

services with the program to provide appropriate mental health services for students.

(6) An explanation of how the applicant will establish a program that will support students and the school in maintaining an environment conducive to learning.

(e) Interagency agreements

(1) Designation of lead agency

The recipient of each grant, contract, or cooperative agreement shall designate a lead agency to direct the establishment of an interagency agreement among local educational agencies, juvenile justice authorities, mental health agencies, and other relevant entities in the State, in collaboration with local entities and parents and guardians of students.

(2) Contents

The interagency agreement shall ensure the provision of the services described in subsection (c) of this section, specifying with respect to each agency, authority, or entity—

(A) the financial responsibility for the services;

(B) the conditions and terms of responsibility for the services, including quality, accountability, and coordination of the services; and

(C) the conditions and terms of reimbursement among the agencies, authorities, or entities that are parties to the interagency agreement, including procedures for dispute resolution.

(f) Evaluation

The Secretary shall evaluate each program carried out by a State educational agency, local educational agency, or Indian tribe under this section and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

(g) Distribution of awards

The Secretary shall ensure that grants, contracts, and cooperative agreements awarded or entered into under this section are equitably distributed among the geographical regions of the United States and among urban, suburban, and rural populations.

(h) Rule of construction

Nothing in Federal law shall be construed—

(1) to prohibit an entity involved with a program carried out under this section from reporting a crime that is committed by a student to appropriate authorities; or

(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a student.

(i) Supplement, not supplant

Any services provided through programs carried out under this section must supplement, and not supplant, existing mental health services, including any services required to be provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(Pub. L. 89-10, title V, §5541, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1851.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (i), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

§ 7269a. Promotion of school readiness through early childhood emotional and social development

(a) Authorization

The Secretary, in consultation with the Secretary of Health and Human Services, may award grants (to be known as “Foundations for Learning Grants”) to local educational agencies, local councils, community-based organizations, and other public or nonprofit private entities to assist eligible children to become ready for school.

(b) Applications

To be eligible to receive a grant under this section, a local educational agency, local council, community-based organization, or other public or nonprofit private entity, or a combination of such entities, shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. The application shall include each of the following:

(1) A description of the population that the applicant intends to serve and the types of services to be provided under the grant.

(2) A description of the manner in which services under the grant will be coordinated with existing similar services provided by public and nonprofit private entities within the State.

(3) An assurance that—

(A) services under the grant shall be provided by or under the supervision of qualified professionals with expertise in early childhood development;

(B) such services shall be culturally competent;

(C) such services shall be provided in accordance with subsection (c) of this section;

(D) funds received under this section shall be used to supplement, and not supplant, non-Federal funds; and

(E) parents of students participating in services under this section will be involved in the design and implementation of the services.

(c) Uses of funds

A local educational agency, local council, community-based organization, or other public or nonprofit private entity that receives funds under this section may use such funds to benefit eligible children, for one or more of the following:

(1) To deliver services to eligible children and their families that foster eligible children’s emotional, behavioral, and social development and take into consideration the characteristics described in subsection (f)(1) of this section.

(2) To coordinate and facilitate access by eligible children and their families to the serv-

ices available through community resources, including mental health, physical health, substance abuse, educational, domestic violence prevention, child welfare, and social services.

(3) To provide ancillary services such as transportation or child care in order to facilitate the delivery of any other services or activities authorized by this section.

(4) To develop or enhance early childhood community partnerships and build toward a community system of care that brings together child-serving agencies or organizations to provide individualized supports for eligible children and their families.

(5) To evaluate the success of strategies and services provided pursuant to this section in promoting young children's successful entry to school and to maintain data systems required for effective evaluations.

(6) To pay for the expenses of administering the activities authorized under this section, including assessment of children's eligibility for services.

(d) Limitations

(1) Services not otherwise funded

A local educational agency, local council, community-based organization, or other public or nonprofit private entity may use funds under this section only to pay for services that cannot be paid for using other Federal, State, or local public resources or through private insurance.

(2) Administrative expenses

A grantee may not use more than 3 percent of the amount of the grant to pay the administrative expenses described in subsection (c)(6) of this section.

(e) Evaluations

The Secretary shall directly evaluate, or enter into a contract for an outside evaluation of, each program carried out under this section and shall disseminate the findings with respect to such evaluation to appropriate public and private entities.

(f) Definitions

In this section:

(1) Eligible child

The term "eligible child" means a child who has not attained the age of 7 years, and to whom two or more of the following characteristics apply:

(A) The child has been abused, maltreated, or neglected.

(B) The child has been exposed to violence.

(C) The child has been homeless.

(D) The child has been removed from child care, Head Start, or preschool for behavioral reasons or is at risk of being so removed.

(E) The child has been exposed to parental depression or other mental illness.

(F) The family income with respect to the child is below 200 percent of the poverty line.

(G) The child has been exposed to parental substance abuse.

(H) The child has had early behavioral and peer relationship problems.

(I) The child had a low birth weight.

(J) The child has a cognitive deficit or developmental disability.

(2) Local council

The term "local council" means a council that is established or designated by a local government entity, Indian tribe, regional corporation, or native Hawaiian entity, as appropriate, which is composed of representatives of local agencies directly affected by early learning programs, parents, key community leaders, and other individuals concerned with early learning issues in the locality, such as elementary education, child care resource and referral services, early learning opportunities, child care, and health services.

(3) Provider of early childhood services

The term "provider of early childhood services" means a public or private entity that has regular contact with young children, including child welfare agencies, child care providers, Head Start and Early Head Start providers, preschools, kindergartens, libraries, mental health professionals, family courts, homeless shelters, and primary care providers.

(Pub. L. 89-10, title V, §5542, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1853.)

SUBPART 15—ARTS IN EDUCATION

§ 7271. Assistance for arts education

(a) Purposes

The purposes of this subpart are the following:

(1) To support systemic education reform by strengthening arts education as an integral part of the elementary school and secondary school curriculum.

(2) To help ensure that all students meet challenging State academic content standards and challenging State student academic achievement standards in the arts.

(3) To support the national effort to enable all students to demonstrate competence in the arts.

(b) Authority

The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, eligible entities described in subsection (c) of this section.

(c) Eligible entities

The Secretary may make assistance available under subsection (b) of this section to each of the following eligible entities:

(1) State educational agencies.

(2) Local educational agencies.

(3) Institutions of higher education.

(4) Museums or other cultural institutions.

(5) Any other public or private agencies, institutions, or organizations.

(d) Use of funds

Assistance made available under this subpart may be used for any of the following:

(1) Research on arts education.

(2) Planning, developing, acquiring, expanding, improving, or disseminating information about model school-based arts education programs.

(3) The development of model State arts education assessments based on State academic achievement standards.