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**Elementary and Secondary Education Act of 1965  
As Amended Through Every Student Succeeds Act (ESSA), P.L. 115-141, Enacted March 23, 2018**

**Title IV – 21<sup>st</sup> Century Schools  
Part B – 21<sup>st</sup> Century Community Learning Centers**

**SEC. 4201. [20 U.S.C. 7171] PURPOSE; DEFINITIONS.**

(a) PURPOSE.—The purpose of this part is to provide opportunities for communities to establish or expand activities in community learning centers that—

- (1) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet the challenging State academic standards;
- (2) offer students a broad array of additional services, programs, and activities, such as youth development activities, service learning, nutrition and health education, drug and violence prevention programs, counseling programs, arts, music, physical fitness and wellness programs, technology education programs, financial literacy programs, environmental literacy programs, mathematics, science, career and technical programs, internship or apprenticeship programs, and other ties to an in-demand industry sector or occupation for high school students that are designed to reinforce and complement the regular academic program of participating students; and
- (3) offer families of students served by community learning centers opportunities for active and meaningful engagement in their children’s education, including opportunities for literacy and related educational development.

(b) DEFINITIONS.—In this part:

- (1) COMMUNITY LEARNING CENTER.—The term “community learning center” means an entity that—
  - (A) assists students to meet the challenging State academic standards by providing the students with academic enrichment activities and a broad array of other activities (such as programs and activities described in subsection (a)(2)) during nonschool hours or periods when school is not in session (such as before and after school or during summer recess) that—
    - (i) reinforce and complement the regular academic programs of the schools attended by the students served; and
    - (ii) are targeted to the students’ academic needs and aligned with the instruction students receive during the school day; and
  - (B) offers families of students served by such center opportunities for active and meaningful engagement in their children’s education, including opportunities for literacy and related educational development.
- (2) COVERED PROGRAM.—The term “covered program” means a program for which—
  - (A) the Secretary made a grant under this part (as this part was in effect on the day before the effective date of this part under the Every Student Succeeds Act); and
  - (B) the grant period had not ended on that effective date.
- (3) ELIGIBLE ENTITY.—The term “eligible entity” means a local educational agency, community-based organization, Indian tribe or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Act (25 U.S.C. 450b)), another public or private entity, or a consortium of 2 or more such agencies, organizations, or entities.
- (4) EXTERNAL ORGANIZATION.—The term “external organization” means—

(A) a nonprofit organization with a record of success in running or working with before and after school (or summer recess) programs and activities; or

(B) in the case of a community where there is no such organization, a nonprofit organization in the community that enters into a written agreement or partnership with an organization described in subparagraph (A) to receive mentoring and guidance in running or working with before and after school (or summer recess) programs and activities.

(5) RIGOROUS PEER-REVIEW PROCESS.—The term “rigorous peer-review process” means a process by which—

(A) employees of a State educational agency who are familiar with the programs and activities assisted under this part review all applications that the State receives for awards under this part for completeness and applicant eligibility;

(B) the State educational agency selects peer reviewers for such applications, who shall—

(i) be selected for their expertise in providing effective academic, enrichment, youth development, and related services to children; and

(ii) not include any applicant, or representative of an applicant, that has submitted an application under this part for the current application period; and

(C) the peer reviewers described in subparagraph (B) review and rate the applications to determine the extent to which the applications meet the requirements under sections 4204(b) and 4205.

(6) STATE.—The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

#### **SEC. 4202. [20 U.S.C. 7172] ALLOTMENTS TO STATES.**

(a) RESERVATION.—From the funds appropriated under section 4206 for any fiscal year, the Secretary shall reserve—

(1) such amounts as may be necessary to make continuation awards to subgrant recipients under covered programs (under the terms of those grants);

(2) not more than 1 percent for national activities, which the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to eligible entities carrying out programs under this part or conducting a national evaluation; and

(3) not more than 1 percent for payments to the outlying areas and the Bureau of Indian Education, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

(b) STATE ALLOTMENTS.—

(1) DETERMINATION.—From the funds appropriated under section 4206 for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of title I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

(2) REALLOTMENT OF UNUSED FUNDS.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallocate the amount of the State’s allotment to the remaining States in accordance with this part.

(c) STATE USE OF FUNDS.—

(1) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 93 percent of the amount allotted to such State under subsection (b), for each fiscal year for awards to eligible entities under section 4204.

(2) STATE ADMINISTRATION.—A State educational agency may use not more than 2 percent of the amount made available to the State under subsection (b) for—

(A) the administrative costs of carrying out its responsibilities under this part;

(B) establishing and implementing a rigorous peer-review process for subgrant applications described in section 4204(b) (including consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities); and  
(C) awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).

