

fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

(2) Reallocation of unused funds

If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallocate the amount of the State's allotment to the remaining States in accordance with this section.

(c) State use of funds

(1) In general

Each State that receives an allotment under this part shall reserve not less than 95 percent of the amount allotted to such State under subsection (b) of this section, for each fiscal year for awards to eligible entities under section 7174 of this title.

(2) State administration

A State educational agency may use not more than 2 percent of the amount made available to the State under subsection (b) of this section for—

(A) the administrative costs of carrying out its responsibilities under this part;

(B) establishing and implementing a peer review process for grant applications described in section 7174(b) of this title (including consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities); and

(C)¹ supervising the awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).

(3) State activities

A State educational agency may use not more than 3 percent of the amount made available to the State under subsection (b) of this section for the following activities:

(A) Monitoring and evaluation of programs and activities assisted under this part.

(B) Providing capacity building, training, and technical assistance under this part.

(C) Comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part.

(D) Providing training and technical assistance to eligible entities who are applicants for or recipients of awards under this part.

(Pub. L. 89-10, title IV, §4202, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1766.)

§ 7173. State application

(a) In general

In order to receive an allotment under section 7172 of this title for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

(1) designates the State educational agency as the agency responsible for the administra-

tion and supervision of programs assisted under this part;

(2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;

(3) contains an assurance that the State educational agency will make awards under this part only to eligible entities that propose to serve—

(A) students who primarily attend—

(i) schools eligible for schoolwide programs under section 6314 of this title; or

(ii) schools that serve a high percentage of students from low-income families; and

(B) the families of students described in subparagraph (A);

(4) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include procedures and criteria that take into consideration the likelihood that a proposed community learning center will help participating students meet local content and student academic achievement standards;

(5) describes how the State educational agency will ensure that awards made under this part are—

(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

(B) in amounts that are consistent with section 7174(h) of this title;

(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

¹ Subparagraph designation editorially supplied.

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