

116TH CONGRESS
2D SESSION

S. 4917

To amend the CARES Act to support States and local educational agencies in responding to the COVID–19 pandemic so that all students, especially historically underserved students, are provided with a safe, healthy, equitable, and excellent education.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2020

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

A BILL

To amend the CARES Act to support States and local educational agencies in responding to the COVID–19 pandemic so that all students, especially historically underserved students, are provided with a safe, healthy, equitable, and excellent education.

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 “Educator Jobs Fund
5 Act of 2020”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to support States and local
3 educational agencies in responding to the COVID–19 pan-
4 demic so that all students, especially historically under-
5 served students, are provided with a safe, healthy, equi-
6 table, and excellent education by—

7 (1) providing funding to ensure students do not
8 lose access to high-quality educators due to State
9 and local budget cuts;

10 (2) investing in educator pipelines to ensure
11 students’ access to a well-prepared and diverse edu-
12 cator workforce is not affected by the COVID–19
13 pandemic;

14 (3) putting in place fiscal equity measures so
15 students of color, students from families experi-
16 encing low incomes, and other historically under-
17 served students do not bare the budgetary brunt of
18 the COVID–19 pandemic; and

19 (4) ensuring that schools are equipped with the
20 personal protective equipment necessary to keep stu-
21 dents, teachers, principals, other support staff, and
22 families safe.

23 **SEC. 3. FINDINGS.**

24 Congress finds the following:

25 (1) Prior to the COVID–19 pandemic, the
26 United States was already experiencing a shortage

1 of more than 100,000 qualified teachers. Likewise,
2 prior to the pandemic, public employment in elemen-
3 tary schools and secondary schools had yet to re-
4 cover the level it had reached prior to the losses of
5 the Great Recession.

6 (2) According to the Economic Policy Institute,
7 more K–12 public education jobs were lost in April
8 than in all of the Great Recession—a loss of
9 468,800 jobs in public school employment alone.
10 Half of these losses were among special education
11 teachers, tutors, and teaching assistants. Losses
12 were also significant among counselors, nurses,
13 custodians, and other building maintenance staff.

14 (3) An analysis from the Learning Policy Insti-
15 tute found that if there is a 20-percent reduction in
16 State contributions to education funding, this could
17 result in the loss of nearly 460,000 teaching posi-
18 tions nationwide, or over 12 percent of the public
19 school teaching workforce. This is a more significant
20 downsizing than witnessed during the Great Reces-
21 sion, when significant Federal investment of about
22 \$110,000,000,000, including an Educator Job Fund,
23 helped save 288,000 and 134,000 education jobs at
24 different points in time.

1 (4) Teachers of color face unique barriers to en-
2 tering and staying in the profession. For example,
3 teachers of color are more likely to enter teaching
4 through less comprehensive pathways due to the
5 high cost of traditional teacher preparation pro-
6 grams and the debt burden faced by college students
7 of color. Lower quality pathways can result in less
8 effective teaching and high turnover rates. Research
9 shows that candidates who receive comprehensive
10 preparation are 2 to 3 times more likely to stay in
11 teaching than those who receive little training. In
12 many cases, however, teachers of color are more like-
13 ly to begin teaching without having completed com-
14 prehensive preparation and enter instead through
15 routes that include minimal or no student teaching
16 or integration of key coursework, leaving teachers to
17 learn on the job.

18 (5) Before the COVID-19 pandemic, enroll-
19 ments in teacher preparation programs had been on
20 a steady decline for years, dropping 39 percent for
21 undergraduate and post-baccalaureate programs be-
22 tween 2010 and 2017—resulting in over 277,000
23 fewer professionals working their way toward the
24 classroom. The economic impact of COVID-19
25 threatens to put the ability to afford high-quality

1 teacher preparation further out of reach for prospec-
 2 tive teacher of color who already faced higher afford-
 3 ability barriers prior to the pandemic than their
 4 white counterparts. Similarly, institutions of higher
 5 education—including under resourced Historically
 6 Black Colleges and Universities (HBCUs) and Mi-
 7 nority Serving Institutions (MSIs) of higher edu-
 8 cation—are under fiscal strain. Both phenomena
 9 threaten to further hinder students—especially his-
 10 torically underserved students—access to a well-pre-
 11 pared and diverse educator workforce.

12 (6) Historically Black Colleges and Universities
 13 (HBCUs) and Minority Serving Institutions (MSIs)
 14 of higher education have an outsized role in pre-
 15 paring teachers of color. For example, despite the
 16 fact that only 14.2 percent of all public school teach-
 17 ers earned their bachelor’s degrees from MSIs, near-
 18 ly 40 percent of all Black teachers in the Nation
 19 earned their bachelor’s degree at an MSI. Nearly
 20 half of all Latino teachers with bachelor’s degrees
 21 earned them at MSIs. Further, roughly 25 percent
 22 of Asian Americans and Native Americans with BAs
 23 in teaching earned them at MSIs, while almost a
 24 third of Pacific Islanders with BAs earned their de-
 25 grees at an MSI.

1 (7) Teacher residency programs like those sup-
2 ported by the Teacher Quality Partnership Grant
3 Program, are a high-quality and diverse teacher
4 preparation pathway into teaching. Nationally, about
5 49 percent of residents are people of color. That is
6 the similar to the proportion of public school stu-
7 dents of color and far more than the 20 percent of
8 teachers who are people of color nationally.

