

114TH CONGRESS  
1ST SESSION

# S. 72

To allow for the portability of funds under title I of the Elementary and Secondary Education Act of 1965.

---

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 2015

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

---

## A BILL

To allow for the portability of funds 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 “Expanding School  
5 Choice Act”.

6 **SEC. 2. TITLE I PORTABILITY.**

7 Part A of title I of the Elementary and Secondary  
8 Education Act of 1965 (20 U.S.C. 6311 et seq.) is amend-  
9 ed by adding at the end the following:

1 **“SEC. 1128. TITLE I FUNDS FOLLOW THE LOW-INCOME**  
2 **CHILD STATE OPTION.**

3 “(a) IN GENERAL.—Notwithstanding any other pro-  
4 vision of this title or any other provision of law and to  
5 the extent permitted under State law, a State educational  
6 agency may allocate grant funds under this part among  
7 the local educational agencies in the State based on the  
8 number of eligible children enrolled in the public schools  
9 served by each local educational agency and the State-ac-  
10 credited private schools within each local educational  
11 agency’s geographic jurisdiction.

12 “(b) ELIGIBLE CHILD.—

13 “(1) DEFINITION.—In this section, the term  
14 ‘eligible child’ means a child aged 5 to 17, inclusive,  
15 from a family with an income below the poverty level  
16 on the basis of the most recent satisfactory data  
17 published by the Department of Commerce.

18 “(2) CRITERIA OF POVERTY.—In determining  
19 the families with incomes below the poverty level for  
20 the purposes of this section, a State educational  
21 agency shall use the criteria of poverty used by the  
22 Census Bureau in compiling the most recent decen-  
23 nial census, as the criteria have been updated by in-  
24 creases in the Consumer Price Index for All Urban  
25 Consumers, published by the Bureau of Labor Sta-  
26 tistics.

1       “(c) STUDENT ENROLLMENT IN PUBLIC AND PRI-  
2 VATE SCHOOLS.—

3               “(1) IDENTIFICATION OF ELIGIBLE CHIL-  
4 DREN.—On an annual basis, on a date to be deter-  
5 mined by the State educational agency, each local  
6 educational agency that receives grant funding in ac-  
7 cordance with subsection (a) shall inform the State  
8 educational agency of the number of eligible children  
9 enrolled in public schools served by the local edu-  
10 cational agency and the State-accredited private  
11 schools within the local educational agency’s geo-  
12 graphic jurisdiction.

13               “(2) ALLOCATION TO LOCAL EDUCATIONAL  
14 AGENCIES.—Based on the identification of eligible  
15 children in paragraph (1), the State educational  
16 agency shall provide to a local educational agency an  
17 amount equal to the sum of the amount available for  
18 each eligible child in the State multiplied by the  
19 number of eligible children identified by the local  
20 educational agency under paragraph (1).

21               “(3) DISTRIBUTION TO SCHOOLS.—Each local  
22 educational agency that receives funds under para-  
23 graph (2) shall distribute such funds to the public  
24 schools served by the local educational agency and

1 State-accredited private schools within the local edu-  
2 cational agency's geographic jurisdiction—

3 “(A) based on the number of eligible chil-  
4 dren enrolled in such schools; and

5 “(B) in a manner that would, in the ab-  
6 sence of such Federal funds, supplement the  
7 funds made available from non-Federal re-  
8 sources for the education of pupils participating  
9 in programs under this subpart, and not to sup-  
10 plant such funds.”.

○