

tion 199M, then 199K, of Pub. L. 101-610 by Pub. L. 103-82, §101(a), (e)(8)(B), and transferred to section 12655l of this title.

A prior section 12554, Pub. L. 101-610, title I, §134, Nov. 16, 1990, 104 Stat. 3148, which related to joint programs, was successively renumbered section 199N, then 199L, of Pub. L. 101-610 by Pub. L. 103-82, §101(a), (e)(8)(B), and transferred to section 12655m of this title.

A prior section 12555, Pub. L. 101-610, title I, §135, Nov. 16, 1990, 104 Stat. 3149, which related to Federal and State employee status, was successively renumbered section 199O, then 199M, of Pub. L. 101-610 by Pub. L. 103-82, §101(a), (e)(8)(B), and transferred to section 12655n of this title.

A prior section 12556, Pub. L. 101-610, title I, §136, Nov. 16, 1990, 104 Stat. 3150, directed Commission on National and Community Service to promulgate regulations implementing American Conservation Youth Corps program and established procedures for promulgation, prior to repeal by Pub. L. 102-10, §5(7), Mar. 12, 1991, 105 Stat. 31.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111-13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

#### PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

### § 12561. Higher education innovative programs for community service

#### (a) Purpose

It is the purpose of this part to expand participation in community service by supporting innovative community service programs through service-learning carried out through institutions of higher education, acting as civic institutions to meet the human, educational, environmental, or public safety needs of neighboring communities.

#### (b) General authority

The Corporation, in consultation with the Secretary of Education, is authorized to make grants to, and enter into contracts with, institutions of higher education (including a consortium of such institutions), and partnerships comprised of such institutions and of other public or private nonprofit organizations, to pay for the Federal share of the cost of—

(1) enabling such an institution or partnership to create or expand an organized community service program that—

(A) engenders a sense of social responsibility and commitment to the community in which the institution is located;

(B) provides projects for participants, who shall be students, faculty, administration, or staff of the institution, or residents of the community; and

(C) the institution or partnership may coordinate with service-learning curricula being offered in the academic curricula at the institution of higher education or at 1 or more members of the partnership;

(2) supporting student-initiated and student-designed community service projects through the program;

(3) strengthening the leadership and instructional capacity of institutions of higher edu-

cation and their faculty, with respect to service-learning, by—

(A) including service-learning as a key component of the preservice teacher curricula of the institution to strengthen the instructional capacity of teachers to provide service-learning at the elementary and secondary levels;

(B) including service-learning as a component of other curricula or academic programs (other than education curricula or programs), such as curricula or programs relating to nursing, medicine, criminal justice, or public policy; and

(C) encouraging the faculty of the institution to use service-learning methods throughout their curriculum;

(4) facilitating the integration of community service carried out under the program into academic curricula, including integration of clinical programs into the curriculum for students in professional schools, so that students can obtain credit for their community service projects;

(5) supplementing the funds available to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.)<sup>1</sup> to support service-learning and community service through the community service program;

(6) strengthening the service infrastructure within institutions of higher education in the United States through the program; and

(7) providing for the training of teachers, prospective teachers, related education personnel, and community leaders in the skills necessary to develop, supervise, and organize service-learning.

#### (c) Federal, State, and local contributions

##### (1) Federal share

###### (A) In general

The Federal share of the cost of carrying out a program for which assistance is provided under this part may not exceed 50 percent of the total cost of the program.

###### (B) Non-Federal contribution

In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant or contract under this part—

(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

(ii) may provide for such share through State sources or local sources, including private funds or donated services.

##### (2) Waiver

The Chief Executive Officer may waive the requirements of paragraph (1) in whole or in part with respect to any such program for any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

<sup>1</sup> See References in Text note below.

**(d) Application for grant****(1) Submission**

To receive a grant or enter into a contract under this part, an institution or partnership shall prepare and submit to the Corporation, an application at such time, in such manner, and containing such information and assurances as the Corporation may reasonably require, and obtain approval of the application. In requesting applications for assistance under this part, the Corporation shall specify such required information and assurances.