9 (8) Furthermore, prior to the COVID–19 pan-
10 demic, principal turnover was also a significant
11 issue. Research from the Learning Policy Institute
12 and National Association of Secondary School Prin-
13 cipals found that 35 percent of principals leave their
14 schools within 2 years and that approximately 18
15 percent of principals were no longer in the same po-
16 sition one year later. In underserved schools and
17 areas, this turnover rate was even higher at 21 per-
18 cent. Additionally, a recent poll of principals found
19 that 45 percent are planning to move up their plans
20 to leave the profession due to the conditions
21 spawned by the COVID–19 pandemic.

22 (9) Reducing principal turnover also has a sig-
23 nificant impact on student performance and teacher
24 retention. Principals are the second most important
25 school-level factor associated with student achieve-

1 ment. Studies have also show that teachers cite prin-
2 cipal support as one of the most important in their
3 decision to remain in a school or the profession.

4 (10) Without sufficient Federal support to
5 States, local educational agencies, and teacher and
6 principal preparation programs at institutions of
7 higher education, educator layoffs and shortages will
8 be exacerbated by the economic crisis caused by the
9 COVID–19 pandemic and historically underserved
10 students, including students of color and students
11 from families experiencing low incomes, will bear the
12 brunt of these layoffs and shortages.

13 (11) Data consistently show the dispropor-
14 tionate impact of COVID–19 on people of color and
15 communities of concentrated poverty. Further, dec-
16 ades of data show that students of color, students
17 from low-income families, and English language
18 learners, as well as those with special needs, who are
19 experiencing homelessness, who are in foster care,
20 who are involved with the juvenile justice system,
21 and whose families are engaged in seasonal work,
22 have long been underserved by the current education
23 system.

24 (12) Federal relief aid should be contingent on
25 States and local educational agencies protecting stu-

dents most heavily impacted by COVID–19 and students historically underserved in education in the United States from having to bear the brunt of shortfalls in school funding and other impacts of the virus on schools.

(13) Countries that have physically reopened schools successfully—and only once infection rates were under control—have provided schools with the resources necessary, such as personal protective equipment, to continue education and keep children and staff safe.

SEC. 4. EDUCATOR JOB FUND.

(a) IN GENERAL.—

(1) AUTHORIZATION.—The Secretary shall award grants to States, to remain available until the later of—

(A) August 15, 2027; or

(B) the date on which each State average rate of total unemployment in the Nation (seasonally adjusted) is such that for the period consisting of the most recent 3 months for which data for all States are published before the close of such week equals or is less than 5.5 percent.

(2) ALLOCATION TO OUTLYING AREAS AND BUREAU OF INDIAN EDUCATION.—

(A) RESERVATION.—From the amount made available under subsection (j)(1) for a fiscal year, the Secretary shall reserve—

(i) an amount equal to $\frac{1}{2}$ of 1 percent for allocations to the outlying areas in accordance with subparagraph (B); and

(ii) an amount equal to $\frac{1}{2}$ of 1 percent for allocations to programs operated or funded by the Bureau of Indian Education in accordance with subparagraph (C).

(B) OUTLYING AREAS.—From the amount made available under subparagraph (A)(i) for a fiscal year, the Secretary shall allocate to each outlying area a grant that bears the same proportion to such amount as the amount the outlying area received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the preceding fiscal year bears to the amount all outlying areas received under such part for such preceding fiscal year.

1 (C) PROGRAMS OPERATED OR FUNDED BY
2 THE BUREAU OF INDIAN EDUCATION.—From
3 the amount made available under subparagraph
4 (A)(ii) for a fiscal year, the Secretary shall, in
5 consultation with the Secretary of the Interior,
6 allocate to each program operated or funded by
7 the Bureau of Indian Education a grant that
8 bears the same proportion to such amount as
9 the amount the program operated or funded by
10 the Bureau of Indian Education received under
11 part A of title I of the Elementary and Sec-
12 ondary Education Act of 1965 (20 U.S.C. 6311
13 et seq.) for the preceding fiscal year bears to
14 the amount all programs operated or funded by
15 the Bureau of Indian Education received under
16 such part for such preceding fiscal year.

17 (3) DEFINITIONS.—In this section:

18 (A) ELIGIBLE STATE.—The term “eligible
19 State” means a State where the average rate of
20 total unemployment in such State (seasonally
21 adjusted) for the period consisting of the most
22 recent 3 months for which data for all States
23 are published before the close of such week
24 equals or exceeds 5.5 percent.

1 (B) ELIGIBLE APPLICATION.—The term
2 “eligible application” means an application sub-
3 mitted by an eligible State not more than once
4 per a State fiscal year.

5 (C) OUTLYING AREA.—The term “outlying
6 area” means American Samoa, the Common-
7 wealth of the Northern Mariana Islands, Guam,
8 and the United States Virgin Islands.

9 (D) QUALIFYING EMERGENCY.—The term
10 “qualifying emergency” means—

11 (i) a public health emergency related
12 to the coronavirus declared by the Sec-
13 retary of Health and Human Services pur-
14 suant to section 319 of the Public Health
15 Service Act (42 U.S.C. 247d);

16 (ii) an event related to the coronavirus
17 for which the President declared a major
18 disaster or an emergency under section
19 401 or 501, respectively, of the Robert T.
20 Stafford Disaster Relief and Emergency
21 Assistance Act (42 U.S.C. 5170 and
22 5191); or

23 (iii) a national emergency related to
24 the coronavirus declared by the President

1 under section 201 of the National Emer-
2 gencies Act (50 U.S.C. 1601 et seq.).

