

116TH CONGRESS
2D SESSION

H. R. 7692

To provide a grant program for elementary schools, secondary schools, and institutions of higher education to help offset costs associated with complying with guidelines, recommendations, and other public health communications issued by the Centers for Disease Control and Prevention, or a State, Indian Tribe, Tribal organization, or locality related to mitigating the hazards presented by COVID–19.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2020

Ms. TITUS introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide a grant program for elementary schools, secondary schools, and institutions of higher education to help offset costs associated with complying with guidelines, recommendations, and other public health communications issued by the Centers for Disease Control and Prevention, or a State, Indian Tribe, Tribal organization, or locality related to mitigating the hazards presented by COVID–19.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Reopen Schools Safely
3 Act”.

4 **SEC. 2. STATE GRANT PROGRAM TO SAFELY REOPEN**
5 **SCHOOLS.**

6 (a) DEFINITIONS.—In this section:

7 (1) INDIAN TRIBE.—The term “Indian Tribe”
8 has the meaning given the term “Indian tribe” in
9 section 4 of the Indian Self-Determination and Edu-
10 cation Assistance Act (25 U.S.C. 5304).

11 (2) INSTITUTION OF HIGHER EDUCATION.—The
12 term “institution of higher education” has the
13 meaning given the term in section 102 of the Higher
14 Education Act of 1965 (20 U.S.C. 1002).

15 (3) LOCAL EDUCATIONAL AGENCY.—The term
16 “local educational agency” has the meaning given
17 the term in section 8101 of the Elementary and Sec-
18 ondary Education Act of 1965 (20 U.S.C. 7801).

19 (4) OUTLYING AREAS.—The term “outlying
20 areas” means American Samoa, the Commonwealth
21 of the Northern Mariana Islands, Guam, and the
22 United States Virgin Islands.

23 (5) PERSONAL PROTECTIVE EQUIPMENT.—The
24 term “personal protective equipment” has the mean-
25 ing given the term in section 20005 of the CARES
26 Act (Public Law 116–136).

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of Education.

3 (7) STATE.—The term “State” means each of
4 the 50 States, the District of Columbia, and the
5 Commonwealth of Puerto Rico.

6 (8) TRIBAL ORGANIZATION.—The term “Tribal
7 organization” has the meaning given the term “trib-
8 al organization” in section 4 of the Indian Self-De-
9 termination and Education Assistance Act (25
10 U.S.C. 5304).

11 (b) AUTHORIZATION OF GRANT PROGRAM.—

12 (1) RESERVATION.—From the amount appro-
13 priated to carry out this section for a fiscal year, the
14 Secretary shall reserve one-half of 1 percent for the
15 Bureau of Indian Education and one-half of 1 per-
16 cent for the outlying areas.

17 (2) AUTHORIZATION.—The Secretary shall
18 award grants to States from allotments made to the
19 States under paragraph (3) to offset costs associated
20 with complying with guidelines, recommendations,
21 and other public health communications issued by
22 the Centers for Disease Control and Prevention, or
23 a State, Indian Tribe, Tribal organization, or local-
24 ity related to mitigating the hazards presented by
25 Coronavirus Disease 2019 (COVID–19).

1 (3) ALLOTMENT FORMULA.—From the amount
2 appropriated to carry out this section for a fiscal
3 year and not reserved under paragraph (1), the Sec-
4 retary shall allot to each State for such fiscal year
5 an amount that is equal to the sum of—

6 (A) the amount that bears the same rela-
7 tion to 60 percent of the amount appropriated
8 for such fiscal year and not reserved under
9 paragraph (1), as the number of individuals
10 aged 5 through 24 in the State bears to the
11 total number of such individuals in all States,
12 and

13 (B) the amount that bears the same rela-
14 tion to 40 percent of the amount appropriated
15 for such fiscal year and not reserved under
16 paragraph (1), as the number of children count-
17 ed under section 1124(c) of the Elementary and
18 Secondary Education Act of 1965 (20 U.S.C.
19 6333(c)) in the State bears to the total number
20 of such children counted in all States.

21 (c) APPLICATION.—

22 (1) IN GENERAL.—The Governor of a State
23 that desires to receive a grant under this section
24 shall submit an application to the Secretary at such

1 time, in such manner, and accompanied by such in-
2 formation as the Secretary may require.

3 (2) TIMELINE.—The Secretary shall—

4 (A) not later than 15 days after the date
5 of enactment of this Act, issue a notification for
6 applications for grants under this section; and

7 (B) not later than 30 days after the date
8 of notification for applications for grants under
9 this section, begin to award grants under this
10 section.

