

# H.R. 2

---

## IN THE HOUSE OF REPRESENTATIVES

March 14, 2023

Speaker Posting (for himself) introduced the following bill;

---

## A BILL

To provide grants to low-income schools for the purposes of aiding disadvantaged communities in education.

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress Assembled,*

### SEC. 1. SHORT TITLE.

This Act may be cited as the “Equal Educational Opportunities Act of 2023” or the “EEO Act”.

### SEC. 2. FINDINGS.

Congress finds that—

- (a) The national average graduation rate from high school is 75%.
- (b) The average graduation rate in inner-city schools in America is only 58%.
- (c) The average high school dropout in the United States makes \$20,241 per year, not considered a living wage in the majority of the United States.
- (d) Low-income and marginalized communities often have poorer access to education resulting in an inability to move up economically.
- (e) The funding of schools via property tax results in further inequality and less diversity in high schools and colleges.

### SEC. 3. CREATION OF A NEW CHAPTER OF U.S. CODE.

- (a) A new Chapter of Title 20 of the U.S. Code is created after Chapter 80 as follows:

#### CHAPTER 81—EQUAL OPPORTUNITY IN EDUCATION PROGRAMS (§ § 10101-10105)

#### **SEC. 4. DEFINITIONS**

(a) IN GENERAL.—A new section of the U.S. Code, 20 U.S. Code § 10104, is created under Chapter 81 of Title 20 of the U.S. Code to read as follows:

“20 U.S. Code § 10104

Except as otherwise provided in this chapter, as used in this chapter—

- (a) The terms “elementary education” and “secondary education” have the meaning given such terms under State law;
- (b) The term “institution of higher education” means an educational institution in any State that—
  - (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate,
  - (2) is legally authorized within such State to provide a program of education beyond secondary education;
  - (3) provides an educational program for which the institution awards a bachelor’s degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree, or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary;
  - (4) is a public or other nonprofit institution; and
  - (5) is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted preaccreditation status by such an agency or association that has been recognized by the Secretary for the granting of preaccreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time,
  - (6) any school that provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and that meets the provision of paragraphs (1), (2), (4), and (5) of subsection (b); and
  - (7) a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (b)(1), admits as regular students individuals—
    - (A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or
    - (B) who will be dually or concurrently enrolled in the institution and a secondary school.

- (c) The term “college attendance rate” means the ratio, expressed as a percentage, of the number of students that, having received a diploma from a given secondary education institution, have attended or are currently in attendance at any institution of higher education to the number of students, less any students who have transferred out of the institution to another secondary education institution, emigrated, or died, who have been in attendance at the institution over the same period.
- (d) The term “graduation rate” means the ratio, expressed as a percentage, of the number of students that have received a diploma from a given secondary education institution over a four-year period to the number of students, less any students who have transferred out of the institution to another secondary education institution, emigrated, or died, who have been in attendance at the institution over the same period.
- (e) The term “moderately disadvantaged school” means any publicly operated institution providing elementary or secondary education, which—
  - (a) Currently has a graduation rate more than ten percent below the national average, or;
  - (b) Currently has a college attendance rate more than ten percent below the national average, or;
  - (c) In which the family income of more than fifteen percent of students in attendance at the institution is below the poverty line.
- (f) The term “severely disadvantaged school” means any publicly operated primary or secondary education institution, which
  - (a) Currently has a graduation rate more than twenty percent below the national average, or;
  - (b) Currently has a college attendance rate more than twenty percent below the national average, or;
  - (c) In which the family income of more than twenty-five percent of students in attendance at the institution is below the poverty line, or;
  - (d) In which all of the conditions in Section (e) are met.
- (g) The term “Secretary” means the Secretary of Education.
- (h) The term “State Secretary” means the Secretary of Education of any given State.”

