

118TH CONGRESS
1ST SESSION

H. R. 4565

To amend the weights used to determine amounts for targeted grants and education finance incentive grants for local educational agencies under title I of the Elementary and Secondary Education Act of 1965.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2023

Mr. THOMPSON of Pennsylvania (for himself and Mr. PANETTA) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the weights used to determine amounts for targeted grants and education finance incentive grants for local educational agencies under title I of the Elementary and Secondary Education Act of 1965.

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 “All Children are Equal
5 Act” or the “ACE Act”.

6 **SEC. 2. FINDINGS.**

7 Section 1125AA of the Elementary and Secondary
8 Education Act of 1965 (20 U.S.C. 6336) is amended—

1 (1) by amending the heading to read as follows:

2 **“SEC. 1125AA. INCREASE GRANTS PER FORMULA STUDENT**
3 **AS THE PERCENTAGE OF ECONOMICALLY**
4 **DISADVANTAGED CHILDREN IN A LOCAL**
5 **EDUCATIONAL AGENCY INCREASES.”;**

6 and

7 (2) by amending subsection (a) to read as fol-
8 lows:

9 “(a) FINDINGS.—Congress makes the following find-
10 ings:

11 “(1) The current Basic Grant Formula for the
12 distribution of funds under this part does not ade-
13 quately target funds for schools with the highest
14 concentrations of economically disadvantaged stu-
15 dents.

16 “(2) The current formulas for distributing Tar-
17 geted and Education Finance Incentive Grants is in-
18 tended to allocate more funds per formula student to
19 local educational agencies with higher concentrations
20 of such students.

21 “(3) These formula use two weighting systems,
22 one based on the percentage of the aged 5–17 popu-
23 lation in a local education agency that is eligible to
24 receive funds under this title (percentage weighting),
25 and another based on the absolute number of such

1 students (number weighting). Whichever of these
2 weighting systems results in the highest total
3 weighted formula student count for a local edu-
4 cational agency is the weighting system used for
5 that agency in the final allocation of Targeted and
6 Education Finance Incentive Grant funds.

7 “(4) Since the amount available to be distrib-
8 uted through these formulas is fixed by congres-
9 sional appropriation, any gain in allocation share by
10 one local educational agency causes a loss to other
11 local educational agencies.

12 “(5) The number weighting alternative is often
13 favorable to very large local educational agencies,
14 even if the agency’s formula student percentage is
15 low. But because smaller local education agencies
16 simply do not have enough students to gain from
17 number weighting, they are adversely affected under
18 the number weighting alternative.

19 “(6) The Congressional Research Service has
20 compared the funding allocations of each local edu-
21 cation agency for school year 2021–2022 under the
22 current dual weighting system with the funding allo-
23 cation it would have that year if all local educational
24 agencies had their student count weighted only by
25 percentage weighting.

1 “(7) This data shows that the use of number
2 weighting in these formulas has shifted funding
3 from smaller to larger local educational agencies not-
4 withstanding the level of poverty in either. This is
5 contrary to the intent of Congress, which is to direct
6 more funding per formula student to local edu-
7 cational agencies with high concentrations of pov-
8 erty, as measured by the number of formula stu-
9 dents as a percentage of the aged 5–17 population
10 of the local educational agency.

11 “(8) The National Center for Education Statis-
12 tics confirmed these findings in a statistical analysis
13 report dated May 2019.

14 “(9) Congress has a responsibility to correct
15 this unintended inequity by reducing the power of
16 the number weighting system relative to the percent-
17 age weighting system so that local educational agen-
18 cies with high percentages of poverty but low num-
19 bers of students are not disadvantaged under the
20 formulas used for grants under this part.”.

21 **SEC. 3. TARGETED GRANTS TO LOCAL EDUCATIONAL**
22 **AGENCIES.**

23 Section 1125(c)(2)(A) of the Elementary and Sec-
24 ondary Education Act of 1965 (20 U.S.C. 6335(c)(2)(A))
25 is amended to read as follows:

1 “(A) IN GENERAL.—For each fiscal year
2 for which the Secretary uses local educational
3 agency data, the weighted child count used to
4 determine a local educational agency’s grant
5 under this section—

6 “(i) for each fiscal year through fiscal
7 year 2023, is the larger of the two
8 amounts determined under subparagraphs
9 (B) and (C); and

10 “(ii) for fiscal year 2024 and each
11 succeeding fiscal year, is the amount deter-
12 mined under subparagraph (B).”.

13 **SEC. 4. EDUCATION FINANCE INCENTIVE GRANT PROGRAM.**

14 (a) STATES WITH AN EQUITY FACTOR LESS THAN
15 0.10.—Section 1125A(d)(1)(B)(i) of the Elementary and
16 Secondary Education Act of 1965 (20 U.S.C.
17 6337(d)(1)(B)(i)) is amended to read as follows:

18 “(i) IN GENERAL.—For each fiscal
19 year for which the Secretary uses local
20 educational agency data, the weighted child
21 count used to determine a local educational
22 agency’s grant under this section—

23 “(I) for each fiscal year through
24 fiscal year 2023, is the larger of the

1 two amounts determined under
2 clauses (ii) and (iii); and

3 “(II) for fiscal year 2024 and
4 each succeeding fiscal year, is the
5 amount determined under clause
6 (iii).”.

7 (b) STATES WITH AN EQUITY FACTOR GREATER
8 THAN OR EQUAL TO 0.10 AND LESS THAN 0.20.—Section
9 1125A(d)(2)(B)(i) of the Elementary and Secondary Edu-
10 cation Act of 1965 (20 U.S.C. 6337(d)(2)(B)(i)) is
11 amended to read as follows:

12 “(i) IN GENERAL.—For each fiscal
13 year for which the Secretary uses local
14 educational agency data, the weighted child
15 count used to determine a local educational
16 agency’s grant under this section—

17 “(I) for each fiscal year through
18 fiscal year 2023, is the larger of the
19 two amounts determined under
20 clauses (ii) and (iii); and

21 “(II) for fiscal year 2024 and
22 each succeeding fiscal year, is the
23 amount determined under clause
24 (iii).”.

1 (c) STATES WITH AN EQUITY FACTOR GREATER
2 THAN OR EQUAL TO 0.20.—Section 1125A(d)(3)(B)(i) of
3 the Elementary and Secondary Education Act of 1965 (20
4 U.S.C. 6337(d)(3)(B)(i)) is amended to read as follows:

5 “(i) IN GENERAL.—For each fiscal
6 year for which the Secretary uses local
7 educational agency data, the weighted child
8 count used to determine a local educational
9 agency’s grant under this section—

10 “(I) for each fiscal year through
11 fiscal year 2023, is the larger of the
12 two amounts determined under
13 clauses (ii) and (iii); and

14 “(II) for fiscal year 2024 and
15 each succeeding fiscal year, is the
16 amount determined under clause
17 (iii).”.

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