

(2) not more than 2 percent of the funds made available through the grant for the administrative costs of carrying out the grant program and the costs of reporting State and local efforts to the Secretary; and

(3) not more than 3 percent of the funds made available through the grant for training, technical assistance, and wage incentives provided by the State to Local Councils.

**(c) Lead State Agency**

**(1) In general**

To be eligible to receive an allotment under this chapter, the Governor of a State shall appoint, after consultation with the leadership of the State legislature, a Lead State Agency to carry out the functions described in paragraph (2).

**(2) Lead State Agency**

**(A) Allocation of funds**

The Lead State Agency described in paragraph (1) shall allocate funds to Local Councils as described in section 9411 of this title.

**(B) Functions of agency**

In addition to allocating funds pursuant to subparagraph (A), the Lead State Agency shall—

(i) advise and assist Local Councils in the performance of their duties under this chapter;

(ii) develop and submit the State application;

(iii) evaluate and approve applications submitted by Local Councils under section 9412 of this title;

(iv) ensure collaboration with respect to assistance provided under this chapter between the State agency responsible for education and the State agency responsible for children and family services;

(v) prepare and submit to the Secretary, an annual report on the activities carried out in the State under this chapter, which shall include a statement describing how all funds received under this chapter are expended and documentation of the effects that resources under this chapter have had on—

(I) parental capacity to improve learning readiness in their young children;

(II) early childhood literacy;

(III) linkages among early learning programs;

(IV) linkages between early learning programs and health care services for young children;

(V) access to early learning activities for young children with special needs;

(VI) access to existing early learning programs through expansion of the days or times that children are served;

(VII) access to existing early learning programs through expansion of the number of young children served;

(VIII) access to and affordability of existing early learning programs for low-income families;

(IX) the quality of early learning programs resulting from professional devel-

opment, and recruitment and retention incentives for caregivers; and

(X) removal of ancillary barriers to early learning, including transportation difficulties and absence of programs during nontraditional work times; and

(vi) ensure that training and research is made available to Local Councils and that such training and research reflects the latest available brain development and early childhood development research related to early learning.

(Pub. L. 106-554, §1(a)(1) [title VIII, §810], Dec. 21, 2000, 114 Stat. 2763, 2763A-85; Pub. L. 110-134, §29(b), Dec. 12, 2007, 121 Stat. 1449.)

AMENDMENTS

2007—Subsec. (b)(1). Pub. L. 110-134 substituted “entities funded under section 9835(a)(2)(B)(vi) of title 42” for “entities funded under section 9835(a)(5) of title 42”.

**§ 9410. State requirements**

**(a) Eligibility**

To be eligible for a grant under this chapter, a State shall—

(1) ensure that funds received by the State under this chapter shall be subject to appropriation by the State legislature, consistent with the terms and conditions required under State law;

(2) designate a Lead State Agency under section 9409(c) of this title to administer and monitor the grant and ensure State-level coordination of early learning programs;

(3) submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require;

(4) ensure that funds made available under this chapter are distributed on a competitive basis throughout the State to Local Councils serving rural, urban, and suburban areas of the State; and

(5) assist the Secretary in developing mechanisms to ensure that Local Councils receiving funds under this chapter comply with the requirements of this chapter.

**(b) State preference**

In awarding grants to Local Councils under this chapter, the State, to the maximum extent possible, shall ensure that a broad variety of early learning programs that provide a continuity of services across the age spectrum assisted under this chapter are funded under this chapter, and shall give preference to supporting—

(1) a Local Council that meets criteria, that are specified by the State and approved by the Secretary, for qualifying as serving an area of greatest need for early learning programs; and

(2) a Local Council that demonstrates, in the application submitted under section 9412 of this title, the Local Council’s potential to increase collaboration as a means of maximizing use of resources provided under this chapter with other resources available for early learning programs.

**(c) Local preference**

In awarding grants under this chapter, Local Councils shall give preference to supporting—

(1) projects that demonstrate their potential to collaborate as a means of maximizing use of resources provided under this chapter with other resources available for early learning programs;

(2) programs that provide a continuity of services for young children across the age spectrum, individually, or through community-based networks or cooperative agreements; and

(3) programs that help parents and other caregivers promote early learning with their young children.

**(d) Performance goals**

**(1) Assessments**

Based on information and data received from Local Councils, and information and data available through State resources, the State shall biennially assess the needs and available resources related to the provision of early learning programs within the State.

**(2) Performance goals**

Based on the analysis of information described in paragraph (1), the State shall establish measurable performance goals to be achieved through activities assisted under this chapter.

**(3) Requirement**

The State shall award grants to Local Councils only for purposes that are consistent with the performance goals established under paragraph (2).

**(4) Report**

The State shall report to the Secretary annually regarding the State's progress toward achieving the performance goals established in paragraph (2) and any necessary modifications to those goals, including the rationale for the modifications.

**(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.