

112TH CONGRESS  
1ST SESSION

# S. 263

To provide for child safety, care, and education continuity in the event  
of a presidentially declared disaster.

---

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2011

Ms. LANDRIEU (for herself, Mr. ALEXANDER, and Mr. COCHRAN) introduced  
the following bill; which was read twice and referred to the Committee  
on Health, Education, Labor, and Pensions

---

## A BILL

To provide for child safety, care, and education continuity  
in the event of a presidentially declared disaster.

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 “Child Safety, Care,  
5 and Education Continuity Act of 2011”.

6 **SEC. 2. TABLE OF CONTENTS.**

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

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Definitions.

Sec. 4. Trigger.

Sec. 5. Waivers or modifications applicable to titles I, II, and III.



1 a major disaster, during the period of the declara-  
2 tion.

3 (2) CATASTROPHIC INCIDENT.—The term “cat-  
4 astrophic incident” has the meaning given the term  
5 under section 501 of the Homeland Security Act of  
6 2002 (6 U.S.C. 311).

7 (3) IMPACTED SCHOOL YEAR.—The term “im-  
8 pacted school year” means the school year in which  
9 a presidentially declared disaster occurs.

10 (4) MAJOR DISASTER.—The term “major dis-  
11 aster” has the meaning given the term under section  
12 102 of the Robert T. Stafford Disaster Relief and  
13 Emergency Assistance Act (42 U.S.C. 5122).

14 (5) NONPUBLIC SCHOOL.—The term “nonpublic  
15 school” means a nonpublic school that—

16 (A) provides elementary or secondary edu-  
17 cation, as determined under State law;

18 (B) is accredited, is licensed, or otherwise  
19 operates in accordance with State law; and

20 (C) was in existence prior to the date upon  
21 which a presidentially declared disaster has oc-  
22 curred.

23 (6) PRESIDENTIALLY DECLARED DISASTER.—  
24 The term “presidentially declared disaster” means a  
25 major disaster that the President declared to exist,

1 in accordance with section 401 of the Robert T.  
2 Stafford Disaster Relief and Emergency Assistance  
3 Act (42 U.S.C. 5170).

4 (7) SECRETARY.—The term “Secretary”, unless  
5 otherwise specified, means the Secretary of Edu-  
6 cation.

7 **SEC. 4. TRIGGER.**

8 (a) MANDATORY ACTIVATION.—Notwithstanding any  
9 other provision of this Act, the Secretary shall carry out  
10 a program or activity under title I, II, or III, and the Sec-  
11 retary of Health and Human Services shall carry out a  
12 program or activity under title III, in a State if—

13 (1) 10 percent of the students enrolled in public  
14 or private elementary schools or secondary schools in  
15 the State are displaced from their schools for more  
16 than 60 days by a presidentially declared disaster;

17 (2) the Secretary or the Secretary of Health  
18 and Human Services, respectively, elects to carry out  
19 the program or activity; and

20 (3) the Governor or chief executive officer of  
21 the State requests that the Secretary or the Sec-  
22 retary of Health and Human Services, respectively,  
23 carry out the program or activity.

24 (b) DISCRETIONARY ACTIVATION.—The Secretary  
25 may carry out a program or activity under title I, II, or

1 III, and the Secretary of Health and Human Services may  
2 carry out a program or activity under title III, in a State  
3 experiencing a catastrophic incident affecting students en-  
4 rolled in a public or private elementary school or secondary  
5 school in the State if—

6 (1) the Secretary or the Secretary of Health  
7 and Human Services, respectively, determines that  
8 such program or activity is necessary; and

9 (2) the Governor or chief executive officer of  
10 the State requests that the Secretary or the Sec-  
11 retary of Health and Human Services, respectively,  
12 carry out the program or activity.

13 **SEC. 5. WAIVERS OR MODIFICATIONS APPLICABLE TO TI-**  
14 **TLES I, II, AND III.**

15 Notwithstanding any other provision of law, the Sec-  
16 retary may waive or modify any requirement of Federal  
17 law or regulation administered by the Secretary, other  
18 than a law or regulation regarding civil rights or safety,  
19 that the Secretary determines is necessary in order to pro-  
20 vide assistance under titles I, II, and III, whether with  
21 funds appropriated under this Act or otherwise, as effi-  
22 ciently and expeditiously as possible, to individuals or enti-  
23 ties affected directly or indirectly by a presidentially de-  
24 clared disaster.

1 **TITLE** **I—KINDERGARTEN**  
 2 **THROUGH GRADE 12 STU-**  
 3 **DENTS AND SCHOOLS**

4 **SEC. 101. IMMEDIATE AID TO RESTART SCHOOL OPER-**  
 5 **ATIONS.**

6 (a) **PURPOSE.**—It is the purpose of this section—

7 (1) to provide immediate and direct assistance  
 8 to local educational agencies and nonpublic schools  
 9 that serve a disaster area in which a presidentially  
 10 declared disaster has been declared;

11 (2) to assist school district administrators, and  
 12 personnel of such local educational agencies or non-  
 13 public schools, who are working to restart operations  
 14 in schools that provide elementary or secondary edu-  
 15 cation and are served by such local educational  
 16 agencies and in nonpublic schools, respectively; and

17 (3) to facilitate the reopening of schools that  
 18 provide elementary and secondary education and are  
 19 served by such local educational agencies and of  
 20 nonpublic schools, and to facilitate the reenrollment  
 21 of students in such schools as soon as possible.

22 (b) **GRANTS AND SUBGRANTS AUTHORIZED.**—From  
 23 amounts appropriated under section 106, the Secretary is  
 24 authorized to award grants to State educational agencies  
 25 to enable the State educational agencies to award sub-

1 grants to local educational agencies or nonpublic schools  
2 serving disaster areas in which a presidentially declared  
3 disaster has been declared to enable such local educational  
4 agencies and nonpublic schools, respectively, to provide  
5 educational services or assistance described in subsection  
6 (e).

7 (c) SUBGRANT FUNDING CONSIDERATIONS; EQ-  
8 UITY.—

9 (1) SUBGRANT FUNDING CONSIDERATIONS.—In  
10 determining whether to award a subgrant under this  
11 section, or the amount of the subgrant, the State  
12 educational agency shall consider the following:

13 (A) The number of school-aged children  
14 served by the local educational agency or non-  
15 public school in the academic year preceding  
16 the academic year for which the subgrant is  
17 awarded.

18 (B) The severity of the impact of the presi-  
19 dentially declared disaster on the local edu-  
20 cational agency or nonpublic school and the ex-  
21 tent of the needs in each local educational agen-  
22 cy or nonpublic school that serves a disaster  
23 area in which a presidentially declared disaster  
24 has been declared.

1           (2) EQUITY.—Educational services and assist-  
2           ance that are described in subsection (e) and pro-  
3           vided for nonpublic school students under this sec-  
4           tion shall be equitable in comparison to the edu-  
5           cational services and assistance provided for public  
6           school students under this section, and shall be pro-  
7           vided in a timely manner.

8           (d) APPLICATIONS.—Each local educational agency  
9           or nonpublic school desiring a subgrant under this section  
10          shall submit an application to the State educational agen-  
11          cy at such time, in such manner, and accompanied by such  
12          information as the State educational agency may reason-  
13          ably require to ensure expedited and timely payment to  
14          the local educational agency or nonpublic school.

15          (e) USES OF FUNDS.—

16               (1) IN GENERAL.—A local educational agency  
17               or nonpublic school receiving a subgrant under this  
18               section shall use the subgrant funds for—

19                       (A) recovery of student and personnel  
20                       data, and other electronic information;

21                       (B) replacement of school district informa-  
22                       tion systems, including hardware and software;

23                       (C) financial operations;

24                       (D) reasonable transportation costs;



1 (E) rental of mobile educational units and  
2 leasing of neutral sites or spaces;

3 (F) initial replacement of instructional ma-  
4 terials and equipment, including textbooks;

5 (G) redeveloping instructional plans, in-  
6 cluding curriculum development;

7 (H) initiating and maintaining education  
8 and support services; and

9 (I) such other activities related to the pur-  
10 pose of this section that are approved by the  
11 Secretary.

12 (2) USE WITH OTHER AVAILABLE FUNDS.—A  
13 local educational agency or nonpublic school receiv-  
14 ing a subgrant under this section may use the  
15 subgrant funds in coordination with other Federal,  
16 State, or local funds available for the activities de-  
17 scribed in paragraph (1).

18 (3) PROHIBITIONS.—Subgrant funds received  
19 under this section shall not be used for any of the  
20 following:

21 (A) Construction or major renovation of  
22 schools.

23 (B) Payments to school administrators or  
24 teachers who are not actively engaged in re-  
25 starting or re-opening schools.

