

which at least 50 percent of the students enrolled are eligible for free or reduced-price lunch under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.] (or, if an eligible entity determines that it would promote the effectiveness of a program, an entire grade level of students, beginning not later than the 7th grade, who reside in public housing as defined in section 1437a(b)(1) of title 42);

(B) ensure that the services are provided through the 12th grade to students in the participating grade level and provide the option of continued services through the student's first year of attendance at an institution of higher education to the extent the provision of such services was described in the eligible entity's application for assistance under this division; and

(C) provide services under this division to students who have received services under a previous GEAR UP grant award but have not yet completed the 12th grade.

(2) Coordination requirement

In order for the Secretary to require the cohort approach described in paragraph (1), the Secretary shall, where applicable, ensure that the cohort approach is done in coordination and collaboration with existing early intervention programs and does not duplicate the services already provided to a school or community.

(e) Supplement, not supplant

Grant funds awarded under this division shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities assisted under this division.

(Pub. L. 89-329, title IV, § 404B, as added Pub. L. 105-244, title IV, § 403, Oct. 7, 1998, 112 Stat. 1657; amended Pub. L. 106-78, title VII, § 752(b)(8), Oct. 22, 1999, 113 Stat. 1169; Pub. L. 110-315, title IV, § 404(b), Aug. 14, 2008, 122 Stat. 3207.)

REFERENCES IN TEXT

The Richard B. Russell National School Lunch Act, referred to in subsec. (d)(1)(A), is act June 4, 1946, ch. 281, 60 Stat. 230, which is classified generally to chapter 13 (§ 1751 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 1070a-22, Pub. L. 89-329, title IV, § 404B, as added Pub. L. 102-325, title IV, § 402(a)(4), July 23, 1992, 106 Stat. 492; amended Pub. L. 103-208, § 2(b)(13), (14), Dec. 20, 1993, 107 Stat. 2459, related to State eligibility and State plan, prior to the general amendment of this division by Pub. L. 105-244.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-315, § 404(b)(1), added subsec. (a) and struck out former subsec. (a) which related to funding rules.

Subsecs. (b), (c). Pub. L. 110-315, § 404(b)(2), (3), redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b). Text read as follows: "Each eligible entity described in section 1070a-21(c)(1) of this title, and each eligible entity described in section 1070a-21(c)(2) of this title that conducts a scholarship component under section 1070a-25 of this title,

shall use not less than 25 percent and not more than 50 percent of grant funds received under this division for the early intervention component of an eligible entity's program under this division, except that the Secretary may waive the 50 percent limitation if the eligible entity demonstrates that the eligible entity has another means of providing the students with financial assistance that is described in the plan submitted under section 1070a-23 of this title."

Subsec. (d). Pub. L. 110-315, § 404(b)(3), redesignated subsec. (g) as (d). Former subsec. (d) redesignated (c).

Subsec. (d)(1)(B), (C). Pub. L. 110-315, § 404(b)(4), inserted "and provide the option of continued services through the student's first year of attendance at an institution of higher education to the extent the provision of such services was described in the eligible entity's application for assistance under this division" after "grade level" in par. (B) and added par. (C).

Subsec. (e). Pub. L. 110-315, § 404(b)(2), (5), added subsec. (e) and struck out former subsec. (e). Prior to amendment, text read as follows: "An eligible entity described in section 1070a-21(c)(2) of this title shall have a full-time program coordinator or a part-time program coordinator, whose primary responsibility is a project under section 1070a-23 of this title."

Subsec. (f). Pub. L. 110-315, § 404(b)(2), struck out subsec. (f). Text read as follows: "An eligible entity described in 1070a-21(c)(2) of this title shall ensure that the activities assisted under this division will not displace an employee or eliminate a position at a school assisted under this division, including a partial displacement such as a reduction in hours, wages or employment benefits."

Subsec. (g). Pub. L. 110-315, § 404(b)(3), redesignated subsec. (g) as (d).

1999—Subsec. (g)(1)(A). Pub. L. 106-78 substituted "Richard B. Russell National School Lunch Act" for "National School Lunch Act".

§ 1070a-23. Applications

(a) Application required for eligibility

(1) In general

In order for an eligible entity to qualify for a grant under this division, the eligible entity shall submit to the Secretary an application for carrying out the program under this division.

