

116TH CONGRESS
2D SESSION

H. R. 8150

To direct the Secretary of Health and Human Services to conduct a study with respect to safety precautions to prevent the spread of COVID-19 in schools, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 1, 2020

Ms. MUCARSEL-POWELL (for herself, Mr. SOTO, Ms. GARCIA of Texas, Mrs. MCBATH, Mr. CISNEROS, Ms. FRANKEL, Mrs. DEMINGS, Mr. HASTINGS, Ms. WASSERMAN SCHULTZ, Mr. SAN NICOLAS, Mr. THOMPSON of Mississippi, and Mrs. HAYES) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Health and Human Services to conduct a study with respect to safety precautions to prevent the spread of COVID-19 in schools, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Safe Considerations
3 of the Health Of Our Learning Students Act” or
4 “SCHOOLS Act”.

5 **SEC. 2. STUDY ON COVID-19 SAFETY PRECAUTIONS FOR**
6 **SCHOOLS.**

7 (a) IN GENERAL.—The Secretary of Health and
8 Human Services (in this section referred to as the “Sec-
9 retary”), acting through the Director of the Centers for
10 Disease Control and Prevention, shall conduct a study
11 with respect to safety precautions to prevent the spread
12 of COVID-19 in schools.

13 (b) CONTENT OF STUDY.—The study conducted
14 under subsection (a) shall address each of the following:

15 (1) REOPENING CRITERIA AND BEST PRAC-
16 TICES.—

17 (A) MINIMUM CRITERIA.—The minimum
18 criteria that a community needs to meet with
19 respect to the spread of COVID-19, including
20 the sufficiency of such criteria, before opening
21 schools for full-time and in-person instruction,
22 including—

23 (i) a decreasing positivity rate re-
24 ported over a 28-day period that shall in
25 no case exceed 5 percent; and

1 (ii) a reproductive number over such
2 28-day period of less than 1.

3 (B) BEST PRACTICES.—Best practices with
4 respect to the criteria under subparagraph (A),
5 including with respect to—

6 (i) public health capacity to conduct
7 testing and contact tracing in the commu-
8 nity;

9 (ii) surge capacity in hospitals; and

10 (iii) the amounts of personal protec-
11 tive equipment needed.

12 (2) CRISIS RESPONSE PERSONNEL.—Practices
13 for crisis response personnel in schools, including—

14 (A) the designation of at least 1 staff
15 member (or nurse who may not be a staff mem-
16 ber) to provide crisis response in each school;

17 (B) the metrics to be reported by such
18 staff member;

19 (C) with respect to a school that has at
20 least 2 such staff members, the composition of
21 a team of such staff members; and

22 (D) the actions such staff member should
23 take to minimize the spread of COVID–19 in
24 schools (including actions with respect to in-
25 clement weather).

1 (3) STAFFING.—Recommended practices to in-
2 crease the safety of staff and reduce the spread of
3 COVID–19 among staff, including—

4 (A) the use of common spaces, such as
5 break rooms;

6 (B) allowing staff to work remotely;

7 (C) the use of face coverings, including—

8 (i) appropriate times for and exemp-
9 tions to such use; and

10 (ii) appropriate spaces to suggest such
11 use; and

12 (D) health screenings and reporting of
13 symptoms of COVID–19, and any associated
14 testing for COVID–19, taking into account pri-
15 vacy protections.

16 (4) FACILITY CONDITIONS.—Recommended
17 practices with respect to facility conditions, includ-
18 ing—

19 (A) the minimum physical distancing to re-
20 duce the risk of spread between individuals in
21 classrooms and common spaces, including hall-
22 ways;

23 (B) the appropriate ventilation and air
24 flow;

1 (C) cleaning and disinfection of school sup-
2 plies and common areas; and

3 (D) the minimum physical distancing to
4 reduce the risk of spread during physical edu-
5 cation and recreation activities, and the level of
6 risk associated with any such physical education
7 or recreation activity.

8 (5) TRANSPORTATION.—Recommended prac-
9 tices to increase the safety of staff and students
10 with respect to transporting students to and from
11 schools, including—

12 (A) with respect to dropping students off
13 at and picking students up from schools—

14 (i) conducting health screenings;

15 (ii) implementing staggered schedules;

16 and

17 (iii) physical distancing and hygiene
18 practices; and

19 (B) safety protocols with respect to the use
20 of buses.

21 (6) ORGANIZATION OF TEACHING AND CLASS-
22 ES.—Recommended practices with respect to the or-
23 ganization of teaching, classes, and other group set-
24 tings, including—

1 (A) consistent and small cohort groups
2 among students and teachers;

3 (B) rotating schedules or other alternate
4 schedules; and

5 (C) administering meal time.

6 (c) RECOMMENDATIONS.—Not later than 60 days
7 after the date of the enactment of this Act, the Secretary
8 shall—

9 (1) submit to Congress recommendations based
10 on the results of the study under subsection (a); and

11 (2) update the recommendations under para-
12 graph (1) as necessary.

13 **SEC. 3. GRANT PROGRAM TO IMPLEMENT CDC GUIDANCE**
14 **RELATING TO COVID-19.**

15 (a) ESTABLISHMENT.—The Secretary of Education
16 shall carry out a grant program to make grants to State
17 educational agencies to carry out the activities described
18 in subsection (c).