## **SEC. 5. ALLOCATIONS.**

IN GENERAL.—A new section of the U.S. Code, 20 U.S. Code § 10101, is created under Chapter 81 of Title 20 of the U.S. Code to read as follows:

- (a) “From the amount appropriated to carry out the provisions of this Chapter, the Secretary may allocate at maximum one percent of the funding provided for this Chapter to any primary or secondary education institution on, in the opinion of the Secretary, the basis of need of the individuals.
- (b) From the amount appropriated to carry out the provisions of this Chapter, the Secretary may reserve at maximum \$1,000,000,000 to operate, fund, administrate, and oversee the provisions of this Chapter.
- (c) State allocations

After carrying out subsections (a) and (b), the Secretary shall allocate the remaining funds made available to carry out this chapter to the States as follows:

- (1) 70 percent on the basis of their relative population of individuals aged 5 through 24.
- (2) 30 percent on the basis of the percent of such population currently serviced by or attending moderately or severely disadvantaged schools.

- (d) State grants

From funds allocated under Section 10102 of this Chapter, the Secretary shall make grants to the Department of Education of each State.

- (e) Reallocation

The State Secretary shall return to the Secretary any funds received under subsection (e) that the State Secretary does not award as subgrants or otherwise commit within two years of receiving such funds, and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (d).

- (f) Inflation

Appropriations authorized under this Chapter shall be annually adjusted for inflation.”

## **SEC. 6. STATE ALLOCATIONS OF FUNDS.**

IN GENERAL.—A new section of the U.S. Code, 20 U.S. Code § 10102, is created under Chapter 81 of Title 20 of the U.S. Code to read as follows:

“20 U.S. Code § 10102 - State Uses of Funding

- (a) General funding for school aid.—

The State Secretary shall allocate 50% of funding received under this Chapter towards the aid of moderately and severely disadvantaged schools, in consultation with the Governor, and shall establish prior to receipt of such funds a program with the Governor in any given year that, in consultation with the Secretary, shall aim to fund moderately and severely disadvantaged schools to bring the graduation rate in such institutions in line with the national average.

- (1) Of the funds allocated under Subsection (a), at least 1.5 times as much aid in the form of state subgrants shall be allocated to severely disadvantaged schools than moderately disadvantaged schools relative to the ratio between moderately and severely disadvantaged schools.

(b) Funding for transportation for transfer students.—

The State Secretary shall allocate 12.5% of funding received under this Chapter towards rerouting transportation routes *specifically if the State the funds are being provided to has in place or intends to enact a program allowing no-excuse intra-district transfers between primary or secondary education institutions*. Specifically, funds under this subsection may be allocated to any state that either mandates or in which a sum of school districts or municipalities the totality of which encompasses more than ninety percent of the State's student population mandate allowing students to, within reason but not requiring a specific excuse or reason for such transfers, at the discretion of the State of local government as to whether or not such transfers must remain in the district the student originated from except in cases which a district only encompasses one school in which case the ability to transfer to any school outside of the district must be available provided that such a school exists within a thirty mile radius of the student's place of residence.

- (i) If a State does not have such a program or mandate in place as described in subsection (b)(1), funds may be allocated to the State for the purposes described in this subsection, however such funds may not be awarded as subgrants or otherwise committed until the State is in compliance with the requirements to receive grants under this subsection.
- (ii) In the event that a State is not in compliance with the requirements to receive funding under this subsection, and has been out of compliance with the requirements under this subsection for more than one year, any funding that would have otherwise been received under this subsection is considered forfeit and shall be returned to the Secretary and no further funding shall be provided under this subsection until the State is in compliance.

(c) Funding for urban education.—

The State Secretary shall allocate 12.5% of funding received under this Chapter towards specifically schools existing in urban areas or areas within city limits that are zoned for and have constructed the majority of their homes as apartment buildings or blocks. The State Secretary shall provide grants under this subsection specifically either to

individual either moderately or severely disadvantaged schools within urban areas or to school districts or city municipalities encompassing majority urban areas for the purposes of increasing graduation rates as under subsection a.

(d) Funding for sparse or rural education.—

The State Secretary shall allocate 6.25% of funding received under this Chapter towards the construction of schools in areas where there are populations of residents that only have a single school within their District or within a thirty mile radius and the maintenance of funding of such “single-option” schools.

(e) Funding for minority communities.—

The State Secretary shall allocate 6.25% of funding received under this Chapter towards the items in subsection (a) specifically to schools that service in their area of influence or district more than 50% of students that are either Black or Hispanic and in which the graduation or college attendance rates within the areas being provided subgrants are equal to or greater than five percent lower than the national average.

