

108TH CONGRESS
2D SESSION

S. 2164

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 SENATE OF THE UNITED STATES

MARCH 4, 2004

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

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 1 of the academic subjects in which the teacher
24 teaches.

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

1 Secretary may grant the agency the authority
2 to defer, for a 1-year period beginning on the
3 date any middle or secondary school teacher
4 who is not new to the profession first begins
5 teaching an academic subject that the teacher
6 has not previously taught, the application to
7 such teacher of the requirement in section
8 9101(23)(C)(ii) regarding demonstration of
9 competence in all of the academic subjects in
10 which the teacher teaches. During the deferral
11 period, the teacher shall be considered to have
12 satisfied such requirement if the teacher has
13 demonstrated competence, in accordance with
14 such section, in 1 of the academic subjects in
15 which the teacher teaches.

16 “(C) TERMS AND CONDITIONS.—The Sec-
17 retary may, in the Secretary’s discretion, estab-
18 lish such terms and conditions on the authority
19 granted to a rural local educational agency
20 under this paragraph as the Secretary deter-
21 mines to be appropriate.

22 “(D) DEFINITION.—For purposes of this
23 paragraph, the term ‘rural local educational
24 agency’ means a local educational agency with
25 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 enactment of this Act.

13 (2) APPLICATION PROCEDURES.—The regula-
 14 tions promulgated pursuant to paragraph (1) shall
 15 specify procedures to be used by rural local edu-
 16 cational agencies in submitting applications under
 17 section 1119(a)(4) of the Elementary and Secondary
 18 Education Act of 1965 (as added by subsection (a)).

19 (3) ELIGIBILITY.—The regulations promulgated
 20 pursuant to paragraph (1) shall specify the criteria
 21 the Secretary of Education will use in—

22 (A) determining whether to grant a waiver
 23 under subparagraph (A) or (B) of section
 24 1119(a)(4) of the Elementary and Secondary

1 Education Act of 1965 (as added by subsection
2 (a)); and
3 (B) establishing terms and conditions
4 under subparagraph (C) of such section.

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