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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.**

To direct the Secretary of Education to establish a grant program to make grants to the parents of students served by local educational agencies that teach critical race theory, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. BISHOP of North Carolina introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To direct the Secretary of Education to establish a grant program to make grants to the parents of students served by local educational agencies that teach critical race theory, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Creating Hope and  
5 Opportunity through Increased Choice in Education Act”  
6 or the “CHOICE Act”.

1 **SEC. 2. OPPORTUNITY GRANT PROGRAM.**

2 (a) IN GENERAL.—The Secretary shall establish a  
3 grant program (to be known as the “Opportunity Grant  
4 Program”) to make grants to parents of eligible students  
5 for the purposes described in subsection (d).

6 (b) APPLICATION.—

7 (1) IN GENERAL.—To be eligible to receive a  
8 grant under this section, a parent of an eligible stu-  
9 dent shall submit to the Secretary an application  
10 demonstrating—

11 (A) the household income of such eligible  
12 student; and

13 (B) with respect to school year 2021–2022,  
14 that the local educational agency serving such  
15 eligible student teaches or advances any of the  
16 following through curriculum or other activities:

17 (i) Any race is inherently superior or  
18 inferior to any other race.

19 (ii) The United States is a fundamen-  
20 tally racist country.

21 (iii) The Declaration of Independence  
22 or the United States Constitution are fun-  
23 damentally racist documents.

24 (iv) An individual’s moral worth is de-  
25 termined by his or her race.

1                   (v) An individual, by virtue of his or  
2                   her race, is inherently racist or oppressive,  
3                   whether consciously or unconsciously.

4                   (vi) An individual, because of his or  
5                   her race, bears responsibility for the ac-  
6                   tions committed by members of his or her  
7                   race.

8                   (2) OTHER REQUIREMENTS.—The Secretary  
9                   shall accept applications under paragraph (1) on an  
10                  annual rolling basis and make such application avail-  
11                  able as a standardized form in electronic and written  
12                  format.

13                  (c) AMOUNT OF GRANTS.—Subject to the availability  
14                  of appropriations, each parent of an eligible student who  
15                  the Secretary determines qualifies for a grant under this  
16                  section shall receive a grant under this section in an  
17                  amount that—

18                   (1) in the case of an eligible student with a  
19                   household income less than or equal to 100 percent  
20                   of the reduced price lunch rate income, is equal to  
21                   100 percent of the per-pupil funding with respect to  
22                   the local educational agency serving such eligible  
23                   student, as determined by the Secretary;

24                   (2) in the case of an eligible student with a  
25                   household income greater than 100 percent but less

1 than or equal to 150 percent of the reduced price  
2 lunch rate income, is equal to 90 percent of the per-  
3 pupil funding with respect to the local educational  
4 agency serving such eligible student, as determined  
5 by the Secretary;

6 (3) in the case of an eligible student with a  
7 household income greater than 150 percent but less  
8 than or equal to 200 percent of the reduced price  
9 lunch rate income, is equal to 80 percent of the per-  
10 pupil funding with respect to the local educational  
11 agency serving such eligible student, as determined  
12 by the Secretary; and

13 (4) in the case of an eligible student with a  
14 household income greater than 200 percent but less  
15 than or equal to 250 percent of the reduced price  
16 lunch rate income, is equal to 70 percent of the per-  
17 pupil funding with respect to the local educational  
18 agency serving such eligible student, as determined  
19 by the Secretary.

20 (d) USE OF FUNDS.—Any amounts made available  
21 to a parent under this section may be used—

22 (1) with respect to an eligible student, to pay  
23 the tuition and fees for a private elementary school  
24 or a private secondary school;

1           (2) for private tutoring (including through a  
2 learning pod or microschool);

3           (3) for the home school expenses of such eligi-  
4 ble student;

5           (4) to purchase educational materials, including  
6 instruction materials and textbooks for such eligible  
7 student;

8           (5) for purchasing electronic devices to facili-  
9 tate the education of such eligible student; or

10          (6) for such other purposes as the Secretary de-  
11 termines appropriate.

12          (e) RULES OF CONSTRUCTION.—Nothing in this sec-  
13 tion shall be construed to—

14           (1) impact any aspect of private, religious, or  
15 home education providers;

16           (2) exclude private, religious, or home education  
17 providers from receiving funds pursuant to a grant  
18 under this section; or

19           (3) require a qualified educational service pro-  
20 vider to alter any creed, practice, admissions policy,  
21 or curriculum in order to receive funds pursuant to  
22 a grant under this section.

23          (f) FUNDING.—From any amounts appropriated  
24 under title I of the Elementary and Secondary Education  
25 Act, the Secretary shall use 10 percent of such amounts

1 to carry out this section and award opportunity grants to  
2 parents with approved applications in accordance with this  
3 section.

4 (g) DEFINITIONS.—In this section:

5 (1) ELIGIBLE STUDENT.—The term “eligible  
6 student” means a student—

7 (A) served by a local educational agency  
8 that teaches or advances any of the following  
9 through curriculum or other activities:

10 (i) Any race is inherently superior or  
11 inferior to any other race.

12 (ii) The United States is a fundamen-  
13 tally racist country.

14 (iii) The Declaration of Independence  
15 or the United States Constitution are fun-  
16 damentally racist documents.

17 (iv) An individual’s moral worth is de-  
18 termined by his or her race.

19 (v) An individual, by virtue of his or  
20 her race, is inherently racist or oppressive,  
21 whether consciously or unconsciously.

22 (vi) An individual, because of his or  
23 her race, bears responsibility for the ac-  
24 tions committed by members of his or her  
25 race.

1 (B) from a household with a household in-  
2 come that is less than 250 percent of the re-  
3 duced price lunch rate income.

4 (2) ESEA TERMS.—The terms “local edu-  
5 cational agency”, “parent”, and “Secretary” have  
6 the meanings given such terms in section 8101 of  
7 the Elementary and Secondary Education Act of  
8 1965 (20 U.S.C. 7801).

9 (3) HOUSEHOLD INCOME.—The term “house-  
10 hold income” has the meaning given such term in  
11 section 36B(d)(2) of the Internal Revenue Code of  
12 1986 (26 U.S.C. 36B(d)(2)).

13 (4) REDUCED PRICE LUNCH RATE INCOME.—  
14 The term “reduced price lunch rate income” means  
15 185 percent of the applicable family size income lev-  
16 els contained in the nonfarm income poverty guide-  
17 lines prescribed by the Office of Management and  
18 Budget, as adjusted annually in accordance with  
19 subparagraph (B) of section 9(b)(1) of the Richard  
20 B. Russell National School Lunch Act (42 U.S.C.  
21 1758(b)(1)).