

Elementary and Secondary Education Act Update

Comparison of the Every Child Achieves Act, the Student Success Act and the National Association of Federally Impacted Schools' Position



NAFIS

July 28, 2015

SENATE - ECAA

HOUSE - SSA

NAFIS POSITION

Purpose

Section 8001 (20 U.S.C.) is amended In the matter preceding paragraph (1), by striking “challenging State standards” and inserting the same challenging State academic standards.”

Section 8001 (20 U.S.C. 7701) is amended by striking “challenging State standards” and inserting “State academic standards”

No position

Amendment to Impact Aid Improvement Act of 2012

Sec. 563 (c) of the NDAA for Fiscal Year 2013 is Amended—
(1) by striking paragraphs (1) and (4); and
(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2) respectively

Subsection (c) of the Impact Aid Improvement Act of 2012 as amended by section 563 of division A of P.L. 113-291 is amended –
(1) by striking paragraphs (1) and (4); and
by redesignating paragraphs (2) and (3) as paragraphs (1) and (2) respectively.

No preference
See conform provisions in SSA

Payments Relating to Federal Acquisition of Real Property

No such language

in subsection (a)(1)(C), by amending the matter preceding clause (i) to read as follows:
“(C) had an assessed value according to original records (including facsimiles or other reproductions of those records) documenting the assessed value of such property (determined as of the time or times when so acquired) prepared by the local officials referred to in subsection (b)(3) or, when such original records are not

Can support
Suggest the Senate recede

available due to unintentional destruction (such as natural disaster, fire, flooding, pest infestation, or deterioration due to age), other records, including Federal agency records, local historical records, or other records that the Secretary determines to be appropriate and reliable, aggregating 10% or more of the assessed value of – “;

In subsection (b)(3), by striking subparagraph (B) and inserting the following:

“(B) SPECIAL RULE. – In the case of Federal property eligible under this section that is within the boundaries of 2 or more local educational agencies that are eligible under this section, any of such agencies may ask the Secretary to calculate (and the Secretary shall calculate) the taxable value of the eligible Federal property that is within its boundaries by –

- (i) first calculating the per-acre value of the eligible Federal property separately for each eligible local educational agency that shared the Federal property, as provided in subparagraph (A)(ii);
- (ii) then averaging the resulting per-acre

House bill does not clarify the intent as originally inserted in the 2012 NDAA.

SENATE

HOUSE

NAFIS POSITION

values of the eligible Federal property from each eligible local educational agency that shares the Federal property; and (iii) then applying the average per-acre value to determine the total taxable value of the eligible Federal property under subparagraph (A)(iii) for the requesting local educational agency.”;

House should recede to the Senate

in subsection (e)(2), by adding at the end the following: “For each fiscal year beginning with fiscal year 2015, the Secretary shall treat local educational agencies chartered in 1871 having more than 70 percent of the county in Federal ownership as meeting the eligibility requirements of subparagraph (A) and (C) of subsection (a) (1). For each fiscal year beginning with fiscal year 2015, the Secretary shall treat local educational agencies that serve a county chartered or formed in 1734 having more than 24 percent of the county in Federal ownership as meeting the eligibility requirements of subparagraphs (A) and (C) of subsection (a)(1).”;

No such language

No position
Special interest similar to county (date) provision in current law

by striking subsection (f) and inserting the following:
“(f) SPECIAL RULE. – Beginning with fiscal year 2015, a local educational agency shall be deemed to meet

(f) SPECIAL RULE . – Beginning with fiscal year 2014, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) if records to

Intent the same in both bills.

SENATE - ECAA

HOUSE - SSA

NAFIS POSITION

the requirements of subsection (a) (1) (C) if the agency was eligible under paragraph (1) or (3) of this subsection, as such subsection was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015.”;

No such language
Defer to already existing language as included in the FY 2014 Appropriation bill – Is now in existing law

In subsection (h) (4), by striking “For each local educational agency that received a payment under this section for fiscal year 2010 through the fiscal year in which the Impact Aid Improvement Act of 2012 is enacted” and inserting “For each local educational agency that received a payment under this section for fiscal year 2010 or any succeeding fiscal year.”;

determine eligibility under such subsection were destroyed prior to fiscal year 2000 and the agency received funds under subsection (b) in the previous year.”;

By amending subsection (g) to read
As follows:
(g) FORMER DISTRICTS. –
(1) CONSOLIDATIONS. – For fiscal Year 2006 and each

in paragraph (4), by striking “Impact Aid Improvement Act of 2012” and inserting “Student Success Act”;

Prefer Senate language

Language not necessary – in current law.

