

113TH CONGRESS
1ST SESSION

S. 1095

To amend the Individuals with Disabilities Education Act in order to limit the penalties to a State that does not meet its maintenance of effort level of funding to a one-time penalty.

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2013

Mr. UDALL of New Mexico (for himself and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Individuals with Disabilities Education Act in order to limit the penalties to a State that does not meet its maintenance of effort level of funding to a one-time penalty.

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 MOE Adjust-
5 ment Act”.

1 **SEC. 2. PENALTY LIMITATION.**

2 Section 612(a)(18) of the Individuals with Disabil-
 3 ities Education Act (20 U.S.C. 1412(a)(18)) is amend-
 4 ed—

5 (1) in subparagraph (B)—

6 (A) by striking “The Secretary shall re-
 7 duce the allocation of funds under section 611
 8 for any fiscal year” and inserting the following:

9 “(i) REDUCTION.—The Secretary
 10 shall reduce the allocation of funds under
 11 section 611 for 1 fiscal year”; and

12 (2) by adding at the end the following:

13 “(ii) DISTRIBUTION OF FUNDS.—In
 14 any case where a State’s allocation under
 15 clause (i) is reduced, the Secretary shall
 16 distribute to all other States (as that term
 17 is defined in section 611(g)(2)) that were
 18 not subject to a reduction in allocation
 19 under such clause, the amount by which
 20 any State’s allocation under section 611(d)
 21 was reduced under such clause, in accord-
 22 ance with subclauses (II) and (III) of sec-
 23 tion 611(d)(3)(A)(i) and without regard to
 24 paragraphs (A)(i)(I) and (B) of section
 25 611(d)(3).

1 “(iii) USE OF FUNDS BY STATES.—
 2 Each State that receives additional funds
 3 under clause (ii) shall allocate such funds
 4 to local educational agencies in accordance
 5 with section 611(f).

6 “(iv) NO CONSIDERATION FOR FU-
 7 TURE YEARS ALLOCATION.—Notwith-
 8 standing section 611(d), in calculating the
 9 amounts for allocations under such section
 10 for fiscal year 2013 and all subsequent
 11 years, the Secretary, when determining the
 12 amount a State received under such sec-
 13 tion for a preceding fiscal year, shall not
 14 consider—

15 “(I) any amount by which a
 16 State’s allocation under such section
 17 for fiscal year 2012 or any subsequent
 18 year is reduced under clause (i); and

19 “(II) any amount by which a
 20 State’s allocation increased, pursuant
 21 to clause (ii), as a result of a State’s
 22 reduction in allocation for fiscal year
 23 2012 or any subsequent year.”.

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