

109TH CONGRESS
1ST SESSION

H. R. 4048

To authorize the Secretary of Education to make grants to local educational agencies to restart school operations interrupted by Hurricane Katrina or Hurricane Rita, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2005

Mr. GEORGE MILLER of California (for himself, Ms. WOOLSEY, Mr. KILDEE, Mr. PAYNE, Mr. SCOTT of Virginia, Mr. HINOJOSA, Mrs. MCCARTHY, Mr. HOLT, Mr. DAVIS of Illinois, Ms. MCCOLLUM of Minnesota, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OWENS, and Mrs. DAVIS of California) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To authorize the Secretary of Education to make grants to local educational agencies to restart school operations interrupted by Hurricane Katrina or Hurricane Rita, and for other purposes.

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 “Gulf Coast Hurricanes
5 Student and School Relief Act”.

1 **SEC. 2. TABLE OF CONTENTS.**

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Supplement, not supplant.
- Sec. 5. Reporting.

TITLE I—IMMEDIATE AID TO RESTART PUBLIC SCHOOL
OPERATIONS

Sec. 101. Immediate Aid to Restart Public School Operations.

TITLE II—EDUCATION AND PUPIL SERVICES FOR RELOCATED
STUDENTS

Sec. 201. Education and pupil services for elementary and secondary relocated students.

TITLE III—RELOCATED CHILDREN WITH DISABILITIES

Sec. 301. Grants for LEA's serving relocated children with disabilities.

TITLE IV—COMMUNITY LEARNING CENTERS

Sec. 401. Grants for activities at community learning centers.

TITLE V—IMPROVING EDUCATIONAL INFRASTRUCTURE

- Sec. 501. Grants for construction, modernization, or repair of school facilities.
- Sec. 502. Allowable uses of funds.
- Sec. 503. Application for grant.
- Sec. 504. Special rule.
- Sec. 505. Fair wages.
- Sec. 506. Authorization of appropriations.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) The term “child” means any person within
6 the age limits for which the State in which the per-
7 son is located provides free public education.

8 (2) The term “relocated student” means a child
9 who—

1 (A) is a homeless child or youth as those
2 terms are used in the McKinney-Vento Home-
3 less Assistance Act (42 U.S.C. 11421 et seq.);

4 (B) but for Hurricane Katrina or Hurri-
5 cane Rita, would be enrolled in an elementary
6 or secondary school in an area for which, due
7 to the hurricane, a major disaster has been de-
8 clared under the Robert T. Stafford Disaster
9 Relief and Emergency Assistance Act (42
10 U.S.C. 5121 et seq.); and

11 (C) because of Hurricane Katrina or Hur-
12 ricane Rita—

13 (i) is unable to access the education
14 and related services that the child other-
15 wise would be receiving at such school; and

16 (ii) is enrolled at a public elementary
17 school or secondary school in a different
18 geographical location in a State.

19 (3) The term “elementary school” has the
20 meaning given to that term in section 9101 of the
21 Elementary and Secondary Education Act of 1965
22 (20 U.S.C. 7801) and includes a public elementary
23 charter school.

24 (4) The term “impacted local educational agen-
25 cy” means a local educational agency serving an

1 area for which, due to Hurricane Katrina or Hurri-
2 cane Rita, a major disaster has been declared under
3 the Robert T. Stafford Disaster Relief and Emer-
4 gency Assistance Act (42 U.S.C. 5121 et seq.).

5 (5) The term “local educational agency” has
6 the meaning given to that term in section 9101 of
7 the Elementary and Secondary Education Act of
8 1965 (20 U.S.C. 7801).

9 (6) The terms “pupil services” and “pupil serv-
10 ices personnel” have the meanings given to those
11 terms in section 9101 of the Elementary and Sec-
12 ondary Education Act of 1965 (8 U.S.C. 7801).

13 (7) The term “receiving local educational agen-
14 cy” means a local educational agency enrolling relo-
15 cated students.