Intent the same in both bills - Prefer Senate language

SENATE

(3) by striking subsection (k); and
(4) by redesignating subsections (l), (m), and (n), as subsections (j), (k), and (l), respectively.

HOUSE

(6) by repealing subsections (k) and (m);
(7) by redesignating subsection (l) as subsection (j);
(8) by amending subsection (j) as so redesignated) by striking (h) (4)(B); and inserting (h)(2)”; and
(9) by redesignating subsection (n) as subsection (k).

NAFIS POSITION

Senate should recede to the House (need to strike (m) the seven-year lockout provision)

Payments For Eligible Federally Connected Children

No such language

(a) COMPUTATION OF PAYMENT. –
Section 8003 (a) is amended –
(1) In the matter preceding subparagraph (A) of paragraph (1), by inserting after “schools of such agency” the following: “(including those children enrolled in such agency as a result of the open enrollment policy of the State in which the agency is located, but not including children who are enrolled in a distance learning program at such agency and who are not residing with the geographic boundaries of such agency)”

NAFIS supports

NAFIS has no position, however, the policy adapts to the tax rationale on which Impact Aid is based.

SENATE - ECAA

HOUSE - SSA

NAFIS POSITION

In subsection (a)(5)(A), by striking “to be children” and all that follows through the period at the end and inserting “or under lease of off-base

in paragraph (5)(A), by striking “1984” and all that follows through “situated” and inserting “1984, or under lease of off-base

Intent the same.

In subsection (b) –

(A) In paragraph (1)

(i) by striking subparagraph (E);
and

(ii) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F) respectively;

(B) In paragraph (2), by striking subparagraphs

(B) through (H) and inserting the following:
“(B) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES. –

(b) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES. – Section 8003 (b) is amended –

(2) in paragraph (1), by repealing subparagraph (E);

(3) in paragraph (2) –

(A) in subparagraph (B) –

(i) by striking “Continuing” in the heading;

(ii) by amending clause (i) to read as follows:

Intent the same.

The language that follows is identical in both bills

(i) IN GENERAL. – A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency –

(I) Is a local educational agency –

(aa) whose boundaries are the same as a Federal military installation or an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

SENATE

HOUSE

NAFIS POSITION

- (II) (bb) that has not taxing authority;
- (II) Is a local educational agency that –
- (aa) has an enrollment of children described in subsection (a) (1) that constitutes a percentage of the total enrollment of the agency that is not less than 45 percent;
 - (bb) has a per-pupil expenditure that is less than –
 - (AA) for an agency that has a total student enrollment of 500 or more students, 125 percent of the average per-pupil expenditure of the State in which the agency is located; or
 - (BB) for any agency that has a total student enrollment less than 500, 150 percent of the average per pupil expenditure of the State in which the agency is located or the average per pupil expenditure of 3 or more comparable local educational agencies in the State in which the agency is located; and
 - (cc) is an agency that –
 - (AA) has a tax rate for general fund purposes that is not less than 95 percent of the average tax rate for general fund purposes of comparable educational local educational agencies in the State; or
 - (BB) was eligible to receive a payment under this subsection for fiscal year 2013 and is located in a State that by State law has eliminated ad valorem tax as a revenue for local educational agencies.
- (III) Is a local educational agency that – **(See Senate/House difference)**
- (aa) has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for comparable local education agencies in the State; and
 - (bb)(AA) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 30 percent; or**
- (aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 20 percent;
 - (bb) for the 3 fiscal years preceding the fiscal year for which the determination is made, the average enrollment of children who are not described in subsection (a)(1) and who are eligible

SENATE - ECAA

HOUSE - SSA

NAFIS POSITION

(BB) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 30 percent; or (BB) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 20 percent, and for the 3 fiscal years preceding the fiscal years preceding the fiscal year for which the determination is made, the average enrollment of children who are not described in subsection (a)(1) and who are eligible for a free or reduced price lunch under the Richard B. Russell Act constitutes a percentage of the total student enrollment of the agency that is not less than 65 percent;

for a free or reduced price lunch under the Richard B. Russell National School Act constitutes a percentage of the total student enrollment of the agency that is not less than 65 percent; and (cc) has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State.

(IV) Is a local educational agency that has a total student enrollment of not less than 25,000 students of which— (aa) not less than 50 percent are children described in subsection (a)(1); and

NAFIS position
Language in RED notes only difference between the two bills – Senate language keeps current law, but inserts an “or” incorporating House language.

