

106TH CONGRESS
2D SESSION

S. 2121

To provide for rural education assistance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 29, 2000

Mr. CRAPO introduced the following bill; which was read twice and referred
to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for rural education assistance, and for other
purposes.

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. RURAL EDUCATION.**

4 Part J of title X of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 8271 et seq.) is amend-
6 ed to read as follows:

7 **“PART J—RURAL EDUCATION INITIATIVE**

8 **“SEC. 10951. SHORT TITLE.**

9 “This part may be cited as the ‘Rural Education Ini-
10 tiative Act of 1999’.

1 **“SEC. 10952. FINDINGS.**

2 “Congress finds the following:

3 “(1) The National Center for Educational Sta-
4 tistics reports that 46 percent of our Nation’s public
5 schools serve rural areas.

6 “(2) While there are rural education initiatives
7 identified at the State and local level, no Federal
8 education policy focuses on the specific and unique
9 needs of rural school districts and schools.

10 “(3) Small school districts often cannot use
11 Federal grant funds distributed by formula because
12 the formula allocation does not provide enough rev-
13 enue to carry out the program the grant is intended
14 to fund.

15 “(4) Rural schools often cannot compete for
16 Federal funding distributed by competitive grants
17 because the schools lack the personnel needed to
18 prepare grant applications and the resources to hire
19 specialists in the writing of Federal grant proposals.

20 “(5) A critical problem for rural school districts
21 involves the hiring and retention of qualified admin-
22 istrators and certified teachers (especially in read-
23 ing, science, and mathematics). As a result, teachers
24 in rural schools are almost twice as likely to provide
25 instruction in three or more subject areas than
26 teachers in urban schools. Rural schools also face

1 other tough challenges, such as shrinking local tax
 2 bases, high transportation costs, aging buildings,
 3 limited course offerings, and limited resources.

4 **“Subpart 1—Small and Rural School Program**

5 **“SEC. 10961. FORMULA GRANT PROGRAM AUTHORIZED.**

6 “(a) ALTERNATIVE USES.—

7 “(1) IN GENERAL.—Notwithstanding any other
 8 provision of law, an eligible local educational agency
 9 may use the applicable funding, that the agency is
 10 eligible to receive from the State educational agency
 11 for a fiscal year, to support local or statewide edu-
 12 cation reform efforts intended to improve the aca-
 13 demic achievement of elementary school and sec-
 14 ondary school students and the quality of instruction
 15 provided for the students.

16 “(2) NOTIFICATION.—An eligible local edu-
 17 cational agency shall notify the State educational
 18 agency of the local educational agency’s intention to
 19 use the applicable funding in accordance with para-
 20 graph (1) not later than a date that is established
 21 by the State educational agency for the notification.

22 “(b) ELIGIBILITY.—

23 “(1) IN GENERAL.—A local educational agency
 24 shall be eligible to use the applicable funding in ac-
 25 cordance with subsection (a) if—

1 “(A)(i) the total number of students in av-
 2 erage daily attendance at all of the schools
 3 served by the local educational agency is less
 4 than 600; and

5 “(ii) all of the schools served by the local
 6 educational agency are located in a community
 7 with a Rural-Urban Continuum Code of 6, 7, 8,
 8 or 9, as determined by the Secretary of Agri-
 9 culture; or

10 “(B) the agency meets the criteria established
 11 in subparagraph (A)(i) and the Secretary, in accord-
 12 ance with paragraph (2), grants the local edu-
 13 cational agency’s request to waive the criteria de-
 14 scribed in subparagraph (A)(ii).

15 “(2) CERTIFICATION.—The Secretary shall de-
 16 termine whether or not to waive the criteria de-
 17 scribed in paragraph (1)(A)(ii) based on certification
 18 provided by the local educational agency, or the
 19 State educational agency on behalf of the local edu-
 20 cational agency, that the local educational agency is
 21 located in an area defined as rural by a govern-
 22 mental agency of the State.

23 “(c) APPLICABLE FUNDING.—In this section, the
 24 term ‘applicable funding’ means funds provided under

1 each of titles II, IV, VI, parts A and C of title VII, and
2 part I of title X.

3 “(d) DISBURSAL.—Each State educational agency
4 that receives applicable funding for a fiscal year shall dis-
5 burse the applicable funding to local educational agencies
6 for alternative uses under this section for the fiscal year
7 at the same time that the State educational agency dis-
8 burse the applicable funding to local educational agencies
9 that do not intend to use the applicable funding for such
10 alternative uses for the fiscal year.

