

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 5
OFFERED BY M . _____**

Page 5, beginning line 1, strike “\$16,245,163,000 for each of fiscal years 2016 through 2021” and insert “\$30,000,000,000 for fiscal year 2016 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

Strike section 115.

Strike section 116.

Strike section 120.

Strike section 121 and insert the following:

1 SEC. 121. FISCAL REQUIREMENTS.

2 Section 1120A (20 U.S.C. 6321) is amended to read
3 as follows:

4 “SEC. 1120A. FISCAL REQUIREMENTS.

5 “(a) MAINTENANCE OF EFFORT.—A local edu-
6 cational agency may receive funds under this part for any
7 fiscal year only if the State educational agency involved
8 finds that the local educational agency has maintained the
9 agency’s fiscal effort in accordance with section 9521.

1 “(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUP-
2 PLANT, NON-FEDERAL FUNDS.—

3 “(1) IN GENERAL.—A State educational agency
4 or local educational agency shall use Federal funds
5 received under this part only to supplement the
6 funds that would, in the absence of such Federal
7 funds, be made available from non-Federal sources
8 for the education of pupils participating in programs
9 assisted under this part, and not to supplant such
10 funds.

11 “(2) SPECIAL RULE.—No local educational
12 agency shall be required to provide services under
13 this part through a particular instructional method
14 or in a particular instructional setting in order to
15 demonstrate such agency’s compliance with para-
16 graph (1).

17 “(c) COMPARABLE ALLOCATION OF EXPENDI-
18 TURES.—

19 “(1) IN GENERAL.—

20 “(A) COMPARABLE FUNDING.—Not later
21 than 5 full school years after the date of enact-
22 ment the Student Success Act, except as pro-
23 vided in paragraphs (5), (6), and (7), a local
24 educational agency may receive funds under
25 this part for a fiscal year only if, for the pre-

1 ceding fiscal year, the combined expenditure per
2 pupil of State and local funds, including per-
3 sonnel and nonpersonnel costs, in each school
4 served under this part was at least comparable
5 to the average combined expenditure per pupil
6 of State and local funds, including personnel
7 and nonpersonnel costs, across all schools
8 served by the local educational agency that are
9 not receiving funds under this part.

10 “(B) COMPARABLE FUNDING AMONG
11 TITLE I SCHOOLS.—In any case where all of the
12 schools served by a local educational agency re-
13 ceive support under this part, such agency may
14 receive funds under this part only if, for the
15 preceding fiscal year, the combined expenditure
16 per pupil of State and local funds in each high-
17 er poverty school is at least comparable to the
18 average combined expenditure per pupil of
19 State and local funds across all lower poverty
20 schools.

21 “(2) EQUIVALENCE.—A local educational agen-
22 cy shall be considered to have met the requirements
23 of paragraph (1), and to be eligible to receive funds
24 under this part, if—

1 “(A) such agency has filed annually with
2 the State educational agency a school-by-school
3 listing of per-pupil expenditures of State and
4 local funds, as described in paragraph (1), for
5 each school served by the agency for the pre-
6 ceding fiscal year; and

7 “(B) the listing described in subparagraph
8 (A) demonstrates comparable allocation of per-
9 pupil expenditures across schools as required by
10 subparagraph (A) or (B) of paragraph (1).

11 “(3) BASIS.—A local educational agency may
12 meet the requirements of paragraphs (1) or (2)
13 across all schools or among schools serving a par-
14 ticular grade span, if the local educational agency
15 compares schools within not more than three grade
16 spans.

17 “(4) REQUIREMENTS.—

18 “(A) REQUIREMENTS OF THE SEC-
19 RETARY.—The Secretary shall issue regulations
20 concerning the responsibilities of State edu-
21 cational agencies and local educational agencies
22 for meeting the requirements of this subsection.

23 “(B) REQUIREMENTS OF STATES.—Each
24 State educational agency receiving funds under
25 this part shall—

1 “(i) create and distribute to local edu-
2 cational agencies, and make available to
3 the public, regulations on the responsibil-
4 ities of local educational agencies for meet-
5 ing the requirements of this subsection;
6 and

7 “(ii) submit a plan to the Secretary,
8 required under section 1111(d)(1)(B).

