the participation of low-income individuals in taking advanced placement tests through the payment or partial payment of the costs of the advanced placement test fees; and

(9) to increase the number of individuals that achieve a baccalaureate or advanced degree, and to decrease the amount of time such individuals require to attain such degrees.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1702, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1606.)

–CITE–

20 USC Sec. 6533 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part G – Advanced Placement Programs

–HEAD–

Sec. 6533. Funding distribution rule

–STATUTE–

From amounts appropriated under section 6302(g) of this title for a fiscal year, the Secretary shall give priority to funding activities under section 6534 of this title and shall distribute any remaining funds under section 6535 of this title.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1703, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1606.)

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6534, 6535 of this title.

–CITE–

20 USC Sec. 6534 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part G – Advanced Placement Programs

–HEAD–

Sec. 6534. Advanced placement test fee program

–STATUTE–

(a) Grants authorized

From amounts made available under section 6533 of this title for a fiscal year, the Secretary shall award grants to State educational agencies having applications approved under this section to enable the State educational agencies to reimburse low-income individuals to cover part or all of the costs of advanced placement test fees, if the low-income individuals –

(1) are enrolled in an advanced placement course; and

(2) plan to take an advanced placement test.

(b) Award basis

In determining the amount of the grant awarded to a State educational agency under this section for a fiscal year, the Secretary shall consider the number of children eligible to be counted under section 6333(c) of this title in the State in relation to the number of such children so counted in all the States.

(c) Information dissemination

A State educational agency awarded a grant under this section shall disseminate information regarding the availability of advanced placement test fee payments under this section to eligible individuals through secondary school teachers and guidance counselors.

(d) Applications

Each State educational agency desiring to receive a grant under

this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. At a minimum, each State educational agency application shall –

(1) describe the advanced placement test fees the State educational agency will pay on behalf of low-income individuals in the State from grant funds awarded under this section;

(2) provide an assurance that any grant funds awarded under this section shall be used only to pay for advanced placement test fees; and

(3) contain such information as the Secretary may require to demonstrate that the State educational agency will ensure that a student is eligible for payments authorized under this section, including documentation required under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.).

(e) Regulations

The Secretary shall prescribe such regulations as are necessary to carry out this section.

(f) Report

(1) In general

Each State educational agency awarded a grant under this section shall, with respect to each advanced placement subject, annually report to the Secretary on –

(A) the number of students in the State who are taking an advanced placement course in that subject;

(B) the number of advanced placement tests taken by students in the State who have taken an advanced placement course in that subject;

(C) the number of students in the State scoring at different levels on advanced placement tests in that subject; and

(D) demographic information regarding individuals in the State taking advanced placement courses and tests in that subject disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

(2) Report to Congress

The Secretary shall annually compile the information received from each State educational agency under paragraph (1) and report to the appropriate committees of Congress regarding the information.

(g) BIA as SEA

For purposes of this section the Bureau of Indian Affairs shall be treated as a State educational agency.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1704, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1606.)

–REFTEXT–

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (d)(3), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219, as amended.

Chapter 1 of subpart 2 of part A of title IV of the Act is classified generally to division 1 (Sec. 1070a–11 et seq.) of

subpart 2 of part A of subchapter IV of chapter 28 of this title.

For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6533 of this title.

–CITE–

20 USC Sec. 6535 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part G – Advanced Placement Programs

–HEAD–

Sec. 6535. Advanced placement incentive program grants

–STATUTE–

(a) Grants authorized

(1) In general

From amounts made available under section 6533 of this title for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable those entities to carry out the authorized activities described in subsection (d) of this section.

(2) Duration and payments

(A) Duration

The Secretary shall award a grant under this section for a period of not more than 3 years.

(B) Payments

The Secretary shall make grant payments under this section on an annual basis.

(3) Definition of eligible entity

In this section, the term "eligible entity" means a State educational agency, local educational agency, or national nonprofit educational entity with expertise in advanced placement services.

(b) Application

Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(c) Priority

In awarding grants under this section, the Secretary shall give priority to an eligible entity that submits an application under subsection (b) of this section that –

(1) demonstrates a pervasive need for access to advanced placement incentive programs;

(2) provides for the involvement of business and community organizations in the activities to be assisted;

(3) assures the availability of matching funds from State, local, or other sources to pay for the cost of activities to be

assisted;

(4) demonstrates a focus on developing or expanding advanced placement programs and participation in the core academic areas of English, mathematics, and science;

(5) demonstrates an intent to carry out activities that target

–

(A) local educational agencies serving schools with a high concentration of low–income students; or

(B) schools with a high concentration of low–income students;

and

(6) in the case of a local educational agency, assures that the local educational agency serves schools with a high concentration of low–income students; or

(7) demonstrates an intent to carry out activities to increase the availability of, and participation in, on–line advanced placement courses.

(d) Authorized activities

(1) In general

Subject to paragraph (2), an eligible entity shall use grant funds made available under this section to expand access for low–income individuals to advanced placement incentive programs that involve –

(A) teacher training;

(B) pre–advanced placement course development;

(C) coordination and articulation between grade levels to prepare students for academic achievement in advanced placement

courses;

(D) books and supplies; or

(E) activities to increase the availability of, and participation in, on–line advanced placement courses; or

(F) any other activity directly related to expanding access to and participation in advanced placement incentive programs, particularly for low–income individuals.

(2) State educational agency

In the case of an eligible entity that is a State educational agency, the entity may use grant funds made available under this section to award subgrants to local educational agencies to enable the local educational agencies to carry out the activities under paragraph (1).

(e) Contracts

An eligible entity awarded a grant to provide online advanced placement courses under this part may enter into a contract with a nonprofit or for profit organization to provide the online advanced placement courses, including contracting for necessary support services.

(f) Data collection and reporting

(1) Data collection

Each eligible entity awarded a grant under this section shall, with respect to each advanced placement subject, annually report to the Secretary on –

(A) the number of students served by the eligible entity who are taking an advanced placement course in that subject;

(B) the number of advanced placement tests taken by students served by the eligible entity in that subject;

(C) the number of students served by the eligible entity scoring at different levels on advanced placement tests in that subject; and

(D) demographic information regarding individuals served by such agency who taking (FOOTNOTE 1) advanced placement courses and tests in that subject disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

(FOOTNOTE 1) So in original.

(2) Report

The Secretary shall annually compile the information received from each eligible entity under paragraph (1) and report to the appropriate committees of Congress regarding the information.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1705, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1608.)

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6533 of this title.

–CITE–

20 USC Sec. 6536 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part G – Advanced Placement Programs

–HEAD–

Sec. 6536. Supplement, not supplant

–STATUTE–

Grant funds provided under this part shall supplement, and not
supplant, other non–Federal funds that are available to assist
low–income individuals to pay for the cost of advanced placement
test fees or to expand access to advanced placement and
pre–advanced placement courses.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1706, as added Pub. L. 107–110, title
I, Sec. 101, Jan. 8, 2002, 115 Stat. 1609.)

–CITE–

20 USC Sec. 6537 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part G – Advanced Placement Programs

–HEAD–

Sec. 6537. Definitions

–STATUTE–

In this part:

(1) Advanced placement test

The term "advanced placement test" means an advanced placement test administered by the College Board or approved by the Secretary.

(2) High concentration of low-income students

The term "high concentration of low-income students", used with respect to a school, means a school that serves a student population 40 percent or more of whom are low-income individuals.

(3) Low-income individual

The term "low-income individual" means an individual who is determined by a State educational agency or local educational agency to be a child, ages 5 through 17, from a low-income family, on the basis of data used by the Secretary to determine allocations under section 6333 of this title, data on children eligible for free or reduced-price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.), data on children in families receiving assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or data on children eligible to receive medical assistance under the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or through an alternate method that combines or extrapolates from those data.

—SOURCE—

(Pub. L. 89-10, title I, Sec. 1707, as added Pub. L. 107-110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1609.)

–REFTEXT–

REFERENCES IN TEXT

The National School Lunch Act, referred to in par. (3), probably means the Richard B. Russell National School Lunch Act, act June 4, 1946, ch. 281, 60 Stat. 230, as amended, which is classified generally to chapter 13 (Sec. 1751 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of Title 42 and Tables.

The Social Security Act, referred to in par. (3), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title IV of the Act is classified generally to part A (Sec. 601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. Title XIX of the Act is classified generally to subchapter XIX (Sec. 1396 et seq.) of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

–CITE–

20 USC Part H – School Dropout Prevention 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part H – School Dropout Prevention

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-HEAD-

Part H – School Dropout Prevention

-SECREf-

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 6302 of this title.

-CITE-

20 USC Sec. 6551 01/06/03

-EXPCITE-

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part H – School Dropout Prevention

-HEAD-

Sec. 6551. Short title

-STATUTE-

This part may be cited as the "Dropout Prevention Act".

-SOURCE-

(Pub. L. 89–10, title I, Sec. 1801, as added Pub. L. 107–110, title
I, Sec. 101, Jan. 8, 2002, 115 Stat. 1610.)

-CITE-

20 USC Sec. 6552 01/06/03

-EXPCITE-

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part H – School Dropout Prevention

–HEAD–

Sec. 6552. Purpose

–STATUTE–

The purpose of this part is to provide for school dropout prevention and reentry and to raise academic achievement levels by providing grants that –

(1) challenge all children to attain their highest academic potential; and

(2) ensure that all students have substantial and ongoing opportunities to attain their highest academic potential through schoolwide programs proven effective in school dropout prevention and reentry.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1802, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1610.)

–CITE–

20 USC Sec. 6553 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part H – School Dropout Prevention

–HEAD–

Sec. 6553. Authorization of appropriations

–STATUTE–

For the purpose of carrying out this part, there are authorized
to be appropriated \$125,000,000 for fiscal year 2002 and such sums
as may be necessary for each of the 5 succeeding fiscal years, of
which –

(1) 10 percent shall be available to carry out subpart 1 of
this part for each fiscal year; and

(2) 90 percent shall be available to carry out subpart 2 of
this part for each fiscal year.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1803, as added Pub. L. 107–110, title
I, Sec. 101, Jan. 8, 2002, 115 Stat. 1610.)

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6561a of this title.

–CITE–

20 USC subpart 1 – coordinated national strategy 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part H – School Dropout Prevention

subpart 1 – coordinated national strategy

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–HEAD–

subpart 1 – coordinated national strategy

–SECREf–

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 6302, 6553, 6561i of this
title.

–CITE–

20 USC Sec. 6555 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part H – School Dropout Prevention

subpart 1 – coordinated national strategy

–HEAD–

Sec. 6555. National activities

–STATUTE–

(a) In general

The Secretary is authorized –

- (1) to collect systematic data on the effectiveness of the programs assisted under this part in reducing school dropout rates and increasing school reentry and secondary school graduation rates;
- (2) to establish a national clearinghouse of information on effective school dropout prevention and reentry programs that shall disseminate to State educational agencies, local educational agencies, and schools –
 - (A) the results of research on school dropout prevention and reentry; and
 - (B) information on effective programs, best practices, and Federal resources to –
 - (i) reduce annual school dropout rates;
 - (ii) increase school reentry; and
 - (iii) increase secondary school graduation rates;
- (3) to provide technical assistance to State educational agencies, local educational agencies, and schools in designing and implementing programs and securing resources to implement effective school dropout prevention and reentry programs;
- (4) to establish and consult with an interagency working group that shall –
 - (A) address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and reentry, and assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of various programs

and approaches used to address school dropout prevention and reentry;

(B) describe the ways in which State educational agencies and local educational agencies can implement effective school dropout prevention and reentry programs using funds from a variety of Federal programs, including the programs under this part; and

(C) examine Federal programs that may have a positive impact on secondary school graduation or school reentry;

(5) to carry out a national recognition program in accordance with subsection (b) of this section that recognizes schools that have made extraordinary progress in lowering school dropout rates; and

(6) to use funds made available for this subpart to carry out the evaluation required under section 6561i(c) of this title.

(b) Recognition program

(1) Establishment

The Secretary shall –

(A) establish a national recognition program; and

(B) develop uniform national guidelines for the recognition program that shall be used to recognize eligible schools from nominations submitted by State educational agencies.

(2) Recognition

The Secretary shall recognize, under the recognition program established under paragraph (1), eligible schools.

(3) Support

The Secretary may make monetary awards to an eligible school recognized under this subsection in amounts determined appropriate by the Secretary that shall be used for dissemination activities within the eligible school district or nationally.

(4) Definition of eligible school

In this subsection, the term "eligible school" means a public middle school or secondary school, including a charter school, that has implemented comprehensive reforms that have been effective in lowering school dropout rates for all students –

(A) in that secondary school or charter school; or

(B) in the case of a middle school, in the secondary school that the middle school feeds students into.

(c) Capacity building

(1) In general

The Secretary, through a contract with one or more non-Federal entities, may conduct a capacity building and design initiative in order to increase the types of proven strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students.

(2) Number and duration

(A) Number

The Secretary may award not more than five contracts under this subsection.

(B) Duration

The Secretary may award a contract under this subsection for a period of not more than 5 years.

(d) Support for existing reform networks

(1) In general

The Secretary may provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this part.

(2) Definition of eligible entity

In this subsection, the term "eligible entity" means an entity that, prior to January 8, 2002 –

(A) provided training, technical assistance, and materials related to school dropout prevention or reentry to 100 or more elementary schools or secondary schools; and

(B) developed and published a specific educational program or design related to school dropout prevention or reentry for use by the schools.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1811, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1610.)

–CITE–

20 USC subpart 2 – school dropout prevention initiative 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part H – School Dropout Prevention

subpart 2 – school dropout prevention initiative

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–HEAD–

subpart 2 – school dropout prevention initiative

–SECF–

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 6302, 6553 of this title.

–CITE–

20 USC Sec. 6561 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part H – School Dropout Prevention

subpart 2 – school dropout prevention initiative

–HEAD–

Sec. 6561. Definitions

–STATUTE–

In this subpart:

(1) Low-income student

The term "low-income student" means a student who is
determined by a local educational agency to be from a low-income
family using the measures described in section 6313(c) of this

title.

(2) State

The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Bureau of Indian Affairs for purposes of serving schools funded by the Bureau.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1821, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1612.)

