


Scott/Title I/Amendment #1  


AMENDMENT NO. \_\_\_\_\_

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

Purpose: To expand opportunity by allowing Title I funds  
to follow low-income children.

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

AMENDMENT intended to be proposed by Mr. SCOTT

Viz:

1 After section 1007, insert the following:

2 **SEC. 1008. SCHOOL CHOICE.**

3 Subpart 2 of part A of title I is amended by inserting  
4 after section 1122 the following:

5 **"SEC. 1123. SCHOOL CHOICE.**

6 **"(a) FUNDS FOLLOW THE LOW-INCOME CHILD.—**

7 Notwithstanding any other provision of this title, a State  
8 may, in accordance with and as permitted by State law,  
9 distribute funds under this subpart among the local edu-  
10 cational agencies in the State based on the number of eli-  
11 gible children enrolled in the public schools operated by  
12 each local educational agency and the number of eligible

1 children within each local educational agency's geo-  
2 graphical area whose parents elect to send the child to  
3 a private school, for the purposes of ensuring that funding  
4 under this subpart follows low-income children to the pub-  
5 lic school they attend and that payments will be made to  
6 the parents of children who choose to enroll their eligible  
7 children in private schools.

8       “(b) ELIGIBLE CHILD.—

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

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

23       “(c) IDENTIFICATION OF ELIGIBLE CHILDREN; AL-  
24       LOCATION AND DISTRIBUTION OF FUNDS.—

1           “(1) IDENTIFICATION OF ELIGIBLE CHIL-  
2       DREN.—On an annual basis, on a date to be deter-  
3       mined by the State educational agency, each local  
4       educational agency that receives grant funding in ac-  
5       cordance with subsection (a) shall inform the State  
6       educational agency of the number of eligible children  
7       enrolled in public schools served by the local edu-  
8       cational agency and the number of eligible children  
9       within each local educational agency’s geographical  
10      area whose parents elect to send the child to a pri-  
11      vate school.

12           “(2) AMOUNT OF PAYMENT.—

13           “(A) IN GENERAL.—Subject to subpara-  
14      graph (B), the amount of payment for each eli-  
15      gible child described in this section shall be  
16      equal to—

17           “(i) the total amount allotted to the  
18      State under section 1122; divided by

19           “(ii) the total number of eligible chil-  
20      dren in the State.

21           “(B) LIMITATION.—In the case of a pay-  
22      ment made to the parents of a child who elects  
23      to attend a private school, the amount of the  
24      payment described in subparagraph (A) for  
25      each eligible child shall not exceed the cost for

1           tuition, fees, and transportation for the eligible  
2           child to attend the private school.

3           “(3) ALLOCATION TO LOCAL EDUCATIONAL  
4           AGENCIES.—Based on the identification of eligible  
5           children in paragraph (1), the State educational  
6           shall provide to a local educational agency an  
7           amount equal to the sum of the amount available for  
8           each eligible child in the State, as described in para-  
9           graph (2), multiplied by the number of eligible chil-  
10          dren identified by the local educational agency under  
11          paragraph (1).

12          “(4) DISTRIBUTION TO SCHOOLS.—After the al-  
13          location described in paragraph (5), each local edu-  
14          cational agency that receives funds under paragraph  
15          (3) shall distribute such funds to the public schools  
16          served by the local educational agency—

17               “(A) based on—

18                   “(i) the number of eligible children  
19                   enrolled in such schools; and

20                   “(ii) in a manner that would, in the  
21                   absence of such Federal funds, supplement  
22                   the funds made available from non-Federal  
23                   resources for the education of pupils par-  
24                   ticipating in programs under this part, and  
25                   not to supplant such funds (in accordance

1 with the method of determination described  
2 in section 1117); and

3 “(B) in such a way that funds may be  
4 used in accordance with section 1113(b).

