

L. 114-95, set out as a note under section 6301 of this title.

RURAL AND LOW-INCOME SCHOOL PROGRAM
ADJUSTMENTS

Pub. L. 116-260, div. H, title III, §316, Dec. 27, 2020, 134 Stat. 1610, provided that:

“(a) **HOLD HARMLESS.**—For the purpose of making awards under section 5221 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351) for a fiscal year during the period described in subsection (c), the Secretary of Education and each State educational agency shall treat as eligible to receive a grant under such section—

“(1) any local educational agency that meets the eligibility requirements described in section 5221(b)(1) of such Act [20 U.S.C. 7351(b)(1)] for such fiscal year, in accordance with subsection (d); and

“(2) notwithstanding such section 5221(b)(1), any local educational agency that does not meet the eligibility requirements described in such section for such fiscal year if—

“(A) the local educational agency received a grant under section 5221 of such Act for fiscal year 2019;

“(B) for fiscal year 2019, less than 20 percent of the children ages 5 through 17 years served by the local educational agency were from families with incomes below the poverty line, as determined by data from the Small Area Income and Poverty Estimates of the Bureau of the Census;

“(C) the award for fiscal year 2019 was based on alternative poverty data submitted by the State to the Secretary despite data being available from the Small Area Income and Poverty Estimates of the Bureau of the Census; and

“(D) the local educational agency meets the eligibility criteria described in section 5221(b)(1)(A)(ii) of such Act [20 U.S.C. 7351(b)(1)(A)(ii)], or has obtained a waiver under section 5221(b)(2) of such Act [20 U.S.C. 7351(b)(2)], for the fiscal year for which the eligibility determination is being made.

“(b) **LIMITATIONS.**—

“(1) **LIMITS ON LOCAL EDUCATIONAL AGENCY AWARDS.**—For the purposes of making an award under section 5221(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351(b)) to local educational agencies described in subsection (a)(2) for a fiscal year during the period described in subsection (c), a State educational agency shall provide an award to each such local educational agency for such fiscal year that is not larger than—

“(A) for fiscal year 2021, 100 percent of the amount such local educational agency received for fiscal year 2019;

“(B) for fiscal year 2022, 100 percent of the amount such local educational agency received for fiscal year 2019;

“(C) for fiscal year 2023, 83.33 percent of the amount such local educational agency received for fiscal year 2019;

“(D) for fiscal year 2024, 66.67 percent of the amount such local educational agency received for fiscal year 2019;

“(E) for fiscal year 2025, 50 percent of the amount such local educational agency received for fiscal year 2019;

“(F) for fiscal year 2026, 33.33 percent of the amount such local educational agency received for fiscal year 2019; and

“(G) for fiscal year 2027, 16.67 percent of the amount such local educational agency received for fiscal year 2019.

“(2) **ADJUSTMENTS TO STATE ALLOCATIONS.**—In determining grant amounts for each State educational agency under section 5221(a)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351(a)(2)) for each fiscal year during the period described in subsection (c), the Secretary of Education shall reduce the amount that the State educational agency

would otherwise receive by the combined amount of any reductions in grant awards required under paragraph (1) for such year for the local educational agencies described in subsection (a)(2) that are served by the State educational agency.

“(c) **APPLICABILITY.**—Subsections (a) and (b) shall be in effect during the period—

“(1) beginning on the first day of the fiscal year in which this Act [div. H of Pub. L. 116-260, see Tables for classification] is enacted; and

“(2) ending on the earlier of—

“(A) September 30, 2027; or

“(B) the last day of the fiscal year in which an Act that reauthorizes the rural and low-income school program under subpart 2 of part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351 et seq.) is enacted.

“(d) **USE OF DATA MEASURES.**—Except as provided in subsection (a)(2), for the purpose of making awards under section 5221 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351) for any fiscal year—

“(1) if data are available from the Small Area Income and Poverty Estimates of the Bureau of the Census to determine a local educational agency’s enrollment of children from families with incomes below the poverty line as described in section 5221(b)(1)(A)(i) of such Act [20 U.S.C. 7351(b)(1)(A)(i)], the Secretary of Education and each State educational agency shall not use alternative poverty data in determining such local educational agency’s eligibility under such section; and

“(2) if data are not available from the Small Area Income and Poverty Estimates of the Bureau of the Census to determine a local educational agency’s enrollment of children from families with incomes below the poverty line as described in such section 5221(b)(1)(A)(i), the Secretary and the State educational agency shall determine such local educational agency’s eligibility under such section using the same State-derived poverty data used to determine local educational agency allocations under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).”