**(2) Contents**

An application submitted under paragraph (1) shall contain, at a minimum—

(A) assurances that—

(i) prior to the placement of a participant, the applicant will consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees; and

(ii) the applicant will comply with the nonduplication and nondisplacement provisions of section 12637 of this title and the notice, hearing, and grievance procedures required by section 12636 of this title; and

(B) such other assurances as the Chief Executive Officer may reasonably require.

**(e) Special consideration**

To the extent practicable, in making grants and entering into contracts under subsection (b), the Corporation shall give special consideration to applications submitted by, or applications from partnerships including, institutions serving primarily low-income populations, including—

- (1) Alaska Native-serving institutions;
- (2) Asian American and Native American Pacific Islander-serving institutions;
- (3) Hispanic-serving institutions;
- (4) historically black colleges and universities;
- (5) Native American-serving, nontribal institutions;
- (6) Native Hawaiian-serving institutions;
- (7) Predominantly black institutions;
- (8) tribally controlled colleges and universities; and
- (9) community colleges serving predominantly minority populations.

**(f) Considerations**

In making grants and entering into contracts under subsection (b), the Corporation shall take into consideration whether the applicants submit applications containing proposals that—

- (1) demonstrate the commitment of the institution of higher education involved, other than by demonstrating the commitment of the students, to supporting the community service projects carried out under the program;
- (2) specify the manner in which the institution will promote faculty, administration, and staff participation in the community service projects;

(3) specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools and colleges;

(4) describe any partnership that will participate in the community service projects, such as a partnership comprised of—

(A) the institution;

(B)(i) a community-based agency;

(ii) a local government agency; or

(iii) a nonprofit entity that serves or involves school-age youth, older adults, or low-income communities; and

(C)(i) a student organization;

(ii) a department of the institution; or

(iii) a group of faculty comprised of different departments, schools, or colleges at the institution;

(5) demonstrate community involvement in the development of the proposal and the extent to which the proposal will contribute to the goals of the involved community members;

(6) demonstrate a commitment to perform community service projects in underserved urban and rural communities;

(7) describe research on effective strategies and methods to improve service utilized in the design of the projects;

(8) specify that the institution or partnership will use the assistance provided through the grant or contract to strengthen the service infrastructure in institutions of higher education;

(9) with respect to projects involving delivery of services, specify projects that involve leadership development of school-age youth; or

(10) describe the needs that the proposed projects are designed to address, such as housing, economic development, infrastructure, health care, job training, education, crime prevention, urban planning, transportation, information technology, or child welfare.

**(g) Federal work-study**

To be eligible for assistance under this part, an institution of higher education shall demonstrate that it meets the minimum requirements under section 443(b)(2)(A) of the Higher Education Act of 1965 (42 U.S.C. 2753(b)(2)(A))<sup>1</sup> relating to the participation of students employed under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.)<sup>1</sup> (relating to Federal Work-Study<sup>2</sup> programs) in community service activities, or has received a waiver of those requirements from the Secretary of Education.

**(h) Definition**

Notwithstanding section 12511 of this title, as used in this part, the term “student” means an individual who is enrolled in an institution of higher education on a full- or part-time basis.

**(i) National service educational award**

A participant in a program funded under this part shall be eligible for the national service educational award described in division D, if the

<sup>2</sup> So in original. Probably should not be capitalized.

participant served in an approved national service position.

(Pub. L. 101-610, title I, § 118, formerly § 119, as added Pub. L. 103-82, title I, § 103(b), Sept. 21, 1993, 107 Stat. 837; renumbered § 118 and amended Pub. L. 111-13, title I, § 1202, Apr. 21, 2009, 123 Stat. 1474.)

### Editorial Notes

#### REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsecs. (b)(5) and (g), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219. Part C of title IV of the Act was formerly classified generally to part C (§ 2751 et seq.) of subchapter I of chapter 34 of this title prior to transfer to part C (§ 1087-51 et seq.) of subchapter IV of chapter 28 of Title 20, Education. Section 443 of the Act was transferred from section 2753 of this title to section 1087-53 of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

#### PRIOR PROVISIONS

A prior section 118 of Pub. L. 101-610 was classified to section 12551 of this title prior to the general amendment of part I of this division by Pub. L. 111-13.