11 (d) ALLOWABLE USES OF FUNDS.—

12 (1) IN GENERAL.—A State that receives a
13 grant under this section shall use not less than 95
14 percent of the grant funds to award subgrants only
15 to local educational agencies or institutions of higher
16 education to enable such agencies and institutions to
17 offset costs associated with complying with guide-
18 lines, recommendations, and other public health
19 communications issued by the Centers for Disease
20 Control and Prevention, or a State, Indian Tribe,
21 Tribal organization, or locality related to mitigating
22 the hazards presented by Coronavirus Disease 2019
23 (COVID–19), including by carrying out the fol-
24 lowing:

1 (A) Designing and implementing exposure
2 control plans.

3 (B) Hiring personnel and purchasing
4 equipment necessary for health screenings, in-
5 cluding temperature screenings.

6 (C) Purchasing in vitro diagnostic products
7 (as defined in section 809.3 of title 21, Code of
8 Federal Regulations) for the detection of
9 SARS-CoV-2 or the diagnosis of the virus that
10 causes COVID-19 that are approved, cleared,
11 or authorized under section 510(k), 513, or 564
12 of the Federal Food, Drug, and Cosmetic Act
13 (21 U.S.C. 360(k); 360c; 360bbb-3), including
14 both diagnostic and serological tests, as appro-
15 priate.

16 (D) Purchasing and installing physical
17 barriers and reconfiguring physical public
18 school buildings, including classrooms and other
19 aspects of the school's learning environment, to
20 provide for adequate social distancing.

21 (E) Providing students, educators, and
22 school staff with personal protective equipment.

23 (F) Purchasing sanitation supplies, includ-
24 ing EPA-approved disinfectant and hiring ade-
25 quate personnel to conduct school cleanings.

1 (G) Developing and providing training re-
2 lated to COVID–19, including the use of per-
3 sonal protective equipment.

4 (H) Purchasing and installing new ventila-
5 tion systems, as necessary.

6 (I) Purchasing any other items, personnel,
7 or services determined necessary or rec-
8 ommended by the Secretary or a State, Indian
9 Tribe, Tribal organization, or locality related to
10 mitigating the hazards presented by COVID–
11 19.

12 (J) Hiring transportation personnel and
13 purchasing vehicles to transport students.

14 (K) Purchasing connected devices for stu-
15 dents to use at home, high-speed internet or
16 broadband access, or other technology to ensure
17 students can complete all schoolwork at home.

18 (L) Purchasing secure, third-party applica-
19 tions for symptom monitoring and associated
20 information technology services.

21 (2) CONSULTATION.—A State that receives a
22 grant under this section shall engage in meaningful
23 consultation on the distribution of grant funds with
24 local educational agencies, institutions of higher edu-
25 cation, labor organizations, parents, students, school

1 support staff, public health experts, the State edu-
2 cational agency, and educators.

3 (3) ADMINISTRATIVE FUNDS.—A State that re-
4 ceives a grant under this section may reserve not
5 more than 5 percent of the grant funds for adminis-
6 trative costs and to develop State standards for miti-
7 gating COVID–19 in schools.

8 (4) APPLICATION FOR SUBGRANTS.—A State
9 that receives a grant under this section shall estab-
10 lish an application process for local educational
11 agencies and institutions of higher education to
12 apply for subgrants under this section.

13 (e) REIMBURSEMENT OF FUNDS.—

14 (1) IN GENERAL.—A State that receives a
15 grant under this section may reimburse a local edu-
16 cational agency or institution of higher education for
17 costs associated with safely reopening if the local
18 educational agency or institution of higher education
19 purchased or had expenditures that qualify as an al-
20 lowable use of funds under subsection (d).

21 (2) DATE OF REIMBURSEMENT ELIGIBILITY.—
22 A local educational agency or institution of higher
23 education may only be reimbursed under paragraph
24 (1) for a cost incurred after the date of the COVID–
25 19 national emergency.

1 (3) COVID–19 NATIONAL EMERGENCY.—In
2 this subsection, the term “COVID–19 national
3 emergency” means the national emergency declared
4 by the President under the National Emergencies
5 Act (50 U.S.C. 1601 et seq.) on March 13, 2020,
6 with respect to the coronavirus.

7 (f) RECEIPTS AND RECORDS.—

8 (1) IN GENERAL.—A State that receives a
9 grant under this section or a local educational agen-
10 cy or institution of higher education that receives a
11 subgrant under this section shall keep all receipts
12 and records on the use of such grant or subgrant
13 funds.