3 (E) SECRETARY.—The term “Secretary”
4 means the Secretary of Education.

5 (b) APPLICATION.—The Governor and chief State
6 school officer of an eligible State seeking to receive a grant
7 under this section shall submit an eligible application to
8 the Secretary at such time, in such manner, and accom-
9 panied by such information as the Secretary may require,
10 including assurances that the eligible State will meet the
11 requirements provided under this section. The Secretary
12 shall not require information in an eligible application be-
13 yond what is necessary to determine compliance with this
14 section.

15 (c) FISCAL AND EDUCATOR EQUITY ACCOUNT-
16 ABILITY.—The Secretary shall not award a grant to a
17 State under this section unless the Governor and the chief
18 State school officer of the State provide an assurance to
19 the Secretary that—

20 (1) the State educational agency will, with re-
21 spect to the school year applicable to the fiscal year
22 for which the grant is received, provide support for
23 public elementary and public secondary education in
24 the State, including spending for the school year and
25 capital spending, that bears the same proportion to

1 the overall State budget for such fiscal year as the
2 average amount of such support for school years
3 2017–2018 and 2018–2019 bears to the average
4 overall State budget for the fiscal years applicable to
5 such school years;

6 (2) in the event of a precipitous decline in fi-
7 nancial resources due to a qualifying emergency
8 where Federal resources were not sufficient to rem-
9 edy such a decline and the State cannot maintain
10 the same level of fiscal efforts as described in para-
11 graph (1), the Governor and chief State school offi-
12 cer shall—

13 (A) prioritize staffing stability in high-pov-
14 erty local educational agencies; and

15 (B) ensure that if reductions in educator
16 and support staff or implementation of a hiring
17 freeze must occur, any reductions or hiring
18 freezes in educator and support staffing shall
19 occur in an equitable manner that at a min-
20 imum does not disproportionately impact high-
21 poverty schools;

22 (3) grant funds received under this section shall
23 be used so to supplement the level of Federal, State,
24 and local public funds that, in the absence of such

1 availability, would have been used to support elemen-
 2 tary and secondary education in the State; and

3 (4) the State will take action to ensure that
 4 low-income students and students of color enrolled
 5 in schools assisted under this section are not served
 6 at disproportionate rates by ineffective, out-of-field,
 7 or inexperienced teachers or principals, as described
 8 in section 1111(g)(1)(B) of the Elementary and Sec-
 9 ondary Education Act of 1965 (20 U.S.C.
 10 6311(g)(1)(B)).

11 (d) RESERVATION.—A State that receives a grant
 12 under this section may reserve—

13 (1) not more than 2 percent of the grant funds
 14 for the administrative costs of carrying out its re-
 15 sponsibilities under the grant; and

16 (2) not more than 10 percent for statewide ac-
 17 tivities described under subsection (e)(3)(B) that
 18 provide additional supports to high-poverty local
 19 educational agencies that the State determines were
 20 mostly heavily impacted by the COVID–19 pan-
 21 demic.

22 (e) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
 23 CIES.—

24 (1) IN GENERAL.—A State that receives a
 25 grant under this section shall use the grant funds

1 not reserved under subsection (d) to award sub-
2 grants, from allotments under paragraph (2), to
3 local educational agencies (including charter schools
4 that are local educational agencies) in the State.

5 (2) FORMULA.—From the amount available to
6 a State that receives a grant under this section and
7 not reserved under subsection (d), each local edu-
8 cational agency and charter school that is not a local
9 educational agency in the State shall receive an
10 amount that bears the same relationship to such
11 amount available and not reserved, as the amount
12 such local educational agency or charter school re-
13 ceived under part A of title I of the Elementary and
14 Secondary Education Act of 1965 (20 U.S.C. 6311
15 et seq.) for the most recent fiscal year bears to the
16 amount received by all local educational agencies
17 and charter schools that are not local educational
18 agencies in the State under such part for the most
19 recent fiscal year.

20 (3) REQUIREMENT TO USE FUNDS TO RETAIN
21 OR CREATE EDUCATION JOBS.—A local educational
22 agency or charter school that receives a subgrant
23 under this subsection—

24 (A) shall reserve 5 percent of the subgrant
25 funds to identify and address, as required

1 under section 1112(b)(2) of the Elementary
2 and Secondary Education Act of 1965 (20
3 U.S.C. 6312(b)(2)), any disparities that result
4 in low-income students and minority students
5 being taught at higher rates than other stu-
6 dents by ineffective, inexperienced, or out-of-
7 field teachers;

8 (B) shall use 95 percent of the subgrant
9 funds for compensation and benefits and other
10 expenses, such as support services, necessary to
11 retain existing employees, to recall or rehire
12 former employees, and to hire new employees,
13 in order to provide early childhood, elementary,
14 or secondary educational and related services;

15 (C) may not use subgrant funds for gen-
16 eral administrative expenses or for other sup-
17 port services expenditures, as those terms were
18 defined by the National Center for Education
19 Statistics in its Common Core of Data as of the
20 date of enactment of this Act; and

21 (D) shall provide an assurance that in the
22 event of a precipitous decline in financial re-
23 sources due to a qualifying emergency where
24 Federal and State resources were not sufficient
25 to remedy such a decline that it—

- 1 (i) will prioritize staffing stability in
 2 high-poverty schools; and
 3 (ii) if it must makes reductions in ed-
 4 ucator and support staff or implement a
 5 hiring freeze, any reductions or hiring
 6 freezes in educator and support staffing
 7 shall occur in an equitable manner.

