

(3) High-need local educational agency

The term “high-need local educational agency” means a local educational agency—

(A)(i) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

(ii) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

(B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

(4) Highly qualified paraprofessional

The term “highly qualified paraprofessional” means a paraprofessional who has not less than 2 years of—

(A) experience in a classroom; and

(B) postsecondary education or demonstrated competence in a field or academic subject for which there is a significant shortage of qualified teachers.

(5) Out-of-field teacher

The term “out-of-field teacher” means a teacher who is teaching an academic subject or a grade level for which the teacher is not highly qualified.

(6) Principal

The term “principal” includes an assistant principal.

(Pub. L. 89-10, title II, §2102, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1620.)

PRIOR PROVISIONS

A prior section 6602, Pub. L. 89-10, title II, §2002, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3613, set forth purposes of this subchapter, prior to the general amendment of this subchapter by Pub. L. 107-110. See section 6601 of this title.

A prior section 2102 of Pub. L. 89-10 was classified to section 6622 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

Another prior section 2102 of Pub. L. 89-10 was classified to section 3002 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

§ 6603. Authorizations of appropriations**(a) Grants to States, local educational agencies, and eligible partnerships**

There are authorized to be appropriated to carry out this part (other than subpart 5) \$3,175,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(b) National programs

There are authorized to be appropriated to carry out subpart 5 of this part such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

(Pub. L. 89-10, title II, §2103, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1621.)

PRIOR PROVISIONS

A prior section 6603, Pub. L. 89-10, title II, §2003, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat.

3614; amended Pub. L. 105-277, div. A, §101(f) [title VIII, §101(b)(1)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-406, authorized appropriations and related to allocations of appropriations, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 2103 of Pub. L. 89-10 was classified to section 6623 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

Another prior section 2103 of Pub. L. 89-10 was classified to section 3003 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

SUBPART 1—GRANTS TO STATES

§ 6611. Allotments to States**(a) In general**

The Secretary shall make grants to States with applications approved under section 6612 of this title to pay for the Federal share of the cost of carrying out the activities specified in section 6613 of this title. Each grant shall consist of the allotment determined for a State under subsection (b) of this section.

(b) Determination of allotments**(1) Reservation of funds****(A)¹ In general**

From the total amount appropriated under section 6603(a) of this title for a fiscal year, the Secretary shall reserve—

(i) one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and

(ii) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Affairs.

(2) State allotments**(A) Hold harmless****(i) In general**

Subject to subparagraph (B), from the funds appropriated under section 6603(a) of this title for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to the total amount that such State received for fiscal year 2001 under—

(I) section 2202(b) of this Act (as in effect on the day before January 8, 2002); and

(II) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106-554).

(ii) Ratable reduction

If the funds described in clause (i) are insufficient to pay the full amounts that all States are eligible to receive under clause (i) for any fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

¹ So in original. No subpar. (B) has been enacted.

(B) Allotment of additional funds**(i) In general**

Subject to clause (ii), for any fiscal year for which the funds appropriated under section 6603(a) of this title and not reserved under paragraph (1) exceed the total amount required to make allotments under subparagraph (A), the Secretary shall allot to each of the States described in subparagraph (A) the sum of—

(I) an amount that bears the same relationship to 35 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(II) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

(ii) Exception

No State receiving an allotment under clause (i) may receive less than one-half of 1 percent of the total excess amount allotted under such clause for a fiscal year.

(3) Reallocation

If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallocate the amount of the allotment to the remaining States in accordance with this subsection.

(Pub. L. 89-10, title II, §2111, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1621.)

REFERENCES IN TEXT

Section 2202(b) of this Act (as in effect on the day before January 8, 2002), referred to in subsec. (b)(2)(A)(i)(I), is section 2202(b) of Pub. L. 89-10, as added by Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3621, which was classified to section 6642(b) of this title prior to the general amendment of this subchapter by Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1620.

Section 306 of the Department of Education Appropriations Act, 2001, referred to in subsec. (b)(2)(A)(i)(II), is section 1(a)(1) [title III, §306] of Pub. L. 106-554, Nov. 29, 1999, 113 Stat. 2763, 2763A-41, which is not classified to the Code.

§ 6612. State applications**(a) In general**

For a State to be eligible to receive a grant under this part, the State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) Contents

Each application submitted under this section shall include the following:

(1) A description of how the activities to be carried out by the State educational agency

under this subpart will be based on a review of scientifically based research and an explanation of why the activities are expected to improve student academic achievement.

(2) A description of how the State educational agency will ensure that a local educational agency receiving a subgrant to carry out subpart 2 of this part will comply with the requirements of such subpart.

(3) A description of how the State educational agency will ensure that activities assisted under this subpart are aligned with challenging State academic content and student academic achievement standards, State assessments, and State and local curricula.

(4) A description of how the State educational agency will use funds under this part to improve the quality of the State's teachers and principals.

(5)(A) A description of how the State educational agency will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs.

(B) A description of the comprehensive strategy that the State educational agency will use, as part of such coordination effort, to ensure that teachers are trained in the use of technology so that technology and applications of technology are effectively used in the classroom to improve teaching and learning in all curricula and academic subjects, as appropriate.

(6) A description of how the State educational agency will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

(7)(A) A description of how the State educational agency will ensure compliance with the requirements for professional development activities described in section 7801 of this title and how the activities to be carried out under the grant will be developed collaboratively and based on the input of teachers, principals, parents, administrators, paraprofessionals, and other school personnel.

(B) In the case of a State in which the State educational agency is not the entity responsible for teacher professional standards, certification, and licensing, an assurance that the State activities carried out under this subpart are carried out in conjunction with the entity responsible for such standards, certification, and licensing under State law.

(8) A description of how the State educational agency will ensure that the professional development (including teacher mentoring) needs of teachers will be met using funds under this subpart and subpart 2 of this part.

(9) A description of the State educational agency's annual measurable objectives under section 6319(a)(2) of this title.

(10) A description of how the State educational agency will use funds under this part to meet the teacher and paraprofessional requirements of section 6319 of this title and how