11 “(e) SUPPLEMENT NOT SUPPLANT.—Funds used
12 under this section shall be used to supplement and not
13 supplant any other Federal, State, or local education
14 funds that would otherwise be available for the purpose
15 of this subpart.

16 “(f) SPECIAL RULE.—References in Federal law to
17 funds for the provisions of law set forth in subsection (c)
18 may be considered to be references to funds for this sec-
19 tion.

20 **“SEC. 10962. PROGRAM AUTHORIZED.**

21 “(a) IN GENERAL.—The Secretary is authorized to
22 award grants to eligible local educational agencies to en-
23 able the local educational agencies to support local or
24 statewide education reform efforts intended to improve the
25 academic achievement of elementary school and secondary

1 school students and the quality of instruction provided for
2 the students.

3 “(b) ELIGIBILITY.—

4 “(1) IN GENERAL.—A local educational agency
5 shall be eligible to receive a grant under this section
6 if—

7 “(A)(i) the total number of students in av-
8 erage daily attendance at all of the schools
9 served by the local educational agency is less
10 than 600; and

11 “(ii) all of the schools served by the local
12 educational agency are located in a community
13 with a Rural-Urban Continuum Code of 6, 7, 8,
14 or 9, as determined by the Secretary of Agri-
15 culture; or

16 “(B) the agency meets the criteria estab-
17 lished in subparagraph (A)(i) and the Sec-
18 retary, in accordance with paragraph (2),
19 grants the local educational agency’s request to
20 waive the criteria described in subparagraph
21 (A)(ii).

22 “(2) CERTIFICATION.—The Secretary shall de-
23 termine whether or not to waive the criteria de-
24 scribed in paragraph (1)(A)(ii) based on certification
25 provided by the local educational agency, or the

1 State educational agency on behalf of the local edu-
2 cational agency, that the local educational agency is
3 located in an area defined as rural by a govern-
4 mental agency of the State.

5 “(c) ALLOCATION.—

6 “(1) IN GENERAL.—Except as provided in para-
7 graph (3), the Secretary shall award a grant to an
8 eligible local educational agency for a fiscal year in
9 an amount equal to the initial amount determined
10 under paragraph (2) for the fiscal year minus the
11 total amount received under the provisions of law
12 described under section 10961(c) for the preceding
13 fiscal year.

14 “(2) DETERMINATION OF THE INITIAL
15 AMOUNT.—The initial amount referred to in para-
16 graph (1) is equal to \$100 multiplied by the total
17 number of students, over 50 students, in average
18 daily attendance in such eligible agency plus
19 \$20,000, except that the initial amount may not ex-
20 ceed \$60,000.

21 “(3) RATABLE ADJUSTMENT.—

22 “(A) IN GENERAL.—If the amount made
23 available for this subpart for any fiscal year is
24 not sufficient to pay in full the amounts that
25 local educational agencies are eligible to receive

1 under paragraph (1) for such year, the Sec-
 2 retary shall ratably reduce such amounts for
 3 such year.

4 “(B) ADDITIONAL AMOUNTS.—If addi-
 5 tional funds become available for making pay-
 6 ments under paragraph (1) for such fiscal year,
 7 payments that were reduced under subpara-
 8 graph (A) shall be increased on the same basis
 9 as such payments were reduced.

10 “(5) CENSUS DETERMINATION.—

11 “(A) IN GENERAL.—Each local educational
 12 agency desiring a grant under this section shall
 13 conduct a census not later than December 1 of
 14 each year to determine the number of kinder-
 15 garten through grade 12 students in average
 16 daily attendance at the schools served by the
 17 local educational agency.

18 “(B) SUBMISSION.—Each local educational
 19 agency shall submit the number described in
 20 subparagraph (A) to the Secretary not later
 21 than March 1 of each year.

22 “(d) DISBURSAL.—The Secretary shall disburse the
 23 funds awarded to a local educational agency under this
 24 section for a fiscal year not later than July 1 of that year.

1 “(e) SPECIAL RULE.—A local educational agency
 2 that is eligible to receive a grant under this subpart for
 3 a fiscal year shall be ineligible to receive funds for such
 4 fiscal year under subpart 2.

