

[~116H4316]



(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To provide for temporary emergency impact aid for local educational agencies.

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IN THE HOUSE OF REPRESENTATIVES

Miss RICE of New York introduced the following bill; which was referred to  
the Committee on \_\_\_\_\_

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**A BILL**

To provide for temporary emergency impact aid for local  
educational agencies.

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 “Public School Emer-  
5 gency Relief Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1           (1) The United States continues to experience  
2           an unprecedented influx in arrivals of unaccom-  
3           panied children.

4           (2) In fiscal year 2019, the Department of  
5           Health and Human Services Office of Refugee Re-  
6           settlement released 72,837 unaccompanied alien chil-  
7           dren to sponsors nationwide.

8           (3) Federal law, as upheld by the Supreme  
9           Court decision in *Plyer v. Doe*, 457 U.S. 202  
10          (1982), permits all children residing in the United  
11          States access to a public elementary and secondary  
12          education regardless of their immigration status.

13          (4) An unprecedented influx of unaccompanied  
14          alien children has resulted in a strain on the Na-  
15          tion's public school system.

16          (5) In response to these conditions, this Act  
17          creates an emergency grant for the 2021–2022  
18          school year tailored to the needs of local educational  
19          agencies affected by enrollment increases attrib-  
20          utable to unaccompanied alien children.

21   **SEC. 3. TEMPORARY EMERGENCY IMPACT AID FOR IMMI-**  
22                                   **GRANT STUDENTS.**

23          (a) TEMPORARY EMERGENCY IMPACT AID AUTHOR-  
24          IZED.—

1           (1) AID TO STATE EDUCATIONAL AGENCIES.—  
2           From amounts appropriated to carry out this Act,  
3           the Secretary of Education shall provide emergency  
4           impact aid to State educational agencies to enable  
5           the State educational agencies to make emergency  
6           impact aid payments to eligible local educational  
7           agencies and eligible BIA-funded schools to enable  
8           such eligible local educational agencies and schools  
9           to provide for the instruction of students served by  
10          such agencies and schools.

11          (2) AID TO LOCAL EDUCATIONAL AGENCIES  
12          AND BIA-FUNDED SCHOOLS.—A State educational  
13          agency shall make emergency impact aid payments  
14          to eligible local educational agencies and eligible  
15          BIA-funded schools in accordance with subsection  
16          (c).

17          (3) NOTICE OF FUNDS AVAILABILITY.—Not  
18          later than 14 calendar days after funds are made  
19          available to carry out this Act, the Secretary of Edu-  
20          cation shall publish in the Federal Register a notice  
21          of the availability of funds under this section.

22          (b) APPLICATION.—

23                 (1) STATE EDUCATIONAL AGENCY.—Not later  
24                 than 7 calendar days after the date by which appli-  
25                 cations under paragraph (2) shall be submitted, a

1 State educational agency that desires to receive  
2 emergency impact aid under this section shall sub-  
3 mit an application to the Secretary of Education, in  
4 such manner and accompanied by such information  
5 as the Secretary of Education may require, including  
6 information on the total immigrant student child  
7 count of the State provided in applications sub-  
8 mitted under paragraph (2) by eligible local edu-  
9 cational agencies and eligible BIA-funded schools in  
10 the State.

11 (2) LOCAL EDUCATIONAL AGENCIES AND BIA-  
12 FUNDED SCHOOLS.—Not later than 14 days after  
13 the date of the publication of the notice described in  
14 subsection (a)(3), an eligible local educational agen-  
15 cy or eligible BIA-funded school that desires an  
16 emergency impact aid payment under this section  
17 shall submit an application to the State educational  
18 agency, in such manner, and accompanied by such  
19 information as the State educational agency may re-  
20 quire, including documentation submitted for the  
21 most recent quarter completed that indicates the fol-  
22 lowing:

23 (A) In the case of an eligible local edu-  
24 cational agency, the number of immigrant stu-  
25 dents enrolled in the elementary schools and

1 secondary schools (including charter schools)  
2 served by such agency for such quarter.

3 (B) In the case of an eligible BIA-funded  
4 school, the number of immigrant students en-  
5 rolled in such school for such quarter.

6 (3) DETERMINATION OF NUMBER OF IMMI-  
7 GRANT STUDENTS.—In determining the number of  
8 immigrant students for a quarter under paragraph  
9 (2), an eligible local educational agency or eligible  
10 BIA-funded school shall include the number of im-  
11 migrant students served—

12 (A) in the case of a determination for the  
13 first quarterly installment, during the most re-  
14 cent quarter completed before the date of enact-  
15 ment of this Act; and

16 (B) in the case of a determination for each  
17 subsequent quarterly installment, during the  
18 quarter immediately preceding the quarter for  
19 which the installment is provided.

