

111TH CONGRESS
1ST SESSION

S. 2785

To provide grants to improve after-school interdisciplinary education programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2009

Mrs. LINCOLN (for herself and Mr. FRANKEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide grants to improve after-school interdisciplinary education programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “After-School Partnerships Improve Results in Education
6 (ASPIRE) Act”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purpose.
- Sec. 4. Definitions.

- Sec. 5. National model after-school interdisciplinary education program grants.
- Sec. 6. State grants.
- Sec. 7. Subgrants to eligible entities for after-school interdisciplinary education programs.
- Sec. 8. Eligible entity applications.
- Sec. 9. Required uses.
- Sec. 10. Secretarial peer review and approval.
- Sec. 11. National activities.
- Sec. 12. Regulations.
- Sec. 13. Authorization of appropriations.
- Sec. 14. Limitation on authority.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) over 15,000,000 students have no place to
 4 go after school hours, which is associated with high
 5 rates of juvenile crime;

6 (2) studies show that almost $\frac{1}{3}$ of all public
 7 high school students in the United States fail to
 8 graduate;

9 (3) high school dropouts—

10 (A) on average, earn less than high school
 11 graduates; and

12 (B) are more likely than high school grad-
 13 uates to be unemployed;

14 (4) high dropout rates have a significant effect
 15 on communities through—

16 (A) loss of productivity and revenues; and

17 (B) higher costs associated with incarcer-
 18 ation, health care, and social services;

19 (5) students consistently cite a lack of interest
 20 in core curriculum and a lack of relevancy to future

1 careers as the major reasons for dropping out of
2 high school;

3 (6) it is in the best interest of the United
4 States to ensure students are qualified to compete in
5 the global economy;

6 (7)(A) 80 percent of jobs are classified as
7 skilled jobs; and

8 (B) only 32 percent of high school graduates
9 are prepared for college;

10 (8) Microsoft’s Bill Gates warned that Amer-
11 ican companies “face a severe shortfall of scientists
12 and engineers with expertise to develop the next gen-
13 eration of breakthroughs”;

14 (9) business leaders have stated that a qualified
15 workforce is important to keeping jobs in the United
16 States;

17 (10) Corporate Voices for Working Families
18 has called for public and private efforts to create
19 after-school programs in which young people can de-
20 velop skills for the 21st century;

21 (11) opportunities for real-world learning and
22 seeing the connection between school and getting a
23 good job improve students’ chances of staying in
24 school;

1 (12) students involved in after-school programs
2 have significantly higher school attendance rates,
3 score higher on mathematics and writing assess-
4 ments, and are more likely to graduate from high
5 school than those who are not involved in such pro-
6 grams;

7 (13) reinforcing core curricula by integrating
8 academic work within alternative course material
9 can lead to significant improvements in student
10 achievement and engagement, as shown by the Na-
11 tional Research Center for Career and Technical
12 Education;

13 (14) after-school programs and community
14 partnerships offer youth opportunities—

15 (A) to develop social and citizenship skills;

16 and

17 (B) to have access to a variety of mentors
18 and role models from their communities; and

19 (15) after-school programs can also provide op-
20 portunities, for youth who have extra time, to experi-
21 ence the academic enrichment, career exploration,
22 and skills development the youth need to succeed.

23 **SEC. 3. PURPOSE.**

24 The purpose of this Act is to establish and expand
25 after-school programs and other similar programs—

1 (1) to improve middle school and high school
2 student academic achievement, overall school suc-
3 cess, and graduation rates by reinforcing core cur-
4 rriculum;

5 (2) to increase student knowledge of, and inter-
6 est in, high-demand career opportunities;

7 (3) to increase student engagement in learning
8 by—

9 (A) demonstrating the means by which
10 academic content relates to career opportuni-
11 ties;

12 (B) providing opportunities for civic en-
13 gagement and service learning; and

14 (C) providing students with marketable
15 skills; and

16 (4) to provide opportunities for students to
17 broaden curricula, to expose students to learning op-
18 portunities outside a core curriculum of study, and
19 to provide opportunities for students to gain credit
20 toward high school graduation through learning out-
21 side a traditional classroom.

