

**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:

1 (a) SECTION 602.—Section

Page 583, after line 20, insert the following:

2 (b) SECTION 612.—Section 612(a)(10)(A) of the In-
3 dividuals with Disabilities Education Act (20 U.S.C.
4 1412(a)(10)(A)) is amended by adding at the end the fol-
5 lowing:

6 “(viii) PARENT OPTION PROGRAM.—If
7 a State has established a program that
8 meets the requirements of section
9 663(c)(11) (whether statewide or in limited
10 areas of the State) and that allows a par-
11 ent of a child described in section
12 663(c)(11)(A) to use public funds, or pri-
13 vate funds in accordance with

1 663(c)(11)(B)(ii), to pay some or all of the
2 costs of attendance at a private school—

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

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

22 “(III) a selected school accepting
23 such funds shall not be required to
24 carry out any of the requirements of
25 this title with respect to such child.”.

1 (c) SECTION 663.—Section 663(e) of the Individuals
2 with Disabilities Education Act (20 U.S.C. 1463(e)) is
3 amended—

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

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

8 (3) by adding at the end the following:

9 “(11) supporting the post-award planning and
10 design, and the initial implementation (which may
11 include costs for informing the community, acquiring
12 necessary equipment and supplies, and other initial
13 operational costs), during a period of not more than
14 3 years, of State programs that allow the parent of
15 a child with a disability to make a genuine inde-
16 pendent choice of the appropriate public or private
17 school for their child, if the program—

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

23 “(B)(i) permits the parent to receive from
24 the State funds to be used to pay some or all
25 of the costs of attendance at the selected school

1 (which may include tuition, fees, and transpor-
2 tation costs); or

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

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

14 “(i) the prohibition of sex discrimina-
15 tion shall not apply to a participating
16 school that is operated by, supervised by,
17 controlled by, or connected to a religious
18 organization to the extent that the applica-
19 tion of such prohibition is inconsistent with
20 the religious tenets or beliefs of the school;
21 and

22 “(ii) notwithstanding this subpara-
23 graph or any other provision of law, a par-
24 ent may choose, and a school may offer, a
25 single-sex school, class, or activity;

1 “(D) notwithstanding any other provision
2 of law, allows any school participating in the
3 program that is operated by, supervised by,
4 controlled by, or connected to, a religious orga-
5 nization to exercise its right in matters of em-
6 ployment consistent with title VII of the Civil
7 Rights Act of 1964 (42 U.S.C. 2000e et seq.),
8 including the exemptions in that title;

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

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

15 “(ii) requiring any private partici-
16 pating school to remove religious art,
17 icons, scriptures, or other symbols; or

18 “(iii) precluding any private partici-
19 pating school from retaining religious
20 terms in its name, selecting its board
21 members on a religious basis, or including
22 religious references in its mission state-
23 ments and other chartering or governing
24 documents; and

1 “(F) requires a participating school se-
2 lected for a child with a disability to be aca-
3 demically accountable to the parent for meeting
4 the educational needs of the student.”.