–CITE–

20 USC Sec. 6561a 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part H – School Dropout Prevention

subpart 2 – school dropout prevention initiative

–HEAD–

Sec. 6561a. Program authorized

–STATUTE–

(a) Grants to State educational agencies and local educational agencies

(1) Amount less than \$75,000,000

(A) In general

If the amount appropriated under section 6553 of this title for a fiscal year equals or is less than \$75,000,000, then the Secretary shall use such amount to award grants, on a competitive basis, to –

(i) State educational agencies to support activities –

(I) in schools that –

(aa) serve students in grades 6 through 12; and

(bb) have annual school dropout rates that are above the State average annual school dropout rate; or

(II) in the middle schools that feed students into the schools described in subclause (I); or

(ii) local educational agencies that operate –

(I) schools that –

(aa) serve students in grades 6 through 12; and

(bb) have annual school dropout rates that are above the State average annual school dropout rate; or

(II) middle schools that feed students into the schools described in subclause (I).

(B) Use of grant funds

Grant funds awarded under this paragraph shall be used to fund effective, sustainable, and coordinated school dropout prevention and reentry programs that may include the activities described in subsection (b)(2) of this section, in –

(i) schools serving students in grades 6 through 12 that

have annual school dropout rates that are above the State average annual school dropout rate; or

(ii) the middle schools that feed students into the schools described in clause (i).

(2) Amount less than \$250,000,000 but more than \$75,000,000

If the amount appropriated under section 6553 of this title for a fiscal year is less than \$250,000,000 but more than \$75,000,000, then the Secretary shall use such amount to award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to award subgrants under subsection (b) of this section.

(3) Amount equal to or exceeds \$250,000,000

If the amount appropriated under section 6553 of this title for a fiscal year equals or exceeds \$250,000,000, then the Secretary shall use such amount to award a grant to each State educational agency in an amount that bears the same relation to such appropriated amount as the amount the State educational agency received under part A of this subchapter for the preceding fiscal year bears to the amount received by all State educational agencies under such part for the preceding fiscal year, to enable the State educational agency to award subgrants under subsection (b) of this section.

(b) Subgrants to local educational agencies

(1) In general

From amounts made available to a State educational agency under paragraph (2) or (3) of subsection (a) of this section, the State

educational agency shall award subgrants, on a competitive basis, to local educational agencies that operate public schools that serve students in grades 6 through 12 and that have annual school dropout rates that are above the State average annual school dropout rate, to enable those schools, or the middle schools that feed students into those schools, to implement effective, sustainable, and coordinated school dropout prevention and reentry programs that involve activities such as –

- (A) professional development;
- (B) obtaining curricular materials;
- (C) release time for professional staff to obtain professional development;
- (D) planning and research;
- (E) remedial education;
- (F) reduction in pupil-to-teacher ratios;
- (G) efforts to meet State student academic achievement standards;
- (H) counseling and mentoring for at-risk students;
- (I) implementing comprehensive school reform models, such as creating smaller learning communities; and
- (J) school reentry activities.

(2) Amount

Subject to paragraph (3), a subgrant under this subpart shall be awarded –

- (A) in the first year that a local educational agency receives a subgrant payment under this subpart, in an amount

that is based on factors such as –

- (i) the size of schools operated by the local educational agency;
 - (ii) costs of the model or set of prevention and reentry strategies being implemented; and
 - (iii) local cost factors such as poverty rates;
- (B) in the second year, in an amount that is not less than 75 percent of the amount the local educational agency received under this subpart in the first such year;
- (C) in the third year, in an amount that is not less than 50 percent of the amount the local educational agency received under this subpart in the first such year; and
- (D) in each succeeding year, in an amount that is not less than 30 percent of the amount the local educational agency received under this subpart in the first year.

(3) Duration

A subgrant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 6561i(a) of this title, that significant progress has been made in lowering the annual school dropout rate for secondary schools participating in the program assisted under this subpart.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1822, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1612.)

~~–SECRET–~~

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6561c, 6561i of this title.

~~–CITE–~~

20 USC Sec. 6561b 01/06/03

~~–EXPCITE–~~

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part H – School Dropout Prevention

subpart 2 – school dropout prevention initiative

~~–HEAD–~~

Sec. 6561b. Applications

~~–STATUTE–~~

(a) In general

To receive –

(1) a grant under this subpart, a State educational agency or local educational agency shall submit an application and plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require; and

(2) a subgrant under this subpart, a local educational agency shall submit an application and plan to the State educational agency at such time, in such manner, and accompanied by such

information as the State educational agency may reasonably require.

(b) Contents

(1) State educational agency and local educational agency

Each application and plan submitted under subsection (a) of this section shall –

(A) include an outline –

(i) of the State educational agency's or local educational agency's strategy for reducing the State educational agency or local educational agency's annual school dropout rate;

(ii) for targeting secondary schools, and the middle schools that feed students into those secondary schools, that have the highest annual school dropout rates; and

(iii) for assessing the effectiveness of the efforts described in the plan;

(B) contain an identification of the schools in the State or operated by the local educational agency that have annual school dropout rates that are greater than the average annual school dropout rate for the State;

(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

(D) describe a budget and timeline for implementing the strategies;

(E) contain evidence of coordination with existing resources;

(F) provide an assurance that funds provided under this

subpart will supplement, and not supplant, other State and local funds available for school dropout prevention and reentry programs; and

(G) describe how the activities to be assisted conform with research knowledge about school dropout prevention and reentry.

(2) Local educational agency

Each application and plan submitted under subsection (a) of this section by a local educational agency shall contain, in addition to the requirements of paragraph (1) –

(A) an assurance that the local educational agency is committed to providing ongoing operational support for such schools to address the problem of school dropouts for a period of 5 years; and

(B) an assurance that the local educational agency will support the plan, including –

- (i) provision of release time for teacher training;
- (ii) efforts to coordinate activities for secondary schools and the middle schools that feed students into those secondary schools; and
- (iii) encouraging other schools served by the local educational agency to participate in the plan.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1823, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1614.)

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6561e of this title.

–CITE–

20 USC Sec. 6561c 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part H – School Dropout Prevention

subpart 2 – school dropout prevention initiative

–HEAD–

Sec. 6561c. State reservation

–STATUTE–

A State educational agency that receives a grant under paragraph
(2) or (3) of section 6561a(a) of this title may reserve not more
than 5 percent of the grant funds for administrative costs and
State activities related to school dropout prevention and reentry
activities, of which not more than 2 percent of the grant funds may
be used for administrative costs.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1824, as added Pub. L. 107–110, title
I, Sec. 101, Jan. 8, 2002, 115 Stat. 1615.)

–CITE–

20 USC Sec. 6561d 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part H – School Dropout Prevention

subpart 2 – school dropout prevention initiative

–HEAD–

Sec. 6561d. Strategies and capacity building

–STATUTE–

Each local educational agency receiving a grant or subgrant under this subpart and each State educational agency receiving a grant under this subpart shall implement scientifically based, sustainable, and widely replicated strategies for school dropout prevention and reentry. The strategies may include –

(1) specific strategies for targeted purposes, such as –

(A) effective early intervention programs designed to identify at-risk students;

(B) effective programs serving at-risk students, including racial and ethnic minorities and pregnant and parenting teenagers, designed to prevent such students from dropping out of school; and

(C) effective programs to identify and encourage youth who have already dropped out of school to reenter school and complete their secondary education; and

(2) approaches such as breaking larger schools down into

smaller learning communities and other comprehensive reform approaches, creating alternative school programs, and developing clear linkages to career skills and employment.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1825, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1615.)

–CITE–

20 USC Sec. 6561e 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part H – School Dropout Prevention

subpart 2 – school dropout prevention initiative

–HEAD–

Sec. 6561e. Selection of local educational agencies for subgrants

–STATUTE–

(a) State educational agency review and award

The State educational agency shall review applications submitted under section 6561b(a)(2) of this title and award subgrants to local educational agencies with the assistance and advice of a panel of experts on school dropout prevention and reentry.

(b) Eligibility

A local educational agency is eligible to receive a subgrant

under this subpart if the local educational agency operates a public school (including a public alternative school) –

(1) that is eligible to receive assistance under part A of this subchapter; and

(2)(A) that serves students 50 percent or more of whom are low-income students; or

(B) in which a majority of the students come from feeder schools that serve students 50 percent or more of whom are low-income students.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1826, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1616.)

–CITE–

20 USC Sec. 6561f 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part H – School Dropout Prevention

subpart 2 – school dropout prevention initiative

–HEAD–

Sec. 6561f. Community based organizations

–STATUTE–

A local educational agency that receives a grant or subgrant

under this subpart and a State educational agency that receives a grant under this subpart may use the funds to secure necessary services from a community-based organization or other government agency if the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1827, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1616.)

–CITE–

20 USC Sec. 6561g 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part H – School Dropout Prevention

subpart 2 – school dropout prevention initiative

–HEAD–

Sec. 6561g. Technical assistance

–STATUTE–

Notwithstanding any other provision of law, each local educational agency that receives funds under this subpart shall use the funds to provide technical assistance to secondary schools served by the agency that have not made progress toward lowering annual school dropout rates after receiving assistance under this

subpart for 2 fiscal years.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1828, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1616.)

–CITE–

20 USC Sec. 6561h 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part H – School Dropout Prevention

subpart 2 – school dropout prevention initiative

–HEAD–

Sec. 6561h. School dropout rate calculation

–STATUTE–

For purposes of calculating an annual school dropout rate under this subpart, a school shall use the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1829, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1616.)

–CITE–

~~–EXPCITE–~~

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part H – School Dropout Prevention

subpart 2 – school dropout prevention initiative

~~–HEAD–~~

Sec. 6561i. Reporting and accountability

~~–STATUTE–~~

(a) Local educational agency reports

(1) In general

To receive funds under this subpart for a fiscal year after the first fiscal year that a local educational agency receives funds under this subpart, the local educational agency shall provide, on an annual basis, a report regarding the status of the implementation of activities funded under this subpart, and the dropout data for students at schools assisted under this subpart, disaggregated by race and ethnicity, to the –

(A) Secretary, if the local educational agency receives a grant under section 6561a(a)(1) of this title; or

(B) State educational agency, if the local educational agency receives a subgrant under paragraph (2) or (3) of section 6561a(a) of this title.

(2) Dropout data

The dropout data under paragraph (1) shall include annual school dropout rates for each fiscal year, starting with the 2 fiscal years before the local educational agency received funds under this subpart.

(b) State report on program activities

Each State educational agency receiving funds under this subpart shall provide to the Secretary, at such time and in such format as the Secretary may require, information on the status of the implementation of activities funded under this subpart and outcome data for students in schools assisted under this subpart.

(c) Accountability

The Secretary shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared, if feasible, to a control group using control procedures. The Secretary may use funds appropriated for subpart 1 of this part to carry out this evaluation.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1830, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1616.)

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6555, 6561a of this title.

–CITE–

20 USC Part I – General Provisions 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part I – General Provisions

.

–HEAD–

Part I – General Provisions

–SECRETF–

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 6394, 6435 of this title.

–CITE–

20 USC Sec. 6571 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part I – General Provisions

–HEAD–

Sec. 6571. Federal regulations

–STATUTE–

(a) In general

The Secretary may issue such regulations as are necessary to reasonably ensure that there is compliance with this subchapter.

(b) Negotiated rulemaking process

(1) In general

Before publishing in the Federal Register proposed regulations to carry out this subchapter, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers, paraprofessionals, and members of local school boards and other organizations involved with the implementation and operation of programs under this subchapter.

(2) Meetings and electronic exchange

Such advice and recommendations may be obtained through such mechanisms as regional meetings and electronic exchanges of information.

(3) Proposed regulations

After obtaining such advice and recommendations, and before publishing proposed regulations, the Secretary shall –

(A) establish a negotiated rulemaking process on, at a minimum, standards and assessments;

(B) select individuals to participate in such process from among individuals or groups that provided advice and recommendations, including representation from all geographic regions of the United States, in such numbers as will provide an equitable balance between representatives of parents and students and representatives of educators and education

officials; and

(C) prepare a draft of proposed policy options that shall be provided to the individuals selected by the Secretary under subparagraph (B) not less than 15 days before the first meeting under such process.

(4) Process

Such process –

(A) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later than 1 year after January 8, 2002; and

(B) shall not be subject to the Federal Advisory Committee Act, but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).

(5) Emergency situation

In an emergency situation in which regulations to carry out this subchapter must be issued within a very limited time to assist State educational agencies and local educational agencies with the operation of a program under this subchapter, the Secretary may issue proposed regulations without following such process but shall, immediately thereafter and before issuing final regulations, conduct regional meetings to review such proposed regulations.

(c) Limitation

Regulations to carry out this part may not require local programs to follow a particular instructional model, such as the provision of services outside the regular classroom or school program.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1901, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1617.)

–REFTEXT–

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec.

(b)(4)(B), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

The Negotiated Rulemaking Act of 1990, referred to in subsec.

(b)(4)(B), is Pub. L. 101–648, Nov. 29, 1990, 104 Stat. 4969, as amended, which enacted subchapter III (Sec. 561 et seq.) of chapter 5 of Title 5, Government Organization and Employees, and provisions set out as notes under section 561 of Title 5. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 561 of Title 5 and Tables.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6572 of this title.

–CITE–

20 USC Sec. 6572 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE

DISADVANTAGED

Part I – General Provisions

–HEAD–

Sec. 6572. Agreements and records

–STATUTE–

(a) Agreements

All published proposed regulations shall conform to agreements that result from negotiated rulemaking described in section 6571 of this title unless the Secretary reopens the negotiated rulemaking process or provides a written explanation to the participants involved in the process explaining why the Secretary decided to depart from, and not adhere to, such agreements.

(b) Records

The Secretary shall ensure that an accurate and reliable record of agreements reached during the negotiations process is maintained.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1902, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1618.)

–CITE–

20 USC Sec. 6573 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE

DISADVANTAGED

Part I – General Provisions

–HEAD–

Sec. 6573. State administration

–STATUTE–

(a) Rulemaking

(1) In general

Each State that receives funds under this subchapter shall –

(A) ensure that any State rules, regulations, and policies relating to this subchapter conform to the purposes of this subchapter and provide any such proposed rules, regulations, and policies to the committee of practitioners created under subsection (b) of this section for review and comment;

(B) minimize such rules, regulations, and policies to which the State's local educational agencies and schools are subject;

(C) eliminate or modify State and local fiscal accounting requirements in order to facilitate the ability of schools to consolidate funds under schoolwide programs; and

(D) identify any such rule, regulation, or policy as a State–imposed requirement.