1           (4) SPECIAL RULE.—Educational services or as-  
2           sistance provided under this section, including equip-  
3           ment and materials, shall be secular, neutral, and  
4           nonideological.

5           (f) SUPPLEMENT NOT SUPPLANT.—

6           (1) IN GENERAL.—Except as provided in para-  
7           graph (2) and notwithstanding section 104, funds  
8           made available under this section shall be used to  
9           supplement, not supplant, any funds made available  
10          through the Federal Emergency Management Agen-  
11          cy or through a State.

12          (2) EXCEPTION.—Paragraph (1) shall not pro-  
13          hibit the provision of Federal assistance under this  
14          section to a State educational agency, local edu-  
15          cational agency, or nonpublic school that is or may  
16          be entitled to receive, from another source, benefits  
17          for the same purposes as under this section, if—

18                (A) such State educational agency, local  
19                educational agency, or nonpublic school has not  
20                received such other benefits by the time of ap-  
21                plication for Federal assistance under this sec-  
22                tion; and

23                (B) such State educational agency, local  
24                educational agency, or nonpublic school agrees

1           to repay all duplicative Federal assistance re-  
2           ceived to carry out the purposes of this section.

3           (g) ASSISTANCE TO NONPUBLIC SCHOOLS.—

4           (1) FUNDS AVAILABILITY.—From the grant  
5           funds provided by the Secretary under subsection (b)  
6           to a State educational agency, the State educational  
7           agency shall reserve an amount of the grant funds,  
8           to be made available to nonpublic schools in the  
9           State, that is not less than an amount that bears the  
10          same relation to the grant funds as the number of  
11          nonpublic schools providing elementary and sec-  
12          ondary education in the State bears to the total  
13          number of nonpublic schools and public elementary  
14          schools and secondary schools in the State. The  
15          number of such schools shall be determined by the  
16          National Center for Education Statistics Common  
17          Core of Data for the year preceding the year for  
18          which the presidentially declared disaster has oc-  
19          curred. Such funds shall be used for the provision of  
20          educational services or assistance at nonpublic  
21          schools, except as provided in paragraph (2).

22          (2) SPECIAL RULE.—If the reserved funds de-  
23          scribed in paragraph (1) remain unobligated 120  
24          days after the date that grant funds under sub-  
25          section (b) are made available to a State educational

1 agency, such reserved funds may be used to provide  
2 educational services or assistance under this section  
3 to other local educational agencies or nonpublic  
4 schools serving disaster areas in which a presi-  
5 dentially declared disaster has been declared.

6 (3) PUBLIC CONTROL OF FUNDS.—The control  
7 of funds for the educational services and assistance  
8 provided to a nonpublic school under paragraph (1),  
9 and title to materials, equipment, and property pur-  
10 chased with such funds, shall be in a public agency,  
11 and a public agency shall administer such funds,  
12 materials, equipment, and property and shall provide  
13 such services (or may contract for the provision of  
14 such services with a public or private entity).

15 **SEC. 102. HOLD HARMLESS FOR LOCAL EDUCATIONAL**  
16 **AGENCIES SERVING DISASTER AREAS.**

17 Notwithstanding any other provision of law, in the  
18 case of a local educational agency that serves a disaster  
19 area in which the President has declared that a presi-  
20 dentially declared disaster exists, the Secretary shall en-  
21 sure that the amount made available for such local edu-  
22 cational agency under each of sections 1124, 1124A,  
23 1125, and 1125A of the Elementary and Secondary Edu-  
24 cation Act of 1965 (20 U.S.C. 6333, 6334, 6335, and  
25 6337) for the second fiscal year following the fiscal year

1 in which the presidentially declared disaster is declared  
2 shall be not less than the amount made available for such  
3 local educational agency under each of such sections for  
4 the fiscal year in which the presidentially declared disaster  
5 is declared.

6 **SEC. 103. TEACHER AND PARAPROFESSIONAL RECI-**  
7 **PROCITY.**

8 (a) **AFFECTED TEACHER RECIPROCITY.**—

9 (1) **DEFINITION OF AFFECTED TEACHER.**—In  
10 this subsection, the term “affected teacher” means  
11 a teacher who is displaced due to a presidentially de-  
12 clared disaster and relocates to a State that is dif-  
13 ferent from the State in which such teacher resided  
14 or worked on the date of the occurrence of the presi-  
15 dentially declared disaster.

16 (2) **RECIPROCITY.**—A local educational agency  
17 may consider an affected teacher hired by such local  
18 educational agency who is not highly qualified in the  
19 State in which such agency is located to be highly  
20 qualified, for purposes of section 1119 of the Ele-  
21 mentary and Secondary Education Act of 1965 (20  
22 U.S.C. 6319) and section 612(a)(14) of the Individ-  
23 uals with Disabilities Education Act (20 U.S.C.  
24 1412(a)(14)), respectively, for the school year in  
25 which the presidentially declared disaster has oc-

1 curred and through the succeeding school year, if  
2 such affected teacher was highly qualified, consistent  
3 with section 9101(23) of the Elementary and Sec-  
4 ondary Education Act of 1965 (20 U.S.C. 7801(23))  
5 and section 602(10) of the Individuals with Disabil-  
6 ities Education Act (20 U.S.C. 1401(10)), respec-  
7 tively, on the date of the occurrence of a presi-  
8 dentially declared disaster, in the State in which  
9 such teacher resided or worked on the date of the  
10 occurrence of a presidentially declared disaster.

11 (b) AFFECTED PARAPROFESSIONAL RECIPROCITY.—

12 (1) DEFINITION OF AFFECTED PARAPROFES-  
13 SIONAL.—In this subsection, the term “affected  
14 paraprofessional” means a paraprofessional who is  
15 displaced due to a presidentially declared disaster  
16 and relocates to a State that is different from the  
17 State in which such paraprofessional resided or  
18 worked on the date of the occurrence of the presi-  
19 dentially declared disaster.

20 (2) RECIPROCITY.—A local educational agency  
21 may consider an affected paraprofessional hired by  
22 such local educational agency who does not satisfy  
23 the requirements of section 1119(c) of the Elemen-  
24 tary and Secondary Education Act of 1965 (20  
25 U.S.C. 6319(c)) in the State in which such agency

1 is located to satisfy such requirements, for purposes  
2 of such section, for the school year in which the  
3 presidentially declared disaster has occurred and  
4 through the succeeding school year, if such affected  
5 paraprofessional satisfied such requirements on the  
6 date of the occurrence of a presidentially declared  
7 disaster, in the State in which such paraprofessional  
8 resided or worked on the date of the occurrence of  
9 a presidentially declared disaster.

10 **SEC. 104. REGULATORY AND FINANCIAL RELIEF.**

11 (a) **WAIVER AUTHORITY.**—Notwithstanding any  
12 other provision of law and subject to subsections (b) and  
13 (c), in providing any grant or other assistance, directly  
14 or indirectly, to an entity in a State affected by a presi-  
15 dentially declared disaster, the Secretary may, as applica-  
16 ble, waive or modify, in order to ease fiscal burdens, any  
17 requirement of Federal law relating to the following:

18 (1) Maintenance of effort.

19 (2) The use of Federal funds to supplement,  
20 not supplant, non-Federal funds.

21 (3) Any non-Federal share or capital contribu-  
22 tion required to match Federal funds provided under  
23 programs administered by the Secretary.

24 (b) **DURATION.**—A waiver under this section shall be  
25 for the impacted school year.

1 (c) LIMITATIONS.—

2 (1) RELATION TO IDEA.—Nothing in this sec-  
3 tion shall be construed to waive or modify any provi-  
4 sion of the Individuals with Disabilities Education  
5 Act (20 U.S.C. 1400 et seq.).

6 (2) MAINTENANCE OF EFFORT.—If the Sec-  
7 retary grants a waiver or modification under this  
8 section waiving or modifying a requirement relating  
9 to maintenance of effort for an impacted fiscal year,  
10 the level of effort required for the school year fol-  
11 lowing the impacted school year shall not be reduced  
12 because of the waiver or modification.

13 **SEC. 105. TEMPORARY EMERGENCY IMPACT AID FOR DIS-**  
14 **PLACED STUDENTS.**

15 (a) DEFINITIONS.—In this section:

16 (1) DISPLACED STUDENT.—The term “dis-  
17 placed student” means a student—

18 (A)(i) who attended a school in an area  
19 impacted by a presidentially declared disaster;  
20 or

21 (ii) whose parent resided or worked in an  
22 area impacted by a presidentially declared dis-  
23 aster; and

24 (B) who enrolled in another school as a re-  
25 sult of a presidentially declared disaster.



