

105TH CONGRESS  
1ST SESSION

# H. R. 2724

To amend title VI of the Elementary and Secondary Education Act of 1965 to give parents with low-incomes the opportunity to choose the appropriate school for their children.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 23, 1997

Mr. RIGGS (for himself, Mr. WATTS of Oklahoma, Mr. FLAKE, Mr. TALENT, Mr. GINGRICH, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Ms. DUNN, Ms. PRYCE of Ohio, Mr. SOLOMON, and Mr. HOEKSTRA) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title VI of the Elementary and Secondary Education Act of 1965 to give parents with low-incomes the opportunity to choose the appropriate school for their children.

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 “Helping Empower  
3 Low-income Parents (HELP) Scholarships Amendments  
4 of 1997”.

5 **SEC. 2. DEFINITIONS.**

6 Section 6003 of the Elementary and Secondary Edu-  
7 cation Act of 1965 is amended—

8 (1) in the section heading by striking “**DEFINI-**  
9 **TION**” and inserting “**DEFINITIONS**”;

10 (2) by striking “(1)”, “(2)”, and “(3)”;  
11 (3) in the matter proceeding subparagraph (A),  
12 by striking “ title the term” and inserting the fol-  
13 lowing:

14 “title—

15 “(1) the term”;

16 (4) by striking the period at the end; and

17 (5) by adding at the end the following:

18 “(2) the term ‘poverty line’ means the poverty  
19 line (as defined by the Office of Management and  
20 Budget, and revised annually in accordance with sec-  
21 tion 673(2) of the Community Services Block Grant  
22 Act (42 U.S.C. 9902(2)) applicable to a family of  
23 the size involved; and

24 “(3) the term ‘voluntary public and private pa-  
25 rental choice program’ means a program that meets  
26 the requirements of section 6301(b)(9), is authorized

1 by State law, and includes 1 or more private schools  
2 to allow low-income parents to choose the appro-  
3 priate school for their children.”.

4 **SEC. 3. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.**

5 Section 6102(a) of the Elementary and Secondary  
6 Education Act of 1965 is amended to read as follows:

7 “(a) DISTRIBUTION RULE.—

8 “(1) IN GENERAL.—Except as provided in para-  
9 graph (2), from the sums made available each year  
10 to carry out this title, the State educational agency  
11 shall distribute not less than 90 percent to local edu-  
12 cational agencies within such State according to the  
13 relative enrollments in public and private, nonprofit  
14 schools within the school districts of such agencies,  
15 adjusted, in accordance with criteria approved by the  
16 Secretary, to provide higher per pupil allocations to  
17 local educational agencies which have the greatest  
18 numbers or percentages of children whose education  
19 imposes a higher than average cost per child, such  
20 as—

21 “(A) children living in areas with high con-  
22 centrations of low-income families;

23 “(B) children from low-income families;  
24 and

1                   “(C) children living in sparsely populated  
2                   areas.

3                   “(2) EXCEPTION.—A State that has enacted or  
4                   will enact a law that establishes a voluntary public  
5                   and private parental choice program and that com-  
6                   plies with the provisions of section 6301(b)(9) may  
7                   reserve an additional 15 percent from the sums  
8                   made available each year to carry out this title if the  
9                   additional amount reserved is used exclusively for  
10                   voluntary public and private parental choice pro-  
11                   grams.”.

12 **SEC. 4. USES OF FUNDS.**

13                   (a) STATE USES OF FUNDS.—Section 6201(a)(1) of  
14                   the Elementary and Secondary Education Act of 1965 is  
15                   amended—

16                   (1) in subparagraph (C), by striking “and”  
17                   after the semicolon;

18                   (2) by inserting after subparagraph (C) the fol-  
19                   lowing:

20                   “(D) establishing voluntary public and pri-  
21                   vate parental choice programs in accordance  
22                   with section 6301(b)(9); and”.

23                   (b) LOCAL USES OF FUNDS.—Section 6301(b) of the  
24                   Elementary and Secondary Education Act of 1965 is  
25                   amended—

1 (1) in paragraph (7), by striking “and” after  
2 the semicolon;

3 (2) in paragraph (8), by striking the period and  
4 inserting “; and”; and

5 (3) by inserting after paragraph (8) the follow-  
6 ing:

7               “(9) voluntary public and private parental  
8               choice programs that—

9                   “(A) are located in an area that has the  
10                   greatest numbers or percentages of children—

16                             “(B) ensure that participation in such a  
17                             voluntary public and private parental choice  
18                             program is limited to families whose family in-  
19                             come does not exceed 185 percent of the pov-  
20                             erty line;

