

108TH CONGRESS
2D SESSION

H. R. 4063

To authorize States, in the event of inadequate Federal funding under part B of the Individuals with Disabilities Education Act, to waive certain requirements of the Elementary and Secondary Education Act of 1965, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2004

Mr. BALLANCE introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To authorize States, in the event of inadequate Federal funding under part B of the Individuals with Disabilities Education Act, to waive certain requirements of the Elementary and Secondary Education Act of 1965, 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 “No School Left Behind
5 Act of 2004”.

1 **SEC. 2. FULL FUNDING OF PART B OF THE INDIVIDUALS**
2 **WITH DISABILITIES EDUCATION ACT.**

3 (a) **WAIVER AUTHORITY.**—Subject to subsection (c),
4 section 1116(b) of the Elementary and Secondary Edu-
5 cation Act of 1965 (20 U.S.C. 6316(b)) (relating to the
6 identification of schools for school improvement, corrective
7 action, or restructuring) shall not apply in a State if—

8 (1) for any fiscal year the Federal Government
9 appropriates for the purpose of carrying out part B
10 of the Individuals with Disabilities Education Act
11 (20 U.S.C. 1411 et seq.) an amount that is less than
12 the amount determined under subsection (b); and

13 (2) the State chooses to waive the application of
14 such section 1116(b).

15 (b) **AMOUNT.**—The amount referred to in subsection
16 (a)(1) is the product of—

17 (1) the number of children with disabilities in
18 all States who are receiving special education and re-
19 lated services—

20 (A) aged 3 through 5 if the State is eligi-
21 ble for a grant under section 619; and

22 (B) aged 6 through 21; and

23 (2) 40 percent of the average per-pupil expendi-
24 ture in public elementary and secondary schools in
25 the United States.

1 (c) LIMITATION.—For any fiscal year described in
2 subsection (a)(1), a State may waive the application of
3 section 1116(b) of the Elementary and Secondary Edu-
4 cation Act of 1965 (20 U.S.C. 6316(b)) for not more than
5 3 consecutive school years, beginning with the school year
6 that commences during the fiscal year involved.

7 (d) CONTINUED FUNDING.—A State’s decision under
8 this section to waive the provisions of section 1116(b) of
9 the Elementary and Secondary Education Act of 1965 (20
10 U.S.C. 6316(b)) shall not affect the State’s eligibility for,
11 or receipt of, funds under such Act.

12 (e) STATE.—For purposes of this section, the term
13 “State” has the meaning given to that term in section
14 9101 of the Elementary and Secondary Education Act of
15 1965 (20 U.S.C. 7801).

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