

terminating in an examination administered by another nationally recognized educational organization that has a demonstrated record of effectiveness in assessing secondary school students, or another such examination approved by the Secretary.

**(2) Eligible entity**

The term “eligible entity” means—

- (A) a State educational agency;
- (B) a local educational agency; or
- (C) a partnership consisting of—

- (i) a national, regional, or statewide non-profit organization, with expertise and experience in providing Advanced Placement or International Baccalaureate services; and

- (ii) a State educational agency or local educational agency.

**(3) Low-income student**

The term “low-income student” means an individual who is determined by a State educational agency or local educational agency to be a child ages 5 through 19, from a low-income family, on the basis of data used by the Secretary to determine allocations under section 6333 of this title, data on children eligible for free or reduced-price lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.], data on children in families receiving assistance under part A of title IV of the Social Security Act [42 U.S.C. 601 et seq.], or data on children eligible to receive medical assistance under the Medicaid program under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.], or through an alternate method that combines or extrapolates from those data.

**(4) High concentration of low-income students**

The term “high concentration of low-income students”, used with respect to a school, means a school that serves a student population 40 percent or more of who are low-income students.

**(5) High-need local educational agency**

The term “high-need local educational agency” means a local educational agency or educational service agency described in 9812(3)(A)<sup>1</sup> of this title.

**(6) High-need school**

The term “high-need school” means a secondary school—

- (A) with a pervasive need for Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages, or for additional Advanced Placement or International Baccalaureate courses in such a subject; and
- (B)(i) with a high concentration of low-income students; or

- (ii) designated with a school locale code of 41, 42, or 43, as determined by the Secretary.

(Pub. L. 110-69, title VI, §6122, Aug. 9, 2007, 121 Stat. 635; Pub. L. 114-95, title IX, §9215(i)(2), Dec. 10, 2015, 129 Stat. 2167.)

REFERENCES IN TEXT

The Richard B. Russell National School Lunch Act, referred to in par. (3), is act June 4, 1946, ch. 281, 60

Stat. 230, which is classified generally to chapter 13 (§1751 et seq.) 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 1751 of Title 42 and Tables.

The Social Security Act, referred to in par. (3), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Part A of title IV of the Act is classified generally to part A (§601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. Title XIX of the Act is classified generally to subchapter XIX (§1396 et seq.) of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

AMENDMENTS

2015—Par. (3). Pub. L. 114-95, §9215(i)(2)(A), substituted “The term ‘low-income student’ means an individual who is determined by a State educational agency or local educational agency to be a child ages 5 through 19, from a low-income family, on the basis of data used by the Secretary to determine allocations under section 6333 of this title, data on children eligible for free or reduced-price lunches under the Richard B. Russell National School Lunch Act, data on children in families receiving assistance under part A of title IV of the Social Security Act, or data on children eligible to receive medical assistance under the Medicaid program under title XIX of the Social Security Act, or through an alternate method that combines or extrapolates from those data.” for “The term ‘low-income student’ has the meaning given the term ‘low-income individual’ in section 6537(3) of this title.”

Par. (4). Pub. L. 114-95, §9215(i)(2)(B), substituted “The term ‘high concentration of low-income students’, used with respect to a school, means a school that serves a student population 40 percent or more of who are low-income students.” for “The term ‘high concentration of low-income students’ has the meaning given the term in section 6537(2) of this title.”

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.

**§9833. Advanced Placement and International Baccalaureate programs**

**(a) Program authorized**

From the amounts appropriated under subsection (l), the Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsection (g).

**(b) Duration of grants**

The Secretary may award grants under this section for a period of not more than 5 years.

**(c) Coordination**

The Secretary shall coordinate the activities carried out under this section with any activities carried out under section 7114 or 7117 of this title that provide students access to accelerated learning programs that provide—

- (1) postsecondary level courses accepted for credit at institutions of higher education, including dual or concurrent enrollment programs, and early college high schools; or
- (2) postsecondary level instruction and examinations that are accepted for credit at institutions of higher education, including Advanced Placement and International Baccalaureate programs.

<sup>1</sup> So in original. Probably should be preceded by “section”.

**(d) Priority**

In awarding grants under this section, the Secretary shall give priority to eligible entities that are part of a statewide strategy for increasing—

- (1) the availability of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools; and
- (2) the number of students who participate in Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign language in high-need schools, and take and score a 3, 4, or 5 on an Advanced Placement examination in such a subject, or pass an examination administered by the International Baccalaureate Organization in such a subject in such schools.

**(e) Equitable distribution**

The Secretary, to the extent practicable, shall—

- (1) ensure an equitable geographic distribution of grants under this section among the States; and
- (2) promote an increase in participation in Advanced Placement or International Baccalaureate mathematics, science, and critical foreign language courses and examinations in all States.

