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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name ANDERSON, CARL: FILES

Withdrawer

KDB 6/13/2012

File Folder U.S. CATHOLIC CONFERENCE 03/10/1986 (1)

FOIA

F08-0056/02

Box Number 17968

WANNER

5

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
1	LIST	RE PARTICIPANTS - FIRST ANNUAL LEGISLATIVE CONFERENCE	2	ND	B6
2	LIST	RE PARTICIPANTS - DEPT. OF EDUCATION STAFF	1	ND	B6

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

REQUEST FOR APPOINTMENTS

To: Officer-in-charge
Appointments Center
Room 060, OEOB

Please admit the following appointments on Monday, March 10, 19 86
for Carl Anderson of OPL:
(NAME OF PERSON TO BE VISITED) (AGENCY)

SEE ATTACHED LISTS

no POTUS or VP participation

MEETING LOCATION

Building OEOB
Room No. 450 22
Time of Meeting 10:00 a.m.

Requested by Pat Youstra
Room No. 197 Telephone 6585
Date of request 3/7/86

Additions and/or changes made by telephone should be limited to three (3) names or less.

APPOINTMENTS CENTER: SIG/OEOB - 395-6046 or WHITE HOUSE - 456-6742

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RE PARTICIPANTS - DEPT. OF EDUCATION STAFF

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Kristal 10-15-8

~~95~~

will leave

and open to P&As.

Office of Private Education
U.S. Department of Education
Washington, D.C. 20202

Pat,

Thanks so much for
all your help.

Ed

PS More copies of
"What Works" are on the
way!!

To Pat Youstra
Date 3-6 Time 2:40

WHILE YOU WERE OUT

M Ed Anthony
of _____

Phone _____

Area Code Number Extension

TELEPHONED		PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU		WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU		URGENT	<input type="checkbox"/>

RETURNED YOUR CALL ☐

Message _____

#4137

L.B.
Operator



AMPAD
EFFICIENCY®

23-020

To CA

Date _____ Time _____

WHILE YOU WERE OUT

M Ed Anthony

of _____

Phone 472-9610

Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL

Message U.S. Catholic ~~Conference~~ ~~Conference~~

Briefing on Vouchers

March 10- Operator 10-12



AMPAD
EFFICIENCY®

23-020

School Superintendents
State Catholic Conf
Directors
all over the states

45-50

→ Panel Discussion

James Harris
L &

Mary Jean DeGard
Chapter 1

Cheryl O'Malley Gm
Ken Terrell " "

BRIEFING CHECK LIST

DATE: Monday, March 10, 1986

TIME: 10:00 a.m.

Briefing for U.S. Catholic Conference

Contact - Name: Ed Anthony

department of Education/VOUCHERS

Telephone: 472-9610

Place: OEOB 450

Reserved - Date: 3/5/86 By: Pat/Charlie

Elevator: _____

Bios:	Times & Issues:	Briefers:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Briefing paper: _____

Talking points: _____

Packet materials: to be provided by the Dept. of Ed and filled there

*Bios - Fri
List - Fri*

CHAPTER I VOUCHER PACKAGE
LIST OF CONTENTS

- * Voucher Bill
- * Fact Sheet on voucher bill, "The Equity and Choice (TEACH) Act of 1985"
- * "The Equity and Choice Act of 1985," Section-by-Section Analysis
- * US Department News Release on the voucher bill (11/13/85)
- * Statement by US Secretary of Education, William J. Bennett on voucher bill
- * Letter to Speaker Thomas P. O'Neill, Jr. from Secretary Bennett
- * Statements of support for Chapter I vouchers:
 - o National Center for Neighborhood Enterprise
 - o Agudath Israel of America by President Rabbi Morris Shorer
 - o National Catholic Conference for Interracial Justice
 - o California Catholic Conference
 - o The Lutheran Church-Missouri Synod by President Ralph A. Bohlmann
 - o Citizens for Educational Freedom
 - o National Catholic Association
 - o Council for American Private Education
 - o Christian Schools International
 - o United States Catholic Conference
 - o National Center for Privatization
- * Questions and Answers on TEACH, The Equity and Choice Act
- * The Case for CHOICE in Chapter I
- * The Clearinghouse on Educational Choice Report on Opinion Polls, 11/85
- * Inner City Private Elementary Schools
- * News Items
 - The New York Times, essay by William Safire, "Reagan's Good Deed,"
Vouching for Vouchering, 11/3/85
 - The Wall Street Journal, Review and Outlook, "The Ticket for Schools"
8/9/85
 - St. Louis Globe - Democrat, "Choices, Competition Help Education,"
4/15/85
 - The Wall Street Journal, Review and Outlook, "Trustbusting Education,"
2/13/85
 - The Washington Post, by William Raspberry, "School Vouchers: Why Not
Try Them," 11/15/85

Office of Private Education
U.S. Department of Education
December 16, 1985

99TH CONGRESS
1ST SESSION

S. 1876

To improve the educational achievement of educationally deprived children by expanding opportunities for their parents to choose schools that best meet their needs, to foster diversity and competition among school programs for educationally deprived children, to increase private sector involvement in providing educational programs for educationally deprived children, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 21 (legislative day, NOVEMBER 13), 1985