13                   “(D) ensure that for a private school that  
14                   chooses to participate in a voluntary public and  
15                   private parental choice program—

21                             “(ii) receipt of funds under this title  
22                             is not conditioned with requirements or  
23                             regulations that preclude the use of such  
24                             funds for sectarian educational purposes or

1                   require removal of religious art, icons,  
2                   scripture, or other symbols; and

3                   “(iii) such a school is in compliance  
4                   with all State requirements applicable to  
5                   the operation of a private school that are  
6                   in effect in the year preceding the date of  
7                   the enactment of the Helping Empower  
8                   Low-income Parents (HELP) Scholarships  
9                   Amendments of 1997;

10                  “(E) may allow State, local, and private  
11                  funds to be used for voluntary public and pri-  
12                  vate parental choice programs; and

13                  “(F) ensure priority for students who were  
14                  enrolled in a public school in the school year  
15                  preceding the school year in which a voluntary  
16                  public and private parental choice school begins  
17                  operation.”.

18 **SEC. 5. EVALUATION.**

19                  Part D of title VI of the Elementary and Secondary  
20                  Education Act of 1965 is amended—

21                  (1) by adding at the end of section 6402 the  
22                  following new subsection:

23                  “(j) APPLICATION.—This section shall not apply to  
24                  a State or local educational agency that uses funds to es-

1 establish a voluntary public and private parental choice pro-  
2 gram in accordance with section 6301(b)(9)."; and

3 (2) by adding at the end of such part the fol-  
4 lowing new sections:

5 **SEC. 6404. EVALUATION.**

6 "(a) ANNUAL EVALUATION.—

7 "(1) CONTRACT.—The Comptroller General of  
8 the United States shall enter into a contract, with  
9 an evaluating agency that has demonstrated experi-  
10 ence in conducting evaluations, for the conduct of an  
11 ongoing rigorous evaluation of the programs estab-  
12 lished under section 6301(b)(9).

13 "(2) ANNUAL EVALUATION REQUIREMENT.—  
14 The contract described in paragraph (1) shall re-  
15 quire the evaluating agency entering into such con-  
16 tract to evaluate annually each program established  
17 under section 6301(b)(9) in accordance with the  
18 evaluation criteria described in subsection (b).

19 "(3) TRANSMISSION.—The contract described  
20 in paragraph (1) shall require the evaluating agency  
21 entering into such contract to transmit to the Com-  
22 trroller General of the United States the findings of  
23 each annual evaluation under paragraph (1).

24 "(b) EVALUATION CRITERIA.—The Comptroller Gen-  
25 eral of the United States, in consultation with the Sec-

1     retary, shall establish minimum criteria for evaluating  
2     each program established under section 6301(b)(9). Such  
3     criteria shall provide for—

4                 “(1) a description of the implementation of  
5     each program established under section 6301(b)(9)  
6     and the program’s effects on all participants,  
7     schools, and communities in the program area, with  
8     particular attention given to the effect of parent par-  
9     ticipation in the life of the school and the level of  
10    parental satisfaction with the program; and

11                 “(2) a comparison of the educational achieve-  
12    ment of all students in the program area, including  
13    a comparison between—

14                     “(A) students receiving a voluntary public  
15    and private parental choice scholarships under  
16    section 6301(b)(9); and

17                     “(B) students not receiving a voluntary  
18    public and private parental choice scholarships  
19    under such section.

20                 “(c) EVALUATION FUNDS.—Pursuant to the author-  
21    ity provided under section 14701, the Secretary shall re-  
22    serve not more than 0.50 percent of the amount of funds  
23    made available under section 6002 to carry out this sec-  
24    tion.

1   **“SEC. 6405. APPLICABILITY.**

2       “(a) NOT SCHOOL AID.—Subject to subsection (b),  
3   funds used under this title to establish a voluntary public  
4   and private parental choice program shall be considered  
5   assistance to the student and shall not be considered as  
6   assistance to any school that chooses to participate in such  
7   program.

8       “(b) NOT INCOME.—For purposes of Federal tax  
9   laws or for determining eligibility for any other Federal  
10   program, a voluntary public and private parental choice  
11   scholarship provided under this title shall not be treated  
12   as income or assistance to the student or the parents of  
13   such student.

14       “(c) NO FEDERAL CONTROL.—The Secretary is not  
15   permitted to exercise any direction, supervision, or control  
16   over curricula, program of instruction, administration, or  
17   personnel of any school that chooses to participate in a  
18   voluntary public and private choice program established  
19   under 6309(b)(9).”.

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