

the purpose of this Act [see Tables for classification] the terms used in this Act have the meanings provided under section 1471 of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 [formerly 20 U.S.C. 2891].”

§ 6302. Authorization of appropriations

(a) Local educational agency grants

There are authorized to be appropriated to carry out the activities described in part A—

- (1) \$15,012,317,605 for fiscal year 2017;
- (2) \$15,457,459,042 for fiscal year 2018;
- (3) \$15,897,371,442 for fiscal year 2019; and
- (4) \$16,182,344,591 for fiscal year 2020.

(b) State assessments

There are authorized to be appropriated to carry out the activities described in part B, \$378,000,000 for each of fiscal years 2017 through 2020.

(c) Education of migratory children

There are authorized to be appropriated to carry out the activities described in part C, \$374,751,000 for each of fiscal years 2017 through 2020.

(d) Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk

There are authorized to be appropriated to carry out the activities described in part D, \$47,614,000 for each of fiscal years 2017 through 2020.

(e) Federal activities

For the purpose of carrying out evaluation activities related to subchapter I under section 7981 of this title, there are authorized to be appropriated \$710,000 for each of fiscal years 2017 through 2020.

(f) Sense of Congress regarding adjustments to authorizations of appropriations provided in this chapter for future budget agreements

It is the sense of Congress that if legislation is enacted that revises the limits on discretionary spending established under section 901(c) of title 2, the levels of appropriations authorized throughout this chapter should be adjusted in a manner that is consistent with the adjustments in nonsecurity category funding provided for under the revised limits on discretionary spending.

(Pub. L. 89–10, title I, §1002, as added Pub. L. 107–110, title I, §101, Jan. 8, 2002, 115 Stat. 1440; amended Pub. L. 114–95, title I, §1002, Dec. 10, 2015, 129 Stat. 1814.)

PRIOR PROVISIONS

A prior section 6302, Pub. L. 89–10, title I, §1002, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3522; amended Pub. L. 106–554, §1(a)(4) [div. B, title XVI, §1602], Dec. 21, 2000, 114 Stat. 2763, 2763A–328, authorized appropriations, prior to the general amendment of this subchapter by Pub. L. 107–110.

A prior section 1002 of Pub. L. 89–10 was renumbered section 9002 and was classified to section 3382 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (i)

relating to authorization of appropriations for fiscal years 2002 through 2007.

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.

§ 6303. School improvement

(a) State reservations

To carry out subsection (b) and the State educational agency’s statewide system of technical assistance and support for local educational agencies, each State shall reserve the greater of—

- (1) 7 percent of the amount the State receives under subpart 2 of part A; or
- (2) the sum of the amount the State—
 - (A) reserved for fiscal year 2016 under this subsection, as in effect on the day before December 10, 2015; and
 - (B) received for fiscal year 2016 under subsection (g), as in effect on the day before December 10, 2015.

(b) Uses

Of the amount reserved under subsection (a) for any fiscal year, the State educational agency—

- (1)(A) shall allocate not less than 95 percent of that amount to make grants to local educational agencies on a formula or competitive basis, to serve schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 6311(d) of this title; or
- (B) may, with the approval of the local educational agency, directly provide for these activities or arrange for their provision through other entities such as school support teams, educational service agencies, or nonprofit or for-profit external providers with expertise in using evidence-based strategies to improve student achievement, instruction, and schools; and

(2) shall use the funds not allocated to local educational agencies under paragraph (1) to carry out this section, which shall include—

(A) establishing the method, consistent with paragraph (1)(A), the State will use to allocate funds to local educational agencies under such paragraph, including ensuring—

(i) the local educational agencies receiving an allotment under such paragraph represent the geographic diversity of the State; and

(ii) that allotments are of sufficient size to enable a local educational agency to effectively implement selected strategies;

(B) monitoring and evaluating the use of funds by local educational agencies receiving an allotment under such paragraph; and

(C) as appropriate, reducing barriers and providing operational flexibility for schools in the implementation of comprehensive support and improvement activities or targeted support and improvement activities under section 6311(d) of this title.

