

6311(b)(3)) through activities such as those described in section 6112(a)¹ of such Act (20 U.S.C. 7301a(a));

(B) will comply with the requirements of paragraphs (3)(C)(ix) and (6) of section 1111(b)¹ of the ESEA (20 U.S.C. 6311(b)) and section 612(a)(16) of the IDEA (20 U.S.C. 1412(a)(16)) related to the inclusion of children with disabilities and limited English proficient students in State assessments, the development of valid and reliable assessments for those students, and the provision of accommodations that enable their participation in State assessments; and

(C) will take steps to improve State academic content standards and student academic achievement standards consistent with section 9871(e)(1)(A)(ii) of this title.

(5) Supporting struggling schools

The State will ensure compliance with the requirements of section 1116(b)(7)(C)(iv)¹ and section 1116(b)(8)(B)¹ of the ESEA with respect to schools identified under such sections.

(6) Improving early childhood care and education

The State will take actions to—

(A) increase the number and percentage of low-income and disadvantaged children in each age group of infants, toddlers, and preschoolers who are enrolled in high-quality early learning programs;

(B) design and implement an integrated system of high-quality early learning programs and services; and

(C) ensure that any use of assessments conforms with the recommendations of the National Research Council's reports on early childhood.

(Pub. L. 111-5, div. A, title XIV, §14005, Feb. 17, 2009, 123 Stat. 282; Pub. L. 111-8, div. F, title V, §523(d)–(f), Mar. 11, 2009, 123 Stat. 806; Pub. L. 112-10, div. B, title VIII, §1832(b)(1), Apr. 15, 2011, 125 Stat. 164.)

REFERENCES IN TEXT

ESEA, referred to in subsec. (b)(3), is the Elementary and Secondary Education Act of 1965, Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, which is classified generally to chapter 70 (§6301 et seq.) 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.

IDEA, referred to in subsec. (b)(3), is the Individuals with Disabilities Education Act, Pub. L. 91-230, title VI, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

Section 1111 of the ESEA, referred to in subsecs. (c)(2), (3) and (d)(2), (4)(A), (B), is section 1111 of Pub. L. 89-10, which is classified to section 6311 of this title. Section 1111 was amended generally by Pub. L. 114-95, title I, §1005, Dec. 10, 2015, 129 Stat. 1820, and as so amended, does not contain a subsec. (b)(2)(C)(v), (vi), (3)(C)(ix), (6), or (8)(C).

Section 9871 of this title, referred to in subsec. (d)(3), (4)(C), was in the original "section 6401", and was translated as meaning section 6201 of Pub. L. 110-69 to reflect the probable intent of Congress and the renumbering of section 6401 of Pub. L. 110-69 as section 6201 by Pub. L. 111-358, title X, §1002(b)(3), Jan. 4, 2011, 124 Stat. 4048.

Section 6112 of the ESEA, referred to in subsec. (d)(4)(A), is section 6112 of Pub. L. 89-10, which was clas-

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 paragraphs¹ (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

¹ So in original. Probably should be "paragraph".

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)¹ of this title; or

(B) have demonstrated success in significantly increasing student academic achievement for all groups of students described in such section;

(2) have made significant improvement in other areas, such as graduation rates or increased recruitment and placement of high-quality teachers and school leaders, as demonstrated with meaningful data; and

(3) demonstrate that it has established one or more partnerships with the private sector, which may include philanthropic organizations, and that the private sector will provide matching funds in order to help bring results to scale.

(c) Special rule

In the case of an eligible entity that includes a nonprofit organization, the eligible entity shall be considered to have met the eligibility requirements of paragraphs (1)(A) or (1)(B) and (2) of subsection (b) if the nonprofit organization has a record of significantly improving student achievement, attainment, or retention and shall be considered to have met the requirements of subsection (b)(3) if it demonstrates that it will meet the requirement relating to private-sector matching.

(d) Subgrants

In the case of an eligible entity that is a partnership described in subsection (a)(1)(B), the partner serving as the fiscal agent may make subgrants to one or more of the other entities in the partnership.

(Pub. L. 111-5, div. A, title XIV, §14007, Feb. 17, 2009, 123 Stat. 284; Pub. L. 111-117, div. D, title III, §307, Dec. 16, 2009, 123 Stat. 3271.)

REFERENCES IN TEXT

Section 6311 of this title, referred to in subsec. (b)(1)(A), was amended generally by Pub. L. 114-95, title I, §1005, Dec. 10, 2015, 129 Stat. 1820, and, as so amended, subsec. (b)(2) does not describe achievement gaps.

AMENDMENTS

2009—Subsec. (a)(3). Pub. L. 111-117, §307(1), amended par. (3) generally. Prior to amendment, text read as follows: “The Secretary shall make awards to eligible entities that have made significant gains in closing the achievement gap as described in subsection (b)(1)—

“(A) to allow such eligible entities to expand their work and serve as models for best practices;

“(B) to allow such eligible entities to work in partnership with the private sector and the philanthropic community; and

“(C) to identify and document best practices that can be shared, and taken to scale based on demonstrated success.”

Subsec. (b). Pub. L. 111-117, §307(2), redesignated pars. (1), (2), (3), and (4) as (1)(A), (1)(B), (2), and (3), respectively, inserted “or” after semicolon in par. (1)(A), amended par. (1)(B) generally, and substituted “it has established one or more partnerships” for “they have established partnerships” in par. (3). Prior to amendment, par. (1)(B) read as follows: “have exceeded the State’s annual measurable objectives consistent with such section 6311(b)(2) of this title for 2 or more consecutive years or have demonstrated success in significantly increasing student academic achievement for all groups of students described in such section through another measure, such as measures described in section 6311(c)(2) of this title;”.

Subsec. (c). Pub. L. 111-117, §307(3), substituted “paragraphs (1)(A) or (1)(B) and (2) of subsection (b) if the

¹ See References in Text note below.