

107TH CONGRESS
1ST SESSION

H. R. 1912

To amend the Individuals with Disabilities Education Act to provide full funding for assistance for education of all children with disabilities.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2001

Mr. SIMMONS 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 provide full funding for assistance for education of all children with disabilities.

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 “Keeping Our Promise
5 to Special Education Act of 2001”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Children with disabilities are guaranteed an
9 equal opportunity to an education under the 14th
10 Amendment to the Constitution.

1 (2) While States and local educational agencies
2 are responsible for providing an education for all
3 children with disabilities, it is in the national inter-
4 est that the Federal Government have a role in as-
5 sisting State and local efforts to educate children
6 with disabilities in order to improve results for those
7 children and to ensure equal protection of the law.

8 (3) It is estimated that the excess expense of
9 educating a child with a disability is equal to 40 per-
10 cent of the national average per pupil expenditure.

11 (4) Under the Individuals with Disabilities Edu-
12 cation Act, Congress committed the Federal Govern-
13 ment to contributing up to 40 percent of the na-
14 tional average per pupil expenditure for the purpose
15 of educating children with disabilities.

16 (5) To date, the Federal Government has never
17 contributed more than 15 percent of the maximum
18 state grant allocation for educating children with
19 disabilities under the Individuals with Disabilities
20 Education Act.

21 **SEC. 3. PURPOSE.**

22 It is the purpose of this Act to reach the Federal Gov-
23 ernment's goal of providing 40 percent of the national av-
24 erage per pupil expenditure for the purpose of education
25 all children with disabilities by fiscal year 2011.

1 **SEC. 4. AMOUNT OF GRANT FOR STATES UNDER PART B OF**
2 **THE INDIVIDUALS WITH DISABILITIES EDU-**
3 **CATION ACT.**

4 (a) IN GENERAL.—Section 611(a) of the Individuals
5 with Disabilities Education Act (20 U.S.C. 1411(a)) is
6 amended—

7 (1) by redesignating paragraph (2) as para-
8 graph (4); and

9 (2) by inserting after paragraph (1) the fol-
10 lowing:

11 “(2) MINIMUM AMOUNTS.—The minimum
12 amount of the grant a State is entitled to receive
13 under this section is—

14 “(A) the number of children with disabil-
15 ities in the State who are receiving special edu-
16 cation and related services—

17 “(i) aged 3 through 5 if the State is
18 eligible for a grant under section 619; and

19 “(ii) aged 6 through 21; multiplied by

20 “(B) the following percentages of the aver-
21 age current per-pupil expenditure in public ele-
22 mentary and secondary schools in the United
23 States for the following fiscal years:

24 “(i) 20 percent for fiscal year 2002.

25 “(ii) 22 percent for fiscal year 2003.

26 “(iii) 24 percent for fiscal year 2004.

1 “(iv) 26 percent for fiscal year 2005.

2 “(v) 28 percent for fiscal year 2006.

3 “(vi) 30 percent for fiscal year 2007.

4 “(vii) 32 percent for fiscal year 2008.

5 “(viii) 34 percent for fiscal year 2009.

6 “(ix) 37 percent for fiscal year 2010.

7 “(x) 40 percent for fiscal year 2011

8 and each subsequent fiscal year.

9 “(3) NO INDIVIDUAL ENTITLEMENT.—Para-
10 graph (2) shall not be interpreted to entitle any indi-
11 vidual to assistance under any State program,
12 project, or activity funded under this part.”.

13 (b) CONFORMING AMENDMENTS.—(1) Section 611 of
14 the Individuals with Disabilities Education Act (20 U.S.C.
15 1411) is amended by striking subsection (j).

