

(6) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, evaluation, and dissemination of promising practices;

(7) describes how programs under this part will be coordinated with programs under this chapter, and other programs as appropriate;

(8) contains an assurance that the State educational agency—

(A) will make awards for programs for a period of not less than 3 years and not more than 5 years; and

(B) will require each eligible entity seeking such an award to submit a plan describing how the community learning center to be funded through the award will continue after funding under this part ends;

(9) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, other Federal, State, and local public funds expended to provide programs and activities authorized under this part and other similar programs;

(10) contains an assurance that the State educational agency will require eligible entities to describe in their applications under section 7174(b) of this title how the transportation needs of participating students will be addressed;

(11) provides an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering before and after school (or summer school) programs, the heads of the State health and mental health agencies or their designees, and representatives of teachers, parents, students, the business community, and community-based organizations;

(12) describes the results of the State's needs and resources assessment for before and after school activities, which shall be based on the results of on-going State evaluation activities;

(13) describes how the State educational agency will evaluate the effectiveness of programs and activities carried out under this part, which shall include, at a minimum—

(A) a description of the performance indicators and performance measures that will be used to evaluate programs and activities; and

(B) public dissemination of the evaluations of programs and activities carried out under this part; and

(14) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission.

**(b) 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 part.

**(c) Disapproval**

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

**(d) Notification**

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

**(e) Response**

If the State educational agency responds to the Secretary's notification described in subsection (d)(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 (d)(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 (b) of this section.

**(f) Failure to respond**

If the State educational agency does not respond to the Secretary's notification described in subsection (d)(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 IV, § 4203, as added Pub. L. 107-110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1767.)

**§ 7174. Local competitive grant program**

**(a) In general**

A State that receives funds under this part for a fiscal year shall provide the amount made available under section 7172(c)(1) of this title to eligible entities for community learning centers in accordance with this part.

**(b) Application**

**(1) In general**

To be eligible to receive an award under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

**(2) Contents**

Each application submitted under paragraph (1) shall include—

(A) a description of the before and after school or summer recess activities to be funded, including—

(i) an assurance that the program will take place in a safe and easily accessible facility;

(ii) a description of how students participating in the program carried out by the community learning center will travel safely to and from the center and home; and

(iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;

(B) a description of how the activity is expected to improve student academic achievement;

(C) an identification of Federal, State, and local programs that will be combined or coordinated with the proposed program to make the most effective use of public resources;

(D) an assurance that the proposed program was developed, and will be carried out, in active collaboration with the schools the students attend;

(E) a description of how the activities will meet the principles of effectiveness described in section 7175(b) of this title;

(F) an assurance that the program will primarily target students who attend schools eligible for schoolwide programs under section 6314 of this title and the families of such students;

(G) an assurance that funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds;

(H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity, if appropriate;

(I) an evaluation of the community needs and available resources for the community learning center and a description of how the program proposed to be carried out in the center will address those needs (including the needs of working families);

(J) a demonstration that the eligible entity has experience, or promise of success, in providing educational and related activities that will complement and enhance the academic performance, achievement, and positive youth development of the students;

(K) a description of a preliminary plan for how the community learning center will continue after funding under this part ends;

(L) an assurance that the community will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application;

(M) if the eligible entity plans to use senior volunteers in activities carried out through the community learning center, a description of how the eligible entity will encourage and use appropriately qualified seniors to serve as the volunteers; and

(N) such other information and assurances as the State educational agency may reasonably require.

### **(c) Approval of certain applications**

The State educational agency may approve an application under this part for a program to be located in a facility other than an elementary school or secondary school only if the program will be at least as available and accessible to the students to be served as if the program were located in an elementary school or secondary school.

### **(d) Permissive local match**

#### **(1) In general**

A State educational agency may require an eligible entity to match funds awarded under this part, except that such match may not exceed the amount of the grant award and may not be derived from other Federal or State funds.

#### **(2) Sliding scale**

The amount of a match under paragraph (1) shall be established based on a sliding fee scale that takes into account—

(A) the relative poverty of the population to be targeted by the eligible entity; and

(B) the ability of the eligible entity to obtain such matching funds.

#### **(3) In-kind contributions**

Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

#### **(4) Consideration**

Notwithstanding this subsection, a State educational agency shall not consider an eligible entity's ability to match funds when determining which eligible entities will receive awards under this part.

