

**This is an excerpt of the [Coronavirus Aid, Relief and Economic Security Act of 2020](#), signed into law by the President on March 27, 2020, containing the provisions relating to educational waivers. [The full act can be found here.](#)*

116TH CONGRESS
2D SESSION

S. 3548

To provide emergency assistance and health care response for individuals, families, and businesses affected by the 2020 coronavirus pandemic.

IN THE SENATE OF THE UNITED STATES

MARCH 19, 2020

Mr. McCONNELL (for himself, Mr. ALEXANDER, Mr. CRAPO, Mr. GRASSLEY, Mr. RUBIO, Mr. SHELBY, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide emergency assistance and health care response for individuals, families, and businesses affected by the 2020 coronavirus 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 “Coronavirus Aid, Re-
5 lief, and Economic Security Act” or the “CARES Act”.

* * *

SEC. 4511. NATIONAL EMERGENCY EDUCATIONAL WAIVERS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Education may waive any statutory or regulatory provision described under subparagraphs (A) through (C) of subsection (b)(1) if the Secretary determines that such a waiver is

necessary and appropriate due to the emergency involving Federal primary responsibility determined to exist by the President under the section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) with respect to the Coronavirus Disease 2019 (COVID 19).

(b) APPLICABLE PROVISIONS OF LAW. —

(1) IN GENERAL. —The Secretary of Education may waive any statutory or regulatory requirement (such as those requirements related to assessments, accountability, allocation of funds, and reporting), for which a waiver request is submitted under subsection (c), if the Secretary determines that such a waiver is necessary and appropriate as described in subsection (a), under the following provisions of law:

(A) The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(B) The Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

(C) The Higher Education Act of 1965 9 (20 U.S.C. 1001 et seq.).

(2) LIMITATION. —The Secretary of Education shall not waive under this section any statutory or regulatory requirements relating to applicable civil rights laws.

(c) REQUESTS FOR WAIVERS. —

(1) IN GENERAL.—In addition to any provision waived by the Secretary under subsection (a), a State, State educational agency, local educational agency, Indian tribe, or institution of higher education that desires a waiver from any statutory or regulatory provision described under subparagraphs (A) through (C) of subsection (b)(1) that the Secretary has not already waived in accordance with subsection (a), may submit a waiver request to the Secretary in accordance with this subsection.

(2) REQUESTS SUBMITTED. —A request for a waiver under this subsection shall—

(A) identify the Federal programs affected by the requested waiver;

(B) describe which Federal statutory or regulatory requirements are to be waived; and

(C) describe how the emergency involving Federal primary responsibility determined to exist by the President under the section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) with respect to the Coronavirus Disease 2019 (COVID-19) prevents or otherwise restricts the ability of the State, State educational agency, local educational agency, Indian tribe, or institution of higher education to comply with such statutory or regulatory requirements.

(3) SECRETARY APPROVAL. —

(A) IN GENERAL. —Except as provided under subparagraph (B), the Secretary of Education shall approve or disapprove a waiver request submitted under paragraph (1) not more than 15 days after the date on which such request is submitted.

(B) EXCEPTIONS. —The Secretary of Education may disapprove a waiver request submitted under paragraph (1), only if the Secretary determines that—

(i) the waiver request does not meet the requirements of this section;

(ii) the waiver is not permitted pursuant to subsection (b)(2); or

(iii) the description required under paragraph (2)(C) provides insufficient information to demonstrate that the waiving of such requirements is necessary or appropriate consistent with subsection (a).

(4) DURATION. —

(A) IN GENERAL. —Except as provided in paragraph (B), a waiver approved by the Secretary of Education under this subsection may be for a period not to exceed 1 academic year.

(B) EXTENSION. —The Secretary of Education may extend the period described under subparagraph (A) if the State, State educational agency, local educational agency, Indian tribe, or institution of higher education

demonstrates to the Secretary that extending the waiving of such requirements is necessary and appropriate consistent with subsection (a).

(d) REPORTING AND PUBLICATION. —

(1) NOTIFYING CONGRESS. —Not later than 7 days after granting a waiver under this section, the Secretary of Education shall notify the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Appropriations of the Senate, the Committee on Education and Labor of the House of Representatives, and the Committee on Appropriations of the House of Representatives of such waiver.

(2) PUBLICATION. —Not later than 30 days after granting a waiver under this section, the Secretary of Education shall publish a notice of the Secretary's decision in the Federal Register and on the website of the Department of Education.

(3) IDEA REPORT.—Not later than 30 days after the date of enactment of this Act, the Secretary of Education shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives, with recommendations on any additional waivers the Secretary believes are necessary to be enacted into law under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) to provide limited flexibility to States and local educational agencies to meet the unique needs of students with disabilities during the emergency involving Federal primary responsibility determined to exist by the President under the section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) with respect to the Coronavirus Disease 2019 13 (COVID-19).