1           (2) ELIGIBLE LOCAL EDUCATIONAL AGEN-  
 2           CIES.—The term “eligible local educational agency”  
 3           means a local educational agency that serves—

4                   (A) an elementary school or secondary  
 5                   school (including a public charter school) in  
 6                   which there is enrolled a displaced student; or

7                   (B) an area in which there is located a  
 8                   nonpublic school.

9           (3) ELIGIBLE BIE-FUNDED SCHOOL.—The term  
 10           “eligible BIE-funded school” means a school funded  
 11           by the Bureau of Indian Education in which there  
 12           is enrolled a displaced student.

13           (b) TEMPORARY EMERGENCY IMPACT AID AUTHOR-  
 14           IZED.—

15                   (1) AID TO STATE EDUCATIONAL AGENCIES.—  
 16           From amounts appropriated under section 106, the  
 17           Secretary shall provide emergency impact aid to  
 18           State educational agencies to enable the State edu-  
 19           cational agencies to make emergency impact aid pay-  
 20           ments to eligible local educational agencies and eligi-  
 21           ble BIE-funded schools to enable—

22                   (A) such eligible local educational agencies  
 23                   and eligible BIE-funded schools to provide for  
 24                   the instruction of displaced students served by

1 such eligible local educational agencies and eli-  
2 gible BIE-funded schools; and

3 (B) such eligible local educational agencies  
4 to make immediate impact aid payments to ac-  
5 counts established on behalf of displaced stu-  
6 dents (referred to in this section as “accounts”)  
7 who are attending nonpublic schools located in  
8 the areas served by the eligible local educational  
9 agencies.

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

16 (3) STATE EDUCATIONAL AGENCIES IN CER-  
17 TAIN STATES.—The State educational agency shall  
18 carry out the activities of eligible local educational  
19 agencies that are unable to carry out this section, in-  
20 cluding eligible local educational agencies in a State  
21 for which the State exercises the authorities nor-  
22 mally exercised by such local educational agencies.

23 (4) NOTICE OF FUNDS AVAILABILITY.—Not  
24 later than 14 calendar days after the date of enact-  
25 ment of this Act, the Secretary shall publish in the

1 Federal Register a notice of the availability of funds  
2 under this section.

3 (c) APPLICATION.—

4 (1) STATE EDUCATIONAL AGENCY.—A State  
5 educational agency that desires to receive emergency  
6 impact aid under this section shall submit an appli-  
7 cation to the Secretary at such time, in such man-  
8 ner, and accompanied by such information as the  
9 Secretary may reasonably require, including—

10 (A) information on the total displaced stu-  
11 dent count of the State provided by eligible  
12 local educational agencies in the State and eligi-  
13 ble BIE-funded schools in the State under  
14 paragraph (2);

15 (B) a description of the process for the  
16 parent or guardian of a displaced student en-  
17 rolled in a nonpublic school to indicate to the  
18 eligible local educational agency serving the  
19 area in which the nonpublic school is located  
20 that the student is enrolled in the nonpublic  
21 school;

22 (C) a description of the procedure to be  
23 used by an eligible local educational agency in  
24 such State to provide payments to accounts;

1 (D) a description of the process to be used  
2 by an eligible local educational agency in such  
3 State to obtain—

4 (i) attestations of attendance of dis-  
5 placed students from nonpublic schools, in  
6 order for the local educational agency to  
7 provide payments to accounts on behalf of  
8 displaced students; and

9 (ii) attestations from nonpublic  
10 schools that accounts are used only for the  
11 purposes described in subsection (e)(2)(A);

12 (E) the criteria, including family income,  
13 used to determine the eligibility for and the  
14 amount of assistance under this section pro-  
15 vided on behalf of a displaced student attending  
16 a nonpublic school; and

17 (F) the number of displaced students who  
18 attend nonpublic schools in the State.

19 (2) LOCAL EDUCATIONAL AGENCIES AND BIE-  
20 FUNDED SCHOOLS.—An eligible local educational  
21 agency or eligible BIE-funded school that desires an  
22 emergency impact aid payment under this section  
23 shall submit an application to the State educational  
24 agency at such time, in such manner, and accom-  
25 panied by such information as the State educational

1 agency may reasonably require, including docu-  
2 mentation submitted quarterly for the impacted  
3 school year that indicates the following:

4 (A) ELIGIBLE LOCAL EDUCATIONAL AGEN-  
5 CIES.—In the case of an eligible local edu-  
6 cational agency—

7 (i) the number of displaced students  
8 enrolled in the elementary schools and sec-  
9 ondary schools (including public charter  
10 schools and including the number of dis-  
11 placed students who are identified as eligi-  
12 ble for and receive services under part B of  
13 the Individuals with Disabilities Education  
14 Act (20 U.S.C. 1411 et seq.)) served by  
15 such eligible local educational agency for  
16 such quarter;

17 (ii) the number of displaced students  
18 for whom the eligible local educational  
19 agency expects to provide payments to ac-  
20 counts under subsection (e)(2) (including  
21 the number of displaced students who are  
22 identified as eligible for and receive serv-  
23 ices under part B of the Individuals with  
24 Disabilities Education Act) for such quar-  
25 ter who meet the following criteria:

1 (I) The displaced student en-  
2 rolled in a nonpublic school prior to  
3 the occurrence of a presidentially de-  
4 clared disaster.

5 (II) The parent or guardian of  
6 the displaced student chose to enroll  
7 the student in the nonpublic school in  
8 which the student is enrolled.

9 (III) The parent or guardian of  
10 the displaced student submitted an  
11 application requesting that the eligible  
12 local educational agency make a pay-  
13 ment to an account on behalf of the  
14 student.

15 (IV) The displaced student's tui-  
16 tion and fees (and transportation ex-  
17 penses, if any) for the impacted school  
18 year is waived or reimbursed (by the  
19 nonpublic school) in an amount that  
20 is not less than the amount of emer-  
21 gency impact aid payment provided on  
22 behalf of such student under this sec-  
23 tion; and

24 (iii) an assurance that the eligible  
25 local educational agency will make pay-

1                   ments to accounts described in subsection  
2                   (e)(2) not later than 14 calendar days  
3                   after receipt of an emergency impact aid  
4                   payment provided under this section.

5                   (B) ELIGIBLE BIE-FUNDED SCHOOLS.—In  
6                   the case of an eligible BIE-funded school, the  
7                   number of displaced students, including the  
8                   number of displaced students who are identified  
9                   as eligible for and receive services under part B  
10                  of the Individuals with Disabilities Education  
11                  Act, enrolled in the eligible BIE-funded school  
12                  for such quarter.

13                  (3) DETERMINATION OF NUMBER OF DIS-  
14                  PLACED STUDENTS.—In determining the number of  
15                  displaced students for a quarter under paragraph  
16                  (2), an eligible local educational agency or eligible  
17                  BIE-funded school shall include in such number the  
18                  number of displaced students served during the  
19                  quarter prior to the occurrence of a presidentially  
20                  declared disaster.

21                  (d) AMOUNT AND DURATION OF EMERGENCY IM-  
22                  PACT AID.—

23                  (1) AID TO STATE EDUCATIONAL AGENCIES.—

24                         (A) IN GENERAL.—The amount of emer-  
25                         gency impact aid received by a State edu-

1           cational agency for the impacted school year  
2           shall equal the sum of—

3                   (i) the number of displaced students  
4                   (who are not identified as eligible for and  
5                   do not receive services under part B of the  
6                   Individuals with Disabilities Education  
7                   Act), as determined by the eligible local  
8                   educational agencies and eligible BIE-  
9                   funded schools in the State under sub-  
10                  section (c)(2), multiplied by the average  
11                  per-pupil expenditure in the State for the  
12                  most recent fiscal year for which such in-  
13                  formation is available; and

14                  (ii) the number of displaced students  
15                  who are identified as eligible for and re-  
16                  ceive services under part B of the Individ-  
17                  uals with Disabilities Education Act, as de-  
18                  termined by the eligible local educational  
19                  agencies and eligible BIE-funded schools in  
20                  the State under subsection (c)(2), multi-  
21                  plied by 140 percent of the average per-  
22                  pupil expenditure in the State for the most  
23                  recent fiscal year for which such informa-  
24                  tion is available.



1 (B) INSUFFICIENT FUNDS.—If the amount  
2 available under this section to provide emer-  
3 gency impact aid under this subsection is insuf-  
4 ficient to pay the full amount that a State edu-  
5 cational agency is eligible to receive under this  
6 section, then the Secretary shall ratably reduce  
7 the amount of such emergency impact aid.

