

111TH CONGRESS
1ST SESSION

S. 2898

To provide for child safety, care, and education continuity in the event
of a presidentially declared disaster.

IN THE SENATE OF THE UNITED STATES

DECEMBER 17, 2009

Ms. LANDRIEU (for herself and Mr. ALEXANDER) introduced the following bill;
which was read twice and referred to the Committee on Health, Edu-
cation, Labor, and Pensions

A BILL

To provide for child safety, care, and education continuity
in the event of a presidentially declared disaster.

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 “Child Safety, Care,
5 and Education Continuity Act of 2010”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Definitions.

Sec. 4. Trigger.

Sec. 5. Waivers or modifications applicable to titles I, II, and III.

Sec. 6. Authorization of Appropriations.

- ## TITLE II—HIGHER EDUCATION STUDENTS AND INSTITUTIONS

- TITLE III—PREKINDERGARTEN STUDENTS, SCHOOLS, AND CHILD
CARE CENTERS

- ## TITLE IV—EMERGENCY PLANNING FOR CHILD CARE CENTERS

- TITLE V—HEALTH CARE SERVICES FOR CHILDREN

- Sec. 501. Medicaid and CHIP disaster guidance.**

(a) ESEA DEFINITIONS.—The terms used in this Act have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(1) DISASTER AREA.—The term “disaster area” means the area for which the President has declared

1 a major disaster, during the period of the declara-
2 tion.

3 (2) IMPACTED SCHOOL YEAR.—The term “im-
4 pacted school year” means the school year in which
5 a presidentially declared disaster occurs.

6 (3) MAJOR DISASTER.—The term “major dis-
7 aster” has the meaning given the term under section
8 102 of the Robert T. Stafford Disaster Relief and
9 Emergency Assistance Act (42 U.S.C. 5122).

10 (4) NONPUBLIC SCHOOL.—The term “nonpublic
11 school” means a nonpublic school that—

12 (A) provides elementary or secondary edu-
13 cation, as determined under State law;

14 (B) is accredited, is licensed, or otherwise
15 operates in accordance with State law; and

16 (C) was in existence prior to the date upon
17 which a presidentially declared disaster has oc-
18 curred.

19 (5) PRESIDENTIALLY DECLARED DISASTER.—
20 The term “presidentially declared disaster” means a
21 major disaster that the President declared to exist,
22 in accordance with section 401 of the Robert T.
23 Stafford Disaster Relief and Emergency Assistance
24 Act (42 U.S.C. 5170).

1 (6) SECRETARY.—The term “Secretary”, unless
 2 otherwise specified, means the Secretary of Edu-
 3 cation.

4 **SEC. 4. TRIGGER.**

5 (a) MANDATORY ACTIVATION.—Notwithstanding any
 6 other provision of this Act, the Secretary shall carry out
 7 a program or activity under title I, II, or III, and the Sec-
 8 retary of Health and Human Services shall carry out a
 9 program or activity under title III, in a State if—

10 (1) 10 percent of the students enrolled in public
 11 or private elementary schools or secondary schools in
 12 the State are displaced from their schools for more
 13 than 60 days by a presidentially declared disaster;

14 (2) the Secretary or the Secretary of Health
 15 and Human Services, respectively, elects to carry out
 16 the program or activity; and

17 (3) the Governor or chief executive officer of
 18 the State requests that the Secretary or the Sec-
 19 retary of Health and Human Services, respectively,
 20 carry out the program or activity.

21 (b) DISCRETIONARY ACTIVATION.—The Secretary
 22 may carry out a program or activity under title I, II, or
 23 III, and the Secretary of Health and Human Services may
 24 carry out a program or activity under title III.

1 **SEC. 5. WAIVERS OR MODIFICATIONS APPLICABLE TO TI-**
2 **TLES I, II, AND III.**

3 The Secretary may waive or modify any requirement
4 of Federal law or regulation, other than a law or regula-
5 tion regarding civil rights or safety, that the Secretary de-
6 termines is necessary in order to provide assistance under
7 titles I, II, and III, whether with funds appropriated under
8 this Act or otherwise, as efficiently and expeditiously as
9 possible, to individuals or entities affected directly or indi-
10 rectly by a presidentially declared disaster.

11 **TITLE I—KINDERGARTEN**
12 **THROUGH GRADE 12 STU-**
13 **DENTS AND SCHOOLS**

14 **SEC. 101. IMMEDIATE AID TO RESTART SCHOOL OPER-**
15 **ATIONS.**

16 (a) PURPOSE.—It is the purpose of this section—

17 (1) to provide immediate and direct assistance
18 to local educational agencies and nonpublic schools
19 that serve a disaster area in which a presidentially
20 declared disaster has been declared;

21 (2) to assist school district administrators, and
22 personnel of such local educational agencies or non-
23 public schools, who are working to restart operations
24 in schools that provide elementary or secondary edu-
25 cation and are served by such local educational
26 agencies and nonpublic schools, respectively; and

1 (3) to facilitate the reopening of schools that
2 provide elementary and secondary education and are
3 served by such local educational agencies and non-
4 public schools, and to facilitate the reenrollment of
5 students in such schools as soon as possible.

6 (b) GRANTS AND SUBGRANTS AUTHORIZED.—From
7 amounts appropriated under section 106, the Secretary is
8 authorized to award grants to State educational agencies
9 to enable the State educational agencies to award sub-
10 grants to local educational agencies or nonpublic schools
11 serving disaster areas in which a presidentially declared
12 disaster has been declared to enable such local educational
13 agencies and nonpublic schools, respectively, to provide
14 educational services or assistance described in subsection
15 (e).

16 (c) SUBGRANT FUNDING CONSIDERATIONS; EQ-
17 UNITY.—

18 (1) SUBGRANT FUNDING CONSIDERATIONS.—In
19 determining whether to award a subgrant under this
20 section, or the amount of the subgrant, the State
21 educational agency shall consider the following:

22 (A) The number of school-aged children
23 served by the local educational agency or non-
24 public school in the academic year preceding

1 the academic year for which the subgrant is
2 awarded.

3 (B) The severity of the impact of the presi-
4 dentially declared disaster on the local edu-
5 cational agency or nonpublic school and the ex-
6 tent of the needs in each local educational agen-
7 cy or nonpublic school that serves a disaster
8 area in which a presidentially declared disaster
9 has been declared.

10 (2) EQUITY.—Educational services and assist-
11 ance that are described in subsection (e) and pro-
12 vided for nonpublic school students under this sec-
13 tion shall be equitable in comparison to the edu-
14 cational services and assistance provided for public
15 school students under this section, and shall be pro-
16 vided in a timely manner.

17 (d) APPLICATIONS.—Each local educational agency
18 or nonpublic school desiring a subgrant under this section
19 shall submit an application to the State educational agen-
20 cy at such time, in such manner, and accompanied by such
21 information as the State educational agency may reason-
22 ably require to ensure expedited and timely payment to
23 the local educational agency or nonpublic school.

24 (e) USES OF FUNDS.—

1 (1) IN GENERAL.—A local educational agency
2 or nonpublic school receiving a subgrant under this
3 section shall use the subgrant funds for—

4 (A) recovery of student and personnel
5 data, and other electronic information;

6 (B) replacement of school district informa-
7 tion systems, including hardware and software;

8 (C) financial operations;

9 (D) reasonable transportation costs;

10 (E) rental of mobile educational units and
11 leasing of neutral sites or spaces;

12 (F) initial replacement of instructional ma-
13 terials and equipment, including textbooks;

14 (G) redeveloping instructional plans, in-
15 cluding curriculum development;

16 (H) initiating and maintaining education
17 and support services; and

18 (I) such other activities related to the pur-
19 pose of this section that are approved by the
20 Secretary.

21 (2) USE WITH OTHER AVAILABLE FUNDS.—A
22 local educational agency or nonpublic school receiv-
23 ing a subgrant under this section may use the
24 subgrant funds in coordination with other Federal,

1 State, or local funds available for the activities de-
2 scribed in paragraph (1).

3 (3) PROHIBITIONS.—Subgrant funds received
4 under this section shall not be used for any of the
5 following:

6 (A) Construction or major renovation of
7 schools.

8 (B) Payments to school administrators or
9 teachers who are not actively engaged in re-
10 starting or re-opening schools.

11 (4) SPECIAL RULE.—Educational services or as-
12 sistance provided under this section, including equip-
13 ment and materials, shall be secular, neutral, and
14 nonideological.