(f) Remaining funding.—

The State Secretary shall allocate the remaining 12.5% of funding received under this Chapter towards any program that the State Secretary with the advice and consent of the Secretary sees fit for the purposes of increasing graduation rates, college attendance rates, and average success in education.

(g) Alternative options for funding.—

With the consent of the Secretary, the State Secretary and State Governments may establish any other program by which to spend such funding as they see fit unless otherwise provided in sections of this Chapter other than this one.”

**SEC. 7. APPLICATION FOR FUNDS.**

IN GENERAL.— A new section of the U.S. Code, 20 U.S. Code § 10103, is created under Chapter 81 of Title 20 of U.S. Code to read as follows:

“20 U.S. Code § 10103 - Applications.—

(a) Application for grants under Section 10102.—

Prior to the receipt of any funds under Section 10102, the State Secretary in conjunction with the Governor shall present to the Secretary a plan, including an application of and for receipt of funding, in which the State Secretary outlines:

(i) The purpose and use of the funding;

- (ii) Current average graduation rates by school district in the State and which districts the State intends to provide funding to in certain amounts;
  - (iii) Under which subsections of Section 10102 the State intends to request funding; and
    - (1) If the State intends on receiving funding under Sec. 10102(b), the State Secretary must submit evidence that the State already either has in place a program that would put the State in compliance with Sec. 10102(b), or intends to put in place such a program.
- (b) Withholding of funds.—
  - (i) The Secretary shall withhold under Sec. 10102 an amount of funding from each State commensurate with the percent of students attending educational institutions within school districts of municipalities that fund such institutions based specifically on local property or income taxes on a per-student basis, at a maximum twenty-five per cent of any such funding in a case where one hundred per cent of school districts provide funding based on property tax and being reduced logarithmically from the point.
  - (ii) Funding shall be withheld from any State in which the average graduation rate is higher than the national average in an amount based on need in which any remaining funding shall be provided specifically to moderately or severely disadvantaged schools.
- (c) Approval of assignment of funds.—
  - (i) Not later than ten days after the State's application for funds under Sec. 10102, the Secretary of Education shall either approve or reject the request based specifically on the merits of the request. In the event that the application is rejected the Secretary must inform the State what must be done to be in compliance with Sec. 10102 and shall reserve funds under the Section for either a period of one year or until the State is in compliance.
- (d) Renewal of funding.—

One fiscal year following the approval of funding, or prior if the State Secretary wishes but not less than forty-eight weeks following such approval, the State Secretary must submit an application provided in the same manner that which is mandated under subsection a of this section which must once again be approved by the Secretary in the same manner.
- (e) Discretionary alternatives.—

At the discretion of the Secretary, funds may be allocated in a manner not prescribed by Sec. 10102 provided that the State has, in their application, submitted a proposal for a full program by which the Secretary has approved of and which will cover the issues

specified within Sec. 10102(a) and all future subsections pending withholding of funding if such a proposal fails to meet the requirements of one or more subsections which must be approved by the Secretary and, if such a program intends to last more than one year or receive funding for more than one consecutive year, receive the approval of Congress by means of a concurrent resolution and the approval of the Secretary but not requiring presidential approval at some point within the first year of the program set up.

(f) Allocation of withheld funding.—

Any funding withheld from a State due to noncompliance with any provision of this Chapter or lack of application for such funding shall be reallocated among other States or the general purpose of the grant program created by this Chapter to be allocated in the manner specified by Sec. 10101.”

## **SEC 8. LIMITATION OF FUNDS**

IN GENERAL.— A new section of the U.S. Code, 20 U.S. Code § 10105, is created under Chapter 81 of Title 20 of U.S. Code to read as follows:

“20 U.S. Code § 10105 - Limits on Federal Educational funds.—

- (a) No funds appropriated to the Department of Education, or any subordinate entity of the Department of Education, shall be made available to any school district or State with a program reallocating funds appropriated for public education to non-public entities.

## **SEC. 9. FUNDING**

IN GENERAL.— There is authorized to be appropriated \$30,000,000,000 for the fiscal year of 2023 for the purposes of carrying out the provisions of this Act, and all future fiscal years.

---