

119TH CONGRESS
2D SESSION

S. 4047

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

IN THE SENATE OF THE UNITED STATES

MARCH 11, 2026

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

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 Section 1112 of the Elementary and Secondary Edu-
 4 cation Act of 1965 (20 U.S.C. 6312) is amended—

5 (1) in subsection (c)—

6 (A) in paragraph (6), by striking “and”
 7 after the semicolon;

8 (B) in paragraph (7), by striking the pe-
 9 riod at the end and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(8) comply with the in-person instruction re-
 12 quirements described in subsection (f).”; and

13 (2) by adding at the end the following:

14 “(f) IN-PERSON INSTRUCTION REQUIREMENTS.—

15 “(1) DEFINITIONS.—In this subsection:

16 “(A) COVERED FUNDING AMOUNT.—The
 17 term ‘covered funding amount’ means the
 18 quotient of—

19 “(i) an amount equal to—

20 “(I) the funds provided under
 21 this part to a particular elementary
 22 school or secondary school; divided by

23 “(II) the number of students who
 24 attend that school; divided by

25 “(ii) the number of school days for
 26 which such funds have been provided.

1 “(B) COVERED SCHOOL.—The term ‘cov-
2 ered school’ means a public elementary school
3 or secondary school that receives funds provided
4 under this part.

5 “(C) QUALIFIED EDUCATIONAL EX-
6 PENSES.—The term ‘qualified educational ex-
7 penses’ means curriculum and curricular mate-
8 rials, books or instructional materials, techno-
9 logical educational materials, online educational
10 materials, tutoring or educational classes out-
11 side the home, private school tuition, testing
12 fees, diagnostic tools, and educational therapies
13 for students with disabilities.

14 “(2) DISTRIBUTION OF COVERED FUNDING.—
15 Not later than the beginning of the first school year
16 that begins after the date of enactment of the Kids
17 in Classes Act, and notwithstanding any other provi-
18 sion of law, in order to be eligible to receive funds
19 under this part, each local educational agency
20 shall—

21 “(A) establish a failure to open direct pay-
22 ment plan in accordance with paragraph (3);
23 and

24 “(B) agree to carry out such plan in the
25 event that a covered school served by the local

1 educational agency fails for more than 3 days
2 during a school year, for reasons related to pub-
3 lic health emergency or collective bargaining ac-
4 tion, to make available in-person instruction for
5 all students who wish to attend.

6 “(3) FAILURE TO OPEN DIRECT PAYMENT
7 PLAN.—

8 “(A) IN GENERAL.—Each local educational
9 agency shall establish a failure to open direct
10 payment plan that establishes and explains how
11 a parent of each child who attends a covered
12 school served by the local educational agency
13 will be directly paid, for use on qualified edu-
14 cational expenses, the amount described in sub-
15 paragraph (B), if that covered school fails for
16 more than 3 days during a school year, for rea-
17 sons related to public health emergency or col-
18 lective bargaining action, to make available in-
19 person instruction for all students who wish to
20 attend.

21 “(B) AMOUNT OF PAYMENT.—The amount
22 of payment shall be an amount equal to—

23 “(i) the covered funding amount; mul-
24 tiplied by

1 “(ii) the number of days in which
2 such school fails, for reasons related to
3 public health emergency or collective bar-
4 gaining action, to make available in-person
5 instruction for all students who wish to at-
6 tend.

7 “(C) TIMING OF PAYMENT.—To the great-
8 est extent practicable, direct payments made to
9 parents under this subsection shall be made to
10 parents on each day that a covered school fails
11 to open as described in subparagraph (A).

12 “(D) RECEIPTS.—As part of the failure to
13 open direct payment plan, each local edu-
14 cational agency shall require that parents re-
15 ceiving direct payments under this subsection—

16 “(i) submit receipts to the local edu-
17 cational agency to demonstrate that such
18 direct payments have been spent on quali-
19 fied educational expenses; or

20 “(ii) return any amounts of such di-
21 rect payments that are not used for quali-
22 fied educational expenses to the local edu-
23 cational agency not later than 30 days

- 1 after the covered school has resumed in-
- 2 person instruction.”.

