

117TH CONGRESS  
1ST SESSION

# H. R. 3636

To amend the Individuals with Disabilities Education Act to clarify that the term “child with a disability” includes a child who needs special education and related services due to a health impairment resulting from Lyme disease or another tick-borne disease.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 28, 2021

Mr. SMITH of New Jersey (for himself, Mr. CUELLAR, Mr. GOTTHEIMER, Mr. FITZPATRICK, and Mr. POSEY) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the Individuals with Disabilities Education Act to clarify that the term “child with a disability” includes a child who needs special education and related services due to a health impairment resulting from Lyme disease or another tick-borne disease.

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 “Children Inflicted by  
5       Lyme Disabilities Act of 2021” or the “CHILD Act of  
6       2021”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Becoming nationally reportable in 1990 by  
4 the Centers for Disease Control and Prevention  
5 (CDC), Lyme disease reported United States case  
6 numbers in 1992 were 9,908. From 2005 to 2010,  
7 the CDC estimated 300,000 people got Lyme disease  
8 each year, and in 2021, the CDC announced that an  
9 estimated 476,000 people are diagnosed and treated  
10 for Lyme disease in the United States annually.

11 (2) The bacteria that cause Lyme disease are  
12 transmitted by a tick which can be as small as a  
13 poppy seed and is found in backyards, fields, woods,  
14 and in other places where there is ground cover.  
15 Ticks that transmit Lyme disease are now found in  
16 50 percent of United States counties.

17 (3) The spirochetal bacteria that causes Lyme  
18 disease can attack every system in the body and can  
19 produce arthritic, musculo-skeletal, gastrointestinal,  
20 neurological, neuropsychiatric and cardiac mani-  
21 festations, the latter which is known to be able to  
22 cause death.

23 (4) Early diagnosis and treatment with anti-  
24 biotics is key to bringing people back to health; how-  
25 ever research has shown that 10 to 15 percent or  
26 more of those treated by a regimen of antibiotics

1 progress to developing long term symptoms from  
2 this not well understood disease.

3 (5) Most likely due to the time spent outdoors,  
4 the range of activities, and lack of awareness of the  
5 dangers posed by ticks and of prevention measures,  
6 children are at some of the highest risk of infection  
7 from the Lyme bacteria in the United States, and  
8 based on CDC source numbers, children aged 0 to  
9 19 years represented 29 percent of reported cases  
10 over the period from 2001–2017.

11 (6) Since one tick bite can cause more than one  
12 disease, children with Lyme disease can also have  
13 other tick-borne diseases or co-infections, increasing  
14 the severity and range of their symptoms.

15 (7) Children with Lyme disease are often out of  
16 school for blocks of time—days, weeks, months, or  
17 more—and can come back to school and have symp-  
18 tom relapse causing other periods of absence.

19 (8) Research has shown these children can have  
20 manifestations including cognitive impairment, men-  
21 tal confusion, memory loss, headaches, difficulty  
22 concentrating, speech difficulty, visual and hearing  
23 problems, dizziness, mood swings, outbursts, depres-  
24 sion, sleep disturbance, OCD, and seizure activity,  
25 all of which affect their educational experience.

1           (9) Schools, teachers, administrators, special  
2       services teams, and medical personnel are often not  
3       aware of the issues caused by Lyme disease, and the  
4       children with Lyme disease are being improperly  
5       classified, may even be labeled as “fakers,” and gen-  
6       erally do not receive the type of help educationally  
7       that other children who have some of these symp-  
8       toms routinely receive due to their disability.

9       (b) PURPOSE.—It is the purpose of this Act—

10           (1) to increase the recognition of the broad  
11       range of disabilities caused by Lyme disease that af-  
12       fect education; and

13           (2) to enhance educational services for children  
14       with Lyme disease in a manner consistent with the  
15       Individuals with Disabilities Education Act (20  
16       U.S.C. 1400 et seq.).

17   **SEC. 3. DEFINITION OF CHILD WITH A DISABILITY.**

18       Section 602(3)(A)(i) of the Individuals with Disabil-  
19       ities Education Act (20 U.S.C. 1401(3)(A)(i)) is amended  
20       by inserting “(including Lyme disease and other tick-  
21       borne diseases)” after “other health impairments”.

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