

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 (e), which was classified to section 1022 of this title, was repealed by Pub.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)<sup>1</sup> 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

<sup>1</sup> So in original. No subsec. (b) has been enacted.

at such time, in such manner, and containing such information as the State educational agency may reasonably require.

**(b) Contents**

Each application submitted under this section shall be based on the needs assessment required in subsection (c) of this section and shall include the following:

(1)(A) A description of the activities to be carried out by the local educational agency under this subpart and how these activities will be aligned with—

- (i) challenging State academic content standards and student academic achievement standards, and State assessments; and
- (ii) the curricula and programs tied to the standards described in clause (i).

(B) A description of how the activities 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 activities will have a substantial, measurable, and positive impact on student academic achievement and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and minority students from other students.

(3) An assurance that the local educational agency will target funds to schools within the jurisdiction of the local educational agency that—

- (A) have the lowest proportion of highly qualified teachers;
- (B) have the largest average class size; or
- (C) are identified for school improvement under section 6316(b) of this title.

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

(5) A description of the professional development activities that will be made available to teachers and principals under this subpart and how the local educational agency will ensure that the professional development (which may include teacher mentoring) needs of teachers and principals will be met using funds under this subpart.

(6) A description of how the local educational agency will integrate funds under this subpart with funds received under part D of this subchapter that are used for professional development to train teachers to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy.

(7) A description of how the local educational agency, teachers, paraprofessionals, principals, other relevant school personnel, and parents have collaborated in the planning of activities to be carried out under this subpart and in the preparation of the application.

(8) A description of the results of the needs assessment described in subsection (c) of this section.

(9) A description of how the local educational agency will provide training to enable teachers to—

(A) teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency;

(B) improve student behavior in the classroom and identify early and appropriate interventions to help students described in subparagraph (A) learn;

(C) involve parents in their child's education; and

(D) understand and use data and assessments to improve classroom practice and student learning.

(10) A description of how the local educational agency will use funds under this subpart to meet the requirements of section 6319 of this title.

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

**(c) Needs assessment**

**(1) In general**

To be eligible to receive a subgrant under this subpart, a local educational agency shall conduct an assessment of local needs for professional development and hiring, as identified by the local educational agency and school staff.

**(2) Requirements**

Such needs assessment shall be conducted with the involvement of teachers, including teachers participating in programs under part A of subchapter I of this chapter, and shall take into account the activities that need to be conducted in order to give teachers the means, including subject matter knowledge and teaching skills, and to give principals the instructional leadership skills to help teachers, to provide students with the opportunity to meet challenging State and local student academic achievement standards.

(Pub. L. 89-10, title II, §2122, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1628.)

PRIOR PROVISIONS

A prior section 6622, Pub. L. 89-10, title II, §2102, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3615, related to authorized professional development activities, prior to the general amendment of this subchapter by Pub. L. 107-110.

**§ 6623. Local use of funds**

**(a) In general**

A local educational agency that receives a subgrant under section 6621 of this title shall use the funds made available through the subgrant to carry out one or more of the following activities, including carrying out the activities through a grant or contract with a for-profit or nonprofit entity:

- (1) Developing and implementing mechanisms to assist schools in effectively recruit-