

the purposes of this subpart, the Secretary may withhold from the State educational agency, in whole or in part, further payments under this section in accordance with section 1234d of this title or take such other action authorized by law as the Secretary determines necessary, including providing technical assistance upon request of the State educational agency.

(f) Funds not used for State level activities

Any portion of funds described in subsection (d)(1) of this section that a State educational agency does not expend in accordance with subsection (d)(1) of this section shall be expended for the purpose of making subgrants in accordance with subsection (c) of this section.

(g) Supplement, not supplant

A State or local educational agency shall use funds received under this subpart only to supplement the level of non-Federal funds that, in the absence of funds under this subpart, would be expended for activities authorized under this subpart, and not to supplant those non-Federal funds.

(Pub. L. 89-10, title I, §1202, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1535; amended Pub. L. 108-7, div. G, title III, §305, Feb. 20, 2003, 117 Stat. 333.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (c)(7)(A)(ii)(II), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

PRIOR PROVISIONS

A prior section 6362, Pub. L. 89-10, title I, §1202, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3578; amended Pub. L. 105-220, title II, §251(b)(2)(A), Aug. 7, 1998, 112 Stat. 1079; Pub. L. 105-277, div. A, §101(f) [title VIII, §§201, 202], Oct. 21, 1998, 112 Stat. 2681-337, 2681-407, 2681-408; Pub. L. 106-554, §1(a)(4) [div. B, title XVI, §§1604(c)-(e), 1606(b)(1)], Dec. 21, 2000, 114 Stat. 2763, 2763A-329, 2763A-330, 2763A-334, authorized Even Start program, prior to the general amendment of this subchapter by Pub. L. 107-110. See section 6381a of this title.

A prior section 1202 of Pub. L. 89-10 was classified to section 2782 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

AMENDMENTS

2003—Subsec. (g). Pub. L. 108-7 added subsec. (g).

§ 6363. State formula grant applications

(a) Applications

(1) In general

A State educational agency that desires to receive a grant under section 6362 of this title shall submit an application to the Secretary at such time and in such form as the Secretary may require. The application shall contain the information described in subsection (b) of this section.

(2) Special application provisions

For those State educational agencies that have received a grant under part C of title II (as such part was in effect on the day before

January 8, 2002), the Secretary shall establish a modified set of requirements for an application under this section that takes into account the information already submitted and approved under that program and minimizes the duplication of effort on the part of such State educational agencies.

(b) Contents

An application under this section shall contain the following:

(1) An assurance that the Governor of the State, in consultation with the State educational agency, has established a reading and literacy partnership described in subsection (d) of this section, and a description of how such partnership—

(A) coordinated the development of the application; and

(B) will assist in the oversight and evaluation of the State educational agency's activities under this subpart.

(2) A description, if applicable, of the State's strategy to expand, continue, or modify activities authorized under part C of title II (as such part was in effect on the day before January 8, 2002).

(3) An assurance that the State educational agency, and any local educational agencies receiving a subgrant from that State educational agency under section 6362 of this title, will, if requested, participate in the external evaluation under section 6365 of this title.

(4) A State educational agency plan containing a description of the following:

(A) How the State educational agency will assist local educational agencies in identifying screening, diagnostic, and classroom-based instructional reading assessments.

(B) How the State educational agency will assist local educational agencies in identifying instructional materials, programs, strategies, and approaches, based on scientifically based reading research, including early intervention and reading remediation materials, programs, and approaches.

(C) How the State educational agency will ensure that professional development activities related to reading instruction and provided under section 6362 of this title are—

(i) coordinated with other Federal, State, and local level funds, and used effectively to improve instructional practices for reading; and

(ii) based on scientifically based reading research.

(D) How the activities assisted under section 6362 of this title will address the needs of teachers and other instructional staff in implementing the essential components of reading instruction.

(E) How subgrants made by the State educational agency under section 6362 of this title will meet the requirements of section 6362 of this title, including how the State educational agency will ensure that eligible local educational agencies receiving subgrants under section 6362 of this title will use practices based on scientifically based reading research.

