

109TH CONGRESS
1ST SESSION

S. 696

To amend the Elementary and Secondary Education Act of 1965 regarding the transfer of students from certain schools.

IN THE SENATE OF THE UNITED STATES

APRIL 5, 2005

Mr. BURNS 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 regarding the transfer of students from certain schools.

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 “Rural Schools Geog-
5 raphy Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) There are significant differences between
9 urban and rural school districts with regard to stu-
10 dent transportation, distances between schools and

1 school districts, and school of choice options. Local
2 educational agencies (LEAs) in rural areas often
3 have only 1 school servicing a particular grade-level,
4 and the distance between these schools is often much
5 greater than in urban areas. These differences are
6 not addressed by existing guidelines under the Ele-
7 mentary and Secondary Education Act of 1965.

8 (2) In 2000, rural schools (those in commu-
9 nities with populations below 2,500) taught 32 per-
10 cent of the children in the United States, but rural
11 schools accounted for \$5,670,000,000 of the Na-
12 tion's spending on school transportation, or nearly
13 half of such spending.

14 (3) Rural transportation costs, per-pupil, are
15 double that of urban transportation costs. As a per-
16 centage of total spending, rural areas spend 77 per-
17 cent more than urban areas for education transpor-
18 tation.

19 (4) Commutes in rural areas are much more
20 likely to be on rougher, unpaved roads. This not only
21 undermines the physical health of the students, but
22 makes transportation during poor weather much
23 more difficult or impossible. Students with longer
24 commutes are more likely to miss school because of

1 inclement weather. School attendance is an impor-
2 tant factor in school performance.

3 (5) School students who have long commutes
4 actively avoid advanced and high-level courses be-
5 cause they do not have time for the extra homework.
6 This self-imposed restriction retards maximization of
7 educational potential.

8 (6) Students with long commutes are less likely
9 to engage in in-home and out-of-home activities,
10 such as family dinners, after-school jobs, and ath-
11 letic or musical extracurricular activities. Participa-
12 tion in these activities benefits overall educational
13 progress.

14 (7) Section 1116(b)(10)(C) of the Elementary
15 and Secondary Education Act of 1965 instructs that
16 the lowest achieving children be given priority for
17 out-of-district transportation. Thus, the negative im-
18 pacts of long commutes disproportionately affect the
19 very students who need the most help.

20 **SEC. 3. AMENDMENT TO THE ELEMENTARY AND SEC-**
21 **ONDARY EDUCATION ACT OF 1965.**

22 Section 1116 of the Elementary and Secondary Edu-
23 cation Act of 1965 (20 U.S.C. 6316) is amended by add-
24 ing at the end the following:

1 “(i) GEOGRAPHY LIMITS.—Notwithstanding sub-
2 sections (b) and (c), a local educational agency shall not
3 be required to provide a student the option to transfer to
4 another school pursuant to this section if providing the
5 option is impractical due to the distance to be traveled,
6 a geographical barrier or hazard, the duration of the trav-
7 el, or an unusually high cost of travel.”.

8 **SEC. 4. ADMINISTRATION.**

9 The Secretary of Education, not later than 180 days
10 after the date of enactment of this Act, shall promulgate
11 such regulations as the Secretary determines necessary to
12 implement this Act.

13 **SEC. 5. EFFECTIVE DATE.**

14 The amendment made by section 3 shall take effect
15 on the first July 1 that occurs after the date of enactment
16 of this Act.

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