No position

SENATE

HOUSE

NAFIS POSITION

(bb) not less than **5,000** of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

(bb) not less than 5,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

House to recede to the Senate on 5,000

(V) Is a local educational agency that –
(aa) has an enrollment of children described in subsection (a)(1) including, for purposes of determining eligibility, those children described in subparagraphs (F) and (G) of such subsection that is not less than 35 percent of the total student enrollment of the agency;

(bb) has a per pupil expenditure **as provided for under paragraph (2)(B)(II)(bb)** and has a tax rate for general fund purposes which is not less than 95 percent of the average tax rate for general fund purposes **for comparable** local educational agencies in the State; and

and
(bb) was eligible to receive assistance under subparagraph (A) for fiscal year 2001.” and

House to recede to the Senate with an amendment **(RED)** LEA must meet the per-pupil expenditure and tax rate criteria required of all LEAs.

(cc) was eligible to receive assistance under subparagraph (A) For fiscal year 2001.

(ii) LOSS OF ELIGIBILITY
(I) IN GENERAL . – Subject to

(I by striking “A heavily” and Inserting the following;

SENATE - ECAA

subclause (II), a heavily impacted local educational agency that met the requirements of clause (i) for a fiscal year shall be ineligible to receive a basic support payment under subparagraph (A), but that has had, for 2 consecutive fiscal years, a tax rate for general fund purposes that falls below 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State, such agency shall be determined to be ineligible under clause (i) and ineligible to receive a basic support payment under subparagraph (A) for each fiscal year succeeding such 2 consecutive fiscal years for which the agency has such a tax rate for general fund purposes, and until the fiscal year for which the agency resumes such eligibility in accordance with clause (iii).

HOUSE - SSA

(II) LOSS OF ELIGIBILITY DUE TO FALLING BELOW 95 PERCENT OF THE AVERAGE TAX RATE FOR GENERAL FUND PURPOSES. – In a case of a heavily impacted local educational agency that is eligible to receive a basic support payment under subparagraph (A), but that has had, for 2 consecutive fiscal years, a tax rate for general fund purposes that falls below 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State, such agency shall be determined to be ineligible under clause (i) and ineligible to receive a basic support payment under subparagraph (A) for each fiscal year succeeding such 2 consecutive fiscal years for which the agency has such a tax rate for general fund purposes, and until the fiscal year for which the agency resumes such eligibility in accordance with clause (iii).

NAFIS POSITION

Intent is the same in both bills - no preference

SENATE

HOUSE

NAFIS POSITION

(III) TAKEN OVER BY STATE BOARD OF EDUCATION . – In the case of a heavily impacted local educational agency that is eligible to receive a basic support payment under subparagraph (A), but that has been taken over by a State board of education in 2 previous years, such agency shall be deemed to maintain heavily impacted status for 2 fiscal years following the date of enactment of the Every Child Achieves Act of 2015.

No such language

No position

(iii) RESUMPTION OF ELIGIBILITY

A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency meets the requirements of clause (i) for that subsequent fiscal year, except that such agency shall not receive a basic support payment under this paragraph until the fiscal year succeeding the fiscal year for which the eligibility determination is made.

Senate language reaffirms (iii) in current law – House bill cites (iii) in current law

No preference/ intent the same

(C) MAXIMUM AMOUNT FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES . –

(i) IN GENERAL. – Except as provided in subparagraph (D), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) and subject to clause (ii),

(B) by striking subparagraph (C);
(C) by redesignating subparagraphs (D) through (H) as subparagraphs (C) through (G), respectively;
(D) in subparagraph (C) (as so redesignated) (i) in the heading, by striking “REGULAR”.
(ii) by striking “Except as provided in subparagraph (E)” and inserting (Except as provided in subparagraph (D))”;

No impact on intent

SENATE - ECAA

HOUSE - SSA

NAFIS POSITION

multiplied by the greater of –

- (I) Four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or
- (II) Four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

Maintains this language as it is in current law; Senate language just reaffirms it

No preference

- (ii) CALCULATION OF WEIGHTED STUDENT UNITS. –

(iii) by amending subclause (I) of clause (ii) to read as follows:

Language in both bills is similar (Red notes a House insert)

- (I) IN GENERAL

(aa) IN GENERAL **(I) (aa)** For a local educational agency **with respect to which 35 percent** in which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), and that has an enrollment of children described in subparagraph (A), (B), or (C) of such subsection equal to at least 10 percent of the agency’s total enrollment, the Secretary shall calculate the weighted student units of those children described in subparagraph (D) or (E) of such subsection by multiplying the number of such children by a factor of 0.55

(bb) EXCEPTION (Senate heading only) Notwithstanding item **subitem** (aa) a local educational agency that received a payment under this paragraph for fiscal year 2013 shall not be required to have an enrollment of children described in subparagraph (A),(B), or (C) of subsection (a)(1) equal to at least 10 percent of the agency’s total enrollment. Senate adds after enrollment “ and shall be eligible for the weight as provided for in item (aa).”