22 **SEC. 4. DEFINITIONS.**

23 In this Act:

24 (1) IN GENERAL.—The terms “local educational
25 agency” and “State educational agency” have the

1 meanings given the terms in section 9101 of the Ele-
2 mentary and Secondary Education Act of 1965 (20
3 U.S.C. 7801).

4 (2) ELIGIBLE ENTITY.—The term “eligible enti-
5 ty”—

6 (A) when used with respect to a grant
7 awarded under section 5, means a partnership
8 that includes—

9 (i) not less than 1—

10 (I) State educational agency; or

11 (II) local educational agency
12 serving a high school or middle school;
13 and

14 (ii) not less than 1—

15 (I) career technical student orga-
16 nization;

17 (II) institution of higher edu-
18 cation or tribal college or university;

19 (III) nonprofit organization;

20 (IV) community-based organiza-
21 tion;

22 (V) tribal organization;

23 (VI) business; or

24 (VII) labor union; and

1 (B) when used with respect to a subgrant
2 awarded under section 7, means a partnership
3 that includes—

4 (i) a local educational agency that—

5 (I) serves a high school or middle
6 school; and

7 (II) does not participate in a
8 partnership that received a grant
9 under section 5; and

10 (ii) not less than 1 of the entities de-
11 scribed in subparagraph (A)(ii).

12 (3) HIGH SCHOOL.—The term “high school”
13 means a secondary school as defined in section 9101
14 of the Elementary and Secondary Education Act of
15 1965.

16 (4) INSTITUTION OF HIGHER EDUCATION.—The
17 term “institution of higher education” has the
18 meaning given the term in section 101 of the Higher
19 Education Act of 1965 (20 U.S.C. 1001).

20 (5) NATIONAL MODEL AFTER-SCHOOL INTER-
21 DISCIPLINARY EDUCATION PROGRAM.—The term
22 “national model after-school interdisciplinary edu-
23 cation program” means a high-quality, multisite,
24 after-school program that operates in not less than
25 5 States.

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of Education.

3 (7) STATE.—The term “State” means—

4 (A) each of the several States of the
5 United States;

6 (B) the District of Columbia;

7 (C) the Commonwealth of Puerto Rico;

8 (D) the United States Virgin Islands;

9 (E) Guam;

10 (F) American Samoa;

11 (G) the Commonwealth of the Northern
12 Mariana Islands; and

13 (H) the Republic of Palau.

14 (8) STRUGGLING STUDENT.—

15 (A) IN GENERAL.—The term “struggling
16 student” means a middle school-aged or high
17 school-aged student who is not making suffi-
18 cient progress toward graduating from high
19 school with a regular diploma in the standard
20 number of years.

21 (B) INCLUSIONS.—The term “struggling
22 student” includes a student who—

23 (i) has been retained in a grade level;

24 or

25 (ii) is a high school student who—

1 (I) lacks the necessary credits or
 2 courses, as determined by the local
 3 educational agency or State edu-
 4 cational agency serving the student, to
 5 graduate from high school with a reg-
 6 ular diploma in the standard number
 7 of years; or

8 (II)(aa) enters a school served by
 9 a local educational agency at grade 9
 10 or higher; and

11 (bb) is identified by the local
 12 educational agency as—

13 (AA) being limited English-
 14 proficient; and

15 (BB) having experienced in-
 16 terrupted formal education.