**(f) Application****(1) In general**

Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

**(2) Contents**

The application shall, at a minimum, include a description of—

- (A) the goals and objectives for the project, including—
  - (i) increasing the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;
  - (ii) increasing the number of qualified teachers serving high-need schools who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages to students in the high-need schools;
  - (iii) increasing the number of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages that are available to students attending high-need schools; and
  - (iv) increasing the number of students attending a high-need school, particularly low-income students, who enroll in and pass—
    - (I) Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages; and

- (II) pre-Advanced Placement or pre-International Baccalaureate courses in such a subject (where provided in accordance with subparagraph (B));

- (B) how the eligible entity will ensure that students have access to courses, including pre-Advanced Placement and pre-International Baccalaureate courses, that will prepare the students to enroll and succeed in Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

- (C) how the eligible entity will provide professional development for teachers assisted under this section;

- (D) how the eligible entity will ensure that teachers serving high-need schools are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

- (E) how the eligible entity will provide for the involvement of business and community organizations and other entities, including institutions of higher education, in the activities to be assisted; and

- (F) how the eligible entity will use funds received under this section, including how the eligible entity will evaluate the success of its project.

**(g) Authorized activities****(1) In general**

Each eligible entity that receives a grant under this section shall use the grant funds to carry out activities designed to increase—

- (A) the number of qualified teachers serving high-need schools who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages; and

- (B) the number of students attending high-need schools who enroll in, and pass, the examinations for such Advanced Placement or International Baccalaureate courses.

**(2) Permissive activities**

The activities described in paragraph (1) may include—

- (A) teacher professional development, in order to expand the pool of teachers in the participating State, local educational agency, or high-need school who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

- (B) pre-Advanced Placement or pre-International Baccalaureate course development and professional development;

- (C) coordination and articulation between grade levels to prepare students to enroll and succeed in Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

- (D) purchase of instructional materials;

- (E) activities to increase the availability of, and participation in, online Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages;

(F) reimbursing low-income students attending high-need schools for part or all of the cost of Advanced Placement or International Baccalaureate examination fees;

(G) carrying out subsection (j), relating to collecting and reporting data;

(H) in the case of a State educational agency that receives a grant under this section, awarding subgrants to local educational agencies to enable the local educational agencies to carry out authorized activities described in subparagraphs (A) through (G); and

(I) providing salary increments or bonuses to teachers serving high-need schools who—

(i) become qualified to teach, and teach, Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language; or

(ii) increase the number of low-income students, who take Advanced Placement or International Baccalaureate examinations in mathematics, science, or a critical foreign language with the goal of successfully passing such examinations.

**(h) Matching requirement**

**(1) In general**

Subject to paragraph (2), each eligible entity that receives a grant under this section shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, except that an eligible entity that is a high-need local educational agency shall provide an amount equal to not more than 50 percent of the amount of the grant.

**(2) Waiver**

The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity described in subparagraph (A) or (B) of section 9832(2) of this title, if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities described in subsection (g).

**(i) Supplement not supplant**

Grant funds provided under this section shall be used to supplement, not supplant, other Federal and non-Federal funds available to carry out the activities described in subsection (g).

**(j) Collecting and reporting requirements**

**(1) Report**

Each eligible entity receiving a grant under this section shall collect and report to the Secretary annually such data on the results of the grant as the Secretary may reasonably require, including data regarding—

(A) the number of students enrolling in Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language, and pre-Advanced Placement or pre-International Baccalaureate courses in such a subject, by the grade the student is enrolled in, and the distribution of grades those students receive;

(B) the number of students taking Advanced Placement or International Baccalaureate examinations in mathematics, science, or a critical foreign language, and the distribution of scores on those examinations by the grade the student is enrolled in at the time of the examination;

(C) the number of teachers receiving training in teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language who will be teaching such courses in the next school year;

(D) the number of teachers becoming qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language; and

(E) the number of qualified teachers who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages to students in a high-need school.

**(2) Reporting of data**

Each eligible entity receiving a grant under this section shall report data required under paragraph (1)—

(A) disaggregated by subject area;

(B) in the case of student data, disaggregated in the same manner as information is disaggregated under section 6311(b)(2)(B)(xi) of this title; and

(C) to the extent feasible, in a manner that allows comparison of conditions before, during, and after the project.

**(k) Evaluation and report**

From the amount made available for any fiscal year under subsection (l), the Secretary shall reserve such sums as may be necessary—

(1) to conduct an annual independent evaluation, by grant or by contract, of the program carried out under this section, which shall include an assessment of the impact of the program on student academic achievement; and

(2) to prepare and submit an annual report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and Labor of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives.

**(l) Authorization of appropriations**

There are authorized to be appropriated to carry out this section \$75,000,000 for each of fiscal years 2011 through 2013.

(Pub. L. 110-69, title VI, §6123, Aug. 9, 2007, 121 Stat. 636; Pub. L. 111-358, title X, §1003(b), Jan. 4, 2011, 124 Stat. 4048; Pub. L. 114-95, title IX, §9215(i)(3), Dec. 10, 2015, 129 Stat. 2167.)