SENATE

HOUSE

NAFIS POSITION

NAFIS has no preference/Senate language reaffirms the .55 weight.

(II) ENROLLMENT OF 100 OR FEWER CHILDREN. –

For a local educational agency that has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75

House bill maintains this provision as in current law rather than spelling it out

No change to current law
Senate bill throughout maintains continuity by inserting the text of current law.

(III) ENROLLMENT OF MORE THAN 100 CHILDREN

BUT LESS THAN 1,000. –

For a local educational agency that is not described under subparagraph (B)(i)(I) and has an enrollment of more than 100 but not more than 1,000 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

(D) MAXIMUM AMOUNT FOR LARGE HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES. –

(i) IN GENERAL. –

(I) IN GENERAL. – Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any

by amending subclause (III) of clause (ii) by striking “(B)(i)(II)(aa)” and inserting subparagraph (B)(i)(I)”; (E) in subparagraph (D)(i)(II) (as so redesignated, by striking “6,000” and inserting “5,500”;

SENATE - ECAA

HOUSE - SSA

NAFIS POSITION

fiscal year shall be determined with the formula described in paragraph (1) (C).

(II) HEAVILY IMPACTED LOCAL

EDUCATIONAL AGENCY. – A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 5,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

(ii) FACTOR . – For purposes of

Calculating the maximum amount described In clause (i), the factor used in determining The weighted student units under subsection (a)(2) with respect to children described in Subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35

(E) DATA. – For purposes of providing assistance Under this paragraph the Secretary shall use Student, revenue, expenditure, and tax data From the third fiscal year preceding the fiscal

House to recede to the Senate on the number - 5,000 rather than 5,500.

Language describing the LEA is identical/House refers to current law/ Senate reaffirms.

Current law

Intent the same

SENATE

HOUSE

NAFIS POSITION

year for which the local educational agency is applying for assistance under this paragraph.

(F) DETERMINATION OF AVERAGE TAX RATES FOR GENERAL FUND PURPOSES. –

(i) **IN GENERAL.** – Except as provided in clause (ii), for the purpose of determining the average tax rates for general fund purposes for local educational agencies in a State under this paragraph, the Secretary shall use either—

(I) The average tax rate for general fund purposes for comparable local educational agencies, as determined by the Secretary in regulations;

or

(II) The average tax rate of all the local educational agencies in the State.

(ii) **FISCAL YEARS 2010-2015. –**

(I) **IN GENERAL.** –For fiscal years 2010 through 2015, any local educational agency that was found ineligible to receive a payment under subparagraph (A) because the Secretary determined that it failed to meet the average tax rate requirement for general fund purposes in subparagraphs (B)(i)(II)(cc)(AA), shall be considered to have met that requirement, if its State determined, through an alternate

House maintains language in current law

No change to intent

No such language

No position

SENATE - ECAA

HOUSE - SSA

NAFIS POSITION

calculation of average tax rates for general fund purposes, that such local educational agency met that requirement.

(II) SUBSEQUENT FISCAL YEARS AFTER 2015. – For any

succeeding fiscal year after 2015, any local educational agency identified in subclause (I) may continue to have its State use the alternate methodology to calculate whether the average tax rate requirement for general fund purposes under subparagraph (B)(i)(II)(cc)(AA) is met.

(III) AVAILABILITY OF FUNDS. –

notwithstanding any other provision of law limiting the period during which the Secretary may obligate funds appropriated for any fiscal year after 2012, the Secretary shall reserve an amount equal to a total of \$14,000,000 from funds that remain unobligated under this section from fiscal years 2013 or 2014 in order to make payments under this clause for fiscal years 2011 through 2014.

No such language

No position

No such language

No position

SENATE

(G) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES AFFECTED BY PRIVATIZATION OF MILITARY HOUSING. –

(I) ELIGIBILITY.

For any fiscal year, a heavily impacted Local educational agency that received A basic support payment under this Paragraph for the prior fiscal year, but is Ineligible for such payment for the current Fiscal year under subparagraphs (B), (C), or (D), as the case may be, due to the Conversion of military housing units to Private housing described in clause (iii), Or as the direct result of base realignment and Closure or modularization as determined by The Secretary of Defense and force Structure change or force relocations, shall Be deemed to meet the eligibility requirements Under subparagraph (B) or (C), as the case May be, for the period during which the ‘ Housing units are undergoing such conversion Or during such time as activities associated with Base closure and realignment, modularization, Force structure change, or force relocation are On-going.