17 **SEC. 5. NATIONAL MODEL AFTER-SCHOOL INTERDISCIPLI-**
 18 **NARY EDUCATION PROGRAM GRANTS.**

19 (a) AUTHORIZATION OF GRANTS.—

20 (1) IN GENERAL.—From amounts made avail-
 21 able under section 13(b)(1), the Secretary shall
 22 award grants, on a competitive basis, to eligible enti-
 23 ties to enable the eligible entities to establish or ex-
 24 pand, in accordance with section 9, national model

1 after-school interdisciplinary education programs
2 that—

3 (A) expand the knowledge base for other
4 after-school interdisciplinary education pro-
5 grams; and

6 (B) disseminate information regarding ef-
7 fective practices to those other programs.

8 (2) DURATION OF GRANTS.—Each grant
9 awarded under this section shall be—

10 (A) for a period of not less than 3 years
11 and not more than 5 years; and

12 (B) renewable, based on performance, for a
13 period of not less than 3 years and not more
14 than 5 years.

15 (3) GRANT AMOUNTS.—The total amount of a
16 grant awarded under this section shall be not less
17 than \$5,000,000 for the period of the grant.

18 (4) MATCHING FUNDS.—As a condition of re-
19 ceiving a grant under this section, an eligible entity
20 shall match the grant amount with private funding
21 on an equal basis.

22 (b) PRIORITY.—In awarding grants under this sec-
23 tion, the Secretary shall give priority to applications for
24 assistance under this section that propose to target serv-
25 ices to—

- 1 (1) a high percentage of students who—
2 (A) are from low-income families;
3 (B) are struggling students; or
4 (C) attend schools located in a rural,
5 sparsely populated area; and
6 (2) the families of students described in para-
7 graph (1).

8 **SEC. 6. STATE GRANTS.**

9 (a) IN GENERAL.—From amounts made available
10 under section 13(b)(2), the Secretary shall award grants,
11 from allotments under subsection (b), to States having ap-
12 plications approved under subsection (c) to enable the
13 States to award subgrants to eligible entities under section
14 7.

15 (b) ALLOTMENTS.—

16 (1) FORMULA.—

17 (A) IN GENERAL.—Except as provided in
18 subparagraph (B), of the amounts made avail-
19 able under section 13(b)(2) that remain after
20 the reservation required under subsection (d),
21 the Secretary shall allot to each State for each
22 applicable fiscal year an amount that bears the
23 same relationship to that remainder as—

24 (i) the amount the State received
25 under subpart 2 of part A of title I of the

1 Elementary and Secondary Education Act
2 of 1965 (20 U.S.C. 6331 et seq.) for the
3 preceding fiscal year; bears to

4 (ii) the amount all States received
5 under that subpart for the preceding fiscal
6 year.

7 (B) EXCEPTION.—No State shall receive
8 less than an amount equal to $\frac{1}{2}$ of 1 percent
9 of the total amount made available to all States
10 under this subsection.

11 (2) REALLOTMENT OF UNUSED FUNDS.—If a
12 State does not receive an allotment under this sec-
13 tion for a fiscal year, the Secretary shall reallocate the
14 amount of the allotment of the State to the remain-
15 ing States in accordance with this subsection.

16 (c) STATE APPLICATION AND APPLICATION PROCEDURE.—
17

18 (1) APPLICATION REQUIREMENTS.—To be eligi-
19 ble to receive a grant under this section for any fis-
20 cal year, a State shall submit to the Secretary, in
21 such form and manner as the Secretary may require,
22 an application that—

23 (A) designates the State educational agen-
24 cy of the State as the agency responsible for the

1 administration and supervision of programs as-
2 sisted under this section;

3 (B) describes the means by which the
4 State educational agency will use funds received
5 under this section, including funds reserved for
6 State-level activities;

7 (C) contains an assurance that the State
8 educational agency will award subgrants under
9 section 7 only to eligible entities that propose to
10 serve—

11 (i) a high percentage of students
12 who—

13 (I) are from low-income families;

