

(Pub. L. 89–10, title V, § 5201, formerly title VI, § 6201, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1891; renumbered title V, § 5201, Pub. L. 114–95, title V, § 5001(a)(2), Dec. 10, 2015, 129 Stat. 2039, 2040.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 5201 of Pub. L. 89–10 was renumbered section 4301 and was classified to section 7221 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 5201 of Pub. L. 89–10 was classified to section 7231 of this title, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

#### § 7341a. Purpose

It is the purpose of this part to address the unique needs of rural school districts that frequently—

- (1) lack the personnel and resources needed to compete effectively for Federal competitive grants; and
- (2) receive formula grant allocations in amounts too small to be effective in meeting their intended purposes.

(Pub. L. 89–10, title V, § 5202, formerly title VI, § 6202, as added Pub. L. 107–110, title VI, § 601, Jan. 8, 2002, 115 Stat. 1891; renumbered title V, § 5202, Pub. L. 114–95, title V, § 5001(a)(2), Dec. 10, 2015, 129 Stat. 2039, 2040.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 5202 of Pub. L. 89–10 was renumbered section 4302 and was classified to section 7221a of this title, prior to repeal by Pub. L. 114–95.

Another prior section 5202 of Pub. L. 89–10 was classified to section 7232 of this title, prior to the general amendment of former subchapter V of this chapter by Pub. L. 107–110.

#### Statutory Notes and Related Subsidiaries

##### REVIEW RELATING TO RURAL LOCAL EDUCATIONAL AGENCIES

Pub. L. 114–95, title V, § 5005, Dec. 10, 2015, 129 Stat. 2045, provided that:

“(a) REVIEW AND REPORT.—Not later than 18 months after the date of enactment of this Act [Dec. 10, 2015], the Secretary of Education shall—

“(1) review the organization, structure, and process and procedures of the Department of Education for administering its programs and developing policy and regulations, in order to—

“(A) assess the methods and manner through which, and the extent to which, the Department of Education takes into account, considers input from, and addresses the unique needs and characteristics of rural schools and rural local educational agencies; and

“(B) determine actions that the Department of Education can take to meaningfully increase the consideration and participation of rural schools and rural local educational agencies in the development and execution of the processes, procedures, policies, and regulations of the Department of Education;

“(2) make public a preliminary report containing the information described in paragraph (1) and provide Congress and the public with 60 days to comment on the proposed actions described in paragraph (1)(B); and

“(3) issue a final report to the Committee on Health, Education, Labor, and Pensions of the Sen-

ate, and the Committee on Education and the Workforce of the House of Representatives, which shall describe the final actions developed pursuant to paragraph (1)(B) after taking into account the comments submitted under paragraph (2).

“(b) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this Act [Dec. 10, 2015], the Secretary of Education shall—

“(1) carry out each action described in the report under subsection (a)(3); or

“(2) in a case in which an action is not carried out, provide a written explanation to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives of why the action was not carried out.”

##### SUBPART 1—SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM

#### § 7345. Use of applicable funding

##### (a) Alternative uses

###### (1) In general

Notwithstanding any other provision of law, an eligible local educational agency may use the applicable funding that the agency is eligible to receive from the State educational agency for a fiscal year to carry out local activities authorized under any of the following provisions:

- (A) Part A of subchapter I.
- (B) Part A of subchapter II.
- (C) Subchapter III.
- (D) Part A or B of subchapter IV.

###### (2) Notification

An eligible local educational agency shall notify the State educational agency of the local educational agency’s intention to use the applicable funding in accordance with paragraph (1), by a date that is established by the State educational agency for the notification.

##### (b) Eligibility

###### (1) In general

A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

(A)(i)(I) the total number of students in average daily attendance at all of the schools served by the local educational agency is fewer than 600; or

(II) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile; and

(ii) all of the schools served by the local educational agency are designated with a locale code of 41, 42, or 43, as determined by the Secretary;

(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency’s request to waive the criteria described in subparagraph (A)(ii); or

(C) the local educational agency is a member of an educational service agency that does not receive funds under this subpart and the local educational agency meets the requirements of this part.