AMENDMENTS

2015—Subsec. (c). Pub. L. 114-95, §9215(i)(3)(A), substituted “any activities carried out under section 7114 or 7117 of this title that provide students access to accelerated learning programs that provide—” and pars. (1) and (2) for “the activities carried out under section 6535 of this title.”

Subsec. (j)(2)(B). Pub. L. 114-95, §9215(i)(3)(B), substituted “section 6311(b)(2)(B)(xi) of this title” for “section 6311(h)(1)(C)(i) of this title”.

2011—Subsec. (h)(1). Pub. L. 111-358, §1003(b)(1), substituted “50” for “100” and “100” for “200”.

Subsec. (l). Pub. L. 111-358, §1003(b)(2), added subsec. (l) and struck out former subsec. (l). Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this section \$75,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 2 succeeding fiscal years.”

#### CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

#### 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.

### PART C—PROMISING PRACTICES IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS TEACHING

#### § 9841. Repealed. Pub. L. 111-358, title X, § 1002(a)(2), Jan. 4, 2011, 124 Stat. 4048

Section, Pub. L. 110-69, title VI, §6131, Aug. 9, 2007, 121 Stat. 640, related to promising practices in K-12 STEM teaching and learning.

#### SUBCHAPTER II—MATHEMATICS

#### §§ 9851 to 9854. Repealed. Pub. L. 111-358, title X, § 1002(a)(3), Jan. 4, 2011, 124 Stat. 4048

Section 9851, Pub. L. 110-69, title VI, §6201, Aug. 9, 2007, 121 Stat. 642, related to Math Now for elementary school and middle school students program.

Section 9852, Pub. L. 110-69, title VI, §6202, Aug. 9, 2007, 121 Stat. 649, related to summer term education programs.

Section 9853, Pub. L. 110-69, title VI, §6203, Aug. 9, 2007, 121 Stat. 653, related to math skills for secondary school students.

Section 9854, Pub. L. 110-69, title VI, §6204, Aug. 9, 2007, 121 Stat. 662, related to peer review of State applications.

#### SUBCHAPTER III—FOREIGN LANGUAGE PARTNERSHIP PROGRAM

#### §§ 9861 to 9864. Repealed. Pub. L. 111-358, title X, § 1002(a)(4), Jan. 4, 2011, 124 Stat. 4048

Section 9861, Pub. L. 110-69, title VI, §6301, Aug. 9, 2007, 121 Stat. 664, related to congressional findings and purpose.

Section 9862, Pub. L. 110-69, title VI, §6302, Aug. 9, 2007, 121 Stat. 664, related to definitions.

Section 9863, Pub. L. 110-69, title VI, §6303, Aug. 9, 2007, 121 Stat. 664, related to program authorization.

Section 9864, Pub. L. 110-69, title VI, §6304, Aug. 9, 2007, 121 Stat. 667, related to authorization of appropriations.

#### SUBCHAPTER IV—ALIGNMENT OF EDUCATION PROGRAMS

##### CODIFICATION

Subtitle D of title VI of Pub. L. 110-69, comprising this subchapter, was redesignated subtitle B of title VI of Pub. L. 110-69 by Pub. L. 111-358, title X, §1002(b)(2), Jan. 4, 2011, 124 Stat. 4048.

#### § 9871. Alignment of secondary school graduation requirements with the demands of 21st century postsecondary endeavors and support for P-16 education data systems

##### (a) Purpose

It is the purpose of this section—

(1) to promote more accountability with respect to preparation for higher education, the 21st century workforce, and the Armed Forces, by aligning—

(A) student knowledge, student skills, State academic content standards and assessments, and curricula, in elementary and secondary education, especially with respect to mathematics, science, reading, and, where applicable, engineering and technology; with

(B) the demands of higher education, the 21st century workforce, and the Armed Forces;

(2) to support the establishment or improvement of statewide P-16 education data systems that—

(A) assist States in improving the rigor and quality of State academic content standards and assessments;

(B) ensure students are prepared to succeed in—

(i) academic credit-bearing coursework in higher education without the need for remediation;

(ii) the 21st century workforce; or

(iii) the Armed Forces; and

(3) enable<sup>1</sup> States to have valid and reliable information to inform education policy and practice.

##### (b) Definitions

In this section:

##### (1) P-16 education

The term “P-16 education” means the educational system from preschool through the conferring of a baccalaureate degree.

##### (2) Statewide partnership

The term “statewide partnership” means a partnership that—

(A) shall include—

(i) the Governor of the State or the designee of the Governor;

(ii) the heads of the State systems for public higher education, or, if such a position does not exist, not less than 1 representative of a public degree-granting institution of higher education;

(iii) a representative of the agencies in the State that administer Federal or State-funded early childhood education programs;

(iv) not less than 1 representative of a public community college;

(v) not less than 1 representative of a technical school;

(vi) not less than 1 representative of a public secondary school;

(vii) the chief State school officer;

(viii) the chief executive officer of the State higher education coordinating board;

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