

116TH CONGRESS
2D SESSION

S. 4081

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 SENATE OF THE UNITED STATES

JUNE 25, 2020

Ms. STABENOW (for herself, Mr. CASSIDY, and Mr. JONES) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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. FINDINGS.**

5 Congress finds the following:

6 (1) In order to safely return to school in the
7 fall, elementary schools, secondary schools, and insti-
8 tutions of higher education must follow the guide-
9 lines provided by the Centers for Disease Control
10 and Prevention (CDC), States, Indian Tribes, Tribal
11 organizations, or localities.

12 (2) In order to follow the guidelines provided by
13 the CDC and other entities, schools and institutions
14 must have the resources, training, and expertise nec-
15 essary to ensure students, faculty, and staff can re-
16 turn to a safe school environment.

17 (3) Safely reopening schools is critical to the
18 long-term health and well-being of children, espe-
19 cially children from low-income households and chil-
20 dren with disabilities.

21 (4) If schools are unable to safely reopen in the
22 fall of 2020, student achievement gaps will be exac-
23 erbated, the digital divide will widen, social and emo-
24 tional learning needs will become greater, and par-
25 ents of young children will be forced to choose be-
26 tween paying for daycare services and returning to

1 work or staying home with their children and for-
2 going employment opportunities.

3 (5) For many institutions of higher education,
4 safely reopening campuses is essential to long-term
5 survivability, especially for institutions that serve a
6 high percentage of low-income, Federal Pell Grant-
7 eligible students.

8 (6) On June 10, 2020, the Committee on
9 Health, Education, Labor, and Pensions of the Sen-
10 ate held the hearing titled, “COVID–19: Going Back
11 to School Safely” where Ms. Susana Cordova, the
12 Superintendent of Denver Public Schools, testified
13 that, after conducting a community-wide survey, the
14 survey was “loud and clear: prioritize health and
15 wellness”.

16 (7) On June 4, 2020, the Committee on Health,
17 Education, Labor, and Pensions of the Senate held
18 the hearing titled, “COVID–19: Going Back to Col-
19 lege Safely”, where Dr. Logan Hampton, the Presi-
20 dent of Lane College in the State of Tennessee, tes-
21 tified that Congress needs to “provide funding for
22 the safety of our students, faculty, and staff” and
23 that doing so will “help institutions adequately pre-
24 pare and effectively execute the return of students to

1 the classroom as we protect our campuses and larger
2 communities”.

3 (8) Safely reopening elementary schools, sec-
4 ondary schools, and institutions of higher education
5 requires robust funding support to ensure schools
6 and institutions are not left with unfunded man-
7 dates.

8 **SEC. 3. STATE GRANT PROGRAM TO SAFELY REOPEN**
9 **SCHOOLS.**

10 (a) DEFINITIONS.—In this section:

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

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

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

23 (4) OUTLYING AREAS.—The term “outlying
24 areas” means American Samoa, the Commonwealth

1 of the Northern Mariana Islands, Guam, and the
2 United States Virgin Islands.

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

7 (6) SECRETARY.—The term “Secretary” means
8 the Secretary of Education.

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

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

17 (b) AUTHORIZATION OF GRANT PROGRAM.—

18 (1) RESERVATION.—From the amount appro-
19 priated to carry out this section for a fiscal year, the
20 Secretary shall reserve one-half of 1 percent for the
21 Bureau of Indian Education and one-half of 1 per-
22 cent for the outlying areas.

23 (2) AUTHORIZATION.—The Secretary shall
24 award grants to States from allotments made to the
25 States under paragraph (3) to offset costs associated

1 with complying with guidelines, recommendations,
2 and other public health communications issued by
3 the Centers for Disease Control and Prevention, or
4 a State, Indian Tribe, Tribal organization, or local-
5 ity related to mitigating the hazards presented by
6 Coronavirus Disease 2019 (COVID-19).

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

12 (A) the amount that bears the same rela-
13 tion to 60 percent of the amount appropriated
14 for such fiscal year and not reserved under
15 paragraph (1), as the number of individuals
16 aged 5 through 24 in the State bears to the
17 total number of such individuals in all States;
18 and

19 (B) the amount that bears the same rela-
20 tion to 40 percent of the amount appropriated
21 for such fiscal year and not reserved under
22 paragraph (1), as the number of children count-
23 ed under section 1124(c) of the Elementary and
24 Secondary Education Act of 1965 (20 U.S.C.

1 6333(c)) in the State bears to the total number
2 of such children counted in all States.

3 (c) APPLICATION.—

4 (1) IN GENERAL.—The Governor of a State
5 that desires to receive a grant under this section
6 shall submit an application to the Secretary at such
7 time, in such manner, and accompanied by such in-
8 formation as the Secretary may require.

9 (2) TIMELINE.—The Secretary shall—

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

13 (B) not later than 30 days after the date
14 of notification for applications for grants under
15 this section, begin to award grants under this
16 section.

17 (d) ALLOWABLE USES OF FUNDS.—

18 (1) IN GENERAL.—A State that receives a
19 grant under this section shall use not less than 95
20 percent of the grant funds to award subgrants only
21 to local educational agencies or institutions of higher
22 education to enable such agencies and institutions to
23 offset costs associated with complying with guide-
24 lines, recommendations, and other public health
25 communications issued by the Centers for Disease

1 Control and Prevention, or a State, Indian Tribe,
2 Tribal organization, or locality related to mitigating
3 the hazards presented by Coronavirus Disease 2019
4 (COVID–19), including by carrying out the fol-
5 lowing:

6 (A) Designing and implementing exposure
7 control plans.

