

107TH CONGRESS  
1ST SESSION

# H. R. 2616

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

JULY 24, 2001

Mr. PLATTS 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 “Forty Percent Funding  
5 of IDEA in Four Years Act” or the “Forty-in-Four Act”.

6       **SEC. 2. FINDINGS; PURPOSE.**

7       (a) FINDINGS.—Congress finds the following:

8               (1) The Federal Government appropriately re-  
9       quires States that accept funds under the Individ-  
10      uals with Disabilities Education Act (20 U.S.C.

1 1400 et seq.) to make available a free appropriate  
2 public education to all children with disabilities.

3 (2) While Congress committed to contribute up  
4 to 40 percent of the national average per pupil ex-  
5 penditure to assist States and local educational  
6 agencies with the excess costs of educating children  
7 with disabilities, the Federal Government has never  
8 contributed more than 14.9 percent of the national  
9 average per pupil expenditure under the Individuals  
10 with Disabilities Education Act.

11 (3) If Congress fully funded the Federal Gov-  
12 ernment's obligation under the Individuals with Dis-  
13 abilities Education Act, States and local educational  
14 agencies would have significantly greater resources  
15 to reduce class size, improve school facilities, provide  
16 local tax relief, and otherwise redirect resources to  
17 areas based on local need.

18 (b) PURPOSE.—The purpose of this Act is to provide  
19 by fiscal year 2005 40 percent of the national current av-  
20 erage per pupil expenditure to assist States and local edu-  
21 cational agencies with the excess costs of educating chil-  
22 dren with disabilities under part B of the Individuals with  
23 Disabilities Education Act (20 U.S.C. 1411 et seq.)

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

4 (a) IN GENERAL.—Section 611(a) of the Individuals  
5 with Disabilities Education Act (20 U.S.C. 1411(a)) is  
6 amended—

7 (1) by striking paragraph (2); and

8 (2) by inserting after paragraph (1) the fol-  
9 lowing:

10 “(2) MINIMUM AMOUNTS.—The minimum  
11 amount of the grant a State is entitled to receive  
12 under this section is—

13 “(A) the number of children with disabili-  
14 ties in the State who are receiving special edu-  
15 cation and related services—

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

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

19 “(B) the following percentages of the aver-  
20 age current per-pupil expenditure in public ele-  
21 mentary and secondary schools in the United  
22 States for the following fiscal years:

23 “(i) 20 percent for fiscal year 2002.

24 “(ii) 25 percent for fiscal year 2003.

25 “(iii) 30 percent for fiscal year 2004.

1                   “(iv) 40 percent for fiscal year 2005  
2                   and each subsequent fiscal year.

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

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

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

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

20                         (B) in subsection (c), by striking “From the  
21                         amount appropriated for any fiscal year under sub-  
22                         section (j), the Secretary shall reserve” and inserting  
23                         “From the amount available for any fiscal year to  
24                         carry out this part (other than section 619), the  
25                         Secretary shall use”;

1 (C) in subsection (d)—

2 (i) in paragraph (1)—

3 (I) by striking “(1) IN GENERAL.—”;

4 and

5 (II) by striking “paragraph (2) or

6 subsection (e), as the case may be” and in-

7 serting “subsection (e)”; and

8 (ii) by striking paragraph (2);

9 (D) in subsection (e)—

10 (i) in the heading, by striking “PERMA-

11 NENT”;

12 (ii) in paragraph (1)—

13 (I) by striking “subsection (d)(1)”

14 and inserting “subsection (d)”; and

15 (II) by inserting after “subsection (j)”

16 the following: “(as such subsection was in

17 effect on the day before the date of the en-

18 actment of the Forty Percent Funding of

19 IDEA in Four Years Act)”; and

20 (iii) in paragraph (3)(B)—

21 (I) in clause (ii)—

22 (aa) in subclause (I)(bb), by

23 striking “amount appropriated under

24 subsection (j)” and inserting “amount

1 available to carry out this part (other  
2 than section 619)”;

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

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

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

11 (E) in subsection (g)—

12 (i) in paragraph (2)—

13 (I) by striking subparagraph (A);

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

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

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

23 (ii) in paragraph (3)(A)—

24 (I) in clause (i)(I), by striking “appro-  
25 priated” and inserting “available”;

1 (II) in clause (ii), by striking “appro-  
2 priated” and inserting “available”; and

3 (F) in subsection (i)(3)(A), by striking “appro-  
4 priated under subsection (j)” and inserting “avail-  
5 able to carry out this part (other than section 619)”.

6 (c) EFFECTIVE DATE.—The amendments made by  
7 this section shall take effect on October 1, 2001.

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