16 (8) The term “secondary school” has the mean-
17 ing given to that term in section 9101 of the Ele-
18 mentary and Secondary Education Act of 1965 (20
19 U.S.C. 7801) and includes a public secondary char-
20 ter school.

21 (9) The term “Secretary” means the Secretary
22 of Education.

23 (10) The term “State” has the meaning given
24 to that term in section 9101 of the Elementary and
25 Secondary Education Act of 1965 (8 U.S.C. 7801).

1 **SEC. 4. SUPPLEMENT, NOT SUPPLANT.**

2 Funds made available pursuant to this Act shall be
3 used to supplement, not supplant, any funds made avail-
4 able through the Federal Emergency Management Agen-
5 cy.

6 **SEC. 5. REPORTING.**

7 Not later than December 31, 2005, and each 6
8 months thereafter through December 31, 2007, the Sec-
9 retary shall submit to the Committee on Education and
10 the Workforce of the House of Representatives and the
11 Committee on Health, Education, Labor, and Pensions of
12 the Senate a report on grants made under this Act, includ-
13 ing the uses to which such grants were put, the effective-
14 ness of such grants in accomplishing the purposes for
15 which they were made, and the number of students im-
16 pacted, including the number of students counted under
17 section 1124(c) of the Elementary and Secondary Edu-
18 cation Act of 1965 (20 U.S.C. 6333(c)).

19 **TITLE I—IMMEDIATE AID TO RE-**
20 **START PUBLIC SCHOOL OP-**
21 **ERATIONS**

22 **SEC. 101. IMMEDIATE AID TO RESTART PUBLIC SCHOOL OP-**
23 **ERATIONS.**

24 (a) GRANTS.—The Secretary of Education shall
25 award grants to impacted local educational agencies for
26 the purposes of—

1 (1) providing immediate and direct assistance
2 to impacted local educational agencies;

3 (2) assisting administrators and other personnel
4 in such agencies who are working to restart public
5 elementary school and secondary school operations;
6 and

7 (3) facilitating the reopening of public elemen-
8 tary schools and secondary schools served by such
9 agencies and the reenrollment of students in such
10 schools as soon as possible.

11 (b) AMOUNT.—The Secretary shall determine the
12 amount of a local educational agency’s grant under this
13 section based upon the agency’s need for funds to fulfill
14 the purposes described in subsection (a).

15 (c) USE OF FUNDS.—Each local educational agency
16 that receives a grant under this section shall use the grant
17 to restart public elementary school and secondary school
18 operations and resume the instruction that was halted as
19 a result of Hurricane Katrina or Hurricane Rita, which
20 uses may include—

21 (1) recovery of student and personnel data and
22 other information;

23 (2) replacement of school district information
24 systems, including longitudinal data systems, includ-
25 ing hardware and software;

1 (3) financial operations;

2 (4) damage assessments, decontamination, and
3 refurbishment in the agency's school and administra-
4 tion buildings;

5 (5) rental of portable classroom units and facili-
6 ties;

7 (6) replacement of instructional materials and
8 equipment;

9 (7) redeveloping instructional plans;

10 (8) student transportation services;

11 (9) continued payment of salaries and benefits
12 to teachers and other staff; and

13 (10) such other activities as may be necessary
14 to fulfill the purposes described in subsection (a), in-
15 cluding activities authorized by title I of the Elemen-
16 tary and Secondary Education Act of 1965 and
17 parts B and C of the Individuals with Disabilities
18 Act.

19 (d) APPLICATION.—To seek a grant under this sec-
20 tion, a local educational agency shall submit an application
21 to the Secretary at such time, in such manner, and con-
22 taining or accompanied by such information as the Sec-
23 retary may reasonably require.

24 (e) AUTHORIZATION OF APPROPRIATIONS.—To carry
25 out this section, there are authorized to be appropriated

1 \$4,000,000,000 for fiscal year 2006 and such sums as are
2 necessary for fiscal year 2007.

