

116TH CONGRESS
1ST SESSION

H. R. 771

To distribute Federal funds for elementary and secondary education in the form of vouchers for eligible students and to repeal a certain rule relating to nutrition standards in schools.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2019

Mr. KING of Iowa introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To distribute Federal funds for elementary and secondary education in the form of vouchers for eligible students and to repeal a certain rule relating to nutrition standards in schools.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—CHOICES IN**
4 **EDUCATION ACT**

5 **SEC. 101. SHORT TITLE.**

6 This title may be cited as the “Choices in Education
7 Act of 2019”.

1 **SEC. 102. REPEAL OF ELEMENTARY AND SECONDARY EDU-**
2 **CATION ACT AND LIMITATION ON SECRE-**
3 **TARIAL AUTHORITY.**

4 (a) REPEAL.—The Elementary and Secondary Edu-
5 cation Act of 1965 (20 U.S.C. 6301 et seq.) is repealed.

6 (b) LIMITATION ON SECRETARIAL AUTHORITY.—The
7 authority of the Secretary under this title is limited to
8 evaluating State applications under section 104 and mak-
9 ing payments to States under section 103. The Secretary
10 shall not impose any further requirements on States with
11 respect to elementary and secondary education beyond the
12 requirements of this title.

13 **SEC. 103. BLOCK GRANTS TO STATES.**

14 (a) GRANTS TO STATES.—From amounts appro-
15 priated to carry out this title for a fiscal year, the Sec-
16 retary shall award grants (from allotments made under
17 subsection (b)) to qualified States to enable such States
18 to carry out an education voucher program under section
19 105.

20 (b) ALLOTMENT.—From amounts described in sub-
21 section (a) for a fiscal year, the Secretary shall allot to
22 each qualified State for that fiscal year an amount that
23 bears the same ratio to those amounts as the number of
24 eligible children in the qualified State (as determined by
25 the Secretary on the basis of the most recent satisfactory

1 data) bears to the number of all eligible children in all
2 States in such school year.

3 (c) REALLOTMENT.—If a State does not receive
4 funds under subsection (b) for a fiscal year, the Secretary
5 shall allot the remainder of such funds to each qualified
6 State in an amount that bears the same ratio to such re-
7 mainder for such year as the amount received under sub-
8 section (b) by such qualified State bears to the amount
9 received under such subsection for such year by all quali-
10 fied States.

11 (d) DEFICIT REDUCTION.—Any amounts remaining
12 after allotments are made under subsection (c) for a fiscal
13 year shall not be available for any purpose other than def-
14 icit reduction.

15 **SEC. 104. APPLICATION.**

16 (a) APPLICATION.—To be eligible to receive a grant
17 under this title, a State shall submit an application to the
18 Secretary that includes assurances that the State will—

19 (1) comply with the requirements of section
20 105; and

21 (2) make it lawful for parents of an eligible
22 child to elect—

23 (A) to enroll their child in any public or
24 private elementary or secondary school in the
25 State; or

1 (B) to home-school their child.

2 (b) APPROVAL.—Not later than 30 days after receiv-
3 ing an application from a State that meets the require-
4 ments of subsection (a), the Secretary shall approve such
5 application.

6 **SEC. 105. EDUCATION VOUCHER PROGRAM REQUIRE-**
7 **MENTS.**

8 (a) EDUCATION VOUCHER PROGRAM.—

9 (1) IN GENERAL.—The State shall distribute
10 funds received under this title among the local edu-
11 cational agencies in the State based on the number
12 of eligible children enrolled in the public schools op-
13 erated by each local educational agency and the
14 number of eligible children within each local edu-
15 cational agency's geographical area whose parents
16 elect to send their child to a private school or to
17 home-school their child.

18 (2) SENSE OF CONGRESS.—It is the sense of
19 Congress that States should distribute non-Federal
20 funds for elementary and secondary education in a
21 manner that promotes competition and choices in
22 education.

23 (b) IDENTIFICATION OF ELIGIBLE CHILDREN; ALLO-
24 CATION AND DISTRIBUTION OF FUNDS.—

25 (1) IDENTIFICATION OF ELIGIBLE CHILDREN.—

1 (A) LEA IDENTIFICATION.—On an annual
2 basis, on a date to be determined by the Sec-
3 retary, each local educational agency shall in-
4 form the State educational agency of—

5 (i) the number of eligible children en-
6 rolled in public schools served by the local
7 educational agency; and

8 (ii) the number of eligible children
9 within each local educational agency's geo-
10 graphical area whose parents elect—

11 (I) to send their child to a pri-
12 vate school; or

13 (II) to home-school their child.

14 (B) STATE IDENTIFICATION.—On an an-
15 nual basis, on a date to be determined by the
16 Secretary, each State educational agency shall
17 inform the Secretary of the total number of
18 children identified by all local educational agen-
19 cies in the State under subparagraph (A).

