

branch and is not intended to, and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

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#### DEFINITIONS

Pub. L. 100-297, title VI, §6301, Apr. 28, 1988, 102 Stat. 431, provided that: "Except as otherwise provided, for the purpose of this Act [see Tables for classification] the terms used in this Act have the meanings provided under section 1471 of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 [formerly 20 U.S.C. 2891]."

### § 6302. Authorization of appropriations

#### (a) Local educational agency grants

For the purpose of carrying out part A of this subchapter, there are authorized to be appropriated—

- (1) \$13,500,000,000 for fiscal year 2002;
- (2) \$16,000,000,000 for fiscal year 2003;
- (3) \$18,500,000,000 for fiscal year 2004;
- (4) \$20,500,000,000 for fiscal year 2005;
- (5) \$22,750,000,000 for fiscal year 2006; and
- (6) \$25,000,000,000 for fiscal year 2007.

#### (b) Reading First

##### (1) Reading First

For the purpose of carrying out subpart 1 of part B of this subchapter, there are authorized to be appropriated \$900,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

##### (2) Early Reading First

For the purpose of carrying out subpart 2 of part B of this subchapter, there are authorized to be appropriated \$75,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

##### (3) Even Start

For the purpose of carrying out subpart 3 of part B of this subchapter, there are authorized to be appropriated \$260,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

##### (4) Improving literacy through school libraries

For the purpose of carrying out subpart 4 of part B of this subchapter, there are authorized to be appropriated \$250,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

#### (c) Education of migratory children

For the purpose of carrying out part C of this subchapter, there are authorized to be appropriated \$410,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

#### (d) Prevention and intervention programs for youth who are neglected, delinquent, or at risk

For the purpose of carrying out part D of this subchapter, there are authorized to be appropriated \$50,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

#### (e) Federal activities

##### (1) Sections 6491 and 6492

For the purpose of carrying out sections 6491 and 6492 of this title, there are authorized to

be appropriated such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

#### (2) Section 6494

##### (A) In general

For the purpose of carrying out section 6494 of this title, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and for each of the 5 succeeding fiscal years.

##### (B) Special rule

Of the funds appropriated pursuant to subparagraph (A), not more than 30 percent may be used for teachers associated with students participating in the programs described in subsections (a)(1), (b)(1), and (c)(1) of this section.

#### (f) Comprehensive school reform

For the purpose of carrying out part F of this subchapter, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

#### (g) Advanced placement

For the purposes of carrying out part G of this subchapter, there are authorized to be appropriated such sums for fiscal year 2002 and each 5 succeeding fiscal year.

#### (h) School dropout prevention

For the purpose of carrying out part H of this subchapter, there are authorized to be appropriated \$125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

- (1) up to 10 percent shall be available to carry out subpart 1 of part H of this subchapter for each fiscal year; and
- (2) the remainder shall be available to carry out subpart 2 of part H of this subchapter for each fiscal year.

#### (i) School improvement

For the purpose of carrying out section 6303(g) of this title, there are authorized to be appropriated \$500,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(Pub. L. 89-10, title I, §1002, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1440.)

#### PRIOR PROVISIONS

A prior section 6302, Pub. L. 89-10, title I, §1002, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3522; amended Pub. L. 106-554, §1(a)(4) [div. B, title XVI, §1602], Dec. 21, 2000, 114 Stat. 2763, 2763A-328, authorized appropriations, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 1002 of Pub. L. 89-10 was renumbered section 9002 and was classified to section 3382 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

### § 6303. School improvement

#### (a) State reservations

Each State shall reserve 2 percent of the amount the State receives under subpart 2 of part A of this subchapter for fiscal years 2002 and 2003, and 4 percent of the amount received

under such subpart for fiscal years 2004 through 2007, to carry out subsection (b) of this section and to carry out the State's responsibilities under sections 6316 and 6317 of this title, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.

**(b) Uses**

Of the amount reserved under subsection (a) of this section for any fiscal year, the State educational agency—

(1) shall allocate not less than 95 percent of that amount directly to local educational agencies for schools identified for school improvement, corrective action, and restructuring, for activities under section 6316(b) of this title; or

(2) may, with the approval of the local educational agency, directly provide for these activities or arrange for their provision through other entities such as school support teams or educational service agencies.

**(c) Priority**

The State educational agency, in allocating funds to local educational agencies under this section, shall give priority to local educational agencies that—

(1) serve the lowest-achieving schools;

(2) demonstrate the greatest need for such funds; and

(3) demonstrate the strongest commitment to ensuring that such funds are used to enable the lowest-achieving schools to meet the progress goals in school improvement plans under section 6316(b)(3)(A)(v) of this title.

**(d) Unused funds**

If, after consultation with local educational agencies in the State, the State educational agency determines that the amount of funds reserved to carry out subsection (b) of this section is greater than the amount needed to provide the assistance described in that subsection, the State educational agency shall allocate the excess amount to local educational agencies in accordance with—

(1) the relative allocations the State educational agency made to those agencies for that fiscal year under subpart 2 of part A of this subchapter; or

(2) section 6338(c) of this title.

**(e) Special rule**

Notwithstanding any other provision of this section, the amount of funds reserved by the State educational agency under subsection (a) of this section in any fiscal year shall not decrease the amount of funds each local educational agency receives under subpart 2<sup>1</sup> below the amount received by such local educational agency under such subpart for the preceding fiscal year.

**(f) Reporting**

The State educational agency shall make publicly available a list of those schools that have received funds or services pursuant to subsection (b) of this section and the percentage of

students from each school from families with incomes below the poverty line.

