

117TH CONGRESS
1ST SESSION

H. R. 5327

To direct the Secretary of Education to establish a grant program to make grants to the parents of students served by local educational agencies that require students to wear face masks during in-person instruction, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2021

Mr. BISHOP of North Carolina (for himself, Mr. DUNCAN, Mr. HARRIS, Mr. WEBER of Texas, Mr. PERRY, Mr. TIFFANY, Mr. STEUBE, Mr. BUDD, Mr. NEWHOUSE, Mr. GOOD of Virginia, Mr. FEENSTRA, and Mr. GIBBS) 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 served by local educational agencies that require students to wear face masks during in-person instruction, 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 “Masks Off Act”.

1 **SEC. 2. OPPORTUNITY GRANT PROGRAM.**

2 (a) IN GENERAL.—The Secretary shall establish a
3 grant program (to be known as the “Opportunity Grant
4 Program”) to make grants to parents of eligible students
5 for the purposes described in subsection (d).

6 (b) APPLICATION.—

7 (1) IN GENERAL.—To be eligible to receive a
8 grant under this section, a parent of an eligible stu-
9 dent shall submit to the Secretary an application
10 demonstrating—

11 (A) the household income of such eligible
12 student; and

13 (B) with respect to school year 2021–2022,
14 that the local educational agency serving such
15 eligible student has required that students wear
16 face masks during in-person instruction.

17 (2) OTHER REQUIREMENTS.—The Secretary
18 shall accept applications under paragraph (1) on an
19 annual rolling basis and make such application avail-
20 able as a standardized form in electronic and written
21 format.

22 (c) AMOUNT OF GRANTS.—Subject to the availability
23 of appropriations, each parent of an eligible student who
24 the Secretary determines qualifies for a grant under this
25 section shall receive a grant under this section in an
26 amount that—

1 (1) in the case of an eligible student with a
2 household income less than or equal to 100 percent
3 of the reduced price lunch rate income, is equal to
4 100 percent of the per-pupil funding with respect to
5 the local educational agency serving such eligible
6 student, as determined by the Secretary;

7 (2) in the case of an eligible student with a
8 household income greater than 100 percent but less
9 than or equal to 150 percent of the reduced price
10 lunch rate income, is equal to 90 percent of the per-
11 pupil funding with respect to the local educational
12 agency serving such eligible student, as determined
13 by the Secretary;

14 (3) in the case of an eligible student with a
15 household income greater than 150 percent but less
16 than or equal to 200 percent of the reduced price
17 lunch rate income, is equal to 80 percent of the per-
18 pupil funding with respect to the local educational
19 agency serving such eligible student, as determined
20 by the Secretary; and

21 (4) in the case of an eligible student with a
22 household income greater than 200 percent but less
23 than or equal to 250 percent of the reduced price
24 lunch rate income, is equal to 70 percent of the per-
25 pupil funding with respect to the local educational

1 agency serving such eligible student, as determined
2 by the Secretary.

3 (d) USE OF FUNDS.—Any amounts made available
4 to a parent under this section may be used—

5 (1) with respect to an eligible student, to pay
6 the tuition and fees for a private elementary school
7 or a private secondary school;

8 (2) for private tutoring (including through a
9 learning pod or microschool);

10 (3) for the home school expenses of such eligi-
11 ble student;

12 (4) to purchase educational materials, including
13 instruction materials and textbooks for such eligible
14 student;

15 (5) for purchasing electronic devices to facili-
16 tate the education of such eligible student; or

17 (6) for such other purposes as the Secretary de-
18 termines appropriate.

19 (e) RULES OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed—

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

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

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

5 (f) RENEWAL.—

6 (1) IN GENERAL.—The Secretary shall renew
7 opportunity grants for parents of eligible students
8 with an approved application under paragraph (2).

9 (2) APPLICATION.—To be eligible to receive a
10 renewal under this subsection, a parent of an eligible
11 student shall submit to the Secretary an application
12 demonstrating the information described in sub-
13 section (b)(1).

14 (3) ADJUSTMENT.—The Secretary shall adjust
15 the grant amount to account for any change in
16 household income of the eligible student but may not
17 provide less than the amount described in subsection
18 (c)(4).

19 (g) FUNDING.—From any amounts appropriated
20 under title I of the Elementary and Secondary Education
21 Act, the Secretary shall use 10 percent of such amounts
22 to carry out this section and award opportunity grants to
23 parents with approved applications in accordance with this
24 section.

25 (h) DEFINITIONS.—In this section:

1 (1) ELIGIBLE STUDENT.—The term “eligible
2 student” means a student—

3 (A) served by a local educational agency
4 that, with respect to school year 2021–2022, re-
5 quired students to wear face masks during in-
6 person instruction; and

7 (B) from a household with a household in-
8 come that is less than 250 percent of the re-
9 duced price lunch rate income.

10 (2) ESEA TERMS.—The terms “local edu-
11 cational agency”, “parent”, and “Secretary” have
12 the meanings given such terms in section 8101 of
13 the Elementary and Secondary Education Act of
14 1965 (20 U.S.C. 7801).

15 (3) HOUSEHOLD INCOME.—The term “house-
16 hold income” has the meaning given such term in
17 section 36B(d)(2) of the Internal Revenue Code of
18 1986 (26 U.S.C. 36B(d)(2)).

19 (4) REDUCED PRICE LUNCH RATE INCOME.—
20 The term “reduced price lunch rate income” means
21 185 percent of the applicable family size income lev-
22 els contained in the nonfarm income poverty guide-
23 lines prescribed by the Office of Management and
24 Budget, as adjusted annually in accordance with
25 subparagraph (B) of section 9(b)(1) of the Richard

- 1 B. Russell National School Lunch Act (42 U.S.C.
- 2 1758(b)(1)).