Mr. HATCH (for himself, Mr. GRAMM, Mr. LAXALT, Mr. GOLDWATER, Mr. HECHT, Mr. WALLOP, Mr. DENTON, Mr. QUAYLE, Mr. EAST, and Mr. HELMS) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To improve the educational achievement of educationally deprived children by expanding opportunities for their parents to choose schools that best meet their needs, to foster diversity and competition among school programs for educationally deprived children, to increase private sector involvement in providing educational programs for educationally deprived children, 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 *That this Act may be cited as the "Equity and Choice Act of*
- 4 *1985".*

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that significant improvements in the educational achievement of educationally deprived children can be accomplished by—

(1) increasing educational opportunities for these children by expanding the range of educational choices that best meet their needs;

(2) fostering diversity and competition among school programs for these children;

(3) providing social justice for the families of these children by giving them some of the educational choices already available to affluent families; and

(4) enhancing the quality of chapter 1 instruction, and American education in general, by increasing parental involvement in the program and the direction of the education of these children.

(b) It is the purpose of this Act to expand the educational opportunities of educationally deprived children under chapter 1 of the Education Consolidation and Improvement Act of 1981 by allowing their parents to choose whether to—

(1) have their children receive compensatory services under regular chapter 1 programs for children enrolled in public and private schools; or

(2) obtain educational vouchers which they may use to pay for tuition or obtain compensatory services, or both, for their children enrolled at—

(A) public schools outside the school attendance areas where the children reside;

(B) private schools; or

(C) public schools outside the school districts where the children reside.

EDUCATIONAL VOUCHERS

SEC. 3. Chapter 1 of the Education Consolidation and Improvement Act of 1981 (20 U.S.C. 3801 et seq.) (hereinafter referred to as the "Act") is amended by adding at the end thereof the following new sections:

"EDUCATIONAL VOUCHERS

"SEC. 560. (a) VOUCHERS AVAILABLE AT PARENT'S REQUEST.—The parents of each educationally deprived child selected to participate in a local educational agency's program under this chapter for any fiscal year in accordance with sections 556(b) (1) and (2) and 557(a) shall, upon request, be provided an educational voucher by such agency to be used in accordance with this section.

"(b) NOTICE TO PARENTS; ANNUAL MEETING.—(1) Each local educational agency within a State shall provide written notice to the parents of each eligible child selected to participate in such agency's program under this chapter of

1 the options available to them under this chapter, including
2 their right to obtain an educational voucher for their child,
3 and shall afford the parents a reasonable period of time to
4 request a voucher in such manner as the agency may reason-
5 ably prescribe.

6 “(2) Each local educational agency shall also convene
7 an annual public meeting, such as the annual meeting re-
8 quired under section 556(e)(1), to which parents of all eligible
9 children and representatives of private eligible educational in-
10 stitutions shall be invited, to discuss the availability and au-
11 thorized uses of educational vouchers.

12 “(c) AUTHORIZED USES OF VOUCHERS.—(1) Each
13 local educational agency shall permit a parent who receives a
14 voucher for that parent's eligible child under this section to
15 use the voucher only for the following purposes:

16 “(A) as payment toward tuition, if any, or to
17 obtain compensatory services to meet the child's spe-
18 cial educational needs, or both, at any public elementa-
19 ry or secondary school outside the school attendance
20 area in which the child resides if the local educational
21 agency permits the parent to enroll his child at such a
22 school, in which case such compensatory services need
23 not be made available under programs or projects that
24 meet the requirements of section 555 unless the local

1 educational agency would otherwise conduct such a
2 program or project at such school:

3 "(B) as payment toward tuition for enrolling such
4 child as a full-time student at a private eligible educa-
5 tional institution, or to obtain compensatory services to
6 meet the special educational needs of a child who is so
7 enrolled from any eligible educational institution, or
8 both; or

9 "(C) as payment toward tuition for enrolling such
10 child as a full-time student at a public elementary or
11 secondary school located outside of the school district
12 in which the child resides, or to obtain compensatory
13 services to meet the special educational needs of a
14 child who is so enrolled from any eligible educational
15 institution, or both.

16 "(2) Subject to the limitations of paragraph (3), each
17 local educational agency shall arrange for a parent who re-
18 ceives a voucher under this section, and who decides, in ac-
19 cordance with paragraph (1) (B) or (C), to enroll the child as
20 a full-time student at a private eligible educational institu-
21 tion, or at a public elementary or secondary school located
22 outside of the school district in which the child resides, to
23 redeem the voucher for funds under this chapter in an
24 amount equal to—

1 “(A) the amount of funds under this chapter that
2 the local educational agency providing the educational
3 voucher plans to expend in the fiscal year in which the
4 voucher is to be redeemed, less funds necessary for
5 program administration;

6 divided by—

7 “(B) the number of educationally deprived chil-
8 dren selected by such local educational agency for par-
9 ticipation under this chapter for such fiscal year in ac-
10 cordance with sections 556(b) (1) and (2) and 557 a.

11 “(3)(A) The amount of funds that a local educational
12 agency provides to a parent who redeems a voucher under
13 this section shall not exceed the charges for tuition, or com-
14 pensatory services, or both, incurred by the parent under
15 paragraph (1) (B) or (C).

