

**AMENDMENT TO H.R. 1319, AS REPORTED
OFFERED BY MRS. GREENE OF GEORGIA**

Beginning on page 27, strike line 13 through page 37, line 2, and insert the following:

1 **SEC. 2001. ELEMENTARY AND SECONDARY EDUCATION**
2 **FUNDS TO FOLLOW THE STUDENT.**

3 (a) IN GENERAL.—In addition to amounts otherwise
4 available, there is appropriated to the Department of Edu-
5 cation for fiscal year 2021, out of any money in the Treas-
6 ury not otherwise appropriated, \$128,554,800,000, to re-
7 main available through December 31, 2021, for making
8 grants under titles I, III, IV, V, and VI of the Elementary
9 and Secondary Education Act of 1965 (20 U.S.C. 6301,
10 et seq.) and the Individuals with Disabilities Education
11 Act (20 U.S.C. 1400 et seq.) consistent with the amend-
12 ments made by subsections (b) and (c).

13 (b) FEDERAL FUNDING UNDER THE ELEMENTARY
14 AND SECONDARY EDUCATION ACT OF 1965 TO FOLLOW
15 THE STUDENT.—Title VIII of the Elementary and Sec-
16 ondary Education Act of 1965 (20 U.S.C. 7801 et seq.)
17 is amended by adding at the end the following:

1 **“PART H—FUNDS TO FOLLOW THE STUDENT**

2 **“SEC. 8701. FUNDS TO FOLLOW THE STUDENT.**

3 “(a) IN GENERAL.—

4 “(1) FUNDS TO FOLLOW THE STUDENT.—Not-
5 withstanding any other provision of law and to the
6 extent permitted under State law, a State edu-
7 cational agency shall allocate grant funds provided
8 under titles I, III, IV, V, and VI, for the purposes
9 of ensuring that funding under such titles follows
10 children, whether learning in person or remotely, to
11 the public school, private school, or home school they
12 attend—

13 “(A) among the local educational agencies
14 in the State based on the number of eligible
15 children enrolled in the public schools operated
16 by each local educational agency; and

17 “(B) directly to the eligible children,
18 through education savings accounts, residing in
19 the State who are enrolled in private schools or
20 home schools.

21 “(2) ALLOWABLE USES OF FUNDS.—Funds al-
22 located under paragraph (1) may be used for, but
23 not limited to—

24 “(A) curriculum and curricular materials;

25 “(B) books or other instructional mate-
26 rials;

1 “(C) technological educational materials;
2 “(D) online educational materials;
3 “(E) tutoring or educational classes out-
4 side the home;
5 “(F) private school tuition;
6 “(G) extracurricular activities;
7 “(H) testing fees;
8 “(I) diagnostic tools; and
9 “(J) educational therapies for student with
10 disabilities.

11 “(3) PLAN.—

12 “(A) IN GENERAL.—Each State that car-
13 ries out allocations described in paragraph (1)
14 shall establish a plan whereby the parent or
15 guardian of each eligible child in the State will
16 annually notify the relevant local educational
17 agency of the public school or private school
18 which the child will attend, or if the child will
19 instead attend home school.

20 “(B) DATA COLLECTION.—Information
21 collected under this section by the State shall
22 be used for the sole purposes of calculating the
23 allocation of funds and distribution of funds
24 under this section.

25 “(b) DEFINITIONS.—In this section:

1 “(1) ELIGIBLE CHILD.—The term ‘eligible
2 child’ means a child aged 5 to 17.

3 “(2) HOME SCHOOL.—The term ‘home school’
4 means a home school as defined by the laws of the
5 State in which the eligible child resides.

6 “(c) STUDENT ENROLLMENT IN PUBLIC SCHOOLS,
7 PRIVATE SCHOOLS, AND HOME SCHOOLS.—

8 “(1) IDENTIFICATION OF ELIGIBLE CHIL-
9 DREN.—On an annual basis, on a date to be deter-
10 mined by the State educational agency, each local
11 educational agency that receives grant funding in ac-
12 cordance with subsection (a) shall inform the State
13 educational agency of the number of eligible children
14 enrolled in public schools served by the local edu-
15 cational agency and private schools and home
16 schools located in the school district served by the
17 local educational agency in order to provide alloca-
18 tions for each eligible child in equal amounts regard-
19 less of where the child attends school in the State.

