

grams and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

§ 6322. Coordination requirements

(a) In general

Each local educational agency receiving assistance under this part shall carry out the activities described in subsection (b) with Head Start agencies and, if feasible, other entities carrying out early childhood development programs. Each local educational agency shall develop agreements with such Head Start agencies and other entities to carry out such activities.

(b) Activities

The activities referred to in subsection (a) are activities that increase coordination between the local educational agency and a Head Start agency and, if feasible, other entities carrying out early childhood education programs serving children who will attend the schools of the local educational agency, including—

- (1) developing and implementing a systematic procedure for receiving records regarding such children, transferred with parental consent from a Head Start program or, where applicable, another early childhood education program;
- (2) establishing channels of communication between school staff and their counterparts (including teachers, social workers, and health staff) in such Head Start agencies or other entities carrying out early childhood education programs, as appropriate, to facilitate coordination of programs;
- (3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood education programs, to discuss the developmental and other needs of individual children;
- (4) organizing and participating in joint transition-related training of school staff, Head Start program staff, and, where appropriate, other early childhood education program staff; and
- (5) linking the educational services provided by such local educational agency with the services provided by local Head Start agencies.

(c) Coordination of regulations

The Secretary shall work with the Secretary of Health and Human Services to coordinate regulations promulgated under this part with regulations promulgated under the Head Start Act [42 U.S.C. 9831 et seq.].

(Pub. L. 89-10, title I, § 1119, formerly § 1120B, as added Pub. L. 107-110, title I, § 101, Jan. 8, 2002, 115 Stat. 1512; renumbered § 1119 and amended Pub. L. 114-95, title I, §§ 1000(5), 1013, Dec. 10, 2015, 129 Stat. 1814, 1875.)

Editorial Notes

REFERENCES IN TEXT

The Head Start Act, referred to in subsec. (c), is subchapter B (§§ 635-657) of chapter 8 of subtitle A of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 499, which is classified generally to subchapter II (§ 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.

PRIOR PROVISIONS

A prior section 6322, Pub. L. 89-10, title I, § 1120A, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3559; amended Pub. L. 104-134, title I, § 101(b) [title II, § 2754], Apr. 26, 1996, 110 Stat. 1321-77, 1321-150; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327, related to fiscal requirements, prior to the general amendment of this subchapter by Pub. L. 107-110. See section 6321 of this title.

A prior section 1119 of Pub. L. 89-10 was classified to section 6319 of this title, prior to repeal by Pub. L. 114-95.

Another prior section 1119 of Pub. L. 89-10 was classified to section 6320 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 6323, Pub. L. 89-10, title I, § 1120B, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3560, related to coordination requirements, prior to its omission in the general amendment of this subchapter by Pub. L. 107-110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-95, § 1013(1), struck out “such as the Early Reading First program” after “early childhood development programs” and inserted at end “Each local educational agency shall develop agreements with such Head Start agencies and other entities to carry out such activities.”

Subsec. (b). Pub. L. 114-95, § 1013(2)(A), substituted “early childhood education programs” for “early childhood development programs, such as the Early Reading First program,” in introductory provisions.

Subsec. (b)(1). Pub. L. 114-95, § 1013(2)(B), substituted “early childhood education program” for “early childhood development program such as the Early Reading First program”.

Subsec. (b)(2), (3). Pub. L. 114-95, § 1013(2)(C), (D), substituted “early childhood education programs” for “early childhood development programs such as the Early Reading First program”.

Subsec. (b)(4). Pub. L. 114-95, § 1013(2)(E), struck out “Early Reading First program staff,” after “Head Start program staff,” and substituted “early childhood education program staff” for “early childhood development program staff”.

Subsec. (b)(5). Pub. L. 114-95, § 1013(2)(F), struck out “and entities carrying out Early Reading First programs” after “Head Start agencies”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

SUBPART 2—ALLOCATIONS

§ 6331. Grants for the outlying areas and the Secretary of the Interior

(a) Reservation of funds

Subject to subsection (e), from the amount appropriated for payments to States for any fiscal year under section 6302(a) of this title, the Secretary shall—

- (1) reserve 0.4 percent to provide assistance to the outlying areas in accordance with subsection (b); and
- (2) reserve 0.7 percent to provide assistance to the Secretary of the Interior in accordance with subsection (d).

(b) Assistance to outlying areas**(1) Funds reserved**

From the amount made available for any fiscal year under subsection (a)(1), the Secretary shall—

(A) first reserve \$1,000,000 for the Republic of Palau, subject to such terms and conditions as the Secretary may establish, except that Public Law 95-134, permitting the consolidation of grants, shall not apply; and

(B) use the remaining funds to award grants to the outlying areas in accordance with paragraphs (2) through (5).

(2) Amount of grants

The Secretary shall allocate the amount available under paragraph (1)(B) to the outlying areas in proportion to their relative numbers of children, aged 5 to 17, inclusive, from families below the poverty level, on the basis of the most recent satisfactory data available from the Department of Commerce.

(3) Hold-harmless amounts

For each fiscal year, the amount made available to each outlying area under this subsection shall be—

(A) not less than 95 percent of the amount made available for the preceding fiscal year if the number of children counted under paragraph (2) is not less than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the outlying area;

(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) Ratable reductions

If the amount made available under paragraph (1)(B) for any fiscal year is insufficient to pay the full amounts that the outlying areas are eligible to receive under paragraphs (2) and (3) for that fiscal year, the Secretary shall ratably reduce those amounts.