(2) Support and facilitation

State rules, regulations, and policies under this subchapter shall support and facilitate local educational agency and school–level systemic reform designed to enable all children to meet the challenging State student academic achievement standards.

(b) Committee of practitioners

(1) In general

Each State educational agency that receives funds under this subchapter shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this subchapter.

(2) Membership

Each such committee shall include –

(A) as a majority of its members, representatives from local educational agencies;

(B) administrators, including the administrators of programs described in other parts of this subchapter;

(C) teachers, including vocational educators;

(D) parents;

(E) members of local school boards;

(F) representatives of private school children; and

(G) pupil services personnel.

(3) Duties

The duties of such committee shall include a review, before publication, of any proposed or final State rule or regulation pursuant to this subchapter. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program under this subchapter, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of

practitioners to review the emergency regulation before issuance
in final form.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1903, as added Pub. L. 107–110, title
I, Sec. 101, Jan. 8, 2002, 115 Stat. 1618.)

–SECF–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6311 of this title.

–CITE–

20 USC Sec. 6574 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part I – General Provisions

–HEAD–

Sec. 6574. Local educational agency spending audits

–STATUTE–

(a) Audits

The Comptroller General of the United States shall conduct audits
of not less than 6 local educational agencies that receive funds
under part A of this subchapter in each fiscal year to determine
more clearly and specifically how local educational agencies are
expending such funds. Such audits –

(1) shall be conducted in 6 local educational agencies that represent the size, ethnic, economic, and geographic diversity of local educational agencies; and

(2) shall examine the extent to which funds have been expended for academic instruction in the core curriculum and activities unrelated to academic instruction in the core curriculum, such as the payment of janitorial, utility, and other maintenance services, the purchase and lease of vehicles, and the payment for travel and attendance costs at conferences.

(b) Report

Not later than 3 months after the completion of the audits under subsection (a) of this section each year, the Comptroller General of the United States shall submit a report on each audit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1904, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1619.)

–CITE–

20 USC Sec. 6575 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE

DISADVANTAGED

Part I – General Provisions

–HEAD–

Sec. 6575. Prohibition against Federal mandates, direction, or control

–STATUTE–

Nothing in this subchapter shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1905, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1619.)

–CITE–

20 USC Sec. 6576 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE

DISADVANTAGED

Part I – General Provisions

–HEAD–

Sec. 6576. Rule of construction on equalized spending

–STATUTE–

Nothing in this subchapter shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1906, as added Pub. L. 107–110, title I, Sec. 101, Jan. 8, 2002, 115 Stat. 1619.)

–CITE–

20 USC Sec. 6577 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Part I – General Provisions

–HEAD–

Sec. 6577. State report on dropout data

–STATUTE–

Not later than 1 year after a State educational agency receives funds under this subchapter, the agency shall report to the Secretary and statewide, all school district data regarding annual school dropout rates in the State disaggregated by race and ethnicity according to procedures that conform with the National Center for Education Statistics' Common Core of Data.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1907, as added Pub. L. 107–110, title

I, Sec. 101, Jan. 8, 2002, 115 Stat. 1619.)

–CITE–

20 USC Sec. 6578 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER I – IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

Part I – General Provisions

–HEAD–

Sec. 6578. Regulations for sections 6311 and 6316

–STATUTE–

The Secretary shall issue regulations for sections 6311 and 6316
of this title not later than 6 months after January 8, 2002.

–SOURCE–

(Pub. L. 89–10, title I, Sec. 1908, as added Pub. L. 107–110, title
I, Sec. 101, Jan. 8, 2002, 115 Stat. 1620.)

–CITE–

20 USC SUBCHAPTER II – PREPARING, TRAINING, AND
RECRUITING HIGH QUALITY TEACHERS AND
PRINCIPALS 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY
TEACHERS AND PRINCIPALS

.

–HEAD–

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY
TEACHERS AND PRINCIPALS

–COD–

CODIFICATION

Title II of the Elementary and Secondary Education Act of 1965, comprising this subchapter, was originally enacted as part of Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27, amended, and subsequently revised, restated, and amended by other public laws. Title II is shown, herein, as having been added by Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1620, without reference to earlier amendments because of the extensive revision of the title's provisions by Pub. L. 107–110. See Codification note preceding section 6301 of this title.

–SECREf–

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 2344, 6312, 6313, 6319, 6491, 6913, 7215, 8332 of this title.

–CITE–

20 USC Part A – Teacher and Principal Training and
Recruiting Fund 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY
TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

.

–HEAD–

Part A – Teacher and Principal Training and Recruiting Fund

–SECREf–

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 7345, 7345a, 7801, 7881 of
this title.

–CITE–

20 USC Sec. 6601 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY
TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

–HEAD–

Sec. 6601. Purpose

–STATUTE–

The purpose of this part is to provide grants to State
educational agencies, local educational agencies, State agencies

for higher education, and eligible partnerships in order to –

(1) increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools; and

(2) hold local educational agencies and schools accountable for improvements in student academic achievement.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2101, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1620.)

–MISC1–

PRIOR PROVISIONS

A prior section 6601, Pub. L. 89–10, title II, Sec. 2001, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3612, set forth findings, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 2101 of Pub. L. 89–10 was classified to section 6621 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

Another prior section 2101 of Pub. L. 89–10 was classified to section 3001 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

–CITE–

20 USC Sec. 6602 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY
TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

–HEAD–

Sec. 6602. Definitions

–STATUTE–

In this part:

(1) Arts and sciences

The term "arts and sciences" means –

(A) when referring to an organizational unit of an
institution of higher education, any academic unit that offers
one or more academic majors in disciplines or content areas
corresponding to the academic subjects in which teachers teach;
and

(B) when referring to a specific academic subject, the
disciplines or content areas in which an academic major is
offered by an organizational unit described in subparagraph
(A).

(2) Charter school

The term "charter school" has the meaning given the term in
section 7221i of this title.

(3) High–need local educational agency

The term "high–need local educational agency" means a local

educational agency –

(A)(i) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

(ii) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

(B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

(4) Highly qualified paraprofessional

The term "highly qualified paraprofessional" means a paraprofessional who has not less than 2 years of –

(A) experience in a classroom; and

(B) postsecondary education or demonstrated competence in a field or academic subject for which there is a significant shortage of qualified teachers.

(5) Out-of-field teacher

The term "out-of-field teacher" means a teacher who is teaching an academic subject or a grade level for which the teacher is not highly qualified.

(6) Principal

The term "principal" includes an assistant principal.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2102, as added Pub. L. 107–110,
title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1620.)

–MISC1–

PRIOR PROVISIONS

A prior section 6602, Pub. L. 89–10, title II, Sec. 2002, as
added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat.
3613, set forth purposes of this subchapter, prior to the general
amendment of this subchapter by Pub. L. 107–110. See section 6601
of this title.

A prior section 2102 of Pub. L. 89–10 was classified to section
6622 of this title, prior to the general amendment of this
subchapter by Pub. L. 107–110.

Another prior section 2102 of Pub. L. 89–10 was classified to
section 3002 of this title, prior to the general amendment of Pub.
L. 89–10 by Pub. L. 103–382.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6674, 6682 of this title.

–CITE–

20 USC Sec. 6603 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

–HEAD–

Sec. 6603. Authorizations of appropriations

–STATUTE–

(a) Grants to States, local educational agencies, and eligible partnerships

There are authorized to be appropriated to carry out this part (other than subpart 5) \$3,175,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(b) National programs

There are authorized to be appropriated to carry out subpart 5 of this part such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2103, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1621.)

–MISC1–

PRIOR PROVISIONS

A prior section 6603, Pub. L. 89–10, title II, Sec. 2003, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3614; amended Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 101(b)(1)), Oct. 21, 1998, 112 Stat. 2681–337, 2681–406, authorized appropriations and related to allocations of appropriations, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 2103 of Pub. L. 89–10 was classified to section

6623 of this title, prior to the general amendment of this

subchapter by Pub. L. 107–110.

Another prior section 2103 of Pub. L. 89–10 was classified to

section 3003 of this title, prior to the general amendment of Pub.

L. 89–10 by Pub. L. 103–382.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6611, 6651 of this title.

–CITE–

20 USC subpart 1 – grants to states 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND

SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY

TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

subpart 1 – grants to states

.

–HEAD–

subpart 1 – grants to states

–SECREf–

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in section 6621 of this title.

–CITE–

20 USC Sec. 6611 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY
TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

subpart 1 – grants to states

–HEAD–

Sec. 6611. Allotments to States

–STATUTE–

(a) In General

The Secretary shall make grants to States with applications approved under section 6612 of this title to pay for the Federal share of the cost of carrying out the activities specified in section 6613 of this title. Each grant shall consist of the allotment determined for a State under subsection (b) of this section.

(b) Determination of allotments

(1) Reservation of funds

(A) (FOOTNOTE 1) In general

(FOOTNOTE 1) So in original. No subpar. (B) has been enacted.

From the total amount appropriated under section 6603(a) of this title for a fiscal year, the Secretary shall reserve –

(i) one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the

Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and

(ii) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Affairs.

(2) State allotments

(A) Hold harmless

(i) In general

Subject to subparagraph (B), from the funds appropriated under section 6603(a) of this title for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to the total amount that such State received for fiscal year 2001 under –

(I) section 2202(b) of this Act (as in effect on the day before January 8, 2002); and

(II) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554).

(ii) Ratable reduction

If the funds described in clause (i) are insufficient to pay the full amounts that all States are eligible to receive under clause (i) for any fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

(B) Allotment of additional funds

(i) In general

Subject to clause (ii), for any fiscal year for which the funds appropriated under section 6603(a) of this title and not reserved under paragraph (1) exceed the total amount required to make allotments under subparagraph (A), the Secretary shall allot to each of the States described in subparagraph (A) the sum of –

(I) an amount that bears the same relationship to 35 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(II) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

(ii) Exception

No State receiving an allotment under clause (i) may receive less than one-half of 1 percent of the total excess amount allotted under such clause for a fiscal year.

(3) Reallotment

If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallocate the amount of the allotment to the remaining States in accordance with this subsection.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2111, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1621.)

–REFTEXT–

REFERENCES IN TEXT

Section 2202(b) of this Act (as in effect on the day before January 8, 2002), referred to in subsec. (b)(2)(A)(i)(I), is section 2202(b) of Pub. L. 89–10, as added by Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3621, which was classified to section 6642(b) of this title prior to the general amendment of this subchapter by Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1620.

Section 306 of the Department of Education Appropriations Act, 2001, referred to in subsec. (b)(2)(A)(i)(II), is section 1(a)(1) (title III, Sec. 306) of Pub. L. 106–554, Nov. 29, 1999, 113 Stat. 2763, 2763A–41, which is not classified to the Code.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6613, 6632 of this title.

–CITE–

20 USC Sec. 6612 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY
TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

subpart 1 – grants to states

–HEAD–

Sec. 6612. State applications

–STATUTE–

(a) In general

For a State to be eligible to receive a grant under this part,
the State educational agency shall submit an application to the
Secretary at such time, in such manner, and containing such
information as the Secretary may reasonably require.

(b) Contents

Each application submitted under this section shall include the
following:

(1) A description of how the activities to be carried out by
the State educational agency under this subpart will be based on
a review of scientifically based research and an explanation of
why the activities are expected to improve student academic
achievement.

(2) A description of how the State educational agency will
ensure that a local educational agency receiving a subgrant to
carry out subpart 2 of this part will comply with the

requirements of such subpart.

(3) A description of how the State educational agency will ensure that activities assisted under this subpart are aligned with challenging State academic content and student academic achievement standards, State assessments, and State and local curricula.

(4) A description of how the State educational agency will use funds under this part to improve the quality of the State's teachers and principals.

(5)(A) A description of how the State educational agency will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs.

(B) A description of the comprehensive strategy that the State educational agency will use, as part of such coordination effort, to ensure that teachers are trained in the use of technology so that technology and applications of technology are effectively used in the classroom to improve teaching and learning in all curricula and academic subjects, as appropriate.

(6) A description of how the State educational agency will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

(7)(A) A description of how the State educational agency will

ensure compliance with the requirements for professional development activities described in section 7801 of this title and how the activities to be carried out under the grant will be developed collaboratively and based on the input of teachers, principals, parents, administrators, paraprofessionals, and other school personnel.

(B) In the case of a State in which the State educational agency is not the entity responsible for teacher professional standards, certification, and licensing, an assurance that the State activities carried out under this subpart are carried out in conjunction with the entity responsible for such standards, certification, and licensing under State law.

(8) A description of how the State educational agency will ensure that the professional development (including teacher mentoring) needs of teachers will be met using funds under this subpart and subpart 2 of this part.

(9) A description of the State educational agency's annual measurable objectives under section 6319(a)(2) of this title.

(10) A description of how the State educational agency will use funds under this part to meet the teacher and paraprofessional requirements of section 6319 of this title and how the State educational agency will hold local educational agencies accountable for meeting the annual measurable objectives described in section 6319(a)(2) of this title.

(11) In the case of a State that has a charter school law that exempts teachers from State certification and licensing

requirements, the specific portion of the State law that provides for the exemption.

(12) An assurance that the State educational agency will comply with section 7881 of this title (regarding participation by private school children and teachers).

(c) Deemed approval

An application submitted by a State educational agency pursuant to subsection (a) of this section shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

(d) Disapproval

The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

(e) Notification

If the Secretary finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary shall –

(1) give the State educational agency notice and an opportunity for a hearing; and

(2) notify the State educational agency of the finding of noncompliance and, in such notification, shall –

(A) cite the specific provisions in the application that are not in compliance; and

(B) request additional information, only as to the

noncompliant provisions, needed to make the application compliant.

(f) Response

If the State educational agency responds to the Secretary's notification described in subsection (e)(2) of this section during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (e)(2)(B) of this section, the Secretary shall approve or disapprove such application prior to the later of –

- (1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or
- (2) the expiration of the 120-day period described in subsection (c) of this section.

(g) Failure to respond

If the State educational agency does not respond to the Secretary's notification described in subsection (e)(2) of this section during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2112, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1623.)

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6611 of this title.

