

116TH CONGRESS
1ST SESSION

S. 1172

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.

IN THE SENATE OF THE UNITED STATES

APRIL 11, 2019

Mr. VAN HOLLEN (for himself, Mr. REED, Mrs. GILLIBRAND, Mr. MERKLEY, Ms. KLOBUCHAR, Ms. HARRIS, Mr. BLUMENTHAL, Ms. SMITH, Mr. BOOKER, Ms. WARREN, Mr. BROWN, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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 Congress finds the following:

1 (1) Children are our Nation’s future and great-
2 est treasure.

3 (2) A high-quality education is the surest way
4 for every child to reach his or her full potential.

5 (3) Part A of title I of the Elementary and Sec-
6 ondary Education Act of 1965 (20 U.S.C. 6311 et
7 seq.) helps address inequity in education in school
8 districts across the United States to provide a high-
9 quality education to every student.

10 (4) The Individuals with Disabilities Education
11 Act (20 U.S.C. 1400 et seq.) guarantees all children
12 with disabilities a first-rate education.

13 (5) The amendments made to such Act by the
14 Individuals with Disabilities Education Improvement
15 Act of 2004 (Public Law 108–446; 118 Stat. 2647)
16 committed Congress to providing 40 percent of the
17 national current average per-pupil expenditure for
18 students with disabilities.

19 (6) A promise made must be a promise kept.

20 **SEC. 3. MANDATORY FUNDING OF PART A OF TITLE I OF**
21 **ESEA.**

22 (a) DEFINITION OF FISCAL YEAR 2019 PART A OF
23 TITLE I APPROPRIATION.—In this section, the term “fis-
24 cal year 2019 part A of title I appropriation” means the
25 amount appropriated for fiscal year 2019 for programs

1 under part A of title I of the Elementary and Secondary
2 Education Act of 1965 (20 U.S.C. 6311 et seq.).

3 (b) FUNDING.—There are appropriated, out of any
4 money in the Treasury not otherwise appropriated—

5 (1) for fiscal year 2020, an amount that equals
6 the difference between—

7 (A) the fiscal year 2019 part A of title I
8 appropriation; and

9 (B) \$17,649,171,000 or the full amount
10 authorized to be appropriated for the fiscal year
11 for those programs, whichever is greater;

12 (2) for fiscal year 2021, an amount that equals
13 the difference between—

14 (A) the fiscal year 2019 part A of title I
15 appropriation; and

16 (B) \$19,640,424,000 or the full amount
17 authorized to be appropriated for the fiscal year
18 for those programs, whichever is greater;

19 (3) for fiscal year 2022, an amount that equals
20 the difference between—

21 (A) the fiscal year 2019 part A of title I
22 appropriation; and

23 (B) \$21,856,338,000 or the full amount
24 authorized to be appropriated for the fiscal year
25 for those programs, whichever is greater;

1 (4) for fiscal year 2023, an amount that equals
2 the difference between—

3 (A) the fiscal year 2019 part A of title I
4 appropriation; and

5 (B) \$24,322,261,000 or the full amount
6 authorized to be appropriated for the fiscal year
7 for those programs, whichever is greater;

8 (5) for fiscal year 2024, an amount that equals
9 the difference between—

10 (A) the fiscal year 2019 part A of title I
11 appropriation; and

12 (B) \$27,066,400,000 or the full amount
13 authorized to be appropriated for the fiscal year
14 for those programs, whichever is greater;

15 (6) for fiscal year 2025, an amount that equals
16 the difference between—

17 (A) the fiscal year 2019 part A of title I
18 appropriation; and

19 (B) \$30,120,143,000 or the full amount
20 authorized to be appropriated for the fiscal year
21 for those programs, whichever is greater;

22 (7) for fiscal year 2026, an amount that equals
23 the difference between—

24 (A) the fiscal year 2019 part A of title I
25 appropriation; and

1 (B) \$33,518,423,000 or the full amount
2 authorized to be appropriated for the fiscal year
3 for those programs, whichever is greater;

4 (8) for fiscal year 2027, an amount that equals
5 the difference between—

6 (A) the fiscal year 2019 part A of title I
7 appropriation; and

8 (B) \$37,300,111,000 or the full amount
9 authorized to be appropriated for the fiscal year
10 for those programs, whichever is greater;

11 (9) for fiscal year 2028, an amount that equals
12 the difference between—

13 (A) the fiscal year 2019 part A of title I
14 appropriation; and

15 (B) \$41,508,465,000 or the full amount
16 authorized to be appropriated for the fiscal year
17 for those programs, whichever is greater; and

18 (10) for fiscal year 2029, \$46,191,622,000 or
19 the full amount authorized to be appropriated for
20 the fiscal year for those programs, whichever is
21 greater.

