

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.

(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.

(B) Additional amounts

If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

(4) Hold harmless

For a local educational agency that is not eligible under this subpart due to amendments made by the Every Student Succeeds Act to section 7345(b)(1)(A)(ii) of this title but met the eligibility requirements under section 7345(b) of this title as such section was in effect on the day before December 10, 2015, the agency shall receive—

- (A) for fiscal year 2017, 75 percent of the amount such agency received for fiscal year 2015;
- (B) for fiscal year 2018, 50 percent of the amount such agency received for fiscal year 2015; and
- (C) for fiscal year 2019, 25 percent of the amount such agency received for fiscal year 2015.

(c) Disbursement

The Secretary shall disburse the funds awarded to a local educational agency under this sec-

tion for a fiscal year not later than July 1 of that fiscal year.

(Pub. L. 89–10, title V, §5212, formerly title VI, §6212, as added Pub. L. 107–110, title VI, §601, Jan. 8, 2002, 115 Stat. 1892; renumbered title V, §5212, and amended Pub. L. 114–95, title V, §§5001(a)(3), 5003(2), Dec. 10, 2015, 129 Stat. 2039, 2040, 2042.)

REFERENCES IN TEXT

Amendments made by the Every Student Succeeds Act to section 7345(b)(1)(A)(ii) of this title, referred to in subsec. (b)(4), mean the amendments made to section 7345(b)(1)(A)(ii) of this title by Pub. L. 114–95, title V, §5003(1)(B)(i), Dec. 10, 2015, 129 Stat. 2041. See 2015 Amendment note under section 7345 of this title.

Section 7345(b) of this title as such section was in effect on the day before December 10, 2015, referred to in subsec. (b)(4), means section 7345(b) of this title prior to amendment by Pub. L. 114–95, title V, §§5001(a)(3), 5003(1)(B), Dec. 10, 2015, 129 Stat. 2039–2041.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, §5003(2)(A), added pars. (1) to (4) and struck out former pars. (1) to (5) which read as follows:

- “(1) Part A of subchapter I of this chapter.
- “(2) Part A or D of subchapter II of this chapter.
- “(3) Subchapter III of this chapter.
- “(4) Part A or B of subchapter IV of this chapter.
- “(5) Part A of subchapter V of this chapter.”

Subsec. (b)(1). Pub. L. 114–95, §5003(2)(B)(i), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: “Except as provided in paragraph (3), the Secretary shall award a grant under subsection (a) of this section 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.”

Subsec. (b)(2). Pub. L. 114–95, §5003(2)(B)(ii), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “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.”

Subsec. (b)(4). Pub. L. 114–95, §5003(2)(B)(iii), added par. (4).

Subsec. (d). Pub. L. 114–95, §5003(2)(C), struck out subsec. (d). Text read as follows: “A local educational agency that is eligible to receive a grant under this subpart for a fiscal year is not eligible to receive funds for such fiscal year under subpart 2 of this part.”

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.

§ 7345b. Repealed. Pub. L. 114–95, title V, § 5003(3), Dec. 10, 2015, 129 Stat. 2043

Section, Pub. L. 89–10, title V, §5213, formerly title VI, §6213, as added Pub. L. 107–110, title VI, §601, Jan. 8, 2002, 115 Stat. 1893; renumbered title V, §5213, Pub. L. 114–95, title V, §5001(a)(3), Dec. 10, 2015, 129 Stat. 2039, 2040, related to accountability for educational agencies receiving funds.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive pro-