–CITE–

20 USC Sec. 6613 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY
TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

subpart 1 – grants to states

–HEAD–

Sec. 6613. State use of funds

–STATUTE–

(a) In general

A State that receives a grant under section 6611 of this title
shall –

(1) reserve 95 percent of the funds made available through the
grant to make subgrants to local educational agencies as
described in subpart 2 of this part;

(2) reserve 2.5 percent (or, for a fiscal year described in
subsection (b) of this section, the percentage determined under
subsection (b) of this section) of the funds to make subgrants to
local partnerships as described in subpart 3 of this part; and

(3) use the remainder of the funds for State activities
described in subsection (c) of this section.

(b) Special rule

For any fiscal year for which the total amount that would be reserved by all States under subsection (a)(2) of this section, if the States applied a 2.5 percentage rate, exceeds \$125,000,000, the Secretary shall determine an alternative percentage that the States shall apply for that fiscal year under subsection (a)(2) of this section so that the total amount reserved by all States under subsection (a)(2) of this section equals \$125,000,000.

(c) State activities

The State educational agency for a State that receives a grant under section 6611 of this title shall use the funds described in subsection (a)(3) of this section to carry out one or more of the following activities, which may be carried out through a grant or contract with a for-profit or nonprofit entity:

(1) Reforming teacher and principal certification (including recertification) or licensing requirements to ensure that –

(A)(i) teachers have the necessary subject matter knowledge and teaching skills in the academic subjects that the teachers teach; and

(ii) principals have the instructional leadership skills to help teachers teach and students learn;

(B) teacher certification (including recertification) or licensing requirements are aligned with challenging State academic content standards; and

(C) teachers have the subject matter knowledge and teaching skills, including technology literacy, and principals have the instructional leadership skills, necessary to help students

meet challenging State student academic achievement standards.

(2) Carrying out programs that provide support to teachers or principals, including support for teachers and principals new to their profession, such as programs that –

(A) provide teacher mentoring, team teaching, reduced class schedules, and intensive professional development; and

(B) use standards or assessments for guiding beginning teachers that are consistent with challenging State student academic achievement standards and with the requirements for professional development activities described in section 7801 of this title.

(3) Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers and principals, especially in the areas of mathematics and science, for highly qualified individuals with a baccalaureate or master's degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective teachers or principals.

(4) Developing and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified teachers, including specialists in core academic subjects, principals, and pupil services personnel, except that funds made available under this paragraph may be used for pupil services personnel only –

(A) if the State educational agency is making progress toward meeting the annual measurable objectives described in section 6319(a)(2) of this title; and

(B) in a manner consistent with mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified teachers and principals.

(5) Reforming tenure systems, implementing teacher testing for subject matter knowledge, and implementing teacher testing for State certification or licensing, consistent with title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.).

(6) Providing professional development for teachers and principals and, in cases in which a State educational agency determines support to be appropriate, supporting the participation of pupil services personnel in the same type of professional development activities as are made available to teachers and principals.

(7) Developing systems to measure the effectiveness of specific professional development programs and strategies to document gains in student academic achievement or increases in teacher mastery of the academic subjects the teachers teach.

(8) Fulfilling the State educational agency's responsibilities concerning proper and efficient administration of the programs carried out under this part, including provision of technical assistance to local educational agencies.

(9) Funding projects to promote reciprocity of teacher and principal certification or licensing between or among States,

except that no reciprocity agreement developed under this paragraph or developed using funds provided under this part may lead to the weakening of any State teaching certification or licensing requirement.

(10) Developing or assisting local educational agencies in the development and use of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

(11) Encouraging and supporting the training of teachers and administrators to effectively integrate technology into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability.

(12) Developing, or assisting local educational agencies in developing, merit-based performance systems, and strategies that provide differential and bonus pay for teachers in high-need academic subjects such as reading, mathematics, and science and teachers in high-poverty schools and districts.

(13) Providing assistance to local educational agencies for the development and implementation of professional development programs for principals that enable the principals to be effective school leaders and prepare all students to meet challenging State academic content and student academic achievement standards, and the development and support of school

leadership academies to help exceptionally talented aspiring or current principals and superintendents become outstanding managers and educational leaders.

(14) Developing, or assisting local educational agencies in developing, teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.

(15) Providing assistance to teachers to enable them to meet certification, licensing, or other requirements needed to become highly qualified by the end of the fourth year for which the State receives funds under this part (as amended by the No Child Left Behind Act of 2001).

(16) Supporting activities that ensure that teachers are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve student academic achievement.

(17) Funding projects and carrying out programs to encourage men to become elementary school teachers.

(18) Establishing and operating a center that –

(A) serves as a statewide clearinghouse for the recruitment and placement of kindergarten, elementary school, and secondary school teachers; and

(B) establishes and carries out programs to improve teacher recruitment and retention within the State.

(d) Administrative costs

A State educational agency or State agency for higher education receiving a grant under this part may use not more than 1 percent of the grant funds for planning and administration related to carrying out activities under subsection (c) of this section and subpart 3 of this part.

(e) Coordination

A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 (20 U.S.C. 1022) shall coordinate the activities carried out under this subpart and the activities carried out under that section.

(f) Supplement, not supplant

Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2113, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1625.)

–REFTEXT–

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (c)(5), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219, as amended. Title II of the Act is classified generally to subchapter II (Sec. 1021 et seq.) of chapter 28 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

The No Child Left Behind Act of 2001, referred to in subsec.

(c)(15), is Pub. L. 107–110, Jan. 8, 2002, 115 Stat. 1425. For complete classification of this Act to the Code, see Short Title of 2002 Amendment note set out under section 6301 of this title and Tables.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6317, 6611, 6621, 6632, 7305b, 7315a of this title.

–CITE–

20 USC subpart 2 – subgrants to local educational agencies 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

subpart 2 – subgrants to local educational agencies

.

–HEAD–

subpart 2 – subgrants to local educational agencies

–SECREf–

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 5891b, 6612, 6613, 6641, 7321a of this title.

–CITE–

20 USC Sec. 6621 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY
TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

subpart 2 – subgrants to local educational agencies

–HEAD–

Sec. 6621. Allocations to local educational agencies

–STATUTE–

(a) (FOOTNOTE 1) Subgrants to local educational agencies

(FOOTNOTE 1) So in original. No subsec. (b) has been enacted.

(1) In general

The Secretary may make a grant to a State under subpart 1 of
this part only if the State educational agency agrees to
distribute the funds described in this subsection as subgrants to
local educational agencies under this subpart.

(2) Hold harmless

(A) In general

From the funds reserved by a State under section 6613(a)(1)
of this title, the State educational agency shall allocate to
each local educational agency in the State an amount equal to
the total amount that such agency received for fiscal year 2001

under –

(i) section 2203(1)(B) of this Act (as in effect on the day before January 8, 2002); and

(ii) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554).

(B) Nonparticipating agencies

In the case of a local educational agency that did not receive any funds for fiscal year 2001 under one or both of the provisions referred to in clauses (i) and (ii) of subparagraph (A), the amount allocated to the agency under such subparagraph shall be the total amount that the agency would have received for fiscal year 2001 if the agency had elected to participate in all of the programs for which the agency was eligible under each of the provisions referred to in those clauses.

(C) Ratable reduction

If the funds described in subparagraph (A) are insufficient to pay the full amounts that all local educational agencies in the State are eligible to receive under subparagraph (A) for any fiscal year, the State educational agency shall ratably reduce such amounts for the fiscal year.

(3) Allocation of additional funds

For any fiscal year for which the funds reserved by a State under section 6613(a)(1) of this title exceed the total amount required to make allocations under paragraph (2), the State educational agency shall allocate to each of the eligible local

educational agencies in the State the sum of –

(A) an amount that bears the same relationship to 20 percent of the excess amount as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined; and

(B) an amount that bears the same relationship to 80 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2121, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1627.)

–REFTEXT–

REFERENCES IN TEXT

Section 2203(1)(B) of this Act (as in effect on the day before January 8, 2002), referred to in subsec. (a)(2)(A)(i), is section 2203(1)(B) of Pub. L. 89–10, as added by Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3621, which was classified to section 6643(1)(B) of this title prior to the general amendment of

this subchapter by Pub. L. 107–110, title II, Sec. 201, Jan. 8,

2002, 115 Stat. 1620.

Section 306 of the Department of Education Appropriations Act,

2001, referred to in subsec. (a)(2)(A)(ii), is section 1(a)(1)

(title III, Sec. 306) of Pub. L. 106–554, Nov. 29, 1999, 113 Stat.

2763, 2763A–41, which is not classified to the Code.

–MISC2–

PRIOR PROVISIONS

A prior section 6621, Pub. L. 89–10, title II, Sec. 2101, as

added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat.

3614; amended Pub. L. 104–208, div. A, title I, Sec. 101(e) (title

VII, Sec. 709(b)(3)(A)), Sept. 30, 1996, 110 Stat. 3009–233,

3009–313, authorized professional development program, prior to the

general amendment of this subchapter by Pub. L. 107–110.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6623, 7305b of this

title.

–CITE–

20 USC Sec. 6622 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND

SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY

TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

subpart 2 – subgrants to local educational agencies

–HEAD–

Sec. 6622. Local applications and needs assessment

–STATUTE–

(a) In general

To be eligible to receive a subgrant under this subpart, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

(b) Contents

Each application submitted under this section shall be based on the needs assessment required in subsection (c) of this section and shall include the following:

(1)(A) A description of the activities to be carried out by the local educational agency under this subpart and how these activities will be aligned with –

(i) challenging State academic content standards and student academic achievement standards, and State assessments; and

(ii) the curricula and programs tied to the standards described in clause (i).

(B) A description of how the activities will be based on a review of scientifically based research and an explanation of why the activities are expected to improve student academic achievement.

(2) A description of how the activities will have a substantial, measurable, and positive impact on student academic achievement and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and minority students from other students.

(3) An assurance that the local educational agency will target funds to schools within the jurisdiction of the local educational agency that –

(A) have the lowest proportion of highly qualified teachers;

(B) have the largest average class size; or

(C) are identified for school improvement under section 6316(b) of this title.

(4) A description of how the local educational agency will coordinate professional development activities authorized under this subpart with professional development activities provided through other Federal, State, and local programs.

(5) A description of the professional development activities that will be made available to teachers and principals under this subpart and how the local educational agency will ensure that the professional development (which may include teacher mentoring) needs of teachers and principals will be met using funds under this subpart.

(6) A description of how the local educational agency will integrate funds under this subpart with funds received under part D of this subchapter that are used for professional development to train teachers to integrate technology into curricula and

instruction to improve teaching, learning, and technology literacy.

(7) A description of how the local educational agency, teachers, paraprofessionals, principals, other relevant school personnel, and parents have collaborated in the planning of activities to be carried out under this subpart and in the preparation of the application.

(8) A description of the results of the needs assessment described in subsection (c) of this section.

(9) A description of how the local educational agency will provide training to enable teachers to –

(A) teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency;

(B) improve student behavior in the classroom and identify early and appropriate interventions to help students described in subparagraph (A) learn;

(C) involve parents in their child's education; and

(D) understand and use data and assessments to improve classroom practice and student learning.

(10) A description of how the local educational agency will use funds under this subpart to meet the requirements of section 6319 of this title.

(11) An assurance that the local educational agency will comply

with section 7881 of this title (regarding participation by private school children and teachers).

(c) Needs assessment

(1) In general

To be eligible to receive a subgrant under this subpart, a local educational agency shall conduct an assessment of local needs for professional development and hiring, as identified by the local educational agency and school staff.

(2) Requirements

Such needs assessment shall be conducted with the involvement of teachers, including teachers participating in programs under part A of subchapter I of this chapter, and shall take into account the activities that need to be conducted in order to give teachers the means, including subject matter knowledge and teaching skills, and to give principals the instructional leadership skills to help teachers, to provide students with the opportunity to meet challenging State and local student academic achievement standards.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2122, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1628.)

–MISC1–

PRIOR PROVISIONS

A prior section 6622, Pub. L. 89–10, title II, Sec. 2102, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3615, related to authorized professional development activities,

prior to the general amendment of this subchapter by Pub. L.

107–110.

–CITE–

20 USC Sec. 6623 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY
TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

subpart 2 – subgrants to local educational agencies

–HEAD–

Sec. 6623. Local use of funds

–STATUTE–

(a) In general

A local educational agency that receives a subgrant under section
6621 of this title shall use the funds made available through the
subgrant to carry out one or more of the following activities,
including carrying out the activities through a grant or contract
with a for–profit or nonprofit entity:

(1) Developing and implementing mechanisms to assist schools in
effectively recruiting and retaining highly qualified teachers,
including specialists in core academic subjects, principals, and
pupil services personnel, except that funds made available under
this paragraph may be used for pupil services personnel only –

(A) if the local educational agency is making progress toward meeting the annual measurable objectives described in section 6319(a)(2) of this title; and

(B) in a manner consistent with mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers and principals.

(2) Developing and implementing initiatives to assist in recruiting highly qualified teachers (particularly initiatives that have proven effective in retaining highly qualified teachers), and hiring highly qualified teachers, who will be assigned teaching positions within their fields, including –

(A) providing scholarships, signing bonuses, or other financial incentives, such as differential pay, for teachers to teach –

(i) in academic subjects in which there exists a shortage of highly qualified teachers within a school or within the local educational agency; and

(ii) in schools in which there exists a shortage of highly qualified teachers;

(B) recruiting and hiring highly qualified teachers to reduce class size, particularly in the early grades; and

(C) establishing programs that –

(i) train and hire regular and special education teachers (which may include hiring special education teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children);

(ii) train and hire highly qualified teachers of special needs children, as well as teaching specialists in core academic subjects who will provide increased individualized instruction to students;

(iii) recruit qualified professionals from other fields, including highly qualified paraprofessionals, and provide such professionals with alternative routes to teacher certification, including developing and implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through alternative routes, and using a system of intensive screening designed to hire the most qualified applicants; and

(iv) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession.

(3) Providing professional development activities –

(A) that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning –

(i) one or more of the core academic subjects that the teachers teach; and

(ii) effective instructional strategies, methods, and skills, and use of challenging State academic content standards and student academic achievement standards, and State assessments, to improve teaching practices and student academic achievement; and

(B) that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning effective instructional practices and that –

(i) involve collaborative groups of teachers and administrators;

(ii) provide training in how to teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency;

(iii) provide training in methods of –

(I) improving student behavior in the classroom; and

(II) identifying early and appropriate interventions to help students described in clause (ii) learn;

(iv) provide training to enable teachers and principals to involve parents in their child's education, especially parents of limited English proficient and immigrant children; and

(v) provide training on how to understand and use data and assessments to improve classroom practice and student learning.