8 (f) PROHIBITION ON THE USE OF FUNDS FOR
 9 RAINY-DAY FUNDS OR DEBT RETIREMENT.—A State
 10 that receives a grant under this section may not use such
 11 funds, directly or indirectly, to—

- 12 (1) establish, restore, or supplement a rainy-day
 13 fund;
 14 (2) supplant State funds in a manner that has
 15 the effect of establishing, restoring, or supplement-
 16 ing a rainy-day fund;
 17 (3) reduce or retire debt obligations incurred by
 18 the State;
 19 (4) supplant State funds in a manner that has
 20 the effect of reducing or retiring debt obligations in-
 21 curred by the State;
 22 (5) meet the requirements under sections 1118
 23 and 8521 of the Elementary and Secondary Edu-
 24 cation Act of 1965 (20 U.S.C. 6321, 7901); or

1 (6) provide increased salaries or bonuses related
2 to on the job performance.

3 (g) PROHIBITION.—A State educational agency and
4 a local educational agency shall not use funds received
5 under section 18010 of the CARES Act (Public Law 116–
6 136)—

7 (1) to meet the requirements under sections
8 1118 and 8521 of the Elementary and Secondary
9 Education Act of 1965; and

10 (2) for any support of private schools, through
11 employment, services, vouchers, tax-credit scholar-
12 ships, or savings accounts for students to attend pri-
13 vate elementary or secondary schools, or other
14 means.

15 (h) REPORTING.—

16 (1) STATE.—Not later than 6 months after the
17 disbursement of subgrants and annually for each
18 subsequent year for which funds are made available
19 under this section, a State that receives a grant
20 under this section shall submit a report to the Sec-
21 retary that includes the following information:

22 (A) The number and percentage of educa-
23 tor and other staff positions that are eliminated
24 or left unfilled in the State (as reported on the
25 annual report card under paragraph (1) or (2)

of section 1111(h) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h))), included in the aggregate and disaggregated by the following:

(i) High-poverty local educational agencies and schools compared to low-poverty local educational agencies and schools.

(ii) Local educational agencies and schools serving the highest number and percentage of minority children compared to local educational agencies and schools serving the fewest number and percentage of minority children.

(B) The number and percentage of teaching positions that are eliminated or left unfilled in the State (as reported on the annual report card under paragraph (1) or (2) of section 1111(h) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h))), included in the aggregate and disaggregated by the following characteristics of the teacher who previously held the position:

(i) Race and ethnicity.

(ii) Certification status (full-certification or provisional certification).

1 (iii) Teachers in the first 2 years of
2 teaching.

3 (iv) Teachers with three or more years
4 of teaching experience.

5 (v) If determined appropriate by the
6 State educational agency, the most recent
7 effectiveness rating with respect to such
8 teacher.

9 (C) The percentage of funds under this
10 section reserved under subsection (d)(1) and
11 how such funds were spent.

12 (2) LOCAL EDUCATIONAL AGENCY REPORT-
13 ING.—A local educational agency or charter school
14 that receives a subgrant under this subsection shall
15 submit a report to the State educational agency not
16 later than 90 days after the date the it receives the
17 subgrant that includes the number of educator and
18 school staff jobs that were saved or created with
19 funds received under this section, including the fol-
20 lowing:

21 (A) The overall number of such jobs.

22 (B) With respect to a local educational
23 agency, the number of such jobs in each school
24 served by the local educational agency that

1 serves the greatest concentration in the agency
 2 of any of the following:

3 (i) Students of color.

4 (ii) Students from low-income back-
 5 grounds.

6 (iii) Children with disabilities.

7 (iv) English learners.

8 (v) Migrant children.

9 (vi) Students experiencing homeless-
 10 ness.

11 (vii) Children and youth in foster
 12 care.

13 (viii) Students involved with the juve-
 14 nile justice system.

15 (C) The number of such jobs disaggregated
 16 by race and ethnicity, cross-tabulated by gen-
 17 der.

18 (i) FINDINGS FROM THE EDUCATOR JOB FUND.—

19 Not later than 12 months after the date of each round
 20 of grant making under this section, the Secretary shall
 21 provide a report to the Committee on Health, Education,
 22 Labor, and Pensions of the Senate, the Committee on Ap-
 23 propriations of the Senate, the Committee on Education
 24 and Labor of the House of Representatives, and the Com-
 25 mittee on Appropriations of the House of Representatives

1 summarizing the findings from the reports received under
 2 subsection (h).

3 (j) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There are authorized to be
 5 appropriated to the Secretary to establish and imple-
 6 ment an Educator Jobs Fund—

7 (A) \$56,600,000,000 for fiscal year 2021;

8 (B) \$52,400,000,000 for fiscal year 2022;

9 (C) \$34,300,000,000 for fiscal year 2023;

10 (D) \$26,100,000,000 for fiscal year 2024;

11 (E) \$17,700,000,000 for fiscal year 2025;

12 (F) \$14,400,000,000 for fiscal year 2026;

13 (G) \$14,600,000,000 for fiscal year 2027;

14 (H) \$14,800,000,000 for fiscal year 2028;

15 (I) \$15,000,000,000 for fiscal year 2029;

16 and

17 (J) \$15,200,000,000 for fiscal year 2030.

