

112TH CONGRESS  
1ST SESSION

# H. R. 2485

To amend, for certain fiscal years, the weighted child count used to determine targeted grant amounts and education finance incentive grant amounts for local educational agencies under title I of the Elementary and Secondary Education Act of 1965.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2011

Mr. THOMPSON of Pennsylvania (for himself, Mr. BUTTERFIELD, Mr. BARLETTA, Mr. PETRI, Mr. PLATTS, Mr. HANNA, Ms. SLAUGHTER, Mr. HINOJOSA, Mr. ROSS of Arkansas, Mr. KELLY, and Mr. BOREN) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend, for certain fiscal years, the weighted child count used to determine targeted grant amounts and education finance incentive grant amounts for local educational agencies under title I of the Elementary and Secondary Education Act of 1965.

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. SHORT TITLE.**

4 This Act may be cited as the “All Children are Equal  
5 Act” or the “ACE Act”.

1 **SEC. 2. FINDINGS.**

2 Section 1125AA of the Elementary and Secondary  
3 Education Act of 1965 (20 U.S.C. 6336) is amended—

4 (1) by amending the heading to read as follows:

5 **“SEC. 1125AA. INCREASE GRANTS PER FORMULA STUDENT**  
6 **AS THE PERCENTAGE OF ECONOMICALLY**  
7 **DISADVANTAGED CHILDREN IN A LOCAL**  
8 **EDUCATIONAL AGENCY INCREASES.”;**

9 and

10 (2) by amending subsection (a) to read as fol-  
11 lows:

12 “(a) FINDINGS.—Congress makes the following find-  
13 ings:

14 “(1) The current Basic Grant Formula for the  
15 distribution of funds under this part does not ade-  
16 quately target funds for schools with the highest  
17 concentrations of economically disadvantaged stu-  
18 dents.

19 “(2) The poverty of a child’s family is much  
20 more likely to be associated with educational dis-  
21 advantage if the family lives in an area with high  
22 proportions of poor families.

23 “(3) The current formulas for distributing Tar-  
24 geted and Education Finance Incentive Grants is in-  
25 tended to allocate more funds per formula student to

1 local educational agencies with higher concentrations  
2 of such students.

3 “(4) These formula use two weighting systems,  
4 one based on the percentage of the aged 5–17 popu-  
5 lation in a local education agency that is eligible to  
6 receive funds under this title (percentage weighting),  
7 and another based on the absolute number of such  
8 students (number weighting). Whichever of these  
9 weighting systems results in the highest total  
10 weighted formula student count for a local edu-  
11 cational agency is the weighting system used for  
12 that agency in the final allocation of Targeted and  
13 Education Finance Incentive Grant funds.

14 “(5) Since the amount available to be distrib-  
15 uted through these formulas is fixed by congres-  
16 sional appropriation, any gain in allocation share by  
17 one local educational agency causes a loss to other  
18 local educational agencies.

19 “(6) The number weighting alternative is often  
20 favorable to very large local educational agencies,  
21 even if the agency’s formula student percentage is  
22 low. But because smaller local educational agencies  
23 simply do not have enough students to gain from  
24 number weighting, they are rarely better off under  
25 the number weighting alternative.

1           “(7) The Congressional Research Service has  
2           compared the funding allocations of each local edu-  
3           cational agency for school year 2008–2009 under  
4           the current dual weighting system with the funding  
5           allocation it would have that year if all local edu-  
6           cational agencies had their student count weighted  
7           only by percentage weighting.

8           “(8) This data shows that the use of number  
9           weighting in these formulas has shifted funding  
10          from smaller to larger local educational agencies not-  
11          withstanding the level of poverty in either. This is  
12          contrary to the intent of Congress, which is to direct  
13          more funding per formula student to local edu-  
14          cational agencies with high concentrations of pov-  
15          erty, as measured by the number of formula stu-  
16          dents as a percentage of the aged 5–17 population  
17          of the local educational agency.

