

and the smaller learning community or communities, including how such agency will demonstrate a commitment to the continuity of the smaller learning community or communities (including the continuity of student and teacher assignment to a particular learning community).

(11) How the local educational agency will coordinate or use funds provided under this subpart with other funds provided under this chapter or other Federal laws.

(12) The grade levels or ages of students who will participate in the smaller learning community or communities.

(13) The method of placing students in the smaller learning community or communities, such that students are not placed according to ability or any other measure, but are placed at random or by their own choice, and not pursuant to testing or other judgments.

(c) Authorized activities

Funds under this section may be used for one or more of the following:

(1) To study—

(A) the feasibility of creating the smaller learning community or communities; and

(B) effective and innovative organizational and instructional strategies that will be used in the smaller learning community or communities.

(2) To research, develop, and implement—

(A) strategies for creating the smaller learning community or communities; and

(B) strategies for effective and innovative changes in curriculum and instruction, geared to challenging State academic content standards and State student academic achievement standards.

(3) To provide professional development for school staff in innovative teaching methods that—

(A) challenge and engage students; and

(B) will be used in the smaller learning community or communities.

(4) To develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities as facilitators of activities that enable teachers to participate in professional development activities and provide links between students and their community.

(Pub. L. 89–10, title V, §5441, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1823.)

SUBPART 5—READING IS FUNDAMENTAL—
INEXPENSIVE BOOK DISTRIBUTION PROGRAM

§ 7251. Inexpensive book distribution program for reading motivation

(a) Purpose

The purpose of this subpart is to establish and implement a model partnership between a governmental entity and a private entity, to help prepare young children for reading and to motivate older children to read, through the distribution of inexpensive books. Local reading

motivation programs assisted under this section shall use such assistance to provide books, training for volunteers, motivational activities, and other essential literacy resources and shall assign the highest priority to serving the youngest and neediest children in the United States.

(b) Authorization

The Secretary is authorized to enter into a contract with Reading Is Fundamental (RIF) (hereafter in this section referred to as the “contractor”) to support and promote programs, which include the distribution of inexpensive books to young and school-age children, that motivate children to read.

(c) Requirements of contract

Any contract entered into under subsection (b) of this section shall contain each of the following:

(1) A provision that the contractor will enter into subcontracts with local private nonprofit groups or organizations, or with public agencies, under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift (to the extent feasible) or by loan, to children from birth through secondary school age, including children in family literacy programs.

(2) A provision that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs.

(3) A provision that, in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as the following:

(A) Low-income children, particularly in high-poverty areas.

(B) Children at risk of school failure.

(C) Children with disabilities.

(D) Foster children.

(E) Homeless children.

(F) Migrant children.

(G) Children¹ without access to libraries.

(H) Institutionalized or incarcerated children.

(I) Children whose parents are institutionalized or incarcerated.

(4) A provision that the contractor will provide such training and technical assistance to subcontractors as may be necessary to carry out the purpose of this subpart.

(5) A provision that the contractor will annually report to the Secretary the number, and a description, of programs funded under paragraph (3).

(6) Such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

(d) Restriction on payments

The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case

¹ So in original. Probably should be “(G) Children”.

may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

(e) Special rules for certain subcontractors

(1) Funds from other Federal sources

Subcontractors operating programs under this section in low-income communities with a substantial number or percentage of children with special needs, as described in subsection (c)(3) of this section, may use funds from other Federal sources to pay the non-Federal share of the cost of the program, if those funds do not comprise more than 50 percent of the non-Federal share of the funds used for the cost of acquiring and distributing books.

(2) Waiver authority

Notwithstanding subsection (c) of this section, the contractor may waive, in whole or in part, the requirement in subsection (c)(1) of this section for a subcontractor, if the subcontractor demonstrates that it would otherwise not be able to participate in the program, and enters into an agreement with the contractor with respect to the amount of the non-Federal share to which the waiver will apply. In a case in which such a waiver is granted, the requirement in subsection (c)(2) of this section shall not apply.

(f) Multi-year contracts

The contractor may enter into a multi-year subcontract under this section, if—

(1) the contractor believes that such subcontract will provide the subcontractor with additional leverage in seeking local commitments; and

(2) the subcontract does not undermine the finances of the national program.

(g) Federal share defined

In this section, the term “Federal share” means, with respect to the cost to a subcontractor of purchasing books to be paid for under this section, 75 percent of such costs to the subcontractor, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent of such costs to the subcontractor.

(Pub. L. 89-10, title V, §5451, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1824.)

SUBPART 6—GIFTED AND TALENTED STUDENTS

§ 7253. Short title

This subpart may be cited as the “Jacob K. Javits Gifted and Talented Students Education Act of 2001”.

(Pub. L. 89-10, title V, §5461, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1826.)

§ 7253a. Purpose

The purpose of this subpart is to initiate a coordinated program of scientifically based research, demonstration projects, innovative strategies, and similar activities designed to

build and enhance the ability of elementary schools and secondary schools nationwide to meet the special educational needs of gifted and talented students.

(Pub. L. 89-10, title V, §5462, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1826.)

§ 7253b. Rule of construction

Nothing in this subpart shall be construed to prohibit a recipient of funds under this subpart from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational settings, where appropriate.

(Pub. L. 89-10, title V, §5463, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1826.)

§ 7253c. Authorized programs

(a) Establishment of program

(1) In general

The Secretary (after consultation with experts in the field of the education of gifted and talented students) is authorized to make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, other public agencies, and other private agencies and organizations (including Indian tribes and Indian organizations (as such terms are defined in section 450b of title 25) and Native Hawaiian organizations) to assist such agencies, institutions, and organizations in carrying out programs or projects authorized by this subpart that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

(2) Application

Each entity seeking assistance under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall describe how—

(A) the proposed gifted and talented services, materials, and methods can be adapted, if appropriate, for use by all students; and

(B) the proposed programs can be evaluated.

(b) Use of funds

Programs and projects assisted under this section may include each of the following:

(1) Conducting—

(A) scientifically based research on methods and techniques for identifying and teaching gifted and talented students and for using gifted and talented programs and methods to serve all students; and

(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purpose of this subpart.

(2) Carrying out professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students.