

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

After part C of title IV of the Elementary and Secondary Education Act of 1965, as amended by section 421 of the bill, add the following:

1 PART D—EDUCATIONAL OPPORTUNITY FUND

2 SEC. 431. EDUCATIONAL OPPORTUNITY FUND.

3 Title IV is amended by adding at the end the fol-
4 lowing:

5 “PART D—EDUCATIONAL OPPORTUNITY FUND

6 “SEC. 4411. PURPOSE.

7 “The purpose of this part is to determine the effec-
8 tiveness of school choice in improving the academic
9 achievement of disadvantaged students and the overall
10 quality of public schools and local educational agencies.

11 “SEC. 4412. PROGRAM AUTHORIZED.

12 “The Secretary is authorized to make competitive
13 awards to eligible entities to carry out and evaluate,
14 through contracts or grants, not more than 5 research
15 projects that demonstrate how school choice options in-
16 crease the academic achievement of students, schools, and
17 local educational agencies.

1 **“SEC. 4413. ELIGIBLE ENTITIES.**

2 “For purposes of this part an eligible entity is—

3 “(1) a State educational agency;

4 “(2) a county agency;

5 “(3) a municipal agency;

6 “(4) a local educational agency;

7 “(5) a nonprofit corporation; or

8 “(6) a consortia thereof.

9 **“SEC. 4414. APPLICATIONS.**

10 “Each eligible entity desiring an award under this
11 part shall submit an application to the Secretary that shall
12 include—

13 “(1) a description of the proposed research
14 project, including a designation from which local
15 educational agency or agencies eligible students will
16 be selected to participate in a choice program;

17 “(2) a description of the annual costs of the
18 project;

19 “(3) a description of the research design that
20 the eligible entity will employ in carrying out the
21 project;

22 “(4) a description of the project evaluation that
23 will be conducted by an independent third party en-
24 tity, including—

1 “(A) the name and qualifications of the
2 independent entity that will conduct the evalua-
3 tion; and

4 “(B) a description of how the evaluation
5 will measure the academic achievement of stu-
6 dents participating in the program, parental
7 satisfaction and the effect of the project on the
8 schools and agencies designated in paragraph
9 (1);

10 “(5) a description of how the eligible entity will
11 ensure the participation of students selected for the
12 control group;

13 “(6) a description of the assessment that the el-
14 igible entity will use to assess annually the progress
15 of participants in the research project in grades 3
16 through 8 in mathematics and reading and how it is
17 comparable to assessments used by the agency or
18 agencies described under paragraph (1);

19 “(7) an assurance that the eligible entity will
20 assess all students that are participating in the pro-
21 gram or in the control group at the beginning of the
22 project;

23 “(8) an assurance that the eligible entity will
24 report annually to the Secretary on the impact of
25 the project on student achievement, including a dis-

1 cussion of the meaning and an attestation of validity
2 of the achievement data;

3 “(9) an assurance that, if the number of stu-
4 dents applying to participate in the project is greater
5 than the number of students the project can serve,
6 participants will be selected by lottery;

7 “(10) a description of how the amount that will
8 be provided directly to students for tuition, fees,
9 transportation, or supplemental services will be de-
10 termined;

11 “(11) an assurance that schools participating
12 under this part will abide by the nondiscrimination
13 requirements set forth in section 4419;

14 “(12) an assurance that eligible students receiv-
15 ing assistance under this part will not be defined by
16 reference to religion and that grants will be allocated
17 on the basis of neutral, secular criteria that neither
18 favor nor disfavor religion, and will be made avail-
19 able to children attending secular and nonsecular in-
20 stitutions on a nondiscriminatory basis; and

21 “(13) an assurance that no private school will
22 be required to participate in the project without its
23 consent.

1 **“SEC. 4415. PRIORITIES.**

2 “In awarding grants under this program, the Sec-
3 retary shall give priority to applications that—

4 “(1) provide students and families with the
5 widest range of educational options;

6 “(2) target resources to students and families
7 that lack the financial resources to take advantage
8 of available educational options;

9 “(3) are of sufficient size to have a significant
10 impact on the public and private schools of the com-
11 munity that the project serves;

12 “(4) propose using rigorous methodologies and
13 third party evaluators with experience in evaluating
14 school choice proposals; and

15 “(5) propose serving students of varying age
16 and grade levels.

17 **“SEC. 4416. USE OF FUNDS.**

18 “(a) IN GENERAL.—A grantee may reserve up to 10
19 percent of its award for research and evaluation activities,
20 of which not more than 2 percent may be used for admin-
21 istrative purposes.

22 “(b) GRANTS TO STUDENTS.—A grantee shall use at
23 least 90 percent of its award to provide grants to eligible
24 students, who shall use the grants to—

25 “(1) pay the eligible educational expenses, in-
26 cluding tuition, fees, and transportation expenses re-

1 quired to attend the school of their choice, but in no
2 event more than \$5,000 per student; or

3 “(2) purchase supplemental educational serv-
4 ices.

5 “(c) ASSISTANCE.—All grants provided to students
6 under this part shall be considered assistance to students
7 rather than to schools.

