

own homes as well as children placed in the care of others.

(d) Sliding scale payments

States and Local Councils receiving assistance under this chapter shall ensure that programs, services, and activities assisted under this chapter which customarily require a payment for such programs, services, or activities, adjust the cost of such programs, services, and activities provided to the individual or the individual's child based on the individual's ability to pay.

(Pub. L. 106-554, §1(a)(1) [title VIII, §808], Dec. 21, 2000, 114 Stat. 2763, 2763A-83.)

§ 9408. Reservations and allotments

(a) Reservation for Indian tribes, Alaska Natives, and Native Hawaiians

The Secretary shall reserve 1 percent of the total amount appropriated under section 9404 of this title for each fiscal year, to be allotted to Indian tribes, Regional Corporations, and Native Hawaiian entities, of which—

- (1) 0.5 percent shall be available to Indian tribes; and
- (2) 0.5 percent shall be available to Regional Corporations and Native Hawaiian entities.

(b) Allotments

From the funds appropriated under this chapter for each fiscal year that are not reserved under subsection (a) of this section, the Secretary shall allot to each State the sum of—

- (1) an amount that bears the same ratio to 50 percent of such funds as the number of children 4 years of age and younger in the State bears to the number of such children in all States; and
- (2) an amount that bears the same ratio to 50 percent of such funds as the number of children 4 years of age and younger living in families with incomes below the poverty line in the State bears to the number of such children in all States.

(c) Minimum allotment

No State shall receive an allotment under subsection (b) of this section for a fiscal year in an amount that is less than .40 percent of the total amount appropriated for the fiscal year under this chapter.

(d) Availability of funds

Any portion of the allotment to a State that is not expended for activities under this chapter in the fiscal year for which the allotment is made shall remain available to the State for two additional years, after which any unexpended funds shall be returned to the Secretary. The Secretary shall use the returned funds to carry out a discretionary grant program for research-based early learning demonstration projects.

(e) Data

The Secretary shall make allotments under this chapter on the basis of the most recent data available to the Secretary.

(Pub. L. 106-554, §1(a)(1) [title VIII, §809], Dec. 21, 2000, 114 Stat. 2763, 2763A-84.)

§ 9409. Grant administration

(a) Federal administrative costs

The Secretary may use not more than 3 percent of the amount appropriated under section 9404 of this title for a fiscal year to pay for the administrative costs of carrying out this chapter, including the monitoring and evaluation of State and local efforts.

(b) State administrative costs

A State that receives a grant under this chapter may use—

- (1) not more than 2 percent of the funds made available through the grant to carry out activities designed to coordinate early learning programs on the State level, including programs funded or operated by the State educational agency, health, children and family, and human service agencies, and any State-level collaboration or coordination council involving early learning and education, such as the entities funded under section 9835(a)(2)(B)(vi) of title 42;
- (2) not more than 2 percent of the funds made available through the grant for the administrative costs of carrying out the grant program and the costs of reporting State and local efforts to the Secretary; and
- (3) not more than 3 percent of the funds made available through the grant for training, technical assistance, and wage incentives provided by the State to Local Councils.

(c) Lead State Agency

(1) In general

To be eligible to receive an allotment under this chapter, the Governor of a State shall appoint, after consultation with the leadership of the State legislature, a Lead State Agency to carry out the functions described in paragraph (2).

(2) Lead State Agency

(A) Allocation of funds

The Lead State Agency described in paragraph (1) shall allocate funds to Local Councils as described in section 9411 of this title.