8 (2) AID TO ELIGIBLE LOCAL EDUCATIONAL  
9 AGENCIES AND ELIGIBLE BIE-FUNDED SCHOOLS.—

10 (A) QUARTERLY INSTALLMENTS.—

11 (i) IN GENERAL.—A State educational  
12 agency shall provide emergency impact aid  
13 payments under this section on a quarterly  
14 basis for the impacted school year by such  
15 dates as determined by the Secretary. Such  
16 quarterly installment payments shall be  
17 based on the number of displaced students  
18 reported under subsection (c)(2) and in the  
19 amount determined under clause (ii).

20 (ii) PAYMENT AMOUNT.—Each quar-  
21 terly installment payment under clause (i)  
22 shall equal 25 percent of the sum of—

23 (I) the number of displaced stu-  
24 dents (who are not identified as eligi-  
25 ble for and do not receive services

1 under part B of the Individuals with  
2 Disabilities Education Act) reported  
3 by the eligible local educational agen-  
4 cy or eligible BIE funded school for  
5 such quarter (as determined under  
6 subsection (c)(2)), multiplied by the  
7 average per-pupil expenditure in the  
8 State for the most recent fiscal year  
9 for which such information is avail-  
10 able; and

11 (II) the number of displaced stu-  
12 dents who are identified as eligible for  
13 and receive services under part B of  
14 the Individuals with Disabilities Edu-  
15 cation Act reported by the eligible  
16 local educational agency or eligible  
17 BIE-funded school for such quarter  
18 (as determined under subsection  
19 (c)(2)), multiplied by 140 percent of  
20 the average per-pupil expenditure in  
21 the State for the most recent fiscal  
22 year for which such information is  
23 available.

24 (iii) TIMELINE.—The Secretary shall  
25 establish a timeline for quarterly reporting

1 on the number of displaced students in  
2 order to make the appropriate disburse-  
3 ments in a timely manner.

4 (iv) INSUFFICIENT FUNDS.—If, for  
5 any quarter, the amount available under  
6 this section to make payments under this  
7 subsection is insufficient to pay the full  
8 amount that an eligible local educational  
9 agency or eligible BIE-funded school is eli-  
10 gible to receive under this section, then the  
11 State educational agency shall ratably re-  
12 duce the amount of such payments.

13 (B) MAXIMUM PAYMENT TO ACCOUNT.—In  
14 providing quarterly payments to an account for  
15 the impacted school year on behalf of a dis-  
16 placed student for each quarter that such stu-  
17 dent is enrolled in a nonpublic school in the  
18 area served by an eligible local educational  
19 agency under subsection (e)(2), the eligible local  
20 educational agency may provide not more than  
21 4 quarterly payments to such account, and the  
22 aggregate amount of such payments shall not  
23 exceed the lesser of—

24 (i)(I) in the case of a displaced stu-  
25 dent who is not identified as eligible for

1 and does not receive services under part B  
2 of the Individuals with Disabilities Edu-  
3 cation Act, the average per-pupil expendi-  
4 ture in the State for the most recent fiscal  
5 year for which such information is avail-  
6 able; or

7 (II) in the case of a displaced student  
8 who is identified as eligible for and receives  
9 services under part B of the Individuals  
10 with Disabilities Education Act, 140 per-  
11 cent of the average per-pupil expenditure  
12 in the State for the most recent fiscal year  
13 for which such information is available;  
14 and

15 (ii) the cost of tuition and fees (and  
16 transportation expenses, if any) at the  
17 nonpublic school for the impacted school  
18 year.

19 (3) DURATION EXTENSION.—The Secretary  
20 may provide emergency impact aid under this sec-  
21 tion, in whole or in part, for 1 school year subse-  
22 quent to the impacted school year if the President  
23 determines such provision of assistance is appro-  
24 priate, subject to the availability of appropriations.

25 (e) USE OF FUNDS.—

1           (1) DISPLACED STUDENTS IN PUBLIC  
2 SCHOOLS.—An eligible local educational agency or  
3 eligible BIE-funded school receiving emergency im-  
4 pact aid payments under this section shall use the  
5 payments to provide instructional opportunities for  
6 displaced students who enroll in elementary schools  
7 and secondary schools (including public charter  
8 schools) served by the eligible local educational agen-  
9 cy or enroll in the eligible BIE-funded school, re-  
10 spectively, and for other expenses incurred as a re-  
11 sult of the eligible local educational agency or eligi-  
12 ble BIE-funded school serving displaced students,  
13 which uses may include the activities and services  
14 described in paragraph (3).

15           (2) DISPLACED STUDENTS IN NONPUBLIC  
16 SCHOOLS.—

17           (A) IN GENERAL.—An eligible local edu-  
18 cational agency that receives emergency impact  
19 aid payments under this section and that serves  
20 an area in which there is located a nonpublic  
21 school shall, at the request of the parent or  
22 guardian of a displaced student who meets the  
23 criteria described in subsection (c)(2)(A)(ii) and  
24 who enrolled in a nonpublic school (including a  
25 nonpublic charter school) in an area served by

1 the eligible local educational agency, use such  
2 emergency impact aid payment to provide pay-  
3 ment on a quarterly basis (but not to exceed  
4 the total amount specified in subsection  
5 (d)(2)(B) for the impacted school year) to an  
6 account on behalf of such displaced student,  
7 which payment shall be used to assist in paying  
8 for 1 or more of the activities and services de-  
9 scribed in paragraph (3).

10 (B) FUNDING PROHIBITION REGARDING  
11 RELIGIOUS INSTRUCTION, PROSELYTIZATION,  
12 OR WORSHIP.—Payments under subparagraph  
13 (A) shall not be used for religious instruction,  
14 proselytization, or worship.

15 (C) SECULAR, NEUTRAL, AND NONIDEO-  
16 LOGICAL ACTIVITIES AND SERVICES.—The ac-  
17 tivities and services provided under this para-  
18 graph and described in paragraph (3) shall be  
19 secular, neutral, and nonideological.

20 (D) VERIFICATION OF ENROLLMENT.—Be-  
21 fore providing a quarterly payment to an ac-  
22 count under subparagraph (A), the eligible local  
23 educational agency shall verify with the parent  
24 or guardian of a displaced student that such

1 displaced student is enrolled in the nonpublic  
2 school.

3 (3) ACTIVITIES AND SERVICES.—The activities  
4 and services referred to in paragraphs (1) and (2)  
5 are as follows:

6 (A) Paying the compensation of personnel,  
7 including teacher aides, in schools enrolling dis-  
8 placed students.

9 (B) Identifying and acquiring curricular  
10 material, including the costs of providing—

11 (i) additional classroom supplies; and

12 (ii) mobile educational units and leas-  
13 ing sites or spaces.

14 (C) Basic instructional services for such  
15 students, including tutoring, mentoring, or aca-  
16 demic counseling.

17 (D) Reasonable transportation costs.

18 (E) Health services (including counseling  
19 and mental health services).

20 (F) Education and support services.

21 (4) PROVISION OF SPECIAL EDUCATION AND  
22 RELATED SERVICES.—

23 (A) IN GENERAL.—In the case of a dis-  
24 placed student who is eligible for and receives  
25 services under part B of the Individuals with

1 Disabilities Education Act, any payment made  
2 on behalf of such student to an eligible local  
3 educational agency or any payment available in  
4 an account for such student, shall be used to  
5 pay the cost of providing the student with spe-  
6 cial education and related services consistent  
7 with the Individuals with Disabilities Education  
8 Act (20 U.S.C. 1400 et seq.).

9 (B) SPECIAL RULE.—

10 (i) RETENTION.—Notwithstanding  
11 any other provision of this section, if an el-  
12 igible local educational agency provides  
13 services to a displaced student attending a  
14 nonpublic school under section 612(a)(10)  
15 of the Individuals with Disabilities Edu-  
16 cation Act, then the eligible local edu-  
17 cational agency may retain a portion of the  
18 assistance received under this section for  
19 such student to pay the cost of providing  
20 such services.

21 (ii) DETERMINATION OF PORTION.—

22 (I) GUIDELINES.—Each State  
23 shall issue guidelines that specify the  
24 portion of the assistance that an eligi-  
25 ble local educational agency in the



1 State may retain under this subpara-  
 2 graph. Each State shall apply such  
 3 guidelines in a consistent manner  
 4 throughout the State.

5 (II) DETERMINATION OF POR-  
 6 TION.—The portion specified in the  
 7 guidelines shall be based on cus-  
 8 tomary costs of providing services  
 9 under such section 612(a)(10) for the  
 10 eligible local educational agency.

11 (C) DEFINITION OF SPECIAL EDUCATION;  
 12 RELATED SERVICES.—The terms “special edu-  
 13 cation” and “related services” have the mean-  
 14 ings given the terms in section 602 of the Indi-  
 15 viduals with Disabilities Education Act (20  
 16 U.S.C. 1401).

17 (5) CONSTRUCTION AND MAJOR RENOVATION  
 18 PROHIBITION.—Funds made available under this  
 19 section shall neither be used for construction nor for  
 20 major renovation of a school.

