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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

To establish an alternative use of certain Federal education funds when
in-person instruction is not available.

IN THE HOUSE OF REPRESENTATIVES

Mr. OWENS introduced the following bill; which was referred to the Committee
on _____

A BILL

To establish an alternative use of certain Federal education
funds when in-person instruction is not available.

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 “Kids in Classes Act”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) Research indicates that children living in
8 the poorest 20 percent of neighborhoods in the

1 United States will experience the most negative and
2 long-lasting effects of school closures.

3 (2) Researchers predict that 1 year of school
4 closures will cost ninth graders in the poorest com-
5 munities a 25-percent decrease in their post-edu-
6 cational earning potential, even if that year of clo-
7 sure is followed by 3 years of normal schooling. By
8 contrast, the same researchers predict no substantial
9 losses for students from the richest 20 percent of
10 neighborhoods.

11 (3) Long periods of school closures during the
12 COVID-19 pandemic deprive low-income students
13 and students of color the equalizing force of edu-
14 cation.

15 (4) School closures will widen educational in-
16 equality and the learning gaps created by these clo-
17 sures will persist as students progress through high
18 school, putting their future prospects at risk.

19 (5) Data shows that closed classrooms were dis-
20 proportionately composed of disadvantaged students,
21 as well as students with low mathematics scores,
22 students with limited English proficiency, or stu-
23 dents who qualify for a free or reduced priced lunch.

1 (6) School shutdowns contribute to dispropor-
2 tionate learning loss for disadvantaged students,
3 compounding existing gaps.

4 **SEC. 3. USE OF TITLE I FUNDS IF IN-PERSON INSTRUCTION**
5 **IS NOT AVAILABLE.**

6 Section 1112 of the Elementary and Secondary Edu-
7 cation Act of 1965 (20 U.S.C. 6312) is amended—

8 (1) in subsection (c)—

9 (A) in paragraph (6), by striking “and”
10 after the semicolon;

11 (B) in paragraph (7), by striking the pe-
12 riod at the end and inserting “; and”; and

13 (C) by adding at the end the following:

14 “(8) comply with the in-person instruction re-
15 quirements described in subsection (f).”; and

16 (2) by adding at the end the following:

17 “(f) IN-PERSON INSTRUCTION REQUIREMENTS.—

18 “(1) DEFINITIONS.—In this subsection:

19 “(A) COVERED FUNDING AMOUNT.—The
20 term ‘covered funding amount’ means the
21 quotient of—

22 “(i) an amount equal to—

23 “(I) the funds provided under
24 this part to a particular elementary
25 school or secondary school; divided by

1 “(II) the number of students who
2 attend that school; divided by

3 “(ii) the number of school days for
4 which such funds have been provided.

5 “(B) COVERED SCHOOL.—The term ‘cov-
6 ered school’ means a public elementary school
7 or secondary school that receives funds provided
8 under this part.

9 “(C) QUALIFIED EDUCATIONAL EX-
10 PENSES.—The term ‘qualified educational ex-
11 penses’ means curriculum and curricular mate-
12 rials, books or instructional materials, techno-
13 logical educational materials, online educational
14 materials, tutoring or educational classes out-
15 side the home, private school tuition, testing
16 fees, diagnostic tools, and educational therapies
17 for students with disabilities.

18 “(2) DISTRIBUTION OF COVERED FUNDING.—
19 Not later than the beginning of the first school year
20 that begins after the date of enactment of the Kids
21 in Classes Act, and notwithstanding any other provi-
22 sion of law, in order to be eligible to receive funds
23 under this part, each local educational agency
24 shall—

1 “(A) establish a failure to open direct pay-
2 ment plan in accordance with paragraph (3);
3 and

4 “(B) agree to carry out such plan in the
5 event that a covered school served by the local
6 educational agency fails for more than 3 days
7 during a school year, for reasons related to pub-
8 lic health emergency or collective bargaining ac-
9 tion, to make available in-person instruction for
10 all students who wish to attend.

11 “(3) FAILURE TO OPEN DIRECT PAYMENT
12 PLAN.—

13 “(A) IN GENERAL.—Each local educational
14 agency shall establish a failure to open direct
15 payment plan that establishes and explains how
16 a parent of each child who attends a covered
17 school served by the local educational agency
18 will be directly paid, for use on qualified edu-
19 cational expenses, the amount described in sub-
20 paragraph (B), if that covered school fails for
21 more than 3 days during a school year, for rea-
22 sons related to public health emergency or col-
23 lective bargaining action, to make available in-
24 person instruction for all students who wish to
25 attend.

1 “(B) AMOUNT OF PAYMENT.—The amount
2 of payment shall be an amount equal to—

3 “(i) the covered funding amount; mul-
4 tiplied by

5 “(ii) the number of days in which
6 such school fails, for reasons related to
7 public health emergency or collective bar-
8 gaining action, to make available in-person
9 instruction for all students who wish to at-
10 tend.

11 “(C) TIMING OF PAYMENT.—To the great-
12 est extent practicable, direct payments made to
13 parents under this subsection shall be made to
14 parents on each day that a covered school fails
15 to open as described in subparagraph (A).

16 “(D) RECEIPTS.—As part of the failure to
17 open direct payment plan, each local edu-
18 cational agency shall require that parents re-
19 ceiving direct payments under this subsection—

20 “(i) submit receipts to the local edu-
21 cational agency to demonstrate that such
22 direct payments have been spent on quali-
23 fied educational expenses; or

24 “(ii) return any amounts of such di-
25 rect payments that are not used for quali-

1 fied educational expenses to the local edu-
2 cational agency not later than 30 days
3 after the covered school has resumed in-
4 person instruction.”.