

118TH CONGRESS
1ST SESSION

H. R. 5303

To prohibit the disbursement of Federal funds to schools that violate any State law relating to materials that are harmful to minors, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 29, 2023

Mr. GREEN of Tennessee introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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

A BILL

To prohibit the disbursement of Federal funds to schools that violate any State law relating to materials that are harmful to minors, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “No Obscene Teaching
5 in Our Schools Act of 2023” or the “NOT in Our Schools
6 Act of 2023”.

1 **SEC. 2. PROHIBITING FEDERAL FUNDS TO CERTAIN**
2 **SCHOOLS.**

3 (a) PROHIBITION.—

4 (1) IN GENERAL.—No Federal funds may be
5 provided to an elementary school or secondary school
6 that is in violation of any law of the State in which
7 the school is located that is related to materials that
8 are harmful to minors.

9 (2) 529 EDUCATION SAVINGS PLAN ACCOUNT
10 PROGRAMS.—Notwithstanding any other provision of
11 law and to the extent permitted under State law, a
12 State educational agency may either return the Fed-
13 eral funds that were dedicated to the violating school
14 or, at the request of the parents or legal guardian
15 of eligible children, a State educational agency may
16 create and carry out a 529 education savings plan
17 account program.

18 (b) DEFINITIONS.—

19 (1) 529 EDUCATION SAVINGS PLAN ACCOUNT.—
20 The term “529 education savings plan account”
21 means a qualified tuition program (as defined in sec-
22 tion 529(b)(1)(A) of the Internal Revenue Code of
23 1986).

24 (2) ELIGIBLE CHILD.—The term “eligible
25 child” means a child who attends, or otherwise
26 would be attending, an elementary school or sec-

1 ondary school that receives (or is eligible to receive)
 2 Federal funds and is determined to be in violation
 3 of any law of the State in which the school is located
 4 that is related to materials that are harmful to mi-
 5 nors.

6 (3) HOME SCHOOL.—The term “home school”
 7 means a home school as defined by the laws of the
 8 State in which the eligible child resides.

9 **SEC. 3. 529 ACCOUNT FUNDING FOR HOMESCHOOL AND AD-**
 10 **DITIONAL ELEMENTARY AND SECONDARY EX-**
 11 **PENSES.**

12 (a) IN GENERAL.—Section 529(c)(7) of the Internal
 13 Revenue Code of 1986 is amended to read as follows:

14 “(7) TREATMENT OF ELEMENTARY AND SEC-
 15 ONDARY TUITION AND RESOURCES.—Any reference
 16 in this section to the term ‘qualified higher edu-
 17 cation expense’ shall include a reference to the fol-
 18 lowing expenses in connection with enrollment or at-
 19 tendance at, or for students enrolled at or attending,
 20 an elementary or secondary public, private, or reli-
 21 gious school:

22 “(A) Tuition.

23 “(B) Curriculum and curricular materials.

24 “(C) Books or other instructional mate-
 25 rials.

1 “(D) Online educational materials.

2 “(E) Tuition for tutoring or educational
3 classes outside of the home, including at a tu-
4 toring facility, but only if the tutor or instruc-
5 tor is not related to the student.

6 “(F) Fees for a nationally standardized
7 norm-referenced achievement test, an advanced
8 placement examination, or any examinations re-
9 lated to college or university admission.

10 “(G) Fees for dual enrollment in an insti-
11 tution of higher education.

12 “(H) Educational therapies for students
13 with disabilities provided by a licensed or ac-
14 credited practitioner or provider, including oc-
15 cupational, behavioral, physical, and speech-lan-
16 guage therapies.

17 Such term shall include expenses for the purposes
18 described in subparagraphs (A) through (H) in con-
19 nection with a homeschool (whether treated as a
20 homeschool or a private school for purposes of appli-
21 cable State law).”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 this section shall apply to distributions made after the
24 date of the enactment of this Act.

1 **SEC. 4. REPORT TO CONGRESS.**

2 A State that creates and carries out a 529 education
3 savings plan account program under this Act shall submit
4 an annual report to Congress no later than July 1 of the
5 following year. The report shall include schools found in
6 violation of State law related to materials deemed harmful
7 to children, the nature and details of the violation, the
8 number of eligible children participating in the 529 pro-
9 gram under this Act, and the use of the Federal funds
10 for qualified expenses.

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