AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 5
OFFERED BY MR. YOHO OF FLORIDA

Page 583, line 19, strike “AMENDMENT” and insert “AMENDMENTS”.

Page 583, line 20, strike “Section” and insert the following:

(a) SECTION 602.—Section

Page 583, after line 20, insert the following:

(b) SECTION 612.—Section 612(a)(10)(A) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(10)(A)) is amended by adding at the end the following:

“(viii) PARENT OPTION PROGRAM.—If a State has established a program that meets the requirements of section 663(c)(11) (whether statewide or in limited areas of the State) and that allows a parent of a child described in section 663(c)(11)(A) to use public funds, or private funds in accordance with
663(c)(11)(B)(ii), to pay some or all of the
costs of attendance at a private school—

“(I) funds allocated to the State
under section 611 may be used by the
State to supplement such public or
private funds, if the Federal funds are
distributed to parents who make a
genuine independent choice as to the
appropriate school for their child, ex-
cept that in no case shall the amount
of Federal funds provided under this
subclause to a parent of a child with
a disability for a year exceed the total
amount of tuition, fees, and transpor-
tation costs for the child for the year;

“(II) the authorization of a par-
ent to exercise this option fulfills the
State’s obligation under paragraph (1)
with respect to the child during the
period in which the child is enrolled in
the selected school; and

“(III) a selected school accepting
such funds shall not be required to
carry out any of the requirements of
this title with respect to such child.”.
Section 663.—Section 663(c) of the Individuals with Disabilities Education Act (20 U.S.C. 1463(c)) is amended—

(1) in paragraph (9), by striking “and” after the semicolon;

(2) in paragraph (10), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(11) supporting the post-award planning and design, and the initial implementation (which may include costs for informing the community, acquiring necessary equipment and supplies, and other initial operational costs), during a period of not more than 3 years, of State programs that allow the parent of a child with a disability to make a genuine independent choice of the appropriate public or private school for their child, if the program—

“(A) requires that the child be a child who has received an initial evaluation described in section 614(a) and has been identified as a child with a disability, in accordance with part B;

“(B)(i) permits the parent to receive from the State funds to be used to pay some or all of the costs of attendance at the selected school
(which may include tuition, fees, and transportation costs); or

“(ii) permits persons to receive a State tax credit for donations to an entity that provides funds to parents of eligible students described in subparagraph (A), to be used by the parents to pay some or all of the costs of attendance at the selected school (which may include tuition, fees, and transportation costs);

“(C) prohibits any school that agrees to participate in the program from discriminating against eligible students on the basis of race, color, national origin, or sex, except that—

“(i) the prohibition of sex discrimination shall not apply to a participating school that is operated by, supervised by, controlled by, or connected to a religious organization to the extent that the application of such prohibition is inconsistent with the religious tenets or beliefs of the school; and

“(ii) notwithstanding this subparagraph or any other provision of law, a parent may choose, and a school may offer, a single-sex school, class, or activity;
“(D) notwithstanding any other provision of law, allows any school participating in the program that is operated by, supervised by, controlled by, or connected to, a religious organization to exercise its right in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), including the exemptions in that title;

“(E) allows a school to participate in the program without, consistent with the First Amendment of the Constitution of the United States—

“(i) necessitating any change in the participating school’s teaching mission;

“(ii) requiring any private participating school to remove religious art, icons, scriptures, or other symbols; or

“(iii) precluding any private participating school from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references in its mission statements and other chartering or governing documents; and
“(F) requires a participating school selected for a child with a disability to be academically accountable to the parent for meeting the educational needs of the student.”