

107TH CONGRESS
1ST SESSION

H. R. 1330

To amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2001

Mr. FERGUSON (for himself, Mr. KENNEDY of Rhode Island, Mr. SMITH of New Jersey, Mr. SCHROCK, Mr. SAXTON, Mr. QUINN, Mr. LATOURETTE, Mr. ROGERS of Michigan, Mr. PLATTS, Mrs. KELLY, Mr. SWEENEY, Mr. GILMAN, Mrs. JOHNSON of Connecticut, Mrs. ROUKEMA, Mr. GILCHREST, Mr. OXLEY, Mr. GRUCCI, Mr. BURTON of Indiana, Mr. NEY, Mr. BOEHLERT, Mr. REYNOLDS, Mr. WELDON of Pennsylvania, Mr. MCHUGH, Mr. WALSH, Mrs. BIGGERT, Mr. DAVIS of Illinois, Mr. HINCHEY, Mrs. JONES of Ohio, Mr. McDERMOTT, Mr. CONYERS, Mr. OWENS, Mr. OBERSTAR, Mr. KUCINICH, Mr. MCGOVERN, Mr. UDALL of Colorado, Mr. BALDACCI, Mr. FRANK, Ms. BROWN of Florida, Mr. THOMPSON of Mississippi, Mr. LANGEVIN, Mr. SHIMKUS, Mr. EHLERS, Mr. SHERWOOD, Mr. LOBIONDO, Mrs. CAPITO, Mr. ENGLISH, Mr. LANTOS, and Mr. HOUGHTON) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as “Helping Children Succeed
3 by Fully Funding the Individuals with Disabilities Edu-
4 cation Act (IDEA)”.

5 **SEC. 2. FINDINGS.**

6 Congress makes the following findings:

7 (1) All children deserve a quality education.

8 (2) In *Pennsylvania Association for Retarded*
9 *Children vs. Commonwealth of Pennsylvania* (334 F.
10 Supp. 1247)(E. Dist. Pa. 1971), and *Mills vs. Board*
11 *of Education of the District of Columbia* (348 F.
12 Supp. 866)(Dist. D.C. 1972), the courts found that
13 children with disabilities are entitled to an equal op-
14 portunity to an education under the 14th amend-
15 ment of the Constitution.

16 (3) In 1975, Congress passed what is now
17 known as the Individuals with Disabilities Education
18 Act (referred to in this Act as “IDEA”) (20 U.S.C.
19 1400 et seq.) to help States provide all children with
20 disabilities a free, appropriate public education in
21 the least restrictive environment. At full funding,
22 Congress contributes 40 percent of the average per
23 pupil expenditure for each child with a disability
24 served.

25 (4) Before 1975, only $\frac{1}{5}$ of the children with
26 disabilities received a formal education. At that time,

1 many States had laws that specifically excluded
2 many children with disabilities, including children
3 who were blind, deaf, or emotionally disturbed, from
4 receiving such an education.

5 (5) IDEA currently serves an estimated
6 200,000 infants and toddlers, 600,000 preschoolers,
7 and 5,400,000 children 6 to 21 years of age.

8 (6) IDEA enables children with disabilities to
9 be educated in their communities, and thus, has as-
10 sisted in dramatically reducing the number of chil-
11 dren with disabilities who must live in State institu-
12 tions away from their families.

13 (7) The number of children with disabilities
14 who complete high school has grown significantly
15 since the enactment of IDEA.

16 (8) The number of children with disabilities
17 who enroll in college as freshmen has more than tri-
18 pled since the enactment of IDEA.

19 (9) The overall effectiveness of IDEA depends
20 upon well trained special education and general edu-
21 cation teachers, related services personnel, and other
22 school personnel. Congress recognizes concerns
23 about the nationwide shortage of personnel serving
24 students with disabilities and the need for improve-
25 ment in the qualifications of such personnel.

1 (10) IDEA has raised the Nation's awareness
2 about the abilities and capabilities of children with
3 disabilities.

4 (11) Improvements to IDEA in the 1997
5 amendments increased the academic achievement of
6 children with disabilities and helped them to lead
7 productive, independent lives.

8 (12) Changes made in 1997 also addressed the
9 needs of those children whose behavior impedes
10 learning by implementing behavioral assessments
11 and intervention strategies to ensure that they re-
12 ceive appropriate supports in order to receive a qual-
13 ity education.

14 (13) IDEA requires a full partnership between
15 parents of children with disabilities and education
16 professionals in the design and implementation of
17 the educational services provided to children with
18 disabilities.

19 (14) While the Federal Government has more
20 than doubled funding for part B of IDEA since
21 1995, the Federal Government has never provided
22 more than 15 percent of the maximum State grant
23 allocation for educating children with disabilities.

1 (15) By fully funding IDEA, Congress will
2 strengthen the ability of States and localities to im-
3 plement the requirements of IDEA.

4 **SEC. 3. MANDATORY FUNDING.**

5 Section 611(j) of the Individuals with Disabilities
6 Education Act (29 U.S.C. 1411(j)) is amended to read
7 as follows:

8 “(j) MANDATORY FUNDING.—For the purpose of
9 carrying out this part, other than section 619, there are
10 authorized to be appropriated, and there are
11 appropriated—

12 “(1) \$8,823,685,000 for fiscal year 2002;

13 “(2) \$11,323,685,000 for fiscal year 2003;

14 “(3) \$13,823,685,000 for fiscal year 2004;

15 “(4) \$16,323,685,000 for fiscal year 2005;

16 “(5) \$18,823,685,000 for fiscal year 2006; and

17 “(6) not more than \$21,323,685,000 or the
18 sum of the maximum amount that all States may re-
19 ceive under subsection (a)(2), whichever is lower, for
20 fiscal year 2007.”.

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