

(4) a description of how the entity will comply with subsection (a)(2).

**(c) Reports and evaluations**

**(1) Annual report to Secretary**

An entity receiving a grant, contract, or cooperative agreement under this section shall prepare and submit to the Secretary an annual report. The report shall describe the program activities undertaken with funds received under the grant, contract, or cooperative agreement, including each of the following:

(A) The programming that has been developed, directly or indirectly, by the eligible entity, and the target population of the programming.

(B) The support and training materials that have been developed to accompany the programming, and the method by which the materials are distributed to consumers and users of the programming.

(C) The means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available, and the geographic distribution achieved through such technologies.

(D) The initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development, distribution, and broadcast of educational and instructional programming.

**(2) Report to Congress**

The Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a biannual report that includes the following:

(A) A summary of the activities assisted under subsection (a).

(B) A description of the education and training materials made available under subsection (a)(1)(B)(v), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

**(d) Administrative costs**

An entity that receives a grant, contract, or cooperative agreement under this section may use up to 5 percent of the amount received under the grant, contract, or agreement for the normal and customary expenses of administering the grant, contract, or agreement.

**(e) Funding rule**

Not less than 60 percent of the amount used by the Secretary to carry out this section for each fiscal year shall be used to carry out activities under clauses (ii) through (iv) of subsection (a)(1)(B).

(Pub. L. 89-10, title IV, §4643, as added Pub. L. 114-95, title IV, §4601, Dec. 10, 2015, 129 Stat. 2034.)

REFERENCES IN TEXT

The Head Start Act, referred to in subsec. (a)(4)(B), is subchapter B (§635 et seq.) of chapter 8 of subtitle A of

title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 499, which is classified generally to subchapter II (§9831 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of Title 42 and Tables.

The Child Care and Development Block Grant Act of 1990, referred to in subsec. (a)(4)(B), is subchapter C (§658A et seq.) of chapter 8 of subtitle A of title VI of Pub. L. 97-35, as added by Pub. L. 101-508, title V, §5082(2), Nov. 5, 1990, 104 Stat. 1388-236, which is classified generally to subchapter II-B (§9857 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 9857(a) of Title 42 and Tables.

EFFECTIVE DATE

Section 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 an Effective Date of 2015 Amendment note under section 6301 of this title.

**§ 7294. Supporting high-ability learners and learning**

**(a) Purpose**

The purpose of this section is to promote and initiate a coordinated program, to be known as the “Jacob K. Javits Gifted and Talented Students Education Program”, of evidence-based research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of elementary schools and secondary schools nationwide to identify gifted and talented students and meet their special educational needs.

**(b) Program authorized**

**(1) In general**

The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall make awards to, or enter into contracts with, State educational agencies, local educational agencies, the Bureau of Indian Education, institutions of higher education, other public agencies, and other private agencies and organizations to assist such agencies, institutions, or organizations, or the Bureau, in carrying out programs or projects to fulfill the purpose described in section 7291(a)(3) of this title, including the training of personnel in the identification and education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

**(2) Application**

Each entity seeking assistance under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Each application shall describe how—

(A) the proposed identification methods, as well as gifted and talented services, materials, and methods, can be adapted, if appropriate, for use by all students; and

(B) the proposed programs can be evaluated.

**(c) Uses of funds**

Programs and projects assisted under this section may include any of the following:

(1) Conducting evidence-based research on methods and techniques for identifying and teaching gifted and talented students and for using gifted and talented programs and methods to identify and provide the opportunity for all students to be served, particularly low-income and at-risk students.

(2) Establishing and operating programs and projects for identifying and serving gifted and talented students, including innovative methods and strategies (such as summer programs, mentoring programs, peer tutoring programs, service learning programs, and cooperative learning programs involving business, industry and education) for identifying and educating students who may not be served by traditional gifted and talented programs.

(3) Providing technical assistance and disseminating information, which may include how gifted and talented programs and methods may be adapted for use by all students, particularly low-income and at-risk students.