15 (f) SUPPLEMENT NOT SUPPLANT.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (2) and notwithstanding section 104, funds
18 made available under this section shall be used to
19 supplement, not supplant, any funds made available
20 through the Federal Emergency Management Agen-
21 cy or through a State.

22 (2) EXCEPTION.—Paragraph (1) shall not pro-
23 hibit the provision of Federal assistance under this
24 section to a State educational agency, local edu-
25 cational agency, or nonpublic school that is or may

1 be entitled to receive, from another source, benefits
 2 for the same purposes as under this section, if—

3 (A) such State educational agency, local
 4 educational agency, or nonpublic school has not
 5 received such other benefits by the time of ap-
 6 plication for Federal assistance under this sec-
 7 tion; and

8 (B) such State educational agency, local
 9 educational agency, or nonpublic school agrees
 10 to repay all duplicative Federal assistance re-
 11 ceived to carry out the purposes of this section.

12 (g) ASSISTANCE TO NONPUBLIC SCHOOLS.—

13 (1) FUNDS AVAILABILITY.—From the grant
 14 funds provided by the Secretary under subsection (b)
 15 to a State educational agency, the State educational
 16 agency shall reserve an amount of the grant funds,
 17 to be made available to nonpublic schools in the
 18 State, that is not less than an amount that bears the
 19 same relation to the grant funds as the number of
 20 nonpublic schools providing elementary and sec-
 21 ondary education in the State bears to the total
 22 number of nonpublic schools and public elementary
 23 schools and secondary schools in the State. The
 24 number of such schools shall be determined by the
 25 National Center for Education Statistics Common

1 Core of Data for the year preceding the year for
2 which the presidentially declared disaster has oc-
3 curred. Such funds shall be used for the provision of
4 educational services or assistance at nonpublic
5 schools, except as provided in paragraph (2).

6 (2) SPECIAL RULE.—If funds made available
7 under paragraph (1) remain unobligated 120 days
8 after the date of enactment of this Act, such funds
9 may be used to provide educational services or as-
10 sistance under this section to other local educational
11 agencies or nonpublic schools serving disaster areas
12 in which a presidentially declared disaster has been
13 declared.

14 (3) PUBLIC CONTROL OF FUNDS.—The control
15 of funds for the educational services and assistance
16 provided to a nonpublic school under paragraph (1),
17 and title to materials, equipment, and property pur-
18 chased with such funds, shall be in a public agency,
19 and a public agency shall administer such funds,
20 materials, equipment, and property and shall provide
21 such services (or may contract for the provision of
22 such services with a public or private entity).

1 **SEC. 102. HOLD HARMLESS FOR LOCAL EDUCATIONAL**
 2 **AGENCIES SERVING DISASTER AREAS.**

3 Notwithstanding any other provision of law, in the
 4 case of a local educational agency that serves a disaster
 5 area in which the President has declared that a presi-
 6 dentially declared disaster exists, the Secretary shall en-
 7 sure that the amount made available for such local edu-
 8 cational agency under each of sections 1124, 1124A,
 9 1125, and 1125A of the Elementary and Secondary Edu-
 10 cation Act of 1965 (20 U.S.C. 6333, 6334, 6335, and
 11 6337) for the second fiscal year following the fiscal year
 12 in which the presidentially declared disaster is declared
 13 shall be not less than the amount made available for such
 14 local educational agency under each of such sections for
 15 the fiscal year in which the presidentially declared disaster
 16 is declared.

17 **SEC. 103. TEACHER AND PARAPROFESSIONAL RECI-**
 18 **PROCITY.**

19 (a) AFFECTED TEACHER RECIPROCITY.—

20 (1) DEFINITION OF AFFECTED TEACHER.—In
 21 this subsection, the term “affected teacher” means
 22 a teacher who is displaced due to a presidentially de-
 23 clared disaster and relocates to a State that is dif-
 24 ferent from the State in which such teacher resided
 25 or worked on the date of the occurrence of the presi-
 26 dentially declared disaster.

1 (2) RECIPROCITY.—A local educational agency
 2 may consider an affected teacher hired by such local
 3 educational agency who is not highly qualified in the
 4 State in which such agency is located to be highly
 5 qualified, for purposes of section 1119 of the Ele-
 6 mentary and Secondary Education Act of 1965 (20
 7 U.S.C. 6319) and section 612(a)(14) of the Individ-
 8 uals with Disabilities Education Act (20 U.S.C.
 9 1412(a)(14)), respectively, for the school year in
 10 which the presidentially declared disaster has oc-
 11 curred and through the succeeding school year, if
 12 such affected teacher was highly qualified, consistent
 13 with section 9101(23) of the Elementary and Sec-
 14 ondary Education Act of 1965 (20 U.S.C. 7801(23))
 15 and section 602(10) of the Individuals with Disabil-
 16 ities Education Act (20 U.S.C. 1401(10)), respec-
 17 tively, on the date of the occurrence of a presi-
 18 dentially declared disaster, in the State in which
 19 such teacher resided or worked on the date of the
 20 occurrence of a presidentially declared disaster.

21 (b) AFFECTED PARAPROFESSIONAL RECIPROCITY.—

22 (1) DEFINITION OF AFFECTED PARAPROFES-
 23 SIONAL.—In this subsection, the term “affected
 24 paraprofessional” means a paraprofessional who is
 25 displaced due to a presidentially declared disaster

1 and relocates to a State that is different from the
2 State in which such paraprofessional resided or
3 worked on the date of the occurrence of the presi-
4 dentially declared disaster.

5 (2) RECIPROCITY.—A local educational agency
6 may consider an affected paraprofessional hired by
7 such local educational agency who does not satisfy
8 the requirements of section 1119(c) of the Elemen-
9 tary and Secondary Education Act of 1965 (20
10 U.S.C. 6319(c)) in the State in which such agency
11 is located to satisfy such requirements, for purposes
12 of such section, for the school year in which the
13 presidentially declared disaster has occurred and
14 through the succeeding school year, if such affected
15 paraprofessional satisfied such requirements on the
16 date of the occurrence of a presidentially declared
17 disaster, in the State in which such paraprofessional
18 resided or worked on the date of the occurrence of
19 a presidentially declared disaster.

20 **SEC. 104. REGULATORY AND FINANCIAL RELIEF.**

21 (a) WAIVER AUTHORITY.—Subject to subsections (b)
22 and (c), in providing any grant or other assistance, di-
23 rectly or indirectly, to an entity in a State affected by a
24 presidentially declared disaster, the Secretary may, as ap-

1 plicable, waive or modify, in order to ease fiscal burdens,
 2 any requirement of Federal law relating to the following:

3 (1) Maintenance of effort.

4 (2) The use of Federal funds to supplement,
 5 not supplant, non-Federal funds.

6 (3) Any non-Federal share or capital contribu-
 7 tion required to match Federal funds provided under
 8 programs administered by the Secretary.

9 (b) DURATION.—A waiver under this section shall be
 10 for the impacted school year.

11 (c) LIMITATIONS.—

12 (1) RELATION TO IDEA.—Nothing in this sec-
 13 tion shall be construed to waive or modify any provi-
 14 sion of the Individuals with Disabilities Education
 15 Act (20 U.S.C. 1400 et seq.).

16 (2) MAINTENANCE OF EFFORT.—If the Sec-
 17 retary grants a waiver or modification under this
 18 section waiving or modifying a requirement relating
 19 to maintenance of effort for an impacted fiscal year,
 20 the level of effort required for the school year fol-
 21 lowing the impacted school year shall not be reduced
 22 because of the waiver or modification.

23 **SEC. 105. TEMPORARY EMERGENCY IMPACT AID FOR DIS-**
 24 **PLACED STUDENTS.**

25 (a) DEFINITIONS.—In this section:

1 (1) DISPLACED STUDENT.—The term “dis-
2 placed student” means a student—

3 (A)(i) who attended a school in an area
4 impacted by a presidentially declared disaster;
5 or

6 (ii) whose parent resided or worked in an
7 area impacted by a presidentially declared dis-
8 aster; and

9 (B) who enrolled in another school as a re-
10 sult of a presidentially declared disaster.

11 (2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
12 CIES.—The term “eligible local educational agency”
13 means a local educational agency that serves—

14 (A) an elementary school or secondary
15 school (including a public charter school) in
16 which there is enrolled a displaced student; or

17 (B) an area in which there is located a
18 nonpublic school.

