

(A) qualified organization, Indian tribe, territory, local educational agency, for-profit business, private elementary school or secondary school, or institution of higher education that desires to receive financial assistance under this subpart¹ from a State, territory, or Indian tribe for an activity described in section 12523(a)(1) of this title;

(B) partnership described in section 12523(a)(2) of this title that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in section 12523(a)(2) of this title;

(C) entity described in section 12523(a)(3) of this title that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in such section;

(D) entity or partnership described in section 12523(a)(4) of this title that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in such section; and

(E) entity that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in section 12521(a)(5)² of this title,

shall prepare, submit to the State educational agency for the State, territory, or Indian tribe, and obtain approval of, an application for the program.

(2) Submission

Such application shall be submitted at such time and in such manner, and shall contain such information, as the agency, territory, or Indian tribe may reasonably require.

(Pub. L. 101-610, title I, §113, as added Pub. L. 111-13, title I, §1201, Apr. 21, 2009, 123 Stat. 1471.)

REFERENCES IN TEXT

Section 12521(a)(5) of this title, referred to in subsec. (b)(1)(E), probably should be a reference to section 12523(a)(5) of this title. Section 12521 does not contain subsections.

PRIOR PROVISIONS

A prior section 12525, Pub. L. 101-610, title I, §113, as added Pub. L. 103-82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 829, related to submission and contents of State or tribal applications, prior to the general amendment of this part by Pub. L. 111-13.

Another prior section 12525, Pub. L. 101-610, title I, §115, Nov. 16, 1990, 104 Stat. 3137; Pub. L. 102-384, §4, Oct. 5, 1992, 106 Stat. 1455, related to priority applications and private school participation, prior to repeal by Pub. L. 103-82, §103(a)(2).

A prior section 113 of Pub. L. 101-610 was classified to section 12523 of this title prior to repeal by Pub. L. 103-82.

§ 12526. Consideration of applications

(a) Criteria for local applications

In providing assistance under this part, a State educational agency, territory, or Indian tribe (or the Corporation if section 12524(c) of this title applies) shall consider criteria with respect to sustainability, replicability, innovation, and quality of programs.

¹ So in original. Probably should be "this part".

² See References in Text note below.

(b) Priority for local applications

In providing assistance under this part, a State educational agency, territory, or Indian tribe (or the Corporation if section 12524(c) of this title applies) shall give priority to entities that submit applications under section 12525 of this title with respect to service-learning programs described in section 12521 of this title that are in the greatest need of assistance, such as programs targeting low-income areas or serving economically disadvantaged youth.

(c) Rejection of applications to Corporation

If the Corporation rejects an application submitted by a State, territory, or Indian tribe under section 12525 of this title for an allotment, the Corporation shall promptly notify the State, territory, or Indian tribe of the reasons for the rejection of the application. The Corporation shall provide the State, territory, or Indian tribe with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the State, territory, or Indian tribe as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.

(Pub. L. 101-610, title I, §114, as added Pub. L. 111-13, title I, §1201, Apr. 21, 2009, 123 Stat. 1472.)

PRIOR PROVISIONS

A prior section 12526, Pub. L. 101-610, title I, §114, as added Pub. L. 103-82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 829, related to preparation, submission, and approval of local applications, prior to the general amendment of this part by Pub. L. 111-13.

Another prior section 12526, Pub. L. 101-610, title I, §116, Nov. 16, 1990, 104 Stat. 3138; Pub. L. 102-384, §4, Oct. 5, 1992, 106 Stat. 1455, prescribed Federal and local project contributions, prior to repeal by Pub. L. 103-82, §103(a)(2).

A prior section 114 of Pub. L. 101-610 was classified to section 12524 of this title prior to repeal by Pub. L. 103-82.

§ 12527. Participation of students and teachers from private schools

(a) In general

To the extent consistent with the number of students in the State, in the territory, or served by the Indian tribe or in the school district of the local educational agency involved who are enrolled in private nonprofit elementary schools and secondary schools, such State, territory, or Indian tribe, or agency shall (after consultation with appropriate private school representatives) make provision—

(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this part; and

(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this part.

(b) Waiver

If a State, territory, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teach-

ers from private nonprofit schools as required by subsection (a), or if the Corporation determines that a State, territory, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Chief Executive Officer shall waive such requirements and shall arrange for the provision of services to such students and teachers.

(Pub. L. 101-610, title I, §115, as added Pub. L. 111-13, title I, §1201, Apr. 21, 2009, 123 Stat. 1473.)

PRIOR PROVISIONS

A prior section 12527, Pub. L. 101-610, title I, §115, as added Pub. L. 103-82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 830, related to consideration of applications, prior to the general amendment of this part by Pub. L. 111-13.

