



**Rural Education and ESEA (Senate)  
June 2015**

**S. 1177      The Every Child Achieves Act of 2015**

4/30            Introduced in Senate; Placed on Legislative Calendar

Sponsor:      Senator Lamar Alexander, R – TN

Co-Sponsors: None listed at this time (Senator Patty Murray, D – WA)

[Bill Text \(4/30\)](#)

**Title VI, Part B: Rural Education Initiative**

The Every Child Achieves Act would make several important changes to the Elementary and Secondary Education Act's (ESEA) two rural-specific grant programs, the Small, Rural School Achievement Program (SRSA) and the Rural and Low-Income School Program (RLIS). These programs provide rural agencies with funding that helps to bolster the often small allocations that they receive from formula grants.

Local education agencies (LEAs) must meet several basic requirements to qualify for SRSA/RLIS funding. The Department currently allocates SRSA funding on a formula basis<sup>1</sup> to rural LEAs with an average daily attendance (ADA) of 600 or fewer or a population density of fewer than 10 people per square mile. RLIS funding goes to states, which may then distribute it to rural LEAs through a formula or competitive process.<sup>1</sup> LEAs are eligible to apply for RLIS funding if 20 percent or more of the children they serve are from families below the poverty line. Local education agencies eligible for both SRSA and RLIS are automatically enrolled in the former. However, because of the structure of the SRSA funding formula, approximately 200 of these agencies receive no funding at all.

The first change that would be made by the Every Child Achieves Act addresses this dual eligibility problem: local education agencies that qualify for *both* the Small, Rural School Achievement Program and the Rural Low-Income School Program would have the ability to apply for the program that meets their unique needs. This would also address the problem of LEAs that qualify for both programs but receive no funding under the SRSA funding formula, giving them the opportunity to apply for RLIS instead.

Second, the Act would increase flexibility in local education agencies' use of RLIS funding.<sup>2</sup> Currently, REAP funding helps fill in the gaps for rural LEAs that receive limited funding through ESEA programs. Under the version of REAP authorized in No Child Left Behind (NCLB), LEAs can only spend their RLIS funding on a limited number of activities: teacher recruitment and retention; professional development; education technology; parental involvement activities; Safe and Drug Free Communities; State grants activities; ESEA Title I, Part A activities; and ESEA Title III activities. Although LEAs currently have some flexibility in how they can allocate RLIS funding, this flexibility is limited to these approved programs.

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<sup>1</sup> Local education agencies must apply for SRSA funding

In contrast, S.1177 would authorize the use of RLIS program dollars for a broader range of ESEA titles. This would give low-income rural LEAs further discretion in the use of their federal funding—for example, instead of being limited to applying their RLIS funding to recruitment and retention, they could apply it to any Title II, Part A activity.

Expanding funding flexibility for rural LEAs allows local leaders greater autonomy in determining the programs, activities, and initiatives that best fit their needs. In 2014, Lars D. Johnson, Ashley LiBetti Mitchel, and Andrew J. Rotherham conducted a survey of rural superintendents and Washington “Insiders” for the Rural Opportunities Consortium of Idaho (ROCI), in which rural superintendents identified a “lack of flexibility about how federal dollars can be spent” as one of the top three issues facing their districts.<sup>3</sup> Although S. 1177 would still require LEAs to use RLIS funds for approved ESEA programs and activities, it would broaden the range of those programs and activities and would alleviate some of the constraints challenging rural leaders.

Third, the reauthorization would update the locale codes used to make determinations regarding LEA eligibility for rural programs. The National Center for Education Statistics (NCES) revised these codes in 2005 and 2006. They are now based on proximity to urbanized areas, rather than county boundaries, population size, and metropolitan statistical areas. This changed the boundaries for the districts within each locale code. When NCES released its new definitions in 2006, it estimated that 485 districts would no longer be considered “rural” and 579 districts would be newly considered “rural” – a net increase of 94 rural school districts, or one half of one percent of all districts nationwide.<sup>2</sup>

This would likely change little for recipients of RLIS funding, as this program is based on rurality and *poverty*. The incidence of child poverty in areas that qualify for RLIS is unlikely to change drastically, as the larger southern districts that qualify for this program are often in areas with concentrated, persistent rural poverty.<sup>4</sup> As a result, there is no Hold Harmless provision for RLIS.