8 (B) Hiring personnel and purchasing
9 equipment necessary for health screenings, in-
10 cluding temperature screenings.

11 (C) Purchasing in vitro diagnostic products
12 (as defined in section 809.3 of title 21, Code of
13 Federal Regulations) for the detection of
14 SARS–CoV–2 or the diagnosis of the virus that
15 causes COVID–19 that are approved, cleared,
16 or authorized under section 510(k), 513, or 564
17 of the Federal Food, Drug, and Cosmetic Act
18 (21 U.S.C. 360(k); 360c; 360bbb–3), including
19 both diagnostic and serological tests, as appro-
20 priate.

21 (D) Purchasing and installing physical
22 barriers and reconfiguring physical public
23 school buildings, including classrooms and other
24 aspects of the school’s learning environment, to
25 provide for adequate social distancing.

1 (E) Providing students, educators, and
2 school staff with personal protective equipment.

3 (F) Purchasing sanitation supplies, includ-
4 ing EPA-approved disinfectant and hiring ade-
5 quate personnel to conduct school cleanings.

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

9 (H) Purchasing and installing new ventila-
10 tion systems, as necessary.

11 (I) Purchasing any other items, personnel,
12 or services determined necessary or rec-
13 ommended by the Secretary or a State, Indian
14 Tribe, Tribal organization, or locality related to
15 mitigating the hazards presented by COVID–
16 19.

17 (J) Hiring transportation personnel and
18 purchasing vehicles to transport students.

19 (K) Purchasing connected devices for stu-
20 dents to use at home, high-speed internet or
21 broadband access, or other technology to ensure
22 students can complete all schoolwork at home.

23 (L) Purchasing secure, third-party applica-
24 tions for symptom monitoring and associated
25 information technology services.

1 (2) CONSULTATION.—A State that receives a
2 grant under this section shall engage in meaningful
3 consultation on the distribution of grant funds with
4 local educational agencies, institutions of higher edu-
5 cation, labor organizations, parents, students, school
6 support staff, public health experts, the State edu-
7 cational agency, and educators.

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

13 (4) APPLICATION FOR SUBGRANTS.—A State
14 that receives a grant under this section shall estab-
15 lish an application process for local educational
16 agencies and institutions of higher education to
17 apply for subgrants under this section.

18 (e) REIMBURSEMENT OF FUNDS.—

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

1 (2) DATE OF REIMBURSEMENT ELIGIBILITY.—

2 A local educational agency or institution of higher
3 education may only be reimbursed under paragraph
4 (1) for a cost incurred after the date of the COVID–
5 19 national emergency.

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

12 (f) RECEIPTS AND RECORDS.—

13 (1) IN GENERAL.—A State that receives a
14 grant under this section or a local educational agen-
15 cy or institution of higher education that receives a
16 subgrant under this section shall keep all receipts
17 and records on the use of such grant or subgrant
18 funds.

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

1 (g) REPORTS.—

2 (1) LOCAL EDUCATIONAL AGENCY AND INSTI-
3 TUTION OF HIGHER EDUCATION REPORTS.—Each
4 local educational agency or institution of higher edu-
5 cation that receives a subgrant under this section
6 shall submit a report to the State that awarded the
7 subgrant that details the use of the subgrant funds.

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

14 (3) SECRETARY REPORT.—The Secretary
15 shall—

16 (A) submit an annual report to Congress
17 on the grant program carried out under this
18 section; and

19 (B) make such report publicly available.

20 (h) RETURNING FUNDS.—

21 (1) IN GENERAL.—Any funds received under
22 this section that are unexpended on the date that is
23 1 year after the date of receipt of the funds shall be
24 returned to the Secretary.

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

5 (i) RESTRICTIONS.—A State that receives a grant
6 under this section or a local educational agency or institu-
7 tion of higher education that receives a subgrant under
8 this section may not resell any unused supplies or mate-
9 rials purchased with funds received under this section.

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

24 (k) EQUITABLE SERVICES.—

25 (1) IN GENERAL.—

1 (A) PROVISION OF EQUITABLE SERV-
2 ICES.—Subject to subparagraphs (B) and (C),
3 a local educational agency receiving funds
4 under this section shall provide equitable serv-
5 ices to students from low-income families, and
6 teachers of such students, in non-public schools
7 in the same manner as provided under section
8 1117 of the Elementary and Secondary Edu-
9 cation Act of 1965 (20 U.S.C. 6320) (including
10 the specific requirements of subsections
11 (a)(4)(A)(i) and (c) of such section), subject to
12 paragraph (2), as determined in consultation
13 with representatives of non-public schools.

14 (B) DETERMINATION OF PROPORTIONAL
15 SHARE.—In determining the proportional share
16 of expenditures for the equitable services de-
17 scribed in subparagraph (A), a local educational
18 agency shall use the proportion determined
19 under section 1117(a)(4)(A)(i) of the Elemen-
20 tary and Secondary Education Act of 1965 (20
21 U.S.C. 6320(a)(4)(A)(i)) for the purposes of
22 part A of title I of such Act for fiscal year
23 2019.

24 (C) ELIGIBLE STUDENTS AND TEACH-
25 ERS.—A local educational agency required to

1 provide equitable services under subparagraph
2 (A) shall provide such services to students and
3 teachers at non-public schools whose students
4 or teachers were eligible to receive equitable
5 services from such local educational agency dur-
6 ing fiscal year 2019 under section 1117 of the
7 Elementary and Secondary Education Act of
8 1965 (20 U.S.C. 6320).

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

18 (l) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to carry out this section
20 such sums as may be necessary for fiscal years 2020
21 through 2022.

○