21 (f) RETURN OF AID.—

22 (1) ELIGIBLE LOCAL EDUCATIONAL AGENCY OR  
 23 ELIGIBLE BIE-FUNDED SCHOOL.—An eligible local  
 24 educational agency or eligible BIE-funded school  
 25 that receives an emergency impact aid payment

1 under this section shall return to the State edu-  
2 cational agency any payment or portion of a pay-  
3 ment provided to the eligible local educational agen-  
4 cy or eligible BIE-funded school, respectively, under  
5 this section that the eligible local educational agency  
6 or school, respectively, has not obligated by the end  
7 of the impacted school year in accordance with this  
8 section.

9 (2) STATE EDUCATIONAL AGENCY.—A State  
10 educational agency that receives emergency impact  
11 aid under this section shall return to the Sec-  
12 retary—

13 (A) any aid provided to the State edu-  
14 cational agency under this section that the  
15 State educational agency has not obligated by  
16 the end of the impacted school year in accord-  
17 ance with this section; and

18 (B) any payment or portion of a payment  
19 returned to the State educational agency under  
20 paragraph (1).

21 (g) LIMITATION ON USE OF AID AND PAYMENTS.—  
22 Except as provided in subsection (d)(3), aid and payments  
23 provided under this section shall only be used for expenses  
24 incurred during the impacted school year.

1           (h) ADMINISTRATIVE EXPENSES.—A State edu-  
2 cational agency that receives emergency impact aid under  
3 this section may use not more than 1 percent of such aid  
4 for administrative expenses. An eligible local educational  
5 agency or eligible BIE-funded school that receives emer-  
6 gency impact aid payments under this section may use not  
7 more than 2 percent of such payments for administrative  
8 expenses.

9           (i) SPECIAL FUNDING RULE.—In calculating funding  
10 under section 8003 of the Elementary and Secondary  
11 Education Act of 1965 (20 U.S.C. 7703) for an eligible  
12 local educational agency that receives an emergency im-  
13 pact aid payment under this section, the Secretary shall  
14 not count displaced students served by such eligible local  
15 educational agency for whom an emergency impact aid  
16 payment is received under this section, nor shall such stu-  
17 dents be counted for the purpose of calculating the total  
18 number of children in average daily attendance at the  
19 schools served by such eligible local educational agency as  
20 provided in section 8003(b)(3)(B)(i) of such Act (20  
21 U.S.C. 7703(b)(3)(B)(i)).

22           (j) NOTICE OF OPTION OF PUBLIC SCHOOL OR NON-  
23 PUBLIC SCHOOL ENROLLMENT.—Each State receiving  
24 emergency impact aid under this section shall provide, to  
25 the parent or guardian of each displaced student for whom

1 a payment is made under this section to an account who  
2 resides in such State, notification that—

3 (1) such parent or guardian has the option of  
4 enrolling such student in a public school or a non-  
5 public school; and

6 (2) the temporary emergency impact aid for  
7 displaced students provided under this section is  
8 temporary and is only available for the impacted  
9 school year, except as provided in subsection (d)(3).

10 (k) BYPASS.—For a State in which State law pro-  
11 hibits the State from using Federal funds to directly pro-  
12 vide services on behalf of students attending nonpublic  
13 schools and provides that another entity shall provide such  
14 services, the Secretary shall make such arrangements with  
15 that entity as the Secretary determines appropriate to  
16 carry out this section on behalf of such students.

17 (l) REDIRECTION OF FUNDS.—

18 (1) IN GENERAL.—If a State educational agen-  
19 cy or eligible local educational agency is unable to  
20 carry out this section, the Secretary shall make such  
21 arrangements with the State as the Secretary deter-  
22 mines appropriate to carry out this section on behalf  
23 of displaced students attending a nonpublic school in  
24 the area served by such agency.

1           (2) SPECIAL RULE.—If an eligible local edu-  
2           cational agency fails to make a payment to an ac-  
3           count described under subsection (e)(2) not later  
4           than 14 calendar days after receipt of an emergency  
5           impact aid payment provided under this section,  
6           then—

7                   (A) the eligible local educational agency  
8                   shall return the funds received that quarter for  
9                   such account to the State educational agency;  
10                  and

11                   (B) the State educational agency shall en-  
12                   sure that the proper payment to such account  
13                   for such quarter is made not later than 14 cal-  
14                   endar days after the date of the receipt of funds  
15                   under subparagraph (A), before any further  
16                   funds for such account are distributed to the el-  
17                   igible local educational agency.

18           (m) NONDISCRIMINATION.—

19                   (1) IN GENERAL.—A school that enrolls a dis-  
20                   placed student under this section shall not discrimi-  
21                   nate against students on the basis of race, color, na-  
22                   tional origin, religion, disability, or sex.

23                   (2) APPLICABILITY AND SINGLE SEX SCHOOLS,  
24                   CLASSES, OR ACTIVITIES.—

1           (A) IN GENERAL.—To the extent con-  
2           sistent with title IX of the Education Amend-  
3           ments of 1972 (20 U.S.C. 1681 et seq.), the  
4           prohibition of sex discrimination in paragraph  
5           (1) shall not apply to a nonpublic school that  
6           is controlled by a religious organization if the  
7           application of paragraph (1) would not be con-  
8           sistent with the religious tenets of such organi-  
9           zation.

10           (B) SINGLE SEX SCHOOLS, CLASSES, OR  
11           ACTIVITIES.—Notwithstanding paragraph (1)  
12           and to the extent consistent with title IX of the  
13           Education Amendments of 1972, a parent or  
14           guardian may choose and a nonpublic school  
15           may offer a single sex school, class, or activity.

16           (C) ENROLLMENT.—The prohibition of re-  
17           ligious discrimination in paragraph (1) shall not  
18           apply with regard to enrollment for a nonpublic  
19           school that is controlled by a religious organiza-  
20           tion or organized and operated on the basis of  
21           religious tenets, except that the prohibition of  
22           religious discrimination shall apply with respect  
23           to the enrollment of displaced students assisted  
24           under this section.

1           (3) GENERAL PROVISION.—Nothing in this sec-  
2           tion shall be construed to alter or modify the provi-  
3           sions of the Individuals with Disabilities Education  
4           Act, title VI of the Civil Rights Act of 1964 (42  
5           U.S.C. 2000d et seq.), title IX of the Education  
6           Amendments of 1972, and the Rehabilitation Act of  
7           1973 (29 U.S.C. 701 et seq.).

8           (4) ELECTION.—A displaced student assisted  
9           under this section who is enrolled in a nonpublic  
10          school shall not participate in religious worship or  
11          religious classes at such school unless such student’s  
12          parent or guardian elects to have such student par-  
13          ticipate in such religious worship or religious classes.

14          (n) TREATMENT OF PAYMENT.—The amount of any  
15          payment (or other form of support provided on behalf of  
16          a displaced student) under this section shall not be treated  
17          as income of a parent or guardian of the student for pur-  
18          poses of Federal tax laws or for determining eligibility for  
19          any other Federal program.

20          (o) TREATMENT OF STATE AID.—A State shall not  
21          take into consideration emergency impact aid payments  
22          received under this section by an eligible local educational  
23          agency in the State in determining the eligibility of such  
24          eligible local educational agency for State aid, or the

1 amount of State aid, with respect to free public education  
2 of children.

3 (p) COORDINATION.—The Secretary shall coordinate  
4 with the Administrator of the Federal Emergency Man-  
5 agement Agency to help ensure that States and local edu-  
6 cational agencies are aware of the displaced students  
7 under their jurisdiction so that the educational needs of  
8 the displaced students are met.

9 (q) REPORT.—The Secretary shall report to Congress  
10 on the activities carried out under this section not later  
11 than 1 year after the provision of assistance under this  
12 section, including reporting the number of displaced stu-  
13 dents who are served under this section.

14 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated such sums  
16 as may be necessary to carry out sections 101 and 105.