3 **TITLE II—EDUCATION AND**
4 **PUPIL SERVICES FOR RELO-**
5 **CATED STUDENTS**

6 **SEC. 201. EDUCATION AND PUPIL SERVICES FOR ELEMEN-**
7 **TARY AND SECONDARY RELOCATED STU-**
8 **DENTS.**

9 (a) IN GENERAL.—The Secretary shall award grants
10 to receiving local educational agencies for the purpose of
11 facilitating the enrollment, attendance, and success in
12 public elementary schools and secondary schools of relo-
13 cated students.

14 (b) MAXIMUM GRANT AMOUNT.—The maximum
15 amount of a grant to a local educational agency under this
16 section for any fiscal year shall be—

17 (1) \$8,314; multiplied by

18 (2) the number of students who have relocated
19 to the area served by the local educational agency as
20 a result of Hurricane Katrina or Hurricane Rita.

21 (c) USE OF FUNDS.—A local educational agency re-
22 ceiving funds under this section shall use such funds for
23 education and pupil services. Such services may include
24 the following:

1 (1) Outreach to families affected by a specified
2 hurricane disaster in order to facilitate such families
3 in enrolling relocated students in school.

4 (2) Hiring and training additional teachers,
5 paraprofessionals, pupil services personnel, and
6 school health personnel required due to the enroll-
7 ment of such students.

8 (3) Procurement of additional equipment and
9 classroom supplies required due to the enrollment of
10 such students.

11 (4) Procurement of additional classroom space
12 required due to the enrollment of such students.

13 (5) Transportation services provided to such
14 students.

15 (6) Counseling and other mental health services
16 for such students.

17 (7) Activities authorized by title I of the Ele-
18 mentary and Secondary Education Act of 1965.

19 (d) APPLICATION.—To seek a grant under this sec-
20 tion, a local educational agency shall submit an application
21 to the Secretary at such time, in such manner, and con-
22 taining or accompanied by such information as the Sec-
23 retary may reasonably require.

24 (e) SCHOOL LUNCHES.—Notwithstanding any other
25 provision of law, a student who has relocated as a result

1 of Hurricane Katrina or Hurricane Rita is deemed eligible
 2 for free lunches under section 9 of the Richard B. Russell
 3 National School Lunch Act (42 U.S.C. 1758).

4 (f) REPORTS.—Not later than 6 months after the
 5 date of the enactment of this Act, and every 6 months
 6 thereafter, the Secretary shall submit reports to the ap-
 7 propriate committees of the Congress concerning the im-
 8 plementation of this section.

9 (g) AUTHORIZATION OF APPROPRIATIONS.—To carry
 10 out this section, there are authorized to be appropriated
 11 \$3,500,000,000 for fiscal year 2006 and such sums as
 12 may be necessary for fiscal year 2007.

13 **TITLE III—RELOCATED**
 14 **CHILDREN WITH DISABILITIES**
 15 **SEC. 301. GRANTS FOR LEA'S SERVING RELOCATED CHIL-**
 16 **DREN WITH DISABILITIES.**

17 (a) GRANTS.—The Secretary shall make grants to re-
 18 ceiving local educational agencies for the purpose of assist-
 19 ing public elementary schools and secondary schools in
 20 such agencies to provide special education and related
 21 services to students with disabilities who have relocated
 22 to the area served by the local educational agency as a
 23 result of Hurricane Katrina or Hurricane Rita in accord-
 24 ance with parts B and C of the Individuals with Disabil-
 25 ities Education Act (20 U.S.C. 1400 et seq.).

1 (b) MAXIMUM AMOUNT.—The maximum amount of
2 a grant to a local educational agency under this section
3 for any fiscal year shall be—

4 (1) the amount that is 40 percent of the aver-
5 age per-pupil expenditure in public elementary
6 schools and secondary schools in the United States;
7 multiplied by

8 (2) the number of students with disabilities de-
9 scribed in subsection (a) who—

10 (A) are receiving special education and re-
11 lated services from the agency; and

12 (B) are—

13 (i) 3 through 5 years of age if the
14 State in which the agency is located is eli-
15 gible for a grant under section 619 of the
16 Individuals with Disabilities Education Act
17 (20 U.S.C. 1419); or

18 (ii) 6 through 21 years of age.

