

112TH CONGRESS  
1ST SESSION

# H. R. 864

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 HOUSE OF REPRESENTATIVES

MARCH 1, 2011

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

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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 The Congress finds as follows:

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) The No Child Left Behind Act of 2001 rep-  
4 resents the most sweeping revision of education pol-  
5 icy in a generation.

6           (4) The Individuals with Disabilities Education  
7 Act guarantees all children with disabilities a first-  
8 rate education.

9           (6) The Individuals with Disabilities Education  
10 Improvement Act committed the Congress to pro-  
11 viding 40 percent of the national current average  
12 per-pupil expenditure for special education students.

13           (7) A promise made must be a promise kept.

14 **SEC. 3. FULL FUNDING OF PART A OF TITLE I OF ESEA.**

15           (a) FUNDING.—There are appropriated, out of any  
16 money in the Treasury not otherwise appropriated—

17           (1) for fiscal year 2011, an amount that equals  
18 the difference between—

19           (A) the amount appropriated for fiscal  
20 year 2011 for programs under part A of title I  
21 of the Elementary and Secondary Education  
22 Act of 1965, as amended by the No Child Left  
23 Behind Act of 2001; and

1 (B) \$17,729,853,000 or the full amount  
2 authorized to be appropriated for that fiscal  
3 year for those programs, whichever is higher;

4 (2) for fiscal year 2012, an amount that equals  
5 the difference between—

6 (A) the amount appropriated for fiscal  
7 year 2012 for programs under part A of title I  
8 of the Elementary and Secondary Education  
9 Act of 1965, as amended by the No Child Left  
10 Behind Act of 2001; and

11 (B) \$21,690,517,000 or the full amount  
12 authorized to be appropriated for that fiscal  
13 year for those programs, whichever is higher;

14 (3) for fiscal year 2013, an amount that equals  
15 the difference between—

16 (A) the amount appropriated for fiscal  
17 year 2013 for programs under part A of title I  
18 of the Elementary and Secondary Education  
19 Act of 1965, as amended by the No Child Left  
20 Behind Act of 2001; and

21 (B) \$26,535,953,000 or the full amount  
22 authorized to be appropriated for that fiscal  
23 year for those programs, whichever is higher;

24 (4) for fiscal year 2014, an amount that equals  
25 the difference between—

1 (A) the amount appropriated for fiscal  
2 year 2014 for programs under part A of title I  
3 of the Elementary and Secondary Education  
4 Act of 1965, as amended by the No Child Left  
5 Behind Act of 2001; and

6 (B) \$32,463,808,000 or the full amount  
7 authorized to be appropriated for that fiscal  
8 year for those programs, whichever is higher;  
9 and

10 (5) for fiscal year 2015, an amount that equals  
11 the difference between—

12 (A) the amount appropriated for fiscal  
13 year 2015 for programs under part A of title I  
14 of the Elementary and Secondary Education  
15 Act of 1965, as amended by the No Child Left  
16 Behind Act of 2001; and

17 (B) \$39,715,885,000 or the full amount  
18 authorized to be appropriated for that fiscal  
19 year for those programs, whichever is higher.

20 (b) USE OF FUNDS.—Funds appropriated under sub-  
21 section (a)—

22 (1) shall be used to carry out programs under  
23 part A of title I of the Elementary and Secondary  
24 Education Act of 1965, as amended by the No Child  
25 Left Behind Act of 2001; and

1           (2) shall be allocated among such programs in  
2           the same ratio as funds otherwise appropriated to  
3           carry out such programs.

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

6           (a) IN GENERAL.—Section 611(i) of the Individuals  
7 with Disabilities Education Act (20 U.S.C. 1411(i)) is  
8 amended to read as follows:

9           “(i) MANDATORY FUNDING.—For the purpose of car-  
10 rying out this part, other than section 619, there are ap-  
11 propriated, out of any money in the Treasury not other-  
12 wise appropriated—

13           “(1) \$13,993,372,000 for fiscal year 2011;

14           “(2) \$17,019,632,000 for fiscal year 2012;

15           “(3) \$20,700,363,000 for fiscal year 2013;

16           “(4) \$25,177,103,000 for fiscal year 2014;

17           “(5) \$30,622,000,000 for fiscal year 2015; and

18           “(6) for fiscal year 2016 and each subsequent  
19 fiscal year—

20           “(A) the number of children with disabil-  
21 ities in the prior school year in the States, out-  
22 lying areas, and freely associated States who re-  
23 ceived special education and related services—

24           “(i) aged 3 through 5 if the States,  
25 outlying areas, and freely associated States

1 are eligible for a grant under section 619;

2 and

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

4 “(B) 40 percent of the average per-pupil

5 expenditure in public elementary schools and

6 secondary schools in the United States; ad-

7 justed by

8 “(C) the rate of annual change in the sum

9 of 85 percent of such State’s, outlying areas,

10 and freely associated State’s population de-

11 scribed in subsection (d)(3)(A)(i)(II).”.

12 (b) **EFFECTIVE DATE.**—The amendment made by

13 subsection (a) shall take effect on October 1, 2010.

14 **SEC. 5. OFFSET.**

15 The amounts appropriated by this Act and the

16 amendments made by this Act shall be expended con-

17 sistent with pay-as-you-go requirements.

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