

105TH CONGRESS
2D SESSION

H. R. 3254

To amend the Individuals with Disabilities Education Act to clarify the requirements relating to reducing or withholding payments to States under that Act.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1998

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

A BILL

To amend the Individuals with Disabilities Education Act to clarify the requirements relating to reducing or withholding payments to States under that 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 “IDEA Technical
5 Amendments Act of 1998”.

6 **SEC. 2. REDUCTION OR WITHHOLDING OF PAYMENTS TO**
7 **STATES.**

8 Section 616(c) of the Individuals with Disabilities
9 Education Act (20 U.S.C. 1416(c)) is amended—

1 (1) by striking “For purposes of this section”
2 and inserting “(1) Notwithstanding subsections (a)
3 and (b)”;

4 (2) by striking “the Secretary, in instances”
5 and all that follows and inserting the following: “the
6 Secretary, in instances where the Secretary finds
7 that the failure to comply substantially with the pro-
8 visions of this part are related to a failure by the
9 public agency during a fiscal year, and the Secretary
10 decides to take corrective action to ensure compli-
11 ance with this part, may take only the following such
12 corrective action (and such corrective action may
13 only be taken with respect to payments for that fis-
14 cal year):

15 “(A) Reduce or withhold payments to the State
16 in an amount that is proportionate to the total funds
17 allotted under section 611 to the State as the num-
18 ber of eligible children with disabilities in adult pris-
19 ons under the supervision of the other public agency
20 is proportionate to the number of eligible individuals
21 with disabilities in the State under the supervision
22 of the State educational agency.

23 “(B) Ensure that any withholding of funds
24 under paragraph (1) shall be limited to the specific

1 agency responsible for the failure to comply with this
2 part.

3 “(2) Upon reduction or withholding of payments to
4 a State for a fiscal year under paragraph (1)—

5 “(A) with respect to children with disabilities
6 who are convicted as adults under State law and in-
7 carcerated in adult prisons, the State shall be
8 deemed to be in compliance with this part for that
9 fiscal year; and

10 “(B) no additional corrective action may be
11 taken against the State with respect to the failure
12 by the public agency described in paragraph (1).

13 “(3) For purposes of paragraph (1)(A), the number
14 of eligible children with disabilities in adult prisons under
15 the supervision of the other public agency and the number
16 of eligible individuals with disabilities in the State under
17 the supervision of the State educational agency shall be
18 determined by the Secretary on the basis of the most re-
19 cent satisfactory data available to the Secretary.”.

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