18 (2) RESERVATION FOR ADMINISTRATIVE EX-
 19 PENSES.—Of the amounts made available for a fis-
 20 cal year under paragraph (1), the Secretary may re-
 21 serve not more than \$1,000,000 for each such fiscal
 22 year for administration and oversight of this section.

23 (3) ALLOCATION SCHEDULE.—

24 (A) FIRST YEAR OF GRANTS.—Not later
 25 than 30 days after the date of enactment of

1 this Act, from the amounts first made available
 2 under paragraph (1), the Secretary shall award
 3 grants under this section.

4 (B) SUBSEQUENT YEARS.—Not later than
 5 30 days after the first day of the first fiscal
 6 year that begins after the date of enactment of
 7 this Act and annually thereafter, from the
 8 amounts made available under paragraph (1),
 9 the Secretary shall award grants under this sec-
 10 tion.

11 **SEC. 5. FISCAL ACCOUNTABILITY AND EDUCATION EQUITY.**

12 (a) NATIONAL EMERGENCY EDUCATIONAL WAIV-
 13 ERS.—Section 3511(c)(3) of the CARES Act (Public Law
 14 116–136) is amended by adding at the end the following:

15 “(C) RULE FOR MAINTENANCE OF EF-
 16 FORT.—The Secretary shall not grant a waiver
 17 under subsection (b)(2)(B) unless the entity
 18 seeking the waiver provides at least the same
 19 percentage of total available revenue for ele-
 20 mentary and secondary education for the fiscal
 21 year for which the waiver is requested as the
 22 percentage provided for such purpose for the
 23 preceding fiscal year.”.

1 (b) MAINTENANCE OF EFFORT; SUPPLEMENT NOT
 2 SUPPLANT.—Section 18008 of the CARES Act (Public
 3 Law 116–136) is amended to read as follows:

4 “MAINTENANCE OF EFFORT; SUPPLEMENT NOT
 5 SUPPLANT

6 “SEC. 18008. (a) MAINTENANCE OF EFFORT.—A
 7 State’s application for funds to carry out section 18002
 8 or 18003 shall include assurances that the State will—
 9 “(1) maintain support for elementary and sec-
 10 ondary education in fiscal years 2020, 2021, and
 11 2022, at least at the levels of such State’s support
 12 for elementary and secondary education in fiscal
 13 year 2019 or fiscal year 2020, whichever is greater;
 14 and

15 “(2) maintain support for higher education
 16 (which shall include State funding to institutions of
 17 higher education and State financial aid, and shall
 18 not include support for capital projects, research and
 19 development, or tuition and fees paid by students) in
 20 fiscal years 2020, 2021, and 2022, at least at the
 21 levels of such State’s support for higher education in
 22 fiscal year 2019 or fiscal year 2020, whichever is
 23 greater.

24 “(b) SUPPLEMENT, NOT SUPPLANT.—Funds made
 25 available to States under this title shall be used to supple-

1 ment, and not supplant, non-Federal funds that would
 2 otherwise be used for activities authorized under this title.

3 “(c) STATE AND LOCAL MAINTENANCE OF EQUITY
 4 REQUIREMENTS.—

5 “(1) STATE ASSURANCES.—In addition to the
 6 assurances provided under subsection (a), a State’s
 7 application for funds to carry out section 18002 or
 8 18003 shall include assurances that in the event of
 9 a precipitous decline in financial resources due to a
 10 qualifying emergency, as defined in section
 11 3502(a)(4), where Federal resources were not suffi-
 12 cient to remedy such a decline and the State cannot
 13 maintain support for elementary and secondary edu-
 14 cation in accordance with subsection (a), the State—

15 “(A) will prioritize State funding support
 16 to high-poverty local educational agencies;

17 “(B) if the State must make reductions in
 18 funding to all districts, will ensure that any re-
 19 duction in State support for elementary and
 20 secondary education based on per-pupil funding
 21 will be greater in low-poverty local educational
 22 agencies than in high-poverty local educational
 23 agencies;

24 “(C) will prioritize staffing stability in
 25 high-poverty local educational agencies; and

“(D) if it must makes reductions in educator and support staff or implement a hiring freeze, any reductions or hiring freezes in educator and support staffing will occur in an equitable manner that at a minimum does not disproportionately impact high-poverty local educational agencies.

“(2) ASSURANCES FROM LOCAL EDUCATIONAL AGENCIES.—Upon receipt of funding from a State under this title, a local educational agency shall provide assurances to the State that in the event of a precipitous decline in financial resources due to a qualifying emergency, as defined in section 3502(a)(4), where Federal and State resources were not sufficient to remedy such a decline that the local educational agency—

“(A) will prioritize funding to high-poverty schools;

“(B) if the agency must make reductions in funding to all schools served by the agency, will ensure that any reduction in agency education funding based on per-pupil funding will be greater in low-poverty schools than in high-poverty schools served by the agency;

1 “(C) will prioritize staffing stability in
2 high-poverty schools; and

3 “(D) if it must makes reductions in educa-
4 tor and support staff or implement a hiring
5 freeze, any reductions or hiring freezes in edu-
6 cator and support staffing will occur in an equi-
7 table manner that at a minimum does not dis-
8 proportionately impact high-poverty schools.”.

