

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

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
10 benefits”, but a recent report by the Rural School

1 and Community Trust refers to the “paucity of rural
2 education research in the United States”.

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

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

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

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

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

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

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

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

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

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

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

24 (2) to provide input to the Secretary of Edu-
25 cation regarding the impact of proposed changes in

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

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

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

8 **“SEC. 221. OFFICE OF RURAL EDUCATION POLICY.**

9 “(a) IN GENERAL.—There shall be, in the Office of
10 Elementary and Secondary Education of the Department,
11 an Office of Rural Education Policy (referred to in this
12 section as the ‘Office’).

13 “(b) DIRECTOR; DUTIES.—

14 “(1) IN GENERAL.—The Office shall be headed
15 by a Director, who shall advise the Secretary on the
16 characteristics and needs of rural schools and the ef-
17 fects of current policies and proposed statutory, reg-
18 ulatory, administrative, and budgetary changes on
19 State educational agencies, and local educational
20 agencies, that serve schools with a locale code of 32,
21 33, 41, 42, or 43, as determined by the Secretary.

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

1 in this section as the ‘Director’), through the Office,
2 shall—

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

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

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

12 “(iii) rigorous coursework delivery
13 through distance learning at such schools;

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

17 “(v) innovative approaches in rural
18 education to increase student achievement;

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

22 “(vii) access to, and quality of, early
23 childhood development for children located
24 in rural areas;

1 “(viii) access to, or partnerships with,
2 community-based organizations in rural
3 areas;

4 “(ix) the availability of professional
5 development opportunities for rural teach-
6 ers and principals;

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

11 “(xi) the financing of such schools;

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

19 “(C) coordinate the activities within the
20 Department that relate to rural education;

21 “(D) provide information to the Secretary
22 and others in the Department with respect to
23 the activities of other Federal departments and
24 agencies that relate to rural education, includ-
25 ing activities relating to rural housing, rural ag-

1 ricultural services, rural transportation, rural
2 economic development, rural career and tech-
3 nical training, rural health care, rural disability
4 services, and rural mental health;

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

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

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

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

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

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

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

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

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

21 (b) EFFECTIVE DATE.—Section 221(c) of the De-
22 partment of Education Organization Act, as added by sub-
23 section (a), shall apply to regulations proposed more than
24 30 days after the date of enactment of this Act.

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