

Pub. L. 114-95, §5002(3), substituted “part” for “subpart” in introductory provisions.

Subsec. (a)(2). Pub. L. 114-95, §5002(5)(A)(ii), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “In accordance with this subpart and subject to the 50 percent limitation described in paragraph (1), a State may transfer any funds allotted to the State under a provision listed in paragraph (1) to its allotment under subchapter I of this chapter.”

Subsec. (b)(1)(A). Pub. L. 114-95, §5002(3), (5)(B)(i)(I), substituted “part” for “subpart” and “may transfer all, or any lesser amount, of the funds allocated to it” for “(except a local educational agency identified for improvement under section 6316(c) of this title or subject to corrective action under section 6316(c)(9) of this title) may transfer not more than 50 percent of the funds allocated to it (including funds transferred under subparagraph (C))”.

Subsec. (b)(1)(B), (C). Pub. L. 114-95, §5002(5)(B)(i)(II), added subpar. (B) and struck out former subpars. (B) and (C) which permitted transfers of allocated funds for agencies identified for improvement and for additional funds for subchapter I.

Subsec. (b)(2). Pub. L. 114-95, §5002(5)(B)(ii), substituted “subparagraph (A) or (B)” for “subparagraph (A), (B), or (C)” in introductory provisions, added subpars. (A) and (B), and struck out former subpars. (A) to (D) which read as follows:

“(A) Section 6621 of this title.

“(B) Section 6762(a)(2)(A) of this title.

“(C) Section 7112(b)(1) of this title.

“(D) Section 7211a(a) of this title.”

Subsec. (c). Pub. L. 114-95, §5002(5)(C), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “A State or a local educational agency may not transfer under this subpart to any other program any funds allotted or allocated to it for part A of subchapter I of this chapter.”

Subsec. (e)(1). Pub. L. 114-95, §5002(3), substituted “part” for “subpart”.

Subsec. (e)(2). Pub. L. 114-95, §5002(5)(D), made technical amendment to reference in original act which appears in text as reference to section 7881 of this title.

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.

PART B—RURAL EDUCATION INITIATIVE

§ 7341. Short title

This part may be cited as the “Rural Education Achievement Program”.

(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.)

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.)

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.

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 Senate, 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.)

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.”

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.