### **(e) Peer review**

In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

### **(f) Geographic diversity**

To the extent practicable, a State educational agency shall distribute funds under this part equitably among geographic areas within the State, including urban and rural communities.

### **(g) Duration of awards**

Grants under this part may be awarded for a period of not less than 3 years and not more than 5 years.

### **(h) Amount of awards**

A grant awarded under this part may not be made in an amount that is less than \$50,000.

### **(i) Priority**

#### **(1) In general**

In awarding grants under this part, a State educational agency shall give priority to applications—

(A) proposing to target services to students who attend schools that have been identified as in need of improvement under section 6316 of this title; and

(B) submitted jointly by eligible entities consisting of not less than 1—

(i) local educational agency receiving funds under part A of subchapter I of this chapter; and

(ii) community-based organization or other public or private entity.

**(2) Special rule**

The State educational agency shall provide the same priority under paragraph (1) to an application submitted by a local educational agency if the local educational agency demonstrates that it is unable to partner with a community-based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.

(Pub. L. 89-10, title IV, §4204, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1769.)

**§ 7175. Local activities**

**(a) Authorized activities**

Each eligible entity that receives an award under this part may use the award funds to carry out a broad array of before and after school activities (including during summer recess periods) that advance student academic achievement, including—

(1) remedial education activities and academic enrichment learning programs, including providing additional assistance to students to allow the students to improve their academic achievement;

(2) mathematics and science education activities;

(3) arts and music education activities;

(4) entrepreneurial education programs;

(5) tutoring services (including those provided by senior citizen volunteers) and mentoring programs;

(6) programs that provide after school activities for limited English proficient students that emphasize language skills and academic achievement;

(7) recreational activities;

(8) telecommunications and technology education programs;

(9) expanded library service hours;

(10) programs that promote parental involvement and family literacy;

(11) programs that provide assistance to students who have been truant, suspended, or expelled to allow the students to improve their academic achievement; and

(12) drug and violence prevention programs, counseling programs, and character education programs.

**(b) Principles of effectiveness**

**(1) In general**

For a program or activity developed pursuant to this part to meet the principles of effectiveness, such program or activity shall—

(A) be based upon an assessment of objective data regarding the need for before and after school programs (including during summer recess periods) and activities in the schools and communities;

(B) be based upon an established set of performance measures aimed at ensuring the availability of high quality academic enrichment opportunities; and

(C) if appropriate, be based upon scientifically based research that provides evidence that the program or activity will help students meet the State and local student academic achievement standards.

**(2) Periodic evaluation**

**(A) In general**

The program or activity shall undergo a periodic evaluation to assess its progress toward achieving its goal of providing high quality opportunities for academic enrichment.

**(B) Use of results**

The results of evaluations under subparagraph (A) shall be—

(i) used to refine, improve, and strengthen the program or activity, and to refine the performance measures; and

(ii) made available to the public upon request, with public notice of such availability provided.

(Pub. L. 89-10, title IV, §4205, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1772.)

**§ 7176. Authorization of appropriations**

There are authorized to be appropriated—

(1) \$1,250,000,000 for fiscal year 2002;

(2) \$1,500,000,000 for fiscal year 2003;

(3) \$1,750,000,000 for fiscal year 2004;

(4) \$2,000,000,000 for fiscal year 2005;

(5) \$2,250,000,000 for fiscal year 2006; and

(6) \$2,500,000,000 for fiscal year 2007.

(Pub. L. 89-10, title IV, §4206, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1773.)

**PART C—ENVIRONMENTAL TOBACCO SMOKE**

**CODIFICATION**

Similar provisions relating to environmental tobacco smoke are contained in part B (§6081 et seq.) of subchapter X of chapter 68 of this title.

**§ 7181. Short title**

This part may be cited as the “Pro-Children Act of 2001”.

(Pub. L. 89-10, title IV, §4301, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1773.)

**PRIOR PROVISIONS**

A prior section 4301 of Pub. L. 89-10 was classified to section 3081 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

**§ 7182. Definitions**

As used in this part:

**(1) Children**

The term “children” means individuals who have not attained the age of 18.

**(2) Children’s services**

The term “children’s services” means the provision on a routine or regular basis of health, day care, education, or library services—

(A) that are funded, after January 8, 2002, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—