

106TH CONGRESS  
1ST SESSION

# H. R. 2971

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

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## 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

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## 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.

○