17 **TITLE II—HIGHER EDUCATION**  
18 **STUDENTS AND INSTITUTIONS**

19 **SEC. 201. GENERAL WAIVERS AND MODIFICATIONS.**

20 (a) AUTHORITY.—Notwithstanding any other provi-  
21 sion of law, unless enacted with specific reference to this  
22 section, the Secretary is authorized to waive or modify any  
23 statutory or regulatory provision applicable to the student  
24 financial assistance programs under title IV of the Higher  
25 Education Act of 1965 (20 U.S.C. 1070 et seq.), or any



1 student or institutional eligibility provisions in the Higher  
2 Education Act of 1965 (20 U.S.C. 1001 et seq.), as the  
3 Secretary determines necessary for a disaster area in  
4 which a presidentially declared disaster has been declared  
5 to ensure that—

6           (1) administrative requirements placed on af-  
7 fected students, affected individuals, affected institu-  
8 tions, lenders, guaranty agencies, and grantees are  
9 minimized to the extent possible without impairing  
10 the integrity of the higher education programs under  
11 the Higher Education Act of 1965 (20 U.S.C. 1001  
12 et seq.), to ease the burden on such participants; or

13           (2) institutions of higher education, lenders,  
14 guaranty agencies, and other entities participating in  
15 the student financial assistance programs under title  
16 IV of the Higher Education Act of 1965, that serve  
17 a disaster area in which a presidentially declared  
18 disaster has been declared may be granted tem-  
19 porary relief from requirements that are rendered  
20 infeasible or unreasonable due to the effects of a  
21 presidentially declared disaster, including due dili-  
22 gence requirements and reporting deadlines.

23           (b) **AUTHORITY TO EXTEND OR WAIVE REPORTING**  
24 **REQUIREMENTS UNDER SECTION 131(a).**—The Secretary  
25 is authorized to extend reporting deadlines or waive re-

1 porting requirements under section 131(a) of the Higher  
2 Education Act of 1965 (20 U.S.C. 1015(a)) for an af-  
3 fected institution.

4 (c) RULE OF CONSTRUCTION.—Nothing in this title  
5 shall be construed—

6 (1) to allow the Secretary to waive or modify  
7 any applicable statutory or regulatory requirements  
8 prohibiting discrimination in a program or activity,  
9 or in employment or contracting, under existing law  
10 (in existence on the date of the Secretary's action);  
11 or

12 (2) to authorize any refunding of any repay-  
13 ment of a loan.

14 **SEC. 202. TEACHER RECRUITMENT AND RETENTION.**

15 The Secretary is authorized to approve modifications  
16 to the requirements for Teacher Quality Partnership  
17 Grants under part A of title II of the Higher Education  
18 Act of 1965 (20 U.S.C. 1022 et seq.), at the request of  
19 the grantee—

20 (1) to assist States and local educational agen-  
21 cies to recruit and retain highly qualified teachers in  
22 a school district located in a disaster area in which  
23 a presidentially declared disaster has been declared;  
24 and

1           (2) to assist institutions of higher education, lo-  
2           cated in such area, to recruit and retain faculty nec-  
3           essary to prepare teachers and provide professional  
4           development.

5 **SEC. 203. AUTHORIZED USES OF TRIO, GEAR-UP, PART A OR**  
6 **B OF TITLE III, AND OTHER GRANTS.**

7           (a) MODIFICATIONS OF ALLOWABLE USE OF  
8 FUNDS.—The Secretary is authorized to modify the re-  
9           quired and allowable uses of funds under chapters 1 and  
10          2 of subpart 2 of part A of title IV of the Higher Edu-  
11          cation Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–  
12          21 et seq.), under part A or B of title III of such Act  
13          (20 U.S.C. 1057 et seq., 1060 et seq.), and under any  
14          other competitive grant program, at the request of an af-  
15          fected institution or other grantee, with respect to affected  
16          institutions and other grantees located in a disaster area  
17          in which a presidentially declared disaster has been de-  
18          clared.

19          (b) PROHIBITION AGAINST NEW AUTHORIZATION OF  
20 CONSTRUCTION, RENOVATION, OR IMPROVEMENT OF FA-  
21          CILITIES.—The Secretary may not, under the authority of  
22          this section, authorize any new construction, renovation,  
23          or improvement of classrooms, libraries, laboratories, or  
24          other instructional facilities that is not authorized under  
25          the institution’s grant award under part A or B of title

1 III, or under part A or B of title V, of the Higher Edu-  
 2 cation Act of 1965 (20 U.S.C. 1057 et seq., 1060 et seq.,  
 3 1101 et seq., 1102 et seq.).

4 **SEC. 204. FINANCIAL AID.**

5 (a) IN GENERAL.—The Secretary may authorize fi-  
 6 nancial aid administrators to make an adjustment, in ac-  
 7 cordance with section 479A(a) of the Higher Education  
 8 Act of 1965 (20 U.S.C. 1087tt(a)), with respect to the  
 9 calculation of the expected student or parent contribution  
 10 for an affected student, or for a student or a parent who—

11 (1) resides or is employed in a disaster area in  
 12 which a presidentially declared disaster has been de-  
 13 clared; or

14 (2) resided or was employed in a disaster area  
 15 in which a presidentially declared disaster was de-  
 16 clared on the date of the occurrence of the presi-  
 17 dentially declared disaster.

18 (b) ADEQUATE DOCUMENTATION.—A financial aid  
 19 administrator shall adequately document the need for the  
 20 adjustment.

21 **SEC. 205. EXPANDING INFORMATION DISSEMINATION RE-**  
 22 **GARDING ELIGIBILITY FOR FEDERAL PELL**  
 23 **GRANTS.**

24 (a) IN GENERAL.—The Secretary shall make special  
 25 efforts, in conjunction with State efforts, to notify affected

1 students and, if applicable, their parents or guardians who  
2 qualify for means-tested Federal benefit programs, of  
3 their potential eligibility for a maximum Federal Pell  
4 Grant under section 401 of the Higher Education Act of  
5 1965 (20 U.S.C. 1070a), and shall disseminate such infor-  
6 mational materials as the Secretary determines appro-  
7 priate.

8 (b) MEANS-TESTED FEDERAL BENEFIT PRO-  
9 GRAM.—For the purpose of this section, the term “means-  
10 tested Federal benefit program” means a mandatory  
11 spending program of the Federal Government, other than  
12 a program under the Higher Education Act of 1965 (20  
13 U.S.C. 1001 et seq.), in which eligibility for the program’s  
14 benefits, or the amount of such benefits, are determined  
15 on the basis of income or resources of the individual or  
16 family seeking the benefit, and may include such programs  
17 as the supplemental security income program under title  
18 XVI of the Social Security Act (42 U.S.C. 1381 et seq.),  
19 the supplemental nutrition assistance program established  
20 under the Food and Nutrition Act of 2008 (7 U.S.C. 2011  
21 et seq.), the school lunch program established under the  
22 Richard B. Russell National School Lunch Act (42 U.S.C.  
23 1751 et seq.), the temporary assistance for needy families  
24 program established under part A of title IV of the Social  
25 Security Act (42 U.S.C. 601 et seq.), and the special sup-

1 plemental nutrition program for women, infants, and chil-  
2 dren established by section 17 of the Child Nutrition Act  
3 of 1966 (42 U.S.C. 1786), and other programs identified  
4 by the Secretary.

5 **SEC. 206. PROCEDURES.**

6 (a) REGULATORY REQUIREMENTS INAPPLICABLE.—  
7 Sections 482(e) and 492 of the Higher Education Act of  
8 1965 (20 U.S.C. 1089(e), 1098a), section 437 of the Gen-  
9 eral Education Provisions Act (20 U.S.C. 1232), and sec-  
10 tion 553 of title 5, United States Code, shall not apply  
11 to this title.

12 (b) NOTICE OF WAIVERS, MODIFICATIONS, OR EX-  
13 TENSIONS.—Notwithstanding section 437 of the General  
14 Education Provisions Act (20 U.S.C. 1232) and section  
15 553 of title 5, United States Code, the Secretary shall  
16 make publicly available the waivers, modifications, or ex-  
17 tensions granted under this title.

18 (c) CASE-BY-CASE BASIS.—The Secretary is not re-  
19 quired to exercise any waiver or modification authority  
20 under this title on a case-by-case basis.

21 (d) REPORT.—The Secretary shall, not later than 1  
22 year after granting any waiver or modification authorized  
23 under this section, submit a report to the Committee on  
24 Health, Education, Labor, and Pensions of the Senate and  
25 the Committee on Education and the Workforce of the

1 House of Representatives describing the waivers or modi-  
2 fications granted.

3 **SEC. 207. DEFINITIONS.**

4 In this title:

5 (1) **AFFECTED INDIVIDUAL.**—The term “af-  
6 fected individual” means an individual who has ap-  
7 plied for or received student financial assistance  
8 under title IV of the Higher Education Act of 1965,  
9 and—

10 (A) who is an affected student; or

11 (B) whose primary place of employment or  
12 residency is in a disaster area in which a presi-  
13 dentially declared disaster has been declared.

14 (2) **AFFECTED INSTITUTION.**—

15 (A) **IN GENERAL.**—The term “affected in-  
16 stitution” means an institution of higher edu-  
17 cation that—

18 (i) is located in a disaster area in  
19 which a presidentially declared disaster has  
20 been declared; and

21 (ii) has temporarily ceased operations  
22 as a consequence of a presidentially de-  
23 clared disaster, as determined by the Sec-  
24 retary.

