

112TH CONGRESS
1ST SESSION

S. 946

To establish an Office of Rural Education Policy in the Department of
Education.

IN THE SENATE OF THE UNITED STATES

MAY 11, 2011

Mr. BAUCUS (for himself, Mr. ROCKEFELLER, Mr. BEGICH, Mr. LEAHY, Mr. SANDERS, Mr. JOHNSON of South Dakota, Mr. BENNET, Mr. UDALL of Colorado, Mr. FRANKEN, and Mr. CONRAD) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish an Office of Rural Education Policy in the
Department of Education.

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 “Office of Rural Edu-
5 cation Policy Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The Secretary of Education has recognized
9 that “[r]ural schools have unique challenges and

1 benefits”, but a recent report by the Rural School
2 and Community Trust refers to the “paucity of rural
3 education research in the United States”.

4 (2) Rural education is becoming an increasingly
5 large and important part of the United States public
6 school system. According to the Digest of Education
7 Statistics reported annually by the National Center
8 for Education Statistics, the number of students at-
9 tending rural schools increased by more than 11 per-
10 cent, from 10,500,000 to nearly 11,700,000, be-
11 tween the 2004–2005 and 2008–2009 school years.
12 The share of the Nation’s public school enrollment
13 attending rural schools increased from 21.6 percent
14 to 23.8 percent. In school year 2008–2009, these
15 students attended 31,635 rural schools, nearly one-
16 third of all schools in the United States.

17 (3) Despite the overall growth of rural edu-
18 cation, rural students represent a demographic mi-
19 nority in all but 3 States, according to the National
20 Center for Education Statistics.

21 (4) Rural education is becoming increasingly di-
22 verse. According to the National Center for Edu-
23 cation Statistics, the increase in rural enrollment be-
24 tween the 2004–2005 and 2008–2009 school years
25 was disproportionately among students of color. En-

1 rollment of children of color in rural schools in-
2 creased by 31 percent, and the proportion of stu-
3 dents enrolled in rural schools who are children of
4 color increased from 23.0 to 26.5 percent. More
5 than one-third of rural students in 12 States are
6 children of color, according to research by the Rural
7 School and Community Trust (Why Rural Matters
8 2009).

9 (5) Rural education is varied and diverse across
10 the Nation. In school year 2007–2008, the national
11 average rate of student poverty in rural school dis-
12 tricts, as measured by the rate of participation in
13 federally subsidized meals programs, was 39.1 per-
14 cent, but ranged from 9.7 percent in Connecticut to
15 71.9 percent in New Mexico, according to the Na-
16 tional Center for Education Statistics.

17 (6) Even policy measures intended to help rural
18 schools can have unintended consequences. In
19 awarding competitive grants under the Investing in
20 Innovation Fund program under section 14007 of
21 the American Recovery and Reinvestment Act of
22 2009 (Public Law 111–5), the Secretary of Edu-
23 cation attempted to encourage and support rural ap-
24 plicants by providing additional points for proposals
25 to serve at least 1 rural local educational agency.

1 But according to research by the Rural School and
2 Community Trust (Taking Advantage, 2010), this
3 “rural preference” mainly had the effect of inducing
4 urban applicants to include rural participation mere-
5 ly in order to gain additional scoring points for pri-
6 marily urban projects.

7 (7) Rural schools generally utilize distance edu-
8 cation more often for both students and teachers. A
9 fall 2008 survey of public schools by the National
10 Center for Education Statistics found that rural
11 schools were 1½ times more likely to provide stu-
12 dents access for online distance learning than
13 schools in cities. A September 2004 study from the
14 Government Accountability Office reported that
15 rural school districts used distance learning for
16 teacher training more often than non-rural school
17 districts.

18 (8) The National Center for Education Statis-
19 tics reports that base salaries of both the lowest and
20 highest paid teachers are lower in rural schools than
21 any other community type.

22 (b) PURPOSES.—The purposes of this Act are—

23 (1) to establish an Office of Rural Education
24 Policy in the Department of Education; and

1 the matters described in paragraph (1), the Director
2 of the Office of Rural Education Policy (referred to
3 in this section as the ‘Director’), through the Office,
4 shall—

5 “(A) establish and maintain a clearing-
6 house for collecting and disseminating informa-
7 tion on—

8 “(i) teacher and principal recruitment
9 and retention at rural elementary schools
10 and rural secondary schools;

11 “(ii) access to, and implementation
12 and use of, technology and distance learn-
13 ing at such schools;

14 “(iii) rigorous coursework delivery
15 through distance learning at such schools;