**(d) Center for research and development**

**(1) In general**

The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Research Center for the Education of Gifted and Talented Children and Youth through grants to, or contracts with, one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies and other public or private agencies and organizations, for the purpose of carrying out activities described in subsection (c).

**(2) Director**

The National Center shall be headed by a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with institutions of higher education, State educational agencies, local educational agencies, or other public or private agencies and organizations.

**(e) Coordination**

Evidence-based activities supported under this section—

(1) shall be carried out in consultation with the Institute of Education Sciences to ensure that such activities are coordinated with and enhance the research and development activities supported by the Institute; and

(2) may include collaborative evidence-based activities that are jointly funded and carried out with such Institute.

**(f) General priority**

In carrying out this section, the Secretary shall give highest priority to programs and projects designed to—

(1) develop new information that—

(A) improves the capability of schools to plan, conduct, and improve programs to identify and serve gifted and talented students; or

(B) assists schools in the identification of, and provision of services to, gifted and talented students (including economically dis-

advantaged individuals, individuals who are English learners, and children with disabilities) who may not be identified and served through traditional assessment methods; or

(2) implement evidence-based activities, defined in this paragraph as activities meeting the requirements of section 7801(21)(A)(i) of this title.

**(g) Participation of private school children and teachers**

In making grants and entering into contracts under this section, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such students.

**(h) Review, dissemination, and evaluation**

The Secretary shall—

(1) use a peer-review process in reviewing applications under this section;

(2) ensure that information on the activities and results of programs and projects funded under this section is disseminated to appropriate State educational agencies, local educational agencies, and other appropriate organizations, including private nonprofit organizations; and

(3) evaluate the effectiveness of programs under this section in accordance with section 7981 of this title, in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than 2 years after December 10, 2015.

**(i) Program operations**

The Secretary shall ensure that the programs under this section are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall—

(1) administer and coordinate the programs authorized under this section;

(2) serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs;

(3) assist the Director of the Institute of Education Sciences in identifying research priorities that reflect the needs of gifted and talented students; and

(4) disseminate, and consult on, the information developed under this section with other offices within the Department.

(Pub. L. 89–10, title IV, §4644, as added Pub. L. 114–95, title IV, §4601, Dec. 10, 2015, 129 Stat. 2037.)

PRIOR PROVISIONS

Prior sections 7301 to 7301b were repealed by Pub. L. 114–95, §5, title V, §5001(b)(1), Dec. 10, 2015, 129 Stat. 1806, 2040, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 7301, Pub. L. 89-10, title V, §6111, formerly title VI, §6111, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1873; renumbered title V, §6111, Pub. L. 114-95, title V, §5001(a), Dec. 10, 2015, 129 Stat. 2039, related to grants for State assessments and related activities.

A prior section 7301, Pub. L. 89-10, title VI, §6001, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3707, set forth findings and purpose, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107-110.

Section 7301a, Pub. L. 89-10, title V, §6112, formerly title VI, §6112, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1874; renumbered title V, §6112, Pub. L. 114-95, title V, §5001(a), Dec. 10, 2015, 129 Stat. 2039, related to grants for enhanced assessment instruments.

Section 7301b, Pub. L. 89-10, title V, §6113, formerly title VI, §6113, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1875; renumbered title V, §6113, Pub. L. 114-95, title V, §5001(a), Dec. 10, 2015, 129 Stat. 2039, related to funding.

Prior sections 7302 and 7303 were omitted in the general amendment of former subchapter VI of this chapter by Pub. L. 107-110.

Section 7302, Pub. L. 89-10, title VI, §6002, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3707, related to authorization of appropriations and duration of assistance.

Section 7303, Pub. L. 89-10, title VI, §6003, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3707, defined “effective schools programs”.

#### EFFECTIVE DATE

Section 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 an Effective Date of 2015 Amendment note under section 6301 of this title.

### SUBCHAPTER V—FLEXIBILITY AND ACCOUNTABILITY

#### CODIFICATION

Pub. L. 114-95, title V, §5001(a), Dec. 10, 2015, 129 Stat. 2039, redesignated subchapter VI (§7301 et seq.) of this chapter as this subchapter.