(iii) AMOUNT OF PAYMENT . – The amount of a payment to a heavily impacted local educational agency for a fiscal year

HOUSE

(F) in subsection (E) (as so redesignated) –
(i) by striking “Secretary” and inserting “Secretary shall use’;
(ii) by striking “; and” and inserting a period; and
(iii) by striking clause (ii);
(G) in subparagraph (F) (as so redesignated), by striking “subparagraph (C)(i)(II)(bb)” and inserting “subparagraph (B)(i)(II)(bb)(BB)”;
and
(H) in subparagraph (G) (as so redesignated) –
(i) in clause (i) –
(I) by striking “subparagraph (B), (C), (D), or (E)” and inserting subparagraph (B), (C), or (D)”;
(II) by striking “by reason of” and inserting “due to”;
(III) by inserting after “clause (iii)” the following “or as the direct result of base realignment and closure or modularization as determined by the Secretary of Defense and force structure change or relocation”; and
(IV) by inserting before the period, the following: “or during such time as activities associated with base closure and realignment, modularization, force structure change, or force relocation are ongoing”; and
(ii) in clause (ii), by striking “(D) or (E)” each place it appears and inserting “(C) or (D)”;

NAFIS POSITION

Intent the same in both bills/Senate continues with the insertion of current law with the changes/ House language takes a cut and paste approach

NAFIS prefers the Senate approach

SENATE - ECAA

HOUSE - SSA

NAFIS POSITION

by reason of the application of clause (i), and calculated in accordance with subparagraph (C) or (D), as the case may be, shall be based on the number of children in average daily attendance in the schools of such agency for the fiscal year and under the same provisions of subparagraph (C) or (D) under which the agency was paid during the prior fiscal year.

Current Law

(iv) CONVERSION OF MILITARY HOUSING UNITS TO PRIVATE HOUSING DESCRIBED. – For purposes of clause (i), ‘conversion of military housing units to private housing’ means the conversion of military housing units to private housing units pursuant to subchapter IV of chapter 169 of title 10, United States Code, or pursuant to any other related provision of law.”;

Current Law

(C) in paragraph (3)

(i) in subparagraph (B), by striking clause (iii) and inserting the following:

(4) in paragraph (3) –

(A) in subparagraph (B) –

(i) by amending clause (iii) to read as follows:

Language in both bills is identical – Red notes a House insert.

(III) in the case of a local educational agency providing a free public education to students enrolled in kindergarten through grade 12, that enrolls **(but which enrolls)** students described in subparagraphs (A), (B), and (D) of subsection (a)(1) only in grades 9 through 12, and that **(which)** received a final payment in fiscal year 2009 calculated under this paragraph (as this paragraph was in effect on the day before the enactment of the Every Child Achieves Act of 2015) **(Student Success Act)** for students in grades 9 through 12, the Secretary shall, in calculating the agency's payment, consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under clause (i)(I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under clause (i)(II).";

Intent the same

No preference

No such language

(ii) by adding at the end the following:

(v) In the case of a local educational agency that is providing a program of distance education to children not residing within the geographic boundaries of the agency, the Secretary shall –

(I) For purposes of the calculation under clause (i)(I), disregard such children from the total number of children in average daily attendance at the schools

Senate to recede to the House language

served by such agency; and
(II) for purposes of the calculation
Under clause (i)(II), disregard any funds
received for such children from the
total current expenditures for such agency.”;

Any change from common language is identified as House language and noted in **Red**

(D) RATABLE DISTRIBUTION . – For **(any fiscal year)** fiscal years described in subparagraph (A), for which the sums available exceed the amount required to pay each local educational agency 100 percent of its threshold payment, the Secretary shall distribute the excess sums to each eligible local educational agency that has not received its full amount computed under paragraphs (1) or (2) (as the case may be) by multiplying ---

- (i) a percentage, the denominator of which is the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for all local educational agencies and the amount of the threshold payment (as calculated under subparagraphs (B) and (C) of all local educational agencies, and the numerator of which is the aggregate of the excess sums, by
- (ii) the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for the agency and the amount of the threshold payment as calculated under subparagraphs (B) and (C) of the agency.”; **and**

except that no local educational agency shall (D by inserting at the end the following new
receive more than 100 percent of the maximum subparagraphs:
payment calculated under subparagraphs
(C) or (D) of paragraph (2)

SENATE

(E) INSUFFICIENT FUNDS

For each fiscal year described in subparagraph (A) for which the sums appropriated are insufficient to pay each local educational agency all of the local educational agency's threshold payment described in subparagraph (B), the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

Language addresses
Maximum payments "except
no local education
(See previous page)

HOUSE

(E) INSUFFICIENT FUNDS

For each fiscal year described in subparagraph (A) for which the sums appropriated under section 3(d)(2) are insufficient to pay each local educational agency all of the local educational agency's threshold payment described in subsection (D), the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

(F) INCREASES. – If the sums appropriated under section 3(d)(2) are sufficient to increase the threshold payment above 100 percent threshold payment described in subsection (D), then the Secretary shall increase payments on the same basis as such payments were reduced, except no local educational agency may receive a payment amount greater than 100 percent of the maximum payment calculated under this subsection.”;

NAFIS POSITION

Intent the same language to be determined based on the cites used in the conference.

