

105TH CONGRESS
1ST SESSION

H. R. 2746

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.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 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

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Helping Empower
5 Low-income Parents (HELP) Scholarships Amendments
6 of 1997”.

1 **SEC. 2. DEFINITIONS.**

2 Section 6003 of the Elementary and Secondary Edu-
3 cation Act of 1965 is amended—

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

6 (2) by striking “(1)”, “(2)”, and “(3)”;

7 (3) in the matter proceeding subparagraph (A),
8 by striking “ title the term” and inserting the fol-
9 lowing:

10 “title—

11 “(1) the term”;

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

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

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

20 “(3) the term ‘voluntary public and private pa-
21 rental choice program’ means a program that meets
22 the requirements of section 6301(b)(9), is authorized
23 by State law, and includes 1 or more private schools
24 to allow low-income parents to choose the appro-
25 priate school for their children.”.

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

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

4 “(a) DISTRIBUTION RULE.—

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

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

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

21 “(C) children living in sparsely populated areas.

22 “(2) EXCEPTION.—A State that has enacted or
23 will enact a law that establishes a voluntary public
24 and private parental choice program and that com-
25 plies with the provisions of section 6301(b)(9) may
26 reserve an additional 15 percent from the sums

1 made available each year to carry out this title if the
2 additional amount reserved is used exclusively for
3 voluntary public and private parental choice pro-
4 grams.”.

5 **SEC. 4. USES OF FUNDS.**

6 (a) STATE USES OF FUNDS.—Section 6201(a)(1) of
7 the Elementary and Secondary Education Act of 1965 is
8 amended—

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

11 (2) by inserting after subparagraph (C) the fol-
12 lowing:

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

16 (b) LOCAL USES OF FUNDS.—Section 6301(b) of the
17 Elementary and Secondary Education Act of 1965 is
18 amended—

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

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

23 (3) by inserting after paragraph (8) the follow-
24 ing:

1 “(9) voluntary public and private parental
2 choice programs that—

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

5 “(i) living in areas with a high con-
6 centration of low-income families;

7 “(ii) from low-income families; or

8 “(iii) living in sparsely populated
9 areas;

10 “(B) ensure that participation in such a
11 voluntary public and private parental choice
12 program is limited to families whose family in-
13 come does not exceed 185 percent of the pov-
14 erty line;

15 “(C) ensure that—

16 “(i) the maximum amount of a vol-
17 untary public and private parental choice
18 scholarship does not exceed the per pupil
19 expenditure of the local educational agency
20 in which an applicant for a voluntary pub-
21 lic and private parental choice scholarship
22 resides;

23 “(ii) the minimum amount of a vol-
24 untary public and private parental choice
25 scholarship is not less than 60 percent of

1 the per pupil expenditure of the local edu-
2 cational agency in which an applicant for
3 a voluntary public and private parental
4 choice scholarship resides or the cost of
5 tuition at a private school, whichever is
6 less;

7 “(D) ensure that for a private school that
8 chooses to participate in a voluntary public and
9 private parental choice program—

10 “(i) such a school is permitted to im-
11 pose the same academic requirements for
12 all students, including students selected for
13 a scholarship as provided under this para-
14 graph;

15 “(ii) receipt of funds under this title
16 is not conditioned with requirements or
17 regulations that preclude the use of such
18 funds for sectarian educational purposes or
19 require removal of religious art, icons,
20 scripture, or other symbols; and

21 “(iii) such a school is in compliance
22 with all State requirements applicable to
23 the operation of a private school that are
24 in effect in the year preceding the date of
25 the enactment of the Helping Empower

1 Low-income Parents (HELP) Scholarships
2 Amendments of 1997;

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

6 “(F) ensure priority for students who were
7 enrolled in a public school in the school year
8 preceding the school year in which a voluntary
9 public and private parental choice school begins
10 operation.”.

11 **SEC. 5. EVALUATION.**

12 Part D of title VI of the Elementary and Secondary
13 Education Act of 1965 is amended—

14 (1) by adding at the end of section 6402 the
15 following new subsection:

16 “(j) APPLICATION.—This section shall not apply to
17 funds that a State or local educational agency uses to es-
18 tablish a voluntary public and private parental choice pro-
19 gram in accordance with section 6301(b)(9).”; and

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

22 **“SEC. 6404. EVALUATION.**

23 “(a) ANNUAL EVALUATION.—

24 “(1) CONTRACT.—The Comptroller General of
25 the United States shall enter into a contract, with

1 an evaluating agency that has demonstrated experi-
2 ence in conducting evaluations, for the conduct of
3 an ongoing rigorous evaluation of the programs es-
4 tablished under section 6301(b)(9).

5 “(2) ANNUAL EVALUATION REQUIREMENT.—
6 The contract described in paragraph (1) shall re-
7 quire the evaluating agency entering into such con-
8 tract to evaluate annually each program established
9 under section 6301(b)(9) in accordance with the
10 evaluation criteria described in subsection (b).

11 “(3) TRANSMISSION.—The contract described
12 in paragraph (1) shall require the evaluating agency
13 entering into such contract to transmit to the Comp-
14 troller General of the United States the findings of
15 each annual evaluation under paragraph (1).

16 “(b) EVALUATION CRITERIA.—The Comptroller Gen-
17 eral of the United States, in consultation with the Sec-
18 retary, shall establish minimum criteria for evaluating
19 each program established under section 6301(b)(9). Such
20 criteria shall provide for—

21 “(1) a description of the implementation of
22 each program established under section 6301(b)(9)
23 and the program’s effects on all participants,
24 schools, and communities in the program area, with
25 particular attention given to the effect of parent par-

1 participation in the life of the school and the level of
2 parental satisfaction with the program; and

3 “(2) a comparison of the educational achieve-
4 ment of all students in the program area, including
5 a comparison between—

6 “(A) students receiving a voluntary public
7 and private parental choice scholarships under
8 section 6301(b)(9); and

9 “(B) students not receiving a voluntary
10 public and private parental choice scholarships
11 under such section.

12 “(c) EVALUATION FUNDS.—Pursuant to the author-
13 ity provided under section 14701, the Secretary shall re-
14 serve not more than 0.50 percent of the amount of funds
15 made available under section 6002 to carry out this sec-
16 tion.

17 **“SEC. 6405. APPLICABILITY.**

18 “(a) NOT SCHOOL AID.—Subject to subsection (b),
19 funds used under this title to establish a voluntary public
20 and private parental choice program shall be considered
21 assistance to the student and shall not be considered as
22 assistance to any school that chooses to participate in such
23 program.

24 “(b) NO FEDERAL CONTROL.—The Secretary is not
25 permitted to exercise any direction, supervision, or control

1 over curricula, program of instruction, administration, or
2 personnel of any school that chooses to participate in a
3 voluntary public and private choice program established
4 under 6309(b)(9).”

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