19 (b) APPLICATION.—To be eligible to receive a grant
20 under this section, a State educational agency shall submit
21 to the Secretary an application not later than 2 months
22 after funds are first made available under subsection
23 (g)(1) that includes—

24 (1) a plan developed by the State educational
25 agency to implement the guidance relating to health

1 and safety measures with respect to COVID–19 es-
2 tablished by the Secretary of Health and Human
3 Services, acting through the Director of the Centers
4 for Disease Control and Prevention, in local edu-
5 cational agencies, elementary schools, and secondary
6 schools served by such State Educational agency;

7 (2) an assurance that, with respect to school
8 year 2020–2021, the State educational agency will—

9 (A) offer remote digital learning options to
10 students such that the number of hours offered
11 for remote digital learning is equal to or greater
12 than the number of hours offered for in-person
13 learning;

14 (B) not require a student who has an in-
15 creased health risk (as defined by the Secretary
16 of Health and Human Services, acting through
17 the Director of the Centers for Disease Control
18 and Prevention) or lives with a family member
19 with an increased health risk to attend in-per-
20 son learning;

21 (C) limit in-person meetings and con-
22 ferences;

23 (D) group students in such a manner as to
24 minimize the burden placed on teachers; and

1 (E) provide guidance for teachers who have
2 an increased health risk for instructing students
3 remotely;

4 (3) a plan to—

5 (A) close in-person learning in the case of
6 a resurgence (as defined by the Secretary of
7 Health and Human Services, acting through the
8 Director of the Centers for Disease Control and
9 Prevention) of COVID–19 cases in the State;

10 (B) with respect to a school in which a stu-
11 dent or staff member who attends such school
12 in-person tests positive for COVID–19, close
13 such school until it is safe for students and
14 staff to return; and

15 (C) notify each student and staff member
16 who may have come in to contact with a stu-
17 dent or staff member described in subparagraph
18 (B) of the potential exposure to COVID–19;
19 and

20 (4) such other information as the Secretary
21 may require.

22 (c) USE OF FUNDS.—

23 (1) IN GENERAL.—A State educational agency
24 that receives a grant under this section may only use
25 such grant—

1 (A) to carry out such activities as are nec-
2 essary to implement the guidance described in
3 subsection (b)(1), as determined by the Sec-
4 retary; and

5 (B) to—

6 (i) conduct teacher training on public
7 safety protocols;

8 (ii) establish or expand digital edu-
9 cation programs;

10 (iii) carry out teacher professional de-
11 velopment for digital learning;

12 (iv) establish or expand summer
13 learning, weekend instruction, or expanded
14 school years to supplement instruction;

15 (v) hire substitute teachers, including
16 substitute teachers for teachers who are
17 medically vulnerable;

18 (vi) provide paid sick and family leave
19 for all staff, including substitute teachers
20 and contract workers;

21 (vii) establish or expand mental health
22 support services, including by hiring staff
23 and other personnel to meet the social,
24 emotional, and mental health needs of stu-
25 dents;

1 (viii) purchase school supplies needed
2 for student and staff health safety, includ-
3 ing personal protective equipment, sanita-
4 tion supplies, and equipment necessary for
5 temperature checks of students and staff;

6 (ix) purchase other school supplies
7 (including books and laptops) for students;

8 or

9 (x) purchase equipment needed for
10 physical distancing and digital learning.

11 (2) ADMINISTRATIVE EXPENSES.—A State edu-
12 cational agency may use not more than 5 percent of
13 any grant received under this section for administra-
14 tive expenses related to carrying out the activities
15 described in paragraph (1).

16 (d) DEPARTMENT REPORT.—Not later than 30 days
17 after the date of the enactment of this Act, and every 30
18 days thereafter until the last day of school year 2020–
19 2021, the Secretary shall submit to Congress a report that
20 includes—

21 (1) the number and amount of grants made
22 under this section; and

23 (2) with respect to each State, the number of
24 students and faculty members in each such State
25 who test positive for COVID–19.

1 (e) RULES OF CONSTRUCTION.—

2 (1) EMPLOYEE RIGHTS.—Nothing in this sec-
3 tion shall be construed to alter or otherwise affect
4 the rights, remedies, and procedures afforded to
5 school or local education agency employees under
6 Federal, State, or local laws (including applicable
7 regulations or court orders) or under the terms of
8 collective bargaining agreements, memoranda of un-
9 derstanding, or other agreements between such em-
10 ployers and their employees.

11 (2) IMMIGRATION STATUS.—Nothing in this
12 section shall be construed to limit any student, the
13 State educational agency and local educational agen-
14 cy serving such student, or the elementary school or
15 secondary school in which a student is enrolled from
16 receiving funds pursuant to this section based on the
17 immigration status of such student.

18 (f) DEFINITIONS.—In this section:

19 (1) ESEA TERMS.—The terms “elementary
20 school”, “local educational agency”, “secondary
21 school”, “Secretary”, and “State educational agen-
22 cy” have the meanings given such terms in section
23 8101 of the Elementary and Secondary Education
24 Act of 1965 (20 U.S.C. 7801 et seq.).

1 (2) STUDENT.—The term “student” means a
2 student who attends a public elementary school or
3 public secondary school.

4 (g) FUNDING.—

5 (1) IN GENERAL.—Of the amounts made avail-
6 able to the “Department of Education—Education
7 Stabilization Fund” under Public Law 116–136, the
8 Secretary shall use \$300,000,000,000 to carry out
9 grants under this section for fiscal year 2020.

10 (2) NO FUNDING TO PRIVATE SCHOOLS.—None
11 of the funds made available under paragraph (1)
12 may be used to—

13 (A) provide funding to a private elemen-
14 tary school or private secondary school; or

15 (B) establish vouchers for students to at-
16 tend a school described in subparagraph (A).

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