

108TH CONGRESS  
1ST SESSION

# S. 939

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.

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## IN THE SENATE OF THE UNITED STATES

APRIL 29, 2003

Mr. HAGEL (for himself, Mr. HARKIN, Mr. WARNER, Mr. CHAFEE, Ms. COLLINS, Ms. SNOWE, Mr. COLEMAN, Mr. KENNEDY, Mr. JEFFORDS, Mr. DODD, Ms. MIKULSKI, Mrs. CLINTON, Mrs. MURRAY, Mr. BINGAMAN, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## 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 “IDEA Full-Funding  
5 Act of 2003”.

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.—For the purpose of carrying out this  
6 part, other than section 619, there are authorized to be  
7 appropriated—

8 “(1) \$10,874,000,000 for fiscal year 2004, and,  
9 there are hereby appropriated \$2,000,000,000 for  
10 fiscal year 2004, which shall become available for  
11 obligation on July 1, 2004 and shall remain avail-  
12 able through September 30, 2005;

13 “(2) \$12,874,000,000 for fiscal year 2005, and,  
14 there are hereby appropriated \$4,000,000,000 for  
15 fiscal year 2005, which shall become available for  
16 obligation on July 1, 2005 and shall remain avail-  
17 able through September 30, 2006;

18 “(3) \$14,874,000,000 for fiscal year 2006, and,  
19 there are hereby appropriated \$6,000,000,000 for  
20 fiscal year 2006, which shall become available for  
21 obligation on July 1, 2006 and shall remain avail-  
22 able through September 30, 2007;

23 “(4) \$16,874,000,000 for fiscal year 2007, and,  
24 there are hereby appropriated \$8,000,000,000 for  
25 fiscal year 2007, which shall become available for

1 obligation on July 1, 2007 and shall remain avail-  
2 able through September 30, 2008;

3 “(5) \$18,874,000,000 for fiscal year 2008, and,  
4 there are hereby appropriated \$10,000,000,000 for  
5 fiscal year 2008, which shall become available for  
6 obligation on July 1, 2008 and shall remain avail-  
7 able through September 30, 2009;

8 “(6) \$20,874,000,000 for fiscal year 2009, and,  
9 there are hereby appropriated \$12,000,000,000 for  
10 fiscal year 2009, which shall become available for  
11 obligation on July 1, 2009 and shall remain avail-  
12 able through September 30, 2010;

13 “(7) \$22,874,000,000 for fiscal year 2010, and,  
14 there are hereby appropriated \$14,000,000,000 for  
15 fiscal year 2010, which shall become available for  
16 obligation on July 1, 2010 and shall remain avail-  
17 able through September 30, 2011;

18 “(8) \$24,635,000,000 or the sum of the max-  
19 imum amounts that all States may receive under  
20 subsection (a)(2), whichever is lower, for fiscal year  
21 2011, and, there are hereby appropriated  
22 \$15,761,000,000 for fiscal year 2011, which shall  
23 become available for obligation on July 1, 2011 and  
24 shall remain available through September 30, 2012,  
25 except that if the sum of the maximum amounts

1 that all States may receive under subsection (a)(2)  
2 is less than \$24,635,000,000, then the amount ap-  
3 propriated in this paragraph shall be reduced by the  
4 difference between \$24,635,000,000 and the sum of  
5 the maximum amounts that all States may receive  
6 under subsection (a)(2);

7 “(9) \$25,329,000,000 or the sum of the max-  
8 imum amounts that all States may receive under  
9 subsection (a)(2), whichever is lower, for fiscal year  
10 2012, and, there are hereby appropriated  
11 \$16,455,000,000 for fiscal year 2012, which shall  
12 become available for obligation on July 1, 2012 and  
13 shall remain available through September 30, 2013,  
14 except that if the sum of the maximum amounts  
15 that all States may receive under subsection (a)(2)  
16 is less than \$25,329,000,000, then the amount ap-  
17 propriated in this paragraph shall be reduced by the  
18 difference between \$25,329,000,000 and the sum of  
19 the maximum amounts that all States may receive  
20 under subsection (a)(2);

21 “(10) \$26,005,000,000 or the sum of the max-  
22 imum amounts that all States may receive under  
23 subsection (a)(2), whichever is lower, for fiscal year  
24 2013, and, there are hereby appropriated  
25 \$17,131,000,000 for fiscal year 2013, which shall

1       become available for obligation on July 1, 2013 and  
2       shall remain available through September 30, 2014,  
3       except that if the sum of the maximum amounts  
4       that all States may receive under subsection (a)(2)  
5       is less than \$26,005,000,000, then the amount ap-  
6       propriated in this paragraph shall be reduced by the  
7       difference between \$26,005,000,000 and the sum of  
8       the maximum amounts that all States may receive  
9       under subsection (a)(2); and

10           “(11) such sums as may be necessary for fiscal  
11       year 2014 and each succeeding fiscal year.”.

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

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

20           “(i) the State educational agency de-  
21       termines, and the Secretary agrees, that  
22       the local educational agency is in compli-  
23       ance with the requirements of this part  
24       during that fiscal year (or, if appropriate,  
25       the preceding fiscal year); and

1 “(ii) such reduction is—

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

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

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

17 “(aa) has left the jurisdic-  
18 tion of the agency;

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

24 “(cc) no longer needs such  
25 program of special education;

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

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

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

20                   (1) by striking subparagraph (C);

21                   (2) by redesignating subparagraph (D) as sub-  
 22                  paragraph (C); and

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

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