16 “(B) The amount of voucher funds that a parent may
17 use as payment toward tuition at an eligible educational insti-
18 tution shall not exceed the lesser of—

19 “(i) the maximum tuition normally charged by
20 such institution; or

21 “(ii) the parent’s actual cost of enrolling the child
22 at such institution.

23 “(d) LOCAL EDUCATIONAL AGENCY PROGRAMS AND
24 PROJECTS.—A local educational agency shall provide pro-
25 grams and projects, in accordance with the provisions of this

1 chapter, to meet the special educational needs of children se-
 2 lected by the local educational agency for participation in
 3 programs and projects under this chapter in accordance with
 4 sections 556(b) (1) and (2) and 557(a) whose parents do not
 5 request educational vouchers from the local educational
 6 agency.

7 “(e) APPLICATION BY LOCAL EDUCATIONAL
 8 AGENCY.—Each local educational agency seeking assistance
 9 under this chapter shall include in its application under sec-
 10 tion 556—

11 “(1) a description of its procedures for providing
 12 educational vouchers under this section; and

13 “(2) an assurance that it will exercise due dili-
 14 gence to ensure that payments made to parents under
 15 subsection (c)(2) will be used only for the purposes au-
 16 thorized by subsection (c)(1) (B) and (C) and subsection
 17 (c)(3) and to recovery such payments that are not so
 18 used.

19 “(f) VOUCHER IS NOT FEDERAL ASSISTANCE.—Pay-
 20 ments to a private eligible educational institution or to a
 21 public elementary or second school located outside of the
 22 school district in which the eligible child resides, made by
 23 parents with funds provided by a local educational agency in
 24 exchange for an educational voucher redeemed by a parent
 25 under this section, shall not constitute Federal financial as-

1 sistance to the private eligible educational institution or the
 2 public elementary or secondary school receiving such pay-
 3 ments, and the use of such funds by such institutions or
 4 schools shall not constitute a program or activity receiving
 5 Federal financial assistance.

6 “(g) VOUCHER FUNDS NOT TAXABLE.—Payments re-
 7 ceived by parents under subsection (c)(2) shall not be subject
 8 to Federal, State, or local income taxes.

9 “(h) DEFINITIONS.—As used in this section and section
 10 560A—

11 “(1) the term ‘eligible child’ means an education-
 12 ally deprived child selected to participate in a local
 13 educational agency’s program under this chapter in ac-
 14 cordance with sections 556(b) (1) and (2) and 557(a);
 15 and

16 “(2) the term ‘eligible educational institution’
 17 means—

18 “(A) a public elementary or secondary
 19 school, as defined in section 595(a)(7) of this sub-
 20 title; or

21 “(B) a private educational institution—

22 “(i) which provides a full-time program
 23 of elementary or secondary education;

24 “(ii) which is an educational organiza-
 25 tion within the meaning of section

1 170(b)(1)(A)(ii) of the Internal Revenue Code
 2 of 1954 (relating to deductions for charitable
 3 contributions); and

4 "(iii) which includes in any published
 5 bylaws, advertisements, admission applica-
 6 tion forms, and other published materials a
 7 statement that it does not discriminate
 8 against student applicants or students on the
 9 basis of race.

10 "(i) APPLICABILITY OF CHAPTER 1 PROVISIONS.—

11 The following provisions of this chapter shall not be applica-
 12 ble to an educational voucher program under this section:

13 "(1) section 555 (a), (b), and (c), except that local
 14 educational agency programs and projects under sub-
 15 section (d) of this section shall be subject to section
 16 555 (a) and (c); and

17 "(2) section 556, except to the extent it is made
 18 applicable by this section.

19 "(j) TRANSPORTATION COSTS.—(1) Each local educa-
 20 tional agency may use funds made available to it under this
 21 chapter to provide for transportation, on an equitable basis,
 22 to eligible children whose parents obtain vouchers under this
 23 section and who enroll such children—

24 "(A) at schools of such agency outside the school
 25 attendance areas in which such children reside;

1 “(B) as full-time students at private eligible edu-
2 cational institutions; and

3 “(C) as full-time students at public elementary or
4 secondary schools located outside of the school district
5 in which such children reside.

6 “(2) The use of funds under this chapter to provide for
7 transportation, as provided in paragraph (1), shall constitute
8 an administrative cost of carrying out programs and projects
9 under this chapter.

10 “NONDISCRIMINATION BY PRIVATE SCHOOLS IN
11 VOUCHER PROGRAM

12 “SEC. 560A. (a) GENERAL.—(1) No local educational
13 agency conducting an educational voucher program under
14 section 560 may make payments to a parent under section
15 560(c)(2) with respect to a child enrolled in a private eligible
16 educational institution if—

17 “(A) there is in effect a judgment entered by a
18 district court of the United States under subsection (b)
19 (regardless of whether such judgment is appealed) de-
20 claring that such institution follows a racially discrimi-
21 natory policy; or

22 “(B) an order by any United States court of ap-
23 peals has been made which, by its terms, requires the
24 district court to enter such a judgment.

1 “(2) No local educational agency conducting an educa-
2 tional voucher program under section 560 may make pay-
3 ments to a parent under section 560(c)(2) with respect to a
4 child enrolled or to be enrolled in a private eligible education-
5 al institution unless such institution has filed with such edu-
6 cational agency a verified statement which—

7 “(A) declares that such institution has not fol-
8 lowed a racially discriminatory policy during the previ-
9 ous twelve months;

10 “(B) indicates whether a declaratory judgment or
11 order described in paragraph (1) has been entered
12 against such institution in an action brought under sub-
13 section (b); and

14 “(C) attests that such institution had complied
15 with the requirements of section 560(h)(2)(B)(iii) during
16 the previous twelve months.

