

**AMENDMENT TO H.R. 1, AS REPORTED  
OFFERED BY MR. ARMEY OF TEXAS (TOGETHER  
WITH MR. BOEHNER OF OHIO AND MR.  
DELAY OF TEXAS)**

In section 104 of the bill, in paragraph (13) of section 1112(b) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 104), strike “public”.

In section 106 of the bill, in clause (ii) of section 1116(b)(7)(A) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 106), strike subclause (II) and insert the following:

1	“(II) make funds available—
2	“(aa) to the economically
3	disadvantaged child’s parents to
4	place the child in a private school
5	in accordance with subsection
6	(d)(2); or
7	“(bb) make funds available
8	for supplementary educational
9	services, in accordance with sub-
10	section (d)(1); and



In section 106 of the bill, in paragraph (8) of section 1116(b) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 106), after “paragraph (6)(D)(i)” insert “, (7)(A)(ii)(II)(aa),”.

In section 106 of the bill, in subparagraph (A) of section 1116(b)(8) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 106), strike “public”.

In section 106 of the bill, in subsection (d) of section 1116 of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 106)—

(1) in paragraph (1) strike “(1) In” and insert the following:

1           “(1) SUPPLEMENTAL INSTRUCTIONAL SERV-  
2           ICES.—”

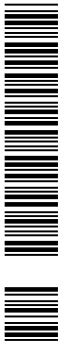
3           “(A) In

(2) strike “this paragraph” each place it appears and insert “this subparagraph”;

(3) in paragraph (2) strike “paragraph (1)” and insert “subparagraph (A)”;

(3) in paragraph (3)—

(A) strike “paragraph (2)” and insert “subparagraph (B)”;



(B) redesignate subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively (and indent accordingly);

(4) in paragraph (5)—

(A) in subparagraph (B), strike “paragraph (6)” and insert “subparagraph (F)”; and

(B) redesignate subparagraphs (A) through (E) as clauses (i) through (v), respectively, (and indent accordingly);

(5) in paragraph (6)—

(A) strike “paragraph (5)(e)” insert “subparagraph (E)(iii)”; and

(B) redesignate subparagraphs (A) through (D) as clauses (i) through (iv), respectively (and indent accordingly);

(6) in paragraph (7)—

(A) in subparagraph (B), strike “subparagraph (A)” and insert “clause (i)”; and

(B) redesignate subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively (and indent accordingly);

(7) in paragraph (10)—

(A) in subparagraphs (C) and (D), redesignate clauses (i) and (ii) as subclauses (I) and (II), respectively (and indent accordingly);



(B) redesignate subparagraphs (A) through (D) as clauses (i) through (iv), respectively (and indent accordingly);

(8) redesignate paragraphs (2) through (11) as subparagraphs (B) through (K), respectively (and indent accordingly);

(9) at the end, insert the following:

1 “(2) PARENTAL CHOICE.—

2 “(A) IN GENERAL.—In any case described  
3 in section 1116(b)(7)(A)(ii)(II)(aa) the local  
4 educational agency shall permit the parents of  
5 each eligible child defined in paragraph (7)(A)  
6 to—

7 “(i) receive, from the agency, the  
8 child’s share of funds allocated to the  
9 school under this part, calculated under  
10 subparagraph (B); and

11 “(ii) Notwithstanding any other provi-  
12 sion of this Act, use those funds to pay the  
13 costs of attending a private school that  
14 agrees to—

15 “(I) assess the student in mathe-  
16 matics and reading and language arts  
17 each year during grades 3 through 8  
18 and at least once during grades 10



1 through 12, using academic assess-  
2 ments that are comparable in what  
3 they measure to the academic assess-  
4 ments used by the State; and

5 “(II) provide the results of those  
6 assessments to the student’s parents.

7 “(B) PER-CHILD AMOUNT.—The amount  
8 of a school’s allocation under this part that it  
9 shall make available to the parents of an eligi-  
10 ble child under subparagraph (A)(ii) is equal to  
11 the amount of the school’s allocation under sub-  
12 part 2 of this part divided by the number of eli-  
13 gible children enrolled in the school.

14 “(C) LIMITATION.—The amount of funds  
15 provided to the parents of a child under this  
16 paragraph shall not exceed the actual costs of  
17 the parents for sending the child to a private  
18 school and providing transportation to such  
19 school.

