

117TH CONGRESS
1ST SESSION

S. 980

To restrict funds to local educational agencies that have obligated previously appropriated funds and reopen schools for in-person learning.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 2021

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

A BILL

To restrict funds to local educational agencies that have obligated previously appropriated funds and reopen schools for in-person learning.

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 “Reopen for Kids Act”.

5 **SEC. 2. FUNDING FOR REOPENING.**

6 (a) NO NEW FUNDS UNTIL AVAILABLE FUNDS ARE
7 OBLIGATED.—Notwithstanding any other provision of
8 law, no funds appropriated under part 1 of subtitle A of
9 title II of the American Rescue Plan Act of 2021 (Public
10 Law 117–2) may be used to provide assistance to a local

1 educational agency to prevent, prepare for, or respond to
2 the coronavirus—

3 (1) while funds awarded to such local edu-
4 cational agency under the Elementary and Sec-
5 ondary School Emergency Relief Fund or Governor’s
6 Emergency Education Relief Fund under title VIII
7 of division B of the CARES Act (Public Law 116–
8 136) or title III of the Coronavirus Response and
9 Relief Supplemental Appropriations Act, 2021 (Pub-
10 lic Law 116–260) remain unobligated; and

11 (2) unless the local educational agency—

12 (A) submits a plan to the State edu-
13 cational agency to provide full-day, in-person
14 learning 5 days a week for all students medi-
15 cally able to participate at all public schools
16 served by the local educational agency; and

17 (B) fully implements such plan, except as
18 provided in subsection (b), not later than 14
19 days after the date the State educational agen-
20 cy approves such plan.

21 (b) AMENDMENT TO REOPENING PLAN.—

22 (1) IN GENERAL.—If a local educational agency
23 determines there is a significant rise in COVID
24 cases in the area served by the local educational
25 agency after the plan described in subsection

1 (a)(2)(A) has been implemented, the local edu-
2 cational agency may amend the plan.

3 (2) AMENDMENT.—An amendment under para-
4 graph (1)—

5 (A) shall be approved by the Governor, in
6 consultation with the local school board;

7 (B) may include a short-term reversion to
8 part-time or full-time virtual learning, if war-
9 ranted by a significant rise in COVID cases in
10 the area served by the local educational agency;
11 and

12 (C) shall specify a date by which, or condi-
13 tions under which, the local educational agency
14 will return to providing in-person learning as
15 described in subsection (a)(2)(A).

16 (c) RETURN OF FUNDS.—

17 (1) IN GENERAL.—A local educational agency
18 that, as determined by the State educational agency,
19 fails to implement the plan described in subsection
20 (a)(2)(B) not later than 14 days after the date the
21 State educational agency approves such plan, shall
22 return to the State—

23 (A) 75 percent of the funds received by the
24 end of the first 7 days the implementation of
25 the plan is delayed beyond the 14 days; and

1 (B) the remaining 25 percent of the funds
2 received by the end of the second 7 days the
3 implementation of the plan is delayed beyond
4 the 14 days.

5 (2) COMING INTO COMPLIANCE.—Notwith-
6 standing paragraph (1), a local educational agency
7 that implements the plan within 14 days of being in
8 noncompliance shall be eligible to receive the full
9 amount under part 1 of subtitle A of title II of the
10 American Rescue Plan Act of 2021 (Public Law
11 117–2) for which the agency is eligible.

12 (3) FUNDS TO BE RETURNED TO TREASURY.—
13 A State shall return all funds returned to the State
14 under paragraph (1) to the general fund of the De-
15 partment of the Treasury.

○