

112TH CONGRESS
2D SESSION

H. R. 5933

To amend section 1120A of the Elementary and Secondary Education Act of 1965 to modify the comparability of services requirements.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2012

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

A BILL

To amend section 1120A of the Elementary and Secondary Education Act of 1965 to modify the comparability of services requirements.

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. COMPARABILITY OF SERVICES.**

4 Section 1120A of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 6321) is amended—

6 (1) in subsection (a), by striking “involved”;

7 and

8 (2) by striking subsection (c) and inserting the
9 following:

10 “(c) COMPARABILITY.—

1 “(1) IN GENERAL.—

2 “(A) COMPARABILITY.—Beginning for the
3 2015–2016 school year, a local educational
4 agency may receive funds under this part only
5 if the local educational agency demonstrates to
6 the State educational agency that the combined
7 State and local per-pupil expenditures (includ-
8 ing actual personnel and actual non-personnel
9 expenditures) in each school served under this
10 part, in the most recent year for which such
11 data were available, are not less than the aver-
12 age combined State and local per-pupil expendi-
13 tures (including actual personnel and actual
14 non-personnel expenditures) for those schools
15 that are not served under this part.

16 “(B) ALTERNATIVE COMPARABILITY.—If
17 the local educational agency is serving all of the
18 schools under its jurisdiction under this part,
19 the agency shall demonstrate to the State edu-
20 cational agency that the average combined
21 State and local per-pupil expenditures (includ-
22 ing actual personnel and actual non-personnel
23 expenditures) for its high-poverty schools, in
24 the most recent year for which such data are
25 available, were not less than the average com-

1 bined State and local per-pupil expenditures
2 (including actual personnel and actual non-per-
3 sonnel expenditures) for its low-poverty schools.

4 “(C) BASIS.—A local educational agency
5 may meet the requirements of subparagraphs
6 (A) and (B) on a grade-span by grade-span or
7 school-by-school basis.

8 “(D) EXCLUSION OF FUNDS.—

9 “(i) IN GENERAL.—For the purpose
10 of complying with this paragraph, a local
11 educational agency shall exclude any State
12 or local funds expended in any school for—

13 “(I) excess costs of providing
14 services to English learners;

15 “(II) excess costs of providing
16 services to children with disabilities;

17 “(III) capital expenditures; and

18 “(IV) such other expenditures as
19 the Secretary determines appropriate.

20 “(ii) CHANGES AFTER THE BEGIN-
21 NING OF THE SCHOOL YEAR.—A local edu-
22 cational agency need not include unpredict-
23 able changes in student enrollment or per-
24 sonnel assignments that occur after the be-

1 ginning of a school year in determining
2 compliance under this subsection.

3 “(2) DOCUMENTATION.—A local educational
4 agency shall demonstrate that it is meeting the re-
5 quirements of paragraph (1) by submitting to the
6 State educational agency the per-pupil expenditures,
7 personnel expenditures, non-personnel expenditures,
8 and total expenditures for each school served by the
9 local educational agency.

10 “(3) INAPPLICABILITY.—This subsection shall
11 not apply to a local educational agency that does not
12 have more than one building for each grade span.

13 “(4) PROCESS AND PROCEDURES.—

14 “(A) LOCAL EDUCATIONAL AGENCY RE-
15 SPONSIBILITIES.—Each local educational agen-
16 cy assisted under this part shall, by October 31,
17 2014, report to the State educational agency on
18 its compliance with the requirements of this
19 subsection for the preceding school year by sub-
20 mitting to the State educational agency the per-
21 pupil expenditures, personnel expenditures, non-
22 personnel expenditures, and total expenditures
23 for each school served by the local educational
24 agency.

1 “(B) STATE EDUCATIONAL AGENCY RE-
2 SPONSIBILITIES.—Each State educational agen-
3 cy assisted under this part shall ensure that
4 such information is made publicly available by
5 the State or the local educational agency, in-
6 cluding the school by school listing described in
7 subparagraph (A).

8 “(C) PLAN.—A local educational agency
9 that does not meet the requirements of this
10 subsection in any year shall develop and imple-
11 ment a plan to ensure compliance for the subse-
12 quent school year and may be required by the
13 State educational agency to report on its
14 progress in implementing such plan.

15 “(5) TRANSITION PROVISIONS.—

16 “(A) SCHOOL YEARS PRECEDING THE
17 2015–2016 SCHOOL YEAR.—For school years pre-
18 ceding the 2015–2016 school year, a local edu-
19 cational agency may receive funds under this
20 part only if the local educational agency dem-
21 onstrates to the State educational agency that
22 the local educational agency meets the require-
23 ments of this subsection, as in effect before the
24 effective date of the most recent amendment to
25 this section.

1 “(B) TRANSITION BETWEEN REQUIRE-
2 MENTS.—The Secretary shall take such steps as
3 are necessary to provide for the orderly transi-
4 tion between the requirements under this sec-
5 tion, as in effect before the effective date of the
6 most recent amendment to this section, and the
7 new requirements under this section, as so
8 amended.

9 “(6) DEFINITIONS.—The Secretary shall pro-
10 mulgate regulations defining the terms used in this
11 subsection, including the terms ‘per-pupil expendi-
12 ture’, ‘personnel expenditure’, ‘non-personnel ex-
13 penditure’, ‘high-poverty school’, and ‘low-poverty
14 school’.”.

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