8 **“SEC. 4417. ELIGIBLE STUDENTS.**

9 “For purposes of the activities funded under this
10 part, an eligible student is defined as a student who—

11 “(1) is eligible for a free or reduced-price lunch
12 subsidy under the National School Lunch program;
13 and

14 “(2) attended a public elementary or secondary
15 school or was not yet of school age in the year pre-
16 ceding participation in this program.

17 **“SEC. 4418. REPORTING REQUIREMENTS.**

18 “(a) IN GENERAL.—Each grantee receiving an award
19 under this program shall, beginning with the second year
20 of the project, report annually to the Secretary
21 regarding—

22 “(1) the activities carried out during the pre-
23 ceding 12 months with program funds; and

1 “(2) the results of the assessments given to stu-
2 dents participating in the program and students se-
3 lected for the control group.

4 “(b) PERFORMANCE REPORTS.—In addition, each
5 grantee shall, in the third year of the research project,
6 report annually to the Secretary regarding—

7 “(1) the academic performance of students par-
8 ticipating in the project; and

9 “(2) parental satisfaction; and

10 “(3) changes in the overall performance and
11 quality of public and private elementary and sec-
12 ondary schools affected by the project, as well as
13 other indicators such as teacher quality, innovative
14 reforms, or special programs.

15 “(c) REPORT TO CONGRESS.—The Secretary shall
16 submit to the appropriate congressional committees an an-
17 nual report on the findings of the reports submitted under
18 subsections (a) and (b), and include the comments of the
19 independent review panel in accordance with section
20 4420(c)(2).

21 **“SEC. 4419. NONDISCRIMINATION.**

22 “(a) IN GENERAL.—A private school participating in
23 the scholarship program under this part shall not discrimi-
24 nate on the basis of race, color, national origin, or sex
25 in carrying out the provisions of this part.

1 “(b) APPLICABILITY AND CONSTRUCTION WITH RE-
2 SPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

3 “(1) APPLICABILITY.—With respect to discrimi-
4 nation on the basis of sex, subsection (a) shall not
5 apply to a private school that is controlled by a reli-
6 gious organization if the application of subsection
7 (a) is inconsistent with the religious tenets of the
8 private school.

9 “(2) SINGLE-SEX SCHOOLS, CLASSES, OR AC-
10 TIVITIES.—With respect to discrimination on the
11 basis of sex, nothing in subsection (a) shall be con-
12 strued to prevent a parent from choosing, or a pri-
13 vate school from offering, a single-sex school, class,
14 or activity.

15 “(3) CONSTRUCTION.—With respect to dis-
16 crimination on the basis of sex, nothing in sub-
17 section (a) shall be construed to require any person,
18 or public or private entity to provide or pay, or to
19 prohibit any such person or entity from providing or
20 paying, for any benefit or service, including the use
21 of facilities, related to an abortion. Nothing in the
22 preceding sentence shall be construed to permit a
23 penalty to be imposed on any person or individual
24 because such person or individual is seeking or has

1 received any benefit or service related to a legal
2 abortion.

3 “(c) CHILDREN WITH DISABILITIES.—Nothing in
4 this part shall be construed to alter or modify the provi-
5 sions of the Individuals with Disabilities Education Act
6 or the Rehabilitation Act of 1973.

7 “(d) RULE OF CONSTRUCTION.—

8 “(1) IN GENERAL.—Nothing in this part shall
9 be construed to prevent any eligible institution which
10 is operated by, supervised by, controlled by, or con-
11 nected to, a religious organization from employing,
12 admitting, or giving preference to, persons of the
13 same religion to the extent determined by such insti-
14 tution to promote the religious purpose for which the
15 private school is established or maintained.

16 “(2) SECTARIAN PURPOSES.—Nothing in this
17 part shall be construed to prohibit the use of funds
18 made available under this part for sectarian edu-
19 cational purposes, or to require a private school to
20 remove religious art, icons, scripture, or other sym-
21 bols.

22 **“SEC. 4420. INDEPENDENT REVIEW PANEL.**

23 “(a) ESTABLISHMENT.—The Secretary shall estab-
24 lish an independent review panel to advise the Secretary

1 on technical and methodological issues and in overseeing
2 the activities funded under this part.

3 “(b) MEMBERSHIP.—The Secretary shall appoint
4 members of the independent review panel from among
5 qualified individuals who are—

6 “(A) specialists in school choice research,
7 as well as experts in statistics, evaluation, re-
8 search, and assessment; and

9 “(B) other individuals with technical ex-
10 pertise who will contribute to the overall rigor
11 and quality of the evaluations.

12 “(c) POWERS.—The independent review panel shall
13 consult with and advise the Secretary—

14 “(1) to ensure that the evaluations funded
15 under this part adhere to the highest possible stand-
16 ards of quality with respect to research design and
17 statistical analysis; and

18 “(2) to evaluate and comment on the degree to
19 which annual reports submitted in accordance with
20 section 4418 meet the requirements under para-
21 graph (1) with such comments included with the re-
22 port submitted to the appropriate Congressional
23 committees.

1 **“SEC. 4421. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated
3 \$50,000,000 for fiscal year 2002 and such sums as may
4 be necessary for each of the 4 succeeding fiscal years.”.