(F) How the State educational agency will, to the extent practicable, make grants to eligible local educational agencies in both rural and urban areas.

(G) How the State educational agency will build on, and promote coordination among literacy programs in the State (including federally funded programs such as programs under the Adult Education and Family Literacy Act [20 U.S.C. 9201 et seq.], the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.], and subpart 2 of this part), to increase the effectiveness of the programs in improving reading for adults and children and to avoid duplication of the efforts of the program.

(H) How the State educational agency will assess and evaluate, on a regular basis, eligible local educational agency activities assisted under section 6362 of this title, with respect to whether the activities have been effective in achieving the purposes of section 6362 of this title.

(I) Any other information that the Secretary may reasonably require.

(c) Approval of applications

(1) In general

The Secretary shall approve an application of a State educational agency under this section only if such application meets the requirements of this section.

(2) Peer review

(A) In general

The Secretary, in consultation with the National Institute for Literacy, shall convene a panel to evaluate applications under this section. At a minimum, the panel shall include—

- (i) three individuals selected by the Secretary;
- (ii) three individuals selected by the National Institute for Literacy;
- (iii) three individuals selected by the National Research Council of the National Academy of Sciences; and
- (iv) three individuals selected by the Eunice Kennedy Shriver National Institute of Child Health and Human Development.

(B) Experts

The panel shall include—

- (i) experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications under this section;
- (ii) experts who provide professional development to individuals who teach reading to children and adults based on scientifically based reading research;
- (iii) experts who provide professional development to other instructional staff based on scientifically based reading research; and
- (iv) an individual who has expertise in screening, diagnostic, and classroom-based instructional reading assessments.

(C) Recommendations

The panel shall recommend grant applications from State educational agencies under

this section to the Secretary for funding or for disapproval.

(d) Reading and literacy partnerships

(1) In general

For a State educational agency to receive a grant under section 6362 of this title, the Governor of the State, in consultation with the State educational agency, shall establish a reading and literacy partnership.

(2) Required participants

The reading and literacy partnership shall include the following participants:

- (A) The Governor of the State.
- (B) The chief State school officer.
- (C) The chairman and the ranking member of each committee of the State legislature that is responsible for education policy.
- (D) A representative, selected jointly by the Governor and the chief State school officer, of at least one eligible local educational agency.

(E) A representative, selected jointly by the Governor and the chief State school officer, of a community-based organization working with children to improve their reading skills, particularly a community-based organization using tutors and scientifically based reading research.

(F) State directors of appropriate Federal or State programs with a strong reading component, selected jointly by the Governor and the chief State school officer.

(G) A parent of a public or private school student or a parent who educates the parent's child in the parent's home, selected jointly by the Governor and the chief State school officer.

(H) A teacher, who may be a special education teacher, who successfully teaches reading, and another instructional staff member, selected jointly by the Governor and the chief State school officer.

(I) A family literacy service provider selected jointly by the Governor and the chief State school officer.

(3) Optional participants

The reading and literacy partnership may include additional participants, who shall be selected jointly by the Governor and the chief State school officer, and who may include a representative of—

- (A) an institution of higher education operating a program of teacher preparation in the State that is based on scientifically based reading research;
- (B) a local educational agency;
- (C) a private nonprofit or for-profit eligible professional development provider providing instruction based on scientifically based reading research;
- (D) an adult education provider;
- (E) a volunteer organization that is involved in reading programs; or
- (F) a school library or a public library that offers reading or literacy programs for children or families.

(4) Preexisting partnership

If, before January 8, 2002, a State educational agency established a consortium,

partnership, or any other similar body that was considered a reading and literacy partnership for purposes of part C of title II of this Act (as such part was in effect on January 8, 2002), that consortium, partnership, or body may be considered a reading and literacy partnership for purposes of this subsection consistent with the provisions of this subpart.

