

106TH CONGRESS
1ST SESSION

H. R. 2971

To provide parents whose children attend an academic emergency school
with education alternatives.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 1999

Mr. ARMEY (for himself, Mr. BOEHNER, Mr. WATTS of Oklahoma, and Mr. SHAYS) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To provide parents whose children attend an academic
emergency school with education alternatives.

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 “Academic Emergency
5 Act”.

6 **SEC. 2. PROGRAM AUTHORIZED.**

7 (a) IN GENERAL.—The Secretary is authorized to
8 provide funds to States that have 1 or more schools des-
9 ignated under section 3 as academic emergency schools to

1 provide parents whose children attend such schools with
2 education alternatives.

3 (b) GRANTS TO STATES.—Grants awarded to a State
4 under this Act shall be awarded for a period of not more
5 than 5 years.

6 **SEC. 3. ACADEMIC EMERGENCY DESIGNATION.**

7 (a) DESIGNATION.—The Governor of each State may
8 designate 1 or more schools in the State that meet the
9 eligibility requirements set forth in subsection (b) as aca-
10 demic emergency schools.

11 (b) ELIGIBILITY.—To be designated as an academic
12 emergency school, the school shall be a public elementary
13 school—

14 (1) with a consistent record of poor perform-
15 ance by failing to meet minimum academic stand-
16 ards as determined by the State; and

17 (2) in which more than 50 percent of the chil-
18 dren attending are eligible for free or reduced price
19 lunches under the National School Lunch Act (42
20 U.S.C. 1751 et seq.).

21 (c) LIST TO SECRETARY.—To receive a grant under
22 this Act, the Governor shall submit a list of academic
23 emergency schools to the State educational agency and the
24 Secretary.

1 **SEC. 4. APPLICATION AND STATE SELECTION.**

2 (a) APPLICATION.—Each State in which the Gov-
3 ernor has designated 1 or more schools as academic emer-
4 gency schools shall submit an application to the Secretary
5 that includes the following:

6 (1) ASSURANCES.—Assurances that the State
7 shall—

8 (A) use the funds provided under this Act
9 to supplement, not supplant, State and local
10 funds that would otherwise be available for the
11 purposes of this Act;

12 (B) provide written notification to the par-
13 ents of every child eligible to receive academic
14 emergency relief funds under this Act, inform-
15 ing the parents of the voluntary nature of the
16 program established under this Act, and the
17 availability of qualified schools within their geo-
18 graphic area;

19 (C) provide parents and the education
20 community with easily accessible information
21 regarding available education alternatives; and

22 (D) not reserve more than 4 percent of the
23 amount made available under this Act to pay
24 administrative expenses.

25 (2) INFORMATION.—Information regarding each
26 academic emergency school, for the school year in

1 which the application is submitted, regarding the
2 number of children attending such school, including
3 the number of children who are eligible for free or
4 reduced-price lunch under the National School
5 Lunch Act (42 U.S.C. 1751 et seq.) and the level of
6 student performance.

7 (b) STATE AWARDS.—

8 (1) STATE SELECTION.—From the amount ap-
9 propriated pursuant to the authority of section 14 in
10 any fiscal year, the Secretary shall award grants to
11 States in accordance with this section.

12 (2) PRIORITY.—To the extent practicable, the
13 Secretary shall ensure that each State that com-
14 pletes an application in accordance with subsection
15 (a) shall receive a grant of sufficient size to provide
16 education alternatives to not less than 1 academic
17 school.

18 (3) AWARD CRITERIA.—In determining the
19 amount of a grant award to a State under this Act,
20 the Secretary shall take into consideration the num-
21 ber of schools designated as academic emergencies in
22 the State and the number of eligible students in
23 such schools.

24 (4) STATE PLAN.—Each State that applies for
25 funds under this Act shall establish a plan—

1 (A) to distribute funds to academic emer-
2 gency schools selected under section 5(a)(1);

3 (B) to ensure that—

4 (i) the greatest number of eligible stu-
5 dents who attend academic emergency
6 schools have an opportunity to receive an
7 academic emergency relief funds; and

8 (ii) each academic emergency school
9 continues to receive, in accordance with
10 section 5(c), payments for each eligible
11 student who leaves the school to attend a
12 qualified school;

13 (C) to develop a simple procedure to allow
14 parents of participating eligible students and
15 selected academic emergency schools to redeem
16 academic emergency relief funds.