5 “(f) SUPPLEMENT NOT SUPPLANT.—Funds made
 6 available under this section shall be used to supplement
 7 and not supplant any other Federal, State or local edu-
 8 cation funds.

9 **“SEC. 10963. ACCOUNTABILITY.**

10 “(a) ACADEMIC ACHIEVEMENT.—

11 “(1) IN GENERAL.—Each local educational
 12 agency that uses or receives funds under section
 13 10961 or 10962 for a fiscal year shall administer an
 14 assessment consistent with section 1111 of title I.

15 “(2) SPECIAL RULE.—Each local educational
 16 agency that uses or receives funds under section
 17 10961 or 10962 shall use the same assessment de-
 18 scribed in paragraph (1) for each year of participa-
 19 tion in the program under such section.

20 “(b) STATE EDUCATIONAL AGENCY DETERMINATION
 21 REGARDING CONTINUING PARTICIPATION.—Each State
 22 educational agency that receives funding under the provi-
 23 sions of law described in section 10961(c) shall—

24 “(1) after the second year that a local edu-
 25 cational agency participates in a program under sec-

1 tion 10961 or 10962 and on the basis of the results
 2 of the assessments described in subsection (a), deter-
 3 mine whether the students served by the local edu-
 4 cational agency participating in the program per-
 5 formed in accordance with section 1111 of title I;
 6 and

7 “(2) only permit those local educational agen-
 8 cies that so participated and met the requirements
 9 of section 1111(b)(2) of title I to continue to so par-
 10 ticipate.

11 **“Subpart 2—Low-Income And Rural School Program**

12 **“SEC. 10971. PROGRAM AUTHORIZED.**

13 “(a) RESERVATIONS.—From amounts appropriated
 14 under section 10982 for this subpart for a fiscal year, the
 15 Secretary shall reserve $\frac{1}{2}$ of 1 percent to make awards
 16 to elementary or secondary schools operated or supported
 17 by the Bureau of Indian Affairs to carry out the purpose
 18 of this subpart.

19 “(b) GRANTS TO STATES.—

20 “(1) IN GENERAL.—From amounts appro-
 21 priated under section 10982 for this subpart that
 22 are not reserved under subsection (a), the Secretary
 23 shall award grants for a fiscal year to State edu-
 24 cational agencies that have applications approved
 25 under section 10973 to enable the State educational

1 agencies to award subgrants to eligible local edu-
2 cational agencies for local authorized activities de-
3 scribed in subsection (c)(2).

4 “(2) ALLOCATION.—From amounts appro-
5 priated for this subpart, the Secretary shall allocate
6 to each State educational agency for a fiscal year an
7 amount that bears the same ratio to the amount of
8 funds appropriated under section 10982 for this
9 subpart that are not reserved under subsection (a)
10 as the number of students in average daily attend-
11 ance served by eligible local educational agencies in
12 the State bears to the number of all such students
13 served by eligible local educational agencies in all
14 States for that fiscal year.

15 “(3) DIRECT AWARDS TO SPECIALLY QUALI-
16 FIED AGENCIES.—

17 “(A) NONPARTICIPATING STATE.—If a
18 State educational agency elects not to partici-
19 pate in the program under this subpart or does
20 not have an application approved under section
21 10973 a specially qualified agency in such State
22 desiring a grant under this subpart shall apply
23 directly to the Secretary to receive an award
24 under this subpart.

1 “(B) DIRECT AWARDS TO SPECIALLY
 2 QUALIFIED AGENCIES.—The Secretary may
 3 award, on a competitive basis, the amount the
 4 State educational agency is eligible to receive
 5 under paragraph (2) directly to specially quali-
 6 fied agencies in the State.

7 “(c) LOCAL AWARDS.—

8 “(1) ELIGIBILITY.—A local educational agency
 9 shall be eligible to receive funds under this subpart
 10 if—

11 “(A) 20 percent or more of the children
 12 aged 5 to 17, inclusive, served by the local edu-
 13 cational agency are from families with incomes
 14 below the poverty line; and

15 “(B) all of the schools served by the agen-
 16 cy are located in a community with a Rural-
 17 Urban Continuum Code of 6, 7, 8, or 9, as de-
 18 termined by the Secretary of Agriculture.