19 (3) ELIGIBLE BIE-FUNDED SCHOOL.—The term
20 “eligible BIE-funded school” means a school funded
21 by the Bureau of Indian Education in which there
22 is enrolled a displaced student.

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

1 (1) AID TO STATE EDUCATIONAL AGENCIES.—

2 From amounts appropriated under section 106, the
3 Secretary shall provide emergency impact aid to
4 State educational agencies to enable the State edu-
5 cational agencies to make emergency impact aid pay-
6 ments to eligible local educational agencies and eligi-
7 ble BIE-funded schools to enable—

8 (A) such eligible local educational agencies
9 and eligible BIE-funded schools to provide for
10 the instruction of displaced students served by
11 such eligible local educational agencies and eli-
12 gible BIE-funded schools; and

13 (B) such eligible local educational agencies
14 to make immediate impact aid payments to ac-
15 counts established on behalf of displaced stu-
16 dents (referred to in this section as “accounts”)
17 who are attending nonpublic schools located in
18 the areas served by the eligible local educational
19 agencies.

20 (2) AID TO LOCAL EDUCATIONAL AGENCIES
21 AND BIE-FUNDED SCHOOLS.—A State educational
22 agency shall make emergency impact aid payments
23 to eligible local educational agencies and eligible
24 BIE-funded schools in accordance with subsection
25 (d).

1 (3) STATE EDUCATIONAL AGENCIES IN CER-
 2 TAIN STATES.—The State educational agency shall
 3 carry out the activities of eligible local educational
 4 agencies that are unable to carry out this section, in-
 5 cluding eligible local educational agencies in a State
 6 for which the State exercises the authorities nor-
 7 mally exercised by such local educational agencies.

8 (4) NOTICE OF FUNDS AVAILABILITY.—Not
 9 later than 14 calendar days after the date of enact-
 10 ment of this Act, the Secretary shall publish in the
 11 Federal Register a notice of the availability of funds
 12 under this section.

13 (c) APPLICATION.—

14 (1) STATE EDUCATIONAL AGENCY.—A State
 15 educational agency that desires to receive emergency
 16 impact aid under this section shall submit an appli-
 17 cation to the Secretary at such time, in such man-
 18 ner, and accompanied by such information as the
 19 Secretary may reasonably require, including—

20 (A) information on the total displaced stu-
 21 dent count of the State provided by eligible
 22 local educational agencies in the State and eligi-
 23 ble BIE-funded schools in the State under
 24 paragraph (2);

1 (B) a description of the process for the
2 parent or guardian of a displaced student en-
3 rolled in a nonpublic school to indicate to the
4 eligible local educational agency serving the
5 area in which the nonpublic school is located
6 that the student is enrolled in the nonpublic
7 school;

8 (C) a description of the procedure to be
9 used by an eligible local educational agency in
10 such State to provide payments to accounts;

11 (D) a description of the process to be used
12 by an eligible local educational agency in such
13 State to obtain—

14 (i) attestations of attendance of dis-
15 placed students from nonpublic schools, in
16 order for the local educational agency to
17 provide payments to accounts on behalf of
18 displaced students; and

19 (ii) attestations from nonpublic
20 schools that accounts are used only for the
21 purposes described in subsection (e)(2)(A);

22 (E) the criteria, including family income,
23 used to determine the eligibility for and the
24 amount of assistance under this section pro-

vided on behalf of a displaced student attending
a nonpublic school; and

(F) the number of displaced students who
attend nonpublic schools in the State.

(2) LOCAL EDUCATIONAL AGENCIES AND BIE-
FUNDED SCHOOLS.—An eligible local educational
agency or eligible BIE-funded school that desires an
emergency impact aid payment under this section
shall submit an application to the State educational
agency at such time, in such manner, and accom-
panied by such information as the State educational
agency may reasonably require, including docu-
mentation submitted quarterly for the impacted
school year that indicates the following:

(A) ELIGIBLE LOCAL EDUCATIONAL AGEN-
CIES.—In the case of an eligible local edu-
cational agency—

(i) the number of displaced students
enrolled in the elementary schools and sec-
ondary schools (including public charter
schools and including the number of dis-
placed students who are identified as eligi-
ble for and receive services under part B of
the Individuals with Disabilities Education
Act (20 U.S.C. 1411 et seq.)) served by

1 such eligible local educational agency for
2 such quarter;

3 (ii) the number of displaced students
4 for whom the eligible local educational
5 agency expects to provide payments to ac-
6 counts under subsection (e)(2) (including
7 the number of displaced students who are
8 identified as eligible for and receive serv-
9 ices under part B of the Individuals with
10 Disabilities Education Act) for such quar-
11 ter who meet the following criteria:

12 (I) The displaced student en-
13 rolled in a nonpublic school prior to
14 the occurrence of a presidentially de-
15 clared disaster.

16 (II) The parent or guardian of
17 the displaced student chose to enroll
18 the student in the nonpublic school in
19 which the student is enrolled.

20 (III) The parent or guardian of
21 the displaced student submitted an
22 application requesting that the eligible
23 local educational agency make a pay-
24 ment to an account on behalf of the
25 student.

1 (IV) The displaced student's tui-
2 tion and fees (and transportation ex-
3 penses, if any) for the impacted school
4 year is waived or reimbursed (by the
5 nonpublic school) in an amount that
6 is not less than the amount of emer-
7 gency impact aid payment provided on
8 behalf of such student under this sec-
9 tion; and

10 (iii) an assurance that the eligible
11 local educational agency will make pay-
12 ments to accounts described in subsection
13 (e)(2) not later than 14 calendar days
14 after receipt of an emergency impact aid
15 payment provided under this section.

16 (B) ELIGIBLE BIE-FUNDED SCHOOLS.—In
17 the case of an eligible BIE-funded school, the
18 number of displaced students, including the
19 number of displaced students who are identified
20 as eligible for and receive services under part B
21 of the Individuals with Disabilities Education
22 Act, enrolled in the eligible BIE-funded school
23 for such quarter.

24 (3) DETERMINATION OF NUMBER OF DIS-
25 PLACED STUDENTS.—In determining the number of

1 displaced students for a quarter under paragraph
 2 (2), an eligible local educational agency or eligible
 3 BIE-funded school shall include in such number the
 4 number of displaced students served during the
 5 quarter prior to the occurrence of a presidentially
 6 declared disaster.

7 (d) AMOUNT AND DURATION OF EMERGENCY IM-
 8 PACT AID.—

9 (1) AID TO STATE EDUCATIONAL AGENCIES.—

10 (A) IN GENERAL.—The amount of emer-
 11 gency impact aid received by a State edu-
 12 cational agency for the impacted school year
 13 shall equal the sum of—

14 (i) the number of displaced students
 15 (who are not identified as eligible for and
 16 do not receive services under part B of the
 17 Individuals with Disabilities Education
 18 Act), as determined by the eligible local
 19 educational agencies and eligible BIE-
 20 funded schools in the State under sub-
 21 section (c)(2), multiplied by the average
 22 per-pupil expenditure in the State for the
 23 most recent fiscal year for which such in-
 24 formation is available; and

(ii) the number of displaced students who are identified as eligible for and receive services under part B of the Individuals with Disabilities Education Act, as determined by the eligible local educational agencies and eligible BIE-funded schools in the State under subsection (c)(2), multiplied by 140 percent of the average per-pupil expenditure in the State for the most recent fiscal year for which such information is available.

(B) INSUFFICIENT FUNDS.—If the amount available under this section to provide emergency impact aid under this subsection is insufficient to pay the full amount that a State educational agency is eligible to receive under this section, then the Secretary shall ratably reduce the amount of such emergency impact aid.

(2) AID TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES AND ELIGIBLE BIE-FUNDED SCHOOLS.—

(A) QUARTERLY INSTALLMENTS.—

(i) IN GENERAL.—A State educational agency shall provide emergency impact aid payments under this section on a quarterly basis for the impacted school year by such

1 dates as determined by the Secretary. Such
 2 quarterly installment payments shall be
 3 based on the number of displaced students
 4 reported under subsection (c)(2) and in the
 5 amount determined under clause (ii).