17 **SEC. 5. AWARDS TO ACADEMIC EMERGENCY SCHOOLS.**

18 (a) SUBGRANT AWARDS.—

19 (1) IN GENERAL.—From amounts made avail-
20 able under this Act to a State and not reserved for
21 administrative expenses under section 4(a)(1)(D),
22 the State shall select academic emergency schools to
23 receive a subgrant based on—

24 (A) the number of eligible students attend-
25 ing academic emergency school;

1 (B) the availability of qualified schools
2 near such schools; and

3 (C) the academic performance of students
4 in such schools.

5 (2) CLASS SIZE REDUCTION.—The funds made
6 available to an academic emergency school pursuant
7 to subsection (c)(1)(B) shall be used exclusively to
8 reduce class size.

9 (b) INSUFFICIENT FUNDS.—If the amount of funds
10 made available to a State under this Act is insufficient
11 to provide every eligible student in a selected academic
12 emergency school with academic emergency relief funds,
13 the State shall devise a random selection process to pro-
14 vide eligible students in such school whose family income
15 does not exceed 185 percent of the poverty line the oppor-
16 tunity to participate in education alternatives established
17 pursuant to this Act.

18 (c) PAYMENTS.—

19 (1) IN GENERAL.—From the funds made avail-
20 able to a State under this Act, a State shall—

21 (A) pay not more than \$3,500 in academic
22 emergency relief funds to the parents of each
23 participating eligible student; and

24 (B) pay \$3,500 to an academic emergency
25 school selected for participation under this Act

1 for each participating eligible student who
2 chooses to attend a qualified school.

3 (2) PERIOD OF AWARDS.—The academic emer-
4 gency relief funds awarded to parents of partici-
5 pating eligible students and the amounts distributed
6 to academic emergency schools under paragraph (1)
7 shall be awarded for each school year during the
8 grant period which shall terminate—

9 (A) when a participating eligible student is
10 no longer a student in the State; or

11 (B) at the end of 5 years,
12 whichever occurs first.

13 (3) DURATION.—A State shall continue to re-
14 ceive funds under this Act for distribution to parents
15 of participating eligible students and selected aca-
16 demic emergency schools in accordance with sub-
17 section (a).

18 **SEC. 6. QUALIFIED SCHOOLS.**

19 (a) QUALIFICATIONS.—A State that submits an ap-
20 plication to the Secretary under section 4 shall publish the
21 qualifications necessary for a school to participate as a
22 qualified school under this Act. At a minimum, each such
23 school shall—

24 (1) provide assurances to the State that it will
25 comply with section 10;

1 (2) certify to the State that the amount
2 charged to a parent using academic relief funds for
3 tuition and fees does not exceed the amount for such
4 tuition and fees charged to a parent not using such
5 relief funds whose child attends the qualified school
6 (excluding scholarship students attending such
7 school); and

8 (3) report to the State, not later than July 30
9 of each year in a manner prescribed by the State,
10 information regarding student performance.

11 (b) CONFIDENTIALITY.—No personal identifiers may
12 be used in such report, except that the State may request
13 such personal identifiers solely for the purpose of
14 verification.

15 **SEC. 7. ACADEMIC EMERGENCY RELIEF FUNDS.**

16 (a) USE OF ACADEMIC EMERGENCY RELIEF
17 FUNDS.—A parent who receives academic emergency re-
18 lief funds from a State under this Act may use such funds
19 to pay the costs of tuition and mandatory fees for a pro-
20 gram of instruction at a qualified school.

21 (b) NOT SCHOOL AID.—Academic emergency relief
22 funds under this Act shall be considered assistance to the
23 student and shall not be considered assistance to a quali-
24 fied school.

1 **SEC. 8. EVALUATION.**

2 (a) ANNUAL EVALUATION.—

3 (1) CONTRACT.—The Comptroller General of
4 the United States shall enter into a contract, with
5 an evaluating agency that has demonstrated experi-
6 ence in conducting evaluations, for the conduct of an
7 ongoing rigorous evaluation of the education alter-
8 native program established under this Act.

9 (2) ANNUAL EVALUATION REQUIREMENT.—The
10 contract described in paragraph (1) shall require the
11 evaluating agency entering into such contract to an-
12 nually evaluate the education alternative program es-
13 tablished under this Act in accordance with the eval-
14 uation criteria described in subsection (b).

15 (3) TRANSMISSION.—The contract described in
16 paragraph (1) shall require the evaluating agency
17 entering into such contract to transmit to the Comp-
18 troller General of the United States the findings of
19 each annual evaluation under paragraph (2).