(3) STATE ACTIVITIES.—A State educational agency may use not more than 5 percent of the amount made available to the State under subsection (b) for the following activities:

- (A) Monitoring and evaluating programs and activities assisted under this part.
- (B) Providing capacity building, training, and technical assistance under this part.
- (C) Conducting a comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part.
- (D) Providing training and technical assistance to eligible entities that are applicants for or recipients of awards under this part.
- (E) Ensuring that any eligible entity that receives an award under this part from the State aligns the activities provided by the program with the challenging State academic standards.
- (F) Ensuring that any such eligible entity identifies and partners with external organizations, if available, in the community.
- (H) Coordinating funds received under this part with other Federal and State funds to implement high-quality programs.
- (I) Providing a list of prescreened external organizations, as described under section 4203(a)(11).
- (G) Working with teachers, principals, parents, the local workforce, the local community, and other stakeholders to review and improve State policies and practices to support the implementation of effective programs under this part.

#### **SEC. 4203. [20 U.S.C. 7173] STATE APPLICATION.**

(a) IN GENERAL.—In order to receive an allotment under section 4202 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

- (1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;
- (2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;
- (3) contains an assurance that the State educational agency—
  - (A) will make awards under this part to eligible entities that serve—
    - (i) students who primarily attend—
      - (I) schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d); and
      - (II) other schools determined by the local educational agency to be in need of intervention and support; and
    - (ii) the families of such students; and
  - (B) will further give priority to eligible entities that propose in the application to serve students described in subclauses (I) and (II) of section 4204(i)(1)(A)(i);
- (4) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include procedures and criteria that take into consideration the likelihood that a proposed community learning center will help participating students meet the challenging State academic standards and any local academic standards;
- (5) describes how the State educational agency will ensure that awards made under this part are—
  - (A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and
  - (B) in amounts that are consistent with section 4204(h);

- (6) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, evaluation, dissemination of promising practices, and coordination of professional development for staff in specific content areas and youth development;
- (7) describes how programs under this part will be coordinated with programs under this Act, and other programs as appropriate;
- (8) contains an assurance that the State educational agency—
- (A) will make awards for programs for a period of not less than 3 years and not more than 5 years; and
  - (B) will require each eligible entity seeking such an award to submit a plan describing how the activities to be funded through the award will continue after funding under this part ends;
- (9) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, other Federal, State, and local public funds expended to provide programs and activities authorized under this part and other similar programs;
- (10) contains an assurance that the State educational agency will require eligible entities to describe in their applications under section 4204(b) how the transportation needs of participating students will be addressed;
- (11) describes how the State will—
- (A) prescreen external organizations that could provide assistance in carrying out the activities under this part; and
  - (B) develop and make available to eligible entities a list of external organizations that successfully completed the prescreening process;
- (12) provides—
- (A) an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering before and after school (or summer recess) programs and activities, the heads of the State health and mental health agencies or their designees, statewide after-school networks (where applicable) and representatives of teachers, local educational agencies, and community-based organizations; and
  - (B) a description of any other representatives of teachers, parents, students, or the business community that the State has selected to assist in the development of the application, if applicable;
- (13) describes the results of the State’s needs and resources assessment for before and after school (or summer recess) programs and activities, which shall be based on the results of on-going State evaluation activities;
- (14) describes how the State educational agency will evaluate the effectiveness of programs and activities carried out under this part, which shall include, at a minimum—
- (A) a description of the performance indicators and performance measures that will be used to evaluate programs and activities with emphasis on alignment with the regular academic program of the school and the academic needs of participating students, including performance indicators and measures that—
    - (i) are able to track student success and improvement over time;
    - (ii) include State assessment results and other indicators of student success and improvement, such as improved attendance during the school day, better classroom grades, regular (or consistent) program attendance, and on-time advancement to the next grade level; and
    - (iii) for high school students, may include indicators such as career competencies, successful completion of internships or apprenticeships, or work-based learning opportunities;
  - (B) a description of how data collected for the purposes of subparagraph (A) will be collected; and
  - (C) public dissemination of the evaluations of programs and activities carried out under this part; and
- (15) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission.
- (b) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to

the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

(c) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

(d) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

- (1) give the State educational agency notice and an opportunity for a hearing; and
- (2) notify the State educational agency of the finding of noncompliance and, in such notification—
  - (A) cite the specific provisions in the application that are not in compliance; and
  - (B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

(e) RESPONSE.—If the State educational agency responds to the Secretary’s notification described in subsection (d)(2) during the 45- day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

- (1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or
- (2) the expiration of the 120-day period described in subsection (b).

