

113TH CONGRESS
2D SESSION

H. R. 5611

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2014

Mr. ISRAEL (for himself and Mr. KING of New York) introduced the following bill; which was referred to the Committee on Education and the Workforce

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:

8 (1) In 2014, the United States experienced an
9 unprecedented influx in arrivals of unaccompanied
10 alien children.

1 (2) Between January 1, 2014, and July 31,
2 2014, the Department of Health and Human Serv-
3 ices Office of Refugee Resettlement released 37,477
4 unaccompanied alien children to sponsors nation-
5 wide.

6 (3) Federal law, as upheld by the Supreme
7 Court decision *Plyer v. Doe*, permits all children re-
8 siding in the United States access to a public ele-
9 mentary and secondary education regardless of their
10 immigration status.

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

14 (5) In response to these conditions, this Act
15 creates an emergency grant for the 2014–2015
16 school year tailored to the needs of local educational
17 agencies affected by enrollment increases attrib-
18 utable to unaccompanied alien children.

19 **SEC. 3. TEMPORARY EMERGENCY IMPACT AID FOR IMMI-**
20 **GRANT STUDENTS.**

21 (a) TEMPORARY EMERGENCY IMPACT AID AUTHOR-
22 IZED.—

23 (1) AID TO STATE EDUCATIONAL AGENCIES.—
24 From amounts appropriated to carry out this Act,
25 the Secretary of Education shall provide emergency

1 impact aid to State educational agencies to enable
2 the State educational agencies to make emergency
3 impact aid payments to eligible local educational
4 agencies and eligible BIA-funded schools to enable
5 such eligible local educational agencies and schools
6 to provide for the instruction of students served by
7 such agencies and schools.

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

14 (3) NOTICE OF FUNDS AVAILABILITY.—Not
15 later than 14 calendar days after the date of enact-
16 ment of this Act, the Secretary of Education shall
17 publish in the Federal Register a notice of the avail-
18 ability of funds under this section.

19 (b) APPLICATION.—

20 (1) STATE EDUCATIONAL AGENCY.—A State
21 educational agency that desires to receive emergency
22 impact aid under this section shall submit an appli-
23 cation to the Secretary of Education, not later than
24 7 calendar days after the date by which an applica-
25 tion under paragraph (2) must be submitted, in such

1 manner, and accompanied by such information as
2 the Secretary of Education may reasonably require,
3 including information on the total immigrant stu-
4 dent child count of the State provided by eligible
5 local educational agencies in the State and eligible
6 BIA-funded schools in the State under paragraph
7 (2).

8 (2) LOCAL EDUCATIONAL AGENCIES AND BIA-
9 FUNDED SCHOOLS.—An eligible local educational
10 agency or eligible BIA-funded school that desires an
11 emergency impact aid payment under this section
12 shall submit an application to the State educational
13 agency, not later than 14 calendar days after the
14 date of the publication of the notice described in
15 subsection (a)(3), in such manner, and accompanied
16 by such information as the State educational agency
17 may reasonably require, including documentation
18 submitted quarterly for the 2014–2015 school year
19 that indicates the following:

20 (A) In the case of an eligible local edu-
21 cational agency, the number of immigrant stu-
22 dents enrolled in the elementary schools and
23 secondary schools (including charter schools)
24 served by such agency for such quarter.

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

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

10 (A) in the case of a determination for the
11 first quarterly installment, during the quarter
12 prior to the date of enactment of this Act; and

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

17 (c) AMOUNT OF EMERGENCY IMPACT AID.—

18 (1) AID TO STATE EDUCATIONAL AGENCIES.—

19 (A) IN GENERAL.—The amount of emer-
20 gency impact aid received by a State edu-
21 cational agency for the 2014–2015 school year
22 shall equal the product of—

23 (i) the increase (if any) in the number
24 of immigrant students—

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

5 (II) the number of such students
6 enrolled during the corresponding
7 quarter of the 2012–2013 school year;
8 and

9 (ii) \$12,000.

10 (B) INSUFFICIENT FUNDS.—If the amount
11 available under this section to provide emer-
12 gency impact aid under this subsection is insuf-
13 ficient to pay the full amount that a State edu-
14 cational agency is eligible to receive under this
15 section, the Secretary of Education shall rat-
16 ably reduce the amount of such emergency im-
17 pact aid.

18 (C) RETENTION OF STATE SHARE.—In the
19 case of a State educational agency that has
20 made a payment prior to the date of enactment
21 of this Act to a local educational agency for the
22 purpose of covering additional costs incurred as
23 a result of enrolling an immigrant student in a
24 school served by the local educational agency,
25 the State educational agency may retain a por-

tion of the payment described in paragraph (2)(A)(ii) that bears the same relation to the total amount of the payment under such paragraph as the sum of such prior payments bears to the total cost of attendance for all students in that local educational agency for whom the State educational agency made such prior payments.

(2) AID TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES AND ELIGIBLE BIA-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 2014–2015 school year by such dates as determined by the Secretary of Education. Such quarterly installment payments shall be based on the number of immigrant students reported under subsection (b)(2).

(ii) PAYMENT AMOUNT.—Subject to paragraph (1)(B), each quarterly installment payment under clause (i) shall equal 25 percent of the amount determined under paragraph (1)(A).

1 (iii) TIMELINE.—The Secretary of
2 Education shall establish a timeline for
3 quarterly reporting on the number of im-
4 migrant students in order to make the ap-
5 propriate disbursements in a timely man-
6 ner.

