

107TH CONGRESS
1ST SESSION

H. R. 737

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

FEBRUARY 27, 2001

Mr. BASS (for himself, Mr. BENTSEN, Mr. RAMSTAD, Mr. DOYLE, Mrs. JOHNSON of Connecticut, Mr. HORN, Mr. LoBIONDO, Mr. GOODE, Mrs. MORELLA, Mr. ENGLISH, Ms. HOOLEY of Oregon, Mr. BEREUTER, Mr. HOLT, Mr. WATKINS, Mr. HUTCHINSON, Mr. SAXTON, and Mr. OSBORNE) 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 “Mandatory IDEA Full
5 Funding Act of 2001”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to attain the Federal Gov-
8 ernment’s goal under part B of the Individuals with Dis-

1 abilities Education Act (20 U.S.C. 1411 et seq.) of pro-
 2 viding 40 percent of the national current average per pupil
 3 expenditure to assist States and local educational agencies
 4 with the excess costs of educating children with disabilities
 5 and to make such funding mandatory.

6 **SEC. 3. AMOUNT OF GRANT FOR STATES UNDER PART B OF**
 7 **THE INDIVIDUALS WITH DISABILITIES EDU-**
 8 **CATION ACT.**

9 (a) IN GENERAL.—Section 611(a) of the Individuals
 10 with Disabilities Education Act (20 U.S.C. 1411(a)) is
 11 amended—

12 (1) by redesignating paragraph (2) as para-
 13 graph (4); and

14 (2) by inserting after paragraph (1) the fol-
 15 lowing:

16 “(2) MINIMUM AMOUNTS.—The minimum
 17 amount of the grant a State is entitled to receive
 18 under this section is—

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

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

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

“(B) the following percentages of the average current per-pupil expenditure in public elementary and secondary schools in the United States for the following fiscal years:

“(i) 20 percent for fiscal year 2002.

“(ii) 25 percent for fiscal year 2003.

“(iii) 30 percent for fiscal year 2004.

“(iv) 35 percent for fiscal year 2005.

“(v) 40 percent for fiscal year 2006

and each subsequent fiscal year.

“(3) NO INDIVIDUAL ENTITLEMENT.—Paragraph (2) shall not be interpreted to entitle any individual to assistance under any State program, project, or activity funded under this part.”.

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

(2) Section 611 of the Individuals with Disabilities Education Act (20 U.S.C. 1411), as amended by paragraph (1), is further amended—

(A) in subsection (b)(1), by striking “From the amount appropriated for any fiscal year under subsection (j), the Secretary shall reserve not more than one percent, which shall be used” and inserting “From the amount available for any fiscal year to

1 carry out this part (other than section 619), the
 2 Secretary shall use not more than one percent”;

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

9 (C) in subsection (d)—

10 (i) in paragraph (1)—

11 (I) by striking “(1) IN GENERAL.—”;

12 and

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

16 (ii) by striking paragraph (2);

17 (D) in subsection (e)—

18 (i) in the heading, by striking “PERMA-
 19 NENT”;

20 (ii) in paragraph (1)—

21 (I) by striking “subsection (d)(1)”

22 and inserting “subsection (d)”; and

23 (II) by inserting after “subsection (j)”
 24 the following: “(as such subsection was in
 25 effect on the day before the date of the en-

actment of the Mandatory IDEA Full
Funding Act of 2001)”; and

(iii) in paragraph (3)(B)—

(I) in clause (ii)—

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

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

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

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

(E) in subsection (g)—

(i) in paragraph (2)—

(I) by striking subparagraph (A);

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

(III) by redesignating clauses (i) and
(ii) and subclauses (I) and (II) as subpara-

1 graphs (A) and (B) and clauses (i) and
2 (ii), respectively; and
3 (IV) in subparagraph (B) (as redesign-
4 nated), by striking “clause (i)” and insert-
5 ing “subparagraph (A)”; and
6 (ii) in paragraph (3)(A)—
7 (i) in clause (i)(I), by striking “appro-
8 priated” and inserting “available”;
9 (ii) in clause (ii), by striking “appro-
10 priated” and inserting “available”; and
11 (F) in subsection (i)(3)(A), by striking “appro-
12 priated under subsection (j)” and inserting “avail-
13 able to carry out this part (other than section 619)”.
14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on October 1, 2001.

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