

Subsec. (c)(20). Pub. L. 114-95, §1401(3)(B)(ix)–(xi), added par. (20).

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.

§ 6435. Use of funds

(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, career and technical education, further education, or employment.

(2) Programs and projects

Such programs and projects—

(A) may include—

- (i) the acquisition of equipment;
- (ii) pay-for-success initiatives; or
- (iii) providing targeted services for youth who have come in contact with both the child welfare system and juvenile justice system;

(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 challenging State academic standards;
- (ii) respond to the educational needs of such children and youth, including by supplementing and improving 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 standards; and

(C) shall be carried out in a manner consistent with section 6321 of this title and part F (as applied to programs and projects under this part).

(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.

(Pub. L. 89-10, title I, §1415, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1585; amended Pub. L. 114-95, title I, §1401(4), Dec. 10, 2015, 129 Stat. 1902.)

Editorial Notes

PRIOR PROVISIONS

A prior section 6435, Pub. L. 89-10, title I, §1415, as added Pub. L. 103-382, title I, §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.

AMENDMENTS

2015—Subsec. (a)(1)(B). Pub. L. 114-95, §1401(4)(A)(i), substituted “career and technical education” for “vocational or technical training”.

Subsec. (a)(2)(A). Pub. L. 114-95, §1401(4)(A)(ii)(I), added subpar. (A) and struck out former subpar. (A) which read as follows: “may include the acquisition of equipment;”.

Subsec. (a)(2)(B)(i). Pub. L. 114-95, §1401(4)(A)(ii)(II)(aa), substituted “the challenging State academic standards” for “the State’s challenging academic content standards and student academic achievement standards”.

Subsec. (a)(2)(B)(ii). Pub. L. 114-95, §1401(4)(A)(ii)(II)(bb), substituted “respond to the educational needs of such children and youth, including by supplementing and improving the quality” for “supplement and improve the quality”.

Subsec. (a)(2)(B)(iii). Pub. L. 114-95, §1401(4)(A)(ii)(II)(cc), substituted “challenging State academic standards” for “challenging State academic achievement standards” and inserted “and” after semicolon at end.

Subsec. (a)(2)(C). Pub. L. 114-95, §1401(4)(A)(ii)(III), made technical amendment to reference in original act which appears in text as reference to section 6321 of this title and substituted “part F” for “part I” and period for “; and” at end.

Subsec. (a)(2)(D). Pub. L. 114-95, §1401(4)(A)(ii)(IV), struck out subpar. (D) which read as follows: “may include the costs of meeting the evaluation requirements of section 7941 of this title.”

Subsec. (b). Pub. L. 114-95, §1401(4)(B), made technical amendment to reference in original act which appears in text as reference to section 6321 of this title.

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.

§ 6436. Institution-wide projects

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 standards in order to improve the likelihood that the children and youth will attain a regular high school diploma or its recognized equivalent, or find employment after leaving the institution;

(4) describes the instructional program, specialized instructional support 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), and how relevant and appropriate academic records and plans regarding the continuation of educational services for such children or youth are shared jointly between the State agency operating the institution or program and local educational agency in order to facilitate the transition of such children and youth between the local educational agency and the State agency;

(5) specifically describes how such funds will be used;

(6) describes the measures and procedures that will be used to assess and improve student achievement;

(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.

(Pub. L. 89-10, title I, §1416, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1585; amended Pub. L. 114-95, title I, §1401(5), Dec. 10, 2015, 129 Stat. 1902.)

Editorial Notes

PRIOR PROVISIONS

A prior section 6436, Pub. L. 89-10, title I, §1416, as added Pub. L. 103-382, title I, §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.

AMENDMENTS

2015—Par. (3). Pub. L. 114-95, §1401(5)(A), substituted “challenging State academic standards” for “challenging State academic content standards and student academic achievement standards” and “will attain a regular high school diploma” for “will complete secondary school, attain a secondary diploma”.

Par. (4). Pub. L. 114-95, §1401(5)(B), substituted “specialized instructional support services” for “pupil services” and inserted “, and how relevant and appropriate academic records and plans regarding the continuation of educational services for such children or youth are shared jointly between the State agency operating the institution or program and local educational agency in order to facilitate the transition of such children and youth between the local educational agency and the State agency” before semicolon at end.

Par. (6). Pub. L. 114-95, §1401(5)(C), substituted “assess and improve student achievement” for “assess student progress”.

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.

§ 6437. Three-year programs or projects

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.

(Pub. L. 89-10, title I, §1417, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1586.)

Editorial Notes

PRIOR PROVISIONS

A prior section 6437, Pub. L. 89-10, title I, §1417, as added Pub. L. 103-382, title I, §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.

§ 6438. Transition services

(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 between State-operated institutions, or institutions in the State operated by the Secretary of the Interior, and schools served by local educational agencies or schools operated or funded by the Bureau of Indian Education; or

(2) the successful reentry of youth offenders, who are age 20 or younger and have received a regular high school diploma or its recognized equivalent, into postsecondary education, or career and technical training programs, through strategies designed to expose the youth to, and prepare the youth for, postsecondary education, or career 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, career 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;