

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 5
OFFERED BY MR. CANTOR OF VIRGINIA**

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 “(b) ELIGIBLE CHILD.—

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

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

10 “(c) STUDENT ENROLLMENT IN PUBLIC SCHOOLS.—

11 “(1) IDENTIFICATION OF ELIGIBLE CHIL-
12 DREN.—On an annual basis, on a date to be deter-
13 mined by the State educational agency, each local
14 educational agency that receives grant funding in ac-
15 cordance with subsection (a) shall inform the State
16 educational agency of the number of eligible children
17 enrolled in public schools served by the local edu-
18 cational agency.

19 “(2) ALLOCATION TO LOCAL EDUCATIONAL
20 AGENCIES.—Based on the identification of eligible
21 children in paragraph (1), the State educational
22 agency shall provide to a local educational agency an
23 amount equal to the sum of the amount available for
24 each eligible child in the State multiplied by the

1 number of eligible children identified by the local
2 educational agency under paragraph (1).

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

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

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

