

THE MOVING FORWARD ACT

FOR THE PEOPLE

Division K - The Reopen and Rebuild America's Schools Act of 2020

Section 7000. Short Title cites the short title of the Act as the "Reopen and Rebuild America's Schools Act of 2020."

Section 7001. Definitions provides definitions for the terms "appropriate congressional committees," "Bureau-funded school," "covered funds," "elementary school," "local educational agency," "outlying area," "secondary school," "public school facilities," "qualified local educational agency," "school infrastructure bond," "Secretary", "State", and "zero energy school."

Title I— Grants for the Long-Term Improvement of Public School Facilities

Subtitle A—Reservation and Allocation of Funds

Section 70101. Purpose and Reservation states the purpose of this Act, which is to support "long-term improvements to public school facilities." This section reserves 0.5% of funds for the outlying areas proportionate to their share of funds under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), and 0.5% of funds for schools funded by the Bureau of Indian Education (BIE).

Section 70102. Allocation to States outlines the allocation of funds to States, provides for an expedited allocation process for Fiscal Year (FY) 2020 funds as well as State responsibilities under this Act. States shall be allocated funds in proportion to the funds that all Local Education Agencies (LEAs) in the State receive under Title I, Part A of the ESEA. This section requires States to issue regulations to ensure safe, healthy, and high-performing buildings and develop an online, publicly searchable database that outlines the condition of all public school facilities in the State. Other State requirements include a 10% matching requirement to be met within 10 years of the Act, maintenance of effort provision, and a supplement-not-supplant provision. The matching requirement additionally allows States to use federal sources in fiscal years when appropriations exceed \$7 billion. This section also requires that States submit a plan to the Secretary of Education (Secretary) for approval to carry out the competitive grant program described in Section 70111.

Subtitle B— Grants to Local Educational Agencies

Section 70111. Need-Based Grants to Qualified Local Education Agencies includes eligibility requirements and other provisions for the competitive grant program. States shall allocate all funds competitively to LEAs based on the poverty level of the school, fiscal limitations to raise funds to improve school facilities, and the severity of the need to improve school facilities. For the FY 2020 funds, States must prioritize subgrants to fund projects necessary to reopen schools in line with Center for Disease and Control and Prevention (CDC) guidelines. States must also ensure that the distribution of grants represents the geographic diversity of the State. States must set reasonable thresholds for whether schools meet high percentages or high numbers of students living in poverty for eligibility. States may distribute up to 10% of the total allocation of grants to enable LEAs to leverage existing

public programs or public-private partnerships to expand access to high-speed broadband sufficient for digital learning. Section 70111 also includes the requirements for an LEA application.

Section 70112. Allowable Uses outlines the allowable uses of funds for Title I.

Section 70113. Prohibited Uses outlines the prohibited use of funds for Title I.

Section 70114. Requirements for Hazard-Resistance and Energy and Water Conservation. Requires LEAs that receive funds for new construction to meet or exceed the requirements of a nationally recognized, consensus-based model building code, and the performance criteria under the Water Sense program of the Energy Policy and Conservation Act (42 U.S.C. 6294b).

Section 70115. Green Practices outlines the requirements for green practices for Title I.

Section 70116. Use of American Iron, Steel, and Manufactured Products includes a Buy America provision for iron, steel, and manufactured products.

Section 70117. Prohibition on Use of Funds for Facilities of For-Profit Charter Schools prohibits funds from being used on charter schools operated by a for-profit entity.

Section 70118. Prohibition on Use of Funds for Certain Charter Schools prohibits funds from being used on charter schools that lease their facility from an individual or private sector entity that has a direct or indirect interest in the school and has a governance role in the school.

Subtitle C—Annual Report and Authorization of Appropriations

Section 70121. Annual Report on Grant Program requires that the Secretary annually submit to Congress a report that includes a description of the projects carried out under the grant program as well as the demographic information of students attending schools that used funds from the grant program.

Section 70122. Authorization of Appropriations authorizes to be appropriated \$100 billion total for Title I of this Act from FY 2020 through FY 2024 and provides States until September 30, 2029 to spend allocations.

Title II—Other Reports, Development of Standards, And Information Clearinghouse

Section 70201. Comptroller General requires the Comptroller General to submit to Congress a report that must include the geographic distribution of projects, the impact of projects on student and staff health and safety, and how funds under these projects could be made more accessible to high-poverty schools and those with limited fiscal capacities.