9 (c) PROHIBITION.—Title VIII of division B of the
10 CARES Act (Public Law 116–136) is amended by insert-
11 ing after section 18008 the following:

12 “PROHIBITION ON USE OF FUNDS

13 “SEC. 18009. A State educational agency or local
14 educational agency may not use any funds received under
15 section 18002 or 18003 to meet the requirements with re-
16 spect to such agency under sections 1118 and 8521 of the
17 Elementary and Secondary Education Act of 1965 (20
18 U.S.C. 6321 and 7901).

19 “REPORTING AND DISCLOSURE REQUIREMENTS

20 “SEC. 18010. (a) GOVERNOR’S EMERGENCY RELIEF
21 FUND REPORTS.—

22 “(1) INITIAL REPORT.—Each Governor that re-
23 ceives a grant under section 18002(a) shall, not
24 later than 90 days after the date of the disbursement of
25 the Governor’s first grant under section 18002(b) if
26 such first grant is made after the date of enactment

1 of the Educator Jobs Fund Act of 2020 or not later
2 than 90 days after such date of enactment if such
3 first grant was made before such date of enactment,
4 submit a report to the Secretary that includes the
5 following:

6 “(A) The number of educator and school
7 staff jobs that were saved or created with funds
8 received under this title, including the following:

9 “(i) The overall number of such jobs.

10 “(ii) The number of such jobs in each
11 local educational agency and school in the
12 State that serves the greatest concentra-
13 tion in the State of any of the following:

14 “(I) Students of color.

15 “(II) Students from low-income
16 backgrounds.

17 “(III) Children with disabilities.

18 “(IV) English learners.

19 “(V) Migrant children.

20 “(VI) Students experiencing
21 homelessness.

22 “(VII) Children and youth in fos-
23 ter care.

24 “(VIII) Students involved with
25 the juvenile justice system.

1 “(iii) The number of such jobs
2 disaggregated by race and ethnicity, cross-
3 tabulated by gender.

4 “(B) If educators and school staff jobs
5 were eliminated or left unfilled, the number and
6 percentage of educator and other school staff
7 jobs that are both eliminated or left unfilled as
8 follows:

9 “(i) The overall number of such jobs.

10 “(ii) The number of such jobs in each
11 local educational agency and school in the
12 State that serves the greatest concentra-
13 tion in the State of any of the following:

14 “(I) Students of color.

15 “(II) Students from low-income
16 backgrounds.

17 “(III) Children with disabilities.

18 “(IV) English learners.

19 “(V) Migrant children.

20 “(VI) Students experiencing
21 homelessness.

22 “(VII) Children and youth in fos-
23 ter care.

24 “(VIII) Students involved with
25 the juvenile justice system.

1 “(iii) The number of such jobs
2 disaggregated by race and ethnicity, cross-
3 tabulated by gender.

4 “(2) QUARTERLY GOVERNOR’S EMERGENCY RE-
5 LIEF FUNDS REPORT.—Each Governor that receives
6 a grant under section 18002(a) shall, following the
7 submission of the report described in paragraph (1),
8 submit to the Secretary a report that contains the
9 information described in paragraph (1), once a quar-
10 ter until all funds allocated under section 18002 are
11 expended.

12 “(3) GRANTEE REPORTING.—Each grantee that
13 receives a grant from a Governor under section
14 18002(c) shall submit a report to the Governor, not
15 later than 30 days after receiving the grant, con-
16 taining the information described in paragraph
17 (1)(A).

18 “(4) PUBLICATION OF REPORTS.—The Sec-
19 retary shall publish each report under paragraphs
20 (1) and (2) on a publicly accessible website not later
21 than 30 days after the date of receipt of the report.

22 “(5) FINDINGS FROM GOVERNOR’S EMERGENCY
23 RELIEF FUNDS REPORTING.—Not later than 12
24 months after the date of enactment of the Educator
25 Jobs Fund Act of 2020, the Secretary shall provide

1 a report to the Committee on Health, Education,
 2 Labor, and Pensions of the Senate, the Committee
 3 on Appropriations of the Senate, the Committee on
 4 Education and Labor of the House of Representa-
 5 tives, and the Committee on Appropriations of the
 6 House of Representatives summarizing the findings
 7 from the reports received under this subsection.

8 “(b) ELEMENTARY AND SECONDARY SCHOOL EMER-
 9 GENCY RELIEF FUND REPORTING—INITIAL REPORTING.—

10 “(1) STATE EDUCATIONAL AGENCY REPORT-
 11 ING.—Each State educational agency that receives a
 12 grant under section 18003 shall, not later than 180
 13 days after the making the State educational agency’s
 14 first subgrant under section 18003(c) if such first
 15 subgrant is made after the date of enactment of the
 16 Educator Jobs Fund Act of 2020 or not later than
 17 90 days after such date of enactment if such first
 18 subgrant was made before such date of enactment,
 19 submit a report to the Secretary that includes the
 20 following:

21 “(A) The number of educator and school
 22 staff jobs that were saved or created with funds
 23 received under this title, including the following:

24 “(i) The overall number of such jobs.