(B) Functions of agency

In addition to allocating funds pursuant to subparagraph (A), the Lead State Agency shall—

- (i) advise and assist Local Councils in the performance of their duties under this chapter;
- (ii) develop and submit the State application;
- (iii) evaluate and approve applications submitted by Local Councils under section 9412 of this title;
- (iv) ensure collaboration with respect to assistance provided under this chapter between the State agency responsible for education and the State agency responsible for children and family services;
- (v) prepare and submit to the Secretary, an annual report on the activities carried out in the State under this chapter, which shall include a statement describing how all funds received under this chapter are expended and documentation of the effects

that resources under this chapter have had on—

- (I) parental capacity to improve learning readiness in their young children;
 - (II) early childhood literacy;
 - (III) linkages among early learning programs;
 - (IV) linkages between early learning programs and health care services for young children;
 - (V) access to early learning activities for young children with special needs;
 - (VI) access to existing early learning programs through expansion of the days or times that children are served;
 - (VII) access to existing early learning programs through expansion of the number of young children served;
 - (VIII) access to and affordability of existing early learning programs for low-income families;
 - (IX) the quality of early learning programs resulting from professional development, and recruitment and retention incentives for caregivers; and
 - (X) removal of ancillary barriers to early learning, including transportation difficulties and absence of programs during nontraditional work times; and
- (vi) ensure that training and research is made available to Local Councils and that such training and research reflects the latest available brain development and early childhood development research related to early learning.

(Pub. L. 106-554, §1(a)(1) [title VIII, §810], Dec. 21, 2000, 114 Stat. 2763, 2763A-85; Pub. L. 110-134, §29(b), Dec. 12, 2007, 121 Stat. 1449.)

AMENDMENTS

2007—Subsec. (b)(1). Pub. L. 110-134 substituted “entities funded under section 9835(a)(2)(B)(vi) of title 42” for “entities funded under section 9835(a)(5) of title 42”.

§ 9410. State requirements

(a) Eligibility

To be eligible for a grant under this chapter, a State shall—

- (1) ensure that funds received by the State under this chapter shall be subject to appropriation by the State legislature, consistent with the terms and conditions required under State law;
- (2) designate a Lead State Agency under section 9409(c) of this title to administer and monitor the grant and ensure State-level coordination of early learning programs;
- (3) submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require;
- (4) ensure that funds made available under this chapter are distributed on a competitive basis throughout the State to Local Councils serving rural, urban, and suburban areas of the State; and
- (5) assist the Secretary in developing mechanisms to ensure that Local Councils receiving funds under this chapter comply with the requirements of this chapter.

(b) State preference

In awarding grants to Local Councils under this chapter, the State, to the maximum extent possible, shall ensure that a broad variety of early learning programs that provide a continuity of services across the age spectrum assisted under this chapter are funded under this chapter, and shall give preference to supporting—

- (1) a Local Council that meets criteria, that are specified by the State and approved by the Secretary, for qualifying as serving an area of greatest need for early learning programs; and
- (2) a Local Council that demonstrates, in the application submitted under section 9412 of this title, the Local Council’s potential to increase collaboration as a means of maximizing use of resources provided under this chapter with other resources available for early learning programs.

(c) Local preference

In awarding grants under this chapter, Local Councils shall give preference to supporting—

- (1) projects that demonstrate their potential to collaborate as a means of maximizing use of resources provided under this chapter with other resources available for early learning programs;
- (2) programs that provide a continuity of services for young children across the age spectrum, individually, or through community-based networks or cooperative agreements; and
- (3) programs that help parents and other caregivers promote early learning with their young children.

(d) Performance goals

(1) Assessments

Based on information and data received from Local Councils, and information and data available through State resources, the State shall biennially assess the needs and available resources related to the provision of early learning programs within the State.

(2) Performance goals

Based on the analysis of information described in paragraph (1), the State shall establish measurable performance goals to be achieved through activities assisted under this chapter.

(3) Requirement

The State shall award grants to Local Councils only for purposes that are consistent with the performance goals established under paragraph (2).

(4) Report

The State shall report to the Secretary annually regarding the State’s progress toward achieving the performance goals established in paragraph (2) and any necessary modifications to those goals, including the rationale for the modifications.

(5) Improvement plans

If the Secretary determines, based on the State report submitted under paragraph (4), that the State is not making progress toward achieving the performance goals described in