

Paul Amendment #1

Rand Paul

AMENDMENT NO. _____

Calendar No. _____

Purpose: To allow Federal funds appropriated for kindergarten through grade 12 education to follow the student.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 5038

To prohibit the transfer of the functions of the Office of Special Education and Rehabilitative Services.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. PAUL

Viz:

1 At the end, add the following:

2 **SEC. 3. FEDERAL FUNDING UNDER THE ELEMENTARY AND**
3 **SECONDARY EDUCATION ACT OF 1965 TO**
4 **FOLLOW THE STUDENT.**

5 (a) IN GENERAL.—Title VIII of the Elementary and
6 Secondary Education Act of 1965 (20 U.S.C. 7801 et
7 seq.) is amended by adding at the end the following:

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

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

10 **“(a) IN GENERAL.—**

11 **“(1) FUNDS TO FOLLOW THE STUDENT.—Not-**
12 **withstanding any other provision of law and to the**

1 extent permitted under State law, a State edu-
2 cational agency shall allocate grant funds provided
3 under titles I, III, IV, V, and VI, for the purposes
4 of ensuring that funding under such titles follows
5 children, whether learning in person or remotely, to
6 the public school, private school, or home school they
7 attend—

8 “(A) among the local educational agencies
9 in the State based on the number of eligible
10 children enrolled in the public schools operated
11 by each local educational agency; and

12 “(B) directly to the eligible children,
13 through education savings accounts, residing in
14 the State who are enrolled in private schools or
15 home schools.

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

19 “(A) curriculum and curricular materials;

20 “(B) books or other instructional mate-
21 rials;

22 “(C) technological educational materials;

23 “(D) online educational materials;

24 “(E) tutoring or educational classes out-
25 side the home;

1 “(F) private school tuition;

2 “(G) extracurricular activities;

3 “(H) testing fees;

4 “(I) diagnostic tools; and

5 “(J) educational therapies for student with
6 disabilities.

7 “(3) PLAN.—

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

16 “(B) DATA COLLECTION.—Information
17 collected under this section by the State shall
18 be used for the sole purposes of calculating the
19 allocation of funds and distribution of funds
20 under this section.

21 “(b) DEFINITIONS.—In this section:

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

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

4 “(c) STUDENT ENROLLMENT IN PUBLIC SCHOOLS,
5 PRIVATE SCHOOLS, AND HOME SCHOOLS.—

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

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

22 “(A) to a local educational agency an
23 amount equal to the sum of the amount avail-
24 able for each eligible child in the State multi-
25 plied by the number of eligible children identi-

1 fied by the local educational agency under para-
2 graph (1) enrolled in public schools served by
3 the local educational agency; and

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

10 “(3) DISTRIBUTION TO PUBLIC SCHOOLS.—

11 Each local educational agency that receives funds
12 under paragraph (2)(A) shall distribute such funds
13 to the public schools served by the local educational
14 agency—

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

17 “(B) in a manner that would, in the ab-
18 sence of such Federal funds, supplement the
19 funds made available from non-Federal re-
20 sources for the education of pupils participating
21 in programs under this Act, and not to sup-
22 plant such funds (in accordance with the meth-
23 od of determination described in section 1118).

24 “(4) DISTRIBUTION TO ELIGIBLE CHILDREN.—

25 Each State that carries out allocations described in

1 subsection (a)(1) shall distribute amounts to the eli-
2 gible children residing in that State who enroll in a
3 private school or home school—

4 “(A) through an education savings ac-
5 count, as described in paragraph (2)(B); 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 (in accordance with the meth-
12 od of determination described in section 1118).

13 “(d) APPLICATION OF PARTICIPATION OF CHILDREN
14 ENROLLED IN PRIVATE SCHOOLS.—The provisions of sec-
15 tion 1117 shall apply to this section.

16 “(e) RULE OF CONSTRUCTION.—

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

24 “(2) PROHIBITION OF CONTROL OVER NON-
25 PUBLIC EDUCATION PROVIDERS.—Nothing in this

1 section shall permit, allow, encourage, or authorize
2 Federal or State control over non-public education
3 providers.”.

4 (b) TABLE OF CONTENTS.—The table of contents in
5 section 2 of the Elementary and Secondary Education Act
6 of 1965 is amended by inserting after the item relating
7 to section 8601 the following:

“PART H—FUNDS TO FOLLOW THE STUDENT

“Sec. 8701. Funds to follow the student.”.

8 **SEC. 4. FEDERAL FUNDING UNDER THE INDIVIDUALS WITH**
9 **DISABILITIES EDUCATION ACT TO FOLLOW**
10 **THE STUDENT.**

11 (a) IN GENERAL.—Part A of the Individuals with
12 Disabilities Education Act (20 U.S.C. 1400 et seq.) is
13 amended by adding at the end the following:

14 **“SEC. 610A. FUNDS TO FOLLOW THE STUDENT.**

15 **“(a) IN GENERAL.—**

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

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

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

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

12 “(A) curriculum and curricular materials;

13 “(B) books or other instructional mate-
14 rials;

15 “(C) technological educational materials;

16 “(D) online educational materials;

17 “(E) tutoring or educational classes out-
18 side the home;

19 “(F) private school tuition;

20 “(G) extracurricular activities;

21 “(H) testing fees;

22 “(I) diagnostic tools; and

23 “(J) educational therapies for student with
24 disabilities.

25 “(3) PLAN.—

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

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

14 “(b) DEFINITIONS.—In this section:

15 “(1) ELIGIBLE CHILD.—The term ‘eligible
16 child’ means a child with a disability who is eligible
17 to receive special education and related services
18 under this title.

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

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

24 “(1) IDENTIFICATION OF ELIGIBLE CHIL-
25 DREN.—On an annual basis, on a date to be deter-

1 mined by the State educational agency, each local
2 educational agency that receives grant funding in ac-
3 cordance with subsection (a) shall inform the State
4 educational agency of the number of eligible children
5 enrolled in public schools served by the local edu-
6 cational agency and private schools and home
7 schools located in the school district served by the
8 local educational agency in order to provide alloca-
9 tions for each eligible child in equal amounts regard-
10 less of where the child attends school in the State.

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

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

22 “(B) to an eligible child residing in the
23 State who is enrolled in a private school or
24 home school, through an education savings ac-
25 count, an amount equal to the sum of the

1 amount available for an eligible child in the
2 State.

3 “(3) DISTRIBUTION TO PUBLIC SCHOOLS.—

4 Each local educational agency that receives funds
5 under paragraph (2)(A) shall distribute such funds
6 to the public schools served by the local educational
7 agency—

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

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

16 “(4) DISTRIBUTION TO ELIGIBLE CHILDREN.—

17 Each State that carries out allocations described in
18 subsection (a)(1) shall distribute amounts to the eli-
19 gible children residing in that State who enroll in a
20 private school or home school—

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

23 “(B) in a manner that would, in the ab-
24 sence of such Federal funds, supplement the
25 funds made available from non-Federal re-

1 sources for the education of pupils participating
2 in programs under this title, and not to sup-
3 plant such funds.

4 “(d) RULE OF CONSTRUCTION.—

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

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

17 (b) TABLE OF CONTENTS.—The table of contents in
18 section 601(b) of the Individuals with Disabilities Edu-
19 cation Act (20 U.S.C. 1400(b)) is amended by inserting
20 after the item relating to section 610 the following:

“Sec. 610A. Funds to follow the student.”.