

**(5) Improvement plans**

If the Secretary determines, based on the State report submitted under paragraph (4), that the State is not making progress toward achieving the performance goals described in paragraph (2), then the State shall submit a performance improvement plan to the Secretary, and demonstrate reasonable progress in implementing such plan, in order to remain eligible for funding under this chapter.

(Pub. L. 106-554, §1(a)(1) [title VIII, §811], Dec. 21, 2000, 114 Stat. 2763, 2763A-86.)

**§ 9411. Local allocations**

**(a) In general**

The Lead State Agency shall allocate to Local Councils in the State not less than 93 percent of the funds provided to the State under this chapter for a fiscal year.

**(b) Limitation**

The Lead State Agency shall allocate funds provided under this chapter on the basis of the population of the locality served by the Local Council.

(Pub. L. 106-554, §1(a)(1) [title VIII, §812], Dec. 21, 2000, 114 Stat. 2763, 2763A-88.)

**§ 9412. Local applications**

**(a) In general**

To be eligible to receive assistance under this chapter, the Local Council shall submit an application to the Lead State Agency at such time, in such manner, and containing such information as the Lead State Agency may require.

**(b) Contents**

Each application submitted pursuant to subsection (a) shall include a statement ensuring that the local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has established or designated a Local Council under section 9413 of this title, and the Local Council has developed a local plan for carrying out early learning programs under this chapter that includes—

(1) a needs and resources assessment concerning early learning services and a statement describing how early learning programs will be funded consistent with the assessment;

(2) a statement of how the Local Council will ensure that early learning programs will meet the performance goals reported by the Lead State Agency under this chapter; and

(3) a description of how the Local Council will form collaboratives among local youth, social service, and educational providers to maximize resources and concentrate efforts on areas of greatest need.

(Pub. L. 106-554, §1(a)(1) [title VIII, §813], Dec. 21, 2000, 114 Stat. 2763, 2763A-88.)

**§ 9413. Local administration**

**(a) Local Council**

**(1) In general**

To be eligible to receive funds under this chapter, a local government entity, Indian

tribe, Regional Corporation, or Native Hawaiian entity, as appropriate, shall establish or designate a Local Council, which shall be composed of—

(A) representatives of local agencies directly affected by early learning programs assisted under this chapter;

(B) parents;

(C) other individuals concerned with early learning issues in the locality, such as representative entities providing elementary education, child care resource and referral services, early learning opportunities, child care, and health services; and

(D) other key community leaders.

**(2) Designating existing entity**

If a local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has, before December 21, 2000, a Local Council or a regional entity that is comparable to the Local Council described in paragraph (1), the entity, tribe, or corporation may designate the council or entity as a Local Council under this chapter, and shall be considered to have established a Local Council in compliance with this subsection.

**(3) Functions**

The Local Council shall be responsible for preparing and submitting the application described in section 9412 of this title.

**(b) Administration**

**(1) Administrative costs**

Not more than 3 percent of the funds received by a Local Council under this chapter shall be used to pay for the administrative costs of the Local Council in carrying out this chapter.

**(2) Fiscal agent**

A Local Council may designate any entity, with a demonstrated capacity for administering grants, that is affected by, or concerned with, early learning issues, including the State, to serve as fiscal agent for the administration of grant funds received by the Local Council under this chapter.

(Pub. L. 106-554, §1(a)(1) [title VIII, §814], Dec. 21, 2000, 114 Stat. 2763, 2763A-88.)

**CHAPTER 76—EDUCATION RESEARCH, STATISTICS, EVALUATION, INFORMATION, AND DISSEMINATION**

**SUBCHAPTER I—EDUCATION SCIENCES REFORM**

Sec.	
9501.	Definitions.
<b>PART A—THE INSTITUTE OF EDUCATION SCIENCES</b>	
9511.	Establishment.
9512.	Functions.
9513.	Delegation.
9514.	Office of the Director.
9515.	Priorities.
9516.	National Board for Education Sciences.
9517.	Commissioners of the National Education Centers.
9518.	Agreements.
9519.	Biennial report.
9520.	Competitive awards.

**PART B—NATIONAL CENTER FOR EDUCATION RESEARCH**

9531.	Establishment.
-------	----------------