

*Bennet Title VI Amendment #7*  
 AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To establish a weighted student funding flexibility pilot program.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.**

**S.** \_\_\_\_\_

To reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Referred to the Committee on \_\_\_\_\_ and  
 ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by \_\_\_\_\_

Viz:

1        On page 430, line 1, strike “subparts 1, 3, and 4”  
 2        and insert “subparts 1 and 4”.

3        On page 430, strike lines 2 and 3 and insert the fol-  
 4        lowing:

5                (2) by redesignating subpart 2 as subpart 1;

6        On page 432, between lines 19 and 20, insert the fol-  
 7        lowing:

8                (7) by striking subpart 3 and inserting the fol-  
 9        lowing:

1     **“Subpart 2—Weighted Student Funding Flexibility**

2                             **Pilot Program**

3     **“SEC. 6121. WEIGHTED STUDENT FUNDING FLEXIBILITY**

4                             **PILOT PROGRAM.**

5             “(a) PURPOSE.—The purpose of the pilot program  
6 under this section is to provide local educational agencies  
7 with flexibility to consolidate Federal, State, and local  
8 funding in order to create a single school funding system  
9 based on weighted per pupil allocations for low-income and  
10 otherwise disadvantaged students.

11            “(b) AUTHORITY.—The Secretary may, on a competi-  
12 tive basis, enter into local flexibility demonstration agree-  
13 ments—

14                “(1) for not more than 2 years with local edu-  
15 cational agencies that are selected under subsection  
16 (c) and submit proposed agreements that meet the  
17 requirements of subsection (d); and

18                “(2) under which such agencies may consolidate  
19 and use funds in accordance with subsection (d) in  
20 order to develop and implement a school funding  
21 system based on weighted per pupil allocations for  
22 low-income and otherwise disadvantaged students.

23            “(c) SELECTION OF LOCAL EDUCATIONAL AGEN-  
24 CIES.—

25                “(1) IN GENERAL.—The Secretary may enter  
26 into local flexibility demonstration agreements with

1 not more than 25 local educational agencies, reflect-  
2 ing the size and geographic diversity of all such  
3 agencies nationwide to the maximum extent feasible.

4 “(2) SELECTION.—Each local educational agen-  
5 cy shall be selected on a competitive basis from  
6 among those local educational agencies that—

7 “(A) submit a proposed local flexibility  
8 demonstration agreement under subsection (d)  
9 to the Secretary;

10 “(B) demonstrate to the satisfaction of the  
11 Secretary that the agreement meets the require-  
12 ments of subsection (d); and

13 “(C) agree to meet the continued dem-  
14 onstration requirements under subsection (e).

15 “(d) REQUIRED TERMS OF LOCAL FLEXIBILITY  
16 DEMONSTRATION AGREEMENT.—

17 “(1) APPLICATION.—Each local educational  
18 agency that desires to participate in the pilot pro-  
19 gram under this section shall submit, at such time,  
20 in such form, and including such information as the  
21 Secretary may prescribe, an application to enter into  
22 a local flexibility demonstration agreement with the  
23 Secretary in order to develop and implement a  
24 school funding system based on weighted per pupil

1 allocations that meets the requirements of this sec-  
2 tion, including—

3 “(A) a description of the school funding  
4 system based on weighted per pupil allocations,  
5 including how the system will meet the require-  
6 ments under paragraph (2);

7 “(B) a list of funding sources, including el-  
8 igible Federal funds the local educational agen-  
9 cy will include in such system;

10 “(C) a description of the amount and per-  
11 centage of total local educational agency fund-  
12 ing, including State, local, and eligible Federal  
13 funds, that will be allocated through such sys-  
14 tem;

15 “(D) the per-pupil expenditures (including  
16 actual personnel expenditures, including staff  
17 salary differentials for years of employment,  
18 and actual non-personnel expenditures) of State  
19 and local funds for each school served by the  
20 agency for the preceding fiscal year;

21 “(E) the per-pupil amount of eligible Fed-  
22 eral funds each school served by the agency,  
23 disaggregated by program, received in the pre-  
24 ceding fiscal year;

1           “(F) a description of how the system will  
2           continue to ensure that any eligible Federal  
3           funds allocated through the system will con-  
4           tinue to meet the purposes of each Federal  
5           funding stream, including serving students from  
6           low-income families, English learners, migratory  
7           children, and children who are neglected, delin-  
8           quent, or at risk, as applicable;

9           “(G) a description of how the local edu-  
10          cational agency will develop and employ a  
11          weighted student funding system to support  
12          public elementary schools and secondary schools  
13          in order to improve the academic achievement  
14          of students, including low-income students, the  
15          lowest achieving students, English learners, and  
16          students with disabilities;

17          “(H) an assurance that the local edu-  
18          cational agency developed and will implement  
19          the local flexibility demonstration agreement in  
20          consultation with teachers, principals, other  
21          school leaders, administrators of Federal pro-  
22          grams impacted by the agreement, parents, civil  
23          rights leaders, and other relevant stakeholders;

24          “(I) an assurance that the local edu-  
25          cational agency will use fiscal control and sound



1        accountability procedures that ensure proper  
2        disbursement of, and accounting for, eligible  
3        Federal funds consolidated and used under such  
4        system;

5                   “(J) an assurance that the local edu-  
6                   cational agency will continue to meet the fiscal  
7                   provisions in section 1117; and

8                   “(K) an assurance that the local edu-  
9                   cational agency will meet the requirements of  
10                  all applicable Federal civil rights laws in car-  
11                  rying out the agreement and in consolidating  
12                  and using funds under the agreement.

