

**(b) Programming application**

To be eligible to receive a grant under section 7257(b) of this title, an entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(Pub. L. 89–10, title V, §5482, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1838.)

**§ 7257b. Reports and evaluation**

An entity receiving a grant under section 7257(a) of this title shall prepare and submit to the Secretary an annual report that contains such information as the Secretary may require. At a minimum, such report shall describe the program activities undertaken with funds received under the grant, including—

- (1) the core curriculum areas for which program activities have been undertaken and the number of teachers using the program in each core curriculum area; and
- (2) the States in which teachers using the program are located.

(Pub. L. 89–10, title V, §5483, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1838.)

**§ 7257c. Digital educational programming grants****(a) Grants**

The Secretary is authorized to award grants under section 7257(b) of this title to eligible entities to facilitate the development of educational programming that shall—

- (1) include student assessment tools to provide feedback on student academic achievement;
- (2) include built-in teacher utilization and support components to ensure that teachers understand and can easily use the content of the programming with group instruction or for individual student use;
- (3) be created for, or adaptable to, challenging State academic content standards and student academic achievement standards; and
- (4) be capable of distribution through digital broadcasting and school digital networks.

**(b) Eligible entities**

To be eligible to receive a grant under section 7257(b) of this title, an entity shall be a local public telecommunications entity, as defined in section 397(12) of title 47, that is able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality.

**(c) Competitive basis**

Grants under section 7257(b) of this title shall be awarded on a competitive basis as determined by the Secretary.

**(d) Matching requirement**

To be eligible to receive a grant under section 7257(b) of this title, an entity shall contribute to the activities assisted under such grant non-Federal matching funds in an amount equal to not less than 100 percent of the amount of the grant. Such matching funds may include funds provided for the transition to digital broadcasting, as well as in-kind contributions.

**(e) Duration**

A grant under section 7257(b) of this title shall be awarded for a period of 3 years in order to

provide a sufficient period of time for the creation of a substantial body of significant content.

(Pub. L. 89–10, title V, §5484, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1838.)

**§ 7257d. Administrative costs**

An entity that receives a grant under this subpart may not use more than 5 percent of the amount received under the grant for administrative costs.

(Pub. L. 89–10, title V, §5485, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1839.)

SUBPART 9—FOREIGN LANGUAGE ASSISTANCE  
PROGRAM

**§ 7259. Short title**

This subpart may be cited as the “Foreign Language Assistance Act of 2001”.

(Pub. L. 89–10, title V, §5491, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1839.)

**§ 7259a. Program authorized****(a) Program authority****(1) In general**

The Secretary is authorized to make grants, on a competitive basis, to State educational agencies or local educational agencies to pay the Federal share of the cost of innovative model programs providing for the establishment, improvement, or expansion of foreign language study for elementary school and secondary school students.

**(2) Duration**

Each grant under paragraph (1) shall be awarded for a period of 3 years.

**(b) Requirements****(1) Grants to State educational agencies**

In awarding a grant under subsection (a) of this section to a State educational agency, the Secretary shall support programs that promote systemic approaches to improving foreign language learning in the State.

**(2) Grants to local educational agencies**

In awarding a grant under subsection (a) of this section to a local educational agency, the Secretary shall support programs that—

- (A) show the promise of being continued beyond the grant period;
- (B) demonstrate approaches that can be disseminated and duplicated in other local educational agencies; and
- (C) may include a professional development component.

**(c) Federal share****(1) In general**

The Federal share for each fiscal year shall be 50 percent.

**(2) Waiver**

Notwithstanding paragraph (1), the Secretary may determine the Federal share for any local educational agency which the Secretary determines does not have adequate re-

sources to pay the non-Federal share of the cost of the activities assisted under this subpart.

**(d) Special rule**

Not less than  $\frac{3}{4}$  of the funds made available under section 7241 of this title to carry out this subpart shall be used for the expansion of foreign language learning in the elementary grades.

**(e) Reservation**

The Secretary may reserve not more than 5 percent of funds made available under section 7241 of this title to carry out this subpart for a fiscal year to evaluate the efficacy of programs assisted under this subpart.

(Pub. L. 89–10, title V, §5492, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1839.)

**§ 7259b. Applications**

**(a) In general**

Any State educational agency or local educational agency desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

**(b) Special consideration**

The Secretary shall give special consideration to applications describing programs that—

- (1) include intensive summer foreign language programs for professional development;
- (2) link nonnative English speakers in the community with the schools in order to promote two-way language learning;
- (3) promote the sequential study of a foreign language for students, beginning in elementary schools;
- (4) make effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote foreign language study;
- (5) promote innovative activities, such as foreign language immersion, partial foreign language immersion, or content-based instruction; and
- (6) are carried out through a consortium comprised of the agency receiving the grant and an elementary school or secondary school.

(Pub. L. 89–10, title V, §5493, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1840.)

**§ 7259c. Elementary school foreign language incentive program**

**(a) Incentive payments**

From amounts made available under section 7241 of this title to carry out this subpart, the Secretary shall make an incentive payment for each fiscal year to each public elementary school that provides to students attending such school a program designed to lead to communicative competency in a foreign language.

**(b) Amount**

The Secretary shall determine the amount of the incentive payment under subsection (a) of this section for each public elementary school for each fiscal year on the basis of the number

of students participating in a program described in such subsection at such school for such year compared to the total number of such students at all such schools in the United States for such year.

**(c) Requirement**

The Secretary shall consider a program to be designed to lead to communicative competency in a foreign language if such program is comparable to a program that provides not less than 45 minutes of instruction in a foreign language for not fewer than 4 days per week throughout an academic year.

(Pub. L. 89–10, title V, §5494, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1840.)

SUBPART 10—PHYSICAL EDUCATION

**§ 7261. Short title**

This subpart may be cited as the “Carol M. White Physical Education Program”.

(Pub. L. 89–10, title V, §5501, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1841.)

PRIOR PROVISIONS

A prior section 7261, Pub. L. 89–10, title V, §5301, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3701, set forth short title of the School Dropout Assistance Act, prior to the general amendment of this subchapter by Pub. L. 107–110.

**§ 7261a. Purpose**

The purpose of this subpart is to award grants and contracts to initiate, expand, and improve physical education programs for all kindergarten through 12th-grade students.

(Pub. L. 89–10, title V, §5502, as added Pub. L. 107–110, title V, §501, Jan. 8, 2002, 115 Stat. 1841.)

**§ 7261b. Program authorized**

**(a) Authorization**

The Secretary is authorized to award grants to local educational agencies and community-based organizations (such as Boys and Girls Clubs, Boy Scouts and Girl Scouts, and the Young Men’s Christian Organization (YMCA) and Young Women’s Christian Organization (YWCA)) to pay the Federal share of the costs of initiating, expanding, and improving physical education programs (including after-school programs) for kindergarten through 12th-grade students by—

- (1) providing equipment and support to enable students to participate actively in physical education activities; and
- (2) providing funds for staff and teacher training and education.

**(b) Program elements**

A physical education program funded under this subpart may provide for one or more of the following:

- (1) Fitness education and assessment to help students understand, improve, or maintain their physical well-being.
- (2) Instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every student.