20 (b) EVALUATION CRITERIA.—The Comptroller Gen-
21 eral of the United States, in consultation with the Sec-
22 retary, shall establish minimum criteria for evaluating the
23 education alternative program established under this Act.
24 Such criteria shall provide for—

25 (1) a description of the effects of the programs
26 on the level of student participation and parental

1 satisfaction with the education alternatives provided
2 pursuant to this Act compared to the educational
3 achievement of students who choose to remain at
4 academic emergency schools selected for participa-
5 tion under this Act; and

6 (2) a description of the effects of the programs
7 on the educational performance of eligible students
8 who receive academic emergency relief funds com-
9 pared to the educational performance of students
10 who choose to remain at academic emergency schools
11 selected for participation under this Act.

12 **SEC. 9. REPORTS BY COMPTROLLER GENERAL.**

13 (a) INTERIM REPORTS.—Three years after the date
14 of enactment of this Act, the Comptroller General of the
15 United States shall submit an interim report to Congress
16 on the findings of the annual evaluations under section
17 8(a)(2) for the education alternative program established
18 under this Act. The report shall contain a copy of the an-
19 nual evaluation under section 8(a)(2) of education alter-
20 native program established under this Act.

21 (b) FINAL REPORT.—The Comptroller General shall
22 submit a final report to Congress, not later than 7 years
23 after the date of the enactment of this Act, that summa-
24 rizes the findings of the annual evaluations under section
25 8(a)(2).

1 **SEC. 10. CIVIL RIGHTS.**

2 (a) IN GENERAL.—A qualified school under this Act
3 shall not discriminate on the basis of race, color, national
4 origin, or sex in carrying out the provisions of this Act.

5 (b) APPLICABILITY AND CONSTRUCTION WITH RE-
6 SPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

7 (1) APPLICABILITY.—With respect to discrimi-
8 nation on the basis of sex, subsection (a) shall not
9 apply to a qualified school that is controlled by a re-
10 ligious organization if the application of subsection
11 (a) is inconsistent with the religious tenets of the
12 qualified school.

13 (2) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVI-
14 TIES.—With respect to discrimination on the basis
15 of sex, nothing in subsection (a) shall be construed
16 to prevent a parent from choosing, or a qualified
17 school from offering, a single-sex school, class, or ac-
18 tivity.

19 **SEC. 11. RULES OF CONSTRUCTION.**

20 (a) IN GENERAL.—Nothing in this Act shall be con-
21 strued to prevent a qualified school that is operated by,
22 supervised by, controlled by, or connected to a religious
23 organization from employing, admitting, or giving pref-
24 erence to persons of the same religion to the extent deter-
25 mined by such school to promote the religious purpose for
26 which the qualified school is established or maintained.

1 (b) SECTARIAN PURPOSES.—Nothing in this Act
2 shall be construed to prohibit the use of funds made avail-
3 able under this Act for sectarian educational purposes, or
4 to require a qualified school to remove religious art, icons,
5 scripture, or other symbols.

6 **SEC. 12. CHILDREN WITH DISABILITIES.**

7 Nothing in this Act shall affect the rights of students,
8 or the obligations of public schools of a State, under the
9 Individuals with Disabilities Education Act (20 U.S.C.
10 1400 et seq.).

11 **SEC. 13. DEFINITIONS.**

12 As used in this Act:

13 (1) The terms “local educational agency” and
14 “State educational agency” have the same meanings
15 given such terms in section 14101 of the Elementary
16 and Secondary Education Act of 1965 (20 U.S.C.
17 8801).

18 (2) The term “eligible student” means a stu-
19 dent enrolled in an academic emergency school dur-
20 ing the school year in which the Governor designates
21 the school as an academic emergency school in a
22 grade between K and 4th.

23 (3) The term “Governor” means the chief exec-
24 utive officer of the State.

1 (4) The term “parent” includes a legal guard-
2 ian or other person standing in loco parentis.

3 (5) The term “poverty line” means the income
4 official poverty line (as defined by the Office of Man-
5 agement and Budget, and revised annually in ac-
6 cordance with section 673(2) of the Community
7 Services Block Grant Act (42 U.S.C. 9902(2)) appli-
8 cable to a family of the size involved.

9 (6) The term “qualified school” means a public,
10 private, or independent elementary school that meets
11 the requirements of section 6 and any other quali-
12 fications established by the State to accept academic
13 emergency relief funds from the parents of partici-
14 pating eligible students.

15 (7) The term “Secretary” means the Secretary
16 of Education.

17 (8) The term “State” means each of the 50
18 States and the District of Columbia.

19 **SEC. 15. AUTHORIZATIONS OF APPROPRIATIONS.**

20 There are authorized to be appropriated to carry out
21 this Act \$200,000,000 for fiscal year 2000 and such sums
22 as may be necessary for each of the fiscal years 2001
23 through 2004, except that the amount authorized to be

1 appropriated may not exceed \$200,000,000 for any fiscal
2 year.

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