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111TH CONGRESS
1ST SESSION

H. R. 2446

To amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2009

Mr. POMEROY (for himself and Mr. GRAVES) introduced the following bill; which was referred to the Committee on Education and Labor

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A BILL

To amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rural Education Achievement Program Reauthorization Act''.

SEC. 2. SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM.

Sections 6211 and 6212 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7345, 7345a) are amended to read as follows:

"SEC. 6211. 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 title I.

"(B) Part A or D of title II.

"(C) Title III.

"(D) Part A or B of title IV.

"(E) Part A of title V.

"(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 school locale code of Fringe Rural, Distant Rural, or Remote Rural, as determined by the Secretary; or

"(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).

"(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) Subpart 2 and section 2412(a)(2)(A) of title II.

"(2) Section 4114.

"(3) Part A of title V.

"(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).

"SEC. 6212. GRANT PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to award grants to eligible local educational agencies to en-

able the local educational agencies to carry out activities authorized under any of the following provisions:

"(1) Part A of title I.

"(2) Part A or D of title II.

"(3) Title III.

"(4) Part A or B of title IV.

"(5) Part A of title V.

"(b) ALLOCATION.—

"(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall award a grant under subsection (a) to a local educational agency eligible under section 6211(b) 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 6211(c) for the preceding fiscal year.

"(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 $100,000,000 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.

"(c) DISBURSEMENT.—The Secretary shall disburse the funds awarded to a local educational agency under this

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

"(d) SPECIAL ELIGIBILITY RULE.—A local educational agency that receives a grant under this subpart for a fiscal year is not eligible to receive funds for such fiscal year under subpart 2.".

SEC. 3. RURAL AND LOW-INCOME SCHOOL PROGRAM.

Section 6221 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351) is amended to read as follows:

"SEC. 6221. PROGRAM AUTHORIZED.

"(a) GRANTS TO STATES.—

"(1) IN GENERAL.—From amounts appropriated under section 6234 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 6223 approved to enable the State educational agencies to award grants to eligible local educational agencies for local authorized activities described in section 6222(a).

"(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 6223 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) 40 percent or more of the children ages 5 through 17 years served by the local educational agency are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act; and

"(B) all of the schools served by the agency are designated with a school locale code of Distant Town, Remote Town, Fringe Rural, Distant Rural, or Remote Rural, as determined by the Secretary.

"(2) 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 eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act, 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 6234 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 Affairs, 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.

"(d) SPECIAL ELIGIBILITY RULE.—A local educational agency that is eligible to receive a grant under this subpart and is also eligible to receive a grant under subpart 1, may receive a grant under this subpart for a fiscal year only if the local educational agency does not receive a grant under subpart 1 for such fiscal year.".

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