16 “(iv) student achievement at such
17 schools, including the achievement of low-
18 income and minority students;

19 “(v) innovative approaches in rural
20 education to increase student achievement;

21 “(vi) higher education and career
22 readiness and secondary school completion
23 of students enrolled in such schools;

1 “(vii) access to, and quality of, early
2 childhood development for children located
3 in rural areas;

4 “(viii) access to, or partnerships with,
5 community-based organizations in rural
6 areas;

7 “(ix) the availability of professional
8 development opportunities for rural teach-
9 ers and principals;

10 “(x) the availability of Federal and
11 other grants and assistance that are spe-
12 cifically geared or applicable to rural
13 schools; and

14 “(xi) the financing of such schools;

15 “(B) identify innovative research and dem-
16 onstration projects on topics of importance to
17 rural elementary schools and rural secondary
18 schools, including gaps in such research, and
19 recommend such topics for study by the Insti-
20 tute of Education Sciences and other research
21 agencies;

22 “(C) coordinate the activities within the
23 Department that relate to rural education;

24 “(D) provide information to the Secretary
25 and others in the Department with respect to

1 the activities of other Federal departments and
2 agencies that relate to rural education, includ-
3 ing activities relating to rural housing, rural ag-
4 ricultural services, rural transportation, rural
5 economic development, rural career and tech-
6 nical training, rural health care, rural disability
7 services, and rural mental health;

8 “(E) coordinate with the Bureau of Indian
9 Education, the Bureau of Indian Affairs, the
10 Department of the Interior, and the schools ad-
11 ministered by such agencies regarding rural
12 education;

13 “(F) provide, directly or through grants,
14 cooperative agreements, or contracts, technical
15 assistance and other activities as necessary to
16 support activities related to improving edu-
17 cation in rural areas; and

18 “(G) produce an annual report on the con-
19 dition of rural education that is delivered to the
20 members of the Education and the Workforce
21 Committee of the House of Representatives and
22 the Health, Education, Labor, and Pensions
23 Committee of the Senate and published on the
24 Department’s Web site.

1 “(c) IMPACT ANALYSES OF RULES AND REGULA-
2 TIONS ON RURAL SCHOOLS.—

3 “(1) PROPOSED RULEMAKING.—Whenever the
4 Secretary publishes a general notice of proposed
5 rulemaking for any rule or regulation that may have
6 a significant impact on State educational agencies or
7 local educational agencies serving schools with a lo-
8 cale code of 32, 33, 41, 42, or 43, as determined by
9 the Secretary, the Secretary (acting through the Di-
10 rector) shall prepare and make available for public
11 comment an initial regulatory impact analysis. Such
12 analysis shall describe the impact of the proposed
13 rule or regulation on such State educational agencies
14 and local educational agencies and shall set forth,
15 with respect to such agencies, the matters required
16 under section 603 of title 5, United States Code, to
17 be set forth with respect to small entities. The initial
18 regulatory impact analysis (or a summary) shall be
19 published in the Federal Register at the time of the
20 publication of general notice of proposed rulemaking
21 for the rule or regulation.

22 “(2) FINAL RULE.—Whenever the Secretary
23 promulgates a final version of a rule or regulation
24 with respect to which an initial regulatory impact
25 analysis is required by paragraph (1), the Secretary

1 (acting through the Director) shall prepare a final
2 regulatory impact analysis with respect to the final
3 version of such rule or regulation. Such analysis
4 shall set forth, with respect to State educational
5 agencies and local educational agencies serving
6 schools with a locale code of 32, 33, 41, 42, or 43,
7 as determined by the Secretary, the matters required
8 under section 604 of title 5, United States Code, to
9 be set forth with respect to small entities. The Sec-
10 retary shall make copies of the final regulatory im-
11 pact analysis available to the public and shall pub-
12 lish, in the Federal Register at the time of publica-
13 tion of the final version of the rule or regulation, a
14 statement describing how a member of the public
15 may obtain a copy of such analysis.

16 “(3) REGULATORY FLEXIBILITY ANALYSIS.—If
17 a regulatory flexibility analysis is required by chap-
18 ter 6 of title 5, United States Code, for a rule or
19 regulation to which this subsection applies, such
20 analysis shall specifically address the impact of the
21 rule or regulation on State educational agencies and
22 local educational agencies serving schools with a lo-
23 cale code of 32, 33, 41, 42, or 43, as determined by
24 the Secretary.”.

1 (b) EFFECTIVE DATE.—Section 221(c) of the De-
2 partment of Education Organization Act, as added by sub-
3 section (a), shall apply to regulations proposed more than
4 30 days after the date of enactment of this Act.

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