

108TH CONGRESS
2D SESSION

H. R. 3781

To amend the Elementary and Secondary Education Act of 1965 to authorize local educational agencies in rural areas to obtain a limited waiver of certain requirements relating to the employment of highly qualified teachers.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2004

Mr. GIBBONS introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Elementary and Secondary Education Act of 1965 to authorize local educational agencies in rural areas to obtain a limited waiver of certain requirements relating to the employment of highly qualified teachers.

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 “Assisting America’s
5 Rural Schools Act”.

1 **SEC. 2. RURAL WAIVER OF CERTAIN QUALIFICATIONS FOR**
2 **TEACHERS.**

3 (a) IN GENERAL.—Section 1119(a) of the Elemen-
4 tary and Secondary Education Act of 1965 (20 U.S.C.
5 6319(a)) is amended by adding at the end the following:

6 “(4) AVAILABILITY OF WAIVER FOR RURAL
7 LOCAL EDUCATIONAL AGENCIES.—

8 “(A) NEW HIRES.—Upon application by a
9 rural local educational agency, the Secretary
10 may grant the agency the authority to defer, for
11 a 1-year period beginning on the date any
12 teacher who is new to the profession first begins
13 employment with the agency as a middle or sec-
14 ondary school teacher, the application to such
15 teacher of the requirement in section
16 9101(23)(B)(ii) regarding demonstration of a
17 high level of competency in each of the aca-
18 demic subjects in which the teacher teaches.
19 During the deferral period, the teacher shall be
20 considered to have satisfied such requirement if
21 the teacher has demonstrated a high level of
22 competency, in accordance with such section, in
23 one of the academic subjects in which the
24 teacher teaches.

25 “(B) EXISTING EMPLOYEES.—Upon appli-
26 cation by a rural local educational agency, the

Secretary may grant the agency the authority to defer, for a 1-year period beginning on the date any middle or secondary school teacher who is not new to the profession first begins teaching an academic subject that the teacher has not previously taught, the application to such teacher of the requirement in section 9101(23)(C)(ii) regarding demonstration of competence in all of the academic subjects in which the teacher teaches. During the deferral period, the teacher shall be considered to have satisfied such requirement if the teacher has demonstrated competence, in accordance with such section, in one of the academic subjects in which the teacher teaches.

“(C) TERMS AND CONDITIONS.—The Secretary may, in the Secretary’s discretion, establish such terms and conditions on the authority granted to a rural local educational agency under this paragraph as the Secretary determines to be appropriate.

“(D) DEFINITION.—For purposes of this paragraph, the term ‘rural local educational agency’ means a local educational agency with respect to which—

1 “(i) each county in which a school
 2 served by the agency is located has a total
 3 population density of fewer than 10 per-
 4 sons per square mile; or

5 “(ii) all schools served by the agency
 6 are designated with a school locale code of
 7 7 or 8, as determined by the Secretary.”.

8 (b) REGULATIONS.—

9 (1) DEADLINE.—The Secretary of Education
 10 shall promulgate regulations to carry out the amend-
 11 ment made by subsection (a) not later than 180
 12 days after the date of the enactment of this Act.

13 (2) APPLICATION PROCEDURES.—Such regula-
 14 tions shall specify procedures to be used by local
 15 educational agencies in submitting applications
 16 under section 1119(a)(4) of the Elementary and
 17 Secondary Education Act of 1965 (as added by sub-
 18 section (a)).

19 (3) ELIGIBILITY.—Such regulations shall speci-
 20 fy the criteria the Secretary will use in—

21 (A) determining whether to grant a waiver
 22 under subparagraph (A) or (B) of such section;
 23 and

- 1 (B) establishing terms and conditions
- 2 under subparagraph (C) of such section.

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