

117TH CONGRESS  
2D SESSION

# S. 3554

To establish an alternative use of certain Federal education funds when in-person instruction is not available.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2022

Mr. SCOTT of South Carolina (for himself, Mr. CASSIDY, and Mr. BURR) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To establish an alternative use of certain Federal education funds when in-person instruction is not available.

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 “Kids in Classes Act”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) Research indicates that children living in  
8 the poorest 20 percent of neighborhoods in the  
9 United States will experience the most negative and  
10 long-lasting effects of school closures.

1           (2) Researchers predict that 1 year of school  
2 closures will cost ninth graders in the poorest com-  
3 munities a 25 percent decrease in their post-edu-  
4 cational earning potential, even if that year of clo-  
5 sure is followed by 3 years of normal schooling. By  
6 contrast, the same researchers predict no substantial  
7 losses for students from the richest 20 percent of  
8 neighborhoods.

9           (3) Long periods of school closures during the  
10 COVID–19 pandemic deprive low-income students  
11 and students of color the equalizing force of edu-  
12 cation.

13           (4) School closures will widen educational in-  
14 equality and the learning gaps created by these clo-  
15 sures will persist as students progress through high  
16 school, putting their future prospects at risk.

17           (5) Data shows that closed classrooms were dis-  
18 proportionately composed of disadvantaged students,  
19 as well as students with low mathematics scores,  
20 students with limited English proficiency, or stu-  
21 dents who qualify for a free or reduced priced lunch.

22           (6) School shutdowns contribute to dispropor-  
23 tionate learning loss for disadvantaged students,  
24 compounding existing gaps.

1 **SEC. 3. USE OF TITLE I FUNDS IF IN-PERSON INSTRUCTION**  
2 **IS NOT AVAILABLE.**

3 (a) TITLE I FUNDS TO FOLLOW ELIGIBLE CHIL-  
4 DREN.—Notwithstanding any other provision of law, a  
5 State educational agency shall not receive grant funds pro-  
6 vided under title I of the Elementary and Secondary Edu-  
7 cation Act of 1965 (20 U.S.C. 6311 et seq.), unless the  
8 State has provided for the allocation of those funds di-  
9 rectly to the parent or guardian of an eligible child for  
10 qualified educational expenses (including curriculum and  
11 curricular materials, books or instructional materials,  
12 technological educational materials, online educational  
13 materials, tutoring or educational classes outside the  
14 home, private school tuition, testing fees, diagnostic tools,  
15 and educational therapies for students with disabilities)  
16 for the purposes of ensuring that funding under such title  
17 follows eligible children.

18 (b) ELIGIBLE CHILD.—In this section the term “eli-  
19 gible child” means a child who attends a public elementary  
20 school or secondary school that—

21 (1) receives funds provided under title I of the  
22 Elementary and Secondary Education Act of 1965  
23 (20 U.S.C. 6311 et seq.); and

24 (2) fails for more than 3 days during a school  
25 year, for reasons related to public health emergency  
26 or collective bargaining action, to make available in-

- 1 person instruction for all students who wish to at-
- 2 tend.