7 (iv) INSUFFICIENT FUNDS.—If, for
8 any quarter, the amount available under
9 this section to make payments under this
10 subsection is insufficient to pay the full
11 amount that an eligible local educational
12 agency or eligible BIA-funded school is eli-
13 gible to receive under this section, the
14 State educational agency shall ratably re-
15 duce the amount of such payments.

16 (3) IMMIGRANT STUDENTS.—Subject to the
17 subsection (d), an eligible local educational agency
18 or eligible BIA-funded school receiving emergency
19 impact aid payments under this section shall use the
20 payments to provide services and assistance to ele-
21 mentary schools and secondary schools (including
22 charter schools) served by such agency, or to such
23 BIA-funded school, that enrolled an immigrant stu-
24 dent.

25 (d) USE OF FUNDS.—

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

3 (A) Paying the compensation of personnel,
4 including teacher aides, in schools enrolling im-
5 migrant students.

6 (B) Identifying and acquiring curricular
7 material, including the costs of providing addi-
8 tional classroom supplies, and mobile edu-
9 cational units and leasing sites or spaces.

10 (C) Basic instructional services for such
11 students, including tutoring, mentoring, or aca-
12 demic counseling.

13 (D) Reasonable transportation costs.

14 (E) Health and counseling services.

15 (F) Education and support services.

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

19 (2) PROVISION OF SPECIAL EDUCATION AND
20 RELATED SERVICES.—

21 (A) IN GENERAL.—In the case of an immi-
22 grant student who is a child with a disability,
23 any payment made on behalf of such student to
24 an eligible local educational agency shall be
25 used to pay for special education and related

1 services consistent with the Individuals with
2 Disabilities Education Act (20 U.S.C. 1400 et
3 seq.).

4 (B) DEFINITIONS.—In subparagraph (A),
5 the terms “child with a disability”, “special
6 education”, and “related services” have the
7 meaning given such terms in section 602 of the
8 Individuals with Disabilities Education Act (20
9 U.S.C. 1401).

10 (e) RETURN OF AID.—

11 (1) ELIGIBLE LOCAL EDUCATIONAL AGENCY OR
12 ELIGIBLE BIA-FUNDED SCHOOL.—An eligible local
13 educational agency or eligible BIA-funded school
14 that receives an emergency impact aid payment
15 under this section shall return to the State edu-
16 cational agency any payment provided to the eligible
17 local educational agency or school under this section
18 that the eligible local educational agency or school
19 has not obligated by the end of the 2014–2015
20 school year in accordance with this section.

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

1 (A) any aid provided to the agency under
2 this section that the agency has not obligated
3 by the end of the 2014–2015 school year in ac-
4 cordance with this section; and

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

7 (f) LIMITATION ON USE OF AID AND PAYMENTS.—
8 Aid and payments provided under this section shall only
9 be used for expenses incurred during the 2014–2015
10 school year.

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

19 (h) SPECIAL FUNDING RULE.—In calculating fund-
20 ing under section 8003 of the Elementary and Secondary
21 Education Act of 1965 (20 U.S.C. 7703) for an eligible
22 local educational agency that receives an emergency im-
23 pact aid payment under this section, the Secretary of Edu-
24 cation shall not count immigrant students served by such
25 agency for whom an emergency impact aid payment is re-

1 ceived under this section, nor shall such students be count-
2 ed for the purpose of calculating the total number of chil-
3 dren in average daily attendance at the schools served by
4 such agency as provided in section 8003(b)(3)(B)(i) of
5 such Act (20 U.S.C. 7703(b)(3)(B)(i)).

6 (i) NONDISCRIMINATION.—

7 (1) IN GENERAL.—Nothing in this Act may be
8 construed to alter or modify the provisions of the In-
9 dividuals with Disabilities Education Act (20 U.S.C.
10 1400 et seq.), title VI of the Civil Rights Act of
11 1964 (42 U.S.C. 2000d et seq.), title IX of the Edu-
12 cation Amendments of 1972 (20 U.S.C. 1681 et
13 seq.), and the Rehabilitation Act of 1973 (29 U.S.C.
14 701 et seq.).

15 (2) PROHIBITION.—A school that enrolls an im-
16 migrant student under this section shall not dis-
17 criminate against students on the basis of race,
18 color, national origin, religion, disability, or sex.

19 (3) RULE OF CONSTRUCTION.—The amount of
20 any payment (or other form of support provided on
21 behalf of an immigrant student) under this section
22 shall not be treated as income of a parent or guard-
23 ian of the student for purposes of Federal tax laws
24 or for determining eligibility for any other Federal
25 program.

1 (j) TREATMENT OF STATE AID.—A State shall not
 2 take into consideration emergency impact aid payments
 3 received under this section by a local educational agency
 4 in the State in determining the eligibility of such local edu-
 5 cational agency for State aid, or the amount of State aid,
 6 with respect to free public education of children.

7 **SEC. 4. DEFINITIONS.**

8 (a) IN GENERAL.—Unless otherwise specified, the
 9 terms used in this Act have the meanings given the terms
 10 in section 9101 of the Elementary and Secondary Edu-
 11 cation Act of 1965 (20 U.S.C. 7801).

12 (b) SPECIFIC DEFINITIONS.—In this Act:

13 (1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—
 14 The term “eligible local educational agency” means
 15 a local educational agency that serves an elementary
 16 school or secondary school (including a charter
 17 school) in which there is enrolled an immigrant stu-
 18 dent.

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

23 (3) IMMIGRANT STUDENT.—The term “immi-
 24 grant student” has the meaning given the term “im-
 25 migrant children and youth” in section 3301 of the

- 1 Elementary and Secondary Education Act of 1965
- 2 (20 U.S.C. 7011).

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