

brary resources, and classroom instructional material;

(B) an estimate of the number of elementary and secondary students who will be aided by activities and expenditures under the grant;

(C) assurances that—

(i) except as provided in subsection (c), a minimum of 25 percent of the funds for each project will be supplied by business concerns within the community;

(ii) no stipend shall be paid directly to employees of a profitmaking business concern;

(iii) provision shall be made for the equitable participation in the project of children who are enrolled in private elementary and secondary schools; and

(iv) consideration will be given to programs and activities designed to meet the needs of educationally disadvantaged and other traditionally underserved populations; and

(4) if the funds are to be used for advanced placement programs as described in subsection (b)(2), a commitment as to the percentage of funds received from the State on a per student basis that shall be used by the local educational agency to defray costs of the advanced placement program.

#### (c) Waiver

The State may waive or reduce the amount of matching funds required under subsection (b)(3)(C)(i) if the State determines that—

(1) substantial need exists in the area served by the applicant for a grant under this part; and

(2) the required amount of matching funds cannot be made available.

#### (d) Joint applications

A regional consortium of applicants in 2 or more local school districts may file a joint application under subsection (a).

(Pub. L. 98-377, title III, §325, as added Pub. L. 100-418, title VI, §6031(a)(2), Aug. 23, 1988, 102 Stat. 1481.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 210, referred to in subsec. (a), is section 210 of Pub. L. 98-377, title II, Aug. 11, 1984, 98 Stat. 1280, which was classified to section 3970 of this title prior to repeal by Pub. L. 100-297, title II, §2303, Apr. 28, 1988, 102 Stat. 324.

#### § 3996. Submission of applications

An applicant within a State that desires to receive a grant under this part<sup>1</sup> shall submit an application prepared in accordance with section 3995 of this title to the State educational agency for approval. Each application with respect to funds for improvement of elementary and secondary resources under section 3994(b)(1) of this title shall be submitted jointly by the local educational agency and each business concern or

other party that is to participate in the activities for which assistance is sought.

(Pub. L. 98-377, title III, §326, as added Pub. L. 100-418, title VI, §6031(a)(2), Aug. 23, 1988, 102 Stat. 1482.)

#### Editorial Notes

##### REFERENCES IN TEXT

This part, referred to in text, was in the original “this chapter” and was translated as reading “this part” to reflect the probable intent of Congress because title III of Pub. L. 98-377, which comprises this subchapter, does not contain chapters.

#### § 3997. Approval of applications

##### (a) Criteria

The State shall establish criteria for approval of applications under this section. Such criteria shall include—

(1) consideration of the local district’s need for, and inability to locally provide for, the activities, equipment, library and instructional materials requested;

(2) the number and nature of elementary and secondary students who will benefit from the planned program; and

(3) the expressed level of financial and in-kind commitment from other parties to the program.

##### (b) Approval procedures

The State shall adopt approval procedures designed to ensure that grants are equitably distributed among—

(1) rural, urban, and suburban areas; and

(2) small, medium, and large local educational agencies.

(Pub. L. 98-377, title III, §327, as added Pub. L. 100-418, title VI, §6031(a)(2), Aug. 23, 1988, 102 Stat. 1482.)

#### § 3998. Computation of grant amounts

##### (a) Payments to grantees

###### (1) Payment by State

The State shall pay to the extent of amounts received by it from the Secretary under this part, to each applicant having an application approved under section 3997 of this title, the Federal share of the cost of the program described in the application.

###### (2) Amount

(A) Except as provided in subparagraph (B), the Federal share for each fiscal year shall be 75 percent.

(B) In the case of an applicant that receives a waiver under section 3995(c) of this title, the Federal share for each fiscal year may be as much as 100 percent.

###### (3) Non-Federal share

The non-Federal share of payments under this part may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

##### (b) Payments to States

Except as provided in subsection (c), each State shall receive under this part the greater of—

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