(4) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, particularly within elementary schools and secondary schools with a high percentage of low-achieving students, including programs that provide –

(A) teacher mentoring from exemplary teachers, principals, or superintendents;

(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively;

(C) incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic achievement; or

(D) incentives, including financial incentives, to principals who have a record of improving the academic achievement of all students, but particularly students from economically disadvantaged families, students from racial and ethnic minority groups, and students with disabilities.

(5) Carrying out programs and activities that are designed to improve the quality of the teacher force, such as –

(A) innovative professional development programs (which may be provided through partnerships including institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy, are consistent with the requirements of section 7801 of this title, and are coordinated with activities carried out under part D of this subchapter;

(B) development and use of proven, cost-effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning;

(C) tenure reform;

(D) merit pay programs; and

(E) testing of elementary school and secondary school teachers in the academic subjects that the teachers teach.

(6) Carrying out professional development activities designed to improve the quality of principals and superintendents, including the development and support of academies to help talented aspiring or current principals and superintendents become outstanding managers and educational leaders.

(7) Hiring highly qualified teachers, including teachers who become highly qualified through State and local alternative routes to certification, and special education teachers, in order to reduce class size, particularly in the early grades.

(8) Carrying out teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.

(10) (FOOTNOTE 1) Carrying out programs and activities related to exemplary teachers.

(FOOTNOTE 1) So in original. No par. (9) has been enacted.

(b) Supplement, not supplant

Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2123, as added Pub. L. 107–110,

title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1630.)

–MISC1–

PRIOR PROVISIONS

A prior section 6623, Pub. L. 89–10, title II, Sec. 2103, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3617, related to National Teacher Training Project, prior to the general amendment of this subchapter by Pub. L. 107–110.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 7801 of this title.

–CITE–

20 USC subpart 3 – subgrants to eligible partnerships 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

subpart 3 – subgrants to eligible partnerships

.

–HEAD–

subpart 3 – subgrants to eligible partnerships

–SECREf–

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 5891b, 6313, 6613 of this

title.

–CITE–

20 USC Sec. 6631 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY
TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

subpart 3 – subgrants to eligible partnerships

–HEAD–

Sec. 6631. Definitions

–STATUTE–

In this subpart:

(1) Eligible partnership

The term "eligible partnership" means an entity that –

(A) shall include –

(i) a private or State institution of higher education and
the division of the institution that prepares teachers and
principals;

(ii) a school of arts and sciences; and

(iii) a high–need local educational agency; and

(B) may include another local educational agency, a public
charter school, an elementary school or secondary school, an
educational service agency, a nonprofit educational

organization, another institution of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers and principals, a nonprofit cultural organization, an entity carrying out a prekindergarten program, a teacher organization, a principal organization, or a business.

(2) Low-performing school

The term "low-performing school" means an elementary school or secondary school that is identified under section 6316 of this title.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2131, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1633.)

–CITE–

20 USC Sec. 6632 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

subpart 3 – subgrants to eligible partnerships

–HEAD–

Sec. 6632. Subgrants

–STATUTE–

(a) In general

The State agency for higher education for a State that receives a grant under section 6611 of this title, working in conjunction with the State educational agency (if such agencies are separate), shall use the funds reserved under section 6613(a)(2) of this title to make subgrants, on a competitive basis, to eligible partnerships to enable such partnerships to carry out the activities described in section 6634 of this title.

(b) Distribution

The State agency for higher education shall ensure that –

- (1) such subgrants are equitably distributed by geographic area within a State; or
- (2) eligible partnerships in all geographic areas within the State are served through the subgrants.

(c) Special rule

No single participant in an eligible partnership may use more than 50 percent of the funds made available to the partnership under this section.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2132, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1633.)

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6634 of this title.

–CITE–

20 USC Sec. 6633 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY
TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

subpart 3 – subgrants to eligible partnerships

–HEAD–

Sec. 6633. Applications

–STATUTE–

To be eligible to receive a subgrant under this subpart, an eligible partnership shall submit an application to the State agency for higher education at such time, in such manner, and containing such information as the agency may require.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2133, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1633.)

–CITE–

20 USC Sec. 6634 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY
TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

subpart 3 – subgrants to eligible partnerships

–HEAD–

Sec. 6634. Use of funds

–STATUTE–

(a) In general

An eligible partnership that receives a subgrant under section

6632 of this title shall use the subgrant funds for –

(1) professional development activities in core academic

subjects to ensure that –

(A) teachers and highly qualified paraprofessionals, and, if appropriate, principals have subject matter knowledge in the academic subjects that the teachers teach, including the use of computer related technology to enhance student learning; and

(B) principals have the instructional leadership skills that will help such principals work most effectively with teachers to help students master core academic subjects; and

(2) developing and providing assistance to local educational agencies and individuals who are teachers, highly qualified paraprofessionals, or principals of schools served by such agencies, for sustained, high-quality professional development activities that –

(A) ensure that the individuals are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve student academic

achievement;

(B) may include intensive programs designed to prepare such individuals who will return to a school to provide instruction related to the professional development described in subparagraph (A) to other such individuals within such school; and

(C) may include activities of partnerships between one or more local educational agencies, one or more schools served by such local educational agencies, and one or more institutions of higher education for the purpose of improving teaching and learning at low-performing schools.

(b) Coordination

An eligible partnership that receives a subgrant to carry out this subpart and a grant under section 1023 of this title shall coordinate the activities carried out under this subpart and the activities carried out under that section 1023 of this title.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2134, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1633.)

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6632 of this title.

–CITE–

20 USC subpart 4 – accountability 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY
TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

subpart 4 – accountability

.

–HEAD–

subpart 4 – accountability

–CITE–

20 USC Sec. 6641 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY
TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

subpart 4 – accountability

–HEAD–

Sec. 6641. Technical assistance and accountability

–STATUTE–

(a) Improvement plan

After the second year of the plan described in section 6319(a)(2)
of this title, if a State educational agency determines, based on
the reports described in section 6319(b)(1) of this title, that a

local educational agency in the State has failed to make progress toward meeting the annual measurable objectives described in section 6319(a)(2) of this title, for 2 consecutive years, such local educational agency shall develop an improvement plan that will enable the agency to meet such annual measurable objectives and that specifically addresses issues that prevented the agency from meeting such annual measurable objectives.

(b) Technical assistance

During the development of the improvement plan described in subsection (a) of this section and throughout implementation of the plan, the State educational agency shall –

(1) provide technical assistance to the local educational agency; and

(2) provide technical assistance, if applicable, to schools served by the local educational agency that need assistance to enable the local educational agency to meet the annual measurable objectives described in section 6319(a)(2) of this title.

(c) Accountability

After the third year of the plan described in section 6319(a)(2) of this title, if the State educational agency determines, based on the reports described in section 6319(b)(1) of this title, that the local educational agency has failed to make progress toward meeting the annual measurable objectives described in section 6319(a)(2) of this title, and has failed to make adequate yearly progress as described under section 6311(b)(2)(B) of this title, for 3 consecutive years, the State educational agency shall enter into an

agreement with such local educational agency on the use of that agency's funds under this part. As part of this agreement, the State educational agency –

(1) shall develop, in conjunction with the local educational agency, teachers, and principals, professional development strategies and activities, based on scientifically based research, that the local educational agency will use to meet the annual measurable objectives described in section 6319(a)(2) of this title and require such agency to utilize such strategies and activities; and

(2)(A) except as provided in subparagraphs (B) and (C), shall prohibit the use of funds received under part A of subchapter I of this chapter to fund any paraprofessional hired after the date such determination is made;

(B) shall allow the use of such funds to fund a paraprofessional hired after that date if the local educational agency can demonstrate that the hiring is to fill a vacancy created by the departure of another paraprofessional funded under subchapter I of this chapter and such new paraprofessional satisfies the requirements of section 6319(c) of this title; and

(C) may allow the use of such funds to fund a paraprofessional hired after that date if the local educational agency can demonstrate –

(i) that a significant influx of population has substantially increased student enrollment; or

(ii) that there is an increased need for translators or

assistance with parental involvement activities.

(d) Special rule

During the development of the strategies and activities described in subsection (c)(1) of this section, the State educational agency shall, in conjunction with the local educational agency, provide from funds allocated to such local educational agency under subpart 2 of this part directly to one or more schools served by such local educational agency, to enable teachers at the schools to choose, with continuing consultation with the principal involved, professional development activities that –

(1) meet the requirements for professional development activities described in section 7801 of this title; and

(2) are coordinated with other reform efforts at the schools.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2141, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1634.)

–MISC1–

PRIOR PROVISIONS

A prior section 6641, Pub. L. 89–10, title II, Sec. 2201, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3621, authorized program for State and local professional development activities, prior to the general amendment of this subchapter by Pub. L. 107–110.

Prior sections 6642 to 6650 were omitted in the general amendment of this subchapter by Pub. L. 107–110.

Section 6642, Pub. L. 89–10, title II, Sec. 2202, as added Pub.

L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3621,
related to allocation of funds for State and local professional
development activities.

Section 6643, Pub. L. 89–10, title II, Sec. 2203, as added Pub.

L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3621,
related to within–State allocations.

Section 6644, Pub. L. 89–10, title II, Sec. 2204, as added Pub.

L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3622,
related to consortium requirement.

Section 6645, Pub. L. 89–10, title II, Sec. 2205, as added Pub.

L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3622;
amended Pub. L. 104–208, div. A, title I, Sec. 101(e) (title VII,
Sec. 709(b)(3)(A)), Sept. 30, 1996, 110 Stat. 3009–233, 3009–313,
related to State applications.

Section 6646, Pub. L. 89–10, title II, Sec. 2206, as added Pub.

L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3625;
amended Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec.
101(b)(2)), Oct. 21, 1998, 112 Stat. 2681–337, 2681–406, related to
priority for professional development in mathematics and science.

Section 6647, Pub. L. 89–10, title II, Sec. 2207, as added Pub.

L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3625,
related to State–level activities.

Section 6648, Pub. L. 89–10, title II, Sec. 2208, as added Pub.

L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3626;
amended Pub. L. 104–208, div. A, title I, Sec. 101(e) (title VII,
Sec. 709(b)(3)(A)), Sept. 30, 1996, 110 Stat. 3009–233, 3009–313,

related to local plan and application for improving teaching and learning.

Section 6649, Pub. L. 89–10, title II, Sec. 2209, as added Pub.

L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3628;

amended Pub. L. 104–208, div. A, title I, Sec. 101(e) (title VII,

Sec. 709(b)(3)(A)), Sept. 30, 1996, 110 Stat. 3009–233, 3009–313,

related to local cost–sharing.

Section 6650, Pub. L. 89–10, title II, Sec. 2210, as added Pub.

L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3629,

related to local allocation of funds and allowable activities.

–CITE–

20 USC subpart 5 – national activities 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

subpart 5 – national activities

.

–HEAD–

subpart 5 – national activities

–SECREf–

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in section 6603 of this title.

–CITE–

20 USC Sec. 6651 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY
TEACHERS AND PRINCIPALS

Part A – Teacher and Principal Training and Recruiting Fund

subpart 5 – national activities

–HEAD–

Sec. 6651. National activities of demonstrated effectiveness

–STATUTE–

(a) National teacher recruitment campaign

The Secretary is authorized to establish and carry out a national teacher recruitment campaign, which may include activities carried out through the National Teacher Recruitment Clearinghouse, to assist high-need local educational agencies in recruiting teachers (particularly those activities that are effective in retaining new teachers) and training teachers and to conduct a national public service campaign concerning the resources for, and the routes to, entering the field of teaching. In carrying out the campaign, the Secretary may promote and link the activities of the campaign to the information and referral activities of the National Teacher Recruitment Clearinghouse. The Secretary shall coordinate activities under this subsection with State and regional

recruitment activities.

(b) School leadership

(1) In general

The Secretary is authorized to establish and carry out a national principal recruitment program to assist high-need local educational agencies in recruiting and training principals (including assistant principals) through such activities as –

(A) providing financial incentives to aspiring new principals;

(B) providing stipends to principals who mentor new principals;

(C) carrying out professional development programs in instructional leadership and management; and

(D) providing incentives that are appropriate for teachers or individuals from other fields who want to become principals and that are effective in retaining new principals.

(2) Grants

If the Secretary uses sums made available under section 6603(b) of this title to carry out paragraph (1), the Secretary shall carry out such paragraph by making grants, on a competitive basis, to –

(A) high-need local educational agencies;

(B) consortia of high-need local educational agencies; and

(C) partnerships of high-need local educational agencies, nonprofit organizations, and institutions of higher education.

(c) Advanced certification or advanced credentialing

(1) In general

The Secretary is authorized to support activities to encourage and support teachers seeking advanced certification or advanced credentialing through high quality professional teacher enhancement programs designed to improve teaching and learning.

(2) Implementation

In carrying out paragraph (1), the Secretary shall make grants to eligible entities to –

(A) develop teacher standards that include measures tied to increased student academic achievement; and

(B) promote outreach, teacher recruitment, teacher subsidy, or teacher support programs, related to teacher certification or credentialing by the National Board for Professional Teaching Standards, the National Council on Teacher Quality, or other nationally recognized certification or credentialing organizations.

(3) Eligible entities

In this subsection, the term "eligible entity" includes –

(A) a State educational agency;

(B) a local educational agency;

(C) the National Board for Professional Teaching Standards, in partnership with a high–need local educational agency or a State educational agency;

(D) the National Council on Teacher Quality, in partnership with a high–need local educational agency or a State educational agency; or

(E) another recognized entity, including another recognized certification or credentialing organization, in partnership with a high-need local educational agency or a State educational agency.

(d) Special education teacher training

The Secretary is authorized to award a grant to the University of Northern Colorado to enable such university to provide, to other institutions of higher education, assistance in training special education teachers.

(e) Early childhood educator professional development

(1) Purpose

The purpose of this subsection is to enhance the school readiness of young children, particularly disadvantaged young children, and to prevent young children from encountering difficulties once the children enter school, by improving the knowledge and skills of early childhood educators who work in communities that have high concentrations of children living in poverty.