14 (II) are struggling students; or

15 (III) attend schools located in a
16 rural, sparsely populated area; and

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

19 (D) describes the procedures and criteria
20 the State educational agency will use for review-
21 ing applications and awarding subgrants under
22 section 7 to eligible entities on a competitive
23 basis, which shall include procedures and cri-
24 teria that take into consideration the likelihood
25 that a proposed program will help participating

1 students meet local content and student aca-
2 demic achievement standards;

3 (E) describes the means by which the
4 State educational agency will ensure that sub-
5 grants awarded under section 7 are—

6 (i) of sufficient size and scope to sup-
7 port high-quality, effective programs that
8 are consistent with the purpose of this Act;
9 and

10 (ii) in amounts that are consistent
11 with section 7(a)(4);

12 (F) describes the measures the State edu-
13 cational agency will take to ensure that relevant
14 programs implement effective strategies, includ-
15 ing providing ongoing technical assistance and
16 training, evaluation, and dissemination of infor-
17 mation regarding promising practices;

18 (G) describes the means by which pro-
19 grams under section 7 will be coordinated with
20 programs under section 5 and other programs
21 as appropriate;

22 (H) contains an assurance that the State
23 educational agency will—

24 (i) award subgrants under section 7
25 for a period of not less than 3 years and

1 not more than 5 years that are renewable,
2 based on performance, for a period of not
3 less than 3 years and not more than 5
4 years; and

5 (ii) require each eligible entity seeking
6 a subgrant to submit a plan describing the
7 means by which the program funded
8 through the subgrant will continue after
9 funding under this Act is terminated;

10 (I) contains an assurance that funds made
11 available to carry out this section will be used
12 to supplement, and not supplant, other Federal,
13 State, and local public funds expended to pro-
14 vide programs and activities authorized under
15 this Act and other similar programs;

16 (J) contains an assurance that the State
17 educational agency will require eligible entities
18 to describe in an application submitted under
19 section 8 the means by which the transportation
20 needs of participating students will be ad-
21 dressed;

22 (K) contains an assurance that the State
23 application was developed in consultation and
24 coordination with—

1 (i) appropriate State officials, includ-
2 ing the chief State school officer and the
3 State director of career technical edu-
4 cation;

5 (ii) other State agencies administering
6 before- and after-school (or summer
7 school) programs; and

8 (iii) representatives of teacher organi-
9 zations, parents, students, the business
10 community, community-based organiza-
11 tions, and labor unions;

12 (L) describes the results of the needs and
13 resources assessment of the State for before-
14 and after-school activities, which shall be based
15 on the results of ongoing State evaluation ac-
16 tivities;

17 (M) describes the means by which the
18 State educational agency will evaluate the effec-
19 tiveness of programs and activities carried out
20 under section 7, which shall include, at a min-
21 imum—

22 (i) a description of the performance
23 indicators and performance measures that
24 will be used to evaluate programs and ac-
25 tivities; and

1 (ii) public dissemination of the evalua-
2 tions of programs and activities carried out
3 under section 7; and

4 (N) provides for timely public notice of in-
5 tent to file an application under this subsection
6 and an assurance that the application will be
7 available for public review after submission.

8 (2) APPROVAL BY SECRETARY.—

9 (A) IN GENERAL.—Not later than 120
10 days after the date of receipt of an application
11 under paragraph (1), the Secretary shall ap-
12 prove or disapprove the application.

13 (B) DEEMED APPROVAL.—If the Secretary
14 fails to make a written determination that an
15 application under paragraph (1) is not in com-
16 pliance with the requirements of this section by
17 the date required under subparagraph (A), the
18 application shall be considered to be approved.

19 (C) DISAPPROVAL.—

20 (i) IN GENERAL.—The Secretary shall
21 not finally disapprove an application under
22 paragraph (1) until the State is provided
23 notice and an opportunity for a hearing re-
24 garding the application in accordance with
25 clause (ii).

