

the activities carried out under this subpart and the activities carried out under that section.

(f) Supplement, not supplant

Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

(Pub. L. 89-10, title II, §2113, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1625.)

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (c)(5), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended. Title II of the Act is classified generally to subchapter II (§1021 et seq.) of chapter 28 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

The No Child Left Behind Act of 2001, referred to in subsec. (c)(15), is Pub. L. 107-110, Jan. 8, 2002, 115 Stat. 1425. For complete classification of this Act to the Code, see Short Title of 2002 Amendment note set out under section 6301 of this title and Tables.

Section 202 of the Higher Education Act of 1965, referred to in subsec. (e), which was classified to section 1022 of this title, was repealed by Pub. L. 110-315, title II, §201(2), Aug. 14, 2008, 122 Stat. 3133. Pub. L. 110-315 enacted a new section 202 of the Act, relating to partnership grants, which is classified to section 1022a of this title.

SUBPART 2—SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES

§ 6621. Allocations to local educational agencies

(a)¹ Subgrants to local educational agencies

(1) In general

The Secretary may make a grant to a State under subpart 1 of this part only if the State educational agency agrees to distribute the funds described in this subsection as subgrants to local educational agencies under this subpart.

(2) Hold harmless

(A) In general

From the funds reserved by a State under section 6613(a)(1) of this title, the State educational agency shall allocate to each local educational agency in the State an amount equal to the total amount that such agency received for fiscal year 2001 under—

(i) section 2203(1)(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).

(B) Nonparticipating agencies

In the case of a local educational agency that did not receive any funds for fiscal year 2001 under one or both of the provisions referred to in clauses (i) and (ii) of subparagraph (A), the amount allocated to the agency under such subparagraph shall be the total amount that the agency would have received for fiscal year 2001 if the agency had elected to participate in all of the programs

for which the agency was eligible under each of the provisions referred to in those clauses.

(C) Ratable reduction

If the funds described in subparagraph (A) are insufficient to pay the full amounts that all local educational agencies in the State are eligible to receive under subparagraph (A) for any fiscal year, the State educational agency shall ratably reduce such amounts for the fiscal year.

(3) Allocation of additional funds

For any fiscal year for which the funds reserved by a State under section 6613(a)(1) of this title exceed the total amount required to make allocations under paragraph (2), the State educational agency shall allocate to each of the eligible local educational agencies in the State the sum of—

(A) an amount that bears the same relationship to 20 percent of the excess amount as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined; and

(B) an amount that bears the same relationship to 80 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

(Pub. L. 89-10, title II, §2121, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1627.)

REFERENCES IN TEXT

Section 2203(1)(B) of this Act (as in effect on the day before January 8, 2002), referred to in subsec. (a)(2)(A)(i), is section 2203(1)(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 6643(1)(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. (a)(2)(A)(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.

PRIOR PROVISIONS

A prior section 6621, Pub. L. 89-10, title II, §2101, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3614; amended Pub. L. 104-208, div. A, title I, §101(e) [title VII, §709(b)(3)(A)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-313, authorized professional development program, prior to the general amendment of this subchapter by Pub. L. 107-110.

§ 6622. Local applications and needs assessment

(a) In general

To be eligible to receive a subgrant under this subpart, a local educational agency shall submit an application to the State educational agency

¹ So in original. No subsec. (b) has been enacted.