However, the change in locale codes could have a larger effect on the number of LEAs that receive SRSA funding, as eligibility for this program is based on rurality and *population density*. Population density in rural areas is changing rapidly in many regions of the country, which could easily disqualify an LEA for SRSA funding. For those LEAs that are affected and may become ineligible for funding under the updated locale codes, S.1177 includes a Hold Harmless provision for the SRSA program. The Department would reduce their grant funding by 25 percent per year over a three-year period.

### **Title IX, Part C: Rural Consolidation Plan**

The Every Child Achieves Act would help rural LEAs reduce their paperwork and compliance burden and access federal funding by allowing them to work with other LEAs or educational service agencies to submit joint applications for federal funding.

Today, an LEA that receives funding from two or more ESEA programs (e.g. Title I and Title II, Part A) has the authority to submit consolidated plans and applications to its state education agency. The Every Child Achieves Act would provide this same authority to pairs or groupings of rural LEAs as well as educational service agencies.<sup>5</sup>

Rural education agencies often lack the capacity to apply for and manage federal grants; those that do are tasked with extensive reporting and management duties. Service sharing

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<sup>2</sup> [https://nces.ed.gov/ccd/data/ppt/NCES\\_Identification\\_of\\_Rural\\_Locales.ppt](https://nces.ed.gov/ccd/data/ppt/NCES_Identification_of_Rural_Locales.ppt)

agreements such as this can help to ease that burden. Extending consolidation plans for federal funding to rural partnerships represents a potentially large reduction in administrative work for individual LEAs.

#### **Title IX, Part F, Subpart 2: Outreach and Technical Assistance for Rural LEAs**

Senate Bill 1177 would require the Secretary to conduct outreach to rural LEAs regarding competitive grant opportunities. Agencies would also gain the ability to receive technical assistance, if requested, on grant applications or pre-applications.

Economies of scale mean that larger agencies often have dedicated staff to apply for and manage competitive grants. A recent paper from the Rural Opportunities Consortium of Idaho on federal education policy highlights the challenges rural leaders face: “Rural districts, generally smaller and with fewer administrative staff, often lack the staffing or resources necessary to make investing in [competitive grant] applications either feasible or wise.”<sup>6</sup> Because rural LEAs often lack the capacity to apply for competitive grants, this program could offer access to what may be otherwise out-of-reach funding opportunities.

There is no indication of the level of support that the Secretary would be required to provide under this program. Nevertheless, it has the potential to benefit many small rural LEAs that lack the capacity to apply for competitive grants.

#### **Title VII, Part A: Indian Education**

Revisions to the Indian Education Program under the Every Child Achieves Act largely fall within two categories: funding and expanded leadership/partnership opportunities for tribes and tribal organizations.<sup>7</sup>

Under No Child Left Behind, funding for Indian Education Programs was provided through both block grants<sup>8</sup> and direct assistance programs. The Senate reauthorization bill would eliminate direct assistance programs, which include in-service training for teachers, gifted education programs, and fellowships for Indian students. The Every Child Achieves Act is unclear as to whether the funding previously earmarked for these programs would be applied to Title VII, Part A block grants. However, the Congressional Budget Office (CBO) estimates<sup>9</sup> that Indian Education funding would remain stable if the bill passed, indicating that the funding for direct assistance programs would be applied to these grants under S.1177.

