

107TH CONGRESS  
1ST SESSION

# S. 466

To amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

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## IN THE SENATE OF THE UNITED STATES

MARCH 6, 2001

Mr. HAGEL (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. DODD, Mr. ROBERTS, Mr. HARKIN, Ms. COLLINS, Mrs. MURRAY, Ms. SNOWE, and Mr. REED) 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 amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such 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 “Helping Children Succeed  
5 by Fully Funding the Individuals with Disabilities Edu-  
6 cation Act (IDEA)”.

7       **SEC. 2. FINDINGS.**

8       Congress makes the following findings:

1 (1) All children deserve a quality education.

2 (2) In *Pennsylvania Association for Retarded*  
3 *Children vs. Commonwealth of Pennsylvania* (334 F.  
4 *Supp. 1247*)(E. Dist. Pa. 1971), and *Mills vs. Board*  
5 *of Education of the District of Columbia* (348 F.  
6 *Supp. 866*)(Dist. D.C. 1972), the courts found that  
7 children with disabilities are entitled to an equal op-  
8 portunity to an education under the 14th amend-  
9 ment of the Constitution.

10 (3) In 1975, Congress passed what is now  
11 known as the Individuals with Disabilities Education  
12 Act (referred to in this Act as “IDEA”) (20 U.S.C.  
13 1400 et seq.) to help States provide all children with  
14 disabilities a free, appropriate public education in  
15 the least restrictive environment. At full funding,  
16 Congress contributes 40 percent of the average per  
17 pupil expenditure for each child with a disability  
18 served.

19 (4) Before 1975, only  $\frac{1}{5}$  of the children with  
20 disabilities received a formal education. At that time,  
21 many States had laws that specifically excluded  
22 many children with disabilities, including children  
23 who were blind, deaf, or emotionally disturbed, from  
24 receiving such an education.

1           (5) IDEA currently serves an estimated  
2           200,000 infants and toddlers, 600,000 preschoolers,  
3           and 5,400,000 children 6 to 21 years of age.

4           (6) IDEA enables children with disabilities to  
5           be educated in their communities, and thus, has as-  
6           sisted in dramatically reducing the number of chil-  
7           dren with disabilities who must live in State institu-  
8           tions away from their families.

9           (7) The number of children with disabilities  
10          who complete high school has grown significantly  
11          since the enactment of IDEA.

12          (8) The number of children with disabilities  
13          who enroll in college as freshmen has more than tri-  
14          pled since the enactment of IDEA.

15          (9) The overall effectiveness of IDEA depends  
16          upon well trained special education and general edu-  
17          cation teachers, related services personnel, and other  
18          school personnel. Congress recognizes concerns  
19          about the nationwide shortage of personnel serving  
20          students with disabilities and the need for improve-  
21          ment in the qualifications of such personnel.

22          (10) IDEA has raised the Nation's awareness  
23          about the abilities and capabilities of children with  
24          disabilities.

1           (11) Improvements to IDEA in the 1997  
2 amendments increased the academic achievement of  
3 children with disabilities and helped them to lead  
4 productive, independent lives.

5           (12) Changes made in 1997 also addressed the  
6 needs of those children whose behavior impedes  
7 learning by implementing behavioral assessments  
8 and intervention strategies to ensure that they re-  
9 ceive appropriate supports in order to receive a qual-  
10 ity education.

11           (13) IDEA requires a full partnership between  
12 parents of children with disabilities and education  
13 professionals in the design and implementation of  
14 the educational services provided to children with  
15 disabilities.

16           (14) While the Federal Government has more  
17 than doubled funding for part B of IDEA since  
18 1995, the Federal Government has never provided  
19 more than 15 percent of the maximum State grant  
20 allocation for educating children with disabilities.

21           (15) By fully funding IDEA, Congress will  
22 strengthen the ability of States and localities to im-  
23 plement the requirements of IDEA.

1 **SEC. 3. MANDATORY FUNDING.**

2 Section 611(j) of the Individuals with Disabilities  
3 Education Act (29 U.S.C. 1411(j)) is amended to read  
4 as follows:

5 “(j) MANDATORY FUNDING.—For the purpose of car-  
6 rying out this part, other than section 619, there are au-  
7 thorized to be appropriated, and there are appropriated—

8 “(1) \$8,823,685,000 for fiscal year 2002;

9 “(2) \$11,323,685,000 for fiscal year 2003;

10 “(3) \$13,823,685,000 for fiscal year 2004;

11 “(4) \$16,323,685,000 for fiscal year 2005;

12 “(5) \$18,823,685,000 for fiscal year 2006; and

13 “(6) not more than \$21,323,685,000 or the  
14 sum of the maximum amount that all States may re-  
15 ceive under subsection (a)(2), whichever is lower, for  
16 fiscal year 2007.”.

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