

111TH CONGRESS
1ST SESSION

S. 1052

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 SENATE OF THE UNITED STATES

MAY 14, 2009

Mr. CONRAD (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rural Education
5 Achievement Program Reauthorization Act of 2009”.

1 **SEC. 2. SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM.**

2 Sections 6211 and 6212 of the Elementary and Sec-
 3 ondary Education Act of 1965 (20 U.S.C. 7345, 7345a)
 4 are amended to read as follows:

5 **“SEC. 6211. USE OF APPLICABLE FUNDING.**

6 “(a) ALTERNATIVE USES.—

7 “(1) IN GENERAL.—Notwithstanding any other
 8 provision of law, an eligible local educational agency
 9 may use the applicable funding that the agency is el-
 10 igible to receive from the State educational agency
 11 for a fiscal year to carry out local activities author-
 12 ized under any of the following provisions:

13 “(A) Part A of title I.

14 “(B) Part A or D of title II.

15 “(C) Title III.

16 “(D) Part A or B of title IV.

17 “(E) Part A of title V.

18 “(2) NOTIFICATION.—An eligible local edu-
 19 cational agency shall notify the State educational
 20 agency of the local educational agency’s intention to
 21 use the applicable funding in accordance with para-
 22 graph (1), by a date that is established by the State
 23 educational agency for the notification.

24 “(b) ELIGIBILITY.—

1 “(1) IN GENERAL.—A local educational agency
2 shall be eligible to use the applicable funding in ac-
3 cordance with subsection (a) if—

4 “(A)(i)(I) the total number of students in
5 average daily attendance at all of the schools
6 served by the local educational agency is fewer
7 than 600; or

8 “(II) each county in which a school served
9 by the local educational agency is located has a
10 total population density of fewer than 10 per-
11 sons per square mile; and

12 “(ii) all of the schools served by the local
13 educational agency are designated with a school
14 locale code of Fringe Rural, Distant Rural, or
15 Remote Rural, as determined by the Secretary;
16 or

17 “(B) the agency meets the criteria estab-
18 lished in subparagraph (A)(i) and the Sec-
19 retary, in accordance with paragraph (2),
20 grants the local educational agency’s request to
21 waive the criteria described in subparagraph
22 (A)(ii).

23 “(2) CERTIFICATION.—The Secretary shall de-
24 termine whether to waive the criteria described in
25 paragraph (1)(A)(ii) based on a demonstration by

1 the local educational agency, and concurrence by the
 2 State educational agency, that the local educational
 3 agency is located in an area defined as rural by a
 4 governmental agency of the State.

5 “(c) APPLICABLE FUNDING DEFINED.—In this sec-
 6 tion, the term ‘applicable funding’ means funds provided
 7 under any of the following provisions:

8 “(1) Subpart 2 and section 2412(a)(2)(A) of
 9 title II.

10 “(2) Section 4114.

11 “(3) Part A of title V.

12 “(d) DISBURSEMENT.—Each State educational agen-
 13 cy that receives applicable funding for a fiscal year shall
 14 disburse the applicable funding to local educational agen-
 15 cies for alternative uses under this section for the fiscal
 16 year at the same time as the State educational agency dis-
 17 burses the applicable funding to local educational agencies
 18 that do not intend to use the applicable funding for such
 19 alternative uses for the fiscal year.

20 “(e) APPLICABLE RULES.—Applicable funding under
 21 this section shall be available to carry out local activities
 22 authorized under subsection (a).

23 **“SEC. 6212. GRANT PROGRAM AUTHORIZED.**

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

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

3 “(1) Part A of title I.

4 “(2) Part A or D of title II.

5 “(3) Title III.

6 “(4) Part A or B of title IV.

7 “(5) Part A of title V.

8 “(b) ALLOCATION.—

9 “(1) IN GENERAL.—Except as provided in para-
 10 graph (3), the Secretary shall award a grant under
 11 subsection (a) to a local educational agency eligible
 12 under section 6211(b) for a fiscal year in an amount
 13 equal to the initial amount determined under para-
 14 graph (2) for the fiscal year minus the total amount
 15 received by the agency under the provisions of law
 16 described in section 6211(c) for the preceding fiscal
 17 year.

18 “(2) DETERMINATION OF INITIAL AMOUNT.—

19 “(A) IN GENERAL.—The initial amount re-
 20 ferred to in paragraph (1) is equal to \$100
 21 multiplied by the total number of students in
 22 excess of 50 students, in average daily attend-
 23 ance at the schools served by the local edu-
 24 cational agency, plus \$20,000, except that the
 25 initial amount may not exceed \$60,000.

1 “(B) SPECIAL RULE.—For any fiscal year
 2 for which the amount made available to carry
 3 out this part is \$100,000,000 or more, subpara-
 4 graph (A) shall be applied—

5 “(i) by substituting ‘\$25,000’ for
 6 ‘\$20,000’; and

7 “(ii) by substituting ‘\$80,000’ for
 8 ‘\$60,000’.

