

(3) be created for, or adaptable to, challenging State academic content standards and student academic achievement standards; and

(4) be capable of distribution through digital broadcasting and school digital networks.

(b) Eligible entities

To be eligible to receive a grant under section 7257(b) of this title, an entity shall be a local public telecommunications entity, as defined in section 397(12) of title 47, that is able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality.

(c) Competitive basis

Grants under section 7257(b) of this title shall be awarded on a competitive basis as determined by the Secretary.

(d) Matching requirement

To be eligible to receive a grant under section 7257(b) of this title, an entity shall contribute to the activities assisted under such grant non-Federal matching funds in an amount equal to not less than 100 percent of the amount of the grant. Such matching funds may include funds provided for the transition to digital broadcasting, as well as in-kind contributions.

(e) Duration

A grant under section 7257(b) of this title shall be awarded for a period of 3 years in order to provide a sufficient period of time for the creation of a substantial body of significant content.

(Pub. L. 89-10, title V, §5484, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1838.)

§ 7257d. Administrative costs

An entity that receives a grant under this subpart may not use more than 5 percent of the amount received under the grant for administrative costs.

(Pub. L. 89-10, title V, §5485, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1839.)

SUBPART 9—FOREIGN LANGUAGE ASSISTANCE PROGRAM

§ 7259. Short title

This subpart may be cited as the “Foreign Language Assistance Act of 2001”.

(Pub. L. 89-10, title V, §5491, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1839.)

§ 7259a. Program authorized

(a) Program authority

(1) In general

The Secretary is authorized to make grants, on a competitive basis, to State educational agencies or local educational agencies to pay the Federal share of the cost of innovative model programs providing for the establishment, improvement, or expansion of foreign language study for elementary school and secondary school students.

(2) Duration

Each grant under paragraph (1) shall be awarded for a period of 3 years.

(b) Requirements

(1) Grants to State educational agencies

In awarding a grant under subsection (a) of this section to a State educational agency, the Secretary shall support programs that promote systemic approaches to improving foreign language learning in the State.

(2) Grants to local educational agencies

In awarding a grant under subsection (a) of this section to a local educational agency, the Secretary shall support programs that—

(A) show the promise of being continued beyond the grant period;

(B) demonstrate approaches that can be disseminated and duplicated in other local educational agencies; and

(C) may include a professional development component.

(c) Federal share

(1) In general

The Federal share for each fiscal year shall be 50 percent.

(2) Waiver

Notwithstanding paragraph (1), the Secretary may determine the Federal share for any local educational agency which the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this subpart.

(d) Special rule

Not less than $\frac{3}{4}$ of the funds made available under section 7241 of this title to carry out this subpart shall be used for the expansion of foreign language learning in the elementary grades.

(e) Reservation

The Secretary may reserve not more than 5 percent of funds made available under section 7241 of this title to carry out this subpart for a fiscal year to evaluate the efficacy of programs assisted under this subpart.

(Pub. L. 89-10, title V, §5492, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1839.)

§ 7259b. Applications

(a) In general

Any State educational agency or local educational agency desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(b) Special consideration

The Secretary shall give special consideration to applications describing programs that—

(1) include intensive summer foreign language programs for professional development;

(2) link nonnative English speakers in the community with the schools in order to promote two-way language learning;

(3) promote the sequential study of a foreign language for students, beginning in elementary schools;

(4) make effective use of technology, such as computer-assisted instruction, language lab-

oratories, or distance learning, to promote foreign language study;

(5) promote innovative activities, such as foreign language immersion, partial foreign language immersion, or content-based instruction; and

(6) are carried out through a consortium comprised of the agency receiving the grant and an elementary school or secondary school.

(Pub. L. 89-10, title V, §5493, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1840.)

§ 7259c. Elementary school foreign language incentive program

(a) Incentive payments

From amounts made available under section 7241 of this title to carry out this subpart, the Secretary shall make an incentive payment for each fiscal year to each public elementary school that provides to students attending such school a program designed to lead to communicative competency in a foreign language.

(b) Amount

The Secretary shall determine the amount of the incentive payment under subsection (a) of this section for each public elementary school for each fiscal year on the basis of the number of students participating in a program described in such subsection at such school for such year compared to the total number of such students at all such schools in the United States for such year.

(c) Requirement

The Secretary shall consider a program to be designed to lead to communicative competency in a foreign language if such program is comparable to a program that provides not less than 45 minutes of instruction in a foreign language for not fewer than 4 days per week throughout an academic year.

(Pub. L. 89-10, title V, §5494, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1840.)

SUBPART 10—PHYSICAL EDUCATION

§ 7261. Short title

This subpart may be cited as the “Carol M. White Physical Education Program”.

(Pub. L. 89-10, title V, §5501, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1841.)

PRIOR PROVISIONS

A prior section 7261, Pub. L. 89-10, title V, §5301, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3701, set forth short title of the School Dropout Assistance Act, prior to the general amendment of this chapter by Pub. L. 107-110.

§ 7261a. Purpose

The purpose of this subpart is to award grants and contracts to initiate, expand, and improve physical education programs for all kindergarten through 12th-grade students.

(Pub. L. 89-10, title V, §5502, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1841.)

§ 7261b. Program authorized

(a) Authorization

The Secretary is authorized to award grants to local educational agencies and community-

based organizations (such as Boys and Girls Clubs, Boy Scouts and Girl Scouts, and the Young Men’s Christian Organization (YMCA) and Young Women’s Christian Organization (YWCA)) to pay the Federal share of the costs of initiating, expanding, and improving physical education programs (including after-school programs) for kindergarten through 12th-grade students by—

(1) providing equipment and support to enable students to participate actively in physical education activities; and

(2) providing funds for staff and teacher training and education.

(b) Program elements

A physical education program funded under this subpart may provide for one or more of the following:

(1) Fitness education and assessment to help students understand, improve, or maintain their physical well-being.

(2) Instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every student.

(3) Development of, and instruction in, cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle.

(4) Opportunities to develop positive social and cooperative skills through physical activity participation.

(5) Instruction in healthy eating habits and good nutrition.

(6) Opportunities for professional development for teachers of physical education to stay abreast of the latest research, issues, and trends in the field of physical education.

(c) Special rule

For the purpose of this subpart, extra-curricular activities, such as team sports and Reserve Officers’ Training Corps (ROTC) program activities, shall not be considered as part of the curriculum of a physical education program assisted under this subpart.

(Pub. L. 89-10, title V, §5503, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1841.)

§ 7261c. Applications

(a) Submission

Each local educational agency or community-based organization desiring a grant or contract under this subpart shall submit to the Secretary an application that contains a plan to initiate, expand, or improve physical education programs in order to make progress toward meeting State standards for physical education.

(b) Private school and home-schooled students

An application for funds under this subpart may provide for the participation, in the activities funded under this subpart, of—

(1) students enrolled in private nonprofit elementary schools or secondary schools, and their parents and teachers; or

(2) home-schooled students, and their parents and teachers.

(Pub. L. 89-10, title V, §5504, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1841.)