

Bennet Title I Amendment #1

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To amend title I of the Elementary and Secondary Education Act of 1965 regarding comparability of services.

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. BENNET

Viz:

1 After section 1007, insert the following:

2 **SEC. 1008. COMPARABILITY OF SERVICES.**

3 Section 1120A (20 U.S.C. 6321) is amended by strik-  
4 ing subsection (c) and inserting the following:

5 “(c) COMPARABILITY.—

6 “(1) IN GENERAL.—

7 “(A) COMPARABILITY.—Beginning for the  
8 2017–2018 school year, a local educational  
9 agency may receive funds under this part only  
10 if the local educational agency demonstrates to  
11 the State educational agency that the combined

1 State and local per-pupil expenditures (includ-  
2 ing actual personnel and actual non-personnel  
3 expenditures) in each school served under this  
4 part, in the most recent year for which such  
5 data are available, were not less than the aver-  
6 age combined State and local per-pupil expendi-  
7 tures (including actual personnel and actual  
8 non-personnel expenditures) for those schools  
9 that are not served under this part.

10 “(B) ALTERNATIVE COMPARABILITY.—If  
11 the local educational agency is serving all of the  
12 schools under its jurisdiction under this part,  
13 the agency shall demonstrate to the State edu-  
14 cational agency that the combined State and  
15 local per-pupil expenditures (including actual  
16 personnel and actual non-personnel expendi-  
17 tures) for each of its higher-poverty schools, in  
18 the most recent year for which such data are  
19 available, were not less than the average com-  
20 bined State and local per-pupil expenditures  
21 (including actual personnel and actual non-per-  
22 sonnel expenditures) for its lower-poverty  
23 schools.

24 “(C) BASIS.—A local educational agency  
25 may meet the requirements of subparagraphs

1 (A) and (B) on a local educational agency-wide  
2 basis or a grade-span by grade-span basis.

3 “(D) EXCLUSION OF FUNDS.—

4 “(i) IN GENERAL.—For the purpose  
5 of complying with this paragraph, a local  
6 educational agency shall exclude any State  
7 or local funds expended in any school for—

8 “(I) excess costs of providing  
9 services to English learners;

10 “(II) excess costs of providing  
11 services to children with disabilities;

12 “(III) capital expenditures; and

13 “(IV) such other expenditures as  
14 the Secretary determines appropriate.

15 “(ii) CHANGES AFTER THE BEGIN-  
16 NING OF THE SCHOOL YEAR.—A local edu-  
17 cational agency need not include unpredict-  
18 able changes in student enrollment or per-  
19 sonnel assignments that occur after the be-  
20 ginning of a school year in determining  
21 compliance under this subsection.

22 “(2) DOCUMENTATION.—A local educational  
23 agency shall demonstrate that it is meeting the re-  
24 quirements of paragraph (1) by submitting to the

1 State educational agency for each school served by  
2 the local educational agency—

3 “(A) the State and local per-pupil expendi-  
4 tures (including actual personnel expenditures  
5 and actual non-personnel expenditures);

6 “(B) actual personnel expenditures from  
7 State and local sources;

8 “(C) actual non-personnel expenditures  
9 from State and local sources; and

10 “(D) total expenditures from State and  
11 local sources.

12 “(3) INAPPLICABILITY.—This subsection shall  
13 not apply to a local educational agency that does not  
14 have more than 1 building for each grade span.

15 “(4) PROCESS AND PROCEDURES.—

16 “(A) LOCAL EDUCATIONAL AGENCY RE-  
17 SPONSIBILITIES.—Each local educational agen-  
18 cy assisted under this part shall, by October 31,  
19 2018, report to the State educational agency on  
20 its compliance with the requirements of this  
21 subsection for the preceding school year, includ-  
22 ing by providing a listing, by school, of actual  
23 combined per-pupil State and local personnel  
24 and non-personnel expenditures, consistent with  
25 paragraph (2).

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

8           “(5) TRANSITION PROVISIONS.—

9           “(A) SCHOOL YEARS PRECEDING THE  
10          2017–2018 SCHOOL YEAR.—For school years pre-  
11          ceding the 2017–2018 school year, a local edu-  
12          cational agency may receive funds under this  
13          part only if the local educational agency dem-  
14          onstrates to the State educational agency that  
15          the local educational agency meets the require-  
16          ments of this subsection, as in effect on the day  
17          before the date of enactment of the Every Child  
18          Achieves Act of 2015.

19          “(B) TRANSITION BETWEEN REQUIRE-  
20          MENTS.—The Secretary shall take such steps as  
21          are necessary to provide for the orderly transi-  
22          tion between the requirements under this sec-  
23          tion, as in effect on the day before the date of  
24          enactment of the Every Child Achieves Act of



1           2015, and the new requirements under this sec-  
2           tion, as amended by such Act.

3           “(6) RULE OF CONSTRUCTION.—Nothing in  
4           this subsection shall be construed to require a local  
5           educational agency to transfer school personnel in  
6           order to comply with this subsection.

7           “(7) DEFINITIONS.—For the purposes of this  
8           subsection:

9                   “(A) HIGHER-POVERTY SCHOOL.—The  
10           term ‘higher poverty school’ means a school  
11           that is in the highest 3 quartiles of schools  
12           served by a local educational agency, based on  
13           the percentage of enrolled students from low-in-  
14           come families.

15                   “(B) LOWER-POVERTY SCHOOL.—The  
16           term ‘lower poverty school’ means a school that  
17           is in the lowest quartile of schools served by a  
18           local educational agency, based on the percent-  
19           age of enrolled students from low-income fami-  
20           lies.”.