

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.)

### Editorial Notes

#### 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)<sup>1</sup> 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.)

### Editorial Notes

#### 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;”.

<sup>1</sup> See References in Text note below.

Subsec. (c). Pub. L. 111–117, §307(3), substituted “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” for “paragraphs (1), (2), (3) of subsection (b) if such nonprofit organization has a record of meeting such requirements”.

Subsec. (d). Pub. L. 111–117, §307(4), added subsec. (d).

#### Statutory Notes and Related Subsidiaries

##### GRANT RENEWALS

Pub. L. 113–76, div. H, title III, Jan. 17, 2014, 128 Stat. 392, provided in part: “That the Secretary may renew a grant made under section 14007 [20 U.S.C. 10007] for additional 1-year periods, for fiscal year 2014 and thereafter, if the grantee is meeting its performance targets, up to a total award period of 6 years”.

#### § 10008. State reports

For each year of the program under this chapter, a State receiving funds under this chapter shall submit a report to the Secretary, at such time and in such manner as the Secretary may require, that describes—

(1) the uses of funds provided under this chapter within the State;

(2) how the State distributed the funds it received under this chapter;

(3) the number of jobs that the Governor estimates were saved or created with funds the State received under this chapter;

(4) tax increases that the Governor estimates were averted because of the availability of funds from this chapter;

(5) the State’s progress in reducing inequities in the distribution of highly qualified teachers, in implementing a State longitudinal data system, and in developing and implementing valid and reliable assessments for limited English proficient students and children with disabilities;

(6) the tuition and fee increases for in-State students imposed by public institutions of higher education in the State during the period of availability of funds under this chapter, and a description of any actions taken by the State to limit those increases;

(7) the extent to which public institutions of higher education maintained, increased, or decreased enrollment of in-State students, including students eligible for Pell Grants or other need-based financial assistance; and

(8) a description of each modernization, renovation and repair project funded, which shall include the amounts awarded and project costs.

(Pub. L. 111–5, div. A, title XIV, §14008, Feb. 17, 2009, 123 Stat. 285.)

#### § 10009. Evaluation

The Comptroller General of the United States shall conduct evaluations of the programs under sections 10006 and 10007 of this title which shall include, but not be limited to, the criteria used for the awards made, the States selected for awards, award amounts, how each State used the award received, and the impact of this funding on the progress made toward closing achievement gaps.

(Pub. L. 111–5, div. A, title XIV, §14009, Feb. 17, 2009, 123 Stat. 285.)

#### § 10010. Secretary’s report to Congress

The Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate, not less than 6 months following the submission of State reports, that evaluates the information provided in the State reports under section 10008 of this title and the information required by section 10005(b)(3) of this title including State-by-State information.

(Pub. L. 111–5, div. A, title XIV, §14010, Feb. 17, 2009, 123 Stat. 285.)

#### § 10011. Prohibition on provision of certain assistance

No recipient of funds under this chapter shall use such funds to provide financial assistance to students to attend private elementary or secondary schools, unless such funds are used to provide special education and related services to children with disabilities, as authorized by the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(Pub. L. 111–5, div. A, title XIV, §14011, Feb. 17, 2009, 123 Stat. 285; Pub. L. 111–8, div. F, title V, §523(g), Mar. 11, 2009, 123 Stat. 806.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in text, is title VI of Pub. L. 91–230, 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.

##### AMENDMENTS

2009—Pub. L. 111–8 inserted before period at end “; unless such funds are used to provide special education and related services to children with disabilities, as authorized by the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)”.

#### § 10012. Fiscal relief

##### (a) In general

For the purpose of relieving fiscal burdens on States and local educational agencies that have experienced a precipitous decline in financial resources, the Secretary of Education may waive or modify any requirement of this chapter relating to maintaining fiscal effort.

##### (b) Duration

A waiver or modification under this section shall be for any of fiscal year 2009, fiscal year 2010, or fiscal year 2011, as determined by the Secretary.

##### (c) Criteria

The Secretary shall not grant a waiver or modification under this section unless the Secretary determines that the State receiving such waiver or modification will not provide for elementary, secondary, and public higher edu-