(c) Duration

The State educational agency shall award each subgrant under subsection (b) for a period

of not more than 4 years, which may include a planning year.

(d) Rule of construction

Nothing in this section shall be construed as prohibiting a State from allocating subgrants under this section to a statewide school district, consortium of local educational agencies, or an educational service agency that serves schools implementing comprehensive support and improvement activities or targeted support and improvement activities, if such entities are legally constituted or recognized as local educational agencies in the State.

(e) Application

To receive an allotment under subsection (b)(1), a local educational agency shall submit an application to the State educational agency at such time, in such form, and including such information as the State educational agency may require. Each application shall include, at a minimum—

(1) a description of how the local educational agency will carry out its responsibilities under section 6311(d) of this title for schools receiving funds under this section, including how the local educational agency will—

(A) develop comprehensive support and improvement plans under section 6311(d)(1) of this title for schools receiving funds under this section;

(B) support schools developing or implementing targeted support and improvement plans under section 6311(d)(2) of this title, if funds received under this section are used for such purpose;

(C) monitor schools receiving funds under this section, including how the local educational agency will carry out its responsibilities under clauses (iv) and (v) of section 6311(d)(2)(B) of this title if funds received under this section are used to support schools implementing targeted support and improvement plans;

(D) use a rigorous review process to recruit, screen, select, and evaluate any external partners with whom the local educational agency will partner;

(E) align other Federal, State, and local resources to carry out the activities supported with funds received under subsection (b)(1); and

(F) as appropriate, modify practices and policies to provide operational flexibility that enables full and effective implementation of the plans described in paragraphs (1) and (2) of section 6311(d) of this title; and

(2) an assurance that each school the local educational agency proposes to serve will receive all of the State and local funds it would have received in the absence of funds received under this section.

(f) Priority

The State educational agency, in allocating funds to local educational agencies under this section, shall give priority to local educational agencies that—

(1) serve high numbers, or a high percentage of, elementary schools and secondary schools implementing plans under paragraphs (1) and (2) of section 6311(d) of this title;

(2) demonstrate the greatest need for such funds, as determined by the State; and

(3) demonstrate the strongest commitment to using funds under this section to enable the lowest-performing schools to improve student achievement and student outcomes.

(g) Unused funds

If, after consultation with local educational agencies in the State, the State educational agency determines that the amount of funds reserved to carry out subsection (b) is greater than the amount needed to provide the assistance described in that subsection, the State educational agency shall allocate the excess amount to local educational agencies in accordance with—

(1) the relative allocations the State educational agency made to those agencies for that fiscal year under subpart 2 of part A; or

(2) section 6338(c) of this title.

(h) Special rule

Notwithstanding any other provision of this section, the amount of funds reserved by the State educational agency under subsection (a) for fiscal year 2018 and each subsequent fiscal year shall not decrease the amount of funds each local educational agency receives under subpart 2 of part A below the amount received by such local educational agency under such subpart for the preceding fiscal year.

(i) Reporting

The State shall include in the report described in section 6311(h)(1) of this title a list of all the local educational agencies and schools that received funds under this section, including the amount of funds each school received and the types of strategies implemented in each school with such funds.

(Pub. L. 89-10, title I, §1003, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1442; amended Pub. L. 114-95, title I, §1003, Dec. 10, 2015, 129 Stat. 1815.)

PRIOR PROVISIONS

A prior section 6303, Pub. L. 89-10, title I, §1003, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3522, related to reservation and allocation for school improvement, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 1003 of Pub. L. 89-10 was renumbered section 9003 and was classified to section 3383 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

AMENDMENTS

2015—Pub. L. 114-95 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (g) relating to State reservations of amounts, uses of amounts, priority in allocating funds, allocation of unused funds, special rule limiting decrease of amounts received under subpart 2 of part A, reporting of list of recipient schools and percentage of students from families with incomes below poverty line, and grants program for assistance for local school improvement.

