

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—

(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX of the Social Security Act [42 U.S.C. 1395 et seq., 1396 et seq.]); or

(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in part 246.2 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling)) under section 17(b)(6) of the Child Nutrition Act of 1966 [42 U.S.C. 1786(b)(6)]; or

(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate head of a Federal agency in any enforcement action carried out under this part,

except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966 [42 U.S.C. 1771 et seq.].

(3) Indoor facility

The term “indoor facility” means a building that is enclosed.

(4) Person

The term “person” means any State or local subdivision of a State, agency of such State or subdivision, corporation, or partnership that