§ 7351a. Uses of funds

(a) Local awards

Grant funds awarded to local educational agencies under this subpart shall be used for any of the following:

- (1) Activities authorized under part A of subchapter I.
- (2) Activities authorized under part A of subchapter II.
- (3) Activities authorized under subchapter III.
- (4) Activities authorized under part A of subchapter IV.
- (5) Parental involvement activities.

(b) Administrative costs

A State educational agency receiving a grant under this subpart may not use more than 5 percent of the amount of the grant for State administrative costs and to provide technical assistance to eligible local educational agencies.

(Pub. L. 89-10, title V, §5222, formerly title VI, §6222, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1895; renumbered title V, §5222, and amended Pub. L. 114-95, title V, §§5001(a)(4), 5003(5), Dec. 10, 2015, 129 Stat. 2039, 2040, 2043.)

Editorial Notes

PRIOR PROVISIONS

A prior section 5222 of Pub. L. 89–10 was classified to section 7223a of this title, prior to repeal by Pub. L. 114–95.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, §5003(5), added pars. (1) to (5) and struck out former pars. (1) to (7) which set out various approved uses for grant funds.

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.

§ 7351b. Applications**(a) In general**

Each State educational agency or specially qualified agency desiring to receive a grant under this subpart shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(b) Contents

Each application submitted under subsection (a) shall include information on—

(1) program objectives and outcomes for activities under this subpart, including how the State educational agency or specially qualified agency will use funds to help all students meet the challenging State academic standards;

(2) if the State educational agency will competitively award grants to eligible local educational agencies, as described in section 7351(b)(3)(A) of this title, the application under the section shall include—

(A) the methods and criteria the State educational agency will use to review applications and award funds to local educational agencies on a competitive basis; and

(B) how the State educational agency will notify eligible local educational agencies of the grant competition; and

(3) a description of how the State educational agency will provide technical assistance to eligible local educational agencies to help such agencies implement the activities described in section 7351a of this title.

(Pub. L. 89–10, title V, §5223, formerly title VI, §6223, as added Pub. L. 107–110, title VI, §601, Jan. 8, 2002, 115 Stat. 1895; renumbered title V, §5223, and amended Pub. L. 114–95, title V, §§5001(a)(4), 5003(6), Dec. 10, 2015, 129 Stat. 2039, 2040, 2044.)

Editorial Notes

PRIOR PROVISIONS

A prior section 5223 of Pub. L. 89–10 was classified to section 7223b of this title, prior to repeal by Pub. L. 114–95.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, §5003(6)(A), substituted “at such time and in such manner” for “at

such time, in such manner, and accompanied by such information”.

Subsec. (b). Pub. L. 114–95, §5003(6)(B), added subsec. (b) and struck out former subsec. (b) which described required contents for applications submitted under subsec. (a).

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.

§ 7351c. Report

Each State educational agency or specially qualified agency that receives a grant under this subpart shall prepare and submit an annual report to the Secretary. The report shall describe—

(1) if the report is submitted by a State educational agency, the method the State educational agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart;

(2) how local educational agencies and schools used funds provided under this subpart; and

(3) the degree to which progress has been made toward meeting the objectives and outcomes described in the application submitted under section 7351b of this title, including having all students in the State or the area served by the specially qualified agency, as applicable, meet the challenging State academic standards.

(Pub. L. 89–10, title V, §5224, formerly title VI, §6224, as added Pub. L. 107–110, title VI, §601, Jan. 8, 2002, 115 Stat. 1896; renumbered title V, §5224, and amended Pub. L. 114–95, title V, §§5001(a)(4), 5003(7), Dec. 10, 2015, 129 Stat. 2039, 2040, 2044.)

Editorial Notes

PRIOR PROVISIONS

A prior section 5224 of Pub. L. 89–10 was classified to section 7223c of this title, prior to repeal by Pub. L. 114–95.

AMENDMENTS

2015—Pub. L. 114–95, §5003(7)(C), inserted “or specially qualified agency” after “Each State educational agency” in introductory provisions.

Pub. L. 114–95, §5003(7)(A), (B), substituted “Report” for “Accountability” in section catchline, struck out subsec. (a) designation and heading before “Each State”, and struck out subsecs. (b) to (e) which related to specially qualified agency report, biennial reports to Congress, academic achievement assessment, and determination regarding continuing participation, respectively.

Par. (1). Pub. L. 114–95, §5003(7)(D), added par. (1) and struck out former par. (1) which read as follows: “the method the State educational agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart;”.

Par. (3). Pub. L. 114–95, §5003(7)(E), added par. (3) and struck out former par. (3) which read as follows: “the degree to which progress has been made toward meeting the goals and objectives described in the application submitted under section 7351b of this title.”