6 (ii) PAYMENT AMOUNT.—Each quar-
 7 terly installment payment under clause (i)
 8 shall equal 25 percent of the sum of—

9 (I) the number of displaced stu-
 10 dents (who are not identified as eligi-
 11 ble for and do not receive services
 12 under part B of the Individuals with
 13 Disabilities Education Act) reported
 14 by the eligible local educational agen-
 15 cy or eligible BIE funded school for
 16 such quarter (as determined under
 17 subsection (c)(2)), multiplied by the
 18 average per-pupil expenditure in the
 19 State for the most recent fiscal year
 20 for which such information is avail-
 21 able; and

22 (II) the number of displaced stu-
 23 dents who are identified as eligible for
 24 and receive services under part B of
 25 the Individuals with Disabilities Edu-

1 cation Act reported by the eligible
2 local educational agency or eligible
3 BIE-funded school for such quarter
4 (as determined under subsection
5 (c)(2)), multiplied by 140 percent of
6 the average per-pupil expenditure in
7 the State for the most recent fiscal
8 year for which such information is
9 available.

10 (iii) **TIMELINE.**—The Secretary shall
11 establish a timeline for quarterly reporting
12 on the number of displaced students in
13 order to make the appropriate disburse-
14 ments in a timely manner.

15 (iv) **INSUFFICIENT FUNDS.**—If, for
16 any quarter, the amount available under
17 this section to make payments under this
18 subsection is insufficient to pay the full
19 amount that an eligible local educational
20 agency or eligible BIE-funded school is eli-
21 gible to receive under this section, then the
22 State educational agency shall ratably re-
23 duce the amount of such payments.

24 (B) **MAXIMUM PAYMENT TO ACCOUNT.**—In
25 providing quarterly payments to an account for

1 the impacted school year on behalf of a dis-
2 placed student for each quarter that such stu-
3 dent is enrolled in a nonpublic school in the
4 area served by an eligible local educational
5 agency under subsection (e)(2), the eligible local
6 educational agency may provide not more than
7 4 quarterly payments to such account, and the
8 aggregate amount of such payments shall not
9 exceed the lesser of—

10 (i)(I) in the case of a displaced stu-
11 dent who is not identified as eligible for
12 and does not receive services under part B
13 of the Individuals with Disabilities Edu-
14 cation Act, the average per-pupil expendi-
15 ture in the State for the most recent fiscal
16 year for which such information is avail-
17 able; or

18 (II) in the case of a displaced student
19 who is identified as eligible for and receives
20 services under part B of the Individuals
21 with Disabilities Education Act, 140 per-
22 cent of the average per-pupil expenditure
23 in the State for the most recent fiscal year
24 for which such information is available;
25 and

1 (ii) the cost of tuition and fees (and
 2 transportation expenses, if any) at the
 3 nonpublic school for the impacted school
 4 year.

5 (3) DURATION EXTENSION.—The Secretary
 6 may provide emergency impact aid under this sec-
 7 tion, in whole or in part, for 1 school year subse-
 8 quent to the impacted school year if the President
 9 determines such provision of assistance is appro-
 10 priate, subject to the availability of appropriations.

11 (e) USE OF FUNDS.—

12 (1) DISPLACED STUDENTS IN PUBLIC
 13 SCHOOLS.—An eligible local educational agency or
 14 eligible BIE-funded school receiving emergency im-
 15 pact aid payments under this section shall use the
 16 payments to provide instructional opportunities for
 17 displaced students who enroll in elementary schools
 18 and secondary schools (including public charter
 19 schools) served by the eligible local educational agen-
 20 cy or enroll in the eligible BIE-funded school, re-
 21 spectively, and for other expenses incurred as a re-
 22 sult of the eligible local educational agency or eligi-
 23 ble BIE-funded school serving displaced students,
 24 which uses may include the activities and services
 25 described in paragraph (3).

1 (2) DISPLACED STUDENTS IN NONPUBLIC
2 SCHOOLS.—

3 (A) IN GENERAL.—An eligible local edu-
4 cational agency that receives emergency impact
5 aid payments under this section and that serves
6 an area in which there is located a nonpublic
7 school shall, at the request of the parent or
8 guardian of a displaced student who meets the
9 criteria described in subsection (c)(2)(A)(ii) and
10 who enrolled in a nonpublic school (including a
11 nonpublic charter school) in an area served by
12 the eligible local educational agency, use such
13 emergency impact aid payment to provide pay-
14 ment on a quarterly basis (but not to exceed
15 the total amount specified in subsection
16 (d)(2)(B) for the impacted school year) to an
17 account on behalf of such displaced student,
18 which payment shall be used to assist in paying
19 for 1 or more of the activities and services de-
20 scribed in paragraph (3).

21 (B) FUNDING PROHIBITION REGARDING
22 RELIGIOUS INSTRUCTION, PROSELYTIZATION,
23 OR WORSHIP.—Payments under subparagraph
24 (A) shall not be used for religious instruction,
25 proselytization, or worship.

1 (C) SECULAR, NEUTRAL, AND NONIDEO-
2 LOGICAL ACTIVITIES AND SERVICES.—The ac-
3 tivities and services provided under this para-
4 graph and described in paragraph (3) shall be
5 secular, neutral, and nonideological.

6 (D) VERIFICATION OF ENROLLMENT.—Be-
7 fore providing a quarterly payment to an ac-
8 count under subparagraph (A), the eligible local
9 educational agency shall verify with the parent
10 or guardian of a displaced student that such
11 displaced student is enrolled in the nonpublic
12 school.

13 (3) ACTIVITIES AND SERVICES.—The activities
14 and services referred to in paragraphs (2) and (3)
15 are as follows:

16 (A) Paying the compensation of personnel,
17 including teacher aides, in schools enrolling dis-
18 placed students.

19 (B) Identifying and acquiring curricular
20 material, including the costs of providing—

21 (i) additional classroom supplies; and

22 (ii) mobile educational units and leas-
23 ing sites or spaces.

1 (C) Basic instructional services for such
 2 students, including tutoring, mentoring, or aca-
 3 demic counseling.

4 (D) Reasonable transportation costs.

5 (E) Health services (including counseling
 6 and mental health services).

7 (F) Education and support services.

8 (4) PROVISION OF SPECIAL EDUCATION AND
 9 RELATED SERVICES.—

10 (A) IN GENERAL.—In the case of a dis-
 11 placed student who is eligible for and receives
 12 under part B of the Individuals with Disabil-
 13 ities Education Act, any payment made on be-
 14 half of such student to an eligible local edu-
 15 cational agency or any payment available in an
 16 account for such student, shall be used to pay
 17 the cost of providing the student with special
 18 education and related services consistent with
 19 the Individuals with Disabilities Education Act
 20 (20 U.S.C. 1400 et seq.).

21 (B) SPECIAL RULE.—

22 (i) RETENTION.—Notwithstanding
 23 any other provision of this section, if an el-
 24 igible local educational agency provides
 25 services to a displaced student attending a

1 nonpublic school under section 612(a)(10)
 2 of the Individuals with Disabilities Edu-
 3 cation Act, then the eligible local edu-
 4 cational agency may retain a portion of the
 5 assistance received under this section for
 6 such student to pay the cost of providing
 7 such services.

8 (ii) DETERMINATION OF PORTION.—

9 (I) GUIDELINES.—Each State
 10 shall issue guidelines that specify the
 11 portion of the assistance that an eligi-
 12 ble local educational agency in the
 13 State may retain under this subpara-
 14 graph. Each State shall apply such
 15 guidelines in a consistent manner
 16 throughout the State.

17 (II) DETERMINATION OF POR-
 18 TION.—The portion specified in the
 19 guidelines shall be based on cus-
 20 tomary costs of providing services
 21 under such section 612(a)(10) for the
 22 eligible local educational agency.

23 (C) DEFINITION OF SPECIAL EDUCATION;
 24 RELATED SERVICES.—The terms “special edu-
 25 cation” and “related services” have the mean-

1 ings given the terms in section 602 of the Indi-
 2 viduals with Disabilities Education Act (20
 3 U.S.C. 1401).

4 (5) CONSTRUCTION AND MAJOR RENOVATION
 5 PROHIBITION.—Funds made available under this
 6 section shall neither be used for construction nor for
 7 major renovation of a school.

