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113TH CONGRESS
1ST SESSION

S. 1096

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

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2013

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

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A BILL

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

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 ''Office of Rural Education Policy Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Secretary of Education has recognized that ''[r]ural schools have unique challenges and benefits'', but a recent report by the Rural School

and Community Trust refers to the ''paucity of rural education research in the United States''.

(2) Rural education is becoming an increasingly large and important part of the United States public school system. According to the Digest of Education Statistics reported annually by the National Center for Education Statistics, the number of students attending rural schools increased by more than 11 percent, from 10,500,000 to nearly 11,700,000, between the 2004–2005 and 2008–2009 school years. The share of the Nation's public school enrollment attending rural schools increased from 21.6 percent to 23.8 percent. In school year 2008–2009, these students attended 31,635 rural schools, nearly one-third of all schools in the United States.

(3) Despite the overall growth of rural education, rural students represent a demographic minority in all but 3 States, according to the National Center for Education Statistics.

(4) Rural education is becoming increasingly diverse. According to the National Center for Education Statistics, the increase in rural enrollment between the 2004–2005 and 2008–2009 school years was disproportionally among students of color. Enrollment of children of color in rural schools in-

creased by 31 percent, and the proportion of students enrolled in rural schools who are children of color increased from 23.0 to 26.5 percent. More than one-third of rural students in 12 States are children of color, according to research by the Rural School and Community Trust (Why Rural Matters 2009).

(5) Rural education is varied and diverse across the Nation. In school year 2007–2008, the national average rate of student poverty in rural school districts, as measured by the rate of participation in federally subsidized meals programs, was 39.1 percent, but ranged from 9.7 percent in Connecticut to 71.9 percent in New Mexico, according to the National Center for Education Statistics.

(6) Even policy measures intended to help rural schools can have unintended consequences. In awarding competitive grants under the Investing in Innovation Fund program under section 14007 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), the Secretary of Education attempted to encourage and support rural applicants by providing additional points for proposals to serve at least 1 rural local educational agency. But according to research by the Rural School and

Community Trust (Taking Advantage, 2010), this ''rural preference'' mainly had the effect of inducing urban applicants to include rural participation merely in order to gain additional scoring points for primarily urban projects.

(7) Rural schools generally utilize distance education more often for both students and teachers. A fall 2008 survey of public schools by the National Center for Education Statistics found that rural schools were 1½ times more likely to provide students access for online distance learning than schools in cities. A September 2004 study from the Government Accountability Office reported that rural school districts used distance learning for teacher training more often than non-rural school districts.

(8) The National Center for Education Statistics reports that base salaries of both the lowest and highest paid teachers are lower in rural schools than any other community type.

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

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

(2) to provide input to the Secretary of Education regarding the impact of proposed changes in

law, regulations, policies, rules, and budgets on rural schools and communities.

SEC. 3. ESTABLISHMENT OF OFFICE OF RURAL EDUCATION POLICY.

(a) IN GENERAL.—Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) is amended by adding at the end the following:

"SEC. 221. OFFICE OF RURAL EDUCATION POLICY.

"(a) IN GENERAL.—There shall be, in the Office of Elementary and Secondary Education of the Department, an Office of Rural Education Policy (referred to in this section as the 'Office').

"(b) DIRECTOR; DUTIES.—

"(1) IN GENERAL.—The Office shall be headed by a Director, who shall advise the Secretary on the characteristics and needs of rural schools and the effects of current policies and proposed statutory, regulatory, administrative, and budgetary changes on State educational agencies, and local educational agencies, that serve schools with a locale code of 32, 33, 41, 42, or 43, as determined by the Secretary.