Section 70202. Study and Report of Physical Conditions of Public Schools requires that the Institute of Educational Sciences carry out a national study that includes the condition of public-school facilities, the impact of such facilities on students and staff, and a cost estimate for bringing schools to good condition.

Section 70203. Development of Data Standards requires that the Secretary, in consultation with the Environmental Protection Agency, CDC, Department of Energy, and the National Institute for Occupational Safety and Health, develop guidance on data to be collected by States under Section 70102.

Section 70204. Information Clearinghouse requires that the Secretary, in consultation with the officials in Section 70203, to disseminate information to schools on financing for green projects.

Section 70205. Sense of Congress on Opportunity Zones that opportunity zones, when combined with public infrastructure investment, can provide an innovative approach to help rebuild local schools and economies.

Title III—Impact Aid Construction

Section 70301. Temporary Increase in Funding for Impact Aid Construction temporarily increases authorized funding for the Impact Aid Construction program under Elementary and Secondary Education Act by \$500 million for each of FY 2020 2021, 2022, 2023, 2024.

Title IV—Assistance for Repair of School Foundations Affected by Pyrrhotite

Section 70401. Allocations to States requires the Secretary to create a program, within 180 days of enactment, that would provide federal funding to states to distribute grants to LEAs for the repair or replacement of crumbling foundations due to pyrrhotite. Requires the Secretary to publish on the Department of Education’s website instructions on how a state may receive funding for this program.

Section 70402. Grants to Local Educational Agencies requires the Secretary to award funds to states to either pay the future costs of repairing foundations deteriorating due to pyrrhotite, or to reimburse LEAs for the cost of repairs or replacement during the previous five-year period prior to this provision becoming law.

Eligibility: LEAs must demonstrate that the school contains pyrrhotite in the foundation using proper laboratory, core, or visual inspections done by a professional engineer licensed in the state. LEAs must also have had any testing of the foundation done through the proper channels outlined by the state or other entity overseeing relief efforts for crumbling foundations. The LEA must also only use the funding for the allowable uses described in the bill and must have all work performed by a contractor or architect licensed in the state. The LEA must meet these same requirements for a reimbursement grant and must provide information indicating that the project was carried out with these parameters at the time it was completed.

Application: LEAs must submit an application to the state including, at minimum, information pertaining to the LEA’s eligibility requirements, and an estimate of the cost of doing the construction. If the LEA is applying for reimbursement, their application must include eligibility requirements as well as an itemized explanation of the costs incurred for their project, as well as any amounts they already received from other federal, state, local, or private sources. If applying for reimbursement, the LEA must also include the amount of reimbursement funds requested and the percentage of any funds covered by an insurance policy.

Approval and Disbursement: The state must approve any application from an LEA that is complete with the criteria outlined above. The state will then transmit an application to the Secretary. Within 60 days of receiving the application from the state, the Secretary must either approve or deny the application. If the Secretary approves the application, the Secretary must disburse funds to the state within 60 days of the application’s approval. Once the state has received the funds from the Secretary, the state must disburse those funds to the LEA within 60 days.

Federal Share: To be eligible for federal funds, the state must provide at least 40% of the project’s total costs, in the case of both reimbursement and grants made out in the future. The federal government may not provide any more than 50% of the total cost of the project.

Allowable Uses: Funds may be used to repair or replace a concrete foundation and other affected areas of a school in order to restore the structural integrity of the school to the health and safety standards outlined by the project’s architect or engineer, and to restore the school to the condition it was in prior to the foundation’s damage due to pyrrhotite. Funding may be used for engineering reports, architectural design, core tests, and other activities directly related to the project.

Prohibited Uses: LEAs receiving federal funds for a project may not use this funding for any work done to outbuildings, sheds, barns, swimming pools, playgrounds, ballfields, ponds, or water features. Funds may not be used for the purchase of any items not directly related to the repair or replacement of the school’s crumbling foundation. Prohibited items include desks, chairs, electronics, sports equipment, or other school supplies. Any other activities not explicitly described in the “allowable uses” section are also prohibited.

Interaction with Title I: LEAs may not use funds under this title and Title I for the same project.

Section 70403. Definitions provides definitions for “Pyrrhotite-affected school” and “qualified contractor.”

Section 70404. Authorization of Appropriations requires funds to be authorized to carry out the program for fiscal year 2020 and each fiscal year afterwards.