Moving funding from direct assistance programs to block grants would mean that funding could be used to address local needs in areas from teacher recruitment to dropout prevention. Programs that could be funded using these block grants include early childhood education and school readiness initiatives; programs that support the acquisition, preservation, and restoration of Native languages; and career preparation programs, including apprenticeship, mentoring, and tech-prep education. In short, S. 1177 would allow tribes and local education agencies to continue funding the programs they find beneficial, but also give them greater flexibility to implement new programs and reallocate funding to meet local needs.

Moreover, S.1177 would provide additional opportunities for involvement and leadership in Indian Education Programs by expanding the range of possible grantees. Under NCLB, the Secretary can only make grants to local education agencies and federally recognized Indian tribes. The Every Child Achieves Act would widen the range of possible grantees to include: consortia of two or more LEAs, Indian tribes, Indian organizations, or Indian community-based organizations; LEA-tribal partnerships; and unaffiliated Indian tribes.<sup>10</sup>

Two new initiatives would also support an increased role for Indian communities in education.<sup>11</sup>

First, the Secretary would be required to monitor applications for Title VII program funding and identify eligible LEAs or groups that *did not* apply. Subsequent outreach efforts would notify these groups of their eligibility, encourage them to apply, and offer technical assistance. Eligible applicants could then request support to develop applications, improve the quality of program implementation, or coordinate grant-funded activities with other local initiatives.

Second, “Grants to Tribes for Education Administrative Planning, Development, and Coordination” would fund activities focused on increasing tribal self-determination and engagement in education.<sup>12</sup> In addition to supporting tribes in directly implementing education initiatives, the program would support information sharing between state/local education agencies and tribes. Knowledge-sharing activities could include, but would not be limited to, grant management, data collection and analysis, and instruction in tribal languages.

These two programs could lead to greater Native involvement in education by building capacity and extending a clear invitation to tribes and community organizations. Additionally, this legislation follows calls from the Departments of Education and the Interior to prioritize self-determination and involvement in their blueprint for reforming the Bureau of Indian Education.

Instituting partnership programs and increasing the voice of Indian leaders in the decision-making process are changes that may not come easily. Historical prejudices may affect relationships and participatory decision-making is often difficult even in the best of circumstances. Despite this, however, it is important to increasing Indian communities’ ability to participate in conversations that affect their children’s education.

Finally, this reauthorization includes two small but important changes. First, the addition of “and family” after “parents” in regard to parental involvement in schools acknowledges changing family structures in American Indian communities. This change could provide opportunities for non-parental caregivers—grandparents, aunts, uncles, and adult siblings—to take an active role in children’s education. Second, a provision that allows grant funding to be used for substance abuse prevention is expanded to provide mental health and suicide prevention programming. This change, though small, is particularly important, as in recent years increasing rates of suicide among [Native] youth have challenged resource-strapped reservations and schools.<sup>13</sup>

#### **Title VII, Part C: Alaska Native Education**

Overall, the changes made to the Alaska Native Education Program differ little from those made to the Indian Education Program.

One additional change to Title VII, Part C which is not included in Part A is that S. 1177 would allow grantees to create place-based, local curriculum and programs to improve outcomes and better serve students. This is important as it could allow rural Alaska Native communities to invest in initiatives and activities that target their own unique challenges. These activities could include distance-learning programs, regional education hubs, and other programs that address the challenges faced by a geographically dispersed student body.

#### **Title VII, Part D: Native American and Alaska Native Immersion Schools and Programs**

A new competitive grant program would build upon the support for Native languages seen throughout Title VII. Funding would support programs and schools that use Native American<sup>14</sup> and Alaska Native languages as the primary language of instruction.

The development of these programs is beneficial to students, who are then connected with an important part of their history and heritage. This is an opportunity that many of their parents and grandparents were denied in their own education.<sup>15</sup> Also, studies on Native student retention have found that instruction in Native languages and cultural education programs boost graduation and retention rates.<sup>16</sup> Finally, these programs are important to tribes themselves, as developing a new generation of speakers aids in language preservation.

