

(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

the State educational agency will hold local educational agencies accountable for meeting the annual measurable objectives described in section 6319(a)(2) of this title.

(11) In the case of a State that has a charter school law that exempts teachers from State certification and licensing requirements, the specific portion of the State law that provides for the exemption.

(12) An assurance that the State educational agency will comply with section 7881 of this title (regarding participation by private school children and teachers).

(c) Deemed approval

An application submitted by a State educational agency pursuant to subsection (a) of this section shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

(d) Disapproval

The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

(e) Notification

If the Secretary finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

(1) give the State educational agency notice and an opportunity for a hearing; and

(2) notify the State educational agency of the finding of noncompliance and, in such notification, shall—

(A) cite the specific provisions in the application that are not in compliance; and

(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

(f) Response

If the State educational agency responds to the Secretary's notification described in subsection (e)(2) of this section during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (e)(2)(B) of this section, the Secretary shall approve or disapprove such application prior to the later of—

(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

(2) the expiration of the 120-day period described in subsection (c) of this section.

(g) Failure to respond

If the State educational agency does not respond to the Secretary's notification described in subsection (e)(2) of this section during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

(Pub. L. 89-10, title II, §2112, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1623.)

§ 6613. State use of funds

(a) In general

A State that receives a grant under section 6611 of this title shall—

(1) reserve 95 percent of the funds made available through the grant to make subgrants to local educational agencies as described in subpart 2 of this part;

(2) reserve 2.5 percent (or, for a fiscal year described in subsection (b) of this section, the percentage determined under subsection (b) of this section) of the funds to make subgrants to local partnerships as described in subpart 3 of this part; and

(3) use the remainder of the funds for State activities described in subsection (c) of this section.

(b) Special rule

For any fiscal year for which the total amount that would be reserved by all States under subsection (a)(2) of this section, if the States applied a 2.5 percentage rate, exceeds \$125,000,000, the Secretary shall determine an alternative percentage that the States shall apply for that fiscal year under subsection (a)(2) of this section so that the total amount reserved by all States under subsection (a)(2) of this section equals \$125,000,000.

(c) State activities

The State educational agency for a State that receives a grant under section 6611 of this title shall use the funds described in subsection (a)(3) of this section to carry out one or more of the following activities, which may be carried out through a grant or contract with a for-profit or nonprofit entity:

(1) Reforming teacher and principal certification (including recertification) or licensing requirements to ensure that—

(A)(i) teachers have the necessary subject matter knowledge and teaching skills in the academic subjects that the teachers teach; and

(ii) principals have the instructional leadership skills to help teachers teach and students learn;

(B) teacher certification (including recertification) or licensing requirements are aligned with challenging State academic content standards; and

(C) teachers have the subject matter knowledge and teaching skills, including technology literacy, and principals have the instructional leadership skills, necessary to help students meet challenging State student academic achievement standards.

(2) Carrying out programs that provide support to teachers or principals, including support for teachers and principals new to their profession, such as programs that—

(A) provide teacher mentoring, team teaching, reduced class schedules, and intensive professional development; and

(B) use standards or assessments for guiding beginning teachers that are consistent with challenging State student academic achievement standards and with the requirements for professional development activities described in section 7801 of this title.