

105TH CONGRESS
2D SESSION

S. 2601

To provide block grant options for certain education funding.

IN THE SENATE OF THE UNITED STATES

OCTOBER 9 (legislative day, OCTOBER 2), 1998

Mr. KYL introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To provide block grant options for certain education funding.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. BLOCK GRANT OPTIONS.**

4 (a) STATE OPTIONS.—Notwithstanding any other
5 provision of law, each State shall notify the Secretary re-
6 garding the State's election to receive the State's portion
7 of the applicable funding described in subsection (b) ac-
8 cording to one of the following options:

9 (1) STATE BLOCK GRANT OPTION.—The State
10 may receive the funding pursuant to a State allot-
11 ment described in section 2(a)(1).

1 (2) LOCAL BLOCK GRANT OPTION.—The State
2 may direct the Secretary to send the funding directly
3 to local educational agencies in the State pursuant
4 to a local allotment described in section 2(a)(2).

5 (3) FEDERAL STATUTE OPTION.—The State
6 may receive the funding according to the provisions
7 of law described in subsection (b).

8 (b) APPLICABLE FUNDING.—In this section, the term
9 “applicable funding” means all funds that are appro-
10 priated for the Department of Education for fiscal year
11 2000 or any succeeding fiscal year to carry out programs
12 or activities under the following provisions of law:

13 (1) The Goals 2000: Educate America Act (20
14 U.S.C. 5801 et seq.), other than titles I and X of
15 such Act (20 U.S.C. 5811 et seq. and 6061 et seq.).

16 (2) The Elementary and Secondary Education
17 Act of 1965 (20 U.S.C. 6301 et seq.), other than ti-
18 tles VIII, IX, and XIV of such Act (20 U.S.C. 7701
19 et seq., 7801 et seq., and 8801 et seq.).

20 (3) The School-to-Work Opportunities Act of
21 1994 (20 U.S.C. 6101 et seq.).

22 (4) The Carl D. Perkins Vocational and Applied
23 Technology Education Act (20 U.S.C. 2301 et seq.).

24 **SEC. 2. BLOCK GRANTS.**

25 (a) ALLOTMENTS.—

1 (1) STATES.—From the total applicable funding
2 available for a fiscal year, the Secretary may make
3 allotments to each State selecting the option de-
4 scribed in section 1(a)(1) in an amount that bears
5 the same relation to such total applicable funding as
6 the number of individuals in the State who are aged
7 5 through 17 bears to the total number of such indi-
8 viduals in all States.

9 (2) LOCAL EDUCATIONAL AGENCIES.—From
10 the total applicable funding available for a fiscal
11 year, the Secretary may make allotments to each
12 local educational agency in a State selecting the op-
13 tion described in section 1(a)(2) in an amount that
14 bears the same relation to such total applicable
15 funding as the number of individuals in the school
16 district served by the local educational agency who
17 are aged 5 through 17 bears to the total number of
18 such individuals in all school districts served by all
19 local educational agencies in all States.

20 (3) ENROLLMENT DETERMINATION.—The Sec-
21 retary shall determine the number of children de-
22 scribed in paragraphs (1) and (2)—

23 (A) for the academic year for which the de-
24 termination is made, after the beginning of the
25 academic year; and

1 (B) on the basis of the most recent data
2 available to the Secretary.

3 (b) DISTRIBUTION OF ALLOTTED FUNDS.—

4 (1) RESERVATIONS.—

5 (A) STATES.—Each State that receives
6 funds allotted under subsection (a) may reserve
7 not more than 1 percent of the funds for the
8 cost of administration, evaluation, reporting,
9 and other activities related to activities assisted
10 under this Act.

11 (B) LOCAL EDUCATIONAL AGENCIES.—
12 Each local educational agency that receives
13 funds allotted under subsection (a) may reserve
14 not more than 2 percent of the funds for the
15 costs of administration, overhead costs, or indi-
16 rect costs.

17 (2) AWARDS.—In States selecting the State
18 block grant option described in section 1(a)(1), all
19 funds allotted under subsection (a)(1) that are not
20 reserved under paragraph (1)(A) shall be made
21 available, in accordance with paragraph (3), on be-
22 half of each student who resides in the State and is
23 enrolled in a public elementary school or secondary
24 school, or in a private or home elementary school or
25 secondary school, located in the State. In States se-

1 lecting the local block grant option described in sec-
2 tion 1(a)(2), all funds allotted under subsection
3 (a)(2) that are not reserved under paragraph (1)(B)
4 shall be made available, in accordance with para-
5 graph (3), on behalf of each student who resides in
6 the school district served by a local educational
7 agency and is enrolled in a public elementary school
8 or secondary school, or in a private or home elemen-
9 tary school or secondary school, in the school dis-
10 trict. In States selecting the State block grant option
11 or the local block grant option, the amount allotted
12 on behalf of each student shall be adjusted in ac-
13 cordance with paragraph (5).

