

108TH CONGRESS  
1ST SESSION

# H. R. 823

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

FEBRUARY 13, 2003

Mr. LARSON of Connecticut (for himself, Mr. SHIMKUS, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. OTTER, Mr. RYAN of Ohio, and Ms. WATSON) 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 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 “Full Funding for  
5       IDEA Now Act of 2003”.

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-  
9       abilities Education Act (20 U.S.C. 1411 et seq.) of pro-

1 viding 40 percent of the national current average per pupil  
 2 expenditure to assist States and local educational agencies  
 3 with the excess costs of educating children with disabilities  
 4 and to make such funding mandatory.

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

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

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

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

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

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

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

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

1                   “(B) 40 percent of the average current  
2                   per-pupil expenditure in public elementary and  
3                   secondary schools in the United States.

4                   “(3) NO INDIVIDUAL ENTITLEMENT.—Para-  
5                   graph (2) shall not be interpreted to entitle any indi-  
6                   vidual to assistance under any State program,  
7                   project, or activity funded under this part.”.

8                   (b) CONFORMING AMENDMENTS.—(1) Section 611 of  
9                   the Individuals with Disabilities Education Act (20 U.S.C.  
10                  1411) is amended by striking subsection (j).

11                  (2) Section 611 of the Individuals with Disabilities  
12                  Education Act (20 U.S.C. 1411), as amended by para-  
13                  graph (1), is further amended—

14                   (A) in subsection (b)(1), by striking “From the  
15                   amount appropriated for any fiscal year under sub-  
16                   section (j), the Secretary shall reserve not more than  
17                   one percent, which shall be used” and inserting  
18                   “From the amount available for any fiscal year to  
19                   carry out this part (other than section 619), the  
20                   Secretary shall use not more than one percent”;

21                   (B) in subsection (c), by striking “From the  
22                   amount appropriated for any fiscal year under sub-  
23                   section (j), the Secretary shall reserve” and inserting  
24                   “From the amount available for any fiscal year to

1 carry out this part (other than section 619), the  
 2 Secretary shall use”;

3 (C) in subsection (d)—

4 (i) in paragraph (1)—

5 (I) by striking “(1) IN GENERAL.—”;

6 and

7 (II) by striking “paragraph (2) or  
 8 subsection (e), as the case may be” and in-  
 9 serting “subsection (e)”; and

10 (ii) by striking paragraph (2);

11 (D) in subsection (e)—

12 (i) in the heading, by striking “PERMA-  
 13 NENT”;

14 (ii) in paragraph (1)—

15 (I) by striking “subsection (d)(1)”  
 16 and inserting “subsection (d)”; and

17 (II) by inserting after “subsection (j)”  
 18 the following: “(as such subsection was in  
 19 effect on the day before the date of the en-  
 20 actment of the Full Funding for IDEA  
 21 Now Act of 2003)”; and

22 (iii) in paragraph (3)(B)—

23 (I) in clause (ii)—

24 (aa) in subclause (I)(bb), by  
 25 striking “amount appropriated under

1 subsection (j)” and inserting “amount  
 2 available to carry out this part (other  
 3 than section 619)”;

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

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

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

12 (E) in subsection (g)—

13 (i) in paragraph (2)—

14 (I) by striking subparagraph (A);

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

17 (III) by redesignating clauses (i) and  
 18 (ii) and subclauses (I) and (II) as subpara-  
 19 graphs (A) and (B) and clauses (i) and  
 20 (ii), respectively; and

21 (IV) in subparagraph (B) (as redesign-  
 22 ated), by striking “clause (i)” and insert-  
 23 ing “subparagraph (A)”;

24 (ii) in paragraph (3)(A)—

- 1 (I) in clause (i)(I), by striking “appro-  
2 priated” and inserting “available”;
- 3 (II) in clause (ii), by striking “appro-  
4 priated” and inserting “available”; and
- 5 (F) in subsection (i)(3)(A), by striking “appro-  
6 priated under subsection (j)” and inserting “avail-  
7 able to carry out this part (other than section 619)”.
- 8 (c) EFFECTIVE DATE.—The amendments made by  
9 this section shall take effect on October 1, 2003.

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