17 “(3) The Attorney General shall have exclusive author-
18 ity under this subsection to investigate and to determine
19 whether a private eligible educational institution is following
20 a racially discriminatory policy.

21 “(4) For purposes of this subsection—

22 “(A) an institution follows a racially discriminato-
23 ry policy if such institution refuses, on the basis of
24 race, to—

25 “(i) admit applicants as students;

1 “(ii) admit students to the rights, privileges,
2 programs, and activities generally made available
3 to students by the institution; or

4 “(iii) allow students to participate in its
5 scholarship, loan, athletic, or other programs;

6 “(B) the term ‘racially discriminatory policy’ shall
7 not include failure of any institution to pursue or
8 achieve any racial quota, proportion, or representation
9 in the student body; and

10 “(C) the term ‘race’ shall include color or national
11 origin.

12 “(b) DECLARATORY JUDGMENT.—(1) Upon filing of an
13 appropriate pleading by the Attorney General under para-
14 graph (2), the district court of the United States for the dis-
15 trict in which a private eligible educational institution is lo-
16 cated may make a declaration with respect to whether such
17 institution follows a racially discriminatory policy. Any such
18 declaration shall have the force and effect of a final judgment
19 of the district court and shall be reviewable as such.

20 “(2)(A) The Attorney General is authorized at the sole
21 discretion of the Attorney General to seek a declaratory judg-
22 ment under paragraph (1) against any private eligible educa-
23 tional institution upon—

1 “(i) receipt by the Attorney General within the
2 previous one-year period of any allegation of discrimi-
3 nation against such institution; and

4 “(ii) a finding by the Attorney General of good
5 cause.

6 “(B) For purposes of this subsection, the term ‘allega-
7 tion of discrimination’ means an allegation made in writing
8 by any person which alleges with specificity that—

9 “(i) a named institution has committed a racially
10 discriminatory act against a named student applicant or
11 student within one year preceding the date on which
12 such allegation is made to the Attorney General; or

13 “(ii) the institution made a communication, within
14 one year preceding such date, expressing that it fol-
15 lows a racially discriminatory policy.

16 “(C) Upon receipt of any allegation of discrimination
17 made against an institution, the Attorney General shall
18 promptly give written notice of such allegation to such
19 institution.

20 “(D)(i) Before any action may be filed against an institu-
21 tion by the Attorney General under paragraph (1), the Attor-
22 ney General shall give such institution a fair opportunity to
23 comment on all allegations made against it and to show that
24 the alleged racially discriminatory policy does not exist or
25 has been abandoned.

1 “(ii) If an allegation of discrimination against an institu-
2 tion is made to the Attorney General and the Attorney
3 General—

4 “(I) declines to bring an action under paragraph
5 (1) against such institution, or

6 “(II) enters into a settlement agreement with
7 such institution under paragraph (4) before such an
8 action is brought,

9 the Attorney General shall make available to the person who
10 made such allegation the information upon which the Attor-
11 ney General based the decision not to bring such an action or
12 to enter into such settlement agreement. The Attorney Gen-
13 eral shall promptly give written notice to such person that
14 such information is available for his inspection.

- 15 “(iii) Nothing in this subparagraph shall be construed to
16 authorize or require the Attorney General to disclose any
17 information if such disclosure would violate any applicable
18 State or Federal law relating to privacy.

19 “(3) A district court may declare that a private eligible
20 educational institution follows a racially discriminatory policy
21 in an action brought under paragraph (1) only if the Attorney
22 General establishes in such action that—

23 “(A) such institution has, pursuant to such policy,
24 committed a racially discriminatory act against a stu-

1 dent applicant or student within the two years preced-
2 ing commencement of such action;

3 "(B) such institution has, within the two years
4 preceding commencement of such action, made a com-
5 munication expressing that it follows a racially dis-
6 criminatory policy against student applicants or stu-
7 dents; or

8 "(C) such institution has engaged in a pattern of
9 conduct intended to implement a racially discriminatory
10 policy, and that some act in furtherance of this pattern
11 of conduct was committed within two years preceding
12 commencement of such action.

13 "(4)(A) Prior to, and in lieu of, filing an action under
14 paragraph (1), the Attorney General may, at the sole discre-
15 tion of the Attorney General, enter into a settlement agree-
16 ment with the institution against which an allegation of dis-
17 crimination has been made if the Attorney General finds that
18 such institution has been acting in good faith and has aban-
19 doned its racially discriminatory policy.

20 "(B) If the Attorney General has entered into a settle-
21 ment agreement with a institution under subparagraph (A)
22 and the Attorney General finds that such institution is in vio-
23 lation of such agreement, the Attorney General may—

1 “(i) notwithstanding paragraph (2)(A)(i), bring an
2 action under paragraph (1) without having received any
3 allegation of discrimination against such institution; or

4 “(ii) bring an action to enforce the terms of such
5 agreement.

