

**(h) Evaluation and reporting**

The Secretary shall—

(1) evaluate the programs assisted under this section; and

(2) make publicly available a report detailing the Secretary's evaluation of each such program.

**(i) Consultation****(1) In general**

Members of an eligible partnership that receives a grant under this section shall engage in regular consultation throughout the development and implementation of programs and activities carried out under this section.

**(2) Regular communication**

To ensure timely and meaningful consultation as described in paragraph (1), regular communication shall occur among all members of the eligible partnership, including the high-need local educational agency. Such communication shall continue throughout the implementation of the grant and the assessment of programs and activities under this section.

**(3) Written consent**

The Secretary may approve changes in grant activities of a grant under this section only if the eligible partnership submits to the Secretary a written consent to such changes signed by all members of the eligible partnership.

**(j) Construction**

Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of eligible partnerships in other States or on a regional basis through Governors, State boards of education, State educational agencies, State agencies responsible for early childhood education, local educational agencies, or State agencies for higher education.

**(k) Supplement, not supplant**

Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this section.

(Pub. L. 89-329, title II, §202, as added Pub. L. 110-315, title II, §201(2), Aug. 14, 2008, 122 Stat. 3133; amended Pub. L. 111-39, title II, §201(2), July 1, 2009, 123 Stat. 1936.)

## REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (b)(4)(A), is 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.

The Individuals with Disabilities Education Act, referred to in subsec. (b)(4)(A), 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.

## PRIOR PROVISIONS

Prior section 202 of Pub. L. 89-329 was classified to section 1022 of this title, prior to repeal by Pub. L. 110-315.

A prior section 202 of Pub. L. 89-329 was classified to section 1022 of this title, prior to repeal by Pub. L. 104-208.

Another prior section 202 of Pub. L. 89-329 was classified to section 1022 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

## AMENDMENTS

2009—Subsec. (b)(6)(E)(ii). Pub. L. 111-39, §201(2)(A), substituted “section 1111(b)(1)” for “section 1111(b)(2)”.

Subsec. (c)(1). Pub. L. 111-39, §201(2)(B), struck out “pre-baccalaureate” before “preparation”.

Subsec. (d). Pub. L. 111-39, §201(2)(C), substituted “the preparation” for “pre-baccalaureate preparation” in heading, added introductory provisions, and struck out former introductory provisions which read as follows: “An eligible partnership that receives a grant to carry out an effective program for the pre-baccalaureate preparation of teachers shall carry out a program that includes all of the following:”.

Subsec. (e)(2). Pub. L. 111-39, §201(2)(D), in subpar. (A)(ii), substituted “leading to” for “to earn” and, in subpar. (C), struck out “one-year” before “teaching residency program” in cls. (i) and (iii)(I).

Subsec. (i)(3). Pub. L. 111-39, §201(2)(E), substituted “consent to” for “consent of”.

## EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

**§ 1022b. Administrative provisions****(a) Duration; number of awards; payments****(1) Duration**

A grant awarded under this part shall be awarded for a period of five years.

**(2) Number of awards**

An eligible partnership may not receive more than one grant during a five-year period. Nothing in this subchapter shall be construed to prohibit an individual member, that can demonstrate need, of an eligible partnership that receives a grant under this subchapter from entering into another eligible partnership consisting of new members and receiving a grant with such other eligible partnership before the five-year period described in the preceding sentence applicable to the eligible partnership with which the individual member has first partnered has expired.

**(b) Peer review****(1) Panel**

The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

**(2) Priority**

The Secretary, in funding applications under this part, shall give priority—

(A) to eligible partnerships that include an institution of higher education whose teacher preparation program has a rigorous selection process to ensure the highest quality of students entering such program; and

(B)(i) to applications from broad-based eligible partnerships that involve businesses and community organizations; or

(ii) to eligible partnerships so that the awards promote an equitable geographic distribution of grants among rural and urban areas.

**(3) Secretarial selection**

The Secretary shall determine, based on the peer review process, which applications shall receive funding and the amounts of the grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out by the eligible partnership.

**(c) Matching requirements**

**(1) In general**

Each eligible partnership receiving a grant under this part shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, which may be provided in cash or in-kind, to carry out the activities supported by 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 partnership if the Secretary determines that applying the matching requirement to the eligible partnership would result in serious hardship or an inability to carry out the authorized activities described in this part.

**(d) Limitation on administrative expenses**

An eligible partnership that receives a grant under this part may use not more than two percent of the funds provided to administer the grant.

(Pub. L. 89-329, title II, §203, as added Pub. L. 110-315, title II, §201(2), Aug. 14, 2008, 122 Stat. 3145.)

PRIOR PROVISIONS

A prior section 203 of Pub. L. 89-329 was classified to section 1023 of this title, prior to repeal by Pub. L. 110-315.

Another prior section 203 of Pub. L. 89-329 was classified to section 1023 of this title, prior to repeal by Pub. L. 104-208.

Another prior section 203 of Pub. L. 89-329 was classified to section 1023 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

**§ 1022c. Accountability and evaluation**

**(a) Eligible partnership evaluation**

Each eligible partnership submitting an application for a grant under this part shall establish, and include in such application, an evaluation plan that includes strong and measurable performance objectives. The plan shall include objectives and measures for increasing—

- (1) achievement for all prospective and new teachers, as measured by the eligible partnership;
- (2) teacher retention in the first three years of a teacher's career;
- (3) improvement in the pass rates and scaled scores for initial State certification or licensure of teachers; and
- (4)(A) the percentage of highly qualified teachers hired by the high-need local edu-

cational agency participating in the eligible partnership;

(B) the percentage of highly qualified teachers hired by the high-need local educational agency who are members of underrepresented groups;

(C) the percentage of highly qualified teachers hired by the high-need local educational agency who teach high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages and critical foreign languages);

(D) the percentage of highly qualified teachers hired by the high-need local educational agency who teach in high-need areas (including special education, language instruction educational programs for limited English proficient students, and early childhood education);

(E) the percentage of highly qualified teachers hired by the high-need local educational agency who teach in high-need schools, disaggregated by the elementary school and secondary school levels;

(F) as applicable, the percentage of early childhood education program classes in the geographic area served by the eligible partnership taught by early childhood educators who are highly competent; and

(G) as applicable, the percentage of teachers trained—

(i) to integrate technology effectively into curricula and instruction, including technology consistent with the principles of universal design for learning; and

(ii) to use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of improving student academic achievement.

**(b) Information**

An eligible partnership receiving a grant under this part shall ensure that teachers, principals, school superintendents, faculty, and leadership at institutions of higher education located in the geographic areas served by the eligible partnership are provided information, including through electronic means, about the activities carried out with funds under this part.

**(c) Revised application**

If the Secretary determines that an eligible partnership receiving a grant under this part is not making substantial progress in meeting the purposes, goals, objectives, and measures of the grant, as appropriate, by the end of the third year of a grant under this part, then the Secretary—

(1) shall cancel the grant; and

(2) may use any funds returned or available because of such cancellation under paragraph (1) to—

(A) increase other grant awards under this part; or

(B) award new grants to other eligible partnerships under this part.

**(d) Evaluation and dissemination**

The Secretary shall evaluate the activities funded under this part and report the findings regarding the evaluation of such activities to