1           (B) LENGTH OF TIME.—In determining  
2           eligibility for assistance under this title, the  
3           Secretary, using consistent, objective criteria,  
4           shall determine the time period for which an in-  
5           stitution of higher education is an affected in-  
6           stitution.

7           (C) SPECIAL RULE.—An organizational  
8           unit of an affected institution that is not im-  
9           pacted by the disaster that is the subject of a  
10          presidentially declared disaster may not be con-  
11          sidered as part of such affected institution for  
12          purposes of receiving assistance under this title.

13          (3) AFFECTED STUDENT.—The term “affected  
14          student” means an individual who was enrolled or  
15          accepted for enrollment at an affected institution on  
16          the date of the occurrence of the presidentially de-  
17          clared disaster affecting such institution.

18          (4) INSTITUTION OF HIGHER EDUCATION.—The  
19          term “institution of higher education”—

20                 (A) has the meaning given the term in sec-  
21                 tion 101 of the Higher Education Act of 1965  
22                 (20 U.S.C. 1001); and

23                 (B) means an institution described in sub-  
24                 paragraph (A) or (B) of section 102(a)(1) of  
25                 such Act (20 U.S.C. 1002(a)(1)(A), (B)).



1 **TITLE III—PREKINDERGARTEN**  
2 **STUDENTS, SCHOOLS, AND**  
3 **CHILD CARE CENTERS**

4 **SEC. 301. AGREEMENTS TO EXTEND CERTAIN DEADLINES**  
5 **OF THE INDIVIDUALS WITH DISABILITIES**  
6 **EDUCATION ACT TO FACILITATE THE PROVI-**  
7 **SION OF EDUCATIONAL SERVICES TO CHIL-**  
8 **DREN WITH DISABILITIES.**

9 (a) **AUTHORITY.**—The Secretary may enter into an  
10 agreement described in subsection (b) with an eligible enti-  
11 ty to extend certain deadlines under the Individuals with  
12 Disabilities Education Act related to providing special  
13 education and related services, including early intervention  
14 services, to individuals adversely affected by a presi-  
15 dentially declared disaster.

16 (b) **TERMS OF AGREEMENTS.**—An agreement re-  
17 ferred to in subsection (a) is an agreement with an eligible  
18 entity made in accordance with subsection (e) that may  
19 extend the applicable deadlines under 1 or more of the  
20 following sections:

21 (1) Section 611(e)(3)(C)(ii) of the Individuals  
22 with Disabilities Education Act (20 U.S.C.  
23 1411(e)(3)(C)(ii)), by extending for not more than  
24 an additional 60 days, the 90 day deadline for devel-  
25 oping a State plan for the high cost fund.

1           (2) Section 611(e)(3)(C)(iii) of such Act (20  
2 U.S.C. 1411(e)(3)(C)(iii)), by extending for not  
3 more than an additional 60 days, the 30 day dead-  
4 line for public availability of the final State plan.

5           (3) Section 612(a)(15)(C) of such Act (20  
6 U.S.C. 1412(a)(15)(C)), by extending for not more  
7 than an additional 60 days, the deadline for submis-  
8 sion of the annual report to the Secretary and the  
9 public regarding the progress of the State and of  
10 children with disabilities in the State toward meeting  
11 the performance goals established under section  
12 612(a)(15)(A) of such Act (20 U.S.C.  
13 1412(a)(15)(A)).

14           (4) Section 612(a)(16)(D) of such Act (20  
15 U.S.C. 1412(a)(16)(D)), by extending for not more  
16 than an additional 60 days, the deadline for making  
17 available reports regarding the participation in as-  
18 sessments and the performance on such assessments  
19 of children with disabilities, but only if the eligible  
20 entity provides a justification for similarly extending  
21 the deadline for such reports concerning children  
22 without disabilities.

23           (5) Section 614(a)(1)(C)(i)(I) of such Act (20  
24 U.S.C. 1414(a)(1)(C)(i)(I)), by extending for not  
25 more than an additional 30 days—

1 (A) the 60 day deadline for the initial eval-  
2 uation to determine whether a child is a child  
3 with a disability for purposes of the provision of  
4 special education and related services to such  
5 child; or

6 (B) the State timeframe described in such  
7 section for such evaluation.

8 (6) Section 616(b)(2)(C)(ii)(II) of such Act (20  
9 U.S.C. 1416(b)(2)(C)(ii)(II)), by extending for not  
10 more than an additional 60 days, the deadline for  
11 reporting to the Secretary on the performance of the  
12 State under the State's performance plan.

13 (7) Section 641(e)(1)(D) of such Act (20  
14 U.S.C. 1441(e)(1)(D)), by extending for not more  
15 than an additional 60 days, the deadline for submis-  
16 sion to the Governor of a State and the Secretary  
17 of the report on the status of early intervention pro-  
18 grams for infants and toddlers with disabilities and  
19 their families operated within the State.

20 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
21 tion shall be construed—

22 (1) as permitting the waiver of—

23 (A) any applicable Federal civil rights law;

1 (B) any student or family privacy protec-  
2 tions, including provisions requiring parental  
3 consent for evaluations and services;

4 (C) any procedural safeguards required  
5 under section 615 or 639 of the Individuals  
6 with Disabilities Education Act (20 U.S.C.  
7 1415, 1439); or

8 (D) any requirements not specified in sub-  
9 section (b); or

10 (2) as removing the obligation of the eligible en-  
11 tity to provide a child with a disability or an infant  
12 or toddler with a disability and their families—

13 (A) a free appropriate public education  
14 under part B of the Individuals with Disabil-  
15 ities Education Act; or

16 (B) early intervention services under part  
17 C of such Act (20 U.S.C. 1431 et seq.).

18 (d) DURATION OF AGREEMENT.—An agreement  
19 under this section shall terminate at the conclusion of the  
20 impacted school year.

21 (e) REQUEST TO ENTER INTO AGREEMENT.—To  
22 enter into an agreement under this section, an eligible en-  
23 tity shall submit a request to the Secretary at such time,  
24 in such manner, and containing such information as the  
25 Secretary may require.

1 **SEC. 302. HEAD START AND CHILD CARE AND DEVELOP-**  
2 **MENT BLOCK GRANT.**

3 (a) HEAD START.—

4 (1) TECHNICAL ASSISTANCE, GUIDANCE, AND  
5 RESOURCES.—From the amount made available for  
6 Head Start in this Act, the Secretary of Health and  
7 Human Services shall provide training and technical  
8 assistance, guidance, and resources through the ap-  
9 propriate regional offices of the Administration for  
10 Children and Families (and may provide training  
11 and technical assistance, guidance, and resources  
12 through other regional offices of the Administration,  
13 at the request of such offices that administer af-  
14 fected Head Start agencies and Early Head Start  
15 entities) to Head Start agencies and Early Head  
16 Start entities in disaster areas in which a presi-  
17 dentially declared disaster has been declared, and to  
18 affected Head Start agencies and Early Head Start  
19 entities, to assist the agencies and entities involved  
20 to address the mental and physical health needs of  
21 infants, toddlers, and young children affected by a  
22 presidentially declared disaster. Such training and  
23 technical assistance may be provided by contract or  
24 cooperative agreement with qualified national, re-  
25 gional, or local providers.

1           (2) WAIVER.—For such period of not longer  
2 than 1 year after the date of the occurrence of a  
3 presidentially declared disaster, and to such extent  
4 as the Secretary considers appropriate, the Secretary  
5 of Health and Human Services—

6           (A) may waive section 640(b) of the Head  
7 Start Act (42 U.S.C. 9835(b)) for Head Start  
8 agencies located in a disaster area in which a  
9 presidentially declared disaster has been de-  
10 clared, and other affected Head Start agencies  
11 and Early Head Start entities; and

12           (B) shall waive requirements of docu-  
13 mentation for individuals adversely affected by  
14 a presidentially declared disaster who partici-  
15 pate in a Head Start program or an Early  
16 Head Start program funded under the Head  
17 Start Act (42 U.S.C. 9831 et seq.).