19 (c) USE OF FUNDS.—A local educational agency re-
20 ceiving funds under this section may use such funds for
21 any purpose authorized under part B or C of the Individ-
22 uals with Disabilities Education Act (20 U.S.C. 1400 et
23 seq.).

24 (d) APPLICATION.—To seek a grant under this sec-
25 tion, a local educational agency shall submit an application

1 to the Secretary at such time, in such manner, and con-
 2 taining or accompanied by such information as the Sec-
 3 retary may reasonably require.

4 (e) RELATION TO IDEA.—Subject to any waivers
 5 granted by the Secretary, local educational agency receiv-
 6 ing funds under this section shall be subject to the same
 7 provisions that would apply to the receipt of such funds
 8 under part B or C of the Individuals with Disabilities Edu-
 9 cation Act (20 U.S.C. 1400 et seq.), except that this sec-
 10 tion shall not be interpreted to grant the Secretary any
 11 new waiver authority.

12 (f) AUTHORIZATION OF APPROPRIATIONS.—To carry
 13 out this section, there are authorized to be appropriated
 14 \$250,000,000 for fiscal year 2006 and such sums as may
 15 be necessary for fiscal year 2007.

16 **TITLE IV—COMMUNITY** 17 **LEARNING CENTERS**

18 **SEC. 401. GRANTS FOR ACTIVITIES AT COMMUNITY LEARN-** 19 **ING CENTERS.**

20 (a) GRANTS.—The Secretary shall make grants to eli-
 21 gible entities for the purpose of assisting such agencies
 22 to carry out activities authorized by part B of title IV of
 23 the Elementary and Secondary Education Act of 1965 (20
 24 U.S.C. 7171 et seq.).

1 (b) ELIGIBLE ENTITY.—In this section, the term “el-
2 ible entity” means an eligible entity (as that term is de-
3 fined in section 4201 of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C. 7171)) in a geo-
5 graphical area served by an impacted or receiving local
6 educational agency.

7 (c) MAXIMUM AMOUNT.—The maximum amount of
8 a grant to an eligible entity under this section for any fis-
9 cal year shall be—

10 (1) \$1000; multiplied by

11 (2) the number of additional students expected
12 to be served by the entity as a result of Hurricane
13 Katrina or Hurricane Rita.

14 (d) USE OF FUNDS.—An eligible entity receiving
15 funds under this section may use such funds for any pur-
16 pose authorized under part B of title IV of the Elementary
17 and Secondary Education Act of 1965 (20 U.S.C. 7171
18 et seq.).

19 (e) APPLICATION.—To seek a grant under this sec-
20 tion, an eligible entity shall submit an application at such
21 time, in such manner, and containing such information as
22 the Secretary may require.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—To carry
24 out this section, there are authorized to be appropriated

1 \$400,000,000 for fiscal year 2006 and such sums as may
2 be necessary for fiscal year 2007.

3 **TITLE V—IMPROVING EDU-**
4 **CATIONAL INFRASTRUCTURE**

5 **SEC. 501. GRANTS FOR CONSTRUCTION, MODERNIZATION,**
6 **OR REPAIR OF SCHOOL FACILITIES.**

7 The Secretary of Education shall make grants to im-
8 pacted local educational agencies and receiving local edu-
9 cational agencies for the purpose of constructing, modern-
10 izing, or repairing public kindergarten, elementary, and
11 secondary educational facilities, including the appropriate
12 portion of shared-use facilities, that are safe, healthy, and
13 technology-ready.

14 **SEC. 502. ALLOWABLE USES OF FUNDS.**

15 A local educational agency receiving a grant under
16 this title may use the grant for the following:

17 (1) Construction of new public school facilities
18 that ensure the health and safety of students and
19 staff, are energy-efficient, and include up-to-date
20 educational technology infrastructure, including
21 where such construction is economically or otherwise
22 more feasible than large scale modernization or re-
23 pair of existing facilities.