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.

§ 6303a. Whole-school reform strategy

Funds available for school improvement grants for fiscal year 2014 and thereafter may be used by a local educational agency to implement a whole-school reform strategy for a school using an evidence-based strategy that ensures whole-school reform is undertaken in partnership with a strategy developer offering a whole-school reform program that is based on at least a moderate level of evidence that the program will have a statistically significant effect on student outcomes, including at least one well-designed and well-implemented experimental or quasi-experimental study.

(Pub. L. 114-113, div. H, title III, Dec. 18, 2015, 129 Stat. 2627.)

CODIFICATION

Section was enacted as part of the Department of Education Appropriations Act, 2016, and also as part of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2016, and the Consolidated Appropriations Act, 2016, and not as part of the Elementary and Secondary Education Act of 1965 which comprises this chapter.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation act:

Pub. L. 113-235, div. G, title III, Dec. 16, 2014, 128 Stat. 2493.

§ 6303b. Direct student services**(a) State reservation****(1) In general****(A) States**

Each State educational agency, after meaningful consultation with geographically diverse local educational agencies described in subparagraph (B), may reserve not more than 3 percent of the amount the State educational agency receives under subpart 2 of part A for each fiscal year to carry out this section.

(B) Consultation

A State educational agency shall consult under subparagraph (A) with local educational agencies that include—

- (i) suburban, rural, and urban local educational agencies;
- (ii) local educational agencies serving a high percentage of schools identified by the State for comprehensive support and improvement under section 6311(c)(4)(D)(i) of this title; and
- (iii) local educational agencies serving a high percentage of schools implementing targeted support and improvement plans under section 6311(d)(2) of this title.

(2) Program administration

Of the funds reserved under paragraph (1)(A), the State educational agency may use not more than 1 percent to administer the program described in this section.

(b) Awards**(1) In general**

From the amount reserved under subsection (a) by a State educational agency, the State

educational agency shall award grants to geographically diverse local educational agencies described in subsection (a)(1)(B)(i).

(2) Priority

In making such awards, the State educational agency shall prioritize awards to local educational agencies serving the highest percentage of schools, as compared to other local educational agencies in the State—

- (A) identified by the State for comprehensive support and improvement under section 6311(c)(4)(D)(i) of this title; or
- (B) implementing targeted support and improvement plans under section 6311(d)(2) of this title.

(c) Local use of funds

A local educational agency receiving an award under this section—

(1) may use not more than 1 percent of its award for outreach and communication to parents about available direct student services described in paragraph (3) in the local educational agency and State;

(2) may use not more than 2 percent of its award for administrative costs related to such direct student services;

(3) shall use the remainder of the award to pay the costs associated with one or more of the following direct student services—

- (A) enrollment and participation in academic courses not otherwise available at a student's school, including—
 - (i) advanced courses; and
 - (ii) career and technical education coursework that—
 - (I) is aligned with the challenging State academic standards; and
 - (II) leads to industry-recognized credentials that meet the quality criteria established by the State under section 3153(a) of title 29;

(B) credit recovery and academic acceleration courses that lead to a regular high school diploma;

(C) activities that assist students in successfully completing postsecondary level instruction and examinations that are accepted for credit at institutions of higher education (including Advanced Placement and International Baccalaureate courses), which may include reimbursing low-income students to cover part or all of the costs of fees for such examinations;

(D) components of a personalized learning approach, which may include high-quality academic tutoring; and

(E) in the case of a local educational agency that does not reserve funds under section 6311(d)(1)(D)(v) of this title, transportation to allow a student enrolled in a school identified for comprehensive support and improvement under section 6311(c)(4)(D)(i) of this title to transfer to another public school (which may include a charter school) that has not been identified by the State under such section; and

(4) in paying the costs associated with the direct student services described in paragraph (3), shall—