

118TH CONGRESS
1ST SESSION

H. R. 65

To amend part A of title I of the Elementary and Secondary Education Act of 1965 to allow States, in accordance with State law, to let Federal funds for the education of disadvantaged children follow low-income children to the public school, charter school, accredited private school, or supplemental educational service program they attend, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Mr. BIGGS introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend part A of title I of the Elementary and Secondary Education Act of 1965 to allow States, in accordance with State law, to let Federal funds for the education of disadvantaged children follow low-income children to the public school, charter school, accredited private school, or supplemental educational service program they attend, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ending Common Core
3 and Expanding School Choice Act”.

4 **SEC. 2. STATE EDUCATIONAL AGENCY GRANTS TO ELIGI-**
5 **BLE CHILDREN.**

6 (a) IN GENERAL.—Part A of title I of the Elemen-
7 tary and Secondary Education Act of 1965 (20 U.S.C.
8 6311 et seq.) is amended to read as follows:

9 **“PART A—STATE EDUCATIONAL AGENCY GRANTS**
10 **TO ELIGIBLE CHILDREN**

11 **“SEC. 1111. ALLOCATIONS TO STATES.**

12 “(a) IN GENERAL.—For each fiscal year, the Sec-
13 retary shall allocate the amount appropriated to carry out
14 this part among State education agencies based on the
15 number of eligible children residing in each State.

16 “(b) ELIGIBLE CHILD.—In this section, the term ‘eli-
17 gible child’ means a child aged 5 to 17, inclusive, from
18 a family with an income below the poverty level on the
19 basis of the most recent satisfactory data published by the
20 Department of Commerce.

21 “(c) CRITERIA OF POVERTY.—In determining the
22 families with incomes below the poverty level for the pur-
23 poses of this section, a State educational agency shall use
24 the criteria of poverty used by the Census Bureau in com-
25 piling the most recent decennial census, as the criteria
26 have been updated by increases in the Consumer Price

1 Index for All Urban Consumers, published by the Bureau
2 of Labor Statistics.

3 **“SEC. 1112. FUNDS FOLLOWING ELIGIBLE CHILDREN.**

4 “(a) CALCULATION OF PER PUPIL AMOUNT.—For
5 each fiscal year, the State educational agency shall cal-
6 culate the per pupil amount by dividing the amount made
7 available to the agency under section 1111 by the number
8 of eligible children (as defined in section 1111(b)) residing
9 in the State.

10 “(b) USE OF FUNDS.—Each State educational agen-
11 cy shall use each per pupil amount calculated under sub-
12 section (a) for qualified elementary and secondary edu-
13 cation expenses and in a manner directed by State law.

14 “(c) FUNDS DISTRIBUTED TO PARENTS.—In a case
15 in which State law directs a State educational agency to
16 distribute all or a portion of a per pupil amount to a par-
17 ent of an eligible child, the agency also shall determine,
18 consistent with State law, how the agency will verify that
19 funds are being used in accordance with this section and
20 whether to require the parent to establish an educational
21 savings account or other dedicated account to maintain
22 such funds.

23 “(d) DEFINITION.—In this section, the term ‘quali-
24 fied elementary and secondary education expenses’, when
25 used with respect to a child, means any of the following:

1 “(1) Expenses within the budget of the local
2 educational agency having jurisdiction over the geo-
3 graphic area in which the child resides.

4 “(2) Expenses within the budget of the public
5 or charter school the child may attend without pay-
6 ing tuition or fees.

7 “(3) Tuition and fees required to be paid in
8 order for the child to attend a public or charter
9 school in the State in which the child resides.

10 “(4) Tuition and fees required to be paid in
11 order for the child to attend an accredited or other-
12 wise State-approved private school in the State in
13 which the child resides.

14 “(5) Fees required to be paid for the child to
15 participate in a State-approved supplemental edu-
16 cational services program.

17 **“SEC. 1113. RULES OF CONSTRUCTION.**

18 “(a) IN GENERAL.—No officer or employee of the
19 Federal Government shall, through grants, contracts, or
20 other cooperative agreements, mandate, direct, or control
21 a State, local educational agency, or school’s specific in-
22 structional content, academic standards and assessments,
23 curricula, or program of instruction (including any re-
24 quirement, direction, or mandate to adopt the Common
25 Core State Standards developed under the Common Core

1 State Standards Initiative, any other academic standards
2 common to a significant number of States, or any assess-
3 ment, instructional content, or curriculum aligned to such
4 standards), nor shall anything in this Act be construed
5 to authorize such officer or employee to do so.

6 “(b) NO REQUIREMENT TO IMPLEMENT ASSESS-
7 MENTS, STANDARDS, OR ACCOUNTABILITY SYSTEMS.—An
8 officer or employee of the Federal Government shall not
9 require a State educational agency, local educational agen-
10 cy, school, or Indian Tribe to implement an annual assess-
11 ment, academic standard, or accountability system, or
12 condition funds made available under this part upon such
13 implementation.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) REPEAL OF STATE ASSESSMENT GRANTS.—
16 Part B of title I of the Elementary and Secondary
17 Education Act of 1965 (20 U.S.C. 1201 et seq.) is
18 repealed.

19 (2) AUTHORIZATION OF APPROPRIATIONS.—
20 Section 1002 of such Act (20 U.S.C. 6302) is
21 amended—

22 (A) by striking the subsection heading for
23 subsection (a) and inserting “STATE EDU-
24 CATIONAL AGENCY GRANTS FOR ELIGIBLE
25 CHILDREN”; and

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(B) by striking subsection (b).

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