5 “(5) DISTRIBUTION TO PARENTS.—

6 “(A) IN GENERAL.—Each local educational  
7 agency that receives funds under paragraph (3)  
8 shall allocate the amount of funds necessary to  
9 make payments to the parents of each eligible  
10 child who elects to attend a private school with-  
11 in the local educational agency’s geographical  
12 area in an amount equal to the amount made  
13 available for each eligible child based on the  
14 number of eligible children enrolled in public  
15 schools served by the local educational agency  
16 and the number of eligible children within each  
17 local educational agency’s geographical area  
18 whose parents elect to send the child to a pri-  
19 vate school, and shall make such payments to  
20 such parents in a manner which ensures that  
21 such payments will be used for the payment of  
22 tuition, fees, and transportation expenses (if  
23 any).

24 “(B) RESERVATION.—A local educational  
25 agency described in this paragraph may reserve

1           1 percent of the funds reserved under subpara-  
2           graph (A) to pay administrative costs associ-  
3           ated with carrying out the activities described  
4           in such subparagraph.

5           “(d) TECHNICAL ASSISTANCE.—The Secretary, in  
6           consultation with the Secretary of Commerce, shall pro-  
7           vide technical assistance to the State educational agencies  
8           that choose to allocate grant funds in accordance with sub-  
9           section (a) and request such assistance, for the purpose  
10          of assisting local educational agencies and schools in such  
11          States determine an accurate methodology to identify the  
12          number of eligible children under subsection (c)(1).

13          “(e) RULE OF CONSTRUCTION.—Payments to par-  
14          ents under this section shall be considered assistance to  
15          the eligible child and shall not be considered assistance  
16          to the school that enrolls the eligible child. The amount  
17          of any payment under this section shall not be treated as  
18          income of the child or his or her parents for purposes of  
19          Federal tax laws or for determining eligibility for any  
20          other Federal program.

21          “(f) REQUIREMENTS FOR PARTICIPATING PRIVATE  
22          SCHOOLS.—A private school that enrolls eligible children  
23          whose parents receive funds under this section—

24                 “(1) shall be accredited, licensed, or otherwise  
25                 operating in accordance with State law;

1           “(2) shall ensure that the amount of any tuition  
2           or fees charged by the school to an eligible child  
3           whose parents receive funds from a local educational  
4           agency through a distribution under this section  
5           does not exceed the amount of tuition or fees that  
6           the school charges to students whose parents do not  
7           receive such funds;

8           “(3) shall be academically accountable to the  
9           parent for meeting the educational needs of the stu-  
10          dent; and

11          “(4) shall not discriminate against eligible chil-  
12          dren on the basis of race, color, national origin, or  
13          sex, except that—

14               “(A) the prohibition of sex discrimination  
15               shall not apply to a participating school that is  
16               operated by, supervised by, controlled by, or  
17               connected to a religious organization to the ex-  
18               tent that the application of such prohibition is  
19               inconsistent with the religious tenets or beliefs  
20               of the school; and

21               “(B) notwithstanding this paragraph or  
22               any other provision of law, a parent may  
23               choose, and a school may offer, a single-sex  
24               school, class, or activity.

1       “(g) PROHIBITIONS ON CONTROL OF PARTICIPATING  
2 PRIVATE SCHOOLS.—Notwithstanding any other provision  
3 of law, a private school that enrolls eligible children whose  
4 parents receive funds under this section—

5           “(1) may be a school that is operated by, super-  
6 vised by, controlled by, or connected to, a religious  
7 organization to exercise its right in matters of em-  
8 ployment consistent with title VII of the Civil Rights  
9 Act of 1964 (42 U.S.C. 2000e et seq.), including the  
10 exemptions in that title; and

11           “(2) consistent with the First Amendment of  
12 the Constitution of the United States, shall not—

13           “(A) be required to make any change in  
14 the school’s teaching mission;

15           “(B) be required to remove religious art,  
16 icons, scriptures, or other symbols; or

17           “(C) be precluded from retaining religious  
18 terms in its name, selecting its board members  
19 on a religious basis, or including religious ref-  
20 erences in its mission statements and other  
21 chartering or governing documents.

22       “(h) EVALUATION.—Every 2 years, the Secretary  
23 shall conduct an evaluation of the eligible children whose  
24 parents elected to enroll such children in a private school



1 and who received a payment through a distribution under  
2 this section, which shall include an evaluation of—

3 “(1) 4-year adjusted cohort graduation rates;  
4 and

5 “(2) parental satisfaction regarding the relevant  
6 activities carried out under this section.”.