20 (2) AMOUNT OF PAYMENT.—

21 (A) IN GENERAL.—Subject to subpara-
22 graph (B), the amount of payment for each eli-
23 gible child in a State shall be equal to—

24 (i) the total amount allotted to the
25 State under this title; divided by

1 (ii) the total number of eligible chil-
2 dren in the State identified under para-
3 graph (1).

4 (B) LIMITATIONS.—

5 (i) In the case of a payment made to
6 the parent of an eligible child who elects to
7 attend a private school, the amount of the
8 payment described in subparagraph (A) for
9 each eligible child shall not exceed the cost
10 for tuition, fees, and transportation for the
11 eligible child to attend the private school.

12 (ii) In the case of a payment made to
13 a parent of an eligible child who elects to
14 home-school such child, the amount of the
15 payment described in subparagraph (A) for
16 each eligible child shall not exceed the cost
17 of home-schooling the child.

18 (3) ALLOCATION TO LOCAL EDUCATIONAL
19 AGENCIES.—Based on the identification of eligible
20 children in paragraph (1), the State educational
21 agency shall provide to a local educational agency an
22 amount equal to the product of—

23 (A) the amount available for each eligible
24 child in the State, as determined in paragraph
25 (2); multiplied by

1 (B) the number of eligible children identi-
2 fied by the local educational agency under para-
3 graph (1)(A).

4 (4) DISTRIBUTION TO SCHOOLS.—From
5 amounts allocated under paragraph (3), each local
6 educational agency that receives funds under such
7 paragraph shall distribute a portion of such funds to
8 the public schools served by the local educational
9 agency, which amount shall—

10 (A) be based on the number of eligible chil-
11 dren enrolled in such schools and included in
12 the count submitted under paragraph (1)(A);
13 and

14 (B) be distributed in a manner that would,
15 in the absence of such Federal funds, supple-
16 ment the funds made available from non-Fed-
17 eral resources for the education of eligible chil-
18 dren, and not to supplant such funds.

19 (5) DISTRIBUTION TO PARENTS.—

20 (A) IN GENERAL.—From the amounts allo-
21 cated under paragraph (3), each local edu-
22 cational agency that receives funds under such
23 paragraph shall distribute a portion of such
24 funds, in an amount equal to the amount de-
25 scribed in paragraph (2), to the parents of each

1 eligible child within the local educational agen-
2 cy's geographical area who elect to send their
3 child to a private school or to home-school their
4 child (as the case may be) and whose child is
5 included in the count of such eligible children
6 under paragraph (1)(A), which amount shall be
7 distributed in a manner so as to ensure that
8 such payments will be used for appropriate edu-
9 cational expenses.

10 (B) RESERVATION.—A local educational
11 agency described in this paragraph may reserve
12 not more than 1 percent of the funds available
13 for distribution under subparagraph (A) to pay
14 administrative costs associated with carrying
15 out the activities described in such subpara-
16 graph.

17 (c) RULE OF CONSTRUCTION.—Payments to parents
18 under subsection (b)(5) shall be considered assistance to
19 the eligible child and shall not be considered assistance
20 to the school that enrolls the eligible child. The amount
21 of any payment under this section shall not be treated as
22 income of the child or his or her parents for purposes of
23 Federal tax laws or for determining eligibility for any
24 other Federal program.

1 **SEC. 106. DEFINITIONS.**

2 In this title:

3 (1) ELIGIBLE CHILD.—The term “eligible
4 child” means a child aged 5 to 17, inclusive.

5 (2) PARENT.—The term “parent” includes a
6 legal guardian or other person standing in loco
7 parentis (such as a grandparent or stepparent with
8 whom the child lives, or a person who is legally re-
9 sponsible for the child’s welfare).

10 (3) SECRETARY.—The term “Secretary” means
11 the Secretary of Education.

12 (4) STATE.—The term “State” means each of
13 the 50 States and the District of Columbia.

14 (5) QUALIFIED STATE.—The term “qualified
15 State” means a State that has an application ap-
16 proved by the Secretary under section 104.

17 **TITLE II—NO HUNGRY KIDS ACT**

18 **SEC. 201. SHORT TITLE.**

19 This title may be cited as the “No Hungry Kids Act”.

20 **SEC. 202. REPEAL OF RULE.**

21 The rule prescribed by the Food and Nutrition Serv-
22 ice of the Department of Agriculture relating to nutrition
23 standards in the national school lunch and school break-
24 fast programs published on January 26, 2012 (77 Fed.
25 Reg. 4088 et seq.), and revising parts 210 and 220 of

1 title 7, Code of Federal Regulations, shall have no force
2 or effect.

3 **SEC. 203. LIMITS ON CERTAIN NUTRITIONAL REQUIRE-**
4 **MENTS.**

5 Section 9(a)(1)(A)(i) of the Richard B. Russell Na-
6 tional School Lunch Act (42 U.S.C. 1758(a)(1)(A)(i)) is
7 amended by inserting before the semicolon the following:
8 “, to establish a calorie maximum for individual school
9 lunches, or to prohibit a child from eating a lunch provided
10 by the child’s parent or legal guardian”.

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