

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

§ 7172. Allotments to States

(a) Reservation

From the funds appropriated under section 7176 of this title for any fiscal year, the Secretary shall reserve—

(1) such amounts as may be necessary to make continuation awards to subgrant recipients under covered programs (under the terms of those grants);

(2) not more than 1 percent for national activities, which the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to eligible entities carrying out programs under this part or conducting a national evaluation; and

(3) not more than 1 percent for payments to the outlying areas and the Bureau of Indian Education, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

(b) State allotments

(1) Determination

From the funds appropriated under section 7176 of this title for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year 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, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

(2) Reallocation of unused funds

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

(c) State use of funds

(1) In general

Each State that receives an allotment under this part shall reserve not less than 93 percent of the amount allotted to such State under subsection (b), for each fiscal year for awards to eligible entities under section 7174 of this title.

(2) State administration

A State educational agency may use not more than 2 percent of the amount made available to the State under subsection (b) for—

(A) the administrative costs of carrying out its responsibilities under this part;

(B) establishing and implementing a rigorous peer-review process for subgrant applications described in section 7174(b) of this

title (including consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities); and

(C) awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).

(3) State activities

A State educational agency may use not more than 5 percent of the amount made available to the State under subsection (b) for the following activities:

(A) Monitoring and evaluating programs and activities assisted under this part.

(B) Providing capacity building, training, and technical assistance under this part.

(C) Conducting a comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part.

(D) Providing training and technical assistance to eligible entities that are applicants for or recipients of awards under this part.

(E) Ensuring that any eligible entity that receives an award under this part from the State aligns the activities provided by the program with the challenging State academic standards.

(F) Ensuring that any such eligible entity identifies and partners with external organizations, if available, in the community.

(G) Working with teachers, principals, parents, the local workforce, the local community, and other stakeholders to review and improve State policies and practices to support the implementation of effective programs under this part.

(H) Coordinating funds received under this part with other Federal and State funds to implement high-quality programs.

(I) Providing a list of prescreened external organizations, as described under section 7173(a)(11) of this title.

(Pub. L. 89-10, title IV, § 4202, as added Pub. L. 107-110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1766; amended Pub. L. 114-95, title IV, § 4201(a), Dec. 10, 2015, 129 Stat. 1984.)

Editorial Notes

AMENDMENTS

2015—Pub. L. 114-95 amended section generally. Prior to amendment, section related to allotments to States.

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.

§ 7173. State application

(a) In general

In order to receive an allotment under section 7172 of this title for any fiscal year, a State shall

submit to the Secretary, at such time as the Secretary may require, an application that—

(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

(2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;

(3) contains an assurance that the State educational agency—

(A) will make awards under this part to eligible entities that serve—

(i) students who primarily attend—

(I) schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 6311(d) of this title; and

(II) other schools determined by the local educational agency to be in need of intervention and support; and

(ii) the families of such students; and

(B) will further give priority to eligible entities that propose in the application to serve students described in subclauses (I) and (II) of section 7174(i)(1)(A)(i) of this title;

(4) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include procedures and criteria that take into consideration the likelihood that a proposed community learning center will help participating students meet the challenging State academic standards and any local academic standards;

(5) describes how the State educational agency will ensure that awards made under this part are—

(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

(B) in amounts that are consistent with section 7174(h) of this title;

(6) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, evaluation, dissemination of promising practices, and coordination of professional development for staff in specific content areas and youth development;

(7) describes how programs under this part will be coordinated with programs under this chapter, and other programs as appropriate;

(8) contains an assurance that the State educational agency—

(A) will make awards for programs for a period of not less than 3 years and not more than 5 years; and

(B) will require each eligible entity seeking such an award to submit a plan describing how the activities to be funded through the award will continue after funding under this part ends;

(9) contains an assurance that funds appropriated to carry out this part will be used to

supplement, and not supplant, other Federal, State, and local public funds expended to provide programs and activities authorized under this part and other similar programs;

(10) contains an assurance that the State educational agency will require eligible entities to describe in their applications under section 7174(b) of this title how the transportation needs of participating students will be addressed;

(11) describes how the State will—

(A) prescreen external organizations that could provide assistance in carrying out the activities under this part; and

(B) develop and make available to eligible entities a list of external organizations that successfully completed the prescreening process;

(12) provides—

(A) an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering before and after school (or summer recess) programs and activities, the heads of the State health and mental health agencies or their designees, statewide after-school networks (where applicable) and representatives of teachers, local educational agencies, and community-based organizations; and

(B) a description of any other representatives of teachers, parents, students, or the business community that the State has selected to assist in the development of the application, if applicable;

(13) describes the results of the State's needs and resources assessment for before and after school (or summer recess) programs and activities, which shall be based on the results of on-going State evaluation activities;

(14) describes how the State educational agency will evaluate the effectiveness of programs and activities carried out under this part, which shall include, at a minimum—

(A) a description of the performance indicators and performance measures that will be used to evaluate programs and activities with emphasis on alignment with the regular academic program of the school and the academic needs of participating students, including performance indicators and measures that—

(i) are able to track student success and improvement over time;

(ii) include State assessment results and other indicators of student success and improvement, such as improved attendance during the school day, better classroom grades, regular (or consistent) program attendance, and on-time advancement to the next grade level; and

(iii) for high school students, may include indicators such as career competencies, successful completion of internships or apprenticeships, or work-based learning opportunities;

(B) a description of how data collected for the purposes of subparagraph (A) will be collected; and

(C) public dissemination of the evaluations of programs and activities carried out under this part; and

(15) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission.

(b) Deemed approval

An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

(c) Disapproval

The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

(d) Notification

If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

- (1) give the State educational agency notice and an opportunity for a hearing; and
- (2) notify the State educational agency of the finding of noncompliance and, in such notification—
 - (A) cite the specific provisions in the application that are not in compliance; and
 - (B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

(e) Response

If the State educational agency responds to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

- (1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or
- (2) the expiration of the 120-day period described in subsection (b).

(f) Failure to respond

If the State educational agency does not respond to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

(g) Limitation

The Secretary may not give a priority or a preference for States or eligible entities that seek to use funds made available under this part to extend the regular school day.

(Pub. L. 89-10, title IV, §4203, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1767; amended Pub. L. 114-95, title IV, §4201(a), Dec. 10, 2015, 129 Stat. 1986.)

Editorial Notes

AMENDMENTS

2015—Pub. L. 114-95 amended section generally. Prior to amendment, section related to State application, consisting of subsecs. (a) to (f).

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.

§ 7174. Local competitive subgrant program

(a) In general

(1) Community learning centers

A State that receives funds under this part for a fiscal year shall provide the amount made available under section 7172(c)(1) of this title to award subgrants to eligible entities for community learning centers in accordance with this part.

(2) Expanded learning program activities

A State that receives funds under this part for a fiscal year may use funds under section 7172(c)(1) of this title to support those enrichment and engaging academic activities described in section 7175(a) of this title that—

- (A) are included as part of an expanded learning program that provides students at least 300 additional program hours before, during, or after the traditional school day;
- (B) supplement but do not supplant regular school day requirements; and
- (C) are carried out by entities that meet the requirements of subsection (i).

(b) Application

(1) In general

To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

(2) Contents

Each application submitted under paragraph (1) shall include—

- (A) a description of the activities to be funded, including—
 - (i) an assurance that the program will take place in a safe and easily accessible facility;
 - (ii) a description of how students participating in the program carried out by the community learning center will travel safely to and from the center and home, if applicable; and
 - (iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;
- (B) a description of how such activities are expected to improve student academic achievement as well as overall student success;