(2) Program authorized

(A) Grants to partnerships

The Secretary is authorized to carry out the purpose of this subsection by awarding grants, on a competitive basis, to partnerships consisting of –

(i)(I) one or more institutions of higher education that provide professional development for early childhood educators who work with children from low-income families in

high-need communities; or

(II) another public or private entity that provides such professional development;

(ii) one or more public agencies ((FOOTNOTE 1) including local educational agencies, State educational agencies, State human services agencies, and State and local agencies administering programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), Head Start agencies, or private organizations; and

(FOOTNOTE 1) So in original. There is no closing parenthesis.

(iii) to the extent feasible, an entity with demonstrated experience in providing training to educators in early childhood education programs concerning identifying and preventing behavior problems or working with children identified as or suspected to be victims of abuse.

(B) Duration and number of grants

(i) Duration

The Secretary shall award grants under this subsection for periods of not more than 4 years.

(ii) Number

No partnership may receive more than one grant under this subsection.

(3) Applications

(A) Applications required

Any partnership that desires to receive a grant under this subsection shall submit an application to the Secretary at such

time, in such manner, and containing such information as the Secretary may require.

(B) Contents

Each such application shall include –

- (i) a description of the high–need community to be served by the project proposed to be carried out through the grant, including such demographic and socioeconomic information as the Secretary may request;
- (ii) information on the quality of the early childhood educator professional development program currently conducted (as of the date of the submission of the application) by the institution of higher education or another provider in the partnership;
- (iii) the results of a needs assessment that the entities in the partnership have undertaken to determine the most critical professional development needs of the early childhood educators to be served by the partnership and in the broader community, and a description of how the proposed project will address those needs;
- (iv) a description of how the proposed project will be carried out, including a description of –
 - (I) how individuals will be selected to participate;
 - (II) the types of professional development activities, based on scientifically based research, that will be carried out;
 - (III) how research on effective professional development

and on adult learning will be used to design and deliver project activities;

(IV) how the project will be coordinated with and build on, and will not supplant or duplicate, early childhood education professional development activities in the high-need community;

(V) how the project will train early childhood educators to provide developmentally appropriate school-readiness services that are based on the best available research on early childhood pedagogy and child development and learning domains;

(VI) how the project will train early childhood educators to meet the diverse educational needs of children in the community, including children who have limited English proficiency, children with disabilities, or children with other special needs; and

(VII) how the project will train early childhood educators in identifying and preventing behavioral problems in children or working with children identified as or suspected to be victims of abuse;

(v) a description of –

(I) the specific objectives that the partnership will seek to attain through the project, and the methods that the partnership will use to measure progress toward attainment of those objectives; and

(II) how the objectives and the measurement methods align

with the achievement indicators established by the

Secretary under paragraph (6)(A);

(vi) a description of the partnership's plan for continuing the activities carried out under the project after Federal funding ceases;

(vii) an assurance that, where applicable, the project will provide appropriate professional development to volunteers working directly with young children, as well as to paid staff; and

(viii) an assurance that, in developing the application and in carrying out the project, the partnership has consulted with, and will consult with, relevant agencies, early childhood educator organizations, and early childhood providers that are not members of the partnership.

(4) Selection of grant recipients

(A) Criteria

The Secretary shall select partnerships to receive grants under this subsection on the basis of the degree to which the communities proposed to be served require assistance and the quality of the applications submitted under paragraph (3).

(B) Geographic distribution

In selecting partnerships to receive grants under this subsection, the Secretary shall seek to ensure that communities in different regions of the Nation, as well as both urban and rural communities, are served.

(5) Uses of funds

(A) In general

Each partnership receiving a grant under this subsection shall use the grant funds to carry out activities that will improve the knowledge and skills of early childhood educators who are working in early childhood programs that are located in high-need communities and serve concentrations of children from low-income families.

(B) Allowable activities

Such activities may include –

- (i) professional development for early childhood educators, particularly to familiarize those educators with the application of recent research on child, language, and literacy development and on early childhood pedagogy;
- (ii) professional development for early childhood educators in working with parents, so that the educators and parents can work together to provide and support developmentally appropriate school-readiness services that are based on scientifically based research on early childhood pedagogy and child development and learning domains;
- (iii) professional development for early childhood educators to work with children who have limited English proficiency, children with disabilities, and children with other special needs;
- (iv) professional development to train early childhood educators in identifying and preventing behavioral problems in children or working with children identified as or

suspected to be victims of abuse;

(v) activities that assist and support early childhood educators during their first 3 years in the field;

(vi) development and implementation of early childhood educator professional development programs that make use of distance learning and other technologies;

(vii) professional development activities related to the selection and use of screening and diagnostic assessments to improve teaching and learning; and

(viii) data collection, evaluation, and reporting needed to meet the requirements of paragraph (6) relating to accountability.

(6) Accountability

(A) Achievement indicators

On the date on which the Secretary first issues a notice soliciting applications for grants under this subsection, the Secretary shall announce achievement indicators for this subsection, which shall be designed –

(i) to measure the quality and accessibility of the professional development provided;

(ii) to measure the impact of that professional development on the early childhood education provided by the individuals who receive the professional development; and

(iii) to provide such other measures of program impact as the Secretary determines to be appropriate.

(B) Annual reports; termination

(i) Annual reports

Each partnership receiving a grant under this subsection shall report annually to the Secretary on the partnership's progress toward attaining the achievement indicators.

(ii) Termination

The Secretary may terminate a grant under this subsection at any time if the Secretary determines that the partnership receiving the grant is not making satisfactory progress toward attaining the achievement indicators.

(7) Cost-sharing

(A) In general

Each partnership carrying out a project through a grant awarded under this subsection shall provide, from sources other than the program carried out under this subsection, which may include Federal sources –

(i) at least 50 percent of the total cost of the project

for the grant period; and

(ii) at least 20 percent of the project cost for each year.

(B) Acceptable contributions

A partnership may meet the requirements of subparagraph (A) by providing contributions in cash or in kind, fairly evaluated, including plant, equipment, and services.

(C) Waivers

The Secretary may waive or modify the requirements of subparagraph (A) for partnerships in cases of demonstrated financial hardship.

(8) Federal coordination

The Secretary and the Secretary of Health and Human Services shall coordinate activities carried out through programs under this subsection with activities carried out through other early childhood programs administered by the Secretary or the Secretary of Health and Human Services.

(9) Definitions

In this subsection:

(A) Early childhood educator

The term "early childhood educator" means a person providing, or employed by a provider of, nonresidential child care services (including center-based, family-based, and in-home child care services) that is legally operating under State law, and that complies with applicable State and local requirements for the provision of child care services to children at any age from birth through the age at which a child may start kindergarten in that State.

(B) High-need community

(i) In general

The term "high-need community" means –

- (I) a political subdivision of a State, or a portion of a political subdivision of a State, in which at least 50 percent of the children are from low-income families; or
- (II) a political subdivision of a State that is among the 10 percent of political subdivisions of the State having the greatest numbers of such children.

(ii) Determination

In determining which communities are described in clause

(i), the Secretary shall use such data as the Secretary determines are most accurate and appropriate.

(C) Low-income family

The term "low-income family" means a family with an income below the poverty line for the most recent fiscal year for which satisfactory data are available.

(f) Teacher mobility

(1) Establishment

The Secretary is authorized to establish a panel to be known as the National Panel on Teacher Mobility (referred to in this subsection as the "panel").

(2) Membership

The panel shall be composed of 12 members appointed by the Secretary. The Secretary shall appoint the members from among practitioners and experts with experience relating to teacher mobility, such as teachers, members of teacher certification or licensing bodies, faculty of institutions of higher education that prepare teachers, and State policymakers with such experience.

(3) Period of appointment; vacancies

Members shall be appointed for the life of the panel. Any vacancy in the panel shall not affect the powers of the panel, but shall be filled in the same manner as the original appointment.

(4) Duties

(A) Study

(i) In general

The panel shall study strategies for increasing mobility and employment opportunities for highly qualified teachers, especially for States with teacher shortages and States with school districts or schools that are difficult to staff.

(ii) Data and analysis

As part of the study, the panel shall evaluate the desirability and feasibility of State initiatives that support teacher mobility by collecting data and conducting effective analysis concerning –

(I) teacher supply and demand;

(II) the development of recruitment and hiring strategies that support teachers; and

(III) increasing reciprocity of certification and licensing across States.

(B) Report

Not later than 1 year after the date on which all members of the panel have been appointed, the panel shall submit to the Secretary and to the appropriate committees of Congress a report containing the results of the study.

(5) Powers

(A) Hearings

The panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as

the panel considers advisable to carry out the objectives of this subsection.

(B) Information from Federal agencies

The panel may secure directly from any Federal department or agency such information as the panel considers necessary to carry out the provisions of this subsection. Upon request of a majority of the members of the panel, the head of such department or agency shall furnish such information to the panel.

(C) Postal services

The panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(6) Personnel

(A) Travel expenses

The members of the panel shall not receive compensation for the performance of services for the panel, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the panel. Notwithstanding section 1342 of title 31, the Secretary may accept the voluntary and uncompensated services of members of the panel.

(B) Detail of Government employees

Any Federal Government employee may be detailed to the panel

without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(7) Permanent committee

Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2151, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1635.)

–REFTEXT–

REFERENCES IN TEXT

The Child Care and Development Block Grant Act of 1990, referred to in subsec. (e)(2)(A)(ii), is subchapter C (Sec. 658A et seq.) of chapter 8 of subtitle A of title VI of Pub. L. 97–35, as added by Pub. L. 101–508, title V, Sec. 5082(2), Nov. 5, 1990, 104 Stat. 1388–236, as amended, which is classified generally to subchapter II–B (Sec. 9858 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of Title 42 and Tables.

Section 14 of the Federal Advisory Committee Act, referred to in subsec. (f)(7), is section 14 of Pub. L. 92–463, which is set out in the Appendix to Title 5, Government Organization and Employees.

–MISC2–

PRIOR PROVISIONS

A prior section 6651, Pub. L. 89–10, title II, Sec. 2211, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat.

3632, related to higher education activities, prior to the general amendment of this subchapter by Pub. L. 107–110.

–CITE–

20 USC Part B – Mathematics and Science Partnerships 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS

Part B – Mathematics and Science Partnerships

.

–HEAD–

Part B – Mathematics and Science Partnerships

–SECREP–

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 7881 of this title; title 42 section 1862n.

–CITE–

20 USC Sec. 6661 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS

Part B – Mathematics and Science Partnerships

–HEAD–

Sec. 6661. Purpose; definitions

–STATUTE–

(a) Purpose

The purpose of this part is to improve the academic achievement of students in the areas of mathematics and science by encouraging State educational agencies, institutions of higher education, local educational agencies, elementary schools, and secondary schools to participate in programs that –

- (1) improve and upgrade the status and stature of mathematics and science teaching by encouraging institutions of higher education to assume greater responsibility for improving mathematics and science teacher education through the establishment of a comprehensive, integrated system of recruiting, training, and advising mathematics and science teachers;
- (2) focus on the education of mathematics and science teachers as a career–long process that continuously stimulates teachers' intellectual growth and upgrades teachers' knowledge and skills;
- (3) bring mathematics and science teachers in elementary schools and secondary schools together with scientists, mathematicians, and engineers to increase the subject matter knowledge of mathematics and science teachers and improve such teachers' teaching skills through the use of sophisticated laboratory equipment and work space, computing facilities,

libraries, and other resources that institutions of higher education are better able to provide than the elementary schools and secondary schools;

(4) develop more rigorous mathematics and science curricula that are aligned with challenging State and local academic content standards and with the standards expected for postsecondary study in engineering, mathematics, and science; and

(5) improve and expand training of mathematics and science teachers, including training such teachers in the effective integration of technology into curricula and instruction.

(b) Definitions

In this part:

(1) Eligible partnership

The term "eligible partnership" means a partnership that –

(A) shall include –

- (i) if grants are awarded under section 6662(a)(1) of this title, a State educational agency;
- (ii) an engineering, mathematics, or science department of an institution of higher education; and
- (iii) a high–need local educational agency; and

(B) may include –

- (i) another engineering, mathematics, science, or teacher training department of an institution of higher education;
- (ii) additional local educational agencies, public charter schools, public or private elementary schools or secondary schools, or a consortium of such schools;

(iii) a business; or

(iv) a nonprofit or for-profit organization of demonstrated effectiveness in improving the quality of mathematics and science teachers.

(2) Summer workshop or institute

The term "summer workshop or institute" means a workshop or institute, conducted during the summer, that –

(A) is conducted for a period of not less than 2 weeks;

(B) includes, as a component, a program that provides direct interaction between students and faculty; and

(C) provides for followup training during the academic year that is conducted in the classroom for a period of not less than three consecutive or nonconsecutive days, except that –

(i) if the workshop or institute is conducted during a 2-week period, the followup training shall be conducted for a period of not less than 4 days; and

(ii) if the followup training is for teachers in rural school districts, the followup training may be conducted through distance learning.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2201, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1642.)

–MISC1–

PRIOR PROVISIONS

A prior section 6661, Pub. L. 89–10, title II, Sec. 2251, as added Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec.

101(a)(2)), Oct. 21, 1998, 112 Stat. 2681–337, 2681–391, set forth purposes of former part relating to reading and literacy grants, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 2201 of Pub. L. 89–10 was classified to section 6641 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

Another prior section 2201 of Pub. L. 89–10 was classified to section 3011 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Prior sections 6661a to 6661i were omitted in the general amendment of this subchapter by Pub. L. 107–110.

Section 6661a, Pub. L. 89–10, title II, Sec. 2252, as added Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 101(a)(2)), Oct. 21, 1998, 112 Stat. 2681–337, 2681–392; amended Pub. L. 106–554, Sec. 1(a)(4) (div. B, title XVI, Sec. 1606(b)(2)(A)), Dec. 21, 2000, 114 Stat. 2763, 2763A–335, defined terms for purposes of former part. See sections 6368 and 6371 of this title.

Section 6661b, Pub. L. 89–10, title II, Sec. 2253, as added Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 101(a)(2)), Oct. 21, 1998, 112 Stat. 2681–337, 2681–393, related to reading and literacy grants to State educational agencies. See section 6362 of this title.

Section 6661c, Pub. L. 89–10, title II, Sec. 2254, as added Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 101(a)(2)), Oct. 21, 1998, 112 Stat. 2681–337, 2681–397, related to use of amounts

by State educational agencies.

Section 6661d, Pub. L. 89–10, title II, Sec. 2255, as added Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 101(a)(2)), Oct. 21, 1998, 112 Stat. 2681–337, 2681–397, related to local reading improvement subgrants. See section 6372 of this title.

