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WITHDRAWAL SHEET

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Collection Name ANDERSON, CARL: FILES

Withdrawer

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6/13/2012

File Folder

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

FOIA

F08-0056/02

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DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
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1	LIST	RE PARTICIPANTS - FIRST ANNUAL LEGISLATIVE CONFERENCE	2	ND	В6
2	LIST	RE PARTICIPANTS - DEPT. OF EDUCATION STAFF	1	ND	В6

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	, Ma	rch 10)	_, 19_86
for Carl Anderson		of	OPL		
SEE ATTACHED LISTS	redi			(AGENCY)	
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MEETING LOCATION					
Building QEQB	Requested b	y Pa	t You	stra	
Room No. 450 22	Room No	197	Telepho	ne 6585	
Time of Meeting 10:00 a.m.	Date of requ		0 /- /		

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

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LEGISLATIVE CONFERENCE

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2 LIST 1 ND B6

RE PARTICIPANTS - DEPT. OF EDUCATION STAFF

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U.S. Department of Education Washington, D.C. 20202 Thales So much for all your lely. es more copies of What Works ' se on they way!!

Office of Private Education

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BRIEFING CHECK LIST

DATE: M	onday, March 10, 1986
TIME: 1	0:00 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/C	harlie
Elevator:	
Bios: Times & Issues:	Briefers:
Briefing paper:	
Talking points:	
Packet materials: to be provided by the Dept	of Ed and filled there

Bios-gri 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 Sherer
 - 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. GEAMM, Mr. LAKALT, 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".





AND DESCRIPTION OF THE PERSON	

1	FINDINGS AND PUZPOSE
2	SEC. 2. (a) The Congress finds that significant improve-
3	ments in the educational achievement of educationally de-
4	prived children can be accomplished by—
5	(1) increasing educational opportunities for these
6	children by expanding the range of educational choices
7	that best meet their needs;
8	(2) fostering diversity and competition among
9	school programs for these children;
10	(3) providing social justice for the families of these
11	children by giving them some of the educational
12	choices already available to affluent families; and
13	(4) enhancing the quality of chapter 1 instruction.
14	and American education in general, by increasing pa-
15	rental involvement in the program and the direction of
16	the education of these children.
17	(b) It is the purpose of this Act to expand the education-
18	al opportunities of educationally deprived children under
19	chapter 1 of the Education Consolidation and Improvement
20	Act of 1981 by allowing their parents to choose whether
21	to—
22	(1) have their children receive compensatory serv-

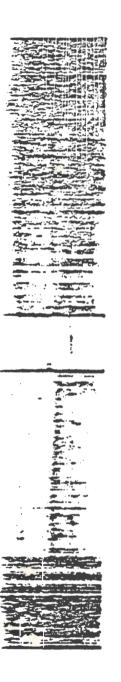
ices under regular chapter 1 programs for children en-

rolled in public and private schools; or

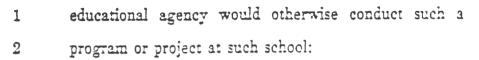
23



1	(2) obtain educational vouchers which they may
2	use to pay for tuition or obtain compensatory services.
3	or both, for their children enrolled at-
4	(A) public schools outside the school attend-
5	ance areas where the children reside;
6	(B) private schools; or
7	(C) public schools outside the school districts
8	where the children reside.
9	EDUCATIONAL VOUCHERS
10	SEC. 3. Chapter 1 of the Education Consolidation and
11	Improvement Act of 1981 (20 U.S.C. 3801 et seq.) (herein-
12	after referred to as the "Act") is amended by adding at the
13	end thereof the following new sections:
14	"EDUCATIONAL VOUCHERS
15	"Sec. 560. (a) Vouchers Available at Parent's
16	REQUEST.—The parents of each educationally deprived child
17	selected to participate in a local educational agency's pro-
18	gram under this chapter for any fiscal year in accordance
19	with sections 556(b) (1) and (2) and 557(a) shall, upon re-
20	quest, be provided an educational voucher by such agency to
21	be used in accordance with this section.
22	"(b) Notice to Parents; Annual Meeting.—(1)
23	Each local educational agency within a State shall provide
24	written notice to the parents of each eligible child selected to
25	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
 - obtain compensatory services to meet the child's spe-
- cial educational needs, or both, at any public elementa-
- 19 ry or secondary school outside the school attendance
- area in which the child resides if the local educational
- 21 agency permits the parent to enroll his child at such a
- 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



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

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

"(2) Subject to the limitations of paragraph (3), each local educational agency shall arrange for a parent who receives a voucher under this section, and who decides, in accordance with paragraph (1) (B) or (C), to enroll the child as a full-time student at a private eligible educational institution, or at a public elementary or secondary school located outside of the school district in which the child resides, to redeem the voucher for funds under this chapter in an amount equal to—