1 “(ii) The number of such jobs in each
 2 local educational agency and school in the
 3 State that serves the greatest concentra-
 4 tion in the State of any of the following:

5 “(I) Students of color.

6 “(II) Students from low-income
 7 backgrounds.

8 “(III) Children with disabilities.

9 “(IV) English learners.

10 “(V) Migrant children.

11 “(VI) Students experiencing
 12 homelessness.

13 “(VII) Children and youth in fos-
 14 ter care.

15 “(VIII) Students involved with
 16 the juvenile justice system.

17 “(iii) The number of such jobs
 18 disaggregated by race and ethnicity, cross-
 19 tabulated by gender.

20 “(B) If educators and school staff jobs
 21 were eliminated or left unfilled, the number and
 22 percentage of educator and other school staff
 23 jobs that are both eliminated or left unfilled as
 24 follows:

25 “(i) The overall number of such jobs.

1 “(ii) The number of such jobs in each
 2 local educational agency and school in the
 3 State that serves the greatest concentra-
 4 tion in the State of any of the following:

5 “(I) Students of color.

6 “(II) Students from low-income
 7 backgrounds.

8 “(III) Children with disabilities.

9 “(IV) English learners.

10 “(V) Migrant children.

11 “(VI) Students experiencing
 12 homelessness.

13 “(VII) Children and youth in fos-
 14 ter care.

15 “(VIII) Students involved with
 16 the juvenile justice system.

17 “(iii) The number of such jobs
 18 disaggregated by race and ethnicity, cross-
 19 tabulated by gender.

20 “(C) How the State provided guidance to
 21 local educational agencies and schools in the
 22 State on achieving racial and socioeconomic di-
 23 versity and avoiding racial economic segregation
 24 among students in person and through distance
 25 learning.

1 “(2) LOCAL EDUCATIONAL AGENCY REPORT-
 2 ING.—Each local educational agency receiving a
 3 grant or subgrant under section 18002 or 18003
 4 shall submit a report to its State educational agency,
 5 not later than 90 days after receiving such grant or
 6 subgrant, that includes the following:

7 “(A) The number of educator and school
 8 staff jobs that were saved or created with funds
 9 received under this title, including the following:

10 “(i) The overall number of such jobs.

11 “(ii) The number of such jobs in each
 12 school served by the local educational agen-
 13 cy that serves the greatest concentration in
 14 the local educational agency of any of the
 15 following:

16 “(I) Students of color.

17 “(II) Students from low-income
 18 backgrounds.

19 “(III) Children with disabilities.

20 “(IV) English learners.

21 “(V) Migrant children.

22 “(VI) Students experiencing
 23 homelessness.

24 “(VII) Children and youth in fos-
 25 ter care.

1 “(VIII) Students involved with
2 the juvenile justice system.

3 “(iii) The number of such jobs
4 disaggregated by race and ethnicity, cross-
5 tabulated by gender.

6 “(B) If educators and school staff jobs
7 were eliminated or left unfilled, the number and
8 percentage of educator and other school staff
9 jobs that are both eliminated or left unfilled as
10 follows:

11 “(i) The overall number of such jobs.

12 “(ii) The number of such jobs in each
13 school served by the local educational agen-
14 cy that serves the greatest concentration in
15 the local educational agency of any of the
16 following:

17 “(I) Students of color.

18 “(II) Students from low-income
19 backgrounds.

20 “(III) Children with disabilities.

21 “(IV) English learners.

22 “(V) Migrant children.

23 “(VI) Students experiencing
24 homelessness.

1 “(VII) Children and youth in fos-
2 ter care.

3 “(VIII) Students involved with
4 the juvenile justice system.

5 “(iii) The number of such jobs
6 disaggregated by race and ethnicity, cross-
7 tabulated by gender.

8 “(C) How the local educational agency pro-
9 vided guidance to schools on achieving racial
10 and socioeconomic diversity and avoiding racial
11 economic segregation among students in person
12 and through distance learning.

13 “(3) QUARTERLY ELEMENTARY AND SEC-
14 ONDARY SCHOOL EMERGENCY RELIEF FUND RE-
15 PORTS.—

16 “(A) STATE REPORT.—Each State edu-
17 cational agency that receives a grant under sec-
18 tion 18003 shall, following the submission of
19 the initial report described in paragraph (1),
20 submit to the Secretary a report that contains
21 the information described in paragraph (1) once
22 a quarter until all funds allocated to the State
23 under section 18003 are expended.

24 “(B) LOCAL EDUCATIONAL AGENCY RE-
25 PORT.—Each local educational agency receiving

1 a subgrant under section 18002 or 18003 shall,
 2 following the submission of the initial report de-
 3 scribed in paragraph (2), submit to the Sec-
 4 retary a report that contains the information
 5 described in paragraph (2) once a quarter until
 6 all subgrant funds are expended.

7 “(4) PUBLICATION OF REPORTS.—The Sec-
 8 retary shall publish each report under paragraphs
 9 (1) and (2) on a publicly accessible website not later
 10 than 30 days after the date of receipt of the report.

11 “(5) FINDINGS FROM ELEMENTARY AND SEC-
 12 ONDARY SCHOOL EMERGENCY RELIEF FUND.—Not
 13 later than 12 months after the date of enactment of
 14 the Educator Jobs Fund Act of 2020, the Secretary
 15 shall provide a report to the Committee on Health,
 16 Education, Labor, and Pensions of the Senate, the
 17 Committee on Appropriations of the Senate, the
 18 Committee on Education and Labor of the House of
 19 Representatives, and the Committee on Appropria-
 20 tions of the House of Representatives summarizing
 21 the findings from the reports received under this
 22 subsection.”.

