

106TH CONGRESS
1ST SESSION

H. R. 636

To amend the Individuals with Disabilities Education Act relating to the placement of children in alternative educational settings under that Act and relating to corrective action against States under part B of that Act.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 1999

Mr. COOKSEY 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 relating to the placement of children in alternative educational settings under that Act and relating to corrective action against States under part B of that Act.

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 “Individuals with Dis-
5 abilities Education Act Amendments of 1999”.

1 **SEC. 2. PLACEMENT IN ALTERNATIVE EDUCATIONAL SET-**
 2 **TING UNDER THE INDIVIDUALS WITH DIS-**
 3 **ABILITIES EDUCATION ACT.**

4 Section 615(k)(1)(A)(ii) of the Individuals with Dis-
 5 abilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)) is
 6 amended—

7 (1) in matter preceding subclause (I), by strik-
 8 ing “, but for not more than 45 days”;

9 (2) in subclause (I), by striking “or” at the
 10 end;

11 (3) in subclause (II), by striking the period at
 12 the end and inserting “; or”; and

13 (4) by adding at the end the following:

14 “(III) the child intentionally ex-
 15 hibits violent behavior that has re-
 16 sulted in, or could have resulted in,
 17 physical injury to the child or to oth-
 18 ers while at school or at a school func-
 19 tion under the jurisdiction of a State
 20 or local agency.”.

21 **SEC. 3. CORRECTIVE ACTION AGAINST STATE FOR FAILURE**
 22 **BY STATE TO COMPLY SUBSTANTIALLY WITH**
 23 **PART B OF THE INDIVIDUALS WITH DISABIL-**
 24 **ITIES EDUCATION ACT.**

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

1 (1) by striking “For purposes of this section”
2 and inserting “(1) Notwithstanding subsections (a)
3 and (b)”; and

4 (2) by striking “the Secretary, in instances”
5 and all that follows and inserting the following: “the
6 Secretary, in instances where the Secretary finds
7 that the failure to comply substantially with the pro-
8 visions of this part are related to a failure by the
9 public agency during a fiscal year to provide special
10 education and related services to individuals who are
11 18 years of age or older, and the Secretary decides
12 to take corrective action to ensure compliance with
13 this part, may take only the following such correc-
14 tive action (and such corrective action may only be
15 taken with respect to payments for that fiscal year):

16 “(A) Reduce or withhold payments to the
17 State in an amount that is proportionate to the
18 total funds allotted under section 611 to the
19 State as the number of such individuals who
20 are 18 years of age or older is proportionate to
21 the number of eligible individuals with disabili-
22 ties in the State under the supervision of the
23 State educational agency.

24 “(B) Ensure that any withholding of funds
25 under paragraph (1) shall be limited to the spe-

1 cific agency responsible for the failure to com-
2 ply with this part.

3 “(2) Upon reduction or withholding of pay-
4 ments to a State for a fiscal year under paragraph
5 (1)—

6 “(A) with respect to children with disabil-
7 ities who are convicted as adults under State
8 law and incarcerated in adult prisons, the State
9 shall be deemed to be in compliance with this
10 part for that fiscal year; and

11 “(B) no additional corrective action may
12 be taken against the State with respect to the
13 failure by the public agency described in para-
14 graph (1).

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

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