(f) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary’s notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

(g) LIMITATION.—The Secretary may not give a priority or a preference for States or eligible entities that seek to use funds made available under this part to extend the regular school day.

#### **SEC. 4204. [20 U.S.C. 7174] LOCAL COMPETITIVE SUBGRANT PROGRAM.**

(a) IN GENERAL.—

(1) COMMUNITY LEARNING CENTERS.—A State that receives funds under this part for a fiscal year shall provide the amount made available under section 4202(c)(1) to award subgrants to eligible entities for community learning centers in accordance with this part.

(2) EXPANDED LEARNING PROGRAM ACTIVITIES.—A State that receives funds under this part for a fiscal year may use funds under section 4202(c)(1) to support those enrichment and engaging academic activities described in section 4205(a) that—

- (A) are included as part of an expanded learning program that provides students at least 300 additional program hours before, during, or after the traditional school day;
- (B) supplement but do not supplant regular school day requirements; and
- (C) are carried out by entities that meet the requirements of subsection (i).

(b) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

- (A) a description of the activities to be funded, including—
  - (i) an assurance that the program will take place in a safe and easily accessible facility;
  - (ii) a description of how students participating in the program carried out by the community learning center will travel safely to and from the center and home, if applicable; and
  - (iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;
- (B) a description of how such activities are expected to improve student academic achievement as well as overall student success;

- (C) a demonstration of how the proposed program will coordinate Federal, State, and local programs and make the most effective use of public resources;
- (D) an assurance that the proposed program was developed and will be carried out—
  - (i) in active collaboration with the schools that participating students attend (including through the sharing of relevant data among the schools), all participants of the eligible entity, and any partnership entities described in subparagraph (H), in compliance with applicable laws relating to privacy and confidentiality; and
  - (ii) in alignment with the challenging State academic standards and any local academic standards;
- (E) a description of how the activities will meet the measures of effectiveness described in section 4205(b);
- (F) an assurance that the program will target students who primarily attend schools eligible for schoolwide programs under section 1114 and the families of such students;
- (G) an assurance that subgrant funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds;
- (H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity, if appropriate;
- (I) an evaluation of the community needs and available resources for the community learning center, and a description of how the program proposed to be carried out in the center will address those needs (including the needs of working families);
- (J) a demonstration that the eligible entity will use best practices, including research or evidence-based practices, to provide educational and related activities that will complement and enhance academic performance, achievement, postsecondary and workforce preparation, and positive youth development of the students;
- (K) a description of a preliminary plan for how the community learning center will continue after funding under this part ends;
- (L) an assurance that the community will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application;
- (M) if the eligible entity plans to use volunteers in activities carried out through the community learning center, a description of how the eligible entity will encourage and use appropriately qualified persons to serve as the volunteers; and
- (N) such other information and assurances as the State educational agency may reasonably require.

(c) APPROVAL OF CERTAIN APPLICATIONS.—The State educational agency may approve an application under this part for a program to be located in a facility other than an elementary school or secondary school only if the program will be at least as available and accessible to the students to be served as if the program were located in an elementary school or secondary school.

(d) PERMISSIVE LOCAL MATCH.—

(1) IN GENERAL.—A State educational agency may require an eligible entity to match subgrant funds awarded under this part, except that such match may not exceed the amount of the subgrant and may not be derived from other Federal or State funds.

(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding scale that takes into account—

- (A) the relative poverty of the population to be targeted by the eligible entity; and
- (B) the ability of the eligible entity to obtain such matching funds.

(3) IN-KIND CONTRIBUTIONS.—Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

(4) CONSIDERATION.—Notwithstanding this subsection, a State educational agency shall not consider an eligible entity’s ability to match funds when determining which eligible entities will receive subgrants under this part.

(e) PEER REVIEW.—In reviewing local applications under this part, a State educational agency shall use a rigorous peer-review process or other methods to ensure the quality of funded projects.

(f) GEOGRAPHIC DIVERSITY.—To the extent practicable, a State educational agency shall distribute subgrant funds under this part equitably among geographic areas within the State, including urban and rural communities.

(g) DURATION OF AWARDS.—A subgrant awarded under this part shall be awarded for a period of not less than 3 years and not more than 5 years.

(h) AMOUNT OF AWARDS.—A subgrant awarded under this part may not be made in an amount that is less than \$50,000.