6 “(C) The Attorney General shall give a copy of any
7 settlement agreement which is entered into with any institu-
8 tion under subparagraph (A) to any person from whom the
9 Attorney General has received an allegation of discrimination
10 against such institution.

11 “(5) Any district court that makes a declaration under
12 paragraph (1) that a private eligible educational institution
13 follows a racially discriminatory policy shall retain jurisdic-
14 tion of such case.

15 “(6)(A)(i) At any time after the date which is one year
16 after the date on which a judgment is entered in an action
17 brought under paragraph (1) declaring that a private eligible
18 educational institution follows a racially discriminatory
19 policy, such institution may file with the district court a
20 motion to modify such judgment to include a declaration that
21 such institution no longer follows a racially discriminatory
22 policy.

23 “(ii) Any motion filed under clause (i) shall contain
24 affidavits—

1 “(I) describing with specificity the ways in which
2 the institution has abandoned its previous racially dis-
3 criminatory policy;

4 “(II) describing with specificity the ways in which
5 such institution has taken reasonable steps to commu-
6 nicate its policy of nondiscrimination to students, to
7 faculty, to school administrators, and to the public in
8 the area it serves;

9 “(III) averring that such institution has not,
10 during the preceding year—

11 “(aa) committed a racially discriminatory act
12 against a student applicant or student pursuant to
13 a racially discriminatory policy;

14 “(bb) made a communication expressing that
15 it follows a racially discriminatory policy against
16 student applicants or students; or

17 “(cc) engaged in a pattern of conduct intend-
18 ed to implement a racially discriminatory policy,
19 and committed some act in furtherance of this
20 pattern of conduct; and

21 “(IV) averring that such institution has complied
22 with the requirements of this section.

23 “(B) If a motion is made under subparagraph (A), the
24 district court shall issue an order modifying the judgment en-
25 tered in the action to include a declaration that the institution

1 no longer follows a racially discriminatory policy unless the
2 Attorney General establishes that—

3 “(i) any affidavit provided by the institution under
4 subparagraph (A)(ii) is false;

5 “(ii) the institution has, during the preceding year,
6 committed any act, made any communication, or en-
7 gaged in any pattern of conduct described in subpara-
8 graph (A)(ii)(III); or

9 “(iii) the institution has not, in fact, complied with
10 the requirements of subclauses (II) and (IV) of sub-
11 paragraph (A)(ii).

12 “(C) Any order of the district court granting or denying
13 a motion made under subparagraph (A) shall be reviewable.

14 “(7) If an institution prevails in an action under this
15 section, other than with respect to a post-judgment motion
16 filed under paragraph (6), the court may award such institu-
17 tion costs and reasonable attorneys’ fees in such action unless
18 the court determines that the position of the Attorney
19 General was substantially justified.

20 “(8) For purposes of this subsection—

21 “(A) the term ‘racially discriminatory policy’ has
22 the meaning given to such term by subsection (a)(4);

23 “(B)(i) a private eligible educational institution
24 commits a racially discriminatory act if such institution
25 refuses, on the basis of race, to—

1 “(I) admit any applicant as a student:

2 “(II) admit any student to the rights, privi-
3 leges, programs, and activities generally made
4 available to students by the institution; or

5 “(III) allow any student to participate in its
6 scholarship, loan, athletic, or other programs; and

7 “(II) the term ‘racially discriminatory act’ shall not
8 include the failure of such institution to pursue or
9 achieve any racial quota, proportion, or representation
10 in the student body; and

11 “(C) the term ‘race’ shall have the meaning given
12 to that term by subsection (a)(4).”.

13 TECHNICAL AND CONFORMING AMENDMENTS TO

14 CHAPTER 1

15 SEC. 4. (a) The first sentence in section 557(a) of the
16 Act is amended to read as follows: “To the extent consistent
17 with the number of educationally deprived children in the
18 school district of the local educational agency who are en-
19 rolled in private elementary and secondary schools, such
20 agency shall—

21 “(i) make provisions for including special educa-
22 tional services and arrangements (such as dual enroll-
23 ment, educational radio and television, and mobile edu-
24 cational services and equipment) in which such children
25 can participate and which meet the requirements of
26 sections 555(c), 556(b) (2), (3), and (4), and 558(b); or

1 “(ii) provide vouchers to the parents of such chil-
2 dren in accordance with section 560.”.

3 (B) The second sentence of such section is amended by
4 inserting “and for educational vouchers” after “arrange-
5 ments”.

6 (b)(1) Section 557(b)(1) of the Act is amended—

7 (A) by inserting after “elementary and secondary
8 schools” a comma and the following: “and from pro-
9 viding educational vouchers to the parents of these
10 children.”; and

11 (B) by inserting before the period the following:
12 “or provide an educational voucher program in accord-
13 ance with section 560”.

14 (2) Section 557(b)(2) of the Act is amended by inserting
15 after “subsection (a)” the first time it appears “or provide an
16 educational voucher program in accordance with section
17 560”.

18 (3)(A) Section 557(b)(3)(A) of the Act is amended by
19 inserting after “services” the first time it appears “or educa-
20 tional voucher programs”.

21 (B) Section 557(b)(3)(A) of the Act is amended by in-
22 serting “or programs” after “such services” each place it
23 appears.

1 (C) Section 557(b)(3)(B) of the Act is amended by insert-
 2 ing "or programs" after "such services" each place it
 3 appears.