18           (b) CHILD CARE AND DEVELOPMENT BLOCK  
19 GRANT.—

20           (1) CHILD CARE AND DEVELOPMENT BLOCK  
21 GRANT ACT OF 1990.—For such period of not longer  
22 than 1 year after the date of the occurrence of a  
23 presidentially declared disaster, and to such extent  
24 as the Secretary considers to be appropriate, the  
25 Secretary of Health and Human Services may waive,

1 for any affected State, and any State serving signifi-  
2 cant numbers of individuals adversely affected by a  
3 presidentially declared disaster, provisions of the  
4 Child Care and Development Block Grant Act of  
5 1990 (42 U.S.C. 9858 et seq.)—

6 (A) relating to Federal income limitations  
7 on eligibility to receive child care services for  
8 which assistance is provided under such Act;

9 (B) relating to work requirements applica-  
10 ble to eligibility to receive child care services for  
11 which assistance is provided under such Act;

12 (C) relating to limitations on the use of  
13 funds under section 658G of such Act (42  
14 U.S.C. 9858e);

15 (D) preventing children designated as evac-  
16 uees from receiving priority for child care serv-  
17 ices provided under such Act, except that chil-  
18 dren residing in a State and currently receiving  
19 services shall not lose such services to accom-  
20 modate evacuee children; and

21 (E) relating to any non-Federal or capital  
22 contribution required (including copayment or  
23 other cost sharing by parents receiving child  
24 care assistance) to match Federal funds pro-

1           vided under programs administered by the Sec-  
2           retary of Health and Human Services.

3           (2) TECHNICAL ASSISTANCE AND GUIDANCE.—

4           The Secretary of Health and Human Services may  
5           provide assistance to States for the purpose of pro-  
6           viding training, technical assistance, and guidance to  
7           eligible child care providers (as defined in section  
8           658P of the Child Care and Development Block  
9           Grant Act of 1990 (42 U.S.C. 9858n)) who are li-  
10          censed and regulated, as applicable, by the States, to  
11          enable such providers to provide child care services  
12          for children and families described in paragraph (1).  
13          Such training and technical assistance may be pro-  
14          vided through intermediary organizations, including  
15          those with demonstrated experience in providing  
16          training and technical assistance to programs serv-  
17          ing school-age children up to age 13, involved in re-  
18          instituting child care services on a broad scale in  
19          disaster areas in which a presidentially declared dis-  
20          aster has been declared.

21 **SEC. 303. DEFINITIONS.**

22          In this title:

23               (1) AFFECTED HEAD START AGENCIES AND  
24               EARLY HEAD START ENTITIES.—The term “affected  
25               Head Start agencies and Early Head Start entities”



1 means a Head Start agency receiving a significant  
2 number of children from a disaster area in which a  
3 presidentially declared disaster has been declared.

4 (2) AFFECTED STATE.—The term “affected  
5 State” means a State affected by a presidentially de-  
6 clared disaster.

7 (3) CHILD WITH A DISABILITY.—The term  
8 “child with a disability” has the meaning given such  
9 term in section 602(3) of the Individuals with Dis-  
10 abilities Education Act (20 U.S.C. 1401(3)).

11 (4) ELIGIBLE ENTITY.—The term “eligible enti-  
12 ty” means—

13 (A) a local educational agency (as defined  
14 in section 602(19) of the Individuals with Dis-  
15 abilities Education Act (20 U.S.C. 1401(19)) if  
16 such agency serves a disaster area in which a  
17 presidentially declared disaster has been de-  
18 clared;

19 (B) a State educational agency (as defined  
20 in section 602(32) of such Act (20 U.S.C.  
21 1401(32)) if such agency serves a disaster area  
22 in which a presidentially declared disaster has  
23 been declared; or

24 (C) a State interagency coordinating coun-  
25 cil established under section 641 of such Act

1 (20 U.S.C. 1441) if such council serves a dis-  
2 aster area in which a presidentially declared  
3 disaster has been declared.

4 (5) INDIVIDUAL ADVERSELY AFFECTED BY A  
5 PRESIDENTIALLY DECLARED DISASTER.—The term  
6 “individual adversely affected by a presidentially de-  
7 clared disaster” means an individual who, on the  
8 date of the occurrence of a presidentially declared  
9 disaster, was living, working, or attending school in  
10 such disaster area.

11 (6) INFANT OR TODDLER WITH A DIS-  
12 ABILITY.—The term “infant or toddler with a dis-  
13 ability” has the meaning given such term in section  
14 632(5) of the Individuals with Disabilities Education  
15 Act (20 U.S.C. 1432(5)).

16 **TITLE IV—EMERGENCY PLAN-**  
17 **NING FOR CHILD CARE CEN-**  
18 **TERS**

19 **SEC. 401. DISASTER PLANS.**

20 Each State that receives funds under the Child Care  
21 and Development Block Grant Act of 1990 (42 U.S.C.  
22 9858 et seq.) shall develop a disaster plan, as rec-  
23 ommended by the National Commission on Children and  
24 Disasters, that includes guidelines for evacuation, reunifi-

1 cation, temporary operating standards, and special needs  
2 populations.

3 **SEC. 402. ADDRESSING CHILD CARE SERVICES AND FACILI-**  
4 **TIES.**

5 The Administrator of the Federal Emergency Man-  
6 agement Agency shall encourage States and local govern-  
7 ments to address child care services and facilities in the  
8 State and local governments’ response and recovery plans,  
9 exercises, and training, as recommended by the National  
10 Commission on Children and Disasters.

11 **TITLE V—HEALTH CARE**  
12 **SERVICES FOR CHILDREN**

13 **SEC. 501. MEDICAID AND CHIP DISASTER GUIDANCE.**

14 (a) GUIDANCE TO STATES.—Not later than 1 year  
15 after the date of enactment of this Act, the Secretary of  
16 Health and Human Services shall provide guidance to Di-  
17 rectors of State Medicaid programs established under title  
18 XIX of the Social Security Act (42 U.S.C. 1396 et seq.)  
19 and to Directors of State Children’s Health Insurance  
20 Programs (commonly referred to as “CHIP”) established  
21 under title XXI of that Act (42 U.S.C. 1397aa et seq.)  
22 regarding the requirements under section 1902(a)(16) of  
23 the Social Security Act (42 U.S.C. 1396a(a)(16)), relating  
24 to the furnishing of medical assistance to individuals who  
25 are residents of the State but are absent therefrom, and

1 the application of such requirements to CHIP programs  
2 under subparagraph (B) of section 2107(e)(1) of such Act  
3 (42 U.S.C. 1397gg(e)(1) (as added by subsection (d))).

4 (b) STATE GUIDANCE TO PROVIDERS.—Based on the  
5 guidance provided pursuant to subsection (a), each State,  
6 as a condition of receipt of Federal payments under sec-  
7 tion 1903(a) of the Social Security Act (42 U.S.C.  
8 1396b(a)), shall develop and disseminate to providers of  
9 items and services for which payment is available under  
10 the State’s Medicaid or CHIP program, disaster guidance  
11 for such providers to ensure continued access to health  
12 care items and services under the Medicaid and CHIP pro-  
13 grams for low-income children affected by a major disaster  
14 and displaced from their home State. Such guidance shall  
15 be entitled “Disaster Guidance for Medicaid and CHIP  
16 Providers” and shall include a description of the proce-  
17 dures established by the State to facilitate the furnishing  
18 of health care services to children (as defined for purposes  
19 of the State Medicaid and CHIP programs, respectively)  
20 who are present in the State and are eligible for medical  
21 assistance under the Medicaid program of another State  
22 or child health assistance under the CHIP program of an-  
23 other State. To the extent practicable, the guidance devel-  
24 oped and disseminated pursuant to this subsection shall  
25 include the model process for the coordination of the en-

1 rollment, retention, and coverage under such programs of  
2 children who, because of migration of families, emergency  
3 evacuations, natural or other disasters, public health  
4 emergencies, educational needs, or otherwise, frequently  
5 change their State of residency or otherwise are tempo-  
6 rarily located outside of the State of their residency re-  
7 quired by section 213 of the Children’s Health Insurance  
8 Program Reauthorization Act of 2009 (42 U.S.C. 1396  
9 note).

10 (c) REPORT TO CONGRESS.—Not later than 6  
11 months after the date on which every State with a Med-  
12 icaid or CHIP program has developed the Disaster Guid-  
13 ance for Medicaid and CHIP Providers required under  
14 subsection (b), the Secretary of Health and Human Serv-  
15 ices shall submit to Congress a report on the guidance  
16 developed by States for providers under such programs,  
17 including information regarding the State procedures in  
18 effect to facilitate the furnishing of health care services  
19 to children who are present in the State and are eligible  
20 for medical assistance under the Medicaid program of an-  
21 other State or child health assistance under the CHIP pro-  
22 gram of another State.

23 (d) CONFORMING AMENDMENTS.—Section  
24 2107(e)(1) of the Social Security Act (42 U.S.C.  
25 1397gg(e)(1)) is amended—

1           (1) by redesignating subparagraphs (B)  
2 through (O) as subparagraphs (C) through (P), re-  
3 spectively; and

4           (2) by inserting after subparagraph (A), the fol-  
5 lowing:

6                   “(B) Section 1902(a)(16) (relating to the  
7 furnishing of medical assistance to individuals  
8 who are residents of the State but are absent  
9 therefrom).”.

○