

## § 222.179

### **§ 222.179 Under what circumstances may an ineligible LEA apply on behalf of a school for an emergency grant under the second priority?**

An LEA that is eligible to receive section 8003(b) assistance for the fiscal year but that does not meet the other eligibility criteria described in § 222.178(a) or (b) may apply on behalf of a school located within its geographic boundaries for an emergency grant under the second priority of section 8007(b) of the Act if—

- (a) The school—
  - (1) Enrolls children living on Indian lands equal to at least 40 percent of the total number of children in ADA; or
  - (2) Enrolls children with a parent in the U.S. uniformed services equal to at least 40 percent of the total number of children in ADA;
- (b) The school has a school facility emergency that the Secretary has determined poses a health or safety hazard to students and school personnel;
- (c) The LEA has used at least 75 percent of its bond limit; and
- (d) The LEA has an average per-student assessed value of real property available to be taxed for school purposes that is below its State average.

(Authority: 20 U.S.C. 7707(b))

### **§ 222.180 What eligibility requirements must an LEA meet to apply for a modernization grant under the third priority?**

An LEA is eligible to apply for a modernization grant under the third priority of section 8007(b) of the Act if it—

- (a) Is eligible to receive funds for the fiscal year under section 8002 or 8003(b) of the Act;
- (b)(1) Has no practical capacity to issue bonds;
- (2) Has minimal capacity to issue bonds and has used at least 75 percent of its bond limit; or
- (3) Is eligible to receive funds for the fiscal year for heavily impacted districts under section 8003(b)(2) of the Act; and
- (c) Has facility needs resulting from the presence of the Federal Government, such as the enrollment of federally connected children, the presence of Federal property, or an increase in enrollment due to expanded Federal ac-

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tivities, housing privatization, or the acquisition of Federal property.

(Authority: 20 U.S.C. 7707(b))

### **§ 222.181 What eligibility requirements must an LEA meet to apply for a modernization grant under the fourth priority?**

An LEA is eligible to apply for a modernization grant under the fourth priority of section 8007(b) of the Act if it—

- (a)(1) Is eligible to receive funds for the fiscal year under section 8003(b) of the Act; and
  - (i) Enrolls children living on Indian lands equal to at least 40 percent of the total number of children in ADA in its schools; or
  - (ii) Enrolls children with a parent in the U.S. uniformed services equal to at least 40 percent of the total number of children in ADA in its schools; or
- (2) Is eligible to receive assistance for the fiscal year under section 8002 of the Act;
  - (b) Has used at least 75 percent of its bond limit;
  - (c) Has an average per-student assessed value of real property available to be taxed for school purposes that is below its State average; and
  - (d) Has facility needs resulting from the presence of the Federal Government, such as the enrollment of federally connected children, the presence of Federal property, or an increase in enrollment due to expanded Federal activities, housing privatization, or the acquisition of Federal property.

(Authority: 20 U.S.C. 7707(b))

### **§ 222.182 Under what circumstances may an ineligible LEA apply on behalf of a school for a modernization grant under the fourth priority?**

An LEA that is eligible to receive a payment under Title VIII for the fiscal year but that does not meet the other eligibility criteria described in § 222.181 may apply on behalf of a school located within its geographic boundaries for a modernization grant under the fourth priority of section 8007(b) of the Act if—

- (a) The school—
  - (1) Enrolls children living on Indian lands equal to at least 40 percent of the total number of children in ADA; or