May 21, 2012

Sections 14005 and 14006 of Division A of the American Recovery and Reinvestment Act of 2009, as of May 21, 2012

SEC. 14005. STATE APPLICATIONS.

(a) IN GENERAL. The Governor of a State desiring to receive an allocation under section 14001(d) shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) APPLICATION. In such application, the Governor shall—

(1) include the assurances described in subsection (d);

(2) provide baseline data that demonstrates the State’s current status in each of the areas described in such assurances; and

(3) describe how the State intends to use its allocation, including whether the State will use such allocation to meet maintenance of effort requirements under the ESEA and IDEA and, in such cases, what amount will be used to meet such requirements.

(c) INCENTIVE GRANT APPLICATION. The Governor of a State seeking a grant under section 14006 shall—

(1) submit an application for consideration;

(2) describe the status of the State’s progress in each of the areas described in subsection (d), and the strategies the State is employing to help ensure that students in the subgroups described in section 1111(b)(2)(C)(v)(I) of the ESEA (20 U.S.C. 6311(b)(2)(C)(v)(I)) who have not met the State’s proficiency targets continue making progress toward meeting the State’s student academic achievement standards;

(3) describe the achievement and graduation rates (as described in section 1111(b)(2)(C)(vi) of the ESEA (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations) of public elementary and secondary school students in the State, and the strategies the State is employing to help ensure that all
subgroups of students identified in section 1111(b)(2) of the ESEA (20 U.S.C. 6311(b)(2)) in the State continue making progress toward meeting the State's student academic achievement standards;

(4) describe how the State would use its grant funding to improve student academic achievement in the State, including how it will allocate the funds to give priority to high-need local educational agencies; and

(5) include a plan for evaluating the State's progress in closing achievement gaps.

(d) ASSURANCES. An application under subsection (b) shall include the following assurances:

(1) MAINTENANCE OF EFFORT.—(A) ELEMENTARY AND SECONDARY EDUCATION. The State will, in each of fiscal years 2009, 2010, and 2011, maintain State support for elementary and secondary education at least at the level of such support in fiscal year 2006.

(B) HIGHER EDUCATION. The State will, in each of fiscal years 2009, 2010, and 2011, maintain State support for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at least at the level of such support in fiscal year 2006.

(2) ACHIEVING EQUITY IN TEACHER DISTRIBUTION. The State will take actions to improve teacher effectiveness and comply with section 1111(b)(8)(C) of the ESEA (20 U.S.C. 6311(b)(8)(C)) in order to address inequities in the distribution of highly qualified teachers between high- and low-poverty schools, and to ensure that low-income and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.
(3) **IMPROVING COLLECTION AND USE OF DATA.** The State will establish a longitudinal data system that includes the elements described in section 6401(e)(2)(D) of the America COMPETES Act (20 U.S.C. 9871).

(4) **STANDARDS AND ASSESSMENTS.** The State—

   (A) will enhance the quality of the academic assessments it administers pursuant to section 1111(b)(3) of the ESEA (20 U.S.C. 6311(b)(3)) through activities such as those described in section 6112(a) 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) 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 6401(e)(1)(A)(ii) of the America COMPETES Act.

(5) **SUPPORTING STRUGGLING SCHOOLS.** The State will ensure compliance with the requirements of section 1116(b)(7)(C)(iv) and section 1116(b)(8)(B) 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 pre-schoolers 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.

SEC. 14006. STATE INCENTIVE GRANTS.

(a) IN GENERAL.—(1) RESERVATION. From the total amount reserved under section
14001(c) that is not used for section 14007, 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 14005(d).

(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 14005(d).

(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 14005 and such other criteria as the Secretary determines
appropriate, which may include a State's need for assistance to help meet the objective of
paragraphs (2), (3), (4), (5), or (6) of section 14005(d).

(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 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.

[END]