19 “(2) USES OF FUNDS.—Grant funds awarded
 20 to local educational agencies or made available to
 21 schools under this subpart shall be used for—

22 “(1) educational technology, including software
 23 and hardware;

24 “(2) professional development;

25 “(3) technical assistance;

1 “(4) teacher recruitment and retention;

2 “(5) parental involvement activities; or

3 “(6) academic enrichment programs.

4 **“SEC. 10972. STATE DISTRIBUTION OF FUNDS.**

5 “(a) AWARD BASIS.—A State educational agency
6 shall award grants to eligible local educational agencies—

7 “(1) on a competitive basis; or

8 “(2) according to a formula based on the num-
9 ber of students in average daily attendance served
10 by the eligible local educational agencies or schools
11 (as appropriate) in the State, as determined by the
12 State.

13 “(b) ADMINISTRATIVE COSTS.—A State educational
14 agency receiving a grant under this subpart may not use
15 more than 5 percent of the amount of the grant for State
16 administrative costs.

17 **“SEC. 10973. APPLICATIONS.**

18 “Each State educational agency and specially quali-
19 fied agency desiring to receive a grant under this subpart
20 shall submit an application to the Secretary at such time,
21 in such manner, and accompanied by such information as
22 the Secretary may require. Such application shall include
23 specific measurable goals and objectives to be achieved
24 which may include specific educational goals and objec-
25 tives relating to increased student academic achievement,

1 decreased student drop-out rates, or such other factors
 2 that the State educational agency or specially qualified
 3 agency may choose to measure.

4 **“SEC. 10974. REPORTS.**

5 “(a) STATE REPORTS.—Each State educational
 6 agency that receives a grant under this subpart shall pro-
 7 vide an annual report to the Secretary. The report shall
 8 describe—

9 “(1) the method the State educational agency
 10 used to award grants to eligible local educational
 11 agencies and to provide assistance to schools under
 12 this subpart;

13 “(2) how local educational agencies and schools
 14 used funds provided under this subpart; and

15 “(3) the degree to which progress has been
 16 made toward meeting the goals and objectives de-
 17 scribed in the application submitted under section
 18 10973.

19 “(b) SPECIALLY QUALIFIED AGENCY REPORT.—

20 Each specially qualified agency that receives a grant under
 21 this subpart shall provide an annual report to the Sec-
 22 retary. Such report shall describe—

23 “(1) how such agency uses funds provided
 24 under this subpart; and

1 “(2) the degree to which progress has been
2 made toward meeting the goals and objectives de-
3 scribed in the application submitted under section
4 10971(b)(3)(A).

5 “(c) REPORT TO CONGRESS.—The Secretary shall
6 prepare and submit to the Committee on Education and
7 the Workforce for the House of Representatives and the
8 Committee on Health, Education, Labor, and Pensions for
9 the Senate an annual report. The report shall describe—

10 “(1) the methods the State educational agency
11 used to award grants to eligible local educational
12 agencies and to provide assistance to schools under
13 this subpart;

14 “(2) how eligible local educational agencies and
15 schools used funds provided under this subpart; and

16 “(3) progress made in meeting specific measur-
17 able educational goals and objectives.

18 **“SEC. 10975. DEFINITIONS.**

19 “For the purposes of this subpart—

20 “(1) The term ‘poverty line’ means the poverty
21 line (as defined by the Office of Management and
22 Budget, and revised annually in accordance with sec-
23 tion 673(2) of the Community Services Block Grant
24 Act (42 U.S.C. 9902(2))) applicable to a family of
25 the size involved.

1 “(2) The term ‘specially qualified agency’
 2 means an eligible local educational agency, located in
 3 a State that does not participate in a program under
 4 this subpart in a fiscal year, that may apply directly
 5 to the Secretary for a grant in such year in accord-
 6 ance with section 10971(b)(3).

7 **“Subpart 3—General Provisions**

8 **“SEC. 10981. DEFINITION.**

9 “For the purposes of this part, the term ‘State’
 10 means each of the 50 States, the District of Columbia,
 11 and the Commonwealth of Puerto Rico.

12 **“SEC. 10982. AUTHORIZATION OF APPROPRIATIONS.**

13 “‘There are authorized to be appropriated to carry out
 14 this part \$125,000,000 for fiscal year 2000 and such sums
 15 as may be necessary for each of four succeeding fiscal
 16 years to be distributed equally between subparts 1 and
 17 2.’”.

○