Intent the same House language spells out the calculation in more precise language.

No preference

SENATE - ECAA

HOUSE - SSA

NAFIS POSITION

(F) PROVISION OF TAX RATE AND RESULTING PERCENTAGE. – The Secretary shall provide the local educational agency’s tax rate and the resulting percentage to each eligible local educational agency immediately following the payment of funds under paragraph (2)”;

No such language

House to recede to the Senate

(D) in paragraph (4)(B), by striking “subparagraphs (D) or (E)” and inserting “subparagraph (C) or (D)”:
(3) in subsection (e), by striking paragraph (2) and inserting the following:

(B) in subparagraph (B), by striking “subparagraphs (D) or (E)” and inserting “subparagraph (C) or (D)”.

(c) PRIOR YEAR DATA. – Paragraph (2) of section 8003(c) is amended to read as follows:

(2) EXCEPTION. --

(2) EXCEPTION. –

House/Senate Language Identical

Calculating of payments for a local educational agency shall be based on data from the fiscal year for which the agency is making an application for payment if such agency –

(A) is newly established by a State, for the first year of operation of such agency only;

SENATE

HOUSE

NAFIS POSITION

- (B) was eligible to receive a payment under this section for the previous fiscal year and has had an overall increase in enrollment (as determined by the Secretary in consultation with the Secretary of Defense, the Secretary of Interior, or the heads of other Federal agencies) –
 - (i) of not less than 10 percent, or 100 students, of children described in –
 - (I) subparagraph (A), (B), (C), or (D) of subsection (a)(1); or
 - (II) subparagraphs (F) and (G) of subsection (a)(1), but only to the extent such children are civilian dependents of employees of the Department of Interior; and
 - (ii) that is the direct result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of the force structure changes or movements of units or personnel between military installations or because of actions initiated by the Secretary of the Interior or the head of another Federal agency; or
- (C) was eligible to receive a payment under this section for the previous fiscal year and has had an increase in enrollment (as determined by the Secretary) –
 - (i) of not less than 10 percent of children described in subsection (a)(1) or not less than 100 of such children; and
 - (ii) that is the direct result of the closure of a local educational agency that received a payment under subsection (b)(1) or (b)(2) in the previous fiscal year.”.

NAFIS supports

(4) in subsection (d) –

(A) in the subsection heading, by striking CHILDREN” and inserting “STUDENTS”; No such language

(B) in paragraph (1) by striking “children” both places the terms appears and inserting “students”; and

(C) in paragraph (2), by striking “children” and inserting “students”;

No position

(5) in subsection (e)–

(A) by striking paragraphs (1) and (2) and

(e) HOLD-HARMLESS -
Section 8003(e) (20 U.S.C. 3 7703(e)) is amended

SENATE - ECAA

HOUSE - SSA

NAFIS POSITION

Inserting the following:

(1) IN GENERAL. –

(A) IN GENERAL. – In the case of any local educational agency whose payment under subsection (b) for a fiscal year is determined to be reduced by an amount greater than \$5,000,000 or by 20 percent, as compared to the amount received for the previous fiscal year, the Secretary shall, subject to sub-

paragraph (B), pay a local educational agency, for each of the 3 years following the reduction under subsection (b), the amount determined under subparagraph

(B) AMOUNT OF REDUCTION. –

(C) subject to subparagraph (C), a local educational agency described in subparagraph (A) shall receive –

(i) For the first year for which the reduced payment is determined, an amount that is not less than

to read as follows: “(e) HOLD HARMLESS. -

The maximum amount that a local educational agency is eligible to receive, as calculated under paragraph (1)(C), (2)(C), or 2(D) of subsection (b), shall not be less than 90 percent of the calculated maximum amount that was used to determine the local educational agency’s payment for subsection (b)(1) or (b)(2) in the previous fiscal year for a period not to exceed 3 consecutive fiscal years, if such agency meets the eligibility requirements of paragraph (1)(B) or (2)(B) of subsection (b)”.