Section 6661e, Pub. L. 89–10, title II, Sec. 2256, as added Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 101(a)(2)), Oct. 21, 1998, 112 Stat. 2681–337, 2681–401, related to tutorial assistance subgrants.

Section 6661f, Pub. L. 89–10, title II, Sec. 2257, as added Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 101(a)(2)), Oct. 21, 1998, 112 Stat. 2681–337, 2681–405, related to national evaluation of programs under former part.

Section 6661g, Pub. L. 89–10, title II, Sec. 2258, as added Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 101(a)(2)), Oct. 21, 1998, 112 Stat. 2681–337, 2681–405, related to information dissemination. See sections 6367 and 6374 of this title.

Section 6661h, Pub. L. 89–10, title II, Sec. 2259, as added Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 101(a)(2)), Oct. 21, 1998, 112 Stat. 2681–337, 2681–405, related to State evaluations and performance reports.

Section 6661i, Pub. L. 89–10, title II, Sec. 2260, as added Pub. L. 105–277, div. A, Sec. 101(f) (title VIII, Sec. 101(a)(2)), Oct. 21, 1998, 112 Stat. 2681–337, 2681–406; amended Pub. L. 106–554, Sec. 1(a)(4) (div. B, title XVI, Sec. 1606(b)(2)(B)), Dec. 21, 2000, 114 Stat. 2763, 2763A–335, related to authorization of

appropriations, reservations from appropriations, and sunset.

–CITE–

20 USC Sec. 6662 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY
TEACHERS AND PRINCIPALS

Part B – Mathematics and Science Partnerships

–HEAD–

Sec. 6662. Grants for mathematics and science partnerships

–STATUTE–

(a) Grants authorized

(1) Grants to partnerships

For any fiscal year for which the funds appropriated under section 6663 of this title are less than \$100,000,000, the Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to carry out the authorized activities described in subsection (c) of this section.

(2) Grants to State educational agencies

(A) In general

For any fiscal year for which the funds appropriated under section 6663 of this title equal or exceed \$100,000,000 –

(i) if an eligible partnership in the State was previously awarded a grant under paragraph (1), and the grant period has

not ended, the Secretary shall reserve funds in a sufficient amount to make payments to the partnership in accordance with the terms of the grant; and

(ii) the Secretary is authorized to award grants to State educational agencies to enable such agencies to award subgrants, on a competitive basis, to eligible partnerships to carry out the authorized activities described in subsection (c) of this section.

(B) Allotment

The Secretary shall allot the amount made available under this part for a fiscal year and not reserved under subparagraph

(A)(i) among the State educational agencies in proportion to the number of children, aged 5 to 17, who are from families with incomes below the poverty line and reside in a State for the most recent fiscal year for which satisfactory data are available, as compared to the number of such children who reside in all such States for such year.

(C) Minimum allotment

The amount of any State educational agency's allotment under subparagraph (B) for any fiscal year may not be less than one-half of 1 percent of the amount made available under this part for such year.

(3) Duration

The Secretary shall award grants under this part for a period of 3 years.

(4) Supplement, not supplant

Funds received under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.

(b) Application requirements

(1) In general

Each eligible partnership desiring a grant or subgrant under this part shall submit an application –

(A) in the case of grants awarded pursuant to subsection

(a)(1) of this section, to the Secretary, at such time, in such manner, and accompanied by such information as the Secretary may require; or

(B) in the case of subgrants awarded pursuant to subsection

(a)(2) of this section, to the State educational agency, at such time, in such manner, and accompanied by such information as the State educational agency may require.

(2) Contents

Each application submitted pursuant to paragraph (1) shall include –

(A) the results of a comprehensive assessment of the teacher quality and professional development needs of any schools, local educational agencies, and State educational agencies that comprise the eligible partnership with respect to the teaching and learning of mathematics and science;

(B) a description of how the activities to be carried out by the eligible partnership will be aligned with challenging State academic content and student academic achievement standards in

mathematics and science and with other educational reform activities that promote student academic achievement in mathematics and science;

(C) a description of how the activities to be carried out by the eligible partnership will be based on a review of scientifically based research, and an explanation of how the activities are expected to improve student academic achievement and strengthen the quality of mathematics and science instruction;

(D) a description of –

(i) how the eligible partnership will carry out the authorized activities described in subsection (c) of this section; and

(ii) the eligible partnership's evaluation and accountability plan described in subsection (e) of this section; and

(E) a description of how the eligible partnership will continue the activities funded under this part after the original grant or subgrant period has expired.

(c) Authorized activities

An eligible partnership shall use funds provided under this part for one or more of the following activities related to elementary schools or secondary schools:

(1) Creating opportunities for enhanced and ongoing professional development of mathematics and science teachers that improves the subject matter knowledge of such teachers.

(2) Promoting strong teaching skills for mathematics and science teachers and teacher educators, including integrating reliable scientifically based research teaching methods and technology–based teaching methods into the curriculum.

(3) Establishing and operating mathematics and science summer workshops or institutes, including followup training, for elementary school and secondary school mathematics and science teachers that –

(A) shall –

(i) directly relate to the curriculum and academic areas in which the teacher provides instruction, and focus only secondarily on pedagogy;

(ii) enhance the ability of the teacher to understand and use the challenging State academic content standards for mathematics and science and to select appropriate curricula;

and

(iii) train teachers to use curricula that are –

(I) based on scientific research;

(II) aligned with challenging State academic content standards; and

(III) object–centered, experiment–oriented, and concept– and content–based; and

(B) may include –

(i) programs that provide teachers and prospective teachers with opportunities to work under the guidance of experienced teachers and college faculty;

(ii) instruction in the use of data and assessments to inform and instruct classroom practice; and

(iii) professional development activities, including supplemental and followup activities, such as curriculum alignment, distance learning, and activities that train teachers to utilize technology in the classroom.

(4) Recruiting mathematics, engineering, and science majors to teaching through the use of –

(A) signing and performance incentives that are linked to activities proven effective in retaining teachers, for individuals with demonstrated professional experience in mathematics, engineering, or science;

(B) stipends provided to mathematics and science teachers for certification through alternative routes;

(C) scholarships for teachers to pursue advanced course work in mathematics, engineering, or science; and

(D) other programs that the State educational agency determines to be effective in recruiting and retaining individuals with strong mathematics, engineering, or science backgrounds.

(5) Developing or redesigning more rigorous mathematics and science curricula that are aligned with challenging State and local academic content standards and with the standards expected for postsecondary study in mathematics and science.

(6) Establishing distance learning programs for mathematics and science teachers using curricula that are innovative,

content-based, and based on scientifically based research that is current as of the date of the program involved.

(7) Designing programs to prepare a mathematics or science teacher at a school to provide professional development to other mathematics or science teachers at the school and to assist beginning and other teachers at the school, including (if applicable) a mechanism to integrate the teacher's experiences from a summer workshop or institute into the provision of professional development and assistance.

(8) Establishing and operating programs to bring mathematics and science teachers into contact with working scientists, mathematicians, and engineers, to expand such teachers' subject matter knowledge of and research in science and mathematics.

(9) Designing programs to identify and develop exemplary mathematics and science teachers in the kindergarten through grade 8 classrooms.

(10) Training mathematics and science teachers and developing programs to encourage young women and other underrepresented individuals in mathematics and science careers (including engineering and technology) to pursue postsecondary degrees in majors leading to such careers.

(d) Coordination and consultation

(1) Partnership grants

An eligible partnership receiving a grant under section 1023 of this title shall coordinate the use of such funds with any related activities carried out by such partnership with funds

made available under this part.

(2) National Science Foundation

In carrying out the activities authorized by this part, the Secretary shall consult and coordinate with the Director of the National Science Foundation, particularly with respect to the appropriate roles for the Department and the Foundation in the conduct of summer workshops, institutes, or partnerships to improve mathematics and science teaching in elementary schools and secondary schools.

(e) Evaluation and accountability plan

(1) In general

Each eligible partnership receiving a grant or subgrant under this part shall develop an evaluation and accountability plan for activities assisted under this part that includes rigorous objectives that measure the impact of activities funded under this part.

(2) Contents

The plan developed pursuant to paragraph (1) –

(A) shall include measurable objectives to increase the number of mathematics and science teachers who participate in content-based professional development activities;

(B) shall include measurable objectives for improved student academic achievement on State mathematics and science assessments or, where applicable, an International Mathematics and Science Study assessment; and

(C) may include objectives and measures for –

(i) increased participation by students in advanced courses

in mathematics and science;

(ii) increased percentages of elementary school teachers

with academic majors or minors, or group majors or minors, in mathematics, engineering, or the sciences; and

(iii) increased percentages of secondary school classes in

mathematics and science taught by teachers with academic majors in mathematics, engineering, and science.

(f) Report

Each eligible partnership receiving a grant or subgrant under this part shall report annually to the Secretary regarding the eligible partnership's progress in meeting the objectives described in the accountability plan of the partnership under subsection (e) of this section.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2202, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1644.)

–MISC1–

PRIOR PROVISIONS

A prior section 2202 of Pub. L. 89–10 was classified to section 6642 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

Another prior section 2202 of Pub. L. 89–10 was classified to section 3012 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6661 of this title.

–CITE–

20 USC Sec. 6663 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS

Part B – Mathematics and Science Partnerships

–HEAD–

Sec. 6663. Authorization of appropriations

–STATUTE–

There are authorized to be appropriated to carry out this part

\$450,000,000 for fiscal year 2002 and such sums as may be necessary

for each of the 5 succeeding fiscal years.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2203, as added Pub. L. 107–110,

title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1647.)

–MISC1–

PRIOR PROVISIONS

A prior section 2203 of Pub. L. 89–10 was classified to section

6643 of this title, prior to the general amendment of this

subchapter by Pub. L. 107–110.

Another prior section 2203 of Pub. L. 89–10 was classified to

section 3013 of this title, prior to the general amendment of Pub.

L. 89–10 by Pub. L. 103–382.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6662 of this title.

–CITE–

20 USC Part C – Innovation for Teacher Quality 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS

Part C – Innovation for Teacher Quality

.

–HEAD–

Part C – Innovation for Teacher Quality

–CITE–

20 USC subpart 1 – transitions to teaching 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS

Part C – Innovation for Teacher Quality

subpart 1 – transitions to teaching

.

–HEAD–

subpart 1 – transitions to teaching

–CITE–

20 USC Division A – Troops–to–Teachers Program 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY
TEACHERS AND PRINCIPALS

Part C – Innovation for Teacher Quality

subpart 1 – transitions to teaching

Division A – Troops–to–Teachers Program

.

–HEAD–

Division A – Troops–to–Teachers Program

–SECREf–

DIVISION REFERRED TO IN OTHER SECTIONS

This division is referred to in section 6691 of this title.

–CITE–

20 USC Sec. 6671 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND

SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY

TEACHERS AND PRINCIPALS

Part C – Innovation for Teacher Quality

subpart 1 – transitions to teaching

Division A – Troops–to–Teachers Program

–HEAD–

Sec. 6671. Definitions

–STATUTE–

In this division:

(1) Armed Forces

The term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(2) Member of the Armed Forces

The term "member of the Armed Forces" includes a former member of the Armed Forces.

(3) Program

The term "Program" means the Troops–to–Teachers Program authorized by this division.

(4) Reserve component

The term "reserve component" means –

(A) the Army National Guard of the United States;

(B) the Army Reserve;

(C) the Naval Reserve;

(D) the Marine Corps Reserve;

(E) the Air National Guard of the United States;

(F) the Air Force Reserve; and

(G) the Coast Guard Reserve.

(5) Secretary concerned

The term "Secretary concerned" means –

(A) the Secretary of the Army, with respect to matters concerning a reserve component of the Army;

(B) the Secretary of the Navy, with respect to matters concerning reserve components named in subparagraphs (C) and (D) of paragraph (4);

(C) the Secretary of the Air Force, with respect to matters concerning a reserve component of the Air Force; and

(D) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard Reserve.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2301, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1648; amended Pub. L. 107–296, title XVII, Sec. 1704(e)(8), Nov. 25, 2002, 116 Stat. 2315.)

–MISC1–

PRIOR PROVISIONS

A prior section 6671, Pub. L. 89–10, title II, Sec. 2301, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3633, set forth findings and purpose of former part relating to professional development demonstration project, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2002 – Par. (5)(D). Pub. L. 107–296 substituted "of Homeland Security" for "of Transportation".

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107–296, set out as a note under section 101 of Title 10, Armed Forces.

–CITE–

20 USC Sec. 6672 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS

Part C – Innovation for Teacher Quality

subpart 1 – transitions to teaching

Division A – Troops–to–Teachers Program

–HEAD–

Sec. 6672. Authorization of Troops–to–Teachers Program

–STATUTE–

(a) Purpose

The purpose of this section is to authorize a mechanism for the funding and administration of the Troops–to–Teachers Program, which was originally established by the Troops–to–Teachers Program Act of 1999 (title XVII of the National Defense Authorization Act for

Fiscal Year 2000) (20 U.S.C. 9301 et seq.).

(b) Program authorized

The Secretary may carry out a program (to be known as the "Troops-to-Teachers Program") –

(1) to assist eligible members of the Armed Forces described in section 6673 of this title to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers, and to become highly qualified teachers; and

(2) to facilitate the employment of such members –

(A) by local educational agencies or public charter schools that the Secretary identifies as –

(i) receiving grants under part A of subchapter I of this chapter as a result of having within their jurisdictions concentrations of children from low-income families; or
(ii) experiencing a shortage of highly qualified teachers, in particular a shortage of science, mathematics, special education, or vocational or technical teachers; and

(B) in elementary schools or secondary schools, or as vocational or technical teachers.

(c) Administration of Program

The Secretary shall enter into a memorandum of agreement with the Secretary of Defense under which the Secretary of Defense, acting through the Defense Activity for Non-Traditional Education Support of the Department of Defense, will perform the actual administration of the Program, other than section 6676 of this

title. Using funds appropriated to the Secretary to carry out this division, the Secretary shall transfer to the Secretary of Defense such amounts as may be necessary to administer the Program pursuant to the memorandum of agreement.

(d) Information regarding Program

The Secretary shall provide to the Secretary of Defense information regarding the Program and applications to participate in the Program, for distribution as part of preseparation counseling provided under section 1142 of title 10 to members of the Armed Forces described in section 6673 of this title.

