

sionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a State that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this subchapter;

(B) seek advice from the individuals, organizations, or partners described in subparagraph (A) regarding how best to improve the State's activities to meet the purpose of this subchapter; and

(C) coordinate the State's activities under this part with other related strategies, programs, and activities being conducted in the State.

(4) Limitation

Consultation required under paragraph (3) shall not interfere with the timely submission of the application required under this section.

(e) Prohibition

Nothing in this section shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control any of the following:

(1) The development, improvement, or implementation of elements of any teacher, principal, or other school leader evaluation system.

(2) Any State or local educational agency's definition of teacher, principal, or other school leader effectiveness.

(3) Any teacher, principal, or other school leader professional standards, certification, or licensing.

(Pub. L. 89-10, title II, §2101, as added Pub. L. 114-95, title II, §2002, Dec. 10, 2015, 129 Stat. 1917; amended Pub. L. 116-260, div. H, title III, §315, Dec. 27, 2020, 134 Stat. 1610.)

Editorial Notes

REFERENCES IN TEXT

Section 2202(b) of this Act (as in effect on the day before January 8, 2002), referred to in subsec. (b)(1)(A)(i), is section 2202(b) of Pub. L. 89-10, as added by Pub. L. 103-382, title I, §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, §201, Jan. 8, 2002, 115 Stat. 1620.

Section 306 of the Department of Education Appropriations Act, 2001, referred to in subsec. (b)(1)(A)(ii), is section 1(a)(1) [title III, §306] of Pub. L. 106-554, Nov. 29, 1999, 114 Stat. 2763, 2763A-41, which is not classified to the Code.

PRIOR PROVISIONS

A prior section 6611, Pub. L. 89-10, title II, §2111, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1621, related to allotments to States, prior to repeal by Pub. L. 114-95, §5, title II, §2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 2101 of Pub. L. 89-10 was classified to section 6601 of this title, prior to repeal by Pub. L. 114-95.

Another 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.

AMENDMENTS

2020—Subsec. (b)(2)(A)(iv). Pub. L. 116-260, §315(1), in introductory provisions, inserted “through fiscal year 2022” after “for fiscal year 2020”.

Subsec. (b)(3). Pub. L. 116-260, §315(2), substituted “2023” for “2021” in heading and text of introductory provisions.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section 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 an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6612. Subgrants to local educational agencies

(a) Allocation of funds to local educational agencies

(1) In general

From funds reserved by a State under section 6611(c)(1) of this title for a fiscal year, the State, acting through the State educational agency, shall award subgrants to eligible local educational agencies from allocations described in paragraph (2).

(2) Allocation formula

From the funds described in paragraph (1), the State educational agency shall allocate to each of the eligible local educational agencies in the State for a fiscal year the sum of—

(A) an amount that bears the same relationship to 20 percent of such funds for such fiscal year as the number of individuals aged 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 eligible local educational agencies in the State, as so determined; and

(B) an amount that bears the same relationship to 80 percent of the funds for such fiscal year as the number of individuals aged 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 eligible local educational agencies in the State, as so determined.

(3) Rule of construction

Nothing in this section shall be construed to prohibit a consortium of local educational agencies that are designated with a locale code of 41, 42, or 43, or such local educational agencies designated with a locale code of 41, 42, or 43 that work in cooperation with an educational service agency, from voluntarily combining allocations received under this part for the collective use of funding by the consortium for activities under this section.

(b) Local applications

(1) In general

To be eligible to receive a subgrant under this section, 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.

(2) Contents of application

Each application submitted under paragraph (1) shall include the following:

(A) A description of the activities to be carried out by the local educational agency under this section and how these activities will be aligned with challenging State academic standards.

(B) A description of the local educational agency's systems of professional growth and improvement, such as induction for teachers, principals, or other school leaders and opportunities for building the capacity of teachers and opportunities to develop meaningful teacher leadership.

(C) A description of how the local educational agency will prioritize funds to schools served by the agency that are implementing comprehensive support and improvement activities and targeted support and improvement activities under section 6311(d) of this title and have the highest percentage of children counted under section 6333(c) of this title.

(D) A description of how the local educational agency will use data and ongoing consultation described in paragraph (3) to continually update and improve activities supported under this part.

(E) An assurance that the local educational agency will comply with section 7881 of this title (regarding participation by private school children and teachers).

(F) An assurance that the local educational agency will coordinate professional development activities authorized under this part with professional development activities provided through other Federal, State, and local programs.

(3) Consultation

In developing the application described in paragraph (2), a local educational agency shall—

(A) meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a local educational agency that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this subchapter;

(B) seek advice from the individuals and organizations described in subparagraph (A) regarding how best to improve the local educational agency's activities to meet the purpose of this subchapter; and

(C) coordinate the local educational agency's activities under this part with other related strategies, programs, and activities being conducted in the community.

(4) Limitation

Consultation required under paragraph (3) shall not interfere with the timely submission of the application required under this section.

(Pub. L. 89-10, title II, §2102, as added Pub. L. 114-95, title II, §2002, Dec. 10, 2015, 129 Stat. 1925.)

Editorial Notes

PRIOR PROVISIONS

A prior section 6612, Pub. L. 89-10, title II, §2112, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1623, related to State applications, prior to repeal by Pub. L. 114-95, §5, title II, §2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 2102 of Pub. L. 89-10 was classified to section 6602 of this title, prior to repeal by Pub. L. 114-95.

Another 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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section 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 an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6613. Local uses of funds

(a) In general

A local educational agency that receives a subgrant under section 6612 of this title shall use the funds made available through the subgrant to develop, implement, and evaluate comprehensive programs and activities described in subsection (b), which may be carried out—

(1) through a grant or contract with a for-profit or nonprofit entity; or

(2) in partnership with an institution of higher education or an Indian tribe or tribal organization (as such terms are defined under section 5304 of title 25).

(b) Types of activities

The programs and activities described in this subsection—

(1) shall be in accordance with the purpose of this subchapter;

(2) shall address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students; and

(3) may include, among other programs and activities—

(A) developing or improving a rigorous, transparent, and fair evaluation and support system for teachers, principals, or other school leaders that—

(i) is based in part on evidence of student achievement, which may include student growth; and

(ii) shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, or other school leaders;

(B) developing and implementing initiatives to assist in recruiting, hiring, and retaining effective teachers, particularly in low-income schools with high percentages of