

§ 7113. Formula grants to States**(a) Reservations**

From the total amount appropriated under section 7122 of this title for a fiscal year, the Secretary shall reserve—

- (1) one-half of 1 percent for allotments for payments to the outlying areas, 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 subpart;
- (2) 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 Education; and
- (3) 2 percent for technical assistance and capacity building.

(b) State allotments**(1) Allotment****(A) In general**

Subject to subparagraphs (B) and (C), from the amount appropriated to carry out this subpart that remains after the Secretary makes the reservations under subsection (a), the Secretary shall allot to each State having a plan approved under subsection (c), an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of subchapter I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year.

(B) Small State minimum

No State receiving an allotment under this paragraph shall receive less than one-half of 1 percent of the total amount allotted under this paragraph.

(C) Puerto Rico

The amount allotted under this paragraph to the Commonwealth of Puerto Rico for a fiscal year may not exceed one-half of 1 percent of the total amount allotted under this paragraph.

(2) Reallocation

If a State does not receive an allotment under this subpart for a fiscal year, the Secretary shall reallocate the amount of the State's allotment to the remaining States in accordance with this subsection.

(c) State plan**(1) In general**

In order to receive an allotment under this section for any fiscal year, a State shall submit a plan to the Secretary, at such time and in such manner as the Secretary may reasonably require.

(2) Contents

Each plan submitted by a State under this section shall include the following:

- (A) A description of how the State educational agency will use funds received under this subpart for State-level activities.
- (B) A description of how the State educational agency will ensure that awards made to local educational agencies under

this subpart are in amounts that are consistent with section 7115(a)(2) of this title.

(C) Assurances that the State educational agency will—

- (i) review existing resources and programs across the State and will coordinate any new plans and resources under this subpart with such existing resources and programs;
- (ii) monitor the implementation of activities under this subpart and provide technical assistance to local educational agencies in carrying out such activities; and
- (iii) provide for equitable access for all students to the activities supported under this subpart, including aligning those activities with the requirements of other Federal laws.

(Pub. L. 89-10, title IV, § 4103, as added Pub. L. 114-95, title IV, § 4101, Dec. 10, 2015, 129 Stat. 1970.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 7113, Pub. L. 89-10, title IV, § 4113, as added Pub. L. 107-110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1739, related to State application to receive allotment, prior to the general amendment of this subpart by Pub. L. 114-95.

Another prior section 7113, Pub. L. 89-10, title IV, § 4113, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3677, related to State and local educational agency programs, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 4103 of Pub. L. 89-10 was classified to section 3063 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.

§ 7114. State use of funds**(a) In general**

Each State that receives an allotment under section 7113 of this title for a fiscal year shall—

- (1) reserve not less than 95 percent of the allotment to make allocations to local educational agencies under section 7115 of this title;
- (2) reserve not more than 1 percent of the allotment for the administrative costs of carrying out its responsibilities under this subpart, including public reporting on how funds made available under this subpart are being expended by local educational agencies, including the degree to which the local educational agencies have made progress toward meeting the objectives and outcomes described in section 7116(e)(1)(E) of this title; and
- (3) use the amount made available to the State and not reserved under paragraphs (1) and (2) for activities described in subsection (b).

(b) State activities

Each State that receives an allotment under section 7113 of this title shall use the funds