

116TH CONGRESS
1ST SESSION

H. R. 4673

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.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2019

Mr. HUFFMAN (for himself, Mr. FITZPATRICK, Mr. LOWENTHAL, and Ms. BARRAGÁN) introduced the following bill; which was referred to the Committee on Education and Labor

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 under this subpara-

1 graph for any fiscal year, or if the State
2 does not meet the requirements of this
3 subparagraph, the Secretary shall reallocate
4 such amount to the remaining States in
5 accordance 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 Labor of the House of
6 Representatives and the Committee on Health,
7 Education, Labor, and Pensions of the Senate,
8 a report on the effectiveness of disbursements
9 made from high cost funds for the most recent
10 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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