1 (2) Repair or modernization of public school fa-
2 cilities to ensure the health and safety of students
3 and staff, including—

4 (A) repairing, replacing, or installing roofs,
5 electrical wiring, plumbing systems, sewage sys-
6 tems, windows, or doors;

7 (B) repairing, replacing, or installing heat-
8 ing, ventilation, or air conditioning systems (in-
9 cluding insulation); and

10 (C) bringing public schools into compliance
11 with fire and safety codes.

12 (3) Upgrading or installation of educational
13 technology infrastructure to ensure that students
14 have access to up-to-date educational technology.

15 (4) Upgrading school facilities to make them
16 energy-efficient.

17 (5) Modifications necessary to make public
18 school facilities accessible to comply with the Ameri-
19 cans with Disabilities Act of 1990 (42 U.S.C. 12101
20 et seq.) and section 504 of the Rehabilitation Act of
21 1973 (29 U.S.C. 794), except that such modifica-
22 tions shall not be the primary use of the grant.

23 (6) Asbestos abatement or removal from public
24 school facilities.

1 (7) Implementation of measures designed to re-
2 duce or eliminate human exposure to lead-based
3 paint hazards through methods including interim con-
4 trols, abatement, or a combination of each.

5 **SEC. 503. APPLICATION FOR GRANT.**

6 (a) APPLICATIONS REQUIRED.—A local educational
7 agency desiring to receive a grant under this title shall
8 submit an application to the Secretary as such time, in
9 such manner, and containing such information as the Sec-
10 retary may reasonably require.

11 (b) APPLICATION CONTENTS.—Each application de-
12 scribed in subsection (a) shall contain—

13 (1) an assurance that the application was devel-
14 oped in consultation with parents and classroom
15 teachers, to the extent practicable;

16 (2) a description of the overall condition of the
17 local educational agency's school facilities, including
18 health and safety problems;

19 (3) a description of the capacity of the local
20 educational agency's schools to house current and
21 projected enrollments;

22 (4) a description of the improvements to be
23 supported with funds provided under this title;

24 (5) a cost estimate of the proposed improve-
25 ments;

1 (6) an identification of other resources that are
2 available to carry out the activities for which funds
3 are requested under this title;

4 (7) in the case of a local educational agency
5 that proposes to fund a construction, renovation, or
6 repair project for one or more public charter schools,
7 the extent to which the schools have access to fund-
8 ing for the project through the financing methods
9 available to other public schools or local educational
10 agencies in the State; and

11 (8) such other information and assurances as
12 the Secretary may reasonably require.

13 **SEC. 504. SPECIAL RULE.**

14 Each local educational agency receiving a grant under
15 this title shall ensure that, if the agency carries out con-
16 struction, modernization, or repair through a contract, the
17 process for any such contract ensures the maximum num-
18 ber of qualified bidders, including small, minority, and
19 women-owned businesses, through full and open competi-
20 tion.

21 **SEC. 505. FAIR WAGES.**

22 All laborers and mechanics employed by contractors
23 or subcontractors in the performance of any contract or
24 subcontract for the repair, modernization, alteration, or
25 construction, including painting and decorating, of any

1 building or work that is financed in whole or in part by
2 a grant under this title shall be paid wages not less than
3 those determined by the Secretary of Labor in accordance
4 with sections 3141 through 3144 and 3146 of title 40,
5 United States Code (commonly known as the Davis-Bacon
6 Act). The Secretary of Labor shall have the authority and
7 functions set forth in Reorganization Plan No. 14 of 1950
8 (15 FR 3176; 64 Stat. 1267) and section 3145 of title
9 40, United States Code (commonly known as the Copeland
10 Anti-Kickback Act). Notwithstanding any other provision
11 of law, this section may not be waived or suspended.

12 **SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

13 To carry out this title, there are authorized to be ap-
14 propriated such sums as may be necessary for each of fis-
15 cal years 2006 and 2007.

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