

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4017

To provide assistance for the education of elementary and secondary students.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2005

Mr. SAM JOHNSON of Texas (for himself and Mr. MARCHANT) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To provide assistance for the education of elementary and secondary students.

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 “Hurricane Education  
5       Assistance Act”.

6       **SEC. 2. ASSISTANCE TO SCHOOL DISTRICTS ENROLLING**  
7       **EVACUATED STUDENTS.**

8       (a) PURPOSE.—It is the purpose of this section to  
9       provide financial assistance to States and to local edu-

1 cational agencies that enroll significant numbers of stu-  
2 dents displaced by Hurricane Katrina or Rita.

3 (b) PROGRAM AUTHORIZED.—(1) From the amount  
4 made available to carry out this section, the Secretary  
5 shall make grants to eligible entities to carry out the pur-  
6 pose of this section.

7 (2) Each eligible entity desiring to receive a grant  
8 under this section shall—

9 (A) submit to the Secretary, on a quarterly  
10 basis, counts of its enrollment of displaced students;  
11 and

12 (B) maintain records necessary to document its  
13 student enrollment counts.

14 (c) ELIGIBLE ENTITY.—For the purposes of this sec-  
15 tion, the term “eligible entity” means—

16 (1) the State educational agencies of Louisiana,  
17 Mississippi, and Texas;

18 (2) in any other State, a local educational agen-  
19 cy that enrolls at least 10 students displaced by  
20 Hurricane Katrina or Rita; and

21 (3) any school funded by the Bureau of Indian  
22 Affairs that enrolls at least 10 students displaced by  
23 Hurricane Katrina or Rita.

1 (d) LENGTH OF AWARD.—(1) Each grant under this  
2 section shall be for the period of the 2005–2006 school  
3 year.

4 (2) Each eligible entity shall return to the Secretary  
5 any funds awarded to it under this section that it does  
6 not obligate by the end of the grant period.

7 (e) QUARTERLY PAYMENTS.—(1) The Secretary, as  
8 soon as feasible after receiving each of the quarterly en-  
9 rollment counts from eligible entities under subsection  
10 (b)(2)(A), shall make payments to those entities.

11 (2) The quarterly payments under paragraph (1)  
12 shall be calculated by multiplying—

13 (A) the number of displaced students enrolled  
14 in that quarter by the local educational agency or,  
15 in the case of Louisiana, Mississippi, and Texas, by  
16 all local educational agencies in the State; by

17 (B) 90 percent of the average per-pupil expend-  
18 iture for elementary and secondary education in the  
19 State in which the local educational agency is lo-  
20 cated (not to exceed \$7,500), as determined by the  
21 Secretary using data from the most recent year for  
22 which satisfactory data are available; by

23 (C) 25 percent.

24 (3) If, for any quarter, the amount available to make  
25 payments under paragraph (1) is insufficient to pay the

1 full amounts that eligible entities are eligible to receive  
2 under that paragraph, the Secretary shall ratably reduce  
3 the amount of those payments.

4 (f) WITHIN-STATE ALLOCATIONS.—(1) The State  
5 educational agencies of Louisiana, Mississippi, and Texas  
6 shall distribute the funds they receive under subsection  
7 (e), on a quarterly basis, to eligible local educational agen-  
8 cies in the State.

9 (2) The payments under paragraph (1) shall be cal-  
10 culated by—

11 (A) multiplying the local share of the per-child  
12 cost of education in the local educational agency; by

13 (B) the number of displaced students in the  
14 local educational agency; or

15 (C) an alternate methodology, approved by the  
16 Secretary, for the purpose of this subsection.

17 (g) REMAINDER.—The State educational agencies of  
18 Louisiana, Mississippi, and Texas shall use any funds re-  
19 maining after making grants under subsection (f) for ac-  
20 tivities to assist local educational agencies in which schools  
21 remain closed as a result of Hurricane Katrina or Rita  
22 to re-open those schools as quickly and effectively as pos-  
23 sible. Such activities may include—

24 (1) arranging for temporary facilities necessary  
25 to operate educational programs during the time

1 that permanent facilities are being rebuilt or re-  
2 paired;

3 (2) purchasing equipment and materials to re-  
4 place those items destroyed or damaged by Hurri-  
5 cane Katrina or Rita;

6 (3) paying the cost of student transportation;

7 (4) recruiting or retraining teachers or other  
8 school staff to serve in re-opened schools; and

9 (5) providing non-financial assistance to stu-  
10 dents and their families on their return to the af-  
11 fected areas and their re-enrollment in affected  
12 schools.

