To prohibit the Secretary of Education from providing funding to certain educational institutions unless the institutions return to in-person instruction, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2020

Mr. BANKS (for himself and Mr. TIFFANY) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To prohibit the Secretary of Education from providing funding to certain educational institutions unless the institutions return to in-person instruction, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

This Act may be cited as the “Reopen Our Schools Act”.

3 SECTION 2. PROHIBITION ON FUNDING FOR SCHOOLS FAILING TO PROVIDE IN-PERSON INSTRUCTION.

(a) Prohibition on Funding.—
(1) IN GENERAL.—With respect to academic year or school year 2020–2021, no funds shall be made available under any applicable program to an educational agency or institution unless the educational agency or institution provides a certification to the Secretary of Education that the educational agency or institution—

(A) will begin providing in-person instruction not later than September 8, 2020, and in a manner substantially similar to that provided in previous academic years or school years; and

(B) has a detailed plan in place to protect the health of students and personnel.

(2) EXCEPTION.—Paragraph (1) does not apply to any funds (including loans made under part D of title IV of the Higher Education Act of 1965) made available under any applicable program that an educational agency or institution provides to a student attending such agency or institution.

(3) WAIVER.—The Secretary may waive the requirements of paragraph (1) with respect to an educational agency or institution if the Secretary determines that doing so is in the public interest.

(b) PROHIBITION ON LIABILITY.—An educational agency or institution that provides a certification under
subsection (a)(1), including personnel thereof, may not be
held liable in any cause of action before a State or Federal
court for any act or omission related to in-person instruc-
tion that results in an alleged exposure to coronavirus.

(c) DEFINITIONS.—In this section:

(1) APPLICABLE PROGRAM.—The term “applica-
cible program” has the meaning given such term in
section 400(c) of the General Education Provisions
Act (20 U.S.C. 1221(c)).

(2) CORONAVIRUS.—The term “coronavirus”
means SARS–CoV–2 or another coronavirus with
pandemic potential.

(3) EDUCATIONAL AGENCY OR INSTITUTION.—
The term “educational agency or institution” means
the following:

(A) An elementary school (as such term is
deﬁned in section 8101 of the Elementary and
Secondary Education Act of 1965 (20 U.S.C.
7801)).

(B) A secondary school (as such term is
deﬁned in such section 8101).

(C) An institution of higher education (as
such term is deﬁned in section 101 of the High-
er Education Act of 1965 (20 U.S.C. 1001)).
(D) A local educational agency (as such term is defined in such section 8101).

(E) A State educational agency (as such term is defined in such section 8101).