

fore the effective date of this part under the Every Student Succeeds Act); and

(B) the grant period had not ended on that effective date.

**(3) Eligible entity**

The term “eligible entity” means a local educational agency, community-based organization, Indian tribe or tribal organization (as such terms are defined in section 5304 of title 25), another public or private entity, or a consortium of 2 or more such agencies, organizations, or entities.

**(4) External organization**

The term “external organization” means—

(A) a nonprofit organization with a record of success in running or working with before and after school (or summer recess) programs and activities; or

(B) in the case of a community where there is no such organization, a nonprofit organization in the community that enters into a written agreement or partnership with an organization described in subparagraph (A) to receive mentoring and guidance in running or working with before and after school (or summer recess) programs and activities.

**(5) Rigorous peer-review process**

The term “rigorous peer-review process” means a process by which—

(A) employees of a State educational agency who are familiar with the programs and activities assisted under this part review all applications that the State receives for awards under this part for completeness and applicant eligibility;

(B) the State educational agency selects peer reviewers for such applications, who shall—

(i) be selected for their expertise in providing effective academic, enrichment, youth development, and related services to children; and

(ii) not include any applicant, or representative of an applicant, that has submitted an application under this part for the current application period; and

(C) the peer reviewers described in subparagraph (B) review and rate the applications to determine the extent to which the applications meet the requirements under sections 7174(b) and 7175 of this title.

**(6) State**

The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(Pub. L. 89–10, title IV, § 4201, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1765; amended Pub. L. 114–95, title IV, § 4201(a), Dec. 10, 2015, 129 Stat. 1982.)

REFERENCES IN TEXT

This part (as this part was in effect on the day before the effective date of this part under the Every Student Succeeds Act), referred to in subsec. (b)(2)(A), means this part as in effect before it was amended generally by Pub. L. 114–95, title IV, § 4201(a), Dec. 10, 2015, 129 Stat. 1982. For effective date of Pub. L. 114–95, see sec-

tion 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section related to purpose and definitions of this part.

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.

**§ 7172. Allotments to States**

**(a) Reservation**

From the funds appropriated under section 7176 of this title for any fiscal year, the Secretary shall reserve—

(1) such amounts as may be necessary to make continuation awards to subgrant recipients under covered programs (under the terms of those grants);

(2) not more than 1 percent for national activities, which the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to eligible entities carrying out programs under this part or conducting a national evaluation; and

(3) not more than 1 percent for payments to the outlying areas and the Bureau of Indian Education, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

**(b) State allotments**

**(1) Determination**

From the funds appropriated under section 7176 of this title for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of subchapter I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

**(2) Reallotment of unused funds**

If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallot the amount of the State’s allotment to the remaining States in accordance with this part.

**(c) State use of funds**

**(1) In general**

Each State that receives an allotment under this part shall reserve not less than 93 percent of the amount allotted to such State under subsection (b), for each fiscal year for awards to eligible entities under section 7174 of this title.

**(2) State administration**

A State educational agency may use not more than 2 percent of the amount made

available to the State under subsection (b) for—

(A) the administrative costs of carrying out its responsibilities under this part;

(B) establishing and implementing a rigorous peer-review process for subgrant applications described in section 7174(b) of this title (including consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities); and

(C) awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).

### (3) State activities

A State educational agency may use not more than 5 percent of the amount made available to the State under subsection (b) for the following activities:

(A) Monitoring and evaluating programs and activities assisted under this part.

(B) Providing capacity building, training, and technical assistance under this part.

(C) Conducting a comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part.

(D) Providing training and technical assistance to eligible entities that are applicants for or recipients of awards under this part.

(E) Ensuring that any eligible entity that receives an award under this part from the State aligns the activities provided by the program with the challenging State academic standards.

(F) Ensuring that any such eligible entity identifies and partners with external organizations, if available, in the community.

(G) Working with teachers, principals, parents, the local workforce, the local community, and other stakeholders to review and improve State policies and practices to support the implementation of effective programs under this part.

(H) Coordinating funds received under this part with other Federal and State funds to implement high-quality programs.

(I) Providing a list of prescreened external organizations, as described under section 7173(a)(11) of this title.

(Pub. L. 89–10, title IV, § 4202, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1766; amended Pub. L. 114–95, title IV, § 4201(a), Dec. 10, 2015, 129 Stat. 1984.)

#### AMENDMENTS

2015—Pub. L. 114–95 amended section generally. Prior to amendment, section related to allotments to States.

#### 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.

### § 7173. State application

#### (a) In general

In order to receive an allotment under section 7172 of this title for any fiscal year, a State shall

submit to the Secretary, at such time as the Secretary may require, an application that—

(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

(2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;

(3) contains an assurance that the State educational agency—

(A) will make awards under this part to eligible entities that serve—

(i) students who primarily attend—

(I) schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 6311(d) of this title; and

(II) other schools determined by the local educational agency to be in need of intervention and support; and

(ii) the families of such students; and

(B) will further give priority to eligible entities that propose in the application to serve students described in subclauses (I) and (II) of section 7174(i)(1)(A)(i) of this title;

(4) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include procedures and criteria that take into consideration the likelihood that a proposed community learning center will help participating students meet the challenging State academic standards and any local academic standards;

(5) describes how the State educational agency will ensure that awards made under this part are—

(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

(B) in amounts that are consistent with section 7174(h) of this title;

(6) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, evaluation, dissemination of promising practices, and coordination of professional development for staff in specific content areas and youth development;

(7) describes how programs under this part will be coordinated with programs under this chapter, and other programs as appropriate;

(8) contains an assurance that the State educational agency—

(A) will make awards for programs for a period of not less than 3 years and not more than 5 years; and

(B) will require each eligible entity seeking such an award to submit a plan describing how the activities to be funded through the award will continue after funding under this part ends;

(9) contains an assurance that funds appropriated to carry out this part will be used to