4 (c) Section 558(b) of the Act is amended by adding at
 5 the end thereof the following new sentence: "Nothing con-
 6 tained in this subsection shall be construed to prohibit the use
 7 of educational vouchers for payments to an eligible educa-
 8 tional institution under section 560(c)(1) (B) and (C), notwith-
 9 standing that such payments would have been made from
 10 non-Federal sources in the absence of funds under this
 11 chapter."

12 (d) Section 558(c)(1) of the Act is amended by adding at
 13 the end thereof the following new sentence: "An attendance
 14 area shall not be considered a project area for the purposes of
 15 this paragraph solely because a parent receiving an educa-
 16 tional voucher under section 560 chooses to enroll his eligible
 17 child at a school in that attendance area in accordance with
 18 section 560(c)(1)(A)."

19 (e) Section 558 of such Act is amended by adding at the
 20 end thereof the following:

21 "(f) EDUCATIONAL VOUCHERS.—Payments under sec-
 22 tion 559(c)(2)(i) to a private eligible educational institution or
 23 to a public elementary or secondary school located outside of
 24 the school district in which the child resides shall not subject
 25 such private institution or public school, or the local educa-

1 tional agency for such public school, to the requirements of
2 this section."

3 CONFORMING AMENDMENTS

4 SEC. 5. Section 2201(a) of title 28, United States Code
5 (relating to creation of the declaratory judgment remedy) is
6 amended by striking out "section 505 or 1146 of title 11"
7 and inserting in lieu thereof "section 505 or 1146 of title 11
8 or section 560A of the Education Consolidation and Im-
9 provement Act of 1981,".

10 EFFECTIVE DATE

11 SEC. 6. The amendments made by this Act shall take
12 effect on July 1, 1986.

○

THE EQUITY AND CHOICE (TEACH) ACT OF 1985

The Equity And Choice Act of 1985

TEACH gives the parents of educationally disadvantaged children (Chapter 1 participants) a number of options for school attendance:

1. The current public or private school, where the child will continue to receive compensatory services as before.
2. A public school in the same school district.
3. A public school in another district.
4. A private school.

Benefits of TEACH

The voucher option promotes social justice and educational excellence. TEACH provides several important benefits.

- o It gives educationally deprived children a greater range of compensatory educational alternatives.
- o It gives poor families some of the educational choices already available to affluent families who can select a school through choice of neighborhood or choice of private school.
- o It creates market incentives and competition which will lead to significant improvement in the provision of Chapter 1 services.
- o It will improve the quality of Chapter 1 instruction by encouraging greater involvement of parents in their children's education.
- o It will improve the quality of teaching. According to a Hofstra University study, teachers in choice programs are more committed to teaching and have higher levels of job satisfaction.
- o It fulfills the congressional mandate of Chapter 1 and is consistent with the Supreme Court's ruling in Aguilar v. Felton.

Public Opinion and Choice

According to a 1985 Gallup Poll, 59% of blacks and 53% of those living in central cities support an educational voucher. The Administration is responding to the need for greater choice in education with the Equity and Choice Act of 1985 (TEACH). The proposal will provide social equity by giving poor families some of the educational choices currently available to affluent families who can now select a public school through choice of neighborhood or a private school.

The Current Chapter 1 Program

Chapter 1 of the Education Consolidation and Improvement Act authorizes federal funds to be used by local educational agencies (LEAs) to provide educational services to children who are economically and educationally disadvantaged. Fifty-five percent of these children are from minority families.

Typically, these services are provided during the regular school day by trained specialists in separate classrooms. In some cases, instruction is offered after school. To be consistent with the Supreme Court's ruling in Aguilar v. Felton, services to religiously affiliated private school students must be provided at neutral sites outside the school.

11/8/85

THE EQUITY AND CHOICE ACT OF 1985

Section-by-Section Analysis

Section 2. Section 2 of the bill sets forth congressional findings and the purpose of the bill. Subsection (a) includes findings that significant improvements in the educational achievement of educationally deprived children can be accomplished by increasing educational opportunities for these children by expanding the range of educational choices that best meet their needs, fostering diversity and competition among school programs for these children, providing social justice for the families of these children by giving them some of the educational choices already available to affluent families, and enhancing the quality of Chapter 1 instruction, and American education in general, by increasing parental involvement in the program and the direction of the education of these children.

Subsection (b) sets forth the purpose of the bill to expand the educational opportunities of educationally deprived children under Chapter 1 of the Education Consolidation and Improvement Act of 1981 (ECIA) by allowing their parents to choose from a variety of options for providing education and compensatory services for their children.

Section 3. Section 3 of the bill would amend Chapter 1 of the ECIA to permit parents to obtain educational vouchers upon request, by adding new sections 560 and 560A to Chapter 1. Under section 560(a), parents of educationally deprived children selected to participate in Chapter 1 programs conducted by a local educational agency (LEA) could, at their request, obtain educational vouchers for their children from the LEA.

Under section 560(b), each LEA would be required to provide a written notice to the parents of each child selected to participate in the LEA's Chapter 1 program of the options available to them under Chapter 1, including their right to obtain an educational voucher, and to afford the parents a reasonable period of time to request a voucher. Each LEA would also be required to convene an annual public meeting, to which parents of all eligible children and representatives of private schools would be invited, to discuss the availability and authorized uses of educational vouchers.