8 (f) RETURN OF AID.—

9 (1) ELIGIBLE LOCAL EDUCATIONAL AGENCY OR
 10 ELIGIBLE BIE-FUNDED SCHOOL.—An eligible local
 11 educational agency or eligible BIE-funded school
 12 that receives an emergency impact aid payment
 13 under this section shall return to the State edu-
 14 cational agency any payment or portion of a pay-
 15 ment provided to the eligible local educational agen-
 16 cy or eligible BIE-funded school, respectively, under
 17 this section that the eligible local educational agency
 18 or school, respectively, has not obligated by the end
 19 of the impacted school year in accordance with this
 20 section.

21 (2) STATE EDUCATIONAL AGENCY.—A State
 22 educational agency that receives emergency impact
 23 aid under this section, shall return to the Sec-
 24 retary—

1 (A) any aid provided to the State edu-
2 cational agency under this section that the
3 State educational agency has not obligated by
4 the end of the impacted school year in accord-
5 ance with this section; and

6 (B) any payment or portion of a payment
7 returned to the State educational agency under
8 paragraph (1).

9 (g) LIMITATION ON USE OF AID AND PAYMENTS.—
10 Except as provided in subsection (d)(3), aid and payments
11 provided under this section shall only be used for expenses
12 incurred during the impacted school year.

13 (h) ADMINISTRATIVE EXPENSES.—A State edu-
14 cational agency that receives emergency impact aid under
15 this section may use not more than 1 percent of such aid
16 for administrative expenses. An eligible local educational
17 agency or eligible BIE-funded school that receives emer-
18 gency impact aid payments under this section may use not
19 more than 2 percent of such payments for administrative
20 expenses.

21 (i) SPECIAL FUNDING RULE.—In calculating funding
22 under section 8003 of the Elementary and Secondary
23 Education Act of 1965 (20 U.S.C. 7703) for an eligible
24 local educational agency that receives an emergency im-
25 pact aid payment under this section, the Secretary shall

1 not count displaced students served by such eligible local
 2 educational agency for whom an emergency impact aid
 3 payment is received under this section, nor shall such stu-
 4 dents be counted for the purpose of calculating the total
 5 number of children in average daily attendance at the
 6 schools served by such eligible local educational agency as
 7 provided in section 8003(b)(3)(B)(i) of such Act (20
 8 U.S.C. 7703(b)(3)(B)(i)).

9 (j) NOTICE OF OPTION OF PUBLIC SCHOOL OR NON-
 10 PUBLIC SCHOOL ENROLLMENT.—Each State receiving
 11 emergency impact aid under this section shall provide, to
 12 the parent or guardian of each displaced student for whom
 13 a payment is made under this section to an account who
 14 resides in such State, notification that—

15 (1) such parent or guardian has the option of
 16 enrolling such student in a public school or a non-
 17 public school; and

18 (2) the temporary emergency impact aid for
 19 displaced students provided under this section is
 20 temporary and is only available for the impacted
 21 school year, except as provided in subsection (d)(3).

22 (k) BYPASS.—For a State in which State law pro-
 23 hibits the State from using Federal funds to directly pro-
 24 vide services on behalf of students attending nonpublic
 25 schools and provides that another entity shall provide such

1 services, the Secretary shall make such arrangements with
 2 that entity as the Secretary determines appropriate to
 3 carry out this section on behalf of such students.

4 (l) REDIRECTION OF FUNDS.—

5 (1) IN GENERAL.—If a State educational agen-
 6 cy or eligible local educational agency is unable to
 7 carry out this section, the Secretary shall make such
 8 arrangements with the State as the Secretary deter-
 9 mines appropriate to carry out this section on behalf
 10 of displaced students attending a nonpublic school in
 11 the area served by such agency.

12 (2) SPECIAL RULE.—If an eligible local edu-
 13 cational agency fails to make a payment to an ac-
 14 count described under subsection (e)(2) not later
 15 than 14 calendar days after receipt of an emergency
 16 impact aid payment provided under this section,
 17 then—

18 (A) the eligible local educational agency
 19 shall return the funds received that quarter for
 20 such account to the State educational agency;
 21 and

22 (B) the State educational agency shall en-
 23 sure that the proper payment to such account
 24 for such quarter is made not later than 14 cal-
 25 endar days after the date of the receipt of funds

1 under subparagraph (A), before any further
2 funds for such account are distributed to the el-
3 igible local educational agency.

4 (m) NONDISCRIMINATION.—

5 (1) IN GENERAL.—A school that enrolls a dis-
6 placed student under this section shall not discrimi-
7 nate against students on the basis of race, color, na-
8 tional origin, religion, disability, or sex.

9 (2) APPLICABILITY AND SINGLE SEX SCHOOLS,
10 CLASSES, OR ACTIVITIES.—

11 (A) IN GENERAL.—To the extent con-
12 sistent with title IX of the Education Amend-
13 ments of 1972 (20 U.S.C. 1681 et seq.), the
14 prohibition of sex discrimination in paragraph
15 (1) shall not apply to a nonpublic school that
16 is controlled by a religious organization if the
17 application of paragraph (1) would not be con-
18 sistent with the religious tenets of such organi-
19 zation.

20 (B) SINGLE SEX SCHOOLS, CLASSES, OR
21 ACTIVITIES.—Notwithstanding paragraph (1)
22 and to the extent consistent with title IX of the
23 Education Amendments of 1972, a parent or
24 guardian may choose and a nonpublic school
25 may offer a single sex school, class, or activity.

1 (C) ENROLLMENT.—The prohibition of re-
 2 ligious discrimination in paragraph (1) shall not
 3 apply with regard to enrollment for a nonpublic
 4 school that is controlled by a religious organiza-
 5 tion or organized and operated on the basis of
 6 religious tenets, except that the prohibition of
 7 religious discrimination shall apply with respect
 8 to the enrollment of displaced students assisted
 9 under this section.

10 (3) GENERAL PROVISION.—Nothing in this sec-
 11 tion shall be construed to alter or modify the provi-
 12 sions of the Individuals with Disabilities Education
 13 Act, title VI of the Civil Rights Act of 1964 (42
 14 U.S.C. 2000d et seq.), title IX of the Education
 15 Amendments of 1972, and the Rehabilitation Act of
 16 1973 (29 U.S.C. 701 et seq.).

17 (4) ELECTION.—A displaced student assisted
 18 under this section who is enrolled in a nonpublic
 19 school shall not participate in religious worship or
 20 religious classes at such school unless such student's
 21 parent or guardian elects to have such student par-
 22 ticipate in such religious worship or religious classes.

23 (n) TREATMENT OF PAYMENT.—The amount of any
 24 payment (or other form of support provided on behalf of
 25 a displaced student) under this section shall not be treated

1 as income of a parent or guardian of the student for pur-
2 poses of Federal tax laws or for determining eligibility for
3 any other Federal program.

4 (o) TREATMENT OF STATE AID.—A State shall not
5 take into consideration emergency impact aid payments
6 received under this section by an eligible local educational
7 agency in the State in determining the eligibility of such
8 eligible local educational agency for State aid, or the
9 amount of State aid, with respect to free public education
10 of children.

11 (p) COORDINATION.—The Secretary shall coordinate
12 with the Administrator of the Federal Emergency Man-
13 agement Agency to help ensure that States and local edu-
14 cational agencies are aware of the displaced students
15 under their jurisdiction so that the educational needs of
16 the displaced students are met.

17 (q) REPORT.—The Secretary shall report to Congress
18 on the activities carried out under this section not later
19 than 1 year after the provision of assistance under this
20 section, including reporting the number of displaced stu-
21 dents who are served under this section.

22 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated such sums
24 as may be necessary to carry out sections 101 and 105.

1 **TITLE II—HIGHER EDUCATION**
2 **STUDENTS AND INSTITUTIONS**

3 **SEC. 201. GENERAL WAIVERS AND MODIFICATIONS.**

4 (a) **AUTHORITY.**—Notwithstanding any other provi-
5 sion of law, unless enacted with specific reference to this
6 section, the Secretary is authorized to waive or modify any
7 statutory or regulatory provision applicable to the student
8 financial assistance programs under title IV of the Higher
9 Education Act of 1965 (20 U.S.C. 1070 et seq.), or any
10 student or institutional eligibility provisions in the Higher
11 Education Act of 1965 (20 U.S.C. 1001 et seq.), as the
12 Secretary determines necessary for a disaster area in
13 which a presidentially declared disaster has been declared
14 to ensure that—

15 (1) administrative requirements placed on af-
16 fected students, affected individuals, affected institu-
17 tions, lenders, guaranty agencies, and grantees are
18 minimized to the extent possible without impairing
19 the integrity of the higher education programs under
20 the Higher Education Act of 1965 (20 U.S.C. 1001
21 et seq.), to ease the burden on such participants; or

22 (2) institutions of higher education, lenders,
23 guaranty agencies, and other entities participating in
24 the student financial assistance programs under title
25 IV of the Higher Education Act of 1965, that serve

1 a disaster area in which a presidentially declared
 2 disaster has been declared may be granted tem-
 3 porary relief from requirements that are rendered
 4 infeasible or unreasonable due to the effects of a
 5 presidentially declared disaster, including due dili-
 6 gence requirements and reporting deadlines.