20 (c) AMOUNT OF EMERGENCY IMPACT AID.—

21 (1) AID TO STATE EDUCATIONAL AGENCIES.—

22 (A) IN GENERAL.—The amount of emer-  
23 gency impact aid received by a State edu-  
24 cational agency for the 2021–2022 school year  
25 shall equal the product of—

1 (i) the increase (if any) in the total  
2 number of immigrant students—

3 (I) as determined by the eligible  
4 local educational agencies and eligible  
5 BIA-funded schools in the State  
6 under subsection (b)(2); over

7 (II) the number of such students  
8 enrolled in such State during the cor-  
9 responding quarter of the 2019–2020  
10 school year; and

11 (ii) \$12,000.

12 (B) INSUFFICIENT FUNDS.—If the amount  
13 available to provide emergency impact aid under  
14 this section is insufficient to pay the full  
15 amount that each State educational agency is  
16 eligible to receive under this section, the Sec-  
17 retary of Education shall ratably reduce the  
18 amount of such emergency impact aid to each  
19 such State educational agency.

20 (C) RETENTION OF STATE SHARE.—In the  
21 case of a State educational agency that has  
22 made a payment to a local educational agency  
23 prior to the date of enactment of this Act for  
24 the purpose of covering additional costs in-  
25 curred as a result of enrolling an immigrant

1 student in a school served by the local edu-  
2 cational agency for the 2018–2019 and 2019–  
3 2020 school years, the State educational agency  
4 may retain a portion of the payment described  
5 in paragraph (2)(A)(ii) that bears the same re-  
6 lation to the total amount of the payment under  
7 such paragraph as the sum of such prior pay-  
8 ments bears to the total cost of attendance for  
9 all students in that local educational agency for  
10 whom the State educational agency made such  
11 prior payments.

12 (2) AID TO ELIGIBLE LOCAL EDUCATIONAL  
13 AGENCIES AND ELIGIBLE BIA-FUNDED SCHOOLS.—

14 (A) QUARTERLY INSTALLMENTS.—

15 (i) IN GENERAL.—A State educational  
16 agency shall provide emergency impact aid  
17 payments under this section to eligible  
18 local educational agencies and eligible BIA-  
19 funded schools on a quarterly basis for the  
20 2021–2022 school year by such dates as  
21 determined by the Secretary of Education.  
22 Such quarterly installment payments shall  
23 be based on the number of immigrant stu-  
24 dents reported under subsection (b)(2).

1           (ii) PAYMENT AMOUNT.—Subject to  
2 paragraph (1)(B), each quarterly install-  
3 ment payment under clause (i) shall equal  
4 25 percent of the amount determined  
5 under paragraph (1)(A).

6           (iii) TIMELINE.—The Secretary of  
7 Education shall establish a timeline for  
8 quarterly reporting on the number of im-  
9 migrant students in order to make the ap-  
10 propriate disbursements in a timely man-  
11 ner.

12           (iv) INSUFFICIENT FUNDS.—If, for  
13 any quarter, the amount available to a  
14 State educational agency under this section  
15 to make payments to eligible local edu-  
16 cational agencies and eligible BIA-funded  
17 schools under this subsection is insufficient  
18 to pay the full amount that an eligible local  
19 educational agency or eligible BIA-funded  
20 school is eligible to receive under this sec-  
21 tion, the State educational agency shall  
22 ratably reduce the amount of such pay-  
23 ments to each such agency and school.

24           (3) IMMIGRANT STUDENTS.—Subject to the  
25 subsection (d), an eligible local educational agency



1 or eligible BIA-funded school receiving emergency  
2 impact aid payments under this section shall use the  
3 payments to provide services and assistance to ele-  
4 mentary schools and secondary schools (including  
5 charter schools) served by such agency, or to such  
6 BIA-funded school, that enrolled an immigrant stu-  
7 dent.

8 (d) USE OF FUNDS.—

9 (1) AUTHORIZED USES.—The authorized uses  
10 of funds are the following:

11 (A) Paying the compensation of personnel,  
12 including teacher aides, in schools enrolling im-  
13 migrant students.

14 (B) Identifying and acquiring curricular  
15 material, including the costs of providing addi-  
16 tional classroom supplies, and mobile edu-  
17 cational units and leasing sites or spaces.

18 (C) Basic instructional services for such  
19 students, including tutoring, mentoring, or aca-  
20 demic counseling.

21 (D) Reasonable transportation costs.

22 (E) Health and counseling services.

23 (F) Education and support services.

1 (G) Other uses as allowed under title III  
2 of the Elementary and Secondary Education  
3 Act of 1965 (20 U.S.C. 6801 et seq.).

4 (2) PROVISION OF SPECIAL EDUCATION AND  
5 RELATED SERVICES.—

6 (A) IN GENERAL.—In the case of an immi-  
7 grant student who is a child with a disability,  
8 any payment made on behalf of such student to  
9 an eligible local educational agency shall be  
10 used to pay for special education and related  
11 services consistent with the Individuals with  
12 Disabilities Education Act (20 U.S.C. 1400 et  
13 seq.).

14 (B) DEFINITIONS.—In subparagraph (A),  
15 the terms “child with a disability”, “special  
16 education”, and “related services” have the  
17 meaning given such terms in section 602 of the  
18 Individuals with Disabilities Education Act (20  
19 U.S.C. 1401).

