

AMENDMENTS

2015—Pub. L. 114-95 amended section generally. Prior to amendment, section related to State application, consisting of subsecs. (a) to (f).

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.

§ 7174. Local competitive subgrant program**(a) In general****(1) Community learning centers**

A State that receives funds under this part for a fiscal year shall provide the amount made available under section 7172(c)(1) of this title to award subgrants to eligible entities for community learning centers in accordance with this part.

(2) Expanded learning program activities

A State that receives funds under this part for a fiscal year may use funds under section 7172(c)(1) of this title to support those enrichment and engaging academic activities described in section 7175(a) of this title that—

(A) are included as part of an expanded learning program that provides students at least 300 additional program hours before, during, or after the traditional school day;

(B) supplement but do not supplant regular school day requirements; and

(C) are carried out by entities that meet the requirements of subsection (i).

(b) Application**(1) In general**

To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

(2) Contents

Each application submitted under paragraph (1) shall include—

(A) a description of the activities to be funded, including—

(i) an assurance that the program will take place in a safe and easily accessible facility;

(ii) a description of how students participating in the program carried out by the community learning center will travel safely to and from the center and home, if applicable; and

(iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;

(B) a description of how such activities are expected to improve student academic achievement as well as overall student success;

(C) a demonstration of how the proposed program will coordinate Federal, State, and local programs and make the most effective use of public resources;

(D) an assurance that the proposed program was developed and will be carried out—

(i) in active collaboration with the schools that participating students attend (including through the sharing of relevant data among the schools), all participants of the eligible entity, and any partnership entities described in subparagraph (H), in compliance with applicable laws relating to privacy and confidentiality; and

(ii) in alignment with the challenging State academic standards and any local academic standards;

(E) a description of how the activities will meet the measures of effectiveness described in section 7175(b) of this title;

(F) an assurance that the program will target students who primarily attend schools eligible for schoolwide programs under section 6314 of this title and the families of such students;

(G) an assurance that subgrant funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds;

(H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity, if appropriate;

(I) an evaluation of the community needs and available resources for the community learning center, and a description of how the program proposed to be carried out in the center will address those needs (including the needs of working families);

(J) a demonstration that the eligible entity will use best practices, including research or evidence-based practices, to provide educational and related activities that will complement and enhance academic performance, achievement, postsecondary and workforce preparation, and positive youth development of the students;

(K) a description of a preliminary plan for how the community learning center will continue after funding under this part ends;

(L) an assurance that the community will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application;

(M) if the eligible entity plans to use volunteers in activities carried out through the community learning center, a description of how the eligible entity will encourage and use appropriately qualified persons to serve as the volunteers; and

(N) such other information and assurances as the State educational agency may reasonably require.

(c) Approval of certain applications

The State educational agency may approve an application under this part for a program to be located in a facility other than an elementary school or secondary school only if the program will be at least as available and accessible to the

students to be served as if the program were located in an elementary school or secondary school.

(d) Permissive local match

(1) In general

A State educational agency may require an eligible entity to match subgrant funds awarded under this part, except that such match may not exceed the amount of the subgrant and may not be derived from other Federal or State funds.

(2) Sliding scale

The amount of a match under paragraph (1) shall be established based on a sliding scale that takes into account—

- (A) the relative poverty of the population to be targeted by the eligible entity; and
- (B) the ability of the eligible entity to obtain such matching funds.

(3) In-kind contributions

Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

(4) Consideration

Notwithstanding this subsection, a State educational agency shall not consider an eligible entity's ability to match funds when determining which eligible entities will receive subgrants under this part.

(e) Peer review

In reviewing local applications under this part, a State educational agency shall use a rigorous peer-review process or other methods to ensure the quality of funded projects.

(f) Geographic diversity

To the extent practicable, a State educational agency shall distribute subgrant funds under this part equitably among geographic areas within the State, including urban and rural communities.

(g) Duration of awards

A subgrant awarded under this part shall be awarded for a period of not less than 3 years and not more than 5 years.

(h) Amount of awards

A subgrant awarded under this part may not be made in an amount that is less than \$50,000.

(i) Priority

(1) In general

In awarding subgrants under this part, a State educational agency shall give priority to applications—

- (A) proposing to target services to—
 - (i) students who primarily attend schools that—
 - (I) are implementing comprehensive support and improvement activities or targeted support and improvement activities under section 6311(d) of this title or other schools determined by the local educational agency to be in need of intervention and support to improve stu-

dent academic achievement and other outcomes; and

(II) enroll students who may be at risk for academic failure, dropping out of school, involvement in criminal or delinquent activities, or who lack strong positive role models; and

(ii) the families of students described in clause (i);

(B) submitted jointly by eligible entities consisting of not less than 1—

- (i) local educational agency receiving funds under part A of subchapter I; and
- (ii) another eligible entity; and

(C) demonstrating that the activities proposed in the application—

- (i) are, as of the date of the submission of the application, not accessible to students who would be served; or
- (ii) would expand accessibility to high-quality services that may be available in the community.

(2) Special rule

The State educational agency shall provide the same priority under paragraph (1) to an application submitted by a local educational agency if the local educational agency demonstrates that it is unable to partner with a community-based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.

(3) Limitation

A State educational agency may not give a priority or a preference to eligible entities that seek to use funds made available under this part to extend the regular school day.

(j) Renewability of awards

A State educational agency may renew a subgrant provided under this part to an eligible entity, based on the eligible entity's performance during the preceding subgrant period.

(Pub. L. 89-10, title IV, § 4204, as added Pub. L. 107-110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1769; amended Pub. L. 114-95, title IV, § 4201(a), Dec. 10, 2015, 129 Stat. 1988.)

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§ 7175. Local activities

(a) Authorized activities

Each eligible entity that receives an award under section 7174 of this title may use the award funds to carry out a broad array of activities that advance student academic achievement and support student success, including—

- (1) academic enrichment learning programs, mentoring programs, remedial education ac-