

(4) describes the instructional program, specialized instructional support services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for the children and youth described in paragraph (1), and how relevant and appropriate academic records and plans regarding the continuation of educational services for such children or youth are shared jointly between the State agency operating the institution or program and local educational agency in order to facilitate the transition of such children and youth between the local educational agency and the State agency;

(5) specifically describes how such funds will be used;

(6) describes the measures and procedures that will be used to assess and improve student achievement;

(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and youth, and with personnel from the State educational agency; and

(8) includes an assurance that the State agency has provided for appropriate training for teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

(Pub. L. 89-10, title I, §1416, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1585; amended Pub. L. 114-95, title I, §1401(5), Dec. 10, 2015, 129 Stat. 1902.)

PRIOR PROVISIONS

A prior section 6436, Pub. L. 89-10, title I, §1416, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3596, related to institution-wide projects, prior to the general amendment of this subchapter by Pub. L. 107-110.

AMENDMENTS

2015—Par. (3). Pub. L. 114-95, §1401(5)(A), substituted “challenging State academic standards” for “challenging State academic content standards and student academic achievement standards” and “will attain a regular high school diploma” for “will complete secondary school, attain a secondary diploma”.

Par. (4). Pub. L. 114-95, §1401(5)(B), substituted “specialized instructional support services” for “pupil services” and inserted “, and how relevant and appropriate academic records and plans regarding the continuation of educational services for such children or youth are shared jointly between the State agency operating the institution or program and local educational agency in order to facilitate the transition of such children and youth between the local educational agency and the State agency” before semicolon at end.

Par. (6). Pub. L. 114-95, §1401(5)(C), substituted “assess and improve student achievement” for “assess student progress”.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

§ 6437. Three-year programs or projects

If a State agency operates a program or project under this subpart in which individual children or youth are likely to participate for more than 1 year, the State educational agency may approve the State agency’s application for a subgrant under this subpart for a period of not more than 3 years.

(Pub. L. 89-10, title I, §1417, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1586.)

PRIOR PROVISIONS

A prior section 6437, Pub. L. 89-10, title I, §1417, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3597, related to three-year programs and projects, prior to the general amendment of this subchapter by Pub. L. 107-110.

§ 6438. Transition services

(a) Transition services

Each State agency shall reserve not less than 15 percent and not more than 30 percent of the amount such agency receives under this subpart for any fiscal year to support—

(1) projects that facilitate the transition of children and youth between State-operated institutions, or institutions in the State operated by the Secretary of the Interior, and schools served by local educational agencies or schools operated or funded by the Bureau of Indian Education; or

(2) the successful reentry of youth offenders, who are age 20 or younger and have received a regular high school diploma or its recognized equivalent, into postsecondary education, or career and technical training programs, through strategies designed to expose the youth to, and prepare the youth for, postsecondary education, or career and technical training programs, such as—

(A) placement programs that allow adjudicated or incarcerated youth to audit or attend courses on college, university, or community college campuses, or through programs provided in institutional settings;

(B) worksite schools, in which institutions of higher education and private or public employers partner to create programs to help students make a successful transition to postsecondary education and employment; and

(C) essential support services to ensure the success of the youth, such as—

(i) personal, career and technical, and academic, counseling;

(ii) placement services designed to place the youth in a university, college, or junior college program;

(iii) information concerning, and assistance in obtaining, available student financial aid;

(iv) counseling services; and

(v) job placement services.

(b) Conduct of projects

A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

(c) Rule of construction

Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

(Pub. L. 89-10, title I, §1418, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1586; amended Pub. L. 114-95, title I, §1401(6), Dec. 10, 2015, 129 Stat. 1903.)

PRIOR PROVISIONS

A prior section 6438, Pub. L. 89-10, title I, §1418, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3597, related to transition services, prior to the general amendment of this subchapter by Pub. L. 107-110.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114-95, §1401(6)(A), added par. (1) and struck out former par. (1) which read as follows: “projects that facilitate the transition of children and youth from State-operated institutions to schools served by local educational agencies; or”.

Subsec. (a)(2). Pub. L. 114-95, §1401(6)(B), substituted “regular high school diploma” for “secondary school diploma” in introductory provisions and substituted “career” for “vocational” wherever appearing.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

§ 6439. Technical assistance

The Secretary may reserve not more than 2.5 percent of the amount made available to carry out this subpart for a fiscal year to provide technical assistance to and support the capacity building of State agency programs assisted under this subpart.

(Pub. L. 89-10, title I, §1419, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1587; amended Pub. L. 114-95, title I, §1401(7), Dec. 10, 2015, 129 Stat. 1903.)

AMENDMENTS

2015—Pub. L. 114-95, in section catchline, substituted “Technical assistance” for “Evaluation; technical assistance; annual model program” and, in text, substituted “for a fiscal year” for “for a fiscal year—”, struck out par. (2) designation before “to provide”, and struck out par. (1) which read as follows: “to develop a uniform model to evaluate the effectiveness of programs assisted under this subpart; and”.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

SUBPART 2—LOCAL AGENCY PROGRAMS**§ 6451. Purpose**

The purpose of this subpart is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities—

(1) to carry out high quality education programs to prepare children and youth for sec-

ondary school completion, training, employment, or further education;

(2) to provide activities to facilitate the transition of such children and youth from the correctional program to further education or employment; and

(3) to operate programs in local schools, including schools operated or funded by the Bureau of Indian Education, for children and youth returning from correctional facilities, and programs which may serve at-risk children and youth.

(Pub. L. 89-10, title I, §1421, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1587; amended Pub. L. 114-95, title I, §1401(8), Dec. 10, 2015, 129 Stat. 1903.)

PRIOR PROVISIONS

A prior section 6451, Pub. L. 89-10, title I, §1421, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3597, related to purpose of subpart, prior to the general amendment of this subchapter by Pub. L. 107-110.

AMENDMENTS

2015—Par. (3). Pub. L. 114-95 inserted “, including schools operated or funded by the Bureau of Indian Education,” after “local schools”.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

§ 6452. Programs operated by local educational agencies**(a) Local subgrants**

With funds made available under section 6422(b) of this title, the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of children and youth residing in locally operated (including county operated) correctional facilities for children and youth (including facilities involved in community day programs).

(b) Special rule

A local educational agency that serves a school operated by a correctional facility is not required to operate a program of support for children and youth returning from such school to a school that is not operated by a correctional agency but served by such local educational agency, if more than 30 percent of the children and youth attending the school operated by the correctional facility will reside outside the boundaries served by the local educational agency after leaving such facility.

(c) Notification

A State educational agency shall notify local educational agencies within the State of the eligibility of such agencies to receive a subgrant under this subpart.

(d) Transitional and academic services

Transitional and supportive programs operated in local educational agencies under this subpart shall be designed primarily to meet the transitional and academic needs of students returning to local educational agencies or alter-