

sified to section 7301a of this title, prior to repeal 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 1116 of the ESEA, referred to in subsec. (d)(5), is section 1116 of Pub. L. 89-10, which was classified to section 6316 of this title, prior to repeal by Pub. L. 114-95, § 5, title I, § 1000(1), Dec. 10, 2015, 129 Stat. 1806, 1814, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs. Section 1000(2) of Pub. L. 114-95 renumbered section 1118 of Pub. L. 89-10 as section 1116, which is classified to section 6318 of this title. Section 6318 does not contain a subsec. (b)(7) or (8).

#### AMENDMENTS

2011—Subsec. (d)(6). Pub. L. 112-10 added par. (6).

2009—Subsec. (a). Pub. L. 111-8, § 523(d), substituted “10001(d)” for “10001”.

Subsec. (d)(4)(C). Pub. L. 111-8, § 523(e), substituted “9871(e)(1)(A)(ii)” for “9871(e)(1)(9)(A)(ii)”.

Subsec. (d)(5). Pub. L. 111-8, § 523(f), substituted “1116(b)(7)(C)(iv)” for “1116(a)(7)(C)(iv)” and “1116(b)(8)(B)” for “1116(a)(8)(B)”.

### § 10006. State incentive grants

#### (a) In general

##### (1) Reservation

From the total amount reserved under section 10001(c) of this title that is not used for section 10007 of this title, the Secretary may reserve up to 1 percent for technical assistance to States to assist them in meeting the objectives of paragraphs (2), (3), (4), and (5) of section 10005(d) of this title.

##### (2) Remainder

Of the remaining funds, the Secretary shall, in fiscal year 2010, make grants to States that have made significant progress in meeting the objectives of paragraphs (2), (3), (4), and (5) of section 10005(d) of this title.

#### (b) Basis for grants

The Secretary shall determine which States receive grants under this section, and the amount of those grants, on the basis of information provided in State applications under section 10005 of this title and such other criteria as the Secretary determines appropriate, which may include a State's need for assistance to help meet the objective of paragraphs<sup>1</sup> (2), (3), (4), (5), or (6) of section 10005(d) of this title.

#### (c) Subgrants to local educational agencies

##### (1) In general

Each State receiving a grant under this section shall use at least 50 percent of the grant to provide local educational agencies in the State with subgrants based on their relative shares of funding under part A of title I of the ESEA (20 U.S.C. 6311 et seq.) for the most recent year.

##### (2) Exception

Paragraph (1) does not apply to grants made by the Secretary to consortia of States to develop academic assessments that are aligned with academic standards, or to a State or States for improving early childhood care and

education except that such a State may use its grant funds to make subgrants to public or private agencies and organizations for activities consistent with the purposes of the grant.

(Pub. L. 111-5, div. A, title XIV, § 14006, Feb. 17, 2009, 123 Stat. 283; Pub. L. 111-117, div. D, title III, § 310, Dec. 16, 2009, 123 Stat. 3272; Pub. L. 112-10, div. B, title VIII, § 1832(b)(2), Apr. 15, 2011, 125 Stat. 164; Pub. L. 112-74, div. F, title III, § 308, Dec. 23, 2011, 125 Stat. 1100.)

#### REFERENCES IN TEXT

ESEA, referred to in subsec. (c)(1), is the Elementary and Secondary Education Act of 1965, Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27. Part A of title I of the Act is classified generally to part A (§ 6311 et seq.) of subchapter I of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

#### AMENDMENTS

2011—Subsec. (b). Pub. L. 112-10, § 1832(b)(2)(A), substituted “(5), or (6)” for “and (5)”.

Subsec. (c)(2). Pub. L. 112-74 inserted before period at end “except that such a State may use its grant funds to make subgrants to public or private agencies and organizations for activities consistent with the purposes of the grant”.

Pub. L. 112-10, § 1832(b)(2)(B), inserted before period at end “, or to a State or States for improving early childhood care and education”.

2009—Subsec. (c). Pub. L. 111-117 designated existing provisions as par. (1), inserted heading, and added par. (2).

### § 10007. Innovation Fund

#### (a) In general

##### (1) Eligible entities

For the purposes of this section, the term “eligible entity” means—

- (A) a local educational agency; or
- (B) a partnership between a nonprofit organization and—
  - (i) one or more local educational agencies; or
  - (ii) a consortium of schools.

##### (2) Program established

From the total amount reserved under section 10001(c) of this title, the Secretary may reserve up to \$650,000,000 to establish an Innovation Fund, which shall consist of academic achievement awards that recognize eligible entities that meet the requirements described in subsection (b).

##### (3) Purpose of awards

The Secretary shall make awards to eligible entities in order to identify, document, and bring to scale innovative best practices based on demonstrated success, to allow such eligible entities to—

- (A) expand their work and serve as models for best practices; and
- (B) work in partnership with the private sector and the philanthropic community.

#### (b) Eligibility

To be eligible for such an award, an eligible entity shall—

- (1)(A) have significantly closed the achievement gaps between groups of students described in section 6311(b)(2)<sup>1</sup> of this title; or

<sup>1</sup> So in original. Probably should be “paragraph”.

<sup>1</sup> See References in Text note below.