18          “(9) As a result of this unintended consequence  
19          of the number weighting system, 338 of the 340  
20          local educational agencies that have over 38.25 per-  
21          cent formula students gain nothing from number  
22          weighting under the Targeted Grant program, 281  
23          of them actually lose funding because of number  
24          weighting, and 83 of those 340 highest poverty local  
25          educational agencies would actually be better off if

1 Targeted Grant funds were allocated using the Basic  
2 Grant formula with no weighting system at all.

3 “(10) Congress has a responsibility to correct  
4 this unintended inequity by reducing the power of  
5 the number weighting system relative to the percent-  
6 age weighting system so that local educational agen-  
7 cies with high percentages of poverty but low num-  
8 bers of students are not disadvantaged under the  
9 formulas used for grants under this part.”.

10 **SEC. 3. TARGETED GRANTS TO LOCAL EDUCATIONAL**  
11 **AGENCIES.**

12 Section 1125(c)(2) of the Elementary and Secondary  
13 Education Act of 1965 (20 U.S.C. 6335(c)(2)) is amend-  
14 ed—

15 (1) in subparagraph (C), by striking “The  
16 amount” and inserting “Except as otherwise pro-  
17 vided in subparagraph (D), the amount”;

18 (2) by redesignating subparagraph (D) as sub-  
19 paragraph (E); and

20 (3) by inserting after subparagraph (C) the fol-  
21 lowing:

22 “(D) FISCAL YEARS 2012 THROUGH 2015.—  
23 Notwithstanding subparagraph (C) or any other  
24 provision of this paragraph—

1 “(i) for fiscal year 2012, subpara-  
2 graph (C) shall be applied—

3 “(I) in clause (ii), by substituting  
4 ‘1.35’ for ‘1.5’;

5 “(II) in clause (iii), by sub-  
6 stituting ‘1.8’ for ‘2.0’;

7 “(III) in clause (iv), by sub-  
8 stituting ‘2.25’ for ‘2.5’; and

9 “(IV) in clause (v), by sub-  
10 stituting ‘2.7’ for ‘3.0’;

11 “(ii) for fiscal year 2013, subpara-  
12 graph (C) shall be applied—

13 “(I) in clause (ii), by substituting  
14 ‘1.2’ for ‘1.5’;

15 “(II) in clause (iii), by sub-  
16 stituting ‘1.6’ for ‘2.0’;

17 “(III) in clause (iv), by sub-  
18 stituting ‘2.0’ for ‘2.5’; and

19 “(IV) in clause (v), by sub-  
20 stituting ‘2.4’ for ‘3.0’;

21 “(iii) for fiscal year 2014, subpara-  
22 graph (C) shall be applied—

23 “(I) in clause (ii), by substituting  
24 ‘1.05’ for ‘1.5’;

1 “(II) in clause (iii), by sub-  
2 stituting ‘1.4’ for ‘2.0’;

3 “(III) in clause (iv), by sub-  
4 stituting ‘1.75’ for ‘2.5’; and

5 “(IV) in clause (v), by sub-  
6 stituting ‘2.1’ for ‘3.0’ ; and

7 “(iv) for fiscal year 2015, subpara-  
8 graph (C) shall be applied—

9 “(I) in clause (i), by substituting  
10 ‘2,262’ for ‘691’;

11 “(II) by striking clause (ii);

12 “(III) in clause (iii), by sub-  
13 stituting ‘1.2’ for ‘2.0’;

14 “(IV) in clause (iv), by sub-  
15 stituting ‘1.5’ for ‘2.5’; and

16 “(V) in clause (v), by sub-  
17 stituting ‘1.8’ for ‘3.0’.”.

