

115TH CONGRESS  
2D SESSION

# S. 3699

To require full funding of part A of title I of the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 4, 2018

Mr. VAN HOLLEN 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 require full funding of part A of title I of the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act.

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 “Keep Our Promise to  
5 America’s Children and Teachers Act” or the “Keep Our  
6 PACT Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) Children are our Nation’s future and great-  
10 est treasure.

1           (2) A high-quality education is the surest way  
2 for every child to reach his or her full potential.

3           (3) Part A of title I of the Elementary and Sec-  
4 ondary Education Act of 1965 (20 U.S.C. 6311 et  
5 seq.) helps address inequity in education in school  
6 districts across the United States to provide a high-  
7 quality education to every student.

8           (4) The Individuals with Disabilities Education  
9 Act (20 U.S.C. 1400 et seq.) guarantees all children  
10 with disabilities a first-rate education.

11           (5) The amendments made to such Act by the  
12 Individuals with Disabilities Education Improvement  
13 Act of 2004 (Public Law 108–446; 118 Stat. 2647)  
14 committed Congress to providing 40 percent of the  
15 national current average per-pupil expenditure for  
16 students with disabilities.

17           (6) A promise made must be a promise kept.

18 **SEC. 3. MANDATORY FUNDING OF PART A OF TITLE I OF**

19 **ESEA.**

20           (a) DEFINITION OF FISCAL YEAR 2019 PART A OF  
21 TITLE I APPROPRIATION.—In this section, the term “fis-  
22 cal year 2019 part A of title I appropriation” means the  
23 amount appropriated for fiscal year 2019 for programs  
24 under part A of title I of the Elementary and Secondary  
25 Education Act of 1965 (20 U.S.C. 6311 et seq.).

1 (b) FUNDING.—There are appropriated, out of any  
2 money in the Treasury not otherwise appropriated—

3 (1) for fiscal year 2020, an amount that equals  
4 the difference between—

5 (A) the fiscal year 2019 part A of title I  
6 appropriation; and

7 (B) \$17,649,171,000 or the full amount  
8 authorized to be appropriated for the fiscal year  
9 for those programs, whichever is higher;

10 (2) for fiscal year 2021, an amount that equals  
11 the difference between—

12 (A) the fiscal year 2019 part A of title I  
13 appropriation; and

14 (B) \$19,640,424,000 or the full amount  
15 authorized to be appropriated for the fiscal year  
16 for those programs, whichever is higher;

17 (3) for fiscal year 2022, an amount that equals  
18 the difference between—

19 (A) the fiscal year 2019 part A of title I  
20 appropriation; and

21 (B) \$21,856,338,000 or the full amount  
22 authorized to be appropriated for the fiscal year  
23 for those programs, whichever is higher;

24 (4) for fiscal year 2023, an amount that equals  
25 the difference between—

1 (A) the fiscal year 2019 part A of title I  
2 appropriation; and

3 (B) \$24,322,261,000 or the full amount  
4 authorized to be appropriated for the fiscal year  
5 for those programs, whichever is higher;

6 (5) for fiscal year 2024, an amount that equals  
7 the difference between—

8 (A) the fiscal year 2019 part A of title I  
9 appropriation; and

10 (B) \$27,066,400,000 or the full amount  
11 authorized to be appropriated for the fiscal year  
12 for those programs, whichever is higher;

13 (6) for fiscal year 2025, an amount that equals  
14 the difference between—

15 (A) the fiscal year 2019 part A of title I  
16 appropriation; and

17 (B) \$30,120,143,000 or the full amount  
18 authorized to be appropriated for the fiscal year  
19 for those programs, whichever is higher;

20 (7) for fiscal year 2026, an amount that equals  
21 the difference between—

22 (A) the fiscal year 2019 part A of title I  
23 appropriation; and

1 (B) \$33,518,423,000 or the full amount  
2 authorized to be appropriated for the fiscal year  
3 for those programs, whichever is higher;

4 (8) for fiscal year 2027, an amount that equals  
5 the difference between—

6 (A) the fiscal year 2019 part A of title I  
7 appropriation; and

8 (B) \$37,300,111,000 or the full amount  
9 authorized to be appropriated for the fiscal year  
10 for those programs, whichever is higher;

11 (9) for fiscal year 2028, an amount that equals  
12 the difference between—

13 (A) the fiscal year 2019 part A of title I  
14 appropriation; and

15 (B) \$41,508,465,000 or the full amount  
16 authorized to be appropriated for the fiscal year  
17 for those programs, whichever is higher; and

18 (10) for fiscal year 2029, an amount that  
19 equals the difference between—

20 (A) the fiscal year 2019 part A of title I  
21 appropriation; and

22 (B) \$46,191,622,000 or the full amount  
23 authorized to be appropriated for the fiscal year  
24 for those programs, whichever is higher.