20 “(2) ALLOCATION TO LOCAL EDUCATIONAL
21 AGENCIES AND ELIGIBLE CHILDREN.—Based on the
22 identification of eligible children in paragraph (1),
23 the State educational agency shall provide—

24 “(A) to a local educational agency an
25 amount equal to the sum of the amount avail-

1 able for each eligible child in the State multi-
2 plied by the number of eligible children identi-
3 fied by the local educational agency under para-
4 graph (1) enrolled in public schools served by
5 the local educational agency; and

6 “(B) to an eligible child residing in the
7 State who is enrolled in a private school or
8 home school, through an education savings ac-
9 count, an amount equal to the sum of the
10 amount available for an eligible child in the
11 State.

12 “(3) DISTRIBUTION TO PUBLIC SCHOOLS.—
13 Each local educational agency that receives funds
14 under paragraph (2)(A) shall distribute such funds
15 to the public schools served by the local educational
16 agency—

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

19 “(B) in a manner that would, in the ab-
20 sence of such Federal funds, supplement the
21 funds made available from non-Federal re-
22 sources for the education of pupils participating
23 in programs under this Act, and not to sup-
24 plant such funds (in accordance with the meth-
25 od of determination described in section 1117).

1 “(4) DISTRIBUTION TO ELIGIBLE CHILDREN.—
2 Each State that carries out allocations described in
3 paragraph (1) shall distribute amounts to the eligi-
4 ble children residing in that State who enroll in a
5 private school or home school—

6 “(A) through an education savings ac-
7 count, as described in paragraph (2)(B); and

8 “(B) in a manner that would, in the ab-
9 sence of such Federal funds, supplement the
10 funds made available from non-Federal re-
11 sources for the education of pupils participating
12 in programs under this Act, and not to sup-
13 plant such funds (in accordance with the meth-
14 od of determination described in section 1117).

15 “(d) APPLICATION OF PARTICIPATION OF CHILDREN
16 ENROLLED IN PRIVATE SCHOOLS.—The provisions of sec-
17 tion 1116 shall apply to this section.

18 “(e) RULE OF CONSTRUCTION.—

19 “(1) FEDERALLY FUNDED SCHOOL FOOD PRO-
20 GRAMS.—Nothing in this section shall be construed
21 to preclude a child eligible for assistance under the
22 free and reduced price school lunch program estab-
23 lished under the Richard B. Russell National School
24 Lunch Act (42 U.S.C. 1751 et seq.) from receiving
25 assistance under such program.

1 “(2) PROHIBITION OF CONTROL OVER NON-
2 PUBLIC EDUCATION PROVIDERS.—Nothing in this
3 section shall permit, allow, encourage, or authorize
4 Federal or State control over non-public education
5 providers.”.

6 (c) FEDERAL FUNDING UNDER THE INDIVIDUALS
7 WITH DISABILITIES EDUCATION ACT TO FOLLOW THE
8 STUDENT.—Part A of the Individuals with Disabilities
9 Education Act (20 U.S.C. 1401 et seq.) is amended by
10 adding at the end the following:

11 **“SEC. 611. FUNDS TO FOLLOW THE STUDENT.**

12 “(a) IN GENERAL.—

13 “(1) FUNDS TO FOLLOW THE STUDENT.—Not-
14 withstanding any other provision of law and to the
15 extent permitted under State law, a State edu-
16 cational agency shall allocate grant funds provided
17 under this Act, for the purposes of ensuring that
18 funding under this Act follows children, whether
19 learning in person or remotely, to the public school,
20 private school, or home school they attend—

21 “(A) among the local educational agencies
22 in the State based on the number of eligible
23 children enrolled in the public schools operated
24 by each local educational agency; and

1 “(B) directly to the eligible children,
2 through education savings accounts, residing in
3 that State who are enrolled in private schools or
4 home schools.

