

title prior to repeal by Pub. L. 100-297, title II, §2303, Apr. 28, 1988, 102 Stat. 324.

§ 3994. Eligible programs

(a) In general

A State may use funds from grants received in any fiscal year under this part for elementary and secondary programs described in this section. The State educational agency shall administer such funds, which shall be awarded to such programs on a competitive basis.

(b) Use of funds

Funds from grants received under this part may be used for the following:

(1) Improvement of elementary and secondary resources

Such funds may be used for acquisition of equipment, instructional and reference materials, and partnership in education programs designed to—

(A) improve instruction in mathematics and science education at the elementary and secondary level;

(B) improve laboratory facilities, classroom and library resources in elementary and secondary mathematics and science education; and

(C) attract matching dollars and in kind contributions of equipment, learning resources or shared time from business concerns, libraries, museums, nonprofit private organizations, professional mathematics and scientific associations, and appropriate State agencies.

(2) Advanced placement programs

(A) Such funds may be used for advanced placement programs operated by local educational agencies that are designed to allow qualified secondary students to attend college preparatory schools, colleges, or universities on a part-time or full-time basis with respect to science and mathematics instruction.

(B) A local educational agency that receives funds from a grant under this part for an advanced placement program described in subparagraph (A) shall allocate to such program a percentage of funds received from the State on a per student basis according to—

(i) the number of students participating in the program; and

(ii) the instruction time such students receive under the program.

(Pub. L. 98-377, title III, §324, as added Pub. L. 100-418, title VI, §6031(a)(2), Aug. 23, 1988, 102 Stat. 1480.)

§ 3995. Local applications

(a) Eligibility

An applicant that desires to receive a grant under this part shall submit an application to the State educational agency, at such time, and in such manner, as the State may require. Such application may take the form of an amendment to an assessment submitted by the local educational agency under section 210,¹ if appropriate.

¹ See References in Text note below.

(b) Requirements for application

The State shall require each application to include—

(1) a description of the activities for which assistance under this part is sought;

(2) assurances that not more than 5 percent of the amount received by the applicant in any fiscal year shall be expended on administrative expenses;

(3) if the funds are to be used for improvement of elementary and secondary resources as described in subsection (b)(1) of this section—

(A) an estimate of the amount to be spent on equipment, facilities improvement, library resources, and classroom instructional material;

(B) an estimate of the number of elementary and secondary students who will be aided by activities and expenditures under the grant;

(C) assurances that—

(i) except as provided in subsection (c) of this section, a minimum of 25 percent of the funds for each project will be supplied by business concerns within the community;

(ii) no stipend shall be paid directly to employees of a profitmaking business concern;

(iii) provision shall be made for the equitable participation in the project of children who are enrolled in private elementary and secondary schools; and

(iv) consideration will be given to programs and activities designed to meet the needs of educationally disadvantaged and other traditionally underserved populations; and

(4) if the funds are to be used for advanced placement programs as described in subsection (b)(2) of this section, a commitment as to the percentage of funds received from the State on a per student basis that shall be used by the local educational agency to defray costs of the advanced placement program.

(c) Waiver

The State may waive or reduce the amount of matching funds required under subsection (b)(3)(C)(i) of this section if the State determines that—

(1) substantial need exists in the area served by the applicant for a grant under this part; and

(2) the required amount of matching funds cannot be made available.

(d) Joint applications

A regional consortium of applicants in 2 or more local school districts may file a joint application under subsection (a) of this section.

(Pub. L. 98-377, title III, §325, as added Pub. L. 100-418, title VI, §6031(a)(2), Aug. 23, 1988, 102 Stat. 1481.)

REFERENCES IN TEXT

Section 210, referred to in subsec. (a), is section 210 of Pub. L. 98-377, title II, Aug. 11, 1984, 98 Stat. 1280, as amended, which was classified to section 3970 of this title prior to repeal by Pub. L. 100-297, title II, §2303, Apr. 28, 1988, 102 Stat. 324.

§ 3996. Submission of applications

An applicant within a State that desires to receive a grant under this part¹ shall submit an application prepared in accordance with section 3995 of this title to the State educational agency for approval. Each application with respect to funds for improvement of elementary and secondary resources under section 3994(b)(1) of this title shall be submitted jointly by the local educational agency and each business concern or other party that is to participate in the activities for which assistance is sought.

