

117TH CONGRESS
2D SESSION

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. BABIN, 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.

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 “Open Schools Act”.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

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

9 (2) After more than 2 years of the COVID–19
10 pandemic, it is now known that pandemic-related
11 school closures deprive children of the equalizing
12 force of education. The pandemic is widening edu-
13 cational inequality and the learning gaps created by
14 these shutdowns will only get even worse if they con-
15 tinue.

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

23 (4) When schools close, parents are often asked
24 to facilitate the learning of children at home and can
25 struggle to perform this task. This is especially true
26 for parents with limited resources which can be ex-

1 acerbated even more for rural families without ac-
2 cess to broadband.

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

14 (6) Crucial benchmarks like achievement tests
15 and high stakes examinations that determine admis-
16 sion or advancement to new education levels and in-
17 stitutions, are thrown into disarray when schools
18 close. Strategies to postpone, skip, or administer ex-
19 aminations at a distance raise serious concerns
20 about fairness, especially when access to learning be-
21 comes variable. Disruptions to assessments results in
22 stress for students and their families and often trig-
23 ger disengagement.

24 (7) Youth may be uniquely susceptible to nega-
25 tive mental health outcomes if they are experiencing

1 pandemic-related disruptions to in-person schooling
2 in intersection with other adverse circumstances,
3 such as racism, poverty, food insecurity, or home in-
4 stability. Loss of access to school-based mental
5 health care may be of heightened importance for
6 youth from low-income families, as they are most
7 likely to receive mental health services solely from
8 their school.

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

16 (9) Chicago Mayor Lori Lightfoot and Chicago
17 public schools leadership insist schools are safe and
18 have called the refusal of the Chicago Teachers
19 Union to work in-person a strike and an illegal work
20 action. White House Press Secretary Jen Psaki has
21 confirmed schools are safe for students, including in
22 Chicago. More than 300,000 public school students
23 in Chicago were off in January after the district
24 canceled classes when the Chicago Teachers Union
25 voted to refuse orders to work in-person. "Our

1 schools are safe”, Chicago public schools CEO Pedro
2 Martinez said during a press conference on January
3 4, 2022, after the results of the vote were an-
4 nounced. “There is no evidence that our schools
5 have ever been unsafe this school year.”. He added
6 that Chicago schools rarely saw evidence of any
7 major transmission.

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

18 **SEC. 3. GRANT PROGRAM.**

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

23 (b) APPLICATION.—

24 (1) IN GENERAL.—To be eligible to receive a
25 grant under this section, a parent of an eligible stu-

1 dent shall submit to the Secretary an application
2 demonstrating that, for any reason related to
3 COVID–19, the covered school in which such stu-
4 dent is enrolled for school year 2021–2022 is failing
5 to provide in-person learning for each enrolled stu-
6 dent for each school day during such school year.

7 (2) OTHER REQUIREMENTS.—The Secretary
8 shall accept applications under paragraph (1) on an
9 annual rolling basis and make such application avail-
10 able as a standardized form in electronic and written
11 format.

12 (c) AMOUNT OF GRANTS.—

13 (1) IN GENERAL.—A parent of 1 or more eligi-
14 ble students whom the Secretary determines quali-
15 fies for a grant under this section shall receive such
16 grant for each eligible student of such parent in an
17 amount that does not exceed \$10,000. An eligible
18 student may not benefit from more than 1 grant
19 under this section.

20 (2) FUNDING.—To award such a grant, the
21 Secretary shall—

22 (A) require the State that provided funds
23 under section 2001 of the American Rescue
24 Plan Act of 2021 (20 U.S.C. 3401 note) to the
25 local educational agency in which the applicable

1 covered school is located to return such funds
2 to the Secretary; and

3 (B) use such returned funds for such
4 grant.

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

8 (1) to pay the tuition and fees for a private ele-
9 mentary school or a private secondary school;

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

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

15 (4) for the home school expenses;

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

18 (6) for purchasing electronic devices to facili-
19 tate the education of such eligible student; or

20 (7) for such other purposes as the Secretary de-
21 termines appropriate.

22 (e) DOCUMENTATION.—The Secretary may request
23 documentation from a recipient of a grant under this sec-
24 tion that demonstrates that such grant was used in ac-
25 cordance with subsection (d).

1 (f) RULES OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed—

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

5 (2) to exclude private, religious, or home edu-
6 cation providers from receiving funds pursuant to a
7 grant under this section; or

8 (3) to require a qualified educational service
9 provider to alter any creed, practice, admissions pol-
10 icy, or curriculum in order to receive funds pursuant
11 to a grant under this section.

12 (g) DEFINITIONS.—In this section:

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

19 (2) COVERED SCHOOL.—The term “covered
20 school” means an elementary school or secondary
21 school located in a local educational agency that re-
22 ceived an amount under section 2001 of the Amer-
23 ican Rescue Plan Act of 2021 (20 U.S.C. 3401
24 note).

1 (3) ESEA TERMS.—The terms “elementary
2 school”, “secondary school”, “parent”, and “Sec-
3 retary” have the meanings given such terms in sec-
4 tion 8101 of the Elementary and Secondary Edu-
5 cation Act of 1965 (20 U.S.C. 7801).

○