“(2) REQUIREMENTS OF SYSTEM.—A local educational agency’s school funding system based on weighted per pupil allocations shall meet each of the following requirements:

17 “(Λ) The system shall—

18 “(i) allocate a significant portion of  
19 funds, including State, local, and eligible  
20 Federal funds, to the school level through  
21 a formula that determines per-pupil  
22 weighted amounts based on individual stu-  
23 dent characteristics;

24 “(ii) use weights or allocation  
25 amounts that allocate substantially more

1 funding to students from low-income fami-  
2 lies and English learners than to other stu-  
3 dents; and

4 “(iii) demonstrate to the Secretary,  
5 that each high-poverty school received at  
6 least as much total per-pupil funding, in-  
7 cluding from Federal, State, and local  
8 sources, for low-income students and at  
9 least as much total per-pupil funding, in-  
10 cluding from Federal, State, and local  
11 sources, for English learners as the school  
12 received in the year prior to carrying out  
13 the pilot program.

14 “(B) The system shall be used to allocate  
15 a significant portion, including all school level  
16 personnel expenditures for instructional staff  
17 and non-personnel expenditures, but not less  
18 than 65 percent, of all the local educational  
19 agency’s local and State funds to schools.

20 “(C) After allocating funds through the  
21 school funding system, the local educational  
22 agency shall charge schools for the per-pupil ex-  
23 penditures of Federal, State, and local funds,  
24 including actual personnel expenditures for in-

1           structional staff and actual non-personnel ex-  
2           penditures.

3           “(D) The system may include weights or  
4           allocation amounts according to other charac-  
5           teristics.

6           “(e) CONTINUED DEMONSTRATION.—Each local edu-  
7           cational agency that is selected to participate in the pilot  
8           program under this section shall annually—

9           “(1) demonstrate to the Secretary, that no  
10          high-poverty school served by the agency received  
11          less total per-pupil funding, including from Federal,  
12          State, and local sources, for low-income students or  
13          less total per-pupil funding, including from Federal,  
14          State, and local sources, for English learners than  
15          the school received in the previous year;

16          “(2) make public and report to the Secretary  
17          the per-pupil expenditures (including actual per-  
18          sonnel expenditures that include staff salary dif-  
19          ferentials for years of employment, and actual non-  
20          personnel expenditures) of State, local, and Federal  
21          funds for each school served by the agency, and  
22          disaggregated by student poverty quartile and by mi-  
23          nority student quartile for the preceding fiscal year;  
24          and



1           “(3) make public the total number of students  
2           enrolled in each school served by the agency and the  
3           number of students enrolled in each such school  
4           disaggregated by each of the categories of students,  
5           as defined in section 1111(b)(3)(A).

6           “(f) ELIGIBLE FEDERAL FUNDS.—In this section,  
7           the term ‘eligible Federal funds’ means funds received by  
8           a local educational agency under titles I, II, III, and IV  
9           of this Act.

10          “(g) LIMITATIONS ON ADMINISTRATIVE EXPENDI-  
11          TURES.—Each local educational agency that has entered  
12          into a local flexibility demonstration agreement with the  
13          Secretary under this section may use, for administrative  
14          purposes, from eligible Federal funds not more than the  
15          percentage of funds allowed for such purpose under any  
16          of titles I, II, III, or IV.

17          “(h) PEER REVIEW.—The Secretary may establish a  
18          peer review process to assist in the review of a proposed  
19          local flexibility demonstration agreement.

20          “(i) NONCOMPLIANCE.—The Secretary may, after  
21          providing notice and an opportunity for a hearing (includ-  
22          ing the opportunity to provide information as provided for  
23          in subsection (j)), terminate a local flexibility demonstra-  
24          tion agreement under this section if there is evidence that  
25          the local educational agency has failed to comply with the

1 terms of the agreement and the requirements under sub-  
2 sections (d) and (e).

3 “(j) EVIDENCE.—If a local educational agency be-  
4 lieves that the Secretary’s determination under subsection  
5 (i) is in error for statistical or other substantive reasons,  
6 the local educational agency may provide supporting evi-  
7 dence to the Secretary, and the Secretary shall consider  
8 that evidence before making a final termination deter-  
9 mination.

10 “(k) PROGRAM EVALUATION.—From the amount re-  
11 served for evaluation activities in section 9601, the Sec-  
12 retary, acting through the Director of the Institute of  
13 Education Sciences, shall, in consultation with the rel-  
14 evant program office at the Department, evaluate the im-  
15 plementation and impact of the local flexibility demonstra-  
16 tion agreements under this section, consistent with section  
17 9601 and specifically on improving the equitable distribu-  
18 tion of State and local funding and increasing student  
19 achievement.

20 “(l) RENEWAL OF LOCAL FLEXIBILITY DEMONSTRA-  
21 TION AGREEMENT.—The Secretary may renew for addi-  
22 tional 3-year terms a local flexibility demonstration agree-  
23 ment under this section if—

24 “(1) the local educational agency has met the  
25 requirements under subsections (d)(2) and (e) and

1 agrees to and has a high likelihood of continuing to  
2 meet such requirements; and

3 “(2) the Secretary determines that renewing  
4 the local flexibility demonstration agreement is in  
5 the interest of students served under titles I and III,  
6 including students from low-income families, English  
7 learners, migratory children, and children who are  
8 neglected, delinquent, or at risk.

9 “(m) DEFINITION OF HIGH-POVERTY SCHOOL.—In  
10 this section, the term ‘high-poverty school’ means a school  
11 that is in the highest 2 quartiles of schools served by a  
12 local educational agency, based on the percentage of en-  
13 rolled students from low-income families.”.