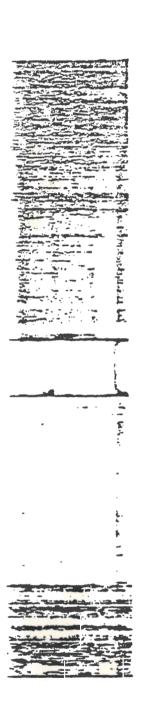


24 PROJECTS.—A local educational agency shall provide pro-

25 grams and projects, in accordance with the provisions of this

"(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 av.
	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.
A-W	23	"(d) Local Educational Agency Programs and



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 no
5	request educational vouchers from the local educationa
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
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
94	exchange for an educational voucher redeemed by a naren

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
	õ	Federal financial assistance.
	6	"(g) Voucher Funds Not Takable.—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 Cod-
2	of 1954 (relating to deductions for charitable
3	contributions); and
4	"(iii) which includes in any published
อี	bylaws, advertisements, admission applica
6	tion forms, and other published materials
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 loca
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;



"(B) as full-time students at private eligible edu-

	2	cational institutions; and
	. 3	"(C) as full-time students at public elementary of
	4	secondary schools located outside of the school distric
	5	in which such children reside.
	6	"(2) The use of funds under this chapter to provide io
	7	transportation, as provided in paragraph (1), shall constitut
	8	an administrative cost of carrying out programs and project
	9	under this chapter.
	10	"NONDISCREMENATION BY PRIVATE SCHOOLS IN
	11	VOUCHER PROGRAM
	12	"Sec. 560A. (a) GENERAL.—(1) No local educations
	13	agency conducting an educational voucher program unde
	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
- :	1 6	educational institution if—
•	17	"(A) there is in effect a judgment entered by
;	. 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 th
	94	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
ō	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 filling 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	z 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.

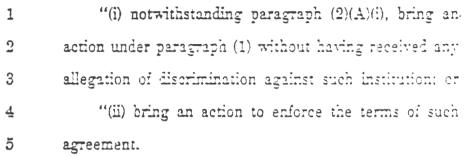


1	"(ii) Ii an allegation of discrimination against an institu-
2	tion is made to the Attorney General and the Attorney
3	General—
4	"(I) declines to bring an action under paragraph
5	(1) against such institution, or
6	"(II) enters into a settlement agreement with
7	such institution under paragraph (4) 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 year
4	preceding commencement of such action, made a com
õ	munication expressing that it follows a racially dis
6	criminatory policy against student applicants or stu
7	denss; or
8	"(C) such institution has engaged in a pattern of
9	conduct intended to implement a racially discriminator;
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 unde
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 tha
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 the

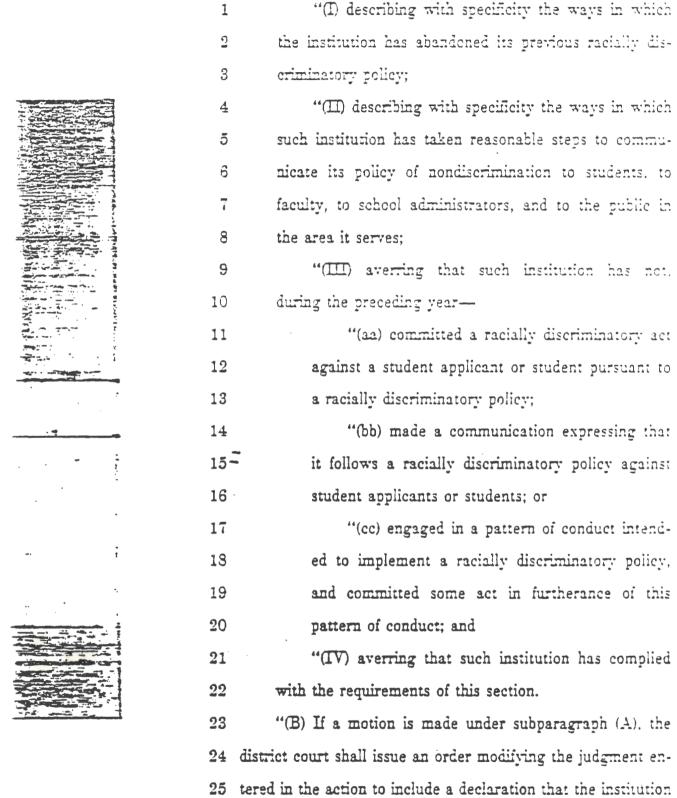
23 lation of such agreement, the Attorney General may-





- 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.
- "(5) Any district court that makes a declaration under paragraph (1) that a private eligible educational institution follows a racially discriminatory policy shall retain jurisdiction of such case.
- "(6)(A)(i) At any time after the date which is one year
 after the date on which a judgment is entered in an action
 brought under paragraph (1) declaring that a private eligible
 educational institution follows a racially discriminatory
 policy, such institution may file with the district court a
 motion to modify such judgment to include a declaration that
 such institution no longer follows a racially discriminatory
 policy.

