

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.

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## 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

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## 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 Representatives 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.

## 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”;

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 (IV) in subparagraph (B) (as redesignated), by striking “clause (i)” and inserting “subparagraph (A)”; and

2 (ii) in paragraph (3)(A)—

3 (I) in clause (i)(I), by striking “appropriated” and inserting “available”;

4 (II) in clause (ii), by striking “appropriated” and inserting “available”; and

5 (F) in subsection (i)(3)(A), by striking “appropriated under subsection (j)” and inserting “available 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 Disabilities  
15 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:

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.