(Pub. L. 89-10, title I, §1203, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1543; amended Pub. L. 110-154, §1(c)(3), Dec. 21, 2007, 121 Stat. 1828.)

REFERENCES IN TEXT

Part C of title II (as such part was in effect on the day before January 8, 2002), referred to in subsecs. (a)(2), (b)(2), and (d)(4), means part C of title II of Pub. L. 89-10, as added by Pub. L. 105-277, div. A, §101(f) [title VIII, §101(a)(2)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-391, as amended, which was classified generally to part C (§6661 et seq.) of subchapter II of this chapter prior to the general amendment of subchapter II by Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1620.

The Adult Education and Family Literacy Act, referred to in subsec. (b)(4)(G), is title II of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 1059, as amended, which is classified principally to subchapter I (§9201 et seq.) of chapter 73 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

The Individuals with Disabilities Education Act, referred to in subsec. (b)(4)(G), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

PRIOR PROVISIONS

A prior section 6363, Pub. L. 89-10, title I, §1203, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3579; amended Pub. L. 105-277, div. A, §101(f) [title VIII, §204(b)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-409; Pub. L. 106-554, §1(a)(4) [div. B, title XVI, §1604(f), (g)], Dec. 21, 2000, 114 Stat. 2763, 2763A-330, related to State Even Start programs, prior to the general amendment of this subchapter by Pub. L. 107-110. See section 6381b of this title.

A prior section 1203 of Pub. L. 89-10 was classified to section 2783 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

AMENDMENTS

2007—Subsec. (c)(2)(A)(iv). Pub. L. 110-154 substituted “Eunice Kennedy Shriver National Institute of Child Health and Human Development” for “National Institute of Child Health and Human Development”.

§ 6364. Targeted assistance grants

(a) Eligibility criteria for awarding targeted assistance grants to States

Beginning with fiscal year 2004, from funds appropriated under section 6362(b)(1)(E) of this title, the Secretary shall make grants, on a competitive basis, to those State educational agencies that—

(1) for each of 2 consecutive years, demonstrate that an increasing percentage of third graders in each of the groups described in section 6311(b)(2)(C)(v)(II) of this title in the schools served by the local educational agencies receiving funds under section 6362 of this title are reaching the proficient level in reading; and

(2) for each of the same such consecutive 2 years, demonstrate that schools receiving

funds under section 6362 of this title are improving the reading skills of students in grades 1, 2, and 3 based on screening, diagnostic, and classroom-based instructional reading assessments.

(b) Continuation of performance awards

For any State educational agency that receives a competitive grant under this section, the Secretary shall make an award for each of the succeeding years that the State educational agency demonstrates it is continuing to meet the criteria described in subsection (a) of this section.

(c) Distribution of targeted assistance grants

(1) In general

The Secretary shall make a grant to each State educational agency with an application approved under this section in an amount that bears the same relation to the amount made available to carry out this section for a fiscal year as the number of children counted under section 6333(c) of this title for the State bears to the number of such children so counted for all States with applications approved for that year.

(2) Peer review

The peer review panel convened under section 6363(c)(2) of this title shall review the applications submitted under this subsection. The panel shall recommend such applications to the Secretary for funding or for disapproval.

(3) Application contents

A State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall include the following:

(A) Evidence that the State educational agency has carried out its obligations under section 6363 of this title.

(B) Evidence that the State educational agency has met the criteria described in subsection (a) of this section.

(C) The amount of funds requested by the State educational agency and a description of the criteria the State educational agency intends to use in distributing subgrants to eligible local educational agencies under this section to continue or expand activities under subsection (d)(5) of this section.

(D) Evidence that the State educational agency has increased significantly the percentage of students reading at grade level or above.

(E) Any additional evidence that demonstrates success in the implementation of this section.

(d) Subgrants to eligible local educational agencies

(1) In general

The Secretary may make a grant to a State educational agency under this section only if the State educational agency agrees to expend 100 percent of the amount of the funds provided under the grant for the purpose of mak-