

108TH CONGRESS
2D SESSION

H. R. 3802

To amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2004

Mr. BASS (for himself, Mr. BRADLEY of New Hampshire, Mr. FERGUSON, and Mr. SIMMONS) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes.

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 Compromise Act”.

1 **SEC. 2. AMENDMENTS TO IDEA.**

2 (a) FUNDING.—Section 611(j) of the Individuals with
3 Disabilities Education Act (20 U.S.C. 1411(j)) is amended
4 to read as follows:

5 “(j) FUNDING.—

6 “(1) IN GENERAL.—For the purpose of car-
7 rying out this part, other than section 619, there are
8 authorized to be appropriated—

9 “(A) \$13,574,398,000, or 25.2 percent of
10 the amount determined under paragraph (2),
11 whichever is less, for fiscal year 2005, and,
12 there are hereby appropriated \$4,700,000,000,
13 or 7.6 percent of the amount determined under
14 paragraph (2), whichever is less, for fiscal year
15 2005, which shall become available for obliga-
16 tion on July 1, 2005, and shall remain available
17 through September 30, 2006;

18 “(B) \$15,746,302,000, or 28.3 percent of
19 the amount determined under paragraph (2),
20 whichever is less, for fiscal year 2006, and,
21 there are hereby appropriated \$6,871,904,000,
22 or 10.7 percent of the amount determined
23 under paragraph (2), whichever is less, for fis-
24 cal year 2006, which shall become available for
25 obligation on July 1, 2006, and shall remain
26 available through September 30, 2007;

1 “(C) \$17,918,205,000, or 31.2 percent of
2 the amount determined under paragraph (2),
3 whichever is less, for fiscal year 2007, and,
4 there are hereby appropriated \$9,043,807,000,
5 or 13.6 percent of the amount determined
6 under paragraph (2), whichever is less, for fis-
7 cal year 2007, which shall become available for
8 obligation on July 1, 2007, and shall remain
9 available through September 30, 2008;

10 “(D) \$20,090,109,000, or 28.3 percent of
11 the amount determined under paragraph (2),
12 whichever is less, for fiscal year 2008, and,
13 there are hereby appropriated \$11,215,711,000,
14 or 16.3 percent of the amount determined
15 under paragraph (2), whichever is less, for fis-
16 cal year 2008, which shall become available for
17 obligation on July 1, 2008, and shall remain
18 available through September 30, 2009;

19 “(E) \$22,262,307,000, or 36.4 percent of
20 the amount determined under paragraph (2),
21 whichever is less, for fiscal year 2009, and,
22 there are hereby appropriated \$13,387,909,000,
23 or 18.8 percent of the amount determined
24 under paragraph (2), whichever is less, for fis-
25 cal year 2009, which shall become available for

1 obligation on July 1, 2009, and shall remain
2 available through September 30, 2010;

3 “(F) \$25,198,603,000, or 40 percent of
4 the amount determined under paragraph (2),
5 whichever is less, for fiscal year 2010, and,
6 there are hereby appropriated \$16,324,205,000,
7 or 22.4 percent of the amount determined
8 under paragraph (2), whichever is less, for fis-
9 cal year 2010, which shall become available for
10 obligation on July 1, 2010, and shall remain
11 available through September 30, 2011; and

12 “(G) 40 percent of the amount determined
13 under paragraph (2) for fiscal year 2011 and
14 each subsequent fiscal year, and, there are
15 hereby appropriated 22.4 percent of the amount
16 determined under paragraph (2) for fiscal year
17 2011 and each subsequent fiscal year, which
18 shall become available for obligation (A) with
19 respect to fiscal year 2011, on July 1, 2011,
20 and shall remain available through September
21 30, 2012, and (B) with respect to each subse-
22 quent fiscal year, on July 1 of that fiscal year
23 and shall remain available through September
24 30 of the succeeding fiscal year.

1 “(2) AMOUNT.—The amount referred to in each
 2 of subparagraphs (A) through (G) of paragraph (1)
 3 is the product of—

4 “(A) the number of children with disabil-
 5 ities in all States who are receiving special edu-
 6 cation and related services—

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

9 “(ii) aged 6 through 21; and

10 “(B) the average per-pupil expenditure in
 11 public elementary and secondary schools in the
 12 United States.”.

13 (b) EXCEPTION TO THE LOCAL MAINTENANCE OF
 14 EFFORT REQUIREMENTS.—Section 613(a)(2)(B) of the
 15 Individuals with Disabilities Education Act (20 U.S.C.
 16 1413(a)(2)(B)) is amended to read as follows:

17 “(B) EXCEPTION.—Notwithstanding the
 18 restriction in subparagraph (A)(iii), a local edu-
 19 cational agency may reduce the level of expendi-
 20 tures, for 1 fiscal year at a time, if—

21 “(i) the State educational agency de-
 22 termines, and the Secretary agrees, that
 23 the local educational agency is in compli-
 24 ance with the requirements of this part

1 during that fiscal year (or, if appropriate,
2 the preceding fiscal year); and

3 “(ii) such reduction is—

4 “(I) attributable to the voluntary
5 departure, by retirement or otherwise,
6 or departure for just cause, of special
7 education personnel;

8 “(II) attributable to a decrease in
9 the enrollment of children with dis-
10 abilities;

11 “(III) attributable to the termi-
12 nation of the obligation of the agency,
13 consistent with this part, to provide a
14 program of special education to a par-
15 ticular child with a disability that is
16 an exceptionally costly program, as
17 determined by the State educational
18 agency, because the child—

19 “(aa) has left the jurisdic-
20 tion of the agency;

21 “(bb) has reached the age at
22 which the obligation of the agen-
23 cy to provide a free appropriate
24 public education to the child has
25 terminated; or

1 “(cc) no longer needs such
2 program of special education;

3 “(IV) attributable to the termi-
4 nation of costly expenditures for long-
5 term purchases, such as the acquisi-
6 tion of equipment or the construction
7 of school facilities; or

8 “(V) equivalent to the amount of
9 Federal funding the local educational
10 agency receives under this part for a
11 fiscal year that exceeds the amount
12 the agency received under this part
13 for the preceding fiscal year, but only
14 if these reduced funds are used for
15 any activity that may be funded under
16 the Elementary and Secondary Edu-
17 cation Act of 1965 (20 U.S.C. 6301
18 et seq.).”.

19 (c) REPEAL.—Section 613(a)(2) of the Individuals
20 with Disabilities Education Act (20 U.S.C. 1413(a)(2)) is
21 further amended—

22 (1) by striking subparagraph (C);

23 (2) by redesignating subparagraph (D) as sub-
24 paragraph (C); and

- 1 (3) in subparagraph (A)(iii), by striking “para-
- 2 graphs (B) and (C)” and inserting “paragraph (B)”.

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