House to recede to the Senate

SENATE

HOUSE

NAFIS POSITION

90 percent of the total amount that the local educational agency received under paragraph (1) or (2) of subsection (b) for the fiscal year prior to the reduction (referred to in this paragraph as the 'base year');

(ii) For the second year following such reduction, an amount that is not less than 85 percent of the total amount that the local educational agency received under paragraph (1) or (2) of subsection (b) for the base year; and

(iii) For the third year following such reduction, an amount that is not less than 80 percent of the total amount that the local educational agency received under paragraph (1) or (2) of subsection (b) for the base year.

(D) SPECIAL RULE . – For any fiscal year for which a local educational agency would be subject to a reduced payment under clause (ii) or (iii) of subparagraph (B), but the total amount of the payment for which the local educational agency is eligible under

(2) by amending paragraph (2) to read as follows:

(2) MAXIMUM AMOUNT. – The total amount provided to a local educational agency under subparagraph (A), (B), or (C) of paragraph (1) for a fiscal year shall not exceed the maximum basic support payment amount for such

House to recede to the Senate

House to recede to the Senate

SENATE - ECAA

HOUSE - SSA

NAFIS POSITION

subsection (b) for that fiscal year is greater than the amount that initially subjected the local educational agency to the requirements of this subsection, the Secretary shall pay the greater amount to the local educational agency for such year.”; and

(B) by redesignating paragraph (3) as paragraph (2); and
(6) by striking subsection (g)

agency determined under paragraph (1) or (2) of subsection (b), as the case may be, for such fiscal year

(f) MAINTENANCE OF EFFORT. --
Section 8003 is amended by striking subsection (g).

Intent the same
No preference

POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS

Section 8004(e)(9) is amended by striking “Affairs” both places the term appears and inserting “Education.”.

Section 8004(e)(9) is amended by striking “Bureau of Indian Affairs” and inserting “Bureau of Indian Education”.

Intent the same
No preference

APPLICATION FOR PAYMENTS UNDER SECTIONS 8002 AND 8003

Section 8005 is amended – on
(1) In subsection (b), in the matter preceding paragraph (1), by striking “, and shall contain such information.”;
(2) By redesignating subsections (c) and (d) as subsections (d) and (e), respectively;
(3) By inserting after subsection (b) the following:

Section 8005 (b) is amended in the matter preceding paragraph (1) by striking “and shall contain such information

House to recede to the Senate

SENATE

HOUSE

NAFIS POSITION

(e) STUDENT COUNT. – In collecting information to determine the eligibility of a local educational agency and the number of federally connected children for the local educational agency, the Secretary shall, in addition to any options provided under Section 222.35 of title 34, Code of Federal Regulations, or a successor regulation, allow a local educational agency to count the number of such children served by the agency as of the date by which the agency requires all students to register for the school year of the fiscal year for which the application is filed.”; and

No such language

House to recede to the Senate

(4) In subsection (d), by striking “subsection (c)” and inserting “subsection (d)” each place the term appears.

CONSTRUCTION

Section 8007 is amended –

Section 8007 is amended –

(1) In subsection (a) –

Language the same except for different authorization cites

(A) In paragraph (1), by striking “section 8014 (e)” and inserting “section 8014(d)”;

(B) In paragraph (3) –

(i) In subparagraph (A)(i) –

(I) By redesignating the first subclause (II) as subclause (I);

SENATE - ECAA

HOUSE - SSA

NAFIS POSITION

and

(II) By striking “section 8014(e)” and inserting “section 8014(d)”;
and

(ii) In subparagraph (B)(i)(I), by striking “section 8014(e)” and inserting “section 8014 (d)”; and

(2) In subsection (b) –

(A) In paragraph (1), in the matter preceding subparagraph (A), by striking “section 8014(e)” and inserting “section 8014 (d)”;
(B) In paragraph (3)(C)(i)(I), by adding at the end the following:

(cc) Not less than 10 percent of the property in the agency is exempt from State and local taxation under federal law.” and

(C) In paragraph (6), by striking subparagraph (F).

No such provision

Same

Same

At least 10 percent of the property in the agency is exempt from State and local taxation under Federal law.” and
(ii) by adding at the end the following:
(F) LIMITATIONS ON ELIGIBILITY REQUIREMENTS. –
The Secretary shall not limit eligibility –
(i) under subparagraph (C)(i)(I)(aa), to those local educational agencies in which the number of children determined under section 8003(a)(1)(C) for each such agency for the preceding school year constituted more than 40 percent of the

Intent the same
No preference

Intent to
reaffirm 10%
provision

No position

SENATE

HOUSE

NAFIS POSITION

No such provision

total student enrollment in the schools of each such agency during the preceding school year;
 and
 (ii) under subparagraph (C)(i)(I)(cc), to those local educational agencies in which more than 10 percent of the property in each such agency is exempt from State and local taxation under Federal law.”;
 (C) in paragraph (6) –
 (i) in the matter preceding subparagraph (A), by striking “in such manner, and accompanied by such information” and inserting “and in such manner”; and
 (ii) by striking subparagraph (F) and (D) by striking paragraph (7).