"(2) ADDITIONAL DUTIES OF THE DIRECTOR.—In addition to advising the Secretary with respect to the matters described in paragraph (1), the Director of the Office of Rural Education Policy (referred to

in this section as the 'Director'), through the Office, shall—

"(A) establish and maintain a clearinghouse for collecting and disseminating information on—

"(i) teacher and principal recruitment and retention at rural elementary schools and rural secondary schools;

"(ii) access to, and implementation and use of, technology and distance learning at such schools;

"(iii) rigorous coursework delivery through distance learning at such schools;

"(iv) student achievement at such schools, including the achievement of low-income and minority students;

"(v) innovative approaches in rural education to increase student achievement;

"(vi) higher education and career readiness and secondary school completion of students enrolled in such schools;

"(vii) access to, and quality of, early childhood development for children located in rural areas;

"(viii) access to, or partnerships with, community-based organizations in rural areas;

"(ix) the availability of professional development opportunities for rural teachers and principals;

"(x) the availability of Federal and other grants and assistance that are specifically geared or applicable to rural schools; and

"(xi) the financing of such schools;

"(B) identify innovative research and demonstration projects on topics of importance to rural elementary schools and rural secondary schools, including gaps in such research, and recommend such topics for study by the Institute of Education Sciences and other research agencies;

"(C) coordinate the activities within the Department that relate to rural education;

"(D) provide information to the Secretary and others in the Department with respect to the activities of other Federal departments and agencies that relate to rural education, including activities relating to rural housing, rural ag-

ricultural services, rural transportation, rural economic development, rural career and technical training, rural health care, rural disability services, and rural mental health;

"(E) coordinate with the Bureau of Indian Education, the Bureau of Indian Affairs, the Department of the Interior, and the schools administered by such agencies regarding rural education;

"(F) provide, directly or through grants, cooperative agreements, or contracts, technical assistance and other activities as necessary to support activities related to improving education in rural areas; and

"(G) produce an annual report on the condition of rural education that is delivered to the members of the Education and the Workforce Committee of the House of Representatives and the Health, Education, Labor, and Pensions Committee of the Senate and published on the Department's Web site.

"(c) IMPACT ANALYSES OF RULES AND REGULATIONS ON RURAL SCHOOLS.—

"(1) PROPOSED RULEMAKING.—Whenever the Secretary publishes a general notice of proposed

rulemaking for any rule or regulation that may have a significant impact on State educational agencies or local educational agencies serving schools with a locale code of 32, 33, 41, 42, or 43, as determined by the Secretary, the Secretary (acting through the Director) shall prepare and make available for public comment an initial regulatory impact analysis. Such analysis shall describe the impact of the proposed rule or regulation on such State educational agencies and local educational agencies and shall set forth, with respect to such agencies, the matters required under section 603 of title 5, United States Code, to be set forth with respect to small entities. The initial regulatory impact analysis (or a summary) shall be published in the Federal Register at the time of the publication of general notice of proposed rulemaking for the rule or regulation.

"(2) FINAL RULE.—Whenever the Secretary promulgates a final version of a rule or regulation with respect to which an initial regulatory impact analysis is required by paragraph (1), the Secretary (acting through the Director) shall prepare a final regulatory impact analysis with respect to the final version of such rule or regulation. Such analysis shall set forth, with respect to State educational

agencies and local educational agencies serving schools with a locale code of 32, 33, 41, 42, or 43, as determined by the Secretary, the matters required under section 604 of title 5, United States Code, to be set forth with respect to small entities. The Secretary shall make copies of the final regulatory impact analysis available to the public and shall publish, in the Federal Register at the time of publication of the final version of the rule or regulation, a statement describing how a member of the public may obtain a copy of such analysis.

"(3) REGULATORY FLEXIBILITY ANALYSIS.—If a regulatory flexibility analysis is required by chapter 6 of title 5, United States Code, for a rule or regulation to which this subsection applies, such analysis shall specifically address the impact of the rule or regulation on State educational agencies and local educational agencies serving schools with a locale code of 32, 33, 41, 42, or 43, as determined by the Secretary.".

(b) EFFECTIVE DATE.—Section 221(c) of the Department of Education Organization Act, as added by subsection (a), shall apply to regulations proposed more than 30 days after the date of enactment of this Act.

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