23 **SEC. 6. PERSONAL PROTECTIVE EQUIPMENT FUND.**

24 There are authorized to be appropriated and there
 25 are appropriated out of any money in the Treasury not

1 otherwise obligated for necessary expenses for a Personal
 2 Protective Equipment Fund, \$30,000,000: *Provided*, That
 3 the amount under this section shall be administered by
 4 the Secretary of Education as follows:

5 (1) The Secretary of Education shall award
 6 grants to local educational agencies that submit an
 7 application to the Secretary detailing a plan for the
 8 use of grant funds for only public schools.

9 (2) In awarding grants under this section, the
 10 Secretary of Education shall give priority to local
 11 educational agencies serving a high percentage of
 12 schools that receive funding under part A of title I
 13 of the Elementary and Secondary Education Act of
 14 1965 (20 U.S.C. 6311 et seq.).

15 (3) A local educational agency that receives a
 16 grant under this section shall use the grant funds—

17 (A) to purchase cleaning and sanitizing
 18 equipment;

19 (B) to purchase face masks, gloves, protec-
 20 tive eyewear, dividers, and other equipment nec-
 21 essary to maintain social distancing standards
 22 set by the Centers for Disease Control and Pre-
 23 vention;

24 (C) for hiring staff to implement safety
 25 protocols, which may include additional custo-

1 dial staff for increased cleaning and disinfecting
 2 of schools and buses to prevent spread, a full-
 3 time nurse for each school, and aides to screen
 4 students before getting on buses;

5 (D) to purchase other materials and for
 6 staffing necessary to maintain student and edu-
 7 cator safety;

8 (E) to provide staff with the training nec-
 9 essary to carry out any safety protocols, or for
 10 appropriate and safe use of equipment or mate-
 11 rials; and

12 (F) to replace an HVAC system.

13 **SEC. 7. SUPPORTING A DIVERSE AND WELL-PREPARED**
 14 **WORKFORCE.**

15 In addition to amounts otherwise appropriated, there
 16 are authorized to be appropriated and there are appro-
 17 priated to the Secretary of Education, out of amounts in
 18 the Treasury not otherwise appropriated, for fiscal year
 19 2021 the following:

20 (1) \$30,000,000 for grants to eligible partner-
 21 ships (as defined in section 200(6) of the Higher
 22 Education Act of 1965 (20 U.S.C. 1021(6))) for
 23 partnership grants for the establishment of teacher
 24 and school leader residency programs (as described
 25 in section 202(e) of the Higher Education Act of

1 1965 (20 U.S.C. 1022a(e))) that, as permitted by
2 section 202(e)(2)(A)(vi)(II) of such Act, have admis-
3 sion goals and priorities for the consideration of
4 teacher and school leader residency applicants who
5 reflect the communities in which they will teach and
6 serve as well as consideration of individuals from
7 underrepresented populations in the teaching and
8 principal professions and strategies for supporting
9 their program completion.

10 (2) \$35,000,000 for grants to eligible institu-
11 tions under subpart 2 of part B of title II of the
12 Higher Education Act of 1965 (20 U.S.C. 1033 et
13 seq.), the Augustus F. Hawkins Centers of Excel-
14 lence program. All terms and conditions that apply
15 to grants under subpart 2 of part B of title II of
16 the Higher Education Act of 1965 shall apply to
17 grants made with funds made available under this
18 paragraph.

19 (3) \$35,000,000 for grants for teacher and
20 school leader preparation programs at Tribal Col-
21 leges and Universities (as defined in section 316 of
22 the Higher Education Act of 1965 (20 U.S.C.
23 1059c)), Alaska Native-serving institutions and Na-
24 tive Hawaiian-serving institutions (as defined in sec-
25 tion 317 of the Higher Education Act of 1965 (20

1 U.S.C. 1059d)), Predominantly Black Institutions
2 (as defined in section 318 of the Higher Education
3 Act of 1965 (20 U.S.C. 1059e)), Native American-
4 serving, nontribal institutions (as defined in section
5 319 of the Higher Education Act of 1965 (20
6 U.S.C. 1059f)), Asian American and Native Amer-
7 ican Pacific Islander-serving institutions (as defined
8 in section 320 of the Higher Education Act of 1965
9 (20 U.S.C. 1059g)), and Hispanic-serving institu-
10 tions (as defined in section 502 of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1101a)).

12 **SEC. 8. CONFLICT NOT A BASIS FOR WITHHOLDING FUNDS.**

13 In the event that any conditions on Federal education
14 funding under this Act, or an amendment made by this
15 Act, conflict with the rights, remedies, and procedures af-
16 forded to school or school district employees under Fed-
17 eral, State, or local laws (including applicable regulations
18 or court orders as well as requirements that school dis-
19 tricts negotiate or meet and confer in good faith) or under
20 the terms of collective bargaining agreements, memoranda
21 of understanding, or other agreements between such em-
22 ployers and their employees, the latter shall control, and
23 compliance with the latter will not provide a basis for with-

- 1 holding funds under this Act or an amendment made by
- 2 this Act.

