

117TH CONGRESS  
1ST SESSION

# H. R. 838

To support children with disabilities during the COVID–19 pandemic.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2021

Mr. SCHIFF (for himself and Ms. JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To support children with disabilities during the COVID–  
19 pandemic.

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 “Supporting Children  
5       with Disabilities During COVID–19 Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) A free appropriate public education is a  
9       fundamental educational right of all children with

1 disabilities, guaranteed by the Rehabilitation Act of  
2 1973 (29 U.S.C. 701 et seq.) and the Individuals  
3 with Disabilities Education Act (20 U.S.C. 1400 et  
4 seq.).

5 (2) More than 7,000,000 school-aged children  
6 with disabilities, approximately 13 percent of the  
7 total student enrollment, are currently entitled to in-  
8 dividualized education and related services mandated  
9 by the Individuals with Disabilities Education Act.

10 (3) Nearly 500,000 infants and toddlers, as  
11 well as their families, receive supports and services  
12 under the Individuals with Disabilities Education  
13 Act and these early interventions have been proven  
14 to improve education outcomes.

15 (4) Under the Individuals with Disabilities Edu-  
16 cation Act, schools and lead agencies responsible for  
17 the administration of funds under part C of the In-  
18 dividuals with Disabilities Education Act (20 U.S.C.  
19 1431 et seq.) (referred to in this Act as “lead agen-  
20 cies”) are required to provide early intervention, spe-  
21 cial education, and related services to children with  
22 disabilities, an obligation that requires services out-  
23 lined in a child’s individualized family service plan  
24 (referred to as an “IFSP”) or individualized edu-  
25 cation program (referred to as an “IEP”).

1           (5) Children with disabilities have been dis-  
2           proportionately impacted by the disruptions to edu-  
3           cation resulting from the COVID–19 pandemic, with  
4           many children with disabilities needing additional  
5           supports and services to meet their IEP and IFSP  
6           goals as the delivery of education and services has  
7           shifted from in-person to remote formats.

8           (6) Local educational agencies and lead agen-  
9           cies face extra costs associated with adjusting serv-  
10          ices and continuing to provide a free, appropriate  
11          public education while children with disabilities are  
12          receiving services through distance learning and re-  
13          mote service delivery.

14          (7) Schools are facing unprecedented budget  
15          challenges due to the rising costs of responding to  
16          COVID–19, coupled with State and local revenue  
17          shortfalls, as well as the severe and persistent under-  
18          funding of the Individuals with Disabilities Edu-  
19          cation Act.

20          (8) To ensure that schools and lead agencies  
21          continue to meet the needs of children with disabil-  
22          ities and their families, including providing trained  
23          and certified special educators and education sup-  
24          port specialists, emergency supplemental funding is

1       needed under the Individuals with Disabilities Edu-  
2       cation Act.

3           (9) Emergency supplemental funding is also  
4       needed under the Assistive Technology Act of 1998  
5       (29 U.S.C. 3001 et seq.) because services provided  
6       under that Act help ensure that students with dis-  
7       abilities have the technology devices and services  
8       they need to access equal educational opportunities.

9   **SEC. 3. SUPPLEMENTAL APPROPRIATIONS.**

10       (a) IN GENERAL.—The following sums are appro-  
11       priated, out of any money in the Treasury not otherwise  
12       appropriated, for the fiscal year ending September 30,  
13       2021:

14           (1) \$11,000,000,000 for grants to States under  
15       section 611 of the Individuals with Disabilities Edu-  
16       cation Act (20 U.S.C. 1411 et seq.).

17           (2) For early childhood education programs—

18               (A) \$400,000,000 for preschool grants  
19       under section 619 of the Individuals with Dis-  
20       abilities Education Act (20 U.S.C. 1419); and

21               (B) \$500,000,000 for programs for infants  
22       and toddlers under part C of the Individuals  
23       with Disabilities Education Act (20 U.S.C.  
24       1431 et seq.).

1           (3) \$300,000,000 for personnel development  
2           under section 662 of the Individuals with Disabilities  
3           Education Act (20 U.S.C. 1462).