14 (2) RECEIPTS FOR REIMBURSEMENT OF
15 FUNDS.—Prior to reimbursing a local educational
16 agency or institution of education for an allowable
17 use of funds under subsection (d) pursuant to sub-
18 section (e), the State shall certify that such funds
19 were spent on expenses that are deemed an allowable
20 use of funds as described in subsection (d).

21 (g) REPORTS.—

22 (1) LOCAL EDUCATIONAL AGENCY AND INSTI-
23 TUTION OF HIGHER EDUCATION REPORTS.—Each
24 local educational agency or institution of higher edu-
25 cation that receives a subgrant under this section

1 shall submit a report to the State that awarded the
2 subgrant that details the use of the subgrant funds.

3 (2) STATE REPORTS.—Each State that receives
4 a grant under this section shall submit an annual re-
5 port to the Secretary that details the use of the
6 grant funds, including the amount of funds reim-
7 bursed by the State to local educational agencies or
8 institutions of higher education.

9 (3) SECRETARY REPORT.—The Secretary
10 shall—

11 (A) submit an annual report to Congress
12 on the grant program carried out under this
13 section; and

14 (B) make such report publicly available.

15 (h) RETURNING FUNDS.—

16 (1) IN GENERAL.—Any funds received under
17 this section that are unexpended on the date that is
18 1 year after the date of receipt of the funds shall be
19 returned to the Secretary.

20 (2) REALLOCATION.—The Secretary shall re-
21 allocate funds returned under paragraph (1) to the
22 remaining States in accordance with subsection
23 (b)(3).

24 (i) RESTRICTIONS.—A State that receives a grant
25 under this section or a local educational agency or institu-

1 tion of higher education that receives a subgrant under
2 this section may not resell any unused supplies or mate-
3 rials purchased with funds received under this section.

4 (j) MAINTENANCE OF EFFORT.—A State’s applica-
5 tion for grant funds under this section shall include assur-
6 ances that the State shall, to the greatest extent prac-
7 ticable, maintain support for elementary and secondary
8 education, and State support for higher education (which
9 shall include State funding to institutions of higher edu-
10 cation and State need-based financial aid, and shall not
11 include support for capital projects or for research and
12 development or tuition and fees paid by students) in fiscal
13 years 2020, 2021, and 2022 at least at the levels of such
14 support that is the average of such State’s support for
15 elementary and secondary education and for higher edu-
16 cation provided in the 3 fiscal years preceding the date
17 of enactment of this Act.

18 (k) EQUITABLE SERVICES.—

19 (1) IN GENERAL.—

20 (A) PROVISION OF EQUITABLE SERV-
21 ICES.—Subject to subparagraphs (B) and (C),
22 a local educational agency receiving funds
23 under this section shall provide equitable serv-
24 ices to students from low-income families, and
25 teachers of such students, in non-public schools

1 in the same manner as provided under section
2 1117 of the Elementary and Secondary Edu-
3 cation Act of 1965 (20 U.S.C. 6320) (including
4 the specific requirements of subsections
5 (a)(4)(A)(i) and (c) of such section), subject to
6 paragraph (2), as determined in consultation
7 with representatives of non-public schools.

8 (B) DETERMINATION OF PROPORTIONAL
9 SHARE.—In determining the proportional share
10 of expenditures for the equitable services de-
11 scribed in subparagraph (A), a local educational
12 agency shall use the proportion determined
13 under section 1117(a)(4)(A)(i) of the Elemen-
14 tary and Secondary Education Act of 1965 (20
15 U.S.C. 6320(a)(4)(A)(i)) for the purposes of
16 part A of title I of such Act for fiscal year
17 2019.

18 (C) ELIGIBLE STUDENTS AND TEACH-
19 ERS.—A local educational agency required to
20 provide equitable services under subparagraph
21 (A) shall provide such services to students and
22 teachers at non-public schools whose students
23 or teachers were eligible to receive equitable
24 services from such local educational agency dur-
25 ing fiscal year 2019 under section 1117 of the

1 Elementary and Secondary Education Act of
2 1965 (20 U.S.C. 6320).

3 (2) PUBLIC CONTROL OF FUNDS.—The control
4 of funds for the services and assistance provided to
5 a non-public school under paragraph (1), and title to
6 materials, equipment, and property purchased with
7 such funds, shall be in a public agency, and a public
8 agency shall administer such funds, materials, equip-
9 ment, and property and shall provide such services
10 (or may contract for the provision of such services
11 with a public or private entity).

12 (1) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out this section
14 \$90,000,000,000 for fiscal years 2020 through 2022.

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