Another prior section 118 of Pub. L. 101-610 was classified to section 12531 of this title prior to repeal by Pub. L. 103-82.

#### AMENDMENTS

2009—Subsec. (a). Pub. L. 111-13, § 1202(b)(1), inserted “through service-learning” after “community service programs”.

Subsec. (b). Pub. L. 111-13, § 1202(b)(2)(A), substituted “consortium” for “combination” in introductory provisions.

Subsec. (b)(1)(C). Pub. L. 111-13, § 1202(b)(2)(B), added subpar. (C).

Subsec. (b)(3). Pub. L. 111-13, § 1202(b)(2)(C)(i), substituted “institutions of higher education and their faculty” for “teachers at the elementary, secondary, and postsecondary levels” in introductory provisions.

Subsec. (b)(3)(A). Pub. L. 111-13, § 1202(b)(2)(C)(ii), substituted “curricula of the institution to strengthen the instructional capacity of teachers to provide service-learning at the elementary and secondary levels;” for “education of the institution; and”.

Subsec. (b)(3)(B), (C). Pub. L. 111-13, § 1202(b)(2)(C)(iii), (iv), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsecs. (c) to (i). Pub. L. 111-13, § 1202(b)(3)-(5), added subsecs. (c) to (h), redesignated former subsec. (f) as (i), and struck out former subsecs. (c), (d), (e), and (g) which related to Federal share of the cost, grant application, applicant priority, and definition of “student”, respectively.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-13 effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111-13, set out as a note under section 4950 of this title.

#### EFFECTIVE DATE

Section effective Oct. 1, 1993, see section 123 of Pub. L. 103-82, set out as an Effective Date of 1993 Amendment note under section 1701 of Title 16, Conservation.

## § 12561a. Campuses of Service

### (a) In general

The Corporation, after consultation with the Secretary of Education, may annually designate

not more than 25 institutions of higher education as Campuses of Service, from among institutions nominated by State Commissions.

### (b) Applications for nomination

#### (1) In general

To be eligible for a nomination to receive designation under subsection (a), and have an opportunity to apply for funds under subsection (d) for a fiscal year, an institution of higher education in a State shall submit an application to the State Commission at such time, in such manner, and containing such information as the State Commission may require.

#### (2) Contents

At a minimum, the application shall include information specifying—

(A)(i) the number of undergraduate and, if applicable, graduate service-learning courses offered at such institution for the most recent full academic year preceding the fiscal year for which designation is sought; and

(ii) the number and percentage of undergraduate students and, if applicable, the number and percentage of graduate students at such institution who were enrolled in the corresponding courses described in clause (i), for such preceding academic year;

(B) the percentage of undergraduate students engaging in and, if applicable, the percentage of graduate students engaging in activities providing community services, as defined in section 441(c) of the Higher Education Act of 1965 (42 U.S.C. 2751(c)),<sup>1</sup> during such preceding academic year, the quality of such activities, and the average amount of time spent, per student, engaged in such activities;

(C) for such preceding academic year, the percentage of Federal work-study funds made available to the institution under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.)<sup>1</sup> that is used to compensate students employed in providing community services, as so defined, and a description of the efforts the institution undertakes to make available to students opportunities to provide such community services and be compensated through such work-study funds;

(D) at the discretion of the institution, information demonstrating the degree to which recent graduates of the institution, and all graduates of the institution, have obtained full-time public service employment in the nonprofit sector or government, with a private nonprofit organization or a Federal, State, or local public agency; and

(E) any programs the institution has in place to encourage or assist graduates of the institution to pursue careers in public service in the nonprofit sector or government.

### (c) Nominations and designation

#### (1) Nomination

##### (A) In general

A State Commission that receives applications from institutions of higher education

<sup>1</sup> See References in Text note below.