

**AMENDMENT TO  
RULES COMMITTEE PRINT 118-2  
OFFERED BY MR. ROY OF TEXAS**

Add at the end the following:

1 **TITLE VII—SUPPORT CHILDREN**  
2 **HAVING OPEN OPPORTUNI-**  
3 **TIES FOR LEARNING**

4 **SEC. 701. FEDERAL FUNDING UNDER THE ELEMENTARY**  
5 **AND SECONDARY EDUCATION ACT OF 1965 TO**  
6 **FOLLOW THE STUDENT.**

7 Title VIII of the Elementary and Secondary Edu-  
8 cation Act of 1965 (20 U.S.C. 7801 et seq.) is amended  
9 by adding at the end the following:

10 **“PART H—FUNDS TO FOLLOW THE STUDENT**  
11 **“SEC. 8701. 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 title I, for the purposes of ensuring that fund-  
18 ing under such title follows children, whether learn-

1       ing in person or remotely, to the public school, pri-  
2       vate school, or home school they attend—

3               “(A) among the local educational agencies  
4               in the State based on the number of eligible  
5               children enrolled in the public schools operated  
6               by each local educational agency; and

7               “(B) directly to the eligible children,  
8               through education savings accounts, residing in  
9               the State who are enrolled in private schools or  
10              home schools.

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

14               “(A) curriculum and curricular materials;

15               “(B) books or other instructional mate-  
16               rials;

17               “(C) technological educational materials;

18               “(D) online educational materials;

19               “(E) tutoring or educational classes out-  
20               side the home;

21               “(F) private school tuition;

22               “(G) extracurricular activities;

23               “(H) testing fees;

24               “(I) diagnostic tools; and

1           “(J) educational therapies for student with  
2           disabilities.

3           “(3) PLAN.—

4           “(A) IN GENERAL.—Each State that car-  
5           ries out allocations described in paragraph (1)  
6           shall establish a plan whereby the parent or  
7           guardian of each eligible child in the State will  
8           annually notify the relevant local educational  
9           agency of the public school or private school  
10          which the child will attend, or if the child will  
11          instead attend home school.

12          “(B) DATA COLLECTION.—Information  
13          collected under this section by the State shall  
14          be used for the sole purposes of calculating the  
15          allocation of funds and distribution of funds  
16          under this section.

17          “(b) DEFINITIONS.—In this section:

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

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

23          “(c) STUDENT ENROLLMENT IN PUBLIC SCHOOLS,  
24          PRIVATE SCHOOLS, AND HOME SCHOOLS.—

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

13          “(2) ALLOCATION TO LOCAL EDUCATIONAL  
14          AGENCIES AND ELIGIBLE CHILDREN.—Based on the  
15          identification of eligible children in paragraph (1),  
16          the State educational agency shall provide—

17                 “(A) to a local educational agency an  
18                 amount equal to the sum of the amount avail-  
19                 able for each eligible child in the State multi-  
20                 plied by the number of eligible children identi-  
21                 fied by the local educational agency under para-  
22                 graph (1) enrolled in public schools served by  
23                 the local educational agency; and

24                 “(B) to an eligible child residing in the  
25                 State who is enrolled in a private school or

1 home school, through an education savings ac-  
2 count, an amount equal to the sum of the  
3 amount available for an eligible child in the  
4 State.

5 “(3) DISTRIBUTION TO PUBLIC SCHOOLS.—  
6 Each local educational agency that receives funds  
7 under paragraph (2)(A) shall distribute such funds  
8 to the public schools served by the local educational  
9 agency—

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

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

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

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

1           “(B) in a manner that would, in the ab-  
2           sence of such Federal funds, supplement the  
3           funds made available from non-Federal re-  
4           sources for the education of pupils participating  
5           in programs under this Act, and not to sup-  
6           plant such funds (in accordance with the meth-  
7           od of determination described in section 1117).

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

11          “(e) RULE OF CONSTRUCTION.—Nothing in this sec-  
12          tion shall permit, allow, encourage, or authorize Federal  
13          or State control over non-public education providers.”.