13 (h) USES OF FUNDS.—Each local educational agency  
14 that receives funds under this section shall use those funds  
15 for expenses related to educating children enrolled in its  
16 schools, which may include—

17 (1) teacher and staff salaries;

18 (2) building maintenance;

19 (3) materials and equipment;

20 (4) student transportation;

21 (5) special services and instruction, such as—

22 (A) English language acquisition services  
23 and programs for students with limited English  
24 proficiency;

1 (B) services for children with disabilities;

2 and

3 (C) mental-health counseling for children

4 displaced by Hurricane Katrina or Rita;

5 (6) after-school programs;

6 (7) supplemental educational services; and

7 (8) early childhood programs.

8 (i) ACCOUNTABILITY.—The State educational agen-  
9 cies of Louisiana, Mississippi, and Texas and any other  
10 eligible entity that receives funds under this section, shall  
11 take appropriate measures to ensure proper use of, and  
12 accounting for, all funds they receive under this section.

13 (j) AUTHORIZATION OF APPROPRIATIONS.—For the  
14 purpose of carrying out this section, there are authorized  
15 to be appropriated \$1,860,000,000 for fiscal year 2006.

16 **SEC. 3. ASSISTANCE FOR THE ENROLLMENT OF EVACU-**  
17 **ATED STUDENTS IN PRIVATE SCHOOLS.**

18 (a) AUTHORITY.—From funds available to carry out  
19 this section, the Secretary shall make one-time, emergency  
20 grants to State educational agencies to reimburse parents  
21 of students who were displaced by Hurricane Katrina or  
22 Rita and who are attending any private school in the State  
23 that is accredited or licensed or otherwise operates in ac-  
24 cordance with State law.

1 (b) LENGTH OF AWARD.—(1) An emergency grant  
2 to a State educational agency under this section shall be  
3 for the period of the 2005–2006 school year.

4 (2) A State educational agency shall return to the  
5 Secretary any funds it receives under this section that it  
6 does not obligate by the end of the 2005–2006 school year.

7 (c) APPLICATIONS.—The State educational agency’s  
8 application for an emergency grant shall include—

9 (1) the number of displaced students whose  
10 parents the State educational agency expects to re-  
11 imburse under this section; and

12 (2) a detailed description of the procedures the  
13 State educational agency plans to use to provide re-  
14 imbursements to the parents of those students and  
15 to ensure fiscal accountability for any funds it re-  
16 ceives under this section.

17 (d) AMOUNT OF GRANTS.—(1) The amount of a  
18 State educational agency’s emergency grant under this  
19 section shall be—

20 (A) the number of displaced students whose  
21 parents the State educational agency will reimburse,  
22 as determined by the Secretary; multiplied by

23 (B) the amount described in section 1(e)(2)(B).

24 (2) If the amount of funds available under this sec-  
25 tion is insufficient to award grants in the amounts deter-

1 mined under paragraph (1), the amount of each such  
2 grant shall be ratably reduced.

3 (e) USES OF FUNDS.—Each State educational agen-  
4 cy receiving an emergency grant under this section—

5 (1) shall use the grant funds to provide a reim-  
6 bursement, once per semester (or lesser portion of  
7 the school year, if the State so decides), directly to  
8 the parents of displaced students, for the cost of  
9 those students' tuition, fees, and transportation ex-  
10 penses, if any, at any private school of their choice  
11 in the State for that semester (or lesser period);

12 (2) shall ensure that parents who receive funds  
13 under this section use those funds only for the pur-  
14 poses described in paragraph (1);

15 (3) may use not more than three percent of the  
16 amount provided under the grant for the administra-  
17 tive expenses of carrying out this section; and

18 (4) may contract with a public or private non-  
19 profit agency or entity to administer and operate the  
20 program authorized under this section.

