

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 5
OFFERED BY MR. SALMON OF ARIZONA**

Insert after section 128, the following new section:

1 **SEC. 129. TITLE I PORTABILITY.**

2 Chapter B of subpart 1 of part A of title I (20 U.S.C.
3 6331 et seq.) is amended by adding at the end the fol-
4 lowing new section:

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

7 “(a) IN GENERAL.—Notwithstanding any other pro-
8 vision of law and to the extent permitted under State law,
9 a State educational agency may allocate grant funds under
10 this chapter among the local educational agencies in the
11 State based on the number of eligible children enrolled in
12 the public schools served by each local educational agency
13 and the State-accredited private schools within each local
14 educational agency’s geographic jurisdiction.

15 “(b) ELIGIBLE CHILD.—

16 “(1) DEFINITION.—In this section, the term
17 ‘eligible child’ means a child aged 5 to 17, inclusive,
18 from a family with an income below the poverty level

1 on the basis of the most recent satisfactory data
2 published by the Department of Commerce.

3 “(2) CRITERIA OF POVERTY.—In determining
4 the families with incomes below the poverty level for
5 the purposes of this section, a State educational
6 agency shall use the criteria of poverty used by the
7 Census Bureau in compiling the most recent decen-
8 nial census, as the criteria have been updated by in-
9 creases in the Consumer Price Index for All Urban
10 Consumers, published by the Bureau of Labor Sta-
11 tistics.

12 “(c) STUDENT ENROLLMENT IN PUBLIC AND PRI-
13 VATE SCHOOLS.—

14 “(1) IDENTIFICATION OF ELIGIBLE CHIL-
15 DREN.—On an annual basis, on a date to be deter-
16 mined by the State educational agency, each local
17 educational agency that receives grant funding in ac-
18 cordance with subsection (a) shall inform the State
19 educational agency of the number of eligible children
20 enrolled in public schools served by the local edu-
21 cational agency and the State-accredited private
22 schools within the local educational agency’s geo-
23 graphic jurisdiction..

24 “(2) ALLOCATION TO LOCAL EDUCATIONAL
25 AGENCIES.—Based on the identification of eligible

1 children in paragraph (1), the State educational
2 agency shall provide to a local educational agency an
3 amount equal to the sum of the amount available for
4 each eligible child in the State multiplied by the
5 number of eligible children identified by the local
6 educational agency under paragraph (1).

7 “(3) DISTRIBUTION TO SCHOOLS.—Each local
8 educational agency that receives funds under para-
9 graph (2) shall distribute such funds to the public
10 schools served by the local educational agency—

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

13 “(B) in a manner that would, in the ab-
14 sence of such Federal funds, supplement the
15 funds made available from non-Federal re-
16 sources for the education of pupils participating
17 in programs under this subpart, and not to sup-
18 plant such funds.”.