1 **SEC. 4. MANDATORY FUNDING OF THE INDIVIDUALS WITH**  
2 **DISABILITIES EDUCATION ACT.**

3 Section 611(i) of the Individuals with Disabilities  
4 Education Act (20 U.S.C. 1411(i)) is amended to read  
5 as follows:

6 “(i) FUNDING.—

7 “(1) IN GENERAL.—For the purpose of car-  
8 rying out this part, other than section 619, there are  
9 authorized to be appropriated—

10 “(A) \$13,974,501,000 or 16.2 percent of  
11 the amount determined under paragraph (2),  
12 whichever is greater, for fiscal year 2020, and  
13 there are hereby appropriated \$1,610,109,000  
14 or 1.5 percent of the amount determined under  
15 paragraph (2), whichever is greater, for fiscal  
16 year 2020, which shall become available for ob-  
17 ligation on July 1, 2020, and shall remain  
18 available through September 30, 2021;

19 “(B) \$15,794,280,000 or 17.9 percent of  
20 the amount determined under paragraph (2),  
21 whichever is greater, for fiscal year 2021, and  
22 there are hereby appropriated \$3,429,888,000  
23 or 3.2 percent of the amount determined under  
24 paragraph (2), whichever is greater, for fiscal  
25 year 2021, which shall become available for ob-

1 ligation on July 1, 2021, and shall remain  
2 available through September 30, 2022;

3 “(C) \$17,851,034,000 or 19.8 percent of  
4 the amount determined under paragraph (2),  
5 whichever is greater, for fiscal year 2022, and  
6 there are hereby appropriated \$5,486,642,000  
7 or 5.1 percent of the amount determined under  
8 paragraph (2), whichever is greater, for fiscal  
9 year 2022, which shall become available for ob-  
10 ligation on July 1, 2022, and shall remain  
11 available through September 30, 2023;

12 “(D) \$20,175,621,000 or 21.9 percent of  
13 the amount determined under paragraph (2),  
14 whichever is greater, for fiscal year 2023, and  
15 there are hereby appropriated \$7,811,229,000  
16 or 7.2 percent of the amount determined under  
17 paragraph (2), whichever is greater, for fiscal  
18 year 2023, which shall become available for ob-  
19 ligation on July 1, 2023, and shall remain  
20 available through September 30, 2024;

21 “(E) 22,802,920,000 or 24.2 percent of  
22 the amount determined under paragraph (2),  
23 whichever is greater, for fiscal year 2024, and  
24 there are hereby appropriated \$10,438,528,000  
25 or 9.5 percent of the amount determined under

1 paragraph (2), whichever is greater, for fiscal  
2 year 2024, which shall become available for ob-  
3 ligation on July 1, 2024, and shall remain  
4 available through September 30, 2025;

5 “(F) \$25,772,348,000 or 26.8 percent of  
6 the amount determined under paragraph (2),  
7 whichever is greater, for fiscal year 2025, and  
8 there are hereby appropriated \$13,407,956,000  
9 or 12.1 percent of the amount determined  
10 under paragraph (2), whichever is greater, for  
11 fiscal year 2025, which shall become available  
12 for obligation on July 1, 2025, and shall remain  
13 available through September 30, 2026;

14 “(G) \$29,128,461,000 or 29.6 percent of  
15 the amount determined under paragraph (2),  
16 whichever is greater, for fiscal year 2026, and  
17 there are hereby appropriated \$16,764,069,000  
18 or 14.9 percent of the amount determined  
19 under paragraph (2), whichever is greater, for  
20 fiscal year 2026, which shall become available  
21 for obligation on July 1, 2026, and shall remain  
22 available through September 30, 2027;

23 “(H) \$32,921,610,000 or 32.7 percent of  
24 the amount determined under paragraph (2),  
25 whichever is greater, for fiscal year 2027, and

1           there are hereby appropriated \$20,557,218,000  
2           or 18 percent of the amount determined under  
3           paragraph (2), whichever is greater, for fiscal  
4           year 2027, which shall become available for ob-  
5           ligation on July 1, 2027, and shall remain  
6           available through September 30, 2028;

7           “(I) \$37,208,710,000 or 36.2 percent of  
8           the amount determined under paragraph (2),  
9           whichever is greater, for fiscal year 2028, and  
10          there are hereby appropriated \$24,844,318,000  
11          or 21.5 percent of the amount determined  
12          under paragraph (2), whichever is greater, for  
13          fiscal year 2028, which shall become available  
14          for obligation on July 1, 2028, and shall remain  
15          available through September 30, 2029; and

16          “(J) \$42,054,081,000 or 40 percent of the  
17          amount determined under paragraph (2),  
18          whichever is greater, for fiscal year 2029 and  
19          each subsequent fiscal year, and there are here-  
20          by appropriated \$42,054,081,000 or 40 percent  
21          of the amount determined under paragraph (2),  
22          whichever is greater, for fiscal year 2029 and  
23          each subsequent fiscal year, which—

24                  “(i) shall become available for obliga-  
25                  tion with respect to fiscal year 2029 on

1 July 1, 2029, and shall remain available  
2 through September 30, 2030; and

3 “(ii) shall become available for obliga-  
4 tion with respect to each subsequent fiscal  
5 year on July 1 of that fiscal year and shall  
6 remain available through September 30 of  
7 the succeeding fiscal year.

8 “(2) AMOUNT.—With respect to each subpara-  
9 graph of paragraph (1), the amount determined  
10 under this paragraph is the product of—

11 “(A) the total number of children with dis-  
12 abilities in all States who—

13 “(i) received special education and re-  
14 lated services during the last school year  
15 that concluded before the first day of the  
16 fiscal year for which the determination is  
17 made; and

18 “(ii) were aged—

19 “(I) 3 through 5 (with respect to  
20 the States that were eligible for  
21 grants under section 619); and

22 “(II) 6 through 21; and

1                   “(B) the average per-pupil expenditure in  
2                   public elementary schools and secondary schools  
3                   in the United States.”.

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