(Pub. L. 98-377, title III, §326, as added Pub. L. 100-418, title VI, §6031(a)(2), Aug. 23, 1988, 102 Stat. 1482.)

REFERENCES IN TEXT

This part, referred to in text, was in the original “this chapter” and was translated as reading “this part” to reflect the probable intent of Congress because title III of Pub. L. 98-377, which comprises this subchapter, does not contain chapters.

§ 3997. Approval of applications

(a) Criteria

The State shall establish criteria for approval of applications under this section. Such criteria shall include—

- (1) consideration of the local district’s need for, and inability to locally provide for, the activities, equipment, library and instructional materials requested;
- (2) the number and nature of elementary and secondary students who will benefit from the planned program; and
- (3) the expressed level of financial and in-kind commitment from other parties to the program.

(b) Approval procedures

The State shall adopt approval procedures designed to ensure that grants are equitably distributed among—

- (1) rural, urban, and suburban areas; and
- (2) small, medium, and large local educational agencies.

(Pub. L. 98-377, title III, §327, as added Pub. L. 100-418, title VI, §6031(a)(2), Aug. 23, 1988, 102 Stat. 1482.)

§ 3998. Computation of grant amounts

(a) Payments to grantees

(1) Payment by State

The State shall pay to the extent of amounts received by it from the Secretary under this part, to each applicant having an application approved under section 3997 of this title, the Federal share of the cost of the program described in the application.

(2) Amount

(A) Except as provided in subparagraph (B), the Federal share for each fiscal year shall be 75 percent.

(B) In the case of an applicant that receives a waiver under section 3995(c) of this title, the Federal share for each fiscal year may be as much as 100 percent.

(3) Non-Federal share

The non-Federal share of payments under this part may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(b) Payments to States

Except as provided in subsection (c) of this section, each State shall receive under this part the greater of—

- (1) an amount equal to its share of funds appropriated under chapter 1 of the Education Consolidation and Improvement Act; or
- (2) \$225,000.

(c) Reduction for insufficient funding

If sums appropriated to carry out this part are not sufficient to permit the Secretary to pay in full the grants which States may receive under subsection (b) of this section, the amount of such grants shall be ratably reduced.

(Pub. L. 98-377, title III, §328, as added Pub. L. 100-418, title VI, §6031(a)(2), Aug. 23, 1988, 102 Stat. 1482.)

REFERENCES IN TEXT

The Education Consolidation and Improvement Act, referred to in subsec. (b)(1), probably means the Education Consolidation and Improvement Act of 1981, which is subtitle D [§§551 to 596] of title V of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 463, as amended. Chapter 1 of the Act was classified generally to subchapter I (§3801 et seq.) of chapter 51 of this title, prior to repeal by Pub. L. 100-297, title I, §1003(a), Apr. 28, 1988, 102 Stat. 293. For complete classification of this Act to the Code, see Tables.

SUBCHAPTER IV—PRESIDENTIAL AWARDS FOR TEACHING EXCELLENCE IN MATHEMATICS AND SCIENCE

§§ 4001 to 4003. Repealed. Pub. L. 100-297, title II, §2303, Apr. 28, 1988, 102 Stat. 324

Section 4001, Pub. L. 98-377, title IV, §401, Aug. 11, 1984, 98 Stat. 1287, related to Presidential awards.

Section 4002, Pub. L. 98-377, title IV, §402, Aug. 11, 1984, 98 Stat. 1287, related to administrative provisions.

Section 4003, Pub. L. 98-377, title IV, §403, Aug. 11, 1984, 98 Stat. 1287; Pub. L. 99-159, title II, §241, Nov. 22, 1985, 99 Stat. 901, related to authorization of appropriations.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1988, see section 6303 of Pub. L. 100-297, set out as an Effective Date of 1988 Amendment note under section 1071 of this title.

SUBCHAPTER V—ASBESTOS SCHOOL HAZARD ABATEMENT

§ 4011. Findings and purpose

(a) Findings

The Congress finds that—

(1) exposure to asbestos fibers has been identified over a long period of time and by reputable medical and scientific evidence as significantly increasing the incidence of cancer and other severe or fatal diseases, such as asbestosis;

(2) medical evidence has suggested that children may be particularly vulnerable to environmentally induced cancers;

(3) medical science has not established any minimum level of exposure to asbestos fibers

¹ See References in Text note below.