

114TH CONGRESS
1ST SESSION

S. 415

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, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2015

Mr. UDALL (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, 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 MOE Adjust-
5 ment Act”.

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

2 (a) IN GENERAL.—Section 611(d) of the Individuals
3 with Disabilities Education Act (20 U.S.C. 1411(d)) is
4 amended by adding at the end the following:

5 “(5) SPECIAL RULE REGARDING PENALTIES.—

6 “(A) DISTRIBUTION OF FUNDS.—In any
7 case where a State’s allocation under this sub-
8 section is reduced pursuant to section
9 612(a)(18)(B), the Secretary shall distribute to
10 all other States that were not subject to a re-
11 duction in allocation under such section, the
12 amount by which any State’s allocation under
13 this subsection was reduced under such section,
14 in accordance with subclauses (II) and (III) of
15 paragraph (3)(A)(i) and without regard to
16 paragraphs (A)(i)(I) and (B) of paragraph (3).

17 “(B) USE OF FUNDS BY STATES.—Each
18 State that receives additional funds under sub-
19 paragraph (A) shall allocate such funds to local
20 educational agencies in accordance with sub-
21 section (f).

22 “(C) NO CONSIDERATION FOR FUTURE
23 YEARS ALLOCATION.—In calculating the
24 amounts for allocations under this subsection
25 for fiscal year 2013 and all subsequent years,
26 the Secretary, when determining the amount a

State received under this subsection for a preceding fiscal year, shall not consider—

“(i) any amount by which a State’s allocation for fiscal year 2012 or any subsequent year is reduced pursuant to section 612(a)(18); and

“(ii) any amount by which a State’s allocation increased, pursuant to subparagraph (A), as a result of a State’s reduction in allocation for fiscal year 2012 or any subsequent year.”.

(b) APPLICATION OF REDUCTION OVER MULTI-YEAR PERIOD.—Subparagraph (B) of section 612(a)(18) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(18)(B)) is amended to read as follows:

“(B) REDUCTION OF FUNDS FOR FAILURE TO MAINTAIN SUPPORT.—In any case where a State fails to comply with the requirement of subparagraph (A) for a fiscal year, the State shall be subject to a reduction of the State’s allocation of funds under section 611 by the amount by which the State fails to meet the requirement. The Secretary shall carry out such reduction, in accordance with section 611(d)(5), by—

1 “(i) reducing the State’s allocation
2 under section 611 for the following fiscal
3 year by the entire amount of the reduction;
4 or

5 “(ii) applying the reduction to the
6 State’s allocations under such section over
7 a multi-year period of not more than 5
8 consecutive fiscal years, until the entire
9 amount of the reduction has been ap-
10 plied.”.

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