

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 5
OFFERED BY MR. HONDA OF CALIFORNIA**

Page 37, after line 3, insert the following:

1 (1) the State will develop a plan to identify and
2 reduce inequities in the allocation of State and local
3 resources, including personnel and nonpersonnel re-
4 sources, between schools that are receiving funds
5 under this title and schools that are not receiving
6 such funds under this title, consistent with the re-
7 quirements in section 1120A, including—

8 (A) a description of how the State will sup-
9 port local educational agencies in meeting the
10 requirements of section 1120A; and

11 (B) a description of how the State will
12 support local educational agencies to align plans
13 under subparagraph (A), efforts to improve ed-
14 ucator supports and working conditions de-
15 scribed in section 2112(b)(3), and efforts to im-
16 prove the equitable distribution of teachers and
17 principals described in section 2112(b)(5), with
18 efforts to improve the equitable allocation of re-
19 sources as described in this subsection;

Page 37, beginning on line 4, redesignate paragraphs (1) through (7) as paragraph (2) through (8), respectively.

Page 88, strike lines 1 through 3 and insert the following:

1 (2) by amending subsection (c) to read as follows:
2

3 “(c) **EQUITABLE ALLOCATION OF EXPENDITURES.—**

4 “(1) **IN GENERAL.—**

5 “(A) **EQUITABLE FUNDING.—**After 5 full
6 school years of the date of enactment of the
7 Student Success Act, except as provided in
8 paragraphs (5), (6), and (7), a local educational
9 agency may receive funds under this part for a
10 fiscal year only if for the preceding fiscal year,
11 the combined expenditure per pupil of State
12 and local funds, including personnel and non-
13 personnel costs, in each school served under
14 this part was at least equitable to the average
15 combined expenditure per pupil of State and
16 local funds, including personnel and nonper-
17 sonnel costs, across all schools served by the
18 local educational agency that are not receiving
19 funds under this part.

1 “(B) **EQUITABLE FUNDING AMONG TITLE I**
2 **SCHOOLS.**—In any case where all of the schools
3 served by a local educational agency receive
4 support under this part, such agency may re-
5 ceive funds under this part only if for the pre-
6 ceding fiscal year, the combined expenditure per
7 pupil of State and local funds in each higher
8 poverty school is at least equitable to the aver-
9 age combined expenditure per pupil of State
10 and local funds across all lower poverty schools.

11 “(2) **EQUIVALENCE.**—A local educational agen-
12 cy shall be considered to have met the requirements
13 of paragraph (1), and to be eligible to receive funds
14 under this part, if—

15 “(A) such agency has filed annually with
16 the State educational agency a school-by-school
17 listing of per-pupil expenditures of State and
18 local funds, as described in paragraph (1), for
19 each school served by the agency for the pre-
20 ceding fiscal year; and

21 “(B) the listing described in subparagraph
22 (A) demonstrates equitable allocation of per-
23 pupil expenditures across schools as required by
24 subparagraph (A) or (B) of paragraph (1).

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

7 “(4) REQUIREMENTS.—

8 “(A) REQUIREMENTS OF THE SEC-
9 RETARY.—The Secretary shall issue regulations
10 concerning the responsibilities of State edu-
11 cational agencies and local educational agencies
12 for meeting the requirements of this subsection.

13 “(B) REQUIREMENTS OF STATES.—Each
14 State educational agency receiving funds under
15 this part shall—

16 “(i) create and distribute to local edu-
17 cational agencies, and make available to
18 the public, regulations on the responsibil-
19 ities of local educational agencies for meet-
20 ing the requirements of this subsection;
21 and

22 “(ii) submit a plan to the Secretary,
23 as required under section 1111(c)(1).

24 “(C) REQUIREMENTS OF LOCAL EDU-
25 CATIONAL AGENCIES.—Not later than 18

1 months after the date of enactment of the Stu-
2 dent Success Act, each local educational agency
3 receiving funds under this part shall develop
4 and submit to the State educational agency a
5 plan, which shall be made available to the pub-
6 lic, that will ensure equitable allocation of re-
7 sources as described in paragraph (1) not later
8 than 5 full school years after the date of enact-
9 ment of the Student Success Act, including in-
10 formation on—

11 “(i) a timeline and annual bench-
12 marks for making progress toward achiev-
13 ing equitable allocation of resources; and

14 “(ii) how the local educational agency
15 is aligning school improvement efforts, ef-
16 forts to improve educator supports and
17 working conditions, and efforts to improve
18 the equitable distribution of teachers and
19 principals with efforts to improve the equi-
20 table allocation of resources as described in
21 this subsection.

22 “(5) INAPPLICABILITY.—This subsection shall
23 not apply to a local educational agency that does not
24 have more than one building for each grade span.

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

4 “(A) shall exclude State and local funds
5 expended for the excess costs of providing
6 English language instruction for Limited
7 English Proficient students as determined by
8 the local educational agency;

9 “(B) shall exclude State and local funds
10 expended for the excess costs of providing serv-
11 ices to children with disabilities as determined
12 by the local educational agency;

13 “(C) may exclude capital expenditures; and

14 “(D) may exclude supplemental State or
15 local funds expended in any school attendance
16 area or school for programs that meet the in-
17 tent and purpose of this part.

18 “(7) EXCLUSIONS.—A local educational agency
19 need not include unpredictable or significant changes
20 in student enrollment or personnel assignments that
21 occur after the beginning of a school year in deter-
22 mining the equitable allocation of expenditures
23 under this subsection.

24 “(8) TRANSITIONAL COMPLIANCE.—A local
25 educational agency shall be deemed to be in compli-

1 ance with paragraph (1) and paragraph (4)(C)(i) for
2 any school year, within 5 years of the date of enact-
3 ment of the Student Success Act, if the teachers
4 hired to fill vacancies for individual schools served
5 under this part, and for the schools not served under
6 this part, improve the equitable allocation of com-
7 bined State and local per pupil expenditures com-
8 pared to the preceding school year.

9 “(9) WAIVER.—A local educational agency may
10 apply to the Secretary for a temporary waiver of the
11 requirements of this section in the case of a natural
12 disaster or other unforeseen circumstance that re-
13 sults in a substantial decrease in revenue.

14 “(10) RULE OF CONSTRUCTION.—Nothing in
15 this section shall be construed to alter or otherwise
16 affect the rights, remedies, and procedures afforded
17 school or local educational agency employees under
18 Federal, State, or local laws (including applicable
19 regulations or court orders) or under the terms of
20 collective bargaining agreements, memoranda of un-
21 derstanding, or other agreements between such em-
22 ployees and their employers.”.

