

(Pub. L. 111-358, title V, §553, Jan. 4, 2011, 124 Stat. 4022.)

REFERENCES IN TEXT

Section 9101 of the Elementary and Secondary Education Act of 1965, referred to in subsec. (d)(6), was amended by Pub. L. 114-95 and, as so amended, is now section 8101 of the Act and no longer relates to highly qualified teachers. A reference in this section to “highly qualified”, as defined in section 9101 of the Act, with respect to a teacher, means that the teacher meets applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. See section 9214(a)(2) of Pub. L. 114-95, set out as a Use of the Term “Highly Qualified” in Other Laws note under section 1070g-2 of this title.

§ 9904. Grant oversight and administration

(a) In general

The Director may execute a contract for program oversight and fiscal management with an organization at an institution of higher education, a non-profit organization, or other entity that demonstrates capacity for and experience in—

- (1) replicating 1 or more similar programs at regional or national levels;
- (2) providing programmatic and technical implementation assistance for the program;
- (3) performing data collection and analysis to ensure proper implementation and continuous program improvement; and
- (4) providing accountability for results by measuring and monitoring achievement of programmatic milestones.

(b) Oversight responsibilities

(1) Mandatory duties

If the Director executes a contract under subsection (a) with an organization for program oversight and fiscal management, the organization shall—

- (A) ensure that a grant recipient faithfully replicates and implements the program or programs for which the grant is awarded;
- (B) ensure that grant funds are used for the purposes authorized and that a grant recipient has a system in place to track and account for all Federal grant funds provided;
- (C) provide technical assistance to grant recipients;
- (D) collect and analyze data and report to the Director annually on the effects of the program on—
 - (i) the progress of participating students in achieving teaching competence and teaching certification;
 - (ii) the participation of students in the program by major, compared with local and State needs on secondary teachers by discipline; and
 - (iii) the participation of students in the program by demographic subgroup;
- (E) collect and analyze data and report to the Director annually on the effects of the program on the academic achievement of elementary and secondary school students taught by graduates of programs funded by grants under this chapter; and
- (F) submit an annual report to the Director demonstrating compliance with the re-

quirements of subparagraphs (A) through (E).

(2) Discretionary duties

At the request of the Director, the organization under contract under subsection (a) may assist the Director in evaluating grant applications.

(c) Reports to Congress

The Director shall submit a copy of the annual report required by subsection (b)(1)(F) to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Health, Education, Labor, and Pensions, the House of Representatives Committee on Science and Technology, and the House of Representatives Committee on Education and Labor.

(Pub. L. 111-358, title V, §554, Jan. 4, 2011, 124 Stat. 4024.)

CHANGE OF NAME

Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

§ 9905. Definitions

In this chapter:

(1) Field-based course

The term “field-based course” means a course of instruction offered by an institution of higher education that includes a requirement that students teach a minimum of 3 lessons or sequences of lessons to elementary or secondary students.

(2) Institution of higher education

The term “institution of higher education” has the meaning given that term by section 1001 of this title.

(3) Master teacher

The term “master teacher” means an individual—

- (A) who has been awarded a master’s or doctoral degree by an institution of higher education;
- (B) whose graduate coursework included courses in mathematics, science, computer science, or engineering;
- (C) who has at least 3 years teaching experience in K-12 settings; and
- (D) whose teaching has been recognized for exceptional accomplishments in educating students, or is demonstrated to have resulted in improved student achievement.

(4) Mentor teacher

The term “mentor teacher” means an elementary or secondary school classroom teacher who assists with the training of students participating in a field-based course.

(5) Director

The term “Director” means the Director of the National Science Foundation.

(Pub. L. 111-358, title V, §555, Jan. 4, 2011, 124 Stat. 4025.)

§ 9906. Authorization of appropriations

There are authorized to be appropriated to the Director to carry out this chapter \$10,000,000 for each of fiscal years 2011 through 2013.

(Pub. L. 111-358, title V, §556, Jan. 4, 2011, 124 Stat. 4026.)

CHAPTER 80—STATE FISCAL STABILIZATION FUND

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§ 10001. Allocations**(a) Outlying areas**

From the amount appropriated to carry out this chapter, the Secretary of Education shall first allocate up to one-half of 1 percent to the outlying areas on the basis of their respective needs, as determined by the Secretary, in consultation with the Secretary of the Interior, for activities consistent with this chapter under such terms and conditions as the Secretary may determine.

(b) Administration and oversight

The Secretary may, in addition, reserve up to \$14,000,000 for administration and oversight of this chapter, including for program evaluation.

(c) Reservation for additional programs

After reserving funds under subsections (a) and (b), the Secretary shall reserve \$5,000,000,000 for grants under sections 10006 and 10007 of this title.

(d) State allocations

After carrying out subsections (a), (b), and (c), the Secretary shall allocate the remaining funds made available to carry out this chapter to the States as follows:

- (1) 61 percent on the basis of their relative population of individuals aged 5 through 24.
- (2) 39 percent on the basis of their relative total population.

(e) State grants

From funds allocated under subsection (d), the Secretary shall make grants to the Governor of each State.

(f) Reallocation

The Governor shall return to the Secretary any funds received under subsection (e) that the Governor does not award as subgrants or otherwise commit within two years of receiving such funds, and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (d).

(Pub. L. 111-5, div. A, title XIV, §14001, Feb. 17, 2009, 123 Stat. 279.)

§ 10002. State uses of funds**(a) Education fund****(1) In general**

For each fiscal year, the Governor shall use 81.8 percent of the State's allocation under section 10001(d) of this title for the support of elementary, secondary, and postsecondary education and, as applicable, early childhood education programs and services.

(2) Restoring State support for education**(A) In general**

The Governor shall first use the funds described in paragraph (1)—

(i) to provide the amount of funds, through the State's primary elementary and secondary education funding formulae, that is needed—

(I) to restore, in each of fiscal years 2009, 2010, and 2011, the level of State support provided through such formulae to the greater of the fiscal year 2008 or fiscal year 2009 level; and

(II) where applicable, to allow existing State formulae increases to support elementary and secondary education for fiscal years 2010 and 2011 to be implemented and allow funding for phasing in State equity and adequacy adjustments, if such increases were enacted pursuant to State law prior to October 1, 2008.

(ii) to provide, in each of fiscal years 2009, 2010, and 2011, the amount of funds to public institutions of higher education in the State that is needed to restore State support for such institutions (excluding tuition and fees paid by students) to the greater of the fiscal year 2008 or fiscal year 2009 level.

(B) Shortfall

If the Governor determines that the amount of funds available under paragraph (1) is insufficient to support, in each of fiscal years 2009, 2010, and 2011, public elementary, secondary, and higher education at the levels described in clauses (i) and (ii) of subparagraph (A), the Governor shall allocate those funds between those clauses in proportion to the relative shortfall in State support for the education sectors described in those clauses.

(C) Fiscal year

For purposes of this paragraph, the term "fiscal year" shall have the meaning given such term under State law.

(3) Subgrants to improve basic programs operated by local educational agencies

After carrying out paragraph (2), the Governor shall use any funds remaining under paragraph (1) 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 Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent year for which data are available.