9 “(3) Ratable Adjustment.—

10 “(A) IN GENERAL.—If the amount made
 11 available to carry out this section for any fiscal
 12 year is not sufficient to pay in full the amounts
 13 that local educational agencies are eligible to re-
 14 ceive under paragraph (1) for such year, the
 15 Secretary shall ratably reduce such amounts for
 16 such year.

17 “(B) ADDITIONAL AMOUNTS.—If addi-
 18 tional funds become available for making pay-
 19 ments under paragraph (1) for such fiscal year,
 20 payments that were reduced under subpara-
 21 graph (A) shall be increased on the same basis
 22 as such payments were reduced.

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

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

3 “(d) SPECIAL ELIGIBILITY RULE.—A local edu-
4 cational agency that receives a grant under this subpart
5 for a fiscal year is not eligible to receive funds for such
6 fiscal year under subpart 2.”.

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

8 Section 6221 of the Elementary and Secondary Edu-
9 cation Act of 1965 (20 U.S.C. 7351) is amended to read
10 as follows:

11 **“SEC. 6221. PROGRAM AUTHORIZED.**

12 “(a) GRANTS TO STATES.—

13 “(1) IN GENERAL.—From amounts appro-
14 priated under section 6234 for this subpart for a fis-
15 cal year that are not reserved under subsection (c),
16 the Secretary shall award grants (from allotments
17 made under paragraph (2)) for the fiscal year to
18 State educational agencies that have applications
19 submitted under section 6223 approved to enable the
20 State educational agencies to award grants to eligi-
21 ble local educational agencies for local authorized ac-
22 tivities described in section 6222(a).

23 “(2) ALLOTMENT.—From amounts described in
24 paragraph (1) for a fiscal year, the Secretary shall
25 allot to each State educational agency for that fiscal

1 year an amount that bears the same ratio to those
2 amounts as the number of students in average daily
3 attendance served by eligible local educational agen-
4 cies in the State for that fiscal year bears to the
5 number of all such students served by eligible local
6 educational agencies in all States for that fiscal
7 year.

8 “(3) SPECIALLY QUALIFIED AGENCIES.—

9 “(A) ELIGIBILITY AND APPLICATION.—If a
10 State educational agency elects not to partici-
11 pate in the program under this subpart or does
12 not have an application submitted under section
13 6223 approved, a specially qualified agency in
14 such State desiring a grant under this subpart
15 may submit an application under such section
16 directly to the Secretary to receive an award
17 under this subpart.

18 “(B) DIRECT AWARDS.—The Secretary
19 may award, on a competitive basis or by for-
20 mula, the amount the State educational agency
21 is eligible to receive under paragraph (2) di-
22 rectly to a specially qualified agency in the
23 State that has submitted an application in ac-
24 cordance with subparagraph (A) and obtained
25 approval of the application.

1 “(C) SPECIALLY QUALIFIED AGENCY DE-
 2 FINED.—In this subpart, the term ‘specially
 3 qualified agency’ means an eligible local edu-
 4 cational agency served by a State educational
 5 agency that does not participate in a program
 6 under this subpart in a fiscal year, that may
 7 apply directly to the Secretary for a grant in
 8 such year under this subsection.

9 “(b) LOCAL AWARDS.—

10 “(1) ELIGIBILITY.—A local educational agency
 11 shall be eligible to receive a grant under this subpart
 12 if—

13 “(A) 40 percent or more of the children
 14 ages 5 through 17 years served by the local
 15 educational agency are eligible for a free or re-
 16 duced price lunch under the Richard B. Russell
 17 National School Lunch Act; and

18 “(B) all of the schools served by the agen-
 19 cy are designated with a school locale code of
 20 Distant Town, Remote Town, Fringe Rural,
 21 Distant Rural, or Remote Rural, as determined
 22 by the Secretary.

23 “(2) AWARD BASIS.—A State educational agen-
 24 cy shall award grants to eligible local educational
 25 agencies—

1 “(A) on a competitive basis;

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

6 “(C) according to an alternative formula,
7 if, prior to awarding the grants, the State edu-
8 cational agency demonstrates, to the satisfac-
9 tion of the Secretary, that the alternative for-
10 mula enables the State educational agency to
11 allot the grant funds in a manner that serves
12 equal or greater concentrations of children from
13 families eligible for a free or reduced price
14 lunch under the Richard B. Russell National
15 School Lunch Act, relative to the concentrations
16 that would be served if the State educational
17 agency used the formula described in subpara-
18 graph (B).

19 “(c) RESERVATIONS.—From amounts appropriated
20 under section 6234 for this subpart for a fiscal year, the
21 Secretary shall reserve—

22 “(1) one-half of 1 percent to make awards to el-
23 ementary schools or secondary schools operated or
24 supported by the Bureau of Indian Affairs, to carry
25 out the activities authorized under this subpart; and

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

5 “(d) SPECIAL ELIGIBILITY RULE.—A local edu-
6 cational agency that is eligible to receive a grant under
7 this subpart and is also eligible to receive a grant under
8 subpart 1, may receive a grant under this subpart for a
9 fiscal year only if the local educational agency does not
10 receive a grant under subpart 1 for such fiscal year.”.

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