18 **SEC. 4. EDUCATION FINANCE INCENTIVE GRANT PROGRAM.**

19 (a) STATES WITH AN EQUITY FACTOR LESS THAN  
20 0.10.—Section 1125A(d)(1)(B) of the Elementary and  
21 Secondary Education Act of 1965 (20 U.S.C.  
22 6337(d)(1)(B)) is amended—

23 (1) in clause (iii), by striking “The amount”  
24 and inserting “Except as otherwise provided in  
25 clause (iv), the amount”; and

1 (2) by adding at the end the following:

2 “(iv) FISCAL YEARS 2012 THROUGH  
3 2015.—Notwithstanding clause (iii) or any  
4 other provision of this subparagraph—

5 “(I) for fiscal year 2012, clause  
6 (iii) shall be applied—

7 “(aa) in subclause (II), by  
8 substituting ‘1.35’ for ‘1.5’;

9 “(bb) in subclause (III), by  
10 substituting ‘1.8’ for ‘2.0’;

11 “(cc) in subclause (IV), by  
12 substituting ‘2.25’ for ‘2.5’; and

13 “(dd) in subclause (V), by  
14 substituting ‘2.7’ for ‘3.0’;

15 “(II) for fiscal year 2013, clause  
16 (iii) shall be applied—

17 “(aa) in subclause (II), by  
18 substituting ‘1.2’ for ‘1.5’;

19 “(bb) in subclause (III), by  
20 substituting ‘1.6’ for ‘2.0’;

21 “(cc) in subclause (IV), by  
22 substituting ‘2.0’ for ‘2.5’; and

23 “(dd) in subclause (V), by  
24 substituting ‘2.4’ for ‘3.0’;

1 “(III) for fiscal year 2014, clause  
2 (iii) shall be applied—

3 “(aa) in subclause (II), by  
4 substituting ‘1.05’ for ‘1.5’;

5 “(bb) in subclause (III), by  
6 substituting ‘1.4’ for ‘2.0’;

7 “(cc) in subclause (IV), by  
8 substituting ‘2.75’ for ‘2.5’; and

9 “(dd) in subclause (V), by  
10 substituting ‘2.1’ for ‘3.0’; and

11 “(IV) for fiscal year 2015, clause  
12 (iii) shall be applied—

13 “(aa) in subclause (II), by  
14 substituting ‘1.0’ for ‘1.5’;

15 “(bb) in subclause (III), by  
16 substituting ‘1.2’ for ‘2.0’;

17 “(cc) in subclause (IV), by  
18 substituting ‘1.5’ for ‘2.5’; and

19 “(dd) in subclause (V), by  
20 substituting ‘1.8’ for ‘3.0’.”.

21 (b) STATES WITH AN EQUITY FACTOR GREATER  
22 THAN OR EQUAL TO 0.10 AND LESS THAN 0.20.—Section  
23 1125A(d)(2)(B) of the Elementary and Secondary Edu-  
24 cation Act of 1965 (20 U.S.C. 6337(d)(2)(B)) is amend-  
25 ed—

1           (1) in clause (iii), by striking “The amount”  
2           and inserting “Except as otherwise provided in  
3           clause (iv), the amount”; and

4           (2) by adding at the end the following:

5                       “(iv) FISCAL YEARS 2012 THROUGH  
6                       2015.—Notwithstanding clause (iii) or any  
7                       other provision of this subparagraph—

8                               “(I) for fiscal year 2012, clause  
9                               (iii) shall be applied—

10                                       “(aa) in subclause (II), by  
11                                       substituting ‘1.35’ for ‘1.5’;

12                                       “(bb) in subclause (III), by  
13                                       substituting ‘2.025’ for ‘2.25’;

14                                       “(cc) in subclause (IV), by  
15                                       substituting ‘3.038’ for ‘3.375’;

16                                       and

17                                       “(dd) in subclause (V), by  
18                                       substituting ‘4.05’ for ‘4.5’;

19                               “(II) for fiscal year 2013, clause  
20                               (iii) shall be applied—

21                                       “(aa) in subclause (II), by  
22                                       substituting ‘1.2’ for ‘1.5’;

23                                       “(bb) in subclause (III), by  
24                                       substituting ‘1.8’ for ‘2.25’;