20 (e) RETURN OF AID.—

21 (1) ELIGIBLE LOCAL EDUCATIONAL AGENCY OR  
22 ELIGIBLE BIA-FUNDED SCHOOL.—An eligible local  
23 educational agency or eligible BIA-funded school  
24 that receives an emergency impact aid payment  
25 under this section shall return to the State edu-

1        cational agency any payment provided to the eligible  
2        local educational agency or school under this section  
3        that the eligible local educational agency or school  
4        has not obligated by the end of the 2021–2022  
5        school year in accordance with this section.

6            (2) STATE EDUCATIONAL AGENCY.—A State  
7        educational agency that receives emergency impact  
8        aid under this section, shall return to the Secretary  
9        of Education—

10            (A) any aid provided to the agency under  
11        this section that the agency has not obligated  
12        by the end of the 2019–2020 school year in ac-  
13        cordance with this section; and

14            (B) any payment funds returned to the  
15        State educational agency under paragraph (1).

16        (f) LIMITATION ON USE OF AID AND PAYMENTS.—  
17        Aid and payments provided under this section shall only  
18        be used for expenses incurred during the 2021–2022  
19        school year.

20        (g) ADMINISTRATIVE EXPENSES.—A State edu-  
21        cational agency that receives emergency impact aid under  
22        this section may use not more than 1 percent of such aid  
23        for administrative expenses. An eligible local educational  
24        agency or eligible BIA-funded school that receives emer-  
25        gency impact aid payments under this section may use not

1 more than 2 percent of such payments for administrative  
2 expenses.

3 (h) SPECIAL FUNDING RULE.—In calculating fund-  
4 ing under section 8003 of the Elementary and Secondary  
5 Education Act of 1965 (20 U.S.C. 7703) for an eligible  
6 local educational agency that receives an emergency im-  
7 pact aid payment under this section, the Secretary of Edu-  
8 cation shall not count immigrant students served by such  
9 agency for whom an emergency impact aid payment is re-  
10 ceived under this section, nor shall such students be count-  
11 ed for the purpose of calculating the total number of chil-  
12 dren in average daily attendance at the schools served by  
13 such agency as provided in section 8003(b)(3)(B)(i) of  
14 such Act (20 U.S.C. 7703(b)(3)(B)(i)).

15 (i) NONDISCRIMINATION.—

16 (1) IN GENERAL.—Nothing in this Act may be  
17 construed to alter or modify the provisions of the In-  
18 dividuals with Disabilities Education Act (20 U.S.C.  
19 1400 et seq.), title VI of the Civil Rights Act of  
20 1964 (42 U.S.C. 2000d et seq.), title IX of the Edu-  
21 cation Amendments of 1972 (20 U.S.C. 1681 et  
22 seq.), and the Rehabilitation Act of 1973 (29 U.S.C.  
23 701 et seq.).

24 (2) PROHIBITION.—A school that enrolls an im-  
25 migrant student under this section shall not dis-

1       criminate against students on the basis of race,  
2       color, national origin, religion, disability, or sex.

3           (3) **RULE OF CONSTRUCTION.**—The amount of  
4       any payment (or other form of support provided on  
5       behalf of an immigrant student) under this section  
6       shall not be treated as income of a parent or guard-  
7       ian of the student for purposes of Federal tax laws  
8       or for determining eligibility for any other Federal  
9       program.

10       (j) **TREATMENT OF STATE AID.**—A State shall not  
11      take into consideration emergency impact aid payments  
12      received under this section by a local educational agency  
13      in the State in determining the eligibility of such local edu-  
14      cational agency for State aid, or the amount of State aid,  
15      with respect to free public education of children.

16      **SEC. 4. DEFINITIONS.**

17       (a) **IN GENERAL.**—Unless otherwise specified, the  
18      terms used in this Act have the meanings given the terms  
19      in section 8101 of the Elementary and Secondary Edu-  
20      cation Act of 1965 (20 U.S.C. 7801).

21       (b) **SPECIFIC DEFINITIONS.**—In this Act:

22           (1) **ELIGIBLE LOCAL EDUCATIONAL AGENCY.**—  
23      The term “eligible local educational agency” means  
24      a local educational agency that serves an elementary  
25      school or secondary school (including a charter

1 school) in which there is enrolled an immigrant stu-  
2 dent.

3 (2) ELIGIBLE BIA-FUNDED SCHOOL.—The term  
4 “eligible BIA-funded school” means a school funded  
5 by the Bureau of Indian Affairs in which there is  
6 enrolled an immigrant student.

7 (3) IMMIGRANT STUDENT.—The term “immi-  
8 grant student” has the meaning given the term “im-  
9 migrant children and youth” in section 3301 of the  
10 Elementary and Secondary Education Act of 1965  
11 (20 U.S.C. 7011) (as such section was in effect on  
12 the day before the date of enactment of the Every  
13 Student Succeeds Act (Public Law 114–95)).