Title V of the Elementary and Secondary Education Act of 1965, comprising this subchapter, was originally enacted as part of Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, and subsequently revised, restated, and amended by other public laws. Title V is shown, herein, as having been added as title VI of Pub. L. 89-10 by Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1873, without reference to earlier amendments because of the extensive revision of the title’s provisions by Pub. L. 107-110. Title VI of Pub. L. 89-10 was subsequently redesignated title V by Pub. L. 114-95, title V, §5001(a), Dec. 10, 2015, 129 Stat. 2039, and transferred to this subchapter. See Codification note preceding section 6301 of this title.

#### PRIOR PROVISIONS

A prior title V of the Elementary and Secondary Education Act of 1965, comprising former subchapter V (§7201 et seq.) of this chapter, was originally enacted as part of Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, and subsequently revised, restated, and amended by other public laws. Title V as extensively revised by Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1776, related to promoting informed parental choice and innovative programs, and was set out in former subchapter V of this chapter as having been added by Pub. L. 107-110. Except as provided below, title V of the Act was repealed by Pub. L. 114-95, title IV, §4001(b)(1)(A)–(C), (4), Dec. 10, 2015, 129 Stat. 1967.

A prior part B of title V of the Elementary and Secondary Education Act of 1965, comprising part B (§7221 et seq.) of former subchapter V of this chapter, was re-

designated part C of title IV of the Act and transferred to part C (§7221 et seq.) of subchapter IV of this chapter by Pub. L. 114-95, title IV, §4001(b)(2)(A)–(C), Dec. 10, 2015, 129 Stat. 1967.

A prior part C of title V of the Elementary and Secondary Education Act of 1965, comprising part C (§7231 et seq.) of former subchapter V of this chapter, was redesignated part D of title IV of the Act and transferred to part D (§7231 et seq.) of subchapter IV of this chapter by Pub. L. 114-95, §4001(b)(3)(A)–(C), Dec. 10, 2015, 129 Stat. 1967.

### PART A—FUNDING TRANSFERABILITY FOR STATE AND LOCAL EDUCATIONAL AGENCIES

#### CODIFICATION

Pub. L. 114-95, title V, §5002(1), (2), Dec. 10, 2015, 129 Stat. 2040, substituted “Funding Transferability for State and Local Educational Agencies” for “Improving Academic Achievement” in part heading and struck out subpart 2 designation and heading.

#### PRIOR PROVISIONS

Prior subparts 1, 3, and 4 of this part, consisting of sections 7301 to 7301b, 7311 to 7311b, 7315 to 7315c, 7321 to 7321e, and 7325 to 7325c, related to accountability, State and local flexibility demonstration, and State accountability for adequate yearly progress, prior to repeal by Pub. L. 114-95, title V, §5001(b)(1), Dec. 10, 2015, 129 Stat. 2040.

#### § 7305. Short title

This part may be cited as the “State and Local Transferability Act”.

(Pub. L. 89-10, title V, §5101, formerly title VI, §6121, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1876; renumbered title V, §5101, and amended Pub. L. 114-95, title V, §5001(a)(1), 5002(3), Dec. 10, 2015, 129 Stat. 2039, 2040.)

#### PRIOR PROVISIONS

A prior section 5101 of Pub. L. 89-10 was classified to section 7201 of this title prior to repeal by Pub. L. 114-95.

Another prior section 5101 of Pub. L. 89-10 was classified to section 7201 of this title, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107-110.

Another prior section 5101 of Pub. L. 89-10 was classified to section 3171 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

#### AMENDMENTS

2015—Pub. L. 114-95, §5002(3), substituted “part” for “subpart”.

#### 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.

#### § 7305a. Purpose

The purpose of this part is to allow States and local educational agencies the flexibility to target Federal funds to the programs and activities that most effectively address the unique needs of States and localities.

(Pub. L. 89-10, title V, §5102, formerly title VI, §6122, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1876; renumbered title V, §5102, and amended Pub. L. 114-95, title V,