H. R. 6380

To direct the Secretary of Education to establish a grant program to make grants to the parents of students enrolled in elementary schools or secondary schools that, for any reason related to COVID–19, are failing to provide in-person instruction for each enrolled student for each school day of school year 2021–2022, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 2022

Mr. RODNEY DAVIS of Illinois (for himself, Mr. CRAWFORD, Mr. JOHNSON of Ohio, Ms. HERRERA BEUTLER, Mr. BURGESS, Mr. LaTURNER, Mr. STEIL, Mr. VALADAO, Mr. GARBARINO, Mr. RABIN, and Mr. OBERNOLTE) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To direct the Secretary of Education to establish a grant program to make grants to the parents of students enrolled in elementary schools or secondary schools that, for any reason related to COVID–19, are failing to provide in-person instruction for each enrolled student for each school day of school year 2021–2022, and for other purposes.

Be it enacted by the Senate and House of Representa-
vatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.
This Act may be cited as the “Open Schools Act”.

SEC. 2. FINDINGS.
Congress finds the following:

(1) Parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their child.

(2) After more than 2 years of the COVID–19 pandemic, it is now known that pandemic-related school closures deprive children of the equalizing force of education. The pandemic is widening educational inequality and the learning gaps created by these shutdowns will only get even worse if they continue.

(3) Peer interactions are a crucial ingredient to academic success. A Yale University study has found that the inability to be with friends and peers from different socioeconomic groups did more damage to children’s educational progress than any other factor and underscored the importance of having kids from across the socioeconomic spectrum learning together.

(4) When schools close, parents are often asked to facilitate the learning of children at home and can struggle to perform this task. This is especially true for parents with limited resources which can be ex-
acerbated even more for rural families without access to broadband.

(5) Despite what the mainstream media says about most parents across America working from home, that simply is not the case. In fact, the vast majority of parents do not have the work from home luxury many so-called experts would have you believe. This has further divided the United States between regular, hard-working parents and a new “laptop class” that only works remotely. These working-class parents do not have the ability to help their children learn when their school switches to remote learning, even if only for a few days at a time.

(6) Crucial benchmarks like achievement tests and high stakes examinations that determine admission or advancement to new education levels and institutions, are thrown into disarray when schools close. Strategies to postpone, skip, or administer examinations at a distance raise serious concerns about fairness, especially when access to learning becomes variable. Disruptions to assessments results in stress for students and their families and often trigger disengagement.

(7) Youth may be uniquely susceptible to negative mental health outcomes if they are experiencing
pandemic-related disruptions to in-person schooling
in intersection with other adverse circumstances,
such as racism, poverty, food insecurity, or home in-
stability. Loss of access to school-based mental
health care may be of heightened importance for
youth from low-income families, as they are most
likely to receive mental health services solely from
their school.

(8) Online learning is no substitute for class-
room instruction. Nationally, on average, teachers
say they’re working 2 fewer hours per day than
when they were in their classrooms. And they esti-
mate that their students are spending half as much
time learning, 3 hours a day, as they were before the
coronavirus pandemic.

(9) Chicago Mayor Lori Lightfoot and Chicago
public schools leadership insist schools are safe and
have called the refusal of the Chicago Teachers
Union to work in-person a strike and an illegal work
action. White House Press Secretary Jen Psaki has
confirmed schools are safe for students, including in
Chicago. More than 300,000 public school students
in Chicago were off in January after the district
canceled classes when the Chicago Teachers Union
voted to refuse orders to work in-person. “Our
schools are safe”, Chicago public schools CEO Pedro Martinez said during a press conference on January 4, 2022, after the results of the vote were announced. “There is no evidence that our schools have ever been unsafe this school year.”. He added that Chicago schools rarely saw evidence of any major transmission.

(10) Instead of pouring money into schools that are failing to stay open for full, in-person learning, the United States must instead use these taxpayer dollars to support children, not the teacher’s unions, and allow parents to make decisions about their child’s educational future. The United States should provide eligible parents the ability to elect to educate their child in an alternate manner, apart from their local public school that has closed for in-person learning.

SEC. 3. GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Education shall establish a grant program to make grants to parents of eligible students for the purposes described in subsection (d).

(b) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a parent of an eligible stu-
dent shall submit to the Secretary an application
demonstrating that, for any reason related to
COVID–19, the covered school in which such stu-
dent is enrolled for school year 2021–2022 is failing
to provide in-person learning for each enrolled stu-
dent for each school day during such school year.

(2) Other requirements.—The Secretary
shall accept applications under paragraph (1) on an
annual rolling basis and make such application avail-
able as a standardized form in electronic and written
format.

(c) Amount of grants.—

(1) In general.—A parent of 1 or more eligi-
ble students whom the Secretary determines qualifi-
ses for a grant under this section shall receive such
grant for each eligible student of such parent in an
amount that does not exceed $10,000. An eligible
student may not benefit from more than 1 grant
under this section.

(2) Funding.—To award such a grant, the
Secretary shall—

(A) require the State that provided funds
under section 2001 of the American Rescue
Plan Act of 2021 (20 U.S.C. 3401 note) to the
local educational agency in which the applicable
covered school is located to return such funds to the Secretary; and

(B) use such returned funds for such grant.

(d) USE OF FUNDS.—Any amounts made available to a parent under this section may be used, with respect to an eligible student—

(1) to pay the tuition and fees for a private elementary school or a private secondary school;

(2) to pay the cost (such as the average per pupil price) of attending a public elementary school or secondary school that provides in-person school;

(3) for private tutoring (including through a learning pod or microschool);

(4) for the home school expenses;

(5) to purchase educational materials, including instruction materials and textbooks;

(6) for purchasing electronic devices to facilitate the education of such eligible student; or

(7) for such other purposes as the Secretary determines appropriate.

(e) DOCUMENTATION.—The Secretary may request documentation from a recipient of a grant under this section that demonstrates that such grant was used in accordance with subsection (d).
(f) Rules of Construction.—Nothing in this section shall be construed—

(1) to impact any aspect of private, religious, or home education providers;

(2) to exclude private, religious, or home education providers from receiving funds pursuant to a grant under this section; or

(3) to require a qualified educational service provider to alter any creed, practice, admissions policy, or curriculum in order to receive funds pursuant to a grant under this section.

(g) Definitions.—In this section:

(1) Eligible Student.—The term “eligible student” means a student who is enrolled for school year 2021–2022 in a covered school that, for any reason related to COVID–19, is failing to provide in-person learning for each enrolled student for each school day during such school year.

(2) Covered School.—The term “covered school” means an elementary school or secondary school located in a local educational agency that received an amount under section 2001 of the American Rescue Plan Act of 2021 (20 U.S.C. 3401 note).
(3) ESEA TERMS.—The terms “elementary school”, “secondary school”, “parent”, and “Secretary” have the meanings given such terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).