Under section 560(c)(1), a parent could use a voucher only in one of three ways. First, where permitted by the LEA's normal enrollment policies, the parent could enroll the child at any of the LEA's schools outside the attendance area where the child resides and use the voucher to obtain compensatory services designed to meet the special educational needs of the child, to defray the cost of tuition, if any, charged by the LEA for enrolling the child at that school, or to do both. The bill does not require any LEA to adopt an "open enrollment"

policy or otherwise modify its normal enrollment practices, but does allow parents in districts that permit parental choice in enrollment to fully exercise their ability to choose while continuing to obtain compensatory services for their children. Compensatory services under this option would not have to be provided under a regular Chapter 1 project unless the LEA would have otherwise conducted such a project at that school. The cost of services provided under this option would not have to equal the amount of Chapter 1 funds attributable to the child, nor would the LEA be required to allocate those funds to that school.

Second, the parent could use the voucher to defray the cost of tuition for the Chapter 1 child enrolled at any private eligible educational institution, to purchase compensatory services to meet the special educational needs of the child from any eligible educational institution, or to do both in whatever combination the parent chooses. Third, the parent could use the voucher to defray the cost of tuition for a child enrolled at a public school located outside of the school district in which the child resides, to purchase compensatory services to meet the special educational needs of the child from any eligible educational institution, or to do both in whatever combination the parent chooses. Parents of children in public and private schools who are selected to participate in an LEA's regular Chapter 1 program and who wish to receive services directly under that program would simply not request a voucher.

Subsection (c)(2) would provide for a parent who received a voucher, and who chose to enroll his child at a private eligible educational institution, or at a public school located outside of the school district in which the child resides, to redeem the voucher for Chapter 1 funds. The maximum amount of Chapter 1 funds paid in exchange for the voucher would be equal to the amount of Chapter 1 funds allocated to the LEA providing the voucher (minus funds necessary for program administration) divided by the number of children selected by the LEA for participation in Chapter 1 programs.

Subsection (c)(3)(A) would provide that the amount of voucher funds that an LEA would provide to a parent could not exceed the amount of the allowable charges incurred by the parent for tuition or compensatory services, or both. A parent whose maximum voucher amount is \$600 could use all of it for tuition, all of it for compensatory services, or \$300 for tuition and \$300 for compensatory services, among other possible combinations. If the parent incurred only \$500 in allowable costs, the LEA would retain the remaining \$100 in its Chapter 1 program fund. Subsection (c)(3)(B) would provide that the amount of voucher funds that a parent could use as payment toward tuition at an eligible educational institution could not exceed the maximum tuition normally charged by the school at which the child is enrolled or the actual tuition costs incurred by the parent.

Section 560(d) would require LEAs to provide Chapter 1 programs and projects to meet the special educational needs of children selected by the LEA to participate in its Chapter 1 program whose parents do not request vouchers. These programs and projects would continue to be subject to supplement-not-supplant and comparability requirements in section 553 of Chapter 1. In addition, the maintenance of effort requirement in section 553(a) would continue to be a condition for the receipt of any Chapter 1 allocations by the LEA.

Section 560(e) would require LEAs to include additional information in the Chapter 1 application they submit to the State educational agency (SEA) under section 556. Each LEA would be required to include a description of its procedures for providing educational vouchers under section 560. In addition, each LEA's application would be required to include an assurance, satisfactory to the SEA, that the LEA will exercise due diligence to ensure that voucher funds paid to parents are used only for tuition costs and compensatory services authorized by section 560(c)(1)(B) and (C) and section 560(c)(3), and to recover any payments that are not so used.

Section 560(f) would provide that payments to a private eligible educational institution or to a public school located outside of the school district in which an eligible child resides, made by parents with voucher funds, shall not constitute Federal financial assistance to that institution or school, and that the use of those funds by that institution or school shall not constitute a program or activity receiving Federal financial assistance.

Section 560(g) would provide that Chapter 1 funds received by parents in exchange for vouchers would not be subject to Federal, State, or local income taxes.

Section 560(h)(1) would define the term "eligible child" used in the section and in section 560A. Section 560(h)(2) would define the term "eligible educational institution" to include any private educational institution which provides a full-time program of elementary or secondary education, which is an "educational organization" under section 170(b)(1)(A)(ii) of the Internal Revenue Code (i.e., an organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of students in attendance where its educational activities are regularly carried on), and which does not discriminate against students or student applicants on the basis of race. Under this definition, parents could use voucher funds to pay for tuition at for-profit, as well as non-profit, private schools. Children attending for-profit private schools are currently eligible for Chapter 1 services.

Section 560(i) would make inapplicable to voucher payments certain Chapter 1 provisions concerning project services to meet the special educational needs of educationally deprived children.

Section 560(j) would permit an LEA to use Chapter 1 funds to provide transportation, on an equitable basis, to eligible children whose parents obtain educational vouchers and enroll their children at schools of the LEA outside the attendance area where the children reside, at private schools, and at public schools outside the district in which the children reside. The use of funds to transport these students would constitute an administrative cost of conducting the LEA's overall Chapter 1 program. The use of Chapter 1 funds to transport these children would be subject to the supplement-not-supplant requirement of section 563. An LEA could not, therefore, use Chapter 1 funds for home-to-school transportation of children at private schools that provide free transportation to their students or of children to its own schools under an open-enrollment policy if it now provides transportation to those students from non-Federal sources.