1 (ii) NOTICE AND HEARING.—If the
2 Secretary determines that an application is
3 not in compliance with the requirements of
4 this section, in whole or in part, the Sec-
5 retary shall provide to the State—

6 (I) a notice of the finding of non-
7 compliance, including—

8 (aa) a description of the spe-
9 cific provisions of the application
10 that are not in compliance; and

11 (bb) a request for additional
12 information (only regarding the
13 noncompliant provisions) needed
14 to make the application compli-
15 ant with the requirements of this
16 section; and

17 (II) an opportunity for a hearing
18 regarding the application.

19 (D) RESPONSE.—

20 (i) IN GENERAL.—A State shall re-
21 spond, in accordance with clause (ii), to a
22 notice from the Secretary under subpara-
23 graph (C)(i) by not later than 45 days
24 after the date of receipt of the notice.

1 (ii) CONTENTS.—To respond to a no-
2 tice under clause (i), a State shall resubmit
3 to the Secretary the application of the
4 State, together with such additional infor-
5 mation as is requested by the Secretary
6 under subparagraph (C)(ii)(I)(bb).

7 (iii) APPROVAL.—The Secretary shall
8 approve or disapprove an application re-
9 submitted under clause (ii) by not later
10 than the later of—

11 (I) the date that is 45 days after
12 the date on which the State resubmits
13 the application; and

14 (II) the expiration of the applica-
15 ble 120-day period described in sub-
16 paragraph (A).

17 (E) FAILURE TO RESPOND.—If the State
18 fails to respond to a notification from the Sec-
19 retary under subparagraph (C) by the date re-
20 quired under subparagraph (D)(i), the applica-
21 tion of the State shall be considered to be dis-
22 approved.

23 (d) RESERVATION.—Of the amounts made available
24 to carry out this section under section 13(b)(2), the Sec-
25 retary shall reserve not less than 1 percent, but not more

1 than 5 percent, for payment to the Bureau of Indian Af-
2 fairs, to be allotted in accordance with the needs of the
3 Bureau for assistance under this Act, as determined by
4 the Secretary, to enable the Bureau to carry out the pur-
5 pose of this Act.

6 (e) USE OF FUNDS.—

7 (1) SUBGRANTS.—Each State that receives a
8 grant under this section shall reserve not less than
9 93 percent of the amount of the grant to award sub-
10 grants to eligible entities under section 7.

11 (2) STATE ADMINISTRATION.—Each State that
12 receives a grant under this section may use not more
13 than 2 percent of the amount of the grant for—

14 (A) the administrative costs of carrying
15 out this section and section 7;

16 (B) establishing and implementing a peer
17 review process for subgrant applications sub-
18 mitted under section 7 (including consultation
19 with other State agencies responsible for admin-
20 istering youth development programs and adult
21 learning activities); and

22 (C) supervising the awarding of subgrants
23 to eligible entities under section 7 (including
24 consultation with other State agencies respon-

1 sible for administering youth development pro-
2 grams and adult learning activities).

3 (3) STATE ACTIVITIES.—

4 (A) IN GENERAL.—Each State that re-
5 ceives a grant under this section may use not
6 more than 5 percent of the amount of the grant
7 for the following activities:

8 (i) MONITORING AND EVALUATION.—
9 Monitoring and evaluation of programs
10 and activities assisted under section 7.

11 (ii) CAPACITY BUILDING, TRAINING,
12 AND TECHNICAL ASSISTANCE.—Providing
13 capacity building, training, and technical
14 assistance under section 7.

15 (iii) COMPREHENSIVE EVALUATION.—
16 Comprehensive evaluation (directly or
17 through a grant or contract) of the effec-
18 tiveness of programs and activities under
19 section 7.

20 (iv) STATE-LEVEL EFFORTS AND IN-
21 FRASTRUCTURE.—Supporting State-level
22 efforts and infrastructure to ensure the
23 quality and availability of after-school pro-
24 grams.