(2) Contents

Each application submitted pursuant to paragraph (1) shall be in such form, contain or be accompanied by such information or assurances, and be submitted at such time as the Secretary may reasonably require. Each such application shall, at a minimum—

(A) describe the activities for which assistance under this division is sought, including how the eligible entity will carry out the required activities described in section 1070a-24(a) of this title;

(B) describe, in the case of an eligible entity described in section 1070a-21(c)(2) of this title that chooses to provide scholarships, or an eligible entity described in section 1070a-21(c)(1) of this title, how the eligible entity will meet the requirements of section 1070a-25 of this title;

(C) describe, in the case of an eligible entity described in section 1070a-21(c)(2) of this title that requests a reduced match percentage under subsection (b)(2), how such reduction will assist the entity to provide the scholarships described in subsection (b)(2)(A)(ii);

(D) provide assurances that adequate administrative and support staff will be re-

responsible for coordinating the activities described in section 1070a-24 of this title;

(E) provide assurances that activities assisted under this division will not displace an employee or eliminate a position at a school assisted under this division, including a partial displacement such as a reduction in hours, wages, or employment benefits;

(F) describe, in the case of an eligible entity described in section 1070a-21(c)(1) of this title that chooses to use a cohort approach, or an eligible entity described in section 1070a-21(c)(2) of this title, how the eligible entity will define the cohorts of the students served by the eligible entity pursuant to section 1070a-22(d) of this title, and how the eligible entity will serve the cohorts through grade 12, including—

(i) how vacancies in the program under this division will be filled; and

(ii) how the eligible entity will serve students attending different secondary schools;

(G) describe how the eligible entity will coordinate programs under this division with other existing Federal, State, or local programs to avoid duplication and maximize the number of students served;

(H) provide such additional assurances as the Secretary determines necessary to ensure compliance with the requirements of this division;

(I) provide information about the activities that will be carried out by the eligible entity to support systemic changes from which future cohorts of students will benefit; and

(J) describe the sources of matching funds that will enable the eligible entity to meet the matching requirement described in subsection (b).

(b) Matching requirement

(1) In general

The Secretary shall not approve an application submitted under subsection (a) unless such application—

(A) provides that the eligible entity will provide, from State, local, institutional, or private funds, not less than 50 percent of the cost of the program, which matching funds may be provided in cash or in kind and may be accrued over the full duration of the grant award period, except that the eligible entity shall make substantial progress towards meeting the matching requirement in each year of the grant award period;

(B) specifies the methods by which matching funds will be paid; and

(C) includes provisions designed to ensure that funds provided under this division shall supplement and not supplant funds expended for existing programs.

(2) Special rule

Notwithstanding the matching requirement described in paragraph (1)(A), the Secretary may by regulation modify the percentage requirement described in paragraph (1)(A) for eligible entities described in section 1070a-21(c)(2) of this title. The Secretary may

approve an eligible entity's request for a reduced match percentage—

(A) at the time of application—

(i) if the eligible entity demonstrates significant economic hardship that precludes the eligible entity from meeting the matching requirement; or

(ii) if the eligible entity is described in section 1070a-21(c)(2) of this title and requests that contributions to the eligible entity's scholarship fund established under section 1070a-25 of this title be matched on a two to one basis; or

(B) in response to a petition by an eligible entity subsequent to a grant award under this section if the eligible entity demonstrates that the matching funds described in its application are no longer available and the eligible entity has exhausted all revenues for replacing such matching funds.

(c) Methods for complying with matching requirement

An eligible entity may count toward the matching requirement described in subsection (b)(1)(A)—

(1) the amount of the financial assistance obligated to students from State, local, institutional, or private funds under this division, including pre-existing non-Federal financial assistance programs, including—

(A) the amount contributed to a student scholarship fund established under section 1070a-25 of this title; and

(B) the amount of the costs of administering the scholarship program under section 1070a-25 of this title;

(2) the amount of tuition, fees, room or board waived or reduced for recipients of financial assistance under this division;

(3) the amount expended on documented, targeted, long-term mentoring and counseling provided by volunteers or paid staff of non-school organizations, including businesses, religious organizations, community groups, postsecondary educational institutions, non-profit and philanthropic organizations, and other organizations; and

(4) other resources recognized by the Secretary, including equipment and supplies, cash contributions from non-Federal sources, transportation expenses, in-kind or discounted program services, indirect costs, and facility usage.

(d) Peer review panels

The Secretary shall convene peer review panels to assist in making determinations regarding the awarding of grants under this division.

(Pub. L. 89-329, title IV, §404C, as added Pub. L. 105-244, title IV, §403, Oct. 7, 1998, 112 Stat. 1658; amended Pub. L. 110-315, title IV, §404(c), Aug. 14, 2008, 122 Stat. 3208.)

PRIOR PROVISIONS

A prior section 1070a-23, Pub. L. 89-329, title IV, §404C, as added Pub. L. 102-325, title IV, §402(a)(4), July 23, 1992, 106 Stat. 493; amended Pub. L. 103-208, §2(b)(15)-(17), Dec. 20, 1993, 107 Stat. 2459; Pub. L. 104-193, title I, §110(h)(1), Aug. 22, 1996, 110 Stat. 2172, related to early intervention, prior to the general amend-

ment of this division by Pub. L. 105-244. See section 1070a-24 of this title.