20 “(D) DURATION.—The local educational  
21 agency shall continue to provide funds to par-  
22 ents of a child attending a private school under  
23 this section until the child completes the grade  
24 corresponding to the highest grade offered at  
25 the public school the child previously attended.



1 “(E) NONDISCRIMINATION.—

2 “(i) IN GENERAL.—A private school  
3 participating in the choice program under  
4 this paragraph shall not discriminate on  
5 the basis of race, color, national origin, or  
6 sex in carrying out the provisions of this  
7 paragraph.

8 “(ii) APPLICABILITY AND CONSTRUC-  
9 TION WITH RESPECT TO DISCRIMINATION  
10 ON THE BASIS OF SEX.—

11 “(I) APPLICABILITY.—With re-  
12 spect to discrimination on the basis of  
13 sex, clause (i) shall not apply to a pri-  
14 vate school that is controlled by a reli-  
15 gious organization if the application of  
16 clause (i) is inconsistent with the reli-  
17 gious tenets of the private school.

18 “(II) SINGLE-SEX SCHOOLS,  
19 CLASSES, OR ACTIVITIES.—With re-  
20 spect to discrimination on the basis of  
21 sex, nothing in clause (i) shall be con-  
22 strued to prevent a parent from  
23 choosing, or a private school from of-  
24 fering, a single-sex school, class, or  
25 activity.



1                   “(III) CONSTRUCTION.—With re-  
2                   spect to discrimination on the basis of  
3                   sex, nothing in clause (i) shall be con-  
4                   strued to require any person, or public  
5                   or private entity to provide or pay, or  
6                   to prohibit any such person or entity  
7                   from providing or paying, for any ben-  
8                   efit or service, including the use of fa-  
9                   cilities, related to an abortion. Noth-  
10                  ing in the preceding sentence shall be  
11                  construed to permit a penalty to be  
12                  imposed on any person or individual  
13                  because such person or individual is  
14                  seeking or has received any benefit or  
15                  service related to a legal abortion.

16                  “(iii) CHILDREN WITH DISABIL-  
17                  ITIES.—Nothing in this subsection shall be  
18                  construed to alter or modify the provisions  
19                  of the Individuals with Disabilities Edu-  
20                  cation Act or the Rehabilitation Act of  
21                  1973.

22                  “(iv) RULE OF CONSTRUCTION.—

23                         “(I) IN GENERAL.—Nothing in  
24                         this paragraph shall be construed to  
25                         prevent any private school which is



1 operated by, supervised by, controlled  
 2 by, or connected to, a religious organi-  
 3 zation from employing, admitting, or  
 4 giving preference to, persons of the  
 5 same religion to the extent determined  
 6 by such institution to promote the re-  
 7 ligious purpose for which the private  
 8 school is established or maintained.

9 “(II) SECTARIAN PURPOSES.—  
 10 Nothing in this paragraph shall be  
 11 construed to prohibit the use of funds  
 12 made available under this subsection  
 13 for sectarian educational purposes, or  
 14 to require a private school to remove  
 15 religious art, icons, scripture, or other  
 16 symbols.

17 “(F) DEFINITIONS.—As used in this para-  
 18 graph, the term ‘eligible child’ means a child  
 19 from a low-income family, as determined by the  
 20 local educational agency for purposes of allo-  
 21 cating funds to schools under section  
 22 1113(c)(1).”.

In section 401 of the bill, in section 4131(b) of the  
 Elementary and Secondary Education Act of 1965 (as  
 proposed to be amended by such section 401)—





- (1) strike “and” at the end of paragraph (14);
- (2) strike the period at the end of paragraph (15) and insert “; and”; and
- (3) insert the following:

1           “(16) activities to promote, implement, or ex-  
 2           pand private school choice for disadvantaged chil-  
 3           dren in failing public schools.

In section 501 of the bill, in subparagraph (P) of section 5115(b)(2) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 501), after “including a public charter school,” insert “or a private school if no safe public school or public charter school can accommodate the student,”.

In section 801 of the bill, in section 8507 of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 801)—

- (1) insert “(a) IN GENERAL.—” before “Nothing”; and
- (2) add at the end the following:

4           “(b) INAPPLICABILITY.—Subsection (a) shall not be  
 5           construed to prohibit the use of funds made available to  
 6           parents of eligible children for sectarian educational pur-  
 7           poses under private school choice provisions of this Act,



1 or to require an eligible private institution to remove reli-  
2 gious art, icons, scripture, or other symbols.