16 (2) Section 611 of the Individuals with Disabilities
17 Education Act (20 U.S.C. 1411), as amended by para-
18 graph (1), is further amended—

19 (A) in subsection (b)(1), by striking “From the
20 amount appropriated for any fiscal year under sub-
21 section (j), the Secretary shall reserve not more than
22 one percent, which shall be used” and inserting
23 “From the amount available for any fiscal year to
24 carry out this part (other than section 619), the
25 Secretary shall use not more than one percent”;

1 (B) in subsection (c), by striking “From the
2 amount appropriated for any fiscal year under sub-
3 section (j), the Secretary shall reserve” and inserting
4 “From the amount available for any fiscal year to
5 carry out this part (other than section 619), the
6 Secretary shall use”;

7 (C) in subsection (d)—

8 (i) in paragraph (1)—

9 (I) by striking “(1) IN GENERAL.—”;

10 and

11 (II) by striking “paragraph (2) or
12 subsection (e), as the case may be” and in-
13 serting “subsection (e)”; and

14 (ii) by striking paragraph (2);

15 (D) in subsection (e)—

16 (i) in the heading, by striking “PERMA-
17 NENT”;

18 (ii) in paragraph (1)—

19 (I) by striking “subsection (d)(1)”
20 and inserting “subsection (d)”; and

21 (II) by inserting after “subsection (j)”
22 the following: “(as such subsection was in
23 effect on the day before the date of the en-
24 actment of the Keeping Our Promise to
25 Special Education Act of 2001)”; and

1 (iii) in paragraph (3)(B)—

2 (I) in clause (ii)—

3 (aa) in subclause (I)(bb), by
4 striking “amount appropriated under
5 subsection (j)” and inserting “amount
6 available to carry out this part (other
7 than section 619)”;

8 (bb) in subclause (II)(bb), by
9 striking “appropriated” and inserting
10 “available”; and

11 (cc) in subclause (III)(bb), by
12 striking “appropriated” and inserting
13 “available”; and

14 (II) in clause (iii)(II), by striking “ap-
15 propriated” and inserting “available”;

16 (E) in subsection (g)—

17 (i) in paragraph (2)—

18 (I) by striking subparagraph (A);

19 (II) by striking “(B) PERMANENT
20 PROCEDURE.—”;

21 (III) by redesignating clauses (i) and
22 (ii) and subclauses (I) and (II) as subpara-
23 graphs (A) and (B) and clauses (i) and
24 (ii), respectively; and

1 (IV) in subparagraph (B) (as redesignig-
 2 nated), by striking “clause (i)” and insert-
 3 ing “subparagraph (A)”; and

4 (ii) in paragraph (3)(A)—

5 (I) in clause (i)(I), by striking “appro-
 6 priated” and inserting “available”;

7 (II) in clause (ii), by striking “appro-
 8 priated” and inserting “available”; and

9 (F) in subsection (i)(3)(A), by striking “appro-
 10 priated under subsection (j)” and inserting “avail-
 11 able to carry out this part (other than section 619)”.

12 **SEC. 5. USE OF CERTAIN FUNDS UNDER THE INDIVIDUALS**
 13 **WITH DISABILITIES EDUCATION ACT.**

14 Section 613(a)(2)(C) of the Individuals with Disabil-
 15 ities Education Act (20 U.S.C. 1413(a)(2)(C)) is
 16 amended—

17 (1) by redesignating clause (ii) as clause (iii);
 18 and

19 (2) by inserting after clause (i) the following:

20 “(ii) If a local educational agency
 21 chooses to utilize the authority under
 22 clause (i) to treat as local funds up to 20
 23 percent of the amount of funds the agency
 24 receives under this part that exceeds the
 25 amount it received under this part for the

1 previous fiscal year, then the agency shall
2 use those local funds to provide additional
3 funding for programs under the Elemen-
4 tary and Secondary Education Act of
5 1965, including, but not limited to, pro-
6 grams that address school safety, teacher
7 quality and professional development, be-
8 fore and after school learning opportuni-
9 ties, comprehensive school reform and lit-
10 eracy, class size reduction, school construc-
11 tion and modernization, or related edu-
12 cation programs authorized under Federal
13 or State law.”.

14 **SEC. 6. EFFECTIVE DATE.**

15 This Act, and the amendments made by this Act,
16 shall take effect on October 1, 2001.

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