1 “(cc) in subclause (IV), by  
2 substituting ‘2.7’ for ‘3.375’; and

3 “(dd) in subclause (V), by  
4 substituting ‘3.6’ for ‘4.5’;

5 “(III) for fiscal year 2014, clause  
6 (iii) shall be applied—

7 “(aa) in subclause (II), by  
8 substituting ‘1.05’ for ‘1.5’;

9 “(bb) in subclause (III), by  
10 substituting ‘1.575’ for ‘2.25’;

11 “(cc) in subclause (IV), by  
12 substituting ‘2.363’ for ‘3.375’;

13 and

14 “(dd) in subclause (V), by  
15 substituting ‘3.15’ for ‘4.5’; and

16 “(IV) for fiscal year 2015, clause  
17 (iii) shall be applied—

18 “(aa) in subclause (II), by  
19 substituting ‘1.0’ for ‘1.5’;

20 “(bb) in subclause (III), by  
21 substituting ‘1.58’ for ‘2.25’;

22 “(cc) in subclause (IV), by  
23 substituting ‘2.36’ for ‘3.375’;

24 and

1                                   “(dd) in subclause (V), by  
2                                   substituting ‘3.15’ for ‘4.5’.”.

3           (c) STATES WITH AN EQUITY FACTOR GREATER  
4 THAN OR EQUAL TO 0.20.—Section 1125A(d)(3)(B) of  
5 the Elementary and Secondary Education Act of 1965 (20  
6 U.S.C. 6337(d)(3)(B)) is amended—

7                   (1) in clause (iii), by striking “The amount”  
8                   and inserting “Except as otherwise provided in  
9                   clause (iv), the amount”; and

10                   (2) by adding at the end the following:

11                                   “(iv) FISCAL YEARS 2012 THROUGH  
12                                   2015.—Notwithstanding clause (iii) or any  
13                                   other provision of this subparagraph—

14                                   “(I) for fiscal year 2012, clause  
15                                   (iii) shall be applied—

16   “(aa) in subclause (II), by  
17   substituting ‘1.80’ for ‘2.0’;

18   “(bb) in subclause (III), by  
19   substituting ‘2.70’ for ‘3.0’;

20   “(cc) in subclause (IV), by  
21   substituting ‘4.05’ for ‘4.5’; and

22   “(dd) in subclause (V), by  
23   substituting ‘5.4’ for ‘6.0’;

24                                   “(II) for fiscal year 2013, clause  
25                                   (iii) shall be applied—

1           “(aa) in subclause (II), by  
2 substituting ‘1.6’ for ‘2.0’;

3           “(bb) in subclause (III), by  
4 substituting ‘2.4’ for ‘3.0’;

5           “(cc) in subclause (IV), by  
6 substituting ‘3.6’ for ‘4.5’; and

7           “(dd) in subclause (V), by  
8 substituting ‘4.8’ for ‘6.0’;

9           “(III) for fiscal year 2014, clause  
10 (iii) shall be applied—

11           “(aa) in subclause (II), by  
12 substituting ‘1.4’ for ‘2.0’;

13           “(bb) in subclause (III), by  
14 substituting ‘2.1’ for ‘3.0’;

15           “(cc) in subclause (IV), by  
16 substituting ‘3.15’ for ‘4.5’; and

17           “(dd) in subclause (V), by  
18 substituting ‘4.2’ for ‘6.0’; and

19           “(IV) for fiscal year 2015, clause  
20 (iii) shall be applied—

21           “(aa) in subclause (II), by  
22 substituting ‘1.4’ for ‘2.0’;

23           “(bb) in subclause (III), by  
24 substituting ‘2.1’ for ‘3.0’;

1                   “(cc) in subclause (IV), by  
2 substituting ‘3.15’ for ‘4.5’; and

3                   “(dd) in subclause (V), by  
4 substituting ‘4.2’ for ‘6.0’.”.

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