1 (B) REPORTING REQUIREMENT.—Not later
 2 than 2 years after the date of enactment of this
 3 Act, and annually thereafter, each State using
 4 grant funds made available under subparagraph
 5 (A) shall submit to the Secretary a report de-
 6 scribing how the grant funds are used.

7 **SEC. 7. SUBGRANTS TO ELIGIBLE ENTITIES FOR AFTER-**
 8 **SCHOOL INTERDISCIPLINARY EDUCATION**
 9 **PROGRAMS.**

10 (a) SUBGRANTS.—

11 (1) IN GENERAL.—Each State that receives a
 12 grant under section 6, acting through the State edu-
 13 cational agency of the State, shall use the grant
 14 funds to award subgrants to eligible entities to en-
 15 able the eligible entities to establish or expand after-
 16 school interdisciplinary education programs in ac-
 17 cordance with section 9.

18 (2) DURATION OF AWARDS.—A subgrant
 19 awarded under this section—

20 (A) may be for a period of not less than
 21 3 years and not more than 5 years; and

22 (B) shall be renewable, based on perform-
 23 ance, for a period of not less than 3 years and
 24 not more than 5 years.

1 (3) AMOUNT.—The amount of a subgrant
2 under this section shall be not less than \$50,000 per
3 fiscal year.

4 (4) PRIORITY.—

5 (A) IN GENERAL.—In awarding subgrants
6 under this section, a State shall give priority to
7 applications for assistance under this section
8 that—

9 (i) propose to serve—

10 (I) a high percentage of students

11 who—

12 (aa) are from low-income

13 families;

14 (bb) are struggling students;

15 or

16 (cc) attend schools located

17 in a rural, sparsely populated

18 area; and

19 (II) the families of students de-

20 scribed in subclause (I); or

21 (ii) are submitted by an eligible entity

22 consisting of not less than 1 local edu-

23 cational agency serving a middle school or

24 high school that receives funds under part

25 A of title I of the Elementary and Sec-

1 ondary Education Act of 1965 (20 U.S.C.
2 6311 et seq.).

3 (B) GEOGRAPHIC DIVERSITY.—To the
4 maximum extent practicable, a State shall dis-
5 tribute subgrant funds under this section equi-
6 tably among geographical areas within the
7 State, including urban and rural communities.

8 (b) PERMISSIVE LOCAL MATCH.—

9 (1) REQUIREMENT.—

10 (A) IN GENERAL.—Except as provided in
11 subparagraph (B), a State may require an eligi-
12 ble entity to match the amount of a subgrant
13 awarded under this section.

14 (B) EXCEPTION.—A contribution by an el-
15 igible entity under subparagraph (A) shall
16 not—

17 (i) exceed the amount of the subgrant
18 awarded to the eligible entity; or

19 (ii) be derived from other Federal or
20 State funds.

21 (2) SLIDING SCALE.—The amount of a con-
22 tribution by an eligible entity under paragraph (1)
23 shall be established based on a sliding fee scale that
24 takes into account—

1 (A) the relative poverty of the population
2 targeted by the eligible entity; and

3 (B) the ability of the eligible entity to ob-
4 tain matching funds.

5 (3) IN-KIND CONTRIBUTIONS.—A State that re-
6 quires an eligible entity to match funds under this
7 subsection shall permit the eligible entity to provide
8 all or any portion of those funds in the form of in-
9 kind contributions.

10 (4) CONSIDERATION.—Notwithstanding any
11 other provision of this subsection, a State shall not
12 take into consideration the ability of an eligible enti-
13 ty to provide sufficient matching funds under this
14 subsection in selecting eligible entities to receive sub-
15 grants under this section.

16 **SEC. 8. ELIGIBLE ENTITY APPLICATIONS.**

17 (a) IN GENERAL.—To be eligible to receive a grant
18 under section 5 or a subgrant under section 7, an eligible
19 entity shall submit to the Secretary or the State, as appli-
20 cable, an application in such form and manner as the Sec-
21 retary or State, as applicable, may require.