Still, there are potential drawbacks to these programs. It is important to balance the benefits of culture- and language-preservation with ensuring that all children have the opportunity to succeed. There is a delicate tension here that Native American and Alaska Native communities will need to navigate between preserving their cultures and languages and ensuring their youth are equipped for success more broadly.

Under this section, language immersion schools would be required to assure the Department that they were “engaged in meeting State or tribally designated proficiency levels for students, as may be required by applicable Federal, State, or tribal law.” Schools would also be required to assess students<sup>3</sup> using the language of immersion where possible.

Unfortunately, the bill says nothing as to the quality of the assessments, their alignment with state standards, or whether the assessments would be used to measure student growth. Additionally, assuring the Department that they are “engaged in meeting” proficiency standards could set a low bar for student achievement. A low bar would put Native American and Alaska Native students in immersion programs at a potential disadvantage when they move on to college and career, as they may not have been exposed to the same skills, lessons, and level of rigor as their counterparts in traditional schools.

#### **Title IX, Part F, Subpart 2: Consultation with Indian Tribes and Tribal Organizations**

This legislation would require “affected local education agencies:”<sup>17</sup> to consult with Native leaders on issues affecting American Indian/Alaska Native students. Conversations would focus on the design and development of Title VII programs and take place before final decision-making regarding how best to meet the needs of Native students.

This would provide Native communities the opportunity to engage with non-BIE schools that serve a significant number of Native students. It would offer a formal process by which Native leaders could engage with districts in the development of programs that affect their communities. A study from the Central Region Education Laboratory found that partnerships between LEAs and tribal education agencies (TEDs) were beneficial to improving student academic achievement, providing meaningful recommendations for improving Native education, and improving relationships between district and tribal communities.<sup>18</sup> Though the partnerships included in the study were larger in scale than the conversations proposed in this legislation, the formal partnerships between LEAs and TEDs offer an example of how such changes can benefit Native students and why these formal opportunities are important.

#### **Title I: Funding**

The Every Child Achieves Act would not change the weighted Title I funding formula, which has received criticism for disadvantaging rural LEAs.<sup>19</sup>

This bill does not include the controversial portability provision included in the House ESEA reauthorization proposal.

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<sup>3</sup> Progress or growth not specified

### **Title I: School Performance and Improvement**

Neither the Adequate Yearly Progress (AYP) of No Child Left Behind nor the Annual Measurable Objectives (AMO) of the Obama administration's waivers are retained in S.1177. As such, it would be the responsibility of the states to develop comparable indicators, which are used to identify schools in need of improvement.

The Every Child Achieves Act would also do away with the School Improvement Grant program in favor of state-level decision-making regarding school improvement. This could be an important change for rural LEAs and schools, as the school improvement plans created as part of NCLB often required changes that were infeasible in rural or isolated environments. According to a 2014 report from the Institute for Education Sciences,<sup>20</sup> the overwhelming majority (95 percent) of rural schools receiving SIG grants implemented the "Transformation Model" turnaround because the other three models (turnaround, restart, and closure) were not realistic options in rural areas. For instance:

1. Rural schools were unable to find qualified candidates to replace 50 percent of teaching staff under the turnaround model
2. Recruiting charter management organizations for the restart model was not an option, as the CMOs could not support one-off schools in isolated areas
3. Because of their isolated locations, rural schools were unable to identify alternative educational options for all students under the closure model.<sup>21</sup>

Under this Act, states could continue to turn to some of these methods for their own school improvement programs. However, it would be up to states to ensure that their school turnaround and improvement plans are suitable for use across multiple locales and to assist LEAs in need of support. As debates in Congress illustrate, there are mixed reactions to this flexibility. Many would welcome this state-level decision-making because it allows them to tailor accountability and interventions to local circumstance. However, others argue that it could be a potential problem area, since many states lack the knowledge and expertise required to support school turnaround, even under highly structured initiatives such as the School Improvement Grant program.<sup>22</sup>

### **Title II: Highly-Qualified Teachers**

S.1177 would repeal No Child Left Behind's highly qualified teacher requirement. States would be given discretion as to how to define quality and effectiveness. This is an additional example of the decision to devolve responsibility and authority over programs to the state level.