5 “(2) ALLOWABLE USES OF FUNDS.—Funds al-
6 located under paragraph (1) may be used for, but
7 not limited to—

8 “(A) curriculum and curricular materials;

9 “(B) books or other instructional mate-
10 rials;

11 “(C) technological educational materials;

12 “(D) online educational materials;

13 “(E) tutoring or educational classes out-
14 side the home;

15 “(F) private school tuition;

16 “(G) extracurricular activities;

17 “(H) testing fees;

18 “(I) diagnostic tools; and

19 “(J) educational therapies for student with
20 disabilities.

21 “(3) PLAN.—

22 “(A) IN GENERAL.—Each State that car-
23 ries out allocations described in paragraph (1)
24 shall establish a plan whereby the parent or
25 guardian of each eligible child in the State will

1 annually notify the relevant local educational
2 agency of the public school or private school
3 which the child will attend, or if the child will
4 instead attend home school.

5 “(B) DATA COLLECTION.—Information
6 collected under this section by the State shall
7 be used for the sole purposes of calculating the
8 allocation of funds and distribution of funds
9 under this section.

10 “(b) DEFINITIONS.—In this section:

11 “(1) ELIGIBLE CHILD.—The term ‘eligible
12 child’ means a child with a disability who is eligible
13 to receive special education and related services
14 under this Act.

15 “(2) HOME SCHOOL.—The term ‘home school’
16 means a home school as defined by the laws of the
17 State in which the eligible child resides.

18 “(c) STUDENT ENROLLMENT IN PUBLIC SCHOOLS,
19 PRIVATE SCHOOLS, AND HOME SCHOOLS.—

20 “(1) IDENTIFICATION OF ELIGIBLE CHIL-
21 DREN.—On an annual basis, on a date to be deter-
22 mined by the State educational agency, each local
23 educational agency that receives grant funding in ac-
24 cordance with subsection (a) shall inform the State
25 educational agency of the number of eligible children

1 enrolled in public schools served by the local edu-
2 cational agency and private schools and home
3 schools located in the school district served by the
4 local educational agency in order to provide alloca-
5 tions for each eligible child in equal amounts regard-
6 less of where the child attends school in the State.

7 “(2) ALLOCATION TO LOCAL EDUCATIONAL
8 AGENCIES AND ELIGIBLE CHILDREN.—Based on the
9 identification of eligible children in paragraph (1),
10 the State educational agency shall provide—

11 “(A) to a local educational agency an
12 amount equal to the sum of the amount avail-
13 able for each eligible child in the State multi-
14 plied by the number of eligible children identi-
15 fied by the local educational agency under para-
16 graph (1) enrolled in public schools served by
17 the local educational agency; and

18 “(B) to an eligible child residing in the
19 State who is enrolled in a private school or
20 home school, through an education savings ac-
21 count, an amount equal to the sum of the
22 amount available for an eligible child in the
23 State.

24 “(3) DISTRIBUTION TO PUBLIC SCHOOLS.—
25 Each local educational agency that receives funds

1 under paragraph (2)(A) shall distribute such funds
2 to the public schools served by the local educational
3 agency—

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

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

12 “(4) DISTRIBUTION TO ELIGIBLE CHILDREN.—
13 Each State that carries out allocations described in
14 paragraph (1) shall distribute amounts to the eligi-
15 ble children residing in that State who enroll in a
16 private school or home school—

17 “(A) through an education savings ac-
18 count, as described in paragraph (2)(B); and

19 “(B) in a manner that would, in the ab-
20 sence of such Federal funds, supplement the
21 funds made available from non-Federal re-
22 sources for the education of pupils participating
23 in programs under this Act, and not to sup-
24 plant such funds.

25 “(d) RULE OF CONSTRUCTION.—

1 “(1) FEDERALLY FUNDED SCHOOL LUNCH PRO-
2 GRAMS.—Nothing in this section shall be construed
3 to preclude a child eligible for assistance under the
4 free and reduced price school lunch program estab-
5 lished under the Richard B. Russell National School
6 Lunch Act (42 U.S.C. 1751 et seq.) from receiving
7 assistance under such program.

8 “(2) PROHIBITION OF CONTROL OVER NON-
9 PUBLIC EDUCATION PROVIDERS.—Nothing in this
10 section shall permit, allow, encourage, or authorize
11 Federal or State control over non-public education
12 providers.”.

