

116TH CONGRESS  
2D SESSION

# S. 4261

To establish a grant program to assist elementary and secondary schools with reopening after closures related to COVID–19, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 22, 2020

Mr. PERDUE introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To establish a grant program to assist elementary and secondary schools with reopening after closures related to COVID–19, 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 “Safely Creating  
5       Healthy Opening Options Locally Act” or the “SCHOOL  
6       Act”.

7       **SEC. 2. FINDINGS.**

8       Congress finds the following:

1           (1) The absence of in-person learning has re-  
 2 minded the Nation of how critical schools are for  
 3 children, parents, families, and their communities.

4           (2) Our Nation’s goal is safely getting students  
 5 back to school in the Fall. To do so successfully, our  
 6 teachers and schools will need the support necessary  
 7 to maintain safety.

8           (3) School districts must apply recommenda-  
 9 tions from State and local health officials to ensure  
 10 that students, teachers, and faculty can safely re-  
 11 turn to the classroom.

12 **SEC. 3. STATE GRANT PROGRAM TO SAFELY REOPEN**  
 13 **SCHOOLS.**

14 (a) DEFINITIONS.—In this section:

15           (1) LOCAL EDUCATIONAL AGENCY.—The term  
 16 “local educational agency” has the meaning given  
 17 the term in section 8101 of the Elementary and Sec-  
 18 ondary Education Act of 1965 (20 U.S.C. 7801).

19           (2) PERSONAL PROTECTIVE EQUIPMENT.—The  
 20 term “personal protective equipment” has the mean-  
 21 ing given the term in section 20005 of the CARES  
 22 Act (Public Law 116–136).

23           (3) SECRETARY.—The term “Secretary” means  
 24 the Secretary of Education.

1           (b) AUTHORIZATION OF GRANT PROGRAM.—From  
2 the amount appropriated to carry out this section, the Sec-  
3 retary, acting in partnership with the Secretary of Health  
4 and Human Services, shall award grants to local education  
5 agencies to enable those local educational agencies to carry  
6 out the activities described in subsection (d).

7           (c) APPLICATIONS; AWARD CRITERIA.—

8                   (1) APPLICATION.—A local educational agency  
9 desiring a grant under this section shall submit an  
10 application to the Secretary at such time, in such  
11 manner, and containing such information as the Sec-  
12 retary may require, including—

13                           (A) school reopening plans, which shall in-  
14 clude—

15                                   (i) a process for notifying parents of  
16 a student’s potential interaction with  
17 known cases of COVID–19 during school  
18 activities, which shall be carried out in a  
19 manner that complies with the require-  
20 ments under section 444 of the General  
21 Education Provisions Act (20 U.S.C.  
22 1232g), commonly known as the “Family  
23 Educational Rights and Privacy Act of  
24 1974”, and other applicable privacy laws,  
25 and is developed and implemented in con-

1 sultation with administrators of the local  
 2 educational agency and State and local  
 3 public health officials; and

4 (ii) a certification that those reopen-  
 5 ing plans do not infringe on student suc-  
 6 cess and meet the guidelines, recommenda-  
 7 tions, and other public health communica-  
 8 tions issued by the Centers for Disease  
 9 Control and Prevention; and

10 (B) information relating to the award cri-  
 11 teria described in paragraph (2).

12 (2) AWARD CRITERIA.—In awarding grants  
 13 under this section, the Secretary shall determine  
 14 which local educational agencies will receive a grant,  
 15 and the amount of each such grant, after consid-  
 16 ering school size, school setting, specific school  
 17 needs, and timing of in-person classes.

18 (d) USE OF FUNDS.—A local educational agency re-  
 19 ceiving funds under this section shall use such funds to  
 20 carry out one or more of the following:

21 (1) Purchasing personal protective equipment.

22 (2) Cleaning and disinfection of schools.

23 (3) Purchase of supplies necessary to carry out  
 24 reopening plans described in subsection (c).

