

### **Title III — Language Instruction for Limited English Proficient and Immigrant Students**

#### **SEC. 3001. AUTHORIZATIONS OF APPROPRIATIONS; CONDITION ON EFFECTIVENESS OF PARTS.**

##### **(a) AUTHORIZATIONS OF APPROPRIATIONS-**

(1) **IN GENERAL-** Subject to subsection (b), there are authorized to be appropriated to carry out this title, except for subpart 4 of part B, \$750,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(2) **EMERGENCY IMMIGRANT EDUCATION PROGRAM-** There are authorized to be appropriated to carry out subpart 4 of part B (when such part is in effect) such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

##### **(b) CONDITIONS ON EFFECTIVENESS OF PARTS A AND B-**

(1) **PART A-** Part A shall be in effect for any fiscal year for which the amount appropriated under paragraphs (1) and (2) of subsection (a) equals or exceeds \$650,000,000.

(2) **PART B-** Part B shall be in effect only for a fiscal year for which part A is not in effect.

(c) **REFERENCES-** In any fiscal year for which part A is in effect, references in Federal law (other than this title) to part B shall be considered to be references to part A. In any fiscal year for which part B is in effect, references in Federal law (other than this title) to part A shall be considered to be references to part B.

Title V, Part B of the Every Student Succeeds Act of 2015 (ESSA) is intended to address the unique needs of rural school districts that frequently lack the personnel and resources needed to compete effectively for Federal competitive grants and receive formula grant allocations in amounts too small to be effective in meeting their intended purpose.

REAP is comprised of two formula grant programs:

The Rural, Low-Income School (RLIS) program [ESSA, Title V, Part B, Subpart 2]. The RLIS program targets rural LEAs that serve large numbers of low-income students.

The U.S. Department of Education makes allocations to the Colorado Department of Education, who in turn makes sub-grants to eligible LEAs.

The Small, Rural School Achievement (SRSA) Program [ESSA, Title V, Part B, Subpart 1]. The SRSA program provides funds to very small, rural LEAs.

The U.S. Department of Education awards these grants directly to eligible LEAs.

SRSA eligible LEAs also qualify for the Alternative Fund Use Authority [Section 522 (a) & (c)] that provides additional flexibility in how they can expend federal education funds.

#### Program Requirements and Eligibility

Rural Low Income School (RLIS) eligibility requires that:

20 percent or more of children aged 5 to 17 served by the LEA must be from families with incomes below the poverty line and;

All schools served by the LEA must have a locale code of 6, 7, or 8 (assigned by the U.S. Department of Education's National Center for Education Statistics).

Small Rural School Achievement (SRSA) eligibility requires that:

The total number of students in average daily attendance (ADA) at all of the schools served by the LEA is fewer than 600 OR each county in which a school served by the LEA is located has a total population density of fewer than 10 persons per square mile and;

All of the schools served by the LEA are designated with a school locale code of 41, 42, or 43, as determined by the secretary of education OR the secretary of education has determined, based on a demonstration by the LEA and concurrence of the SEA, that the LEA is located in an area defined as rural by the state.

Hold Harmless: LEAs that are not eligible for the SRSA grant, as a result of changes in the districts local code designation, and who are also not dually eligible for RLIS, will receive a reduced award in years 2017, 2018, and 2019.

Dual-Eligibility: Under ESSA (beginning FY2017):

LEAs can be eligible for both SRSA and RLIS and must choose one grant under which to receive funds in any given fiscal year.

Dual-eligible LEAs that choose to participate in RLIS may exercise the Alternative Fund Use Authority. All grantees wishing to use the Alternative Use Authority must notify SEAs by the date established by CDE. \*Note: LEAs eligible for RLIS cannot exercise the Alternative Use Authority.