21 (f) MAXIMUM AMOUNT.—

22 (1) IN GENERAL.—The maximum reimburse-  
23 ment that a State educational agency may provide to  
24 parents on behalf of an individual displaced student  
25 under this section is an amount equal to 90 percent

1 of the State's per-pupil expenditure for elementary  
2 and secondary education, up to \$7,500, but shall not  
3 exceed—

4 (A) the cost of tuition and fees (and trans-  
5 portation expenses, if any) at the private school  
6 at which the student is (or will be) enrolled;  
7 minus

8 (B) any refund received by the parents if  
9 the student leaves the school.

10 (2) REFUND POLICY.—The State educational  
11 agency shall provide reimbursements under this sec-  
12 tion only to parents of displaced students enrolled in  
13 private schools that apply a refund policy to these  
14 students that is at least as favorable as the refund  
15 policy they apply to other students.

16 (g) LIMITATION.—The Secretary shall establish cri-  
17 teria, including family income or assets, or both, to deter-  
18 mine whether, and to what extent, families of displaced  
19 students are eligible for assistance under this section.

20 (h) BY-PASS.—If a State educational agency is un-  
21 able or unwilling to carry out this section, the Secretary  
22 may make such arrangements as the Secretary finds ap-  
23 propriate to carry out this section on behalf of displaced  
24 students attending private schools in that State.

1 (i) RULE OF CONSTRUCTION.—Section 308 of the  
2 DC School Choice Incentive Act of 2003 shall apply to  
3 this section.

4 (j) TERMINATION OF AUTHORITY.—The authority  
5 provided by this section shall terminate on June 30, 2006.

6 (k) AUTHORIZATION OF APPROPRIATIONS.—For the  
7 purpose of carrying out this section, there are authorized  
8 to be appropriated \$488,000,000 for fiscal year 2006.

9 **SEC. 4. DEFINITIONS.**

10 (a) As used in this Act, the following terms have the  
11 following meanings:

12 (1) ESEA DEFINITIONS.—The terms “average  
13 per-pupil expenditure”, “child”, “county”, “elemen-  
14 tary school”, “local educational agency”, “other  
15 staff”, “parent”, “secondary school”, “Secretary”,  
16 “State”, and “State educational agency” have the  
17 meaning given those terms in section 9101 of the  
18 Elementary and Secondary Education Act of 1965  
19 (20 U.S.C. 7801).

20 (2) AFFECTED AREA.—The term “affected  
21 area” means a county or parish, in a State, that has  
22 been designated by the Federal Emergency Manage-  
23 ment Agency for disaster assistance for individuals  
24 and households as a result of Hurricane Katrina or  
25 Rita.

1           (3) **DISPLACED STUDENT.**—Except as provided  
2           in section 4(e)(2) of this Act, the term “displaced  
3           student” means a student who was formerly a resi-  
4           dent of an affected area and, as a result of Hurri-  
5           cane Katrina or Rita, has enrolled in a public or pri-  
6           vate elementary or secondary school in a new com-  
7           munity.

8           **SEC. 5. FEDERAL ADMINISTRATION.**

9           (a) From the funds made available to carry out this  
10          Act, the Secretary may reserve up to one percent for the  
11          costs of administering this Act.

12          (b) The Secretary shall take such measures as the  
13          Secretary finds necessary to ensure proper use of, and ac-  
14          counting for, all funds made available under this Act, in-  
15          cluding provisions to ensure sound fiscal management of  
16          grant funds by grantees.

17          **SEC. 6. PROHIBITED USES OF FUNDS.**

18          Funds under this Act may not be used for—

19                  (1) school construction (except for minor re-  
20                  modeling as otherwise authorized); or

21                  (2) expenses covered by the Federal Emergency  
22                  Management Agency or private insurance.

23          **SEC. 7. REPORTS.**

24          Any grantee under this Act shall prepare and submit  
25          to the Secretary a final report, not later than 90 days after

- 1 the termination of the grant period, that describes the ac-
- 2 tivities carried out with the grant funds.

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