4           (4) \$55,000,000 for the Assistive Technology  
5           Act of 1998 (29 U.S.C. 3001 et seq.).

6           (b) EMERGENCY DESIGNATION.—

7           (1) IN GENERAL.—The amounts provided by  
8           this section are designated as an emergency require-  
9           ment pursuant to section 4(g) of the Statutory Pay-  
10          As-You-Go Act of 2010 (2 U.S.C. 933(g)).

11          (2) DESIGNATION IN SENATE.—In the Senate,  
12          this Act is designated as an emergency requirement  
13          pursuant to section 4112(a) of H. Con. Res. 71  
14          (115th Congress), the concurrent resolution on the  
15          budget for fiscal year 2018.

16          (c) APPLICABILITY OF ALL TERMS AND CONDI-  
17          TIONS.—All terms and conditions that apply to a program  
18          under the Individuals with Disabilities Education Act (20  
19          U.S.C. 1400 et seq.) or the Assistive Technology Act of  
20          1998 (29 U.S.C. 3001 et seq.), as the case may be, shall  
21          apply with respect to support provided for the program  
22          through funds made available under subsection (a).

23          (d) GENERAL PROVISIONS.—Any amount appro-  
24          priated under this section is in addition to other amounts  
25          appropriated or made available for the applicable purpose.

1 **SEC. 4. REPORTING.**

2 (a) IDEA FUNDS.—

3 (1) IN GENERAL.—Recipients of funds made  
4 available under this Act for activities authorized  
5 under the Individuals with Disabilities Education  
6 Act shall separately account for, and report on, how  
7 such funds are spent in accordance with this section.

8 (2) LEAS.—Not later than 1 year after the dis-  
9 tribution of funds under this Act, local educational  
10 agencies shall report the use of funds appropriated  
11 in this Act to their respective State educational  
12 agencies.

13 (3) SEAS.—Not later than 1 year after the dis-  
14 tribution of funds under this Act, State educational  
15 agencies shall produce a publicly available report  
16 that contains information about such spending by  
17 each local educational agency in the State and ag-  
18 gregate spending of local educational agencies in the  
19 State by allowable uses under Individuals with Dis-  
20 abilities Education Act. Each State educational  
21 agency shall make that report available in an acces-  
22 sible manner on the website of the State educational  
23 agency and submit the report to the Secretary of  
24 Education.

25 (4) LEAD AGENCY.—Not later than 1 year after  
26 the distribution of funds under this Act, each lead

1 agency responsible for the administration of funds  
2 provided under part C of the Individuals with Dis-  
3 abilities Education Act (20 U.S.C. 1431 et seq.)  
4 shall prepare and submit to the Secretary of Edu-  
5 cation a report that contains information about how  
6 the lead agency spent funds appropriated under this  
7 Act.

8 (5) SECRETARY OF EDUCATION.—The Sec-  
9 retary of Education shall release a nationally rep-  
10 resentative report on expenditures under this Act  
11 and send such report to the Committee on Appro-  
12 priations and the Committee on Health, Education,  
13 Labor, and Pensions of the Senate and the Com-  
14 mittee on Appropriations and the Committee on  
15 Education and Labor of the House of Representa-  
16 tives. Not later than 1 year after the distribution of  
17 funds under this Act, the Secretary of Education’s  
18 report shall be placed on the Department of Edu-  
19 cation’s website in an accessible format.

20 (b) ASSISTIVE TECHNOLOGY ACT OF 1998.—

21 (1) IN GENERAL.—Recipients of funds made  
22 available under this Act for activities authorized  
23 under the Assistive Technology Act of 1998 (29  
24 U.S.C. 3001 et seq.) shall separately account for,

1       and report on, how such funds are spent in accord-  
2       ance with this subsection.

3               (2) SECRETARY OF HEALTH AND HUMAN SERV-  
4       ICES.—Not later than 1 year after the distribution  
5       of funds under this Act, the Secretary of Health and  
6       Human Services shall release a nationally represent-  
7       ative report on expenditures made available under  
8       this Act for activities authorized under the Assistive  
9       Technology Act of 1998.

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