22 (b) CONTENTS.—Each application described in sub-
23 section (a) shall include—

1 (1) a description of the programs and activities
2 to be funded using the grant or subgrant, includ-
3 ing—

4 (A) an assurance that the programs and
5 activities will take place in a safe and easily ac-
6 cessible facility;

7 (B) a description of how students partici-
8 pating in the programs and activities will travel
9 safely to and from the location of the programs;
10 and

11 (C) a description of how the eligible entity
12 will disseminate information regarding the pro-
13 grams and activities (including the locations of
14 the programs and activities) to the community
15 in a manner that is understandable and acces-
16 sible;

17 (2) a description of how the programs and ac-
18 tivities are expected to meet the purpose of this Act;

19 (3) an identification of Federal, State, and local
20 programs that will be combined or coordinated with
21 the proposed programs and activities to make the
22 most effective use of public resources;

23 (4) an assurance that the proposed programs
24 and activities were developed, and will be carried

1 out, in active collaboration with schools attended by
2 the students to be served by the eligible entity;

3 (5) a description of the means by which the
4 programs and activities will meet the principles of
5 effectiveness described in section 9(b);

6 (6) an assurance that the programs and activi-
7 ties will primarily target students from low-income
8 families or struggling students and the families of
9 those students;

10 (7) an assurance that funds provided pursuant
11 to this Act will—

12 (A) be used to increase the level of State,
13 local, and other non-Federal funds that would,
14 in the absence of funds under this Act, be made
15 available for programs and activities authorized
16 under this Act; and

17 (B) in no case supplant any Federal,
18 State, local, or non-Federal funds;

19 (8) a description of a preliminary plan for the
20 means by which the proposed programs and activi-
21 ties will continue after funding under this Act is ter-
22 minated;

23 (9) an assurance that—

1 (A) the affected community will be given
2 notice of an intent to submit an application
3 under this Act; and

4 (B) the application and any applicable
5 waiver request will be available for public review
6 after submission of the application; and

7 (10) such other information and assurances as
8 the Secretary or the State, as applicable, may rea-
9 sonably require.

10 (c) SPECIAL RULE FOR SUBGRANT APPLICATIONS.—

11 (1) APPROVAL OF CERTAIN APPLICATIONS.—A
12 State may approve an application for a subgrant
13 under section 7, for a program to be located in a fa-
14 cility other than a high school, only if the program
15 will be at least as available and accessible to the stu-
16 dents to be served as if the program were located in
17 the high school.

18 (2) PEER REVIEW.—In reviewing applications
19 for a subgrant under section 7, a State shall use a
20 peer review process or other method of ensuring the
21 quality of applications, in accordance with section
22 6(c)(1)(D).

23 **SEC. 9. REQUIRED USES.**

24 (a) REQUIRED ACTIVITIES.—

1 (1) IN GENERAL.—Each eligible entity that re-
2 ceives a grant under section 5 or a subgrant under
3 section 7 shall use the grant or subgrant funds, as
4 applicable, to establish or expand after-school pro-
5 grams and activities that meet the purpose of this
6 Act, including—

7 (A) not less than 1—

8 (i) mathematics and science education
9 activity;

10 (ii) language arts, writing, and read-
11 ing activity; or

12 (iii) history, geography, or social stud-
13 ies activity; and

14 (B) not less than 1—

15 (i) career technical education activity;

16 (ii) business and entrepreneurial edu-
17 cation program;

18 (iii) health and wellness activity;

19 (iv) environmental and conservation
20 activity; or

21 (v) arts and music education activity.

22 (2) ACTIVITY AND PROGRAM TIMES.—In addi-
23 tion to after school, the activities and programs de-
24 scribed in paragraph (1) may take place before
25 school or at any other time during which school is

1 not in session, including on weekends and during va-
2 cation and summer recess periods.