Removing highly qualified teacher requirements could be an important change for rural schools, which may face outsized challenges related to recruitment and retention. For example, rural schools may have a smaller hiring pool because the number of local students who go on to college is lower than in urban and suburban areas and teachers prefer to work in areas similar to those where they grew up.<sup>23</sup> Broadening the pool of potential candidates could help rural districts tap local talent.

### **Title II: Teacher Preparation and Effectiveness**

The Every Child Achieves Act would not require the creation and use of teacher evaluation tools. Instead, states and LEAs would have the freedom to develop their own systems and use evaluations in personnel decisions as they see fit.

## Title II, Part D: Enhancing Education through Technology

Title II, Part D of ESEA has not been funded since 2012 and is cut entirely in the new legislation. This is not welcome news for rural schools, which are seeing increasing benefits from advances in educational and communications technology. Returning Title II, Part D funds to ESEA is important, as distance education and blended learning can help fuel innovative strategies to address geographic and human capital constraints.

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<sup>1</sup> Based on average daily attendance (ADA) or a state-developed alternative that serves equal or greater concentrations of low-income students than the ADA formula

<sup>2</sup> Under NCLB, SRSA provides LEAs with more discretion in how to use their program funding.

<sup>3</sup> Lars D. Johnson, Ashley LiBetti Mitchel, and Andrew J. Rotherham, "Federal Education Policy in Rural America," (2015) [http://www.rociidaho.org/wp-content/uploads/2015/01/ROCI\\_2014FedEdPolicy\\_FINAL\\_0115.pdf](http://www.rociidaho.org/wp-content/uploads/2015/01/ROCI_2014FedEdPolicy_FINAL_0115.pdf)

<sup>4</sup> O'Hare, William P. "The Forgotten Firth: Child Poverty in Rural America." The Carsey Institute. 2009.

<http://scholars.unh.edu/cgi/viewcontent.cgi?article=1075&context=carsey>

Economic Research Service. "Child Poverty." United States Department of Agriculture. Accessed June 1, 2015.

<http://www.ers.usda.gov/topics/rural-economy-population/rural-poverty-well-being/child-poverty.aspx#pcpov>

<sup>5</sup> Two or more rural LEAs, a consortium of ESAs, or an ESA on behalf of rural LEAs

<sup>6</sup> Lars D. Johnson, Ashley LiBetti Mitchel, and Andrew J. Rotherham, "Federal Education Policy in Rural America," (2015) [http://www.rociidaho.org/wp-content/uploads/2015/01/ROCI\\_2014FedEdPolicy\\_FINAL\\_0115.pdf](http://www.rociidaho.org/wp-content/uploads/2015/01/ROCI_2014FedEdPolicy_FINAL_0115.pdf)

<sup>7</sup> Numerous small changes were made to the program but the changes made under these two categories would have the largest impact on LEAs and American Indian communities.

<sup>8</sup> Awarded competitively and through formulas

<sup>9</sup> <http://www.cbo.gov/sites/default/files/114th-congress-2015-2016/costestimate/s1177.pdf>

<sup>10</sup> Tribes that operate public schools not affiliated with LEAs or the Bureau of Indian Education

<sup>11</sup> This is one of five focus areas in the Bureau of Indian Education's "Blueprint for Reform," a document developed when the Secretaries of Education and the Interior charged a study group with the task of finding the root causes of dysfunction and academic failure in BIE-funded schools. Department of the Interior, "Findings and Recommendations Prepared by the Bureau of Indian Education Study Group Submitted to the Secretaries of the Departments of the Interior and Education," (2014)

<http://www.doi.gov/news/loader.cfm?csModule=security/getfile&pageid=537280>; BIE Blueprint for Reform Implementation Index <http://www.bie.edu/BFRI/index.htm>

<sup>12</sup> As well as improving academic achievement and promoting collaboration/coordination between tribes and local/state education agencies "to meet the unique educational and culturally related academic needs of Indian students."