7 (b) **AUTHORITY TO EXTEND OR WAIVE REPORTING**
 8 **REQUIREMENTS UNDER SECTION 131(a).**—The Secretary
 9 is authorized to extend reporting deadlines or waive re-
 10 porting requirements under section 131(a) of the Higher
 11 Education Act of 1965 (20 U.S.C. 1015(a)) for an af-
 12 fected institution.

13 (c) **RULE OF CONSTRUCTION.**—Nothing in this title
 14 shall be construed—

15 (1) to allow the Secretary to waive or modify
 16 any applicable statutory or regulatory requirements
 17 prohibiting discrimination in a program or activity,
 18 or in employment or contracting, under existing law
 19 (in existence on the date of the Secretary’s action);
 20 or

21 (2) to authorize any refunding of any repay-
 22 ment of a loan.

23 **SEC. 202. TEACHER RECRUITMENT AND RETENTION.**

24 The Secretary is authorized to approve modifications
 25 to the requirements for Teacher Quality Partnership

1 Grants under part A of title II of the Higher Education
 2 Act of 1965 (20 U.S.C. 1022 et seq.), at the request of
 3 the grantee—

4 (1) to assist States and local educational agen-
 5 cies to recruit and retain highly qualified teachers in
 6 a school district located in a disaster area in which
 7 a presidentially declared disaster has been declared;
 8 and

9 (2) to assist institutions of higher education, lo-
 10 cated in such area, to recruit and retain faculty nec-
 11 essary to prepare teachers and provide professional
 12 development.

13 **SEC. 203. AUTHORIZED USES OF TRIO, GEAR-UP, PART A OR**
 14 **B OF TITLE III, AND OTHER GRANTS.**

15 (a) MODIFICATIONS OF ALLOWABLE USE OF
 16 FUNDS.—The Secretary is authorized to modify the re-
 17 quired and allowable uses of funds under chapters 1 and
 18 2 of subpart 2 of part A of title IV of the Higher Edu-
 19 cation Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–
 20 21 et seq.), under part A or B of title III of such Act
 21 (20 U.S.C. 1057 et seq., 1060 et seq.), and under any
 22 other competitive grant program, at the request of an af-
 23 fected institution or other grantee, with respect to affected
 24 institutions and other grantees located in a disaster area

1 in which a presidentially declared disaster has been de-
2 clared.

3 (b) PROHIBITION AGAINST NEW AUTHORIZATION OF
4 CONSTRUCTION, RENOVATION, OR IMPROVEMENT OF FA-
5 CILITIES.—The Secretary may not, under the authority of
6 this section, authorize any new construction, renovation,
7 or improvement of classrooms, libraries, laboratories, or
8 other instructional facilities that is not authorized under
9 the institution’s grant award under part A or B of title
10 III, or under part A or B of title V, of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1057 et seq., 1060 et seq.,
12 1101 et seq., 1102 et seq.).

13 **SEC. 204. FINANCIAL AID.**

14 (a) IN GENERAL.—The Secretary may authorize fi-
15 nancial aid administrators to make an adjustment, in ac-
16 cordance with section 479A(a) of the Higher Education
17 Act of 1965 (20 U.S.C. 1087tt(a)), with respect to the
18 calculation of the expected student or parent contribution
19 for an affected student, or for a student or a parent who—

20 (1) resides or is employed in a disaster area in
21 which a presidentially declared disaster has been de-
22 clared; or

23 (2) resided or was employed in a disaster area
24 in which a presidentially declared disaster was de-

1 clared on the date of the occurrence of the presi-
2 dentially declared disaster.

3 (b) ADEQUATE DOCUMENTATION.—A financial aid
4 administrator shall adequately document the need for the
5 adjustment.

6 **SEC. 205. EXPANDING INFORMATION DISSEMINATION RE-**
7 **GARDING ELIGIBILITY FOR FEDERAL PELL**
8 **GRANTS.**

9 (a) IN GENERAL.—The Secretary shall make special
10 efforts, in conjunction with State efforts, to notify affected
11 students and, if applicable, their parents or guardians who
12 qualify for means-tested Federal benefit programs, of
13 their potential eligibility for a maximum Federal Pell
14 Grant, and shall disseminate such informational materials
15 as the Secretary determines appropriate.

16 (b) MEANS-TESTED FEDERAL BENEFIT PRO-
17 GRAM.—For the purpose of this section, the term “means-
18 tested Federal benefit program” means a mandatory
19 spending program of the Federal Government, other than
20 a program under the Higher Education Act of 1965 (20
21 U.S.C. 1001 et seq.), in which eligibility for the program’s
22 benefits, or the amount of such benefits, are determined
23 on the basis of income or resources of the individual or
24 family seeking the benefit, and may include such programs
25 as the supplemental security income program under title

1 XVI of the Social Security Act (42 U.S.C. 1381 et seq.),
2 the supplemental nutrition assistance program established
3 under the Food and Nutrition Act of 2008 (7 U.S.C. 2011
4 et seq.), the school lunch program established under the
5 Richard B. Russell National School Lunch Act (42 U.S.C.
6 1751 et seq.), the temporary assistance for needy families
7 program established under part A of title IV of the Social
8 Security Act (42 U.S.C. 601 et seq.), and the special sup-
9 plemental nutrition program for women, infants, and chil-
10 dren established by section 17 of the Child Nutrition Act
11 of 1966 (42 U.S.C. 1786), and other programs identified
12 by the Secretary.

13 **SEC. 206. PROCEDURES.**

14 (a) REGULATORY REQUIREMENTS INAPPLICABLE.—
15 Sections 482(c) and 492 of the Higher Education Act of
16 1965 (20 U.S.C. 1089(c), 1098a), section 437 of the Gen-
17 eral Education Provisions Act (20 U.S.C. 1232), and sec-
18 tion 553 of title 5, United States Code, shall not apply
19 to this title.

20 (b) NOTICE OF WAIVERS, MODIFICATIONS, OR EX-
21 TENSIONS.—Notwithstanding section 437 of the General
22 Education Provisions Act (20 U.S.C. 1232) and section
23 553 of title 5, United States Code, the Secretary shall
24 make publicly available the waivers, modifications, or ex-
25 tensions granted under this title.

1 (c) CASE-BY-CASE BASIS.—The Secretary is not re-
 2 quired to exercise any waiver or modification authority
 3 under this title on a case-by-case basis.

4 (d) REPORT.—The Secretary shall, not later than 1
 5 year after granting any waiver or modification authorized
 6 under this section, submit a report to the Committee on
 7 Health, Education, Labor, and Pensions of the Senate and
 8 the Committee on Education and Labor of the House of
 9 Representatives describing the waivers or modifications
 10 granted.

11 **SEC. 207. DEFINITIONS.**

12 In this title:

13 (1) AFFECTED INDIVIDUAL.—The term “af-
 14 fected individual” means an individual who has ap-
 15 plied for or received student financial assistance
 16 under title IV of the Higher Education Act of 1965,
 17 and—

18 (A) who is an affected student; or

19 (B) whose primary place of employment or
 20 residency is in a disaster area in which a presi-
 21 dentially declared disaster has been declared.

22 (2) AFFECTED INSTITUTION.—

23 (A) IN GENERAL.—The term “affected in-
 24 stitution” means an institution of higher edu-
 25 cation that—

1 (i) is located in a disaster area in
2 which a presidentially declared disaster has
3 been declared; and

4 (ii) has temporarily ceased operations
5 as a consequence of a presidentially de-
6 clared disaster, as determined by the Sec-
7 retary.

8 (B) LENGTH OF TIME.—In determining
9 eligibility for assistance under this title, the
10 Secretary, using consistent, objective criteria,
11 shall determine the time period for which an in-
12 stitution of higher education is an affected in-
13 stitution.