No position

Same

FACILITIES

Section 8008(a) is amended by striking ‘section 8014(f)’ and inserting “section 8014(e)”.

Section 8008(a) is amended in subsection (a), by striking “section 8014(f)” and inserting “section 3(d)(5)”.

Intent the same
No preference/cite issue

STATE CONSIDERATION OF PAYMENTS PROVIDING STATE AID

Language the same

Section 8009 (c)(1)(B) is amended by striking “and contain the information”.

No position

SENATE - ECAA

HOUSE - SSA

NAFIS POSITION

FEDERAL ADMINISTRATION

No such provision

Section 8010(d)(2) is amended, by striking “section 8014” and inserting “section 3(d)”.

No change to intent
Conforming to cite change

ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW

No such provision

Section 8011 (a) is amended, by striking “or under the Act” and all that follows through “1994”.

No position

DEFINITIONS

No such provision

Section 8013 is amended –
(1) in paragraph (1), by striking “and Marine Corps” and inserting “Marine Corps, and Coast Guard”;

Senate to recede to
the House

Section 8013(5)(A) is amended –
(1) in clause (ii), by striking subclause (III) and inserting the following:
“(III) conveyed at any time under The Alaska Native Claims Settlement Act to a Native individual, Native group, or village or regional corporation (including single family occupancy properties that may have been subsequently sold or leased to a third party), except that property that is conveyed under

No such provision

House to recede to
the Senate

SENATE

HOUSE

NAFIS POSITION

such Act –

(aa) that is not taxed **is**, for the purposes of this subparagraph, considered tax-exempt due to Federal law;
and

(bb) is considered Federal property for the purpose of this subparagraph if the property is located within a Regional educational Attendance Area”;
and

(2) in clause (iii) –

(A) in subclause (II), by striking “Stewart B. McKinney Homeless Assistance Act” and inserting “McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411”;

(B) by striking subclause (III) and inserting the following:

(III) used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); or”.

No such provision

(2) in paragraph (4), by striking “and title VI”;

(3) in paragraph (5)(A)(iii) –

(A) in subclause (II), by striking “Stewart B. McKinney Homeless Assistance Act” and inserting

“McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411”;

(B) in subclause (III), by inserting before the semicolon “(25 U.S.C. 4101 et seq.)”;

and
(4) in paragraph (8)(A), by striking “and verified by” and inserting “. and verified by,”

House to recede to the Senate

Intent the same NAFIS supports

Intent the same NAFIS supports

No position

SENATE - ECAA

HOUSE - SSA

NAFIS POSITION

AUTHORIZATION OF APPROPRIATIONS

Section 8014 is amended –

(1) in subsection (a), by striking “\$32,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years” and inserting “such sums as may be necessary for each of fiscal years 2016 through 2021.”.

(2) in subsection (b), by striking “\$809,400,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years’ and inserting “such sums as may be necessary for each of fiscal years 2016 through 2021”;

(3) in subsection (c), by striking “\$50,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years” and inserting “such sums as may be necessary for each of fiscal years 2016 through 2021”;

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), Respectively;

(5) in subsection (d), as

Section 8014 is repealed.

The Student Success act freezes all ESEA Titles through 2019

House to recede to the Senate

SENATE

redesignated by paragraph (4), by striking “\$10,052,000 for fiscal year 2000 and such sums as may be necessary for fiscal year 2001, \$150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the five succeeding fiscal years” and inserting “such sums as may be necessary for each of fiscal years 2016 through 2021”; and

(6) in subsection (e), as redesignated by paragraph (4), by striking \$5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years”

HOUSE

House bill inserts a number of conforming amendments:
Repeal P.L. 113-76. – Section 309 of division H of the Consolidated Appropriations Act, 2014 (Public Law 113-76; 20 U.S.C. 7702) is repealed.

(a) IMPACT AID IMPROVEMENT ACT OF 2012as amended by section 563 of division A of P.L. 113-291, is amended –
(1) by striking paragraphs (1) and (4); and
(2) by redesignating paragraphs (2)

NAFIS POSITION

Strikes the **Former District** language from current law/place in SSA as 8002(g)

Identical language in Senate bill --
AMENDMENT TO IMPACT AID IMPROVEMENT ACT OF 2012