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

3 Section 611(i) of the Individuals with Disabilities
4 Education Act (20 U.S.C. 1411(i)) is amended to read
5 as follows:

6 “(i) FUNDING.—

7 “(1) IN GENERAL.—For the purpose of car-
8 rying out this part, other than section 619, there are
9 authorized to be appropriated—

10 “(A) \$14,036,427,000 or 16.2 percent of
11 the amount determined under paragraph (2),
12 whichever is greater, for fiscal year 2020, and
13 there are hereby appropriated \$1,651,792,000
14 or 1.9 percent of the amount determined under
15 paragraph (2), whichever is greater, for fiscal
16 year 2020, which shall become available for ob-
17 ligation on July 1, 2020, and shall remain
18 available through September 30, 2021;

19 “(B) \$15,908,525,000 or 17.9 percent of
20 the amount determined under paragraph (2),
21 whichever is greater, for fiscal year 2021, and
22 there are hereby appropriated \$3,523,890,000
23 or 3.9 percent of the amount determined under
24 paragraph (2), whichever is greater, for fiscal
25 year 2021, which shall become available for ob-

1 ligation on July 1, 2021, and shall remain
2 available through September 30, 2022;

3 “(C) \$18,030,313,000 or 19.8 percent of
4 the amount determined under paragraph (2),
5 whichever is greater, for fiscal year 2022, and
6 there are hereby appropriated \$5,645,678,000
7 or 6.1 percent of the amount determined under
8 paragraph (2), whichever is greater, for fiscal
9 year 2022, which shall become available for ob-
10 ligation on July 1, 2022, and shall remain
11 available through September 30, 2023;

12 “(D) \$20,435,093,000 or 21.9 percent of
13 the amount determined under paragraph (2),
14 whichever is greater, for fiscal year 2023, and
15 there are hereby appropriated \$8,050,458,000
16 or 8.5 percent of the amount determined under
17 paragraph (2), whichever is greater, for fiscal
18 year 2023, which shall become available for ob-
19 ligation on July 1, 2023, and shall remain
20 available through September 30, 2024;

21 “(E) \$23,160,608,000 or 24.2 percent of
22 the amount determined under paragraph (2),
23 whichever is greater, for fiscal year 2024, and
24 there are hereby appropriated \$10,775,973,000
25 or 11.1 percent of the amount determined

1 under paragraph (2), whichever is greater, for
2 fiscal year 2024, which shall become available
3 for obligation on July 1, 2024, and shall remain
4 available through September 30, 2025;

5 “(F) \$26,249,637,000 or 26.8 percent of
6 the amount determined under paragraph (2),
7 whichever is greater, for fiscal year 2025, and
8 there are hereby appropriated \$13,865,003,000
9 or 14 percent of the amount determined under
10 paragraph (2), whichever is greater, for fiscal
11 year 2025, which shall become available for ob-
12 ligation on July 1, 2025, and shall remain
13 available through September 30, 2026;

14 “(G) \$29,750,664,000 or 29.6 percent of
15 the amount determined under paragraph (2),
16 whichever is greater, for fiscal year 2026, and
17 there are hereby appropriated \$17,366,029,000
18 or 17.2 percent of the amount determined
19 under paragraph (2), whichever is greater, for
20 fiscal year 2026, which shall become available
21 for obligation on July 1, 2026, and shall remain
22 available through September 30, 2027;

23 “(H) \$33,718,637,000 or 32.7 percent of
24 the amount determined under paragraph (2),
25 whichever is greater, for fiscal year 2027, and

1 there are hereby appropriated \$21,334,002,000
2 or 20.6 percent of the amount determined
3 under paragraph (2), whichever is greater, for
4 fiscal year 2027, which shall become available
5 for obligation on July 1, 2027, and shall remain
6 available through September 30, 2028;

7 “(I) \$38,215,836,000 or 36.2 percent of
8 the amount determined under paragraph (2),
9 whichever is greater, for fiscal year 2028, and
10 there are hereby appropriated \$25,831,201,000
11 or 24.4 percent of the amount determined
12 under paragraph (2), whichever is greater, for
13 fiscal year 2028, which shall become available
14 for obligation on July 1, 2028, and shall remain
15 available through September 30, 2029; and

16 “(J) \$43,312,845,000 or 40 percent of the
17 amount determined under paragraph (2),
18 whichever is greater, for fiscal year 2029 and
19 each subsequent fiscal year, and there are here-
20 by appropriated \$43,312,845,000 or 40 percent
21 of the amount determined under paragraph (2),
22 whichever is greater, for fiscal year 2029 and
23 each subsequent fiscal year, which—

24 “(i) shall become available for obliga-
25 tion with respect to fiscal year 2029 on

1 July 1, 2029, and shall remain available
2 through September 30, 2030; and

3 “(ii) shall become available for obliga-
4 tion with respect to each subsequent fiscal
5 year on July 1 of that fiscal year and shall
6 remain available through September 30 of
7 the succeeding fiscal year.

8 “(2) AMOUNT.—With respect to each subpara-
9 graph of paragraph (1), the amount determined
10 under this paragraph is the product of—

11 “(A) the total number of children with dis-
12 abilities in all States who—

13 “(i) received special education and re-
14 lated services during the last school year
15 that concluded before the first day of the
16 fiscal year for which the determination is
17 made; and

18 “(ii) were aged—

19 “(I) 3 through 5 (with respect to
20 the States that were eligible for
21 grants under section 619); and

22 “(II) 6 through 21; and

1 “(B) the average per-pupil expenditure in
2 public elementary schools and secondary schools
3 in the United States.”.

○