14 (C) SPECIAL RULE.—An organizational
15 unit of an affected institution that is not im-
16 pacted by the disaster that is the subject of a
17 presidentially declared disaster may not be con-
18 sidered as part of such affected institution for
19 purposes of receiving assistance under this title.

20 (3) AFFECTED STUDENT.—The term “affected
21 student” means an individual who was enrolled or
22 accepted for enrollment at an affected institution on
23 the date of the occurrence of the presidentially de-
24 clared disaster affecting such institution.

1 (4) INSTITUTION OF HIGHER EDUCATION.—The
 2 term “institution of higher education”—

3 (A) has the meaning given the term in sec-
 4 tion 101 of the Higher Education Act of 1965
 5 (20 U.S.C. 1001); and

6 (B) means an institution described in sub-
 7 paragraph (A) or (B) of section 102(a)(1) of
 8 such Act (20 U.S.C. 1002(a)(1)(A), (B)).

9 **TITLE III—PREKINDERGARTEN**
 10 **STUDENTS, SCHOOLS, AND**
 11 **CHILD CARE CENTERS**

12 **SEC. 301. AGREEMENTS TO EXTEND CERTAIN DEADLINES**
 13 **OF THE INDIVIDUALS WITH DISABILITIES**
 14 **EDUCATION ACT TO FACILITATE THE PROVI-**
 15 **SION OF EDUCATIONAL SERVICES TO CHIL-**
 16 **DREN WITH DISABILITIES.**

17 (a) AUTHORITY.—The Secretary may enter into an
 18 agreement described in subsection (b) with an eligible enti-
 19 ty to extend certain deadlines under the Individuals with
 20 Disabilities Education Act related to providing special
 21 education and related services, including early intervention
 22 services, to individuals adversely affected by a presi-
 23 dentially declared disaster.

24 (b) TERMS OF AGREEMENTS.—An agreement re-
 25 ferred to in subsection (a) is an agreement with an eligible

1 entity made in accordance with subsection (e) that may
2 extend the applicable deadlines under 1 or more of the
3 following sections:

4 (1) Section 611(e)(3)(C)(ii) of the Individuals
5 with Disabilities Education Act (20 U.S.C.
6 1411(e)(3)(C)(ii)), by extending for not more than
7 an additional 60 days, the 90 day deadline for devel-
8 oping a State plan for the high cost fund.

9 (2) Section 611(e)(3)(C)(iii) of the Individuals
10 with Disabilities Education Act (20 U.S.C.
11 1411(e)(3)(C)(iii)), by extending for not more than
12 an additional 60 days, the 30 day deadline for public
13 availability of the final State plan.

14 (3) Section 612(a)(15)(C) of such Act (20
15 U.S.C. 1412(a)(15)(C)), by extending for not more
16 than an additional 60 days, the deadline for submis-
17 sion of the annual report to the Secretary and the
18 public regarding the progress of the State and of
19 children with disabilities in the State toward meeting
20 the performance goals established under section
21 612(a)(15)(A) of such Act (20 U.S.C.
22 1412(a)(15)(A)).

23 (4) Section 612(a)(16)(D) of such Act (20
24 U.S.C. 1412(a)(16)(D)), by extending for not more
25 than an additional 60 days, the deadline for making

1 available reports regarding the participation in as-
2 sessments and the performance on such assessments
3 of children with disabilities, but only if the eligible
4 entity provides a justification for similarly extending
5 the deadline for such reports concerning children
6 without disabilities.

7 (5) Section 614(a)(1)(C)(i)(I) of such Act (20
8 U.S.C. 1414(a)(1)(C)(i)(I)), by extending for not
9 more than an additional 30 days—

10 (A) the 60 day deadline for the initial eval-
11 uation to determine whether a child is a child
12 with a disability for purposes of the provision of
13 special education and related services to such
14 child; or

15 (B) the State timeframe described in such
16 section for such evaluation.

17 (6) Section 616(b)(2)(C)(ii)(II) of such Act (20
18 U.S.C. 1416(b)(2)(C)(ii)(II)), by extending for not
19 more than an additional 60 days, the deadline for
20 reporting to the Secretary on the performance of the
21 State under the State's performance plan.

22 (7) Section 641(e)(1)(D) of such Act (20
23 U.S.C. 1441(e)(1)(D)), by extending for not more
24 than an additional 60 days, the deadline for submis-
25 sion to the Governor of a State and the Secretary

1 of the report on the status of early intervention pro-
2 grams for infants and toddlers with disabilities and
3 their families operated within the State.

4 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion shall be construed—

6 (1) as permitting the waiver of—

7 (A) any applicable Federal civil rights law;

8 (B) any student or family privacy protec-
9 tions, including provisions requiring parental
10 consent for evaluations and services;

11 (C) any procedural safeguards required
12 under section 615 or section 639 of the Individ-
13 uals with Disabilities Education Act (20 U.S.C.
14 1415, 1439); or

15 (D) any requirements not specified in sub-
16 section (b); or

17 (2) as removing the obligation of the eligible en-
18 tity to provide a child with a disability or an infant
19 or toddler with a disability and their families—

20 (A) a free appropriate public education
21 under part B of the Individuals with Disabil-
22 ities Education Act; or

23 (B) early intervention services under part
24 C of such Act (20 U.S.C. 1431 et seq.).

1 (d) DURATION OF AGREEMENT.—An agreement
 2 under this section shall terminate at the conclusion of the
 3 impacted school year.

4 (e) REQUEST TO ENTER INTO AGREEMENT.—To
 5 enter into an agreement under this section, an eligible en-
 6 tity shall submit a request to the Secretary at such time,
 7 in such manner, and containing such information as the
 8 Secretary may require.

9 **SEC. 302. HEAD START AND CHILD CARE AND DEVELOP-**
 10 **MENT BLOCK GRANT.**

11 (a) HEAD START.—

12 (1) TECHNICAL ASSISTANCE, GUIDANCE, AND
 13 RESOURCES.—From the amount made available for
 14 Head Start in this Act, the Secretary of Health and
 15 Human Services shall provide training and technical
 16 assistance, guidance, and resources through the ap-
 17 propriate regional offices of the Administration for
 18 Children and Families (and may provide training
 19 and technical assistance, guidance, and resources
 20 through other regional offices of the Administration,
 21 at the request of such offices that administer af-
 22 fected Head Start agencies and Early Head Start
 23 entities) to Head Start agencies and Early Head
 24 Start entities in disaster areas in which a presi-
 25 dentially declared disaster has been declared, and to

1 affected Head Start agencies and Early Head Start
2 entities, to assist the agencies and entities involved
3 to address the mental and physical health needs of
4 infants, toddlers, and young children affected by a
5 presidentially declared disaster. Such training and
6 technical assistance may be provided by contract or
7 cooperative agreement with qualified national, re-
8 gional, or local providers.

9 (2) WAIVER.—For such period of not longer
10 than 1 year after the date of the occurrence of a
11 presidentially declared disaster, and to such extent
12 as the Secretary considers appropriate, the Secretary
13 of Health and Human Services—

14 (A) may waive section 640(b) of the Head
15 Start Act (42 U.S.C. 9835(b)) for Head Start
16 agencies located in a disaster area in which a
17 presidentially declared disaster has been de-
18 clared, and other affected Head Start agencies
19 and Early Head Start entities; and

20 (B) shall waive requirements of docu-
21 mentation for individuals adversely affected by
22 a presidentially declared disaster who partici-
23 pate in a Head Start program or an Early
24 Head Start program funded under the Head
25 Start Act (42 U.S.C. 9831 et seq.).

1 (b) CHILD CARE AND DEVELOPMENT BLOCK
2 GRANT.—

3 (1) CHILD CARE AND DEVELOPMENT BLOCK
4 GRANT ACT OF 1990.—For such period of not longer
5 than 1 year after the date of the occurrence of a
6 presidentially declared disaster, and to such extent
7 as the Secretary considers to be appropriate, the
8 Secretary of Health and Human Services may waive,
9 for any affected State, and any State serving signifi-
10 cant numbers of individuals adversely affected by a
11 presidentially declared disaster, provisions of the
12 Child Care and Development Block Grant Act of
13 1990 (42 U.S.C. 9858 et seq.)—

14 (A) relating to Federal income limitations
15 on eligibility to receive child care services for
16 which assistance is provided under such Act;

17 (B) relating to work requirements applica-
18 ble to eligibility to receive child care services for
19 which assistance is provided under such Act;

20 (C) relating to limitations on the use of
21 funds under section 658G of such Act (42
22 U.S.C. 9858e);

23 (D) preventing children designated as evac-
24 uees from receiving priority for child care serv-
25 ices provided under such Act, except that chil-

1 dren residing in a State and currently receiving
2 services shall not lose such services to accom-
3 modate evacuee children; and

4 (E) relating to any non-Federal or capital
5 contribution required (including copayment or
6 other cost sharing by parents receiving child
7 care assistance) to match Federal funds pro-
8 vided under programs administered by the Sec-
9 retary of Health and Human Services.

