

Union Calendar No. 365

105TH CONGRESS
2^D SESSION

H. R. 3254

[Report No. 105-649]

To amend the Individuals with Disabilities Education Act to clarify the requirements relating to reducing or withholding payments to States under that Act.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1998

Mr. RIGGS introduced the following bill; which was referred to the Committee on Education and the Workforce

JULY 24, 1998

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Individuals with Disabilities Education Act to clarify the requirements relating to reducing or withholding payments to States under that 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 the “IDEA Technical
3 Amendments Act of 1998”.

4 **SEC. 2. REDUCTION OR WITHHOLDING OF PAYMENTS TO**
5 **STATES.**

6 Section 616(c) of the Individuals with Disabilities
7 Education Act (20 U.S.C. 1416(c)) is amended—

8 (1) by striking “For purposes of this section”
9 and inserting “(1) Notwithstanding subsections (a)
10 and (b)”;

11 (2) by striking “the Secretary, in instances”
12 and all that follows and inserting the following: “the
13 Secretary, in instances where the Secretary finds
14 that the failure to comply substantially with the pro-
15 visions of this part are related to a failure by the
16 public agency during a fiscal year, and the Secretary
17 decides to take corrective action to ensure compli-
18 ance with this part, may take only the following such
19 corrective action (and such corrective action may
20 only be taken with respect to payments for that fis-
21 cal year):

22 “(A) Reduce or withhold payments to the State
23 in an amount that is proportionate to the total funds
24 allotted under section 611 to the State as the num-
25 ber of eligible children with disabilities in adult pris-
26 ons under the supervision of the other public agency

1 is proportionate to the number of eligible individuals
2 with disabilities in the State under the supervision
3 of the State educational agency.

4 “(B) Ensure that any withholding of funds
5 under paragraph (1) shall be limited to the specific
6 agency responsible for the failure to comply with this
7 part.

8 “(2) Upon reduction or withholding of payments to
9 a State for a fiscal year under paragraph (1)—

10 “(A) with respect to children with disabilities
11 who are convicted as adults under State law and in-
12 carcerated in adult prisons, the State shall be
13 deemed to be in compliance with this part for that
14 fiscal year; and

15 “(B) no additional corrective action may be
16 taken against the State with respect to the failure
17 by the public agency described in paragraph (1).

18 “(3) For purposes of paragraph (1)(A), the number
19 of eligible children with disabilities in adult prisons under
20 the supervision of the other public agency and the number
21 of eligible individuals with disabilities in the State under
22 the supervision of the State educational agency shall be
23 determined by the Secretary on the basis of the most re-
24 cent satisfactory data available to the Secretary.”.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “IDEA Technical Amend-*
3 *ments Act of 1998”.*

4 **SEC. 2. REDUCTION OR WITHHOLDING OF PAYMENTS TO**
5 **STATES.**

6 *Section 616(c) of the Individuals with Disabilities*
7 *Education Act (20 U.S.C. 1416(c)) is amended—*

8 *(1) by striking “For purposes of this section”*
9 *and inserting “(1) Notwithstanding subsections (a)*
10 *and (b)”;* and

11 *(2) by striking “the Secretary, in instances” and*
12 *all that follows and inserting the following: “the Sec-*
13 *retary, in instances where the Secretary finds that the*
14 *failure to comply substantially with the provisions of*
15 *this part are related to a failure by the public agency*
16 *during a fiscal year to provide special education and*
17 *related services to individuals who are 18 years of age*
18 *or older, and the Secretary decides to take corrective*
19 *action to ensure compliance with this part, may take*
20 *only the following such corrective action (and such*
21 *corrective action may only be taken with respect to*
22 *payments for that fiscal year):*

23 *“(A) Reduce or withhold payments to the State*
24 *in an amount that is proportionate to the total funds*
25 *allotted under section 611 to the State as the number*
26 *of such individuals who are 18 years of age or older*

1 *is proportionate to the number of eligible individuals*
2 *with disabilities in the State under the supervision of*
3 *the State educational agency.*

4 *“(B) Ensure that any withholding of funds*
5 *under paragraph (1) shall be limited to the specific*
6 *agency responsible for the failure to comply with this*
7 *part.*

8 *“(2) Upon reduction or withholding of payments to a*
9 *State for a fiscal year under paragraph (1)—*

10 *“(A) with respect to children with disabilities*
11 *who are convicted as adults under State law and in-*
12 *carcerated in adult prisons, the State shall be deemed*
13 *to be in compliance with this part for that fiscal year;*
14 *and*

15 *“(B) no additional corrective action may be*
16 *taken against the State with respect to the failure by*
17 *the public agency described in paragraph (1).*

18 *“(3) For purposes of paragraph (1)(A), the number of*
19 *eligible children with disabilities in adult prisons under the*
20 *supervision of the other public agency and the number of*
21 *eligible individuals with disabilities in the State under the*
22 *supervision of the State educational agency shall be deter-*
23 *mined by the Secretary on the basis of the most recent satis-*
24 *factory data available to the Secretary.”.*

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