

grams, see section 5 of Pub. L. 114-95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBPART 2—RURAL AND LOW-INCOME SCHOOL PROGRAM

§ 7351. Program authorized

(a) Grants to States

(1) In general

From amounts appropriated under section 7355c of this title for this subpart for a fiscal year that are not reserved under subsection (c), the Secretary shall award grants (from allotments made under paragraph (2)) for the fiscal year to State educational agencies that have applications submitted under section 7351b of this title approved to enable the State educational agencies to award grants to eligible local educational agencies for local authorized activities described in section 7351a(a) of this title.

(2) Allotment

From amounts described in paragraph (1) for a fiscal year, the Secretary shall allot to each State educational agency for that fiscal year an amount that bears the same ratio to those amounts as the number of students in average daily attendance served by eligible local educational agencies in the State for that fiscal year bears to the number of all such students served by eligible local educational agencies in all States for that fiscal year.

(3) Specially qualified agencies

(A) Eligibility and application

If a State educational agency elects not to participate in the program under this subpart or does not have an application submitted under section 7351b of this title approved, a specially qualified agency in such State desiring a grant under this subpart may submit an application under such section directly to the Secretary to receive an award under this subpart.

(B) Direct awards

The Secretary may award, on a competitive basis or by formula, the amount the State educational agency is eligible to receive under paragraph (2) directly to a specially qualified agency in the State that has submitted an application in accordance with subparagraph (A) and obtained approval of the application.

(C) Specially qualified agency defined

In this subpart, the term “specially qualified agency” means an eligible local educational agency served by a State educational agency that does not participate in a program under this subpart in a fiscal year, that may apply directly to the Secretary for a grant in such year under this subsection.

(b) Local awards

(1) Eligibility

A local educational agency shall be eligible to receive a grant under this subpart if—

(A)(i) 20 percent or more of the children ages 5 through 17 years served by the local

educational agency are from families with incomes below the poverty line; and

(ii) all of the schools served by the agency are designated with a locale code of 32, 33, 41, 42, or 43, as determined by the Secretary; or
(B) the agency meets the criteria established in clause (i) of subparagraph (A) and the Secretary, in accordance with paragraph (2), grants the local educational agency’s request to waive the criteria described in clause (ii) of such subparagraph.

(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.

(3) Award basis

A State educational agency shall award grants to eligible local educational agencies—

(A) on a competitive basis;

(B) according to a formula based on the number of students in average daily attendance served by the eligible local educational agencies or schools in the State; or

(C) according to an alternative formula, if, prior to awarding the grants, the State educational agency demonstrates, to the satisfaction of the Secretary, that the alternative formula enables the State educational agency to allot the grant funds in a manner that serves equal or greater concentrations of children from families with incomes below the poverty line, relative to the concentrations that would be served if the State educational agency used the formula described in subparagraph (B).

(c) Reservations

From amounts appropriated under section 7355c of this title for this subpart for a fiscal year, the Secretary shall reserve—

(1) one-half of 1 percent to make awards to elementary schools or secondary schools operated or supported by the Bureau of Indian Education, to carry out the activities authorized under this subpart; and

(2) one-half of 1 percent to make awards to the outlying areas in accordance with their respective needs, to carry out the activities authorized under this subpart.

(Pub. L. 89-10, title V, §5221, formerly title VI, §6221, as added Pub. L. 107-110, title VI, §601, Jan. 8, 2002, 115 Stat. 1894; renumbered title V, §5221, and amended Pub. L. 114-95, title V, §§5001(a)(4), (b)(3), (4), 5003(4), Dec. 10, 2015, 129 Stat. 2039, 2040, 2043.)

PRIOR PROVISIONS

A prior section 7351, Pub. L. 89-10, title VI, §6301, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3711; amended Pub. L. 105-278, §2(2), Oct. 22, 1998, 112 Stat. 2682, related to targeted use of funds for local innovative education programs, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107-110.

A prior section 5221 of Pub. L. 89-10 was classified to section 7223 of this title, prior to repeal by Pub. L. 114-95.

AMENDMENTS

2015—Subsec. (a)(1), (3)(A). Pub. L. 114-95, §§5001(b)(3), (4), 5003(4)(A), made technical amendments to references in original act which appear in text as references to sections 7355c, 7351b, and 7351a(a) of this title.

Subsec. (b)(1)(A). Pub. L. 114-95, §5003(4)(B)(i)(I), (II), designated existing provisions as cl. (i) and redesignated subpar. (B) as cl. (ii).

Subsec. (b)(1)(A)(ii). Pub. L. 114-95, §5003(4)(B)(i)(III)(aa), (bb), struck out “school” before “locale code” and substituted “32, 33, 41, 42, or 43” for “6, 7, or 8”.

Subsec. (b)(1)(B). Pub. L. 114-95, §5003(4)(B)(i)(III)(cc), (IV), added subpar. (B). Former subpar. (B) redesignated cl. (ii) of subpar. (A).

Subsec. (b)(2), (3). Pub. L. 114-95, §5003(4)(B)(ii), (iii), added par. (2) and redesignated former par. (2) as (3).

Subsec. (c). Pub. L. 114-95, §5001(b)(4), made technical amendment to reference in original act which appears in introductory provisions as reference to section 7355c of this title.

Subsec. (c)(1). Pub. L. 114-95, §5003(4)(C), substituted “Bureau of Indian Education” for “Bureau of Indian Affairs”.

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.

§ 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.)

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.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive pro-

grams 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.)

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).

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—