Another prior section 12527, Pub. L. 101-610, title I, §117, Nov. 16, 1990, 104 Stat. 3138; Pub. L. 102-10, §4(5), Mar. 12, 1991, 105 Stat. 30, prescribed authorized uses of funds, prior to repeal by Pub. L. 103-82, §103(a)(2).

A prior section 115 of Pub. L. 101-610 was classified to section 12525 of this title prior to repeal by Pub. L. 103-82.

§ 12528. Federal, State, and local contributions

(a) Corporation share

(1) In general

The Corporation share of the cost of carrying out a program for which a grant is made from an allotment under this part—

(A) for new grants may not exceed 80 percent of the total cost of the program for the first year of the grant period, 65 percent for the second year, and 50 percent for each remaining year; and

(B) for continuing grants, may not exceed 50 percent of the total cost of the program.

(2) Noncorporation contribution

In providing for the remaining share of the cost of carrying out such a program, each recipient of such a grant under this part—

(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services;

(B) except as provided in subparagraph (C), may provide for such share through Federal, State, or local sources, including private funds or donated services; and

(C) may not provide for such share through Federal funds made available under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) [20 U.S.C. 6301 et seq.] or the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(b) Waiver

The Chief Executive Officer may waive the requirements of subsection (a) in whole or in part with respect to any such program for any fiscal year, on a determination that such a waiver would be equitable due to a lack of resources at the local level.

(Pub. L. 101-610, title I, §116, as added Pub. L. 111-13, title I, §1201, Apr. 21, 2009, 123 Stat. 1473.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (a)(2)(C), is Pub. L. 89-10,

Apr. 11, 1965, 79 Stat. 27. Title I of the Act is classified generally to subchapter I (§6301 et seq.) of chapter 70 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 20 and Tables.

The Individuals with Disabilities Education Act, referred to in subsec. (a)(2)(C), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§1400 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

PRIOR PROVISIONS

A prior section 12528, Pub. L. 101-610, title I, §115A, as added Pub. L. 103-82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 831; amended Pub. L. 103-382, title III, §394(h)(3), Oct. 20, 1994, 108 Stat. 4028, related to participation of students and teachers from private schools, prior to the general amendment of this part by Pub. L. 111-13.

A prior section 116 of Pub. L. 101-610 was classified to section 12529 of this title prior to the general amendment of this part by Pub. L. 111-13.

Another prior section 116 of Pub. L. 101-610 was classified to section 12526 of this title prior to repeal by Pub. L. 103-82.

§ 12529. Limitations on uses of funds

Not more than 6 percent of the amount of assistance received by a State, territory, or Indian tribe that is the original recipient of an allotment under this part for a fiscal year may be used to pay, in accordance with such standards as the Corporation may issue, for administrative costs, incurred by that recipient.

(Pub. L. 101-610, title I, §117, as added Pub. L. 111-13, title I, §1201, Apr. 21, 2009, 123 Stat. 1474.)

PRIOR PROVISIONS

A prior section 12529, Pub. L. 101-610, title I, §116, as added Pub. L. 103-82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 832, related to Federal, State, and local contributions, prior to the general amendment of this part by Pub. L. 111-13, effective Oct. 1, 2009.

A prior section 117 of Pub. L. 101-610 was classified to section 12541 of this title prior to the general amendment of this part by Pub. L. 111-13.

Another prior section 117 of Pub. L. 101-610 was classified to section 12527 of this title prior to repeal by Pub. L. 103-82.

Prior sections 12530, 12531, 12541 to 12547, and 12551, comprising former subpart B of this part relating to community-based service programs for school-age youth and former subpart C of this part relating to establishment of a service-learning clearinghouse, were omitted in the general amendment of this part by Pub. L. 111-13.

Section 12530, Pub. L. 101-610, title I, §116A, as added Pub. L. 103-82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 832, set forth limitations on uses of funds.

Section 12531, Pub. L. 101-610, title I, §116B, as added Pub. L. 103-82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 833, defined terms used in former subpart A.

Another prior section 12531, Pub. L. 101-610, title I, §118, Nov. 16, 1990, 104 Stat. 3139; Pub. L. 102-10, §4(6), Mar. 12, 1991, 105 Stat. 30, related to higher education innovative projects for community service, prior to repeal by Pub. L. 103-82, §103(b).

Section 12541, Pub. L. 101-610, title I, §117, as added Pub. L. 103-82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 833, defined terms used in former subpart B.

Another prior section 12541, Pub. L. 101-610, title I, §121, Nov. 16, 1990, 104 Stat. 3140, as amended, which prescribed general authority of Commission to make grants and transfer funds for youth corps programs, was renumbered section 199A of Pub. L. 101-610 by Pub. L. 103-82, §101(a), and transferred to section 12655 of this title.