10 (2) TECHNICAL ASSISTANCE AND GUIDANCE.—

11 The Secretary may provide assistance to States for
12 the purpose of providing training, technical assist-
13 ance, and guidance to eligible child care providers
14 (as defined in section 658P of the Child Care and
15 Development Block Grant Act of 1990 (42 U.S.C.
16 9858n)) who are licensed and regulated, as applica-
17 ble, by the States, to enable such providers to pro-
18 vide child care services for children and families de-
19 scribed in paragraph (1). Such training and tech-
20 nical assistance may be provided through inter-
21 mediary organizations, including those with dem-
22 onstrated experience in providing training and tech-
23 nical assistance to programs serving school-age chil-
24 dren up to age 13, involved in reinstituting child
25 care services on a broad scale in disaster areas in

1 which a presidentially declared disaster has been de-
2 clared.

3 **SEC. 303. DEFINITIONS.**

4 In this title:

5 (1) **AFFECTED HEAD START AGENCIES AND**
6 **EARLY HEAD START ENTITIES.**—The term “affected
7 Head Start agencies and Early Head Start entities”
8 means a Head Start agency receiving a significant
9 number of children from a disaster area in which a
10 presidentially declared disaster has been declared.

11 (2) **AFFECTED STATE.**—The term “affected
12 State” means a State affected by a presidentially de-
13 clared disaster.

14 (3) **CHILD WITH A DISABILITY.**—The term
15 “child with a disability” has the meaning given such
16 term in section 602(3) of the Individuals with Dis-
17 abilities Education Act (20 U.S.C. 1401(3)).

18 (4) **ELIGIBLE ENTITY.**—The term “eligible enti-
19 ty” means—

20 (A) a local educational agency (as defined
21 in section 602(19) of the Individuals with Dis-
22 abilities Education Act (20 U.S.C. 1401(19)) if
23 such agency serves a disaster area in which a
24 presidentially declared disaster has been de-
25 clared;

1 (B) a State educational agency (as defined
2 in section 602(32) of such Act (20 U.S.C.
3 1401(32)) if such agency serves a disaster area
4 in which a presidentially declared disaster has
5 been declared; or

6 (C) a State interagency coordinating coun-
7 cil established under section 641 of such Act
8 (20 U.S.C. 1441) if such council serves a dis-
9 aster area in which a presidentially declared
10 disaster has been declared.

11 (5) INDIVIDUAL ADVERSELY AFFECTED BY A
12 PRESIDENTIALLY DECLARED DISASTER.—The term
13 “individual adversely affected by a presidentially de-
14 clared disaster” means an individual who, on the
15 date of the occurrence of a presidentially declared
16 disaster, was living, working, or attending school in
17 such disaster area.

18 (6) INFANT OR TODDLER WITH A DIS-
19 ABILITY.—The term “infant or toddler with a dis-
20 ability” has the meaning given such term in section
21 632(5) of the Individuals with Disabilities Education
22 Act (20 U.S.C. 1432(5)).

1 **TITLE IV—EMERGENCY PLAN-**
 2 **NING FOR CHILD CARE CEN-**
 3 **TERS**

4 **SEC. 401. DISASTER PLANS.**

5 Each State that receives funds under the Child Care
 6 and Development Block Grant Act of 1990 (42 U.S.C.
 7 9858 et seq.) shall develop a disaster plan, as rec-
 8 ommended by the National Commission on Children and
 9 Disasters, that includes guidelines for evacuation, reunifi-
 10 cation, temporary operating standards, and special needs
 11 populations.

12 **SEC. 402. ADDRESSING CHILD CARE SERVICES AND FACILI-**
 13 **TIES.**

14 The Administrator of the Federal Emergency Man-
 15 agement Agency shall encourage States and local govern-
 16 ments to address child care services and facilities in the
 17 State and local governments' response and recovery plans,
 18 exercises, and training, as recommended by the National
 19 Commission on Children and Disasters.

20 **TITLE V—HEALTH CARE**
 21 **SERVICES FOR CHILDREN**

22 **SEC. 501. MEDICAID AND CHIP DISASTER GUIDANCE.**

23 (a) GUIDANCE TO STATES.—Not later than 1 year
 24 after the date of enactment of this Act, the Secretary of
 25 Health and Human Services shall provide guidance to Di-

1 rectors of State Medicaid programs established under title
 2 XIX of the Social Security Act (42 U.S.C. 1396 et seq.)
 3 and to Directors of State Children’s Health Insurance
 4 Programs (commonly referred to as “CHIP”) established
 5 under title XXI of that Act (42 U.S.C. 1397aa et seq.)
 6 regarding the requirements under section 1902(a)(16) of
 7 the Social Security Act (42 U.S.C. 1396a(a)(16)), relating
 8 to the furnishing of medical assistance to individuals who
 9 are residents of the State but are absent therefrom, and
 10 the application of such requirements to CHIP programs
 11 under subparagraph (B) of section 2107(e)(1) of such Act
 12 (42 U.S.C. 1397gg(e)(1) (as added by subsection (d))).

13 (b) STATE GUIDANCE TO PROVIDERS.—Based on the
 14 guidance provided pursuant to subsection (a), each State,
 15 as a condition of receipt of Federal payments under sec-
 16 tion 1903(a) of the Social Security Act (42 U.S.C.
 17 1396b(a)), shall develop and disseminate to providers of
 18 items and services for which payment is available under
 19 the State’s Medicaid or CHIP program, disaster guidance
 20 for such providers to ensure continued access to health
 21 care items and services under the Medicaid and CHIP pro-
 22 grams for low-income children affected by a major disaster
 23 and displaced from their home State. Such guidance shall
 24 be entitled “Disaster Guidance for Medicaid and CHIP
 25 Providers” and shall include a description of the proce-

1 dures established by the State to facilitate the furnishing
2 of health care services to children (as defined for purposes
3 of the State Medicaid and CHIP programs, respectively)
4 who are present in the State and are eligible for medical
5 assistance under the Medicaid program of another State
6 or child health assistance under the CHIP program of an-
7 other State. To the extent practicable, the guidance devel-
8 oped and disseminated pursuant to this subsection shall
9 include the model process for the coordination of the en-
10 rollment, retention, and coverage under such programs of
11 children who, because of migration of families, emergency
12 evacuations, natural or other disasters, public health
13 emergencies, educational needs, or otherwise, frequently
14 change their State of residency or otherwise are tempo-
15 rarily located outside of the State of their residency re-
16 quired by section 213 of the Children’s Health Insurance
17 Program Reauthorization Act of 2009 (42 U.S.C. 1396
18 note).

19 (c) REPORT TO CONGRESS.—Not later than 6
20 months after the date on which every State with a Med-
21 icaid or CHIP program has developed the Disaster Guid-
22 ance for Medicaid and CHIP Providers required under
23 subsection (b), the Secretary of Health and Human Serv-
24 ices shall submit to Congress a report on the guidance
25 developed by States for providers under such programs,

1 including information regarding the State procedures in
 2 effect to facilitate the furnishing of health care services
 3 to children who are present in the State and are eligible
 4 for medical assistance under the Medicaid program of an-
 5 other State or child health assistance under the CHIP pro-
 6 gram of another State.

7 (d) CONFORMING AMENDMENTS.—Section
 8 2107(e)(1) of the Social Security Act (42 U.S.C.
 9 1397gg(e)(1)), is amended—

10 (1) by redesignating subparagraphs (B)
 11 through (L) as subparagraphs (C) through (M), re-
 12 spectively; and

13 (2) by inserting after subparagraph (A), the fol-
 14 lowing:

15 “(B) Section 1902(a)(16) (relating to the
 16 furnishing of medical assistance to individuals
 17 who are residents of the State but are absent
 18 therefrom).”.

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