

114TH CONGRESS
1ST SESSION

H. R. 2634

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2015

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) In fiscal year 2014, the Department of
2 Health and Human Services Office of Refugee Re-
3 settlement released 53,518 unaccompanied alien chil-
4 dren to sponsors nationwide. An additional 10,228
5 unaccompanied alien children were released to spon-
6 sors from the beginning of fiscal year 2015 to March
7 31 of that fiscal year.

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

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

16 (5) In response to these conditions, this Act
17 creates an emergency grant for the 2015–2016
18 school year tailored to the needs of local educational
19 agencies affected by enrollment increases attrib-
20 utable to unaccompanied alien children.

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

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

1 (1) AID TO STATE EDUCATIONAL AGENCIES.—

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

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

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

22 (b) APPLICATION.—

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

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

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

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

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

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

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

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

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

20 (c) AMOUNT OF EMERGENCY IMPACT AID.—

21 (1) AID TO STATE EDUCATIONAL AGENCIES.—

22 (A) IN GENERAL.—The amount of emer-
23 gency impact aid received by a State edu-
24 cational agency for the 2015–2016 school year
25 shall equal the product of—

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

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

7 (II) the number of such students
8 enrolled in such State during the cor-
9 responding quarter of the 2013–2014
10 school year; and

11 (ii) \$12,000.

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

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

1 student in a school served by the local edu-
2 cational agency for the 2014–2015 and 2015–
3 2016 school years, the State educational agency
4 may retain a portion of the payment described
5 in paragraph (2)(A)(ii) that bears the same re-
6 lation to the total amount of the payment under
7 such paragraph as the sum of such prior pay-
8 ments bears to the total cost of attendance for
9 all students in that local educational agency for
10 whom the State educational agency made such
11 prior payments.

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

14 (A) QUARTERLY INSTALLMENTS.—

15 (i) IN GENERAL.—A State educational
16 agency shall provide emergency impact aid
17 payments under this section to eligible
18 local educational agencies and eligible BIA-
19 funded schools on a quarterly basis for the
20 2015–2016 school year by such dates as
21 determined by the Secretary of Education.
22 Such quarterly installment payments shall
23 be based on the number of immigrant stu-
24 dents reported under subsection (b)(2).

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

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

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

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

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

8 (d) USE OF FUNDS.—

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

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

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

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

21 (D) Reasonable transportation costs.

22 (E) Health and counseling services.

23 (F) Education and support services.

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

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

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

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

20 (e) RETURN OF AID.—

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

1 cational agency any payment provided to the eligible
2 local educational agency or school under this section
3 that the eligible local educational agency or school
4 has not obligated by the end of the 2015–2016
5 school year in accordance with this section.

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

10 (A) any aid provided to the agency under
11 this section that the agency has not obligated
12 by the end of the 2015–2016 school year in ac-
13 cordance with this section; and

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

16 (f) LIMITATION ON USE OF AID AND PAYMENTS.—
17 Aid and payments provided under this section shall only
18 be used for expenses incurred during the 2015–2016
19 school year.

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

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

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

15 (i) NONDISCRIMINATION.—

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

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

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

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

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

16 **SEC. 4. DEFINITIONS.**

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

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

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

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

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

7 (3) IMMIGRANT STUDENT.—The term “immi-
8 grant student” has the meaning given the term “im-
9 migrant children and youth” in section 3301 of the
10 Elementary and Secondary Education Act of 1965
11 (20 U.S.C. 7011).

