

108TH CONGRESS  
1ST SESSION

# H. R. 864

To authorize appropriations for the Individuals with Disabilities Education Act to achieve full funding in fiscal year 2004 and fiscal year 2005, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2003

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

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## A BILL

To authorize appropriations for the Individuals with Disabilities Education Act to achieve full funding in fiscal year 2004 and fiscal year 2005, 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 “IDEA Keeping Our  
5 Commitment Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) In 1975, Congress passed the Education for  
9 All Handicapped Children Act of 1975 (enacted as

1 Public Law 94–142), now known as the Individuals  
2 with Disabilities Education Act (20 U.S.C. 1400 et  
3 seq.), which established a Federal commitment to  
4 provide schools with 40 percent of the national aver-  
5 age per pupil expenditure for the purpose of edu-  
6 cating children with disabilities.

7 (2) To date, the Federal Government has never  
8 contributed more than 14.9 percent of the maximum  
9 State grant allocation for educating children with  
10 disabilities under the Individuals with Disabilities  
11 Education Act.

12 (3) The failure by the Federal Government to  
13 fully fund the Individuals with Disabilities Edu-  
14 cation Act has forced State and local governments to  
15 divert funding from other worthy projects, including  
16 school construction and hiring additional teachers, in  
17 order to pay for the full costs of educating children  
18 with disabilities.

19 (4) Each year, State and local educational  
20 agencies are forced to spend precious resources to  
21 simply comply with numerous reporting require-  
22 ments called for under the Individuals with Disabil-  
23 ities Education Act.

24 (5) Although Congress has increased Federal  
25 funding for special education by 129 percent since

1 1995, the failure by the Federal Government to fully  
2 fund the Individuals with Disabilities Education Act  
3 constitutes a de facto unfunded Federal mandate on  
4 the States.

5 **SEC. 3. PURPOSE.**

6 It is the purpose of this Act to reach the Federal Gov-  
7 ernment's goal of providing 40 percent of the national av-  
8 erage per pupil expenditure for the purpose of educating  
9 all children with disabilities in fiscal year 2004 and fiscal  
10 year 2005.

11 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR THE IN-**  
12 **DIVIDUALS WITH DISABILITIES EDUCATION**  
13 **ACT.**

14 Section 611(j) of the Individuals with Disabilities  
15 Education Act (20 U.S.C. 1411(j)) is amended to read  
16 as follows:

17 “(j) AUTHORIZATION OF APPROPRIATIONS.—For the  
18 purpose of carrying out this part, other than section 619,  
19 there are authorized to be appropriated—

20 “(1) \$17,700,000,000 for fiscal year 2004; and

21 “(2) \$18,400,000,000 for fiscal year 2005.”.

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