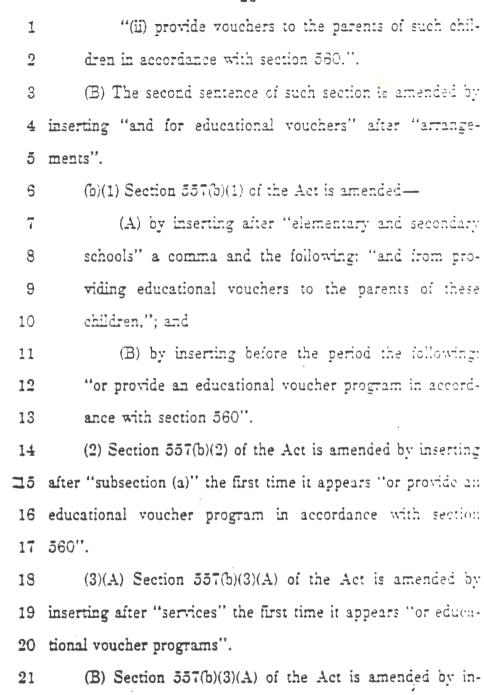
 "(ii) Any motion filed under clause (i) shall contain
- 23 "(ii) Any motion filed under clause (i) shall contain 24 affidavits—



1	no longer follows a racially discriminatory policy unless the
3	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 (Π) and (ΠV) 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-

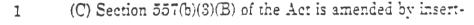
1	"(I) admit any applicant as a student:
2	"(II) admit any student to the rights, privi
3	leges, programs, and activities generally made
4	available to students by the institution; or
5	"(III) allow any student to participate in it
6	scholarship, loan, athletic, or other programs; and
7	"(ii) the term 'racially discriminatory act' shall no
8	include the failure of such institution to pursue o
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
14 15_	
15_	
15 <u> </u>	SEC. 4. (a) The first sentence in section 557(a) of the
15_ 16 17	SEC. 4. (a) The first sentence in section 557(a) of the Act is amended to read as follows: "To the extent consisten
15_ 16 17	SEC. 4. (a) The first sentence in section 557(a) of the Act is amended to read as follows: "To the extent consisten with the number of educationally deprived children in the
15_ 16 17 18	SEC. 4. (a) The first sentence in section 557(a) of the Act is amended to read as follows: "To the extent consisten with the number of educationally deprived children in the school district of the local educational agency who are en
15_ 16 17 18	SEC. 4. (a) The first sentence in section 557(a) of the Act is amended to read as follows: "To the extent consisten with the number of educationally deprived children in the school district of the local educational agency who are enrolled in private elementary and secondary schools, such
15_ 16 17 18 19	SEC. 4. (a) The first sentence in section 557(a) of the Act is amended to read as follows: "To the extent consisten with the number of educationally deprived children in the school district of the local educational agency who are enrolled in private elementary and secondary schools, such agency shall—
15_ 16 17 18 19 20 21	SEC. 4. (a) The first sentence in section 557(a) of the Act is amended to read as follows: "To the extent consisten with the number of educationally deprived children in the school district of the local educational agency who are enrolled in private elementary and secondary schools, such agency shall— "(i) make provisions for including special educations."
15_ 16 17 18 19 20 21 22	SEC. 4. (a) The first sentence in section 557(a) of the Act is amended to read as follows: "To the extent consisten with the number of educationally deprived children in the school district of the local educational agency who are en rolled in private elementary and secondary schools, such agency shall— "(i) make provisions for including special educational services and arrangements (such as dual enrolled).
15_16 17 18 19 20 21 22 23	SEC. 4. (a) The first sentence in section 557(a) of the Act is amended to read as follows: "To the extent consisten with the number of educationally deprived children in the school district of the local educational agency who are enrolled in private elementary and secondary schools, such agency shall— "(i) make provisions for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational radio and television.

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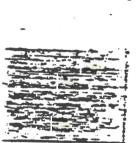


serting "or programs" after "such services" each place it

23 appears.



- 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.

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THE EQUITY AND CHOICE (TEACH) ACT OF 1985

The Equity And Choice Act of 1935

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 Aquilar 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 Aquilar v. Felton, services to religiously affiliated private school students must be provided at neutral sites outside the school.

11/8/85

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 affilient 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)(l), 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 I 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 I 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 I funds. The maximum amount of Chapter I funds paid in exchange for the voucher would be equal to the amount of Chapter I 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 I 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 558 of Chapter 1. In addition, the maintenance of effort requirement in section 558(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)(3) and (C) and section 560(c)(3), and to recover any payments that are not so used.

Section 56C(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(q) would provide that Chapter I funds received by parents in exchange for vouchers would not be subject to Federal, State, or local income taxes.

Section 560(h)(l) 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)(l)(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 jay 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 558. 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 56CA, 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 56OA 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, withletic, 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 ECIA. 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 533 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)(l)(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-nat-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, 1935

Lon Anderson -- (202) 245-8601 Lou Mathis -- (202) 245-8564

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 4.3 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 ravailable 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 1, 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."

4 4 4