

### § 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

available under subsection (a)(3) for activities and programs designed to meet the purposes of this subpart, which may include—

(1) providing monitoring of, and training, technical assistance, and capacity building to, local educational agencies that receive an allotment under section 7115 of this title;

(2) identifying and eliminating State barriers to the coordination and integration of programs, initiatives, and funding streams that meet the purposes of this subpart, so that local educational agencies can better coordinate with other agencies, schools, and community-based services and programs; or

(3) supporting local educational agencies in providing programs and activities that—

(A) offer well-rounded educational experiences to all students, as described in section 7117 of this title, including female students, minority students, English learners, children with disabilities, and low-income students who are often underrepresented in critical and enriching subjects, which may include—

(i) increasing student access to and improving student engagement and achievement in—

(I) high-quality courses in science, technology, engineering, and mathematics, including computer science;

(II) activities and programs in music and the arts;

(III) foreign languages;

(IV) accelerated learning programs that provide—

(aa) postsecondary level courses accepted for credit at institutions of higher education, including dual or concurrent enrollment programs, and early college high schools; or

(bb) postsecondary level instruction and examinations that are accepted for credit at institutions of higher education, including Advanced Placement and International Baccalaureate programs;

(V) American history, civics, economics, geography, social studies, or government education;

(VI) environmental education; or

(VII) other courses, activities, and programs or other experiences that contribute to a well-rounded education; or

(ii) reimbursing low-income students to cover part or all of the costs of accelerated learning examination fees, as described in clause (i)(IV);

(B) foster safe, healthy, supportive, and drug-free environments that support student academic achievement, as described in section 7118 of this title, which may include—

(i) coordinating with any local educational agencies or consortia of such agencies implementing a youth PROMISE plan to reduce exclusionary discipline, as described in section 7118(5)(F) of this title;

(ii) supporting local educational agencies to—

(I) implement mental health awareness training programs that are evidence-

based (to the extent the State determines that such evidence is reasonably available) to provide education to school personnel regarding resources available in the community for students with mental illnesses and other relevant resources relating to mental health or the safe de-escalation of crisis situations involving a student with a mental illness; or

(II) expand access to or coordinate resources for school-based counseling and mental health programs, such as through school-based mental health services partnership programs;

(iii) providing local educational agencies with resources that are evidence-based (to the extent the State determines that such evidence is reasonably available) addressing ways to integrate health and safety practices into school or athletic programs; and

(iv) disseminating best practices and evaluating program outcomes relating to any local educational agency activities to promote student safety and violence prevention through effective communication as described in section 7118(5)(C)(iv) of this title; and

(C) increase access to personalized, rigorous learning experiences supported by technology by—

(i) providing technical assistance to local educational agencies to improve the ability of local educational agencies to—

(I) identify and address technology readiness needs, including the types of technology infrastructure and access available to the students served by the local educational agency, including computer devices, access to school libraries, Internet connectivity, operating systems, software, related network infrastructure, and data security;

(II) use technology, consistent with the principles of universal design for learning, to support the learning needs of all students, including children with disabilities and English learners; and

(III) build capacity for principals, other school leaders, and local educational agency administrators to support teachers in using data and technology to improve instruction and personalize learning;

(ii) supporting schools in rural and remote areas to expand access to high-quality digital learning opportunities;

(iii) developing or using strategies that are innovative or evidence-based (to the extent the State determines that such evidence is reasonably available) for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology, which may include increased access to online dual or concurrent enrollment opportunities, career and technical courses, and programs leading to a recognized postsec-

ondary credential (as defined in section 3102 of title 29);

(iv) disseminating promising practices related to technology instruction, data security, and the acquisition and implementation of technology tools and applications, including through making such promising practices publicly available on the website of the State educational agency;

(v) providing teachers, paraprofessionals, school librarians and media personnel, specialized instructional support personnel, and administrators with the knowledge and skills to use technology effectively, including effective integration of technology, to improve instruction and student achievement, which may include coordination with teacher, principal, and other school leader preparation programs; and

(vi) making instructional content widely available through open educational resources, which may include providing tools and processes to support local educational agencies in making such resources widely available.

### (c) Special rule

A State that receives a grant under this subpart for fiscal year 2017 may use the amount made available to the State and not reserved under paragraphs (1) and (2) of subsection (a) for such fiscal year to cover part or all of the fees for accelerated learning examinations taken by low-income students during the 2016-2017 school year, in accordance with subsection (b)(3)(A)(ii). (Pub. L. 89-10, title IV, §4104, as added Pub. L. 114-95, title IV, §4101, Dec. 10, 2015, 129 Stat. 1971.)

### Editorial Notes

#### PRIOR PROVISIONS

A prior section 7114, Pub. L. 89-10, title IV, §4114, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1742, related to local educational agency programs, prior to the general amendment of this subpart by Pub. L. 114-95.

Another prior section 7114, Pub. L. 89-10, title IV, §4114, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3679, related to governor's programs, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 4104 of Pub. L. 89-10 was classified to section 3064 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.

### § 7115. Allocations to local educational agencies

#### (a) Allocations to local educational agencies

##### (1) In general

From the funds reserved by a State under section 7114(a)(1) of this title, the State shall allocate to each local educational agency in

the State that has an application approved by the State educational agency under section 7116 of this title an amount that bears the same relationship to the total amount of such reservation as the amount the local educational agency received under subpart 2 of part A of subchapter I for the preceding fiscal year bears to the total amount received by all local educational agencies in the State under such subpart for the preceding fiscal year.

#### (2) Minimum local educational agency allocation

No allocation to a local educational agency under this subsection may be made in an amount that is less than \$10,000, subject to subsection (b).

#### (3) Consortia

Local educational agencies in a State may form a consortium with other surrounding local educational agencies and combine the funds each such agency in the consortium receives under this section to jointly carry out the local activities described in this subpart.

#### (b) Ratable reduction

If the amount reserved by the State under section 7114(a)(1) of this title is insufficient to make allocations to local educational agencies in an amount equal to the minimum allocation described in subsection (a)(2), such allocations shall be ratably reduced.

#### (c) Administrative costs

Of the amount received under subsection (a)(2), a local educational agency may reserve not more than 2 percent for the direct administrative costs of carrying out the local educational agency's responsibilities under this subpart.

(Pub. L. 89-10, title IV, §4105, as added Pub. L. 114-95, title IV, §4101, Dec. 10, 2015, 129 Stat. 1974.)

### Editorial Notes

#### PRIOR PROVISIONS

A prior section 7115, Pub. L. 89-10, title IV, §4115, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1745, related to authorized activities, prior to the general amendment of this subpart by Pub. L. 114-95.

Another prior section 7115, Pub. L. 89-10, title IV, §4115, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3681, related to local applications, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 4105 of Pub. L. 89-10 was classified to section 3065 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.

### § 7116. Local educational agency applications

#### (a) Eligibility

To be eligible to receive an allocation under section 7115(a) of this title, a local educational agency shall—