AMENDMENTS

2008—Pub. L. 110-315, §404(c)(1), substituted “Applications” for “Eligible entity plans” in section catchline.

Subsec. (a). Pub. L. 110-315, §404(c)(2)(A), substituted “Application” for “Plan” in heading.

Subsec. (a)(1). Pub. L. 110-315, §404(c)(2)(B), substituted “an application” for “a plan” and struck out at end “Such plan shall provide for the conduct of a scholarship component if required or undertaken pursuant to section 1070a-25 of this title and an early intervention component required pursuant to section 1070a-24 of this title.”

Subsec. (a)(2). Pub. L. 110-315, §404(c)(2)(C), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “Each plan submitted pursuant to paragraph (1) shall be in such form, contain or be accompanied by such information or assurances, and be submitted at such time as the Secretary may require by regulation. Each such plan shall—

“(A) describe the activities for which assistance under this division is sought; and

“(B) provide such additional assurances as the Secretary determines necessary to ensure compliance with the requirements of this division.”

Subsec. (b)(1). Pub. L. 110-315, §404(c)(3)(A), substituted “an application” for “a plan” and “such application” for “such plan” in introductory provisions.

Subsec. (b)(1)(A). Pub. L. 110-315, §404(c)(3)(B), which directed insertion of “and may be accrued over the full duration of the grant award period, except that the eligible entity shall make substantial progress towards meeting the matching requirement in each year of the grant award period” after “in cash or in-kind”, was executed by making the insertion after “in cash or in-kind” to reflect the probable intent of Congress.

Subsec. (b)(2). Pub. L. 110-315, §404(c)(3)(C), inserted at end “The Secretary may approve an eligible entity’s request for a reduced match percentage—” and subpars. (A) and (B).

Subsec. (c)(1). Pub. L. 110-315, §404(c)(4)(A), substituted “obligated to students from State, local, institutional, or private funds under this division, including pre-existing non-Federal financial assistance programs, including—” and subpars. (A) and (B) for “paid to students from State, local, institutional, or private funds under this division;”.

Subsec. (c)(4). Pub. L. 110-315, §404(c)(4)(B)-(D), added par. (4).

§ 1070a-24. Activities

(a) Required activities

Each eligible entity receiving a grant under this division shall provide comprehensive mentoring, outreach, and supportive services to students participating in the programs under this division. Such activities shall include the following:

(1) Providing information regarding financial aid for postsecondary education to participating students in the cohort described in section 1070a-22(d)(1)(A) of this title or to priority students described in subsection (d).

(2) Encouraging student enrollment in rigorous and challenging curricula and coursework, in order to reduce the need for remedial coursework at the postsecondary level.

(3) Improving the number of participating students who—

(A) obtain a secondary school diploma; and

(B) complete applications for and enroll in a program of postsecondary education.

(4) In the case of an eligible entity described in section 1070a-21(c)(1) of this title, providing

for the scholarships described in section 1070a-25 of this title.

(b) Permissible activities for States and partnerships

An eligible entity that receives a grant under this division may use grant funds to carry out one or more of the following activities:

(1) Providing tutors and mentors, who may include adults or former participants of a program under this division, for eligible students.

(2) Conducting outreach activities to recruit priority students described in subsection (d) to participate in program activities.

(3) Providing supportive services to eligible students.

(4) Supporting the development or implementation of rigorous academic curricula, which may include college preparatory, Advanced Placement, or International Baccalaureate programs, and providing participating students access to rigorous core academic courses that reflect challenging State academic standards.

(5) Supporting dual or concurrent enrollment programs between the secondary school and institution of higher education partners of an eligible entity described in section 1070a-21(c)(2) of this title, and other activities that support participating students in—

(A) meeting challenging State academic standards;

(B) successfully applying for postsecondary education;

(C) successfully applying for student financial aid; and

(D) developing graduation and career plans.

(6) Providing special programs or tutoring in science, technology, engineering, or mathematics.

(7) In the case of an eligible entity described in section 1070a-21(c)(2) of this title, providing support for scholarships described in section 1070a-25 of this title.

(8) Introducing eligible students to institutions of higher education, through trips and school-based sessions.

(9) Providing an intensive extended school day, school year, or summer program that offers—

(A) additional academic classes; or

(B) assistance with college admission applications.

(10) Providing other activities designed to ensure secondary school completion and postsecondary education enrollment of at-risk children, such as—

(A) the identification of at-risk children;

(B) after-school and summer tutoring;

(C) assistance to at-risk children in obtaining summer jobs;

(D) academic counseling;

(E) financial literacy and economic literacy education or counseling;

(F) volunteer and parent involvement;

(G) encouraging former or current participants of a program under this division to serve as peer counselors;

(H) skills assessments;