

## **SEC. 102. IMMEDIATE AID TO RESTART SCHOOL OPERATIONS**

- A. Purpose**- To provide immediate services or assistance to local educational agencies and non-public schools in Louisiana, Mississippi, Alabama, and Texas that that serve an area in which a major disaster has been declared and to assist school administrators and personnel of such agencies or non-public schools with expenses related to the restart of operations in, the re-opening of, and the re-enrollment of students in, elementary and secondary schools in the areas mentioned earlier.
- B. Payments Authorized** - The Secretary of Education is authorized to make payments from appropriated amounts, to State educational agencies in Louisiana, Mississippi, Alabama, and Texas to enable these agencies to provide services or assistance to local educational agencies or non-public schools serving an area in which a major disaster has been declared related to Hurricane Katrina or Rita. The basis of this amount will take into consideration the number of students who were enrolled, during the 2004 – 2005 school year, in elementary and secondary schools that were closed on September 12, 2005 as a result of Hurricane Katrina or on October 7, 2005 as a result of Hurricane Rita.
- C. Eligibility, Consideration, and Equity**
- 1.) **Eligibility and Consideration** – From the authorized payment the State educational agency shall provide services and assistance to local educational agencies and non-public schools, consistent with the provisions of this section. In determining the amount to be provided for services and assistance under this section, the State educational agency shall consider both, the number of school-aged children served by the local educational agency or non-public school in the academic year preceding the year the services or assistance are provided and the severity of the impact Hurricane Katrina or Rita on the local educational agency or non-public school and the extent of the needs in each local educational agency or non-public school in the declared disaster areas in Texas, Louisiana, Mississippi, and Alabama.
  - 2.) **Equity** – Educational services and assistance provided for eligible non-public students shall be equitable in comparison to the educational services and and other benefits provided for public school students and shall be provided in a timely manner.
- D. Applications**- Each local educational agency or non-public school desiring services or assistance will submit an application to the State educational agency at the time, in the manner, and accompanied by any information the State educational agency may reasonably require to ensure expedited and timely provision of services or assistance.

## **E. Uses of Funds-**

1. **General**- A local educational agency or non-public school receiving services or assistance from the State educational agency shall use the services or assistance for the following:
  - a. recovery of student and personnel data, and other electronic information.
  - b. replacement of school district information systems, including hardware and software.
  - c. financial operations.
  - d. reasonable transportation costs
  - e. rental of mobile educational units and leasing of neutral sites or spaces
  - f. initial replacement of instructional materials and equipment, including textbooks.
  - g. redeveloping instructional plans, including curriculum development
  - h. initiating and maintaining education and support services; and
  - i. other activities related to the purpose of this section that are approved by the Secretary.
2. **Use with other available funds**- A local educational agency or non-public school receiving services or assistance may use such services or assistance in coordination with other Federal, State, or local funds available for the activities described above.
3. **Special Rules**
  - a. **Prohibition**- Services or assistance provided under this section will not be used for construction or major renovation of schools.
  - b. **Secular, Neutral, and Nonideological Services or Assistance**- Services or assistance provided, including equipment and materials, shall be secular, neutral, and nonideological.

## **F. Supplement not Supplant-**

1. **General**- Services or assistance made available will be used to supplement, not supplant, any funds made available through the Federal Emergency Management Agency or through a State unless there is an exception that is provided below.
2. **Exceptions**- The above paragraph shall not prohibit the provision of Federal assistance to an eligible State educational agency, local educational agency, or non-public school that is or may be entitled to receive, from another source, benefits for the same purpose if-
  - a.) such State educational agency, local educational agency, or school has not received like benefits by the time of application for Federal assistance; and
  - b.) such State or local educational agency or school agrees to repay all duplicative Federal assistance received.

**G. Definition of non-public school**- a non-public elementary or secondary school that is accredited or licensed or otherwise operates in accordance with State law and was in existence prior to August 22, 2005.

**H. Assistance to Non-Public Schools**

1. **Funds Availability**- From the payment provided by the Secretary of Education to a State educational agency, the State shall reserve an amount of funds to be made available to non-public schools in the State. The amount of the reserve will be in the same proportion as the non-public schools are to the public schools. The number of such schools will be determined by the National Center for Education Statistics Common Core of Data for the 2003-2004 school year.
2. **Special Rules**- After 120 days from the date of the enactment of this Act, unobligated funds may be used to provide services or assistance to local educational agencies or non-public schools.
3. **Public Control of Funds**- The control of funds for the services and assistance provided to a non-public school, and the title to materials, equipment, and property purchased with such funds, will be in a public agency, and a public agency shall administer the funds, materials, equipment, and property and will provide the services (or may contract for the provision of the services with a public or private entity).