14 (3) RECIPIENTS.—Funds awarded under para-
15 graph (2)—

16 (A) in the case of a public school student,
17 including a charter school student, shall be
18 made available to the public school or charter
19 school, respectively; and

20 (B) in the case of a private school or home
21 school student, shall be made available to the
22 parent or legal guardian of the student.

23 (4) USES.—

24 (A) PUBLIC SCHOOL STUDENTS.—Each
25 public school that receives assistance under this

1 Act shall use the assistance for any qualified
2 elementary and secondary education expenses.

3 (B) PRIVATE SCHOOL STUDENTS.—Each
4 parent or guardian of a private school student
5 that receives assistance under this Act shall use
6 the assistance to pay the costs of attendance at
7 the private school.

8 (C) HOME SCHOOL STUDENTS.—Each par-
9 ent or guardian of a home school student that
10 receives assistance under this Act shall use the
11 assistance for any qualified elementary and sec-
12 ondary education expenses.

13 (5) ADJUSTMENTS.—A State or local edu-
14 cational agency shall adjust the amount awarded for
15 students under paragraph (2) to account for—

16 (A) high need students, such as students
17 from poor families; or

18 (B) different costs of living in urban and
19 rural areas.

20 **SEC. 3. FEDERAL STATUTE OPTION.**

21 (a) IN GENERAL.—From the applicable funding that
22 remains after making the allotments under paragraphs (1)
23 and (2) of section 2(a) for a fiscal year, the Secretary may
24 make awards according to the provisions of law described

1 in section 1(b), to State and local recipients, in States se-
2 lecting the option described in section 1(a)(3).

3 (b) PERCENTAGE REDUCTIONS.—The Secretary,
4 after making the allotments under paragraphs (1) and (2)
5 of section 2(a) for a fiscal year, shall reduce the total
6 amount of applicable funding available to carry out the
7 provisions of law described in section 1(b) for the fiscal
8 year, for any State selecting the option described in sec-
9 tion 2(a)(3), by an equal percentage for each such provi-
10 sion.

11 **SEC. 4. ACCOUNTABILITY.**

12 (a) IN GENERAL.—Each entity receiving assistance
13 under this Act shall—

14 (1) use the funds to supplement and not sup-
15 plant State and local funds; and

16 (2) involve parents and members of the public
17 in planning for the use of funds provided under this
18 Act, such as through a representative advisory com-
19 mittee.

20 (b) REPORTS.—

21 (1) IN GENERAL.—Each local educational agen-
22 cy receiving an allotment under this Act shall pre-
23 pare and submit to the State, and each State receiv-
24 ing an allotment under this Act shall prepare and
25 submit to Congress, a report regarding the distribu-

1 tion and use of the allotted funds, and how the use
2 of the funds effects student achievement.

3 (2) AVAILABILITY.—Each State and local edu-
4 cational agency submitting a report under paragraph
5 (1) shall make copies of the report available to par-
6 ents and other members of the public.

7 (3) SPECIAL RULE.—Each State or local edu-
8 cational agency receiving an allotment under this
9 Act that has developed or established challenging
10 content or student performance standards shall in-
11 clude in the report submitted under paragraph (1)
12 information regarding student achievement with re-
13 spect to the standards.

14 **SEC. 5. DEFINITIONS.**

15 In this title:

16 (1) LOCAL EDUCATIONAL AGENCY.—The term
17 “local educational agency” has the meaning given
18 the term in section 14101 of the Elementary and
19 Secondary Education Act of 1965 (20 U.S.C. 8801).

20 (2) QUALIFIED ELEMENTARY AND SECONDARY
21 EDUCATION EXPENSES.—

22 (A) IN GENERAL.—The term “qualified el-
23 ementary and secondary education expenses”
24 means—

1 (i) expenses for tuition, fees, academic
2 tutoring, special needs services, books, sup-
3 plies, computer equipment (including relat-
4 ed software and services), and other equip-
5 ment which are incurred in connection with
6 the enrollment or attendance of a student
7 at a school; or

8 (ii) expenses for room and board, uni-
9 forms, transportation, and supplementary
10 items and services (including extended day
11 programs) which are required or provided
12 by a school in connection with such enroll-
13 ment or attendance.

14 (B) SPECIAL RULE FOR HOME-
15 SCHOOLING.—Such term shall include expenses
16 described in subparagraph (A)(i) in connection
17 with education provided by homeschooling if the
18 requirements of any applicable State or local
19 law are met with respect to such education.

20 (2) SCHOOL.—The term “school” means any
21 school that provides kindergarten education, elemen-
22 tary education or secondary education, as deter-
23 mined under State law.

24 (3) SECRETARY.—The term “Secretary” means
25 the Secretary of Education.

1 (4) STATE.—The term “State” means each of
2 the several States of the United States, the District
3 of Columbia, the Commonwealth of Puerto Rico,
4 Guam, American Samoa, the Commonwealth of the
5 Northern Mariana Islands, the United States Virgin
6 Islands, the Republic of the Marshall Islands, the
7 Federated States of Micronesia, and the Republic of
8 Palau.

○