

117TH CONGRESS
1ST SESSION

H. R. 1097

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 will not provide in-person instruction in a manner consistent with school year 2019–2020, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2021

Mr. BISHOP of North Carolina (for himself, Mr. OWENS, Mr. NORMAN, Ms. HERRELL, Mr. HARRIS, Mr. STEUBE, and Mr. CAWTHORN) 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 will not provide in-person instruction in a manner consistent with school year 2019–2020, 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 “Creating Hope and
5 Opportunity through Increased Choice in Education Act”
6 or the “CHOICE 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 2020–2021,
14 that the local educational agency serving such
15 eligible student has not provided in-person in-
16 struction in a manner consistent with school
17 year 2019–2020.

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

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

1 section shall receive a grant under this section in an
2 amount that—

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

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

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

23 (4) in the case of an eligible student with a
24 household income greater than 200 percent but less
25 than or equal to 250 percent of the reduced price

1 lunch rate income, is equal to 70 percent of the per-
2 pupil funding with respect to the local educational
3 agency serving such eligible student, as determined
4 by the Secretary.

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

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

10 (2) for private tutoring (including through a
11 learning pod or microschool);

12 (3) for the home school expenses of such eligi-
13 ble student;

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

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

19 (6) for such other purposes as the Secretary de-
20 termines appropriate.

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

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

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

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

8 (f) FUNDING.—From any amounts appropriated for
9 section 18003 of division B of the CARES Act on or after
10 the date of enactment of this Act, the Secretary shall, not-
11 withstanding any other provision of title XVIII of division
12 B of the CARES Act (Public Law 116–136), use 10 per-
13 cent of such amounts to carry out this section and award
14 opportunity grants to parents with approved applications
15 in accordance with this section.

16 (g) DEFINITIONS.—In this section:

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

19 (A) served by a local educational agency
20 that, with respect to school year 2020–2021,
21 will not provide in-person instruction in a man-
22 ner consistent with school year 2019–2020; and

23 (B) from a household with a household in-
24 come that is less than 200 percent of the re-
25 duced price lunch rate income.

1 (2) ESEA TERMS.—The terms “local edu-
2 cational agency”, “parent”, and “Secretary” have
3 the meanings given such terms in section 8101 of
4 the Elementary and Secondary Education Act of
5 1965 (20 U.S.C. 7801).

6 (3) HOUSEHOLD INCOME.—The term “house-
7 hold income” has the meaning given such term in
8 section 36B(d)(2) of the Internal Revenue Code of
9 1986 (26 U.S.C. 36B(d)(2)).

10 (4) REDUCED PRICE LUNCH RATE INCOME.—
11 The term “reduced price lunch rate income” means
12 185 percent of the applicable family size income lev-
13 els contained in the nonfarm income poverty guide-
14 lines prescribed by the Office of Management and
15 Budget, as adjusted annually in accordance with
16 subparagraph (B) of section 9(b)(1) of the Richard
17 B. Russell National School Lunch Act (42 U.S.C.
18 1758(b)(1)).

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