(e) Placement assistance and referral services

The Secretary may, with the agreement of the Secretary of Defense, provide placement assistance and referral services to members of the Armed Forces who meet the criteria described in section 6673 of this title, including meeting education qualification requirements under subsection (FOOTNOTE 1) 6673(c)(2) of this title. Such members shall not be eligible for financial assistance under subsections (c) and (d) of section 6674 of this title.

(FOOTNOTE 1) So in original. Probably should be "section".

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2302, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1648.)

–REFTEXT–

REFERENCES IN TEXT

The Troops–to–Teachers Program Act of 1999, referred to in

subsec. (a), is title XVII of div. A of Pub. L. 106–65, Oct. 5, 1999, 113 Stat. 817, which was classified principally to chapter 74 (Sec. 9301 et seq.) of this title, prior to repeal by Pub. L. 107–110, title X, Sec. 1011(6), Jan. 8, 2002, 115 Stat. 1986.

–MISC2–

PRIOR PROVISIONS

A prior section 6672, Pub. L. 89–10, title II, Sec. 2302, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3633, authorized professional development demonstration program, prior to the general amendment of this subchapter by Pub. L. 107–110.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6674 of this title.

–CITE–

20 USC Sec. 6673 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS

Part C – Innovation for Teacher Quality

subpart 1 – transitions to teaching

Division A – Troops–to–Teachers Program

–HEAD–

Sec. 6673. Recruitment and selection of program participants

–STATUTE–

(a) Eligible members

The following members of the Armed Forces are eligible for selection to participate in the Program:

(1) Any member who –

(A) on or after October 1, 1999, becomes entitled to retired or retainer pay in the manner provided in title 10 or title 14;

(B) has an approved date of retirement that is within 1 year after the date on which the member submits an application to participate in the Program; or

(C) has been transferred to the Retired Reserve.

(2) Any member who, on or after January 8, 2002 –

(A)(i) is separated or released from active duty after 6 or more years of continuous active duty immediately before the separation or release; or

(ii) has completed a total of at least 10 years of active duty service, 10 years of service computed under section 12732 of title 10, or 10 years of any combination of such service; and

(B) executes a reserve commitment agreement for a period of not less than 3 years under subsection (e)(2) of this section.

(3) Any member who, on or after January 8, 2002, is retired or separated for physical disability under chapter 61 of title 10.

(4) Any member who –

(A) during the period beginning on October 1, 1990, and

ending on September 30, 1999, was involuntarily discharged or released from active duty for purposes of a reduction of force after 6 or more years of continuous active duty immediately before the discharge or release; or

(B) applied for the teacher placement program administered under section 1151 of title 10 before the repeal of that section, and satisfied the eligibility criteria specified in subsection (c) of such section 1151.

(b) Submission of applications

(1) Form and submission

Selection of eligible members of the Armed Forces to participate in the Program shall be made on the basis of applications submitted to the Secretary within the time periods specified in paragraph (2). An application shall be in such form and contain such information as the Secretary may require.

(2) Time for submission

An application shall be considered to be submitted on a timely basis under paragraph (1) if –

(A) in the case of a member described in paragraph (1)(A), (2), or (3) of subsection (a) of this section, the application is submitted not later than 4 years after the date on which the member is retired or separated or released from active duty, whichever applies to the member; or

(B) in the case of a member described in subsection (a)(4) of this section, the application is submitted not later than September 30, 2003.

(c) Selection criteria

(1) Establishment

Subject to paragraphs (2) and (3), the Secretary shall prescribe the criteria to be used to select eligible members of the Armed Forces to participate in the Program.

(2) Educational background

(A) Elementary or secondary school teacher

If a member of the Armed Forces described in paragraph (1), (2), or (3) of subsection (a) of this section is applying for assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

(B) Vocational or technical teacher

If a member of the Armed Forces described in paragraph (1), (2), or (3) of subsection (a) of this section is applying for assistance for placement as a vocational or technical teacher, the Secretary shall require the member –
ave (FOOTNOTE 1) received the equivalent of 1 year of college from an accredited institution of higher education and have 6 or more years of military experience in a vocational or technical field; or

(FOOTNOTE 1) So in original. Probably should be "(i) to have".

(ii) to otherwise meet the certification or licensing requirements for a vocational or technical teacher in the

State in which the member seeks assistance for placement under the Program.

(3) Honorable service

A member of the Armed Forces is eligible to participate in the Program only if the member's last period of service in the Armed Forces was honorable, as characterized by the Secretary concerned (as defined in section 101(a)(9) of title 10). A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member's last period of service is characterized as honorable by the Secretary concerned (as so defined).

(d) Selection priorities

In selecting eligible members of the Armed Forces to receive assistance under the Program, the Secretary shall give priority to members who have educational or military experience in science, mathematics, special education, or vocational or technical subjects and agree to seek employment as science, mathematics, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency.

(e) Other conditions on selection

(1) Selection subject to funding

The Secretary may not select an eligible member of the Armed Forces to participate in the Program under this section and receive financial assistance under section 6674 of this title

unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under section 6674 of this title with respect to the member.

(2) Reserve commitment agreement

The Secretary may not select an eligible member of the Armed Forces described in subsection (a)(2)(A) of this section to participate in the Program under this section and receive

financial assistance under section 6674 of this title unless –

(A) the Secretary notifies the Secretary concerned and the member that the Secretary has reserved a full stipend or bonus under section 6674 of this title for the member; and

(B) the member executes a written agreement with the

Secretary concerned to serve as a member of the Selected

Reserve of a reserve component of the Armed Forces for a period

of not less than 3 years (in addition to any other reserve

commitment the member may have).

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2303, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1649.)

–REFTEXT–

REFERENCES IN TEXT

Section 1151 of title 10, referred to in subsec. (a)(4)(B), was repealed by Pub. L. 106–65, div. A, title XVII, Sec. 1707(a)(1), Oct. 5, 1999, 113 Stat. 823.

–MISC2–

PRIOR PROVISIONS

A prior section 6673, Pub. L. 89–10, title II, Sec. 2303, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3634, related to grants for the implementation of professional development programs, prior to the general amendment of this subchapter by Pub. L. 107–110.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6672, 6674, 6676 of this title.

–CITE–

20 USC Sec. 6674 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS

Part C – Innovation for Teacher Quality

subpart 1 – transitions to teaching

Division A – Troops–to–Teachers Program

–HEAD–

Sec. 6674. Participation agreement and financial assistance

–STATUTE–

(a) Participation agreement

(1) In general

An eligible member of the Armed Forces selected to participate in the Program under section 6673 of this title and receive financial assistance under this section shall be required to enter into an agreement with the Secretary in which the member agrees –

(A) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher, and to become a highly qualified teacher; and

(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years with a high-need local educational agency or public charter school, as such terms are defined in section 6601 (FOOTNOTE 1) of this title, to begin the school year after obtaining that certification or licensing.

(FOOTNOTE 1) So in original. Probably should be section "6602".

(2) Waiver

The Secretary may waive the 3-year commitment described in paragraph (1)(B) for a participant if the Secretary determines such waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (f) of this section, for failure to meet the 3-year commitment.

(b) Violation of participation agreement; exceptions

A participant in the Program shall not be considered to be in violation of the participation agreement entered into under subsection (a) of this section during any period in which the participant –

(1) is pursuing a full–time course of study related to the field of teaching at an institution of higher education;

(2) is serving on active duty as a member of the Armed Forces;

(3) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

(4) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

(5) is a highly qualified teacher who is seeking and unable to find full–time employment as a teacher in an elementary school or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

(6) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

(c) Stipend for participants

(1) Stipend authorized

Subject to paragraph (2), the Secretary may pay to a participant in the Program selected under section 6673 of this title a stipend in an amount of not more than \$5,000.

(2) Limitation

The total number of stipends that may be paid under paragraph (1) in any fiscal year may not exceed 5,000.

(d) Bonus for participants

(1) Bonus authorized

Subject to paragraph (2), the Secretary may, in lieu of paying a stipend under subsection (c) of this section, pay a bonus of \$10,000 to a participant in the Program selected under section 6673 of this title who agrees in the participation agreement under subsection (a) of this section to become a highly qualified teacher and to accept full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in a high-need school.

(2) Limitation

The total number of bonuses that may be paid under paragraph (1) in any fiscal year may not exceed 3,000.

(3) High-need school defined

In this subsection, the term "high-need school" means a public elementary school, public secondary school, or public charter school that meets one or more of the following criteria:

(A) Low-income children

At least 50 percent of the students enrolled in the school were from low-income families (as described in section 6672(b)(2)(A)(i) of this title).

(B) Children with disabilities

The school has a large percentage of students who qualify for

assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(e) Treatment of stipend and bonus

A stipend or bonus paid under this section to a participant in the Program shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq. and 42 U.S.C. 2751 et seq.).

(f) Reimbursement under certain circumstances

(1) Reimbursement required

A participant in the Program who is paid a stipend or bonus under this section shall be required to repay the stipend or bonus under the following circumstances:

(A) Failure to obtain qualifications or employment

The participant fails to obtain teacher certification or licensing, to become a highly qualified teacher, or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement under subsection (a) of this section.

(B) Termination of employment

The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.

(C) Failure to complete service under reserve commitment

agreement

The participant executed a written agreement with the Secretary concerned under section 6673(e)(2) of this title to serve as a member of a reserve component of the Armed Forces for a period of 3 years and fails to complete the required term of service.

(2) Amount of reimbursement

A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under this section shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the 3 years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

(3) Treatment of obligation

The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary under this subsection.

(4) Exceptions to reimbursement requirement

A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified

physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

(g) Relationship to educational assistance under Montgomery GI Bill

The receipt by a participant in the Program of a stipend or bonus under this section shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 of title 38 or chapter 1606 of title 10.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2304, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1651.)

–REFTEXT–

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (d)(3)(B), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended. Part B of the Act is classified generally to subchapter II (Sec. 1411 et seq.) of chapter 33 of this title.

For complete classification of this Act to the Code, see section 1400 of this title and Tables.

The Higher Education Act of 1965, referred to in subsec. (e), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219, as amended. Title IV of the Act is classified generally to subchapter IV (Sec. 1070 et seq.) of chapter 28 of this title and part C (Sec. 2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and

Tables.

–MISC2–

PRIOR PROVISIONS

A prior section 6674, Pub. L. 89–10, title II, Sec. 2304, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3634, related to plan for program to be assisted, prior to the general amendment of this subchapter by Pub. L. 107–110.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6672, 6673 of this title.

–CITE–

20 USC Sec. 6675 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS

Part C – Innovation for Teacher Quality

subpart 1 – transitions to teaching

Division A – Troops–to–Teachers Program

–HEAD–

Sec. 6675. Participation by States

–STATUTE–

(a) Discharge of State activities through consortia of States

The Secretary may permit States participating in the Program to

carry out activities authorized for such States under the Program through one or more consortia of such States.

(b) Assistance to States

(1) Grants authorized

Subject to paragraph (2), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the Armed Forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and vocational or technical teachers.

(2) Limitation

The total amount of grants made under paragraph (1) in any fiscal year may not exceed \$5,000,000.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2305, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1654.)

–MISC1–

PRIOR PROVISIONS

A prior section 6675, Pub. L. 89–10, title II, Sec. 2305, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3635, related to technical assistance, prior to the general amendment of this subchapter by Pub. L. 107–110.

–CITE–

20 USC Sec. 6676 01/06/03

–EXPCITE–

TITLE 20 – EDUCATION

CHAPTER 70 – STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND
SECONDARY SCHOOLS

SUBCHAPTER II – PREPARING, TRAINING, AND RECRUITING HIGH QUALITY
TEACHERS AND PRINCIPALS

Part C – Innovation for Teacher Quality

subpart 1 – transitions to teaching

Division A – Troops-to-Teachers Program

–HEAD–

Sec. 6676. Support of innovative preretirement teacher
certification programs

–STATUTE–

(a) Purpose

The purpose of this section is to provide funding to develop,
implement, and demonstrate teacher certification programs.

(b) Development, implementation and demonstration

The Secretary may enter into a memorandum of agreement with a
State educational agency, an institution of higher education, or a
consortia of State educational agencies or institutions of higher
education, to develop, implement, and demonstrate teacher
certification programs for members of the Armed Forces described in
section 6673(a)(1)(B) of this title for the purpose of assisting
such members to consider and prepare for a career as a highly
qualified elementary school teacher, secondary school teacher, or
vocational or technical teacher upon retirement from the Armed

Forces.

(c) Program elements

A teacher certification program under subsection (b) of this section shall –

- (1) provide recognition of military experience and training as related to certification or licensing requirements;
- (2) provide courses of instruction that may be conducted on or near a military installation;
- (3) incorporate alternative approaches to achieve teacher certification, such as innovative methods to gaining field-based teaching experiences, and assessment of background and experience as related to skills, knowledge, and abilities required of elementary school teachers, secondary school teachers, or vocational or technical teachers;
- (4) provide for courses to be delivered via distance education methods; and
- (5) address any additional requirements or specifications established by the Secretary.

(d) Application procedures

(1) In general

A State educational agency or institution of higher education (or a consortium of State educational agencies or institutions of higher education) that desires to enter into a memorandum under subsection (b) of this section shall prepare and submit to the Secretary a proposal, at such time, in such manner, and containing such information as the Secretary may require,

including an assurance that the State educational agency, institution, or consortium is operating a program leading to State approved teacher certification.

(2) Preference

The Secretary shall give preference to State educational agencies, institutions, and consortia that submit proposals that provide for cost sharing with respect to the program involved.

(e) Continuation of programs

Upon successful completion of the demonstration phase of teacher certification programs funded under this section, the continued operation of the teacher certification programs shall not be the responsibility of the Secretary. A State educational agency, institution, or consortium that desires to continue a program that is funded under this section after such funding is terminated shall use amounts derived from tuition charges to continue such program.

(f) Funding limitation

The total amount obligated by the Secretary under this section for any fiscal year may not exceed \$10,000,000.

–SOURCE–

(Pub. L. 89–10, title II, Sec. 2306, as added Pub. L. 107–110, title II, Sec. 201, Jan. 8, 2002, 115 Stat. 1654.)

–MISC1–

PRIOR PROVISIONS

A prior section 6676, Pub. L. 89–10, title II, Sec. 2306, as added Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3635, related to matching funds from private sources, prior to the

general amendment of this subchapter by Pub. L. 107-110.

~~–SECRET–~~

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6672 of this title.

~~–CITE–~~

20 USC Sec. 6677 01/06/03