**(g) Assistance for local school improvement**

**(1) Program authorized**

The Secretary shall award grants to States to enable the States to provide subgrants to local educational agencies for the purpose of providing assistance for school improvement consistent with section 6316 of this title.

**(2) State allotments**

Such grants shall be allotted among States, the Bureau of Indian Affairs, and the outlying areas, in proportion to the funds received by the States, the Bureau of Indian Affairs, and the outlying areas, respectively, for the fiscal year under parts A, C, and D of this subchapter. The Secretary shall expeditiously allot a portion of such funds to States for the purpose of assisting local educational agencies and schools that were in school improvement status on the date preceding January 8, 2002.

**(3) Reallocations**

If a State does not receive funds under this subsection, the Secretary shall reallocate such funds to other States in the same proportion funds are allocated under paragraph (2).

**(4) State applications**

Each State educational agency that desires to receive funds under this subsection shall submit an application to the Secretary at such time, and containing such information, as the Secretary shall reasonably require, except that such requirement shall be waived if a State educational agency submitted such information as part of its State plan under this part. Each State application shall describe how the State educational agency will allocate such funds in order to assist the State educational agency and local educational agencies in complying with school improvement, corrective action, and restructuring requirements of section 6316 of this title.

**(5) Local educational agency grants**

A grant to a local educational agency under this subsection shall be—

(A) of sufficient size and scope to support the activities required under sections 6316 and 6317 of this title, but not less than \$50,000 and not more than \$500,000 for each participating school;

(B) integrated with other funds awarded by the State under this chapter; and

(C) renewable for two additional 1-year periods if schools are meeting the goals in their school improvement plans developed under section 6316 of this title.

**(6) Priority**

The State, in awarding such grants, shall give priority to local educational agencies with the lowest-achieving schools that demonstrate—

(A) the greatest need for such funds; and

(B) the strongest commitment to ensuring that such funds are used to provide adequate resources to enable the lowest-achieving schools to meet the goals under school and local educational agency improvement, cor-

<sup>1</sup> So in original. Probably should be "subpart 2 of part A of this subchapter".

rective action, and restructuring plans under section 6316 of this title.

**(7) Allocation**

A State educational agency that receives a grant under this subsection shall allocate at least 95 percent of the grant funds directly to local educational agencies for schools identified for school improvement, corrective action, or restructuring to carry out activities under section 6316(b) of this title, or may, with the approval of the local educational agency, directly provide for these activities or arrange for their provision through other entities such as school support teams or educational service agencies.

**(8) Administrative costs**

A State educational agency that receives a grant award under this subsection may reserve not more than 5 percent of such grant funds for administration, evaluation, and technical assistance expenses.

**(9) Local awards**

Each local educational agency that applies for assistance under this subsection shall describe how it will provide the lowest-achieving schools the resources necessary to meet goals under school and local educational agency improvement, corrective action, and restructuring plans under section 6316 of this title.

(Pub. L. 89-10, title I, §1003, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1442.)

PRIOR PROVISIONS

A prior section 6303, Pub. L. 89-10, title I, §1003, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3522, related to reservation and allocation for school improvement, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 1003 of Pub. L. 89-10 was renumbered section 9003 and was classified to section 3383 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

**§ 6304. State administration**

**(a) In general**

Except as provided in subsection (b) of this section, to carry out administrative duties assigned under parts A, C, and D of this subchapter, each State may reserve the greater of—

- (1) 1 percent of the amounts received under such parts; or
- (2) \$400,000 (\$50,000 in the case of each outlying area).

**(b) Exception**

If the sum of the amounts appropriated for parts A, C, and D of this subchapter is equal to or greater than \$14,000,000,000, then the reservation described in subsection (a)(1) of this section shall not exceed 1 percent of the amount the State would receive, if \$14,000,000,000 were allocated among the States for parts A, C, and D of this subchapter.

(Pub. L. 89-10, title I, §1004, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1444.)

PRIOR PROVISIONS

A prior section 1004 of Pub. L. 89-10 was renumbered section 9004 and was classified to section 3384 of this

title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

SUBPART 1—BASIC PROGRAM REQUIREMENTS

**§ 6311. State plans**

**(a) Plans required**

**(1) In general**

For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators (including administrators of programs described in other parts of this subchapter), other staff, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this chapter, the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.], the Carl D. Perkins Career and Technical Education Act of 2006 [20 U.S.C. 2301 et seq.], the Head Start Act [42 U.S.C. 9831 et seq.], the Adult Education and Family Literacy Act [20 U.S.C. 9201 et seq.], and the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11301 et seq.].

**(2) Consolidated plan**

A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 7842 of this title.

**(b) Academic standards, academic assessments, and accountability**

**(1) Challenging academic standards**

**(A) In general**

Each State plan shall demonstrate that the State has adopted challenging academic content standards and challenging student academic achievement standards that will be used by the State, its local educational agencies, and its schools to carry out this part, except that a State shall not be required to submit such standards to the Secretary.

**(B) Same standards**

The academic standards required by subparagraph (A) shall be the same academic standards that the State applies to all schools and children in the State.

**(C) Subjects**

The State shall have such academic standards for all public elementary school and secondary school children, including children served under this part, in subjects determined by the State, but including at least mathematics, reading or language arts, and (beginning in the 2005-2006 school year) science, which shall include the same knowledge, skills, and levels of achievement expected of all children.

**(D) Challenging academic standards**

Standards under this paragraph shall include—

- (i) challenging academic content standards in academic subjects that—