1           (4) Paying costs associated with school compli-  
2           ance with guidelines, recommendations, and other  
3           public health communications issued by the Centers  
4           for Disease Control and Prevention, or a State, In-  
5           dian Tribe, Tribal organization, or locality related to  
6           mitigating the hazards presented by Coronavirus  
7           Disease 2019 (COVID–19).

8   **SEC. 4. CONNECTING HEALTH CARE PROFESSIONALS WITH**  
9                                   **SCHOOLS.**

10          (a) IN GENERAL.—The Secretary, in partnership  
11          with the Secretary of Health and Human Services, shall  
12          develop a process for connecting health care professionals  
13          to schools in order to assist such schools with symptom  
14          checks, check-ins, and additional supports that schools  
15          need relating to Coronavirus Disease 2019 (COVID–19).

16          (b) TELEHEALTH.—The Secretary shall work jointly  
17          with the Secretary of Health and Human Services to de-  
18          velop recommendations about how to expand access to  
19          telehealth services for students and teachers in areas with  
20          a shortage of health care professionals.

21          (c) GUIDANCE ON REQUIREMENT FOR COVERAGE OF  
22          TESTING FOR COVID–19 IN SCHOOL SETTINGS.—Not  
23          later than September 8, 2020, the Secretary of Health and  
24          Human Services shall issue guidance clarifying that the  
25          requirement under section 6001(a)(1) of the Families

1 First Coronavirus Response Act (Public Law 116–127),  
2 as amended by the CARES Act (Public Law 116–136),  
3 applies in the case of items and services furnished to an  
4 individual during a health care provider office visit that  
5 occurs in a school setting through telehealth, to the extent  
6 provided in such section.

7 (d) GUIDANCE ON PROVIDING REIMBURSEMENT FOR  
8 TELEHEALTH SERVICES PROVIDED IN A SCHOOL-BASED  
9 SETTING UNDER MEDICAID AND CHIP.—Not later than  
10 September 8, 2020, the Secretary of Health and Human  
11 Services, through the Administrator of the Centers for  
12 Medicare & Medicaid Services, shall issue a State Health  
13 Official letter to advise directors of State Medicaid pro-  
14 grams under title XIX of the Social Security Act (42  
15 U.S.C. 1396 et seq.) and State Children’s Health Insur-  
16 ance Programs under title XXI of such Act (42 U.S.C.  
17 1397aa et seq.) on how States may provide for coverage  
18 under such programs for telehealth services furnished to  
19 students, teachers, and other school officials in a school-  
20 based setting, including actions States can take without  
21 Federal approval to provide coverage under such programs  
22 for such services.

1 **SEC. 5. CLEARINGHOUSE OF BEST PRACTICES RELATING**  
 2 **TO SCHOOL REOPENING.**

3 (a) IN GENERAL.—The Secretary shall establish an  
 4 online data clearinghouse to collect and maintain informa-  
 5 tion relating to school reopening after school closures due  
 6 to Coronavirus Disease 2019 (COVID–19), including best  
 7 practices for such reopening.

8 (b) CRITERIA FOR CLEARINGHOUSE INFORMA-  
 9 TION.—The information contained in such clearing-  
 10 house—

11 (1) shall be evidence-based (as defined in sec-  
 12 tion 8101 of the Elementary and Secondary Edu-  
 13 cation Act of 1965 (20 U.S.C. 7801));

14 (2) shall not promote specific types of products;  
 15 and

16 (3) shall be organized by school setting (such as  
 17 urban, rural, or suburban), school size, and the age  
 18 of students attending the school.

19 (c) PUBLICLY AVAILABLE.—The online data clear-  
 20 oughouse established under this section shall be publicly  
 21 available online.

22 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated—

24 (1) \$50,000,000,000 to carry out section 3; and

25 (2) \$500,000,000 to carry out sections 4 and 5.