(5) Uses

Grant funds awarded under paragraph (1)(A) may be used only—

(A) for programs described in this chapter, including teacher training, curriculum development, instructional materials, or general school improvement and reform; and

(B) to provide direct educational services that assist all students with meeting the challenging State academic standards.

(c) Definitions

For the purpose of this section, the term “outlying area” means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(d) Allotment to the Secretary of the Interior**(1) In general**

The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be used, in ac-

cordance with such criteria as the Secretary may establish, to meet the unique educational needs of—

(A) Indian children on reservations served by elementary schools and secondary schools for Indian children operated or supported by the Department of the Interior; and

(B) out-of-State Indian children in elementary schools and secondary schools in local educational agencies under special contracts with the Department of the Interior.

(2) Payments

From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, on such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

(B) 48 percent of such expenditure in the United States.

(e) Limitation on applicability

If, by reason of the application of subsection (a) for any fiscal year, the total amount available for allocation to all States under this part would be less than the amount allocated to all States for fiscal year 2016 under this part, the Secretary shall provide assistance to the outlying areas and the Secretary of the Interior in accordance with this section, as in effect on the day before December 10, 2015.

(Pub. L. 89-10, title I, §1121, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1513; amended Pub. L. 114-95, title I, §1014, Dec. 10, 2015, 129 Stat. 1876; Pub. L. 118-42, div. G, title II, §209(b)(4)(A), Mar. 9, 2024, 138 Stat. 443.)

Editorial Notes

REFERENCES IN TEXT

Public Law 95-134, referred to in subsec. (b)(1)(A), is Pub. L. 95-134, Oct. 15, 1977, 91 Stat. 1159. Provisions relating to consolidation of grants are contained in section 501 of Pub. L. 95-134 which is classified to section 1469a of Title 48, Territories and Insular Possessions.

PRIOR PROVISIONS

A prior section 6331, Pub. L. 89-10, title I, §1121, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3561, related to grants for outlying areas and the Secretary of the Interior, prior to the general amendment of this subchapter by Pub. L. 107-110.

AMENDMENTS

2024—Subsec. (b)(1)(A). Pub. L. 118-42 added subpar. (A) and struck out former subpar. (A) which read as follows: “first reserve \$1,000,000 for the Republic of Palau, until Palau enters into an agreement for extension of United States educational assistance under the Compact of Free Association, and subject to such terms and conditions as the Secretary may establish, except that Public Law 95-134, permitting the consolidation of grants, shall not apply; and”.

2015—Pub. L. 114-95 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (d)

relating to reservation of one percent of funds for assistance to outlying areas and the Secretary of the Interior, grants to outlying areas, definitions, and allotment to the Secretary of the Interior to meet special educational needs of Indian children.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

§ 6332. Allocations to States

(a) Allocation formula

Of the amount appropriated under section 6302(a) of this title to carry out this part for each of fiscal years 2017-2020 (referred to in this subsection as the current fiscal year)—

(1) an amount equal to the amount made available to carry out section 6333 of this title for fiscal year 2001 shall be allocated in accordance with section 6333 of this title;

(2) an amount equal to the amount made available to carry out section 6334 of this title for fiscal year 2001 shall be allocated in accordance with section 6334 of this title; and

(3) an amount equal to 100 percent of the amount, if any, by which the total amount made available under this subsection for the current fiscal year for which the determination is made exceeds the total amount available to carry out sections 6333 and 6334 of this title for fiscal year 2001 shall be used to carry out sections 6335 and 6337 of this title and such amount shall be divided equally between sections 6335 and 6337 of this title.

(b) Adjustments where necessitated by appropriations

(1) In general

If the sums available under this subpart for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 6333, 6334, and 6335 of this title for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d) of this section.

(2) Additional funds

If additional funds become available for making payments under sections 6333, 6334, and 6335 of this title for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

(c) Hold-harmless amounts

(1) Amounts for sections 6333, 6334, and 6335

For each fiscal year, the amount made available to each local educational agency under each of sections 6333, 6334, and 6335 of this title 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.

(2) Payments

If sufficient funds are appropriated, the amounts described in paragraph (1) shall be paid to all local educational agencies that received grants under section 6334 of this title for the preceding fiscal year, regardless of whether the local educational agency meets the minimum eligibility criteria for that fiscal year described in section 6334(a)(1)(A) of this title except that a local educational agency that does not meet such minimum eligibility criteria for 4 consecutive years shall no longer be eligible to receive a hold harmless amount referred to in paragraph (1).

(3) 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.

(4) Population data

For any fiscal year for which the Secretary calculates grants on the basis of population data for counties, the Secretary shall apply the hold-harmless percentages in paragraphs (1) and (2) to counties and, if the Secretary's allocation for a county is not sufficient to meet the hold-harmless requirements of this subsection for every local educational agency within that county, the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that are receiving funds in excess of the hold-harmless amounts specified in this subsection.

(d) Ratable reductions

(1) In general

If the sums made available under this subpart for any fiscal year are insufficient to pay the full amounts that local educational agencies in all States are eligible to receive under subsection (c) for such year, the Secretary shall ratably reduce such amounts for such year.

(2) Additional funds

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

(e) Definition

For the purpose of this section and sections 6333, 6334, 6335, and 6337 of this title, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.