###### (2) Certification

The Secretary shall determine whether to waive the criteria described in paragraph

(1)(A)(ii) based on a demonstration by the local educational agency, and concurrence by the State educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

**(c) Applicable funding defined**

In this section, the term “applicable funding” means funds provided under any of the following provisions:

- (1) Part A of subchapter II.
- (2) Part A of subchapter IV.

**(d) Disbursement**

Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under this section for the fiscal year at the same time as the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

**(e) Applicable rules**

Applicable funding under this section shall be available to carry out local activities authorized under subsection (a).

(Pub. L. 89–10, title V, §5211, formerly title VI, §6211, as added Pub. L. 107–110, title VI, §601, Jan. 8, 2002, 115 Stat. 1891; renumbered title V, §5211, and amended Pub. L. 114–95, title V, §§5001(a)(3), 5003(1), Dec. 10, 2015, 129 Stat. 2039–2041.)

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 5211 of Pub. L. 89–10 was renumbered section 4311 and was classified to section 7221j of this title, prior to repeal by Pub. L. 114–95.

**AMENDMENTS**

2015—Subsec. (a)(1). Pub. L. 114–95, §5003(1)(A), added subpars. (A) to (D) and struck out former subpars. (A) to (E) which read as follows:

- “(A) Part A of subchapter I of this chapter.
- “(B) Part A or D of subchapter II of this chapter.
- “(C) Subchapter III of this chapter.
- “(D) Part A or B of subchapter IV of this chapter.
- “(E) Part A of subchapter V of this chapter.”

Subsec. (b)(1)(A)(ii). Pub. L. 114–95, §5003(1)(B)(i), struck out “school” before “locale code” and substituted “41, 42, or 43, as determined by the Secretary;” for “7 or 8, as determined by the Secretary; or”.

Subsec. (b)(1)(C). Pub. L. 114–95, §5003(1)(B)(ii), (iii), added subpar. (C).

Subsec. (c). Pub. L. 114–95, §5003(1)(C), added pars. (1) and (2) and struck out former pars. (1) to (3) which read as follows:

- “(1) Subpart 2 of this part and section 6762(a)(2)(A) of this title.
- “(2) Section 7114 of this title.
- “(3) Part A of subchapter V of this chapter.”

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF 2015 AMENDMENT**

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

**§ 7345a. Grant program authorized**

**(a) In general**

The Secretary is authorized to award grants to eligible local educational agencies to enable the local educational agencies to carry out activities authorized under any of the following provisions:

- (1) Part A of subchapter I.
- (2) Part A of subchapter II.
- (3) Subchapter III.
- (4) Part A or B of subchapter IV.

**(b) Allocation**

**(1) Allocation**

**(A) In general**

Except as provided in paragraphs (3) and (4), the Secretary shall award a grant under subsection (a) to a local educational agency eligible under section 7345(b) of this title for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received by the agency under the provisions of law described in section 7345(c) of this title for the preceding fiscal year.

**(B) Special determination**

For a local educational agency that is eligible under section 7345(b)(1)(C) of this title and is a member of an educational service agency, the Secretary may determine the award amount by subtracting from the initial amount determined under paragraph (2), an amount that is equal to that local educational agency’s per-pupil share of the total amount received by the educational service agency under the provisions described in section 7345(c) of this title, as long as a determination under this subparagraph would not disproportionately affect any State.

**(2) Determination of initial amount**

**(A) In general**

The initial amount referred to in paragraph (1) is equal to \$100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus \$20,000, except that the initial amount may not exceed \$60,000.

**(B) Special rule**

For any fiscal year for which the amount made available to carry out this part is \$265,000,000 or more, subparagraph (A) shall be applied—

- (i) by substituting “\$25,000” for “\$20,000”; and
- (ii) by substituting “\$80,000” for “\$60,000”.

**(3) Ratable adjustment**

**(A) In general**

If the amount made available to carry out this section for any fiscal year is not sufficient to pay in full the amounts that local educational agencies are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.