<sup>13</sup> Bosman, Julie. "Pine Ridge Indian Reservation Struggles with Suicides Among Young People," *The New York Times* May 1, 2015 [http://www.nytimes.com/2015/05/02/us/pine-ridge-indian-reservation-struggles-with-suicides-among-young-people.html?\\_r=0](http://www.nytimes.com/2015/05/02/us/pine-ridge-indian-reservation-struggles-with-suicides-among-young-people.html?_r=0)

<sup>14</sup> This section uses the term Native American, however, American Indian and Indian are still the terms used throughout Title VII.

<sup>15</sup> N/A. "Report of the Superintendent of the Indian School." University of Washington Libraries Digital Collections. Accessed June 2, 2015.

<http://digitalcollections.lib.washington.edu/cdm/compoundobject/collection/lctext/id/1332/rec/27>

<sup>16</sup> Pease-Prety On Top, Janine. "Native American Language Immersion," nd <http://www.aihec.org/our-stories/docs/NativeLangugagelmmersion.pdf>

<sup>17</sup> As used here, affected local education agencies are those wherein Native American and Alaska Native students make up at least 50 percent of enrollment as well as those that enroll more than 50 Native American or Alaska Native students

<sup>18</sup> REL Central. "Profiles of Partnerships between Tribal Education Departments and Local Education Agencies;" (2012) <http://www.ed.gov/edblogs/whiaiane/files/2012/04/Profiles-of-Partnerships-Between-Tribal-Education-Departments-and-Local-Education-Agencies.pdf><http://www.ed.gov/edblogs/whiaiane/files/2012/04/Profiles-of-Partnerships-Between-Tribal-Education-Departments-and-Local-Education-Agencies.pdf>

<sup>19</sup> See:

[http://edmoney.newamerica.net/blogposts/2012/a\\_closer\\_look\\_at\\_title\\_i\\_funding\\_in\\_urban\\_versus\\_rural\\_districts-64790](http://edmoney.newamerica.net/blogposts/2012/a_closer_look_at_title_i_funding_in_urban_versus_rural_districts-64790),

<http://edmoney.newamerica.net/sites/newamerica.net/files/articles/Average%20Title%20Allocation%20Per%20Pooor%20Pupil%20By%20Locale%20Type.pdf>

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<sup>20</sup> Institute for Education Sciences – National Center for Education Evaluation and Regional Assistance. “A Focused Look at Rural Schools Receiving School Improvement Grants.” April 2014.

<http://ies.ed.gov/ncee/pubs/20144013/pdf/20144013.pdf>

<sup>21</sup> Institute for Education Sciences – National Center for Education Evaluation and Regional Assistance. “A Focused Look at Rural Schools Receiving School Improvement Grants.” April 2014.

<http://ies.ed.gov/ncee/pubs/20144013/pdf/20144013.pdf>

<sup>22</sup> Institute of Education Sciences - National Center for Education Evaluation and Regional Assistance, “State Capacity to Support School Turnaround,” (2015) <http://ies.ed.gov/ncee/pubs/20154012/pdf/20154012.pdf>

<sup>23</sup> Player, Daniel. “The Supply and Demand for Rural Teachers.” Accessed May 5, 2015.

[http://www.rociidaho.org/wp-content/uploads/2015/03/ROCI\\_2015\\_RuralTeachers\\_FINAL.pdf](http://www.rociidaho.org/wp-content/uploads/2015/03/ROCI_2015_RuralTeachers_FINAL.pdf)