Under the new section 560A, no local educational agency may make voucher payments to a parent with respect to a child enrolled in a private school that follows a racially discriminatory policy. Section 560A provides that the Attorney General has exclusive authority to investigate whether a school is following a racially discriminatory policy. If the Attorney General receives a written allegation of discrimination concerning a school, he is authorized to seek a declaratory judgment in the United States district court for the district where the school is located. Voucher funds may not be paid to the school if the district court enters a judgment declaring that the school follows a racially discriminatory policy or if a U.S. court of appeals orders the district court to enter such a judgment.

Section 560A defines a racially discriminatory policy as a policy under which a school refuses, on account of race (including color or national origin): to admit applicants as students; to admit students to the rights, privileges, programs and activities generally made available to students by the school; or to allow students to participate in its scholarship, loan, athletic, or other programs. A racially discriminatory policy does not include the failure by a school to pursue or achieve any racial quota, proportion, or representation among its students.

Section 4. Section 4 of the bill would make various technical and conforming amendments to Chapter 1 of the ESEA. Section 4(1) of the bill would make technical amendments to Chapter 1 provisions concerning equitable participation by private school children in Chapter 1 programs. These amendments would clarify that parents of educationally deprived children in private schools would be able to obtain vouchers on the same basis as public school children, and would authorize the Secretary to arrange for the provision of vouchers, as well as direct services, when a bypass is necessary either because an LEA is

prohibited by law from providing services and vouchers for private school children or because it has substantially failed to provide for the equitable participation of those children.

Section 4(2) of the bill would amend section 553 of the ECIA to provide that the prohibition of supplanting does not apply to tuition payments made by parents under the voucher program to a private school or to a public school located outside of the school district in which the child resides. Under this provision, for example, there would be no supplanting violation in providing a voucher to a parent to cover tuition payments to a private school that the Chapter 1 child would have attended in the absence of Chapter 1 funds. Section 4(2) of the bill would also amend section 553(c) to provide that an attendance area does not become a Chapter 1 project area for purposes of the comparability requirement solely because a parent who receives an educational voucher chooses to enroll his child at a school in that area under the provisions of section 560(c)(1)(A). In addition, under proposed section 553(f), the use of voucher funds by parents for tuition at a private school or at a public school located outside of the school district in which the child resides would not subject such private or public school, or the LEA for such public school, to maintenance of effort, supplement-not-supplant, or comparability requirements in section 553.

Section 5. Section 5 of the bill contains a conforming amendment concerning the declaratory judgment remedy related to enforcement against private schools following a racially discriminatory policy.

Section 6. Section 6 of the bill would provide that the amendments made by the bill would take effect July 1, 1986.

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UNITED STATES
DEPARTMENT OF EDUCATION



NEWS

FOR RELEASE 10 A.M. (EST)
Wednesday, November 13, 1985

Lon Anderson -- (202) 245-3601
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Secretary of Education William J. Bennett today presented to Congress the Administration's Chapter 1 voucher program, called The Equity and Choice Act of 1985 (TEACH).

The legislation would give the parents of some 4.8 million disadvantaged children, now qualified as Chapter 1 participants, a wide range of choices for school attendance.

"At present," the Secretary said today, "our more affluent families do exercise choice, by buying a home in the neighborhood of their choice, or by sending their children to a private school. The poor do not now have that kind of choice. Yet it is their children for whom education may represent the best opportunity for success in later life. Under our bill, the parents of these children would have the opportunity to choose the best available education for their children as well."

Under the TEACH bill, parents could use vouchers for several school attendance options:

- The current public or private school where the child will continue to receive compensatory services as before.
- A public school in the same district as before.
- A public school in another district.
- A private school.

In his letter of transmittal to House Speaker Thomas O'Neill, the Secretary said, "This legislation would accomplish several important goals:

- It would increase educational opportunities for disadvantaged children by expanding the range of choices available to them under Chapter 1, the largest Federal program that provides educational services to elementary and secondary students.
- It would increase parental involvement by increasing parental choice, thereby improving the quality of education provided under Chapter 1.
- It would promote a healthy rivalry among schools to meet the needs of disadvantaged children, and would allow parents to choose the program that best meets the needs of their children.

The current Chapter 1 program, formerly known as Title I, is a part of the Education Consolidation and Improvement Act, which funds, through local agencies, educational services for children who are economically and educationally disadvantaged. Fifty-five percent of these children are from minority families.

Total funding for Chapter 1 is unaffected by the proposed legislation. These services are typically provided to children during the regular school day by specialists in separate classrooms. In some cases, instruction is offered after school.

In his statement the Secretary said: "Similar programs embodying choice, ranging from the GI Bill to Pell Grants to education for handicapped children, have improved opportunities for millions of young Americans. This legislation can do the same."

The Secretary also said that parental involvement in education is important because "educational research and common sense tell us that the more parents are involved in their children's education, the better that education is likely to be."

"This legislation," he said, "will encourage competition among all schools--among public schools, private schools, and between public and private schools in providing educational services for the disadvantaged. This is a good thing. It will lead to better educational services for these children, and greater opportunities for them later in life."

§ § §