3 (b) PRINCIPLES OF EFFECTIVENESS.—

4 (1) IN GENERAL.—Each program and activity
5 established or expanded under this Act shall meet
6 principles of effectiveness that are based on—

7 (A) an assessment of objective data re-
8 garding the need for the programs and activi-
9 ties described in subsection (a), including activi-
10 ties in the schools and communities;

11 (B) an established set of performance
12 measures, including academic, social, and be-
13 havioral measures, aimed at ensuring opportu-
14 nities for high-quality academic enrichment and
15 positive youth development; and

16 (C) if appropriate, scientifically based re-
17 search that provides evidence that the programs
18 or activities will help students improve academic
19 achievement, deepen student engagement in
20 learning, and promote positive youth develop-
21 ment.

22 (2) PERIODIC EVALUATION.—

23 (A) IN GENERAL.—Each program and ac-
24 tivity established or expanded under this Act
25 shall be subject to periodic evaluation to assess

1 the progress made by the program or activity
2 toward achieving the goal of providing high-
3 quality opportunities for academic enrichment
4 and positive youth development.

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

7 (i) used—

8 (I) to refine, improve, and
9 strengthen each program or activity
10 so evaluated; and

11 (II) to refine the applicable per-
12 formance measures; and

13 (ii) made available to the public—

14 (I) on request; and

15 (II) by public notice.

16 **SEC. 10. SECRETARIAL PEER REVIEW AND APPROVAL.**

17 The Secretary shall establish—

18 (1) a peer-review process to assist in the review
19 and approval of grant applications submitted under
20 section 5 and State applications submitted under
21 section 6; and

22 (2) appoint to serve the peer-review process in-
23 dividuals who are educators and experts in edu-
24 cational standards, assessments, accountability, high
25 school improvement, youth development, dropout

1 prevention, and other educational needs of high
2 school students.

3 **SEC. 11. NATIONAL ACTIVITIES.**

4 (a) NATIONAL ACTIVITIES.—From amounts made
5 available under section 13(b)(3), the Secretary shall carry
6 out national activities (directly or through grants or con-
7 tracts), such as—

8 (1) providing technical assistance as described
9 in subsection (b), to States or eligible entities car-
10 rying out programs or activities under this Act; or

11 (2) conducting a national evaluation of the ef-
12 fectiveness of programs and activities under this
13 Act.

14 (b) TECHNICAL ASSISTANCE.—The Secretary may
15 provide, pursuant to subsection (a), technical assistance
16 to States and eligible entities carrying out programs and
17 activities under this Act, such as—

18 (1) conducting outreach to ensure widespread
19 knowledge of the availability of those programs and
20 activities;

21 (2) annually convening participating States, eli-
22 gible entities, and organizations providing support to
23 those States or eligible entities, to provide training
24 and education regarding best practices;

1 (3) disseminating information regarding best
2 practices and successful program models for serving
3 high school youth; and

4 (4) providing capacity building and training to
5 ensure high-quality programming.

6 **SEC. 12. REGULATIONS.**

7 The Secretary shall promulgate such regulations as
8 the Secretary determines to be necessary to carry out this
9 Act.

10 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Secretary such
13 sums as may be necessary to carry out this Act for fiscal
14 year 2010 and each fiscal year thereafter.

15 (b) ALLOCATIONS.—Of the amounts appropriated
16 pursuant to subsection (b) for each fiscal year, the Sec-
17 retary shall allocate for the fiscal year—

18 (1) 40 percent for grants under section 5;

19 (2) 50 percent for grants under section 6; and

20 (3) 10 percent for national activities under sec-
21 tion 11.

22 **SEC. 14. LIMITATION ON AUTHORITY.**

23 Any new spending authority or new authority to enter
24 into contracts provided by this Act, and under which the
25 United States is obligated to make outlays, shall be effec-

- 1 tive only to the extent, and in such amounts, as are pro-
- 2 vided in advance in appropriations Acts.

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