9 “(C) REQUIREMENTS OF LOCAL EDU-
10 CATIONAL AGENCIES.—Not later than 18
11 months after the date of enactment of the Stu-
12 dent Success Act, each local educational agency
13 receiving funds under this part shall develop
14 and submit to the State educational agency a
15 plan, which shall be made available to the pub-
16 lic, that will ensure comparable allocation of re-
17 sources as described in paragraph (1) not later
18 than 5 full school years after the date of enact-
19 ment of the Student Success Act, including in-
20 formation on—

21 “(i) a timeline and annual bench-
22 marks for making progress toward achiev-
23 ing comparable allocation of resources; and

24 “(ii) how the local educational agency
25 is aligning school improvement efforts de-

1 scribed under section 1116(b) and (c), ef-
2 forts to improve educator supports and
3 working conditions described in section
4 2112(b)(3), and efforts to improve the eq-
5 uitable distribution of teachers and prin-
6 cipals described in section 2112(b)(5), with
7 efforts to improve the comparable alloca-
8 tion of resources as described in this sub-
9 section;

10 “(5) 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 “(6) COMPLIANCE.—For the purpose of deter-
14 mining compliance with paragraph (1), a local edu-
15 cational agency—

16 “(A) shall exclude State and local funds
17 expended for the excess costs of providing
18 English language instruction for Limited
19 English Proficient students as determined by
20 the local educational agency;

21 “(B) shall exclude State and local funds
22 expended for the excess costs of providing serv-
23 ices to children with disabilities as determined
24 by the local educational agency;

25 “(C) may exclude capital expenditures; and

1 “(D) may exclude supplemental State or
2 local funds expended in any school attendance
3 area or school for programs that meet the in-
4 tent and purpose of this part.

5 “(7) EXCLUSIONS.—A local educational agency
6 need not include unpredictable or significant changes
7 in student enrollment or personnel assignments that
8 occur after the beginning of a school year in deter-
9 mining the comparable allocation of expenditures
10 under this subsection.

11 “(8) TRANSITIONAL COMPLIANCE.—Beginning
12 on the date of enactment of Student Success Act,
13 for no more than 5 full school years a local edu-
14 cational agency shall be deemed to be in compliance
15 with paragraph (1) and paragraph (4)(C)(i) for any
16 school year, if the teachers hired to fill vacancies for
17 individual schools served under this part, and for the
18 schools not served under this part, improve the com-
19 parable allocation of combined State and local per
20 pupil expenditures compared to the preceding school
21 year.

22 “(9) WAIVER.—A local educational agency may
23 apply to the Secretary to waive the requirement of
24 paragraph (1), for not more than 1 year at a time,
25 if the Secretary determines that the failure to com-

1 ply with such requirement is due to exceptional or
2 uncontrollable circumstances, such as a natural dis-
3 aster or a precipitous and unforeseen decline in the
4 agency's financial resources.

5 “(10) RULE OF CONSTRUCTION.—Nothing in
6 this section shall be construed to alter or otherwise
7 affect the rights, remedies, and procedures afforded
8 school or local educational agency employees under
9 Federal, State, or local laws (including applicable
10 regulations or court orders) or under the terms of
11 collective bargaining agreements, memoranda of un-
12 derstanding, or other agreements between such em-
13 ployees and their employers.

14 “(11) NO FORCED TRANSFERS.—Nothing in
15 this subsection shall be construed to require a local
16 educational agency to transfer school personnel in
17 order to comply with the requirements of this sub-
18 section.

19 “(d) EXCLUSION OF FUNDS.—For the purpose of
20 complying with subsections (b) and (c), a State edu-
21 cational agency or local educational agency may exclude
22 supplemental State or local funds expended in any school
23 attendance area or school for programs that meet the in-
24 tent and purposes of this part.”.

Strike section 125.

Strike section 126.

Strike section 130.

