

114TH CONGRESS  
1ST SESSION

# H. R. 4028

To amend the Individuals with Disabilities Education Act to direct the Secretary to provide additional funds to States to establish and make disbursements from high cost funds.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2015

Mr. HUFFMAN (for himself and Mr. DESAULNIER) 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 direct the Secretary to provide additional funds to States to establish and make disbursements from high cost funds.

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 High Cost Pool  
5 Funding Act”.

1 **SEC. 2. ADDITIONAL AMOUNTS FOR HIGH COST FUNDS.**

2 Section 611(e)(3) of the Individuals with Disabilities  
3 Education Act (20 U.S.C. 1411(e)(3)) is amended by add-  
4 ing at the end the following:

5 “(J) ADDITIONAL AMOUNTS FOR HIGH  
6 COST FUNDS.—

7 “(i) IN GENERAL.—From the funds  
8 appropriated to carry out this subpara-  
9 graph, the Secretary shall award grants to  
10 each State (without regard to whether the  
11 State has reserved funds under subpara-  
12 graph (A)(i)), to carry out the activities  
13 described in subparagraph (A)(i) in accord-  
14 ance with the State plan published pursu-  
15 ant to subparagraph (C) (as amended or  
16 developed pursuant to clause (v) of this  
17 subparagraph), and the other terms and  
18 conditions of this paragraph with respect  
19 to funds reserved under subparagraph  
20 (A)(i), except that a State, to establish and  
21 support a high cost fund, may not use  
22 more than—

23 “(I) 5 percent of the amount of  
24 a grant received under this subpara-  
25 graph in the first year; and

1                   “(II) 2 percent of such amount  
2                   in each subsequent year.

3                   “(ii) GRANT AMOUNT.—

4                   “(I) IN GENERAL.—A grant  
5                   awarded to a State under this sub-  
6                   paragraph shall be in an amount  
7                   equal to 5 percent of the State’s allo-  
8                   cation under subsection (d) for the  
9                   fiscal year for which the grant is  
10                  awarded, except that no State shall  
11                  receive a grant amount that is less  
12                  than 5 percent of the State’s alloca-  
13                  tion under subsection (d) for fiscal  
14                  year 2010.

15                  “(II) RATABLE REDUCTION.—If  
16                  the amounts appropriated for any fis-  
17                  cal year to carry out this subpara-  
18                  graph are insufficient to pay the full  
19                  amounts that all States are eligible to  
20                  receive under this subparagraph for  
21                  such year, then the Secretary shall  
22                  ratably reduce the payments to all  
23                  such States for such year.

24                  “(iii) REALLOTMENT.—If a State does  
25                  not apply for a grant this subparagraph

1 for any fiscal year, or if the State does not  
2 meet the requirements of this subpara-  
3 graph, the Secretary shall reallocate such  
4 amount to the remaining States in accord-  
5 ance with this subparagraph.

6 “(iv) MATCHING FUNDS.—To receive  
7 a grant under this subparagraph, a State  
8 shall provide—

9 “(I) non-Federal matching funds  
10 for the cost of the activities for which  
11 the grant is awarded in an amount  
12 that is not less than 25 percent of the  
13 amount of the grant; or

14 “(II) an assurance to the Sec-  
15 retary that the State will use an  
16 amount of non-Federal funds that is  
17 not less than 25 percent of the  
18 amount of the grant to carry out ac-  
19 tivities similar to the activities de-  
20 scribed in subparagraph (A)(i) during  
21 the grant period of the grant awarded  
22 to the State.

23 “(v) STATE PLANS.—To receive a  
24 grant under this subparagraph, a State  
25 shall—

1           “(I) in the case of a State that  
2           has published a State plan pursuant  
3           to subparagraph (C), amend the State  
4           plan to include any information that  
5           the Secretary may require for the  
6           State to receive a grant under this  
7           subparagraph; and

8           “(II) in the case of a State that  
9           has not published a State plan pursu-  
10          ant to subparagraph (C), develop and  
11          publish a State plan pursuant to sub-  
12          paragraph (C), which includes any in-  
13          formation that the Secretary may re-  
14          quire for the State to receive a grant  
15          under this subparagraph.

16          “(vi) WAIVER.—A State desiring a  
17          grant under this subparagraph to use in  
18          accordance with clause (i), but requiring a  
19          waiver of any provision of this subpara-  
20          graph due to an aspect of State govern-  
21          mental structure that is incompatible with  
22          this subparagraph, may request such a  
23          waiver as part of its State plan under sub-  
24          paragraph (C).

1           “(K) ANNUAL REPORTING.—Not later  
2 than 1 year after the first grant is awarded  
3 under subparagraph (J), and annually there-  
4 after, the Secretary shall submit to the Com-  
5 mittee on Education and the Workforce of the  
6 House of Representatives and the Committee  
7 on Health, Education, Labor, and Pensions of  
8 the Senate, a report on the effectiveness of dis-  
9 bursements made from high cost funds for the  
10 most recent fiscal year, which shall include—

11                   “(i) the amount of grant funds award-  
12 ed to each State under subparagraph (J);

13                   “(ii) the number of States that re-  
14 ceived a waiver pursuant to subparagraph  
15 (J)(vi);

16                   “(iii) an identification of each State  
17 that did not receive a grant under sub-  
18 paragraph (J), but made disbursements  
19 from a high cost fund established under  
20 subparagraph (A)(i) solely using the funds  
21 the State reserved pursuant to subpara-  
22 graph (A)(i); and

23                   “(iv) an identification of each State  
24 that did not receive a grant under sub-  
25 paragraph (J), but made disbursements

1 from a high cost fund similar to a high  
2 cost fund established under subparagraph  
3 (A)(i) solely using non-Federal funds.”.

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