(i) PRIORITY.—

(1) IN GENERAL.—In awarding subgrants under this part, a State educational agency shall give priority to applications—

(A) proposing to target services to—

(i) students who primarily attend schools that—

(I) are implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) or other schools determined by the local educational agency to be in need of intervention and support to improve student academic achievement and other outcomes; and

(II) enroll students who may be at risk for academic failure, dropping out of school, involvement in criminal or delinquent activities, or who lack strong positive role models; and

(ii) the families of students described in clause (i);

(B) submitted jointly by eligible entities consisting of not less than 1—

(i) local educational agency receiving funds under part A of title I; and

(ii) another eligible entity; and

(C) demonstrating that the activities proposed in the application—

(i) are, as of the date of the submission of the application, not accessible to students who would be served; or

(ii) would expand accessibility to high-quality services that may be available in the community.

(2) SPECIAL RULE.—The State educational agency shall provide the same priority under paragraph (1) to an application submitted by a local educational agency if the local educational agency demonstrates that it is unable to partner with a community-based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.

(3) LIMITATION.—A State educational agency may not give a priority or a preference to eligible entities that seek to use funds made available under this part to extend the regular school day.

(j) RENEWABILITY OF AWARDS.—A State educational agency may renew a subgrant provided under this part to an eligible entity, based on the eligible entity’s performance during the preceding subgrant period.

#### **SEC. 4205. [20 U.S.C. 7175] LOCAL ACTIVITIES.**

(a) AUTHORIZED ACTIVITIES.—Each eligible entity that receives an award under section 4204 may use the award funds to carry out a broad array of activities that advance student academic achievement and support student success, including—

(1) academic enrichment learning programs, mentoring programs, remedial education activities, and tutoring services, that are aligned with—

(A) the challenging State academic standards and any local academic standards; and

(B) local curricula that are designed to improve student academic achievement;

(2) well-rounded education activities, including such activities that enable students to be eligible for credit recovery or attainment;

- (3) literacy education programs, including financial literacy programs and environmental literacy programs;
- (4) programs that support a healthy and active lifestyle, including nutritional education and regular, structured physical activity programs;
- (5) services for individuals with disabilities;
- (6) programs that provide after-school activities for students who are English learners that emphasize language skills and academic achievement;
- (7) cultural programs;
- (8) telecommunications and technology education programs;
- (9) expanded library service hours;
- (10) parenting skills programs that promote parental involvement and family literacy;
- (11) programs that provide assistance to students who have been truant, suspended, or expelled to allow the students to improve their academic achievement;
- (12) drug and violence prevention programs and counseling programs;
- (13) programs that build skills in science, technology, engineering, and mathematics (referred to in this paragraph as “STEM”), including computer science, and that foster innovation in learning by supporting nontraditional STEM education teaching methods; and
- (14) programs that partner with in-demand fields of the local workforce or build career competencies and career readiness and ensure that local workforce and career readiness skills are aligned with the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) and the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.).

(b) MEASURES OF EFFECTIVENESS.—

(1) IN GENERAL.—For a program or activity developed pursuant to this part to meet the measures of effectiveness, monitored by the State educational agency as described in section 4203(a)(14), such program or activity shall—

- (A) be based upon an assessment of objective data regarding the need for before and after school (or summer recess) programs and activities in the schools and communities;
- (B) be based upon an established set of performance measures aimed at ensuring the availability of high-quality academic enrichment opportunities;
- (C) if appropriate, be based upon evidence-based research that the program or activity will help students meet the challenging State academic standards and any local academic standards;
- (D) ensure that measures of student success align with the regular academic program of the school and the academic needs of participating students and include performance indicators and measures described in section 4203(a)(14)(A); and
- (E) collect the data necessary for the measures of student success described in subparagraph (D).

(2) PERIODIC EVALUATION.—

(A) IN GENERAL.—The program or activity shall undergo a periodic evaluation in conjunction with the State educational agency’s overall evaluation plan as described in section 4203(a)(14), to assess the program’s progress toward achieving the goal of providing high-quality opportunities for academic enrichment and overall student success.

(B) USE OF RESULTS.—The results of evaluations under subparagraph (A) shall be—

- (i) used to refine, improve, and strengthen the program or activity, and to refine the performance measures;
- (ii) made available to the public upon request, with public notice of such availability provided; and
- (iii) used by the State to determine whether a subgrant is eligible to be renewed under section 4204(j).

**SEC. 4206. [20 U.S.C. 7176] AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this part \$1,000,000,000 for fiscal year 2017 and \$1,100,000,000 for each of fiscal years 2018 through 2020.