



Council for  
Exceptional  
Children

*Summary of House Passed  
Bill  
H.R. 1350*

June 2003

# The Council for Exceptional Children

## **CEC: Leading the Way**

The Council for Exceptional Children (CEC) is the largest professional organization committed to improving educational outcomes for individuals with exceptionalities. CEC accomplishes its worldwide mission on behalf of educators and others working with children with exceptionalities by advocating for appropriate government policies, setting professional standards, providing continuing professional development, and assisting professionals in obtaining conditions and resources necessary for effective professional practice.

## **CEC: The Unifying Force of a Diverse Field**

A private nonprofit membership organization, the Council for Exceptional Children was established in 1922. CEC is an active network of 59 state/provincial units, 17 special-interest divisions, hundreds of local chapters and subdivisions, and more than 50,000 individual members in the United States and 82 other countries.

## **The CEC Information Center: International Resource for Topics in Special and Gifted Education**

The Council for Exceptional Children is a major publisher of special education literature and produces a comprehensive catalog semiannually. Journals such as *TEACHING Exceptional Children* and *Exceptional Children*, and a newsletter, *CEC Today*, reach over 100,000 readers and provide a wealth of information on the latest teaching strategies, research, resources, and special education news.

## **Summary of House Passed Bill H.R. 1350**

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## **INTRODUCTION**

The Council for Exceptional Children (CEC) is the largest professional organization of teachers, administrators, parents, and others concerned with the education of children with disabilities, giftedness, or both.

The Council for Exceptional Children is committed to the achievement of successful outcomes for children and youth with exceptionalities, through the promotion of professional excellence in special education and the provision of high quality professional supports and quality conditions for teaching and learning.

CEC published IDEA Reauthorization Recommendations in April of 2002 that have been disseminated widely to Members of Congress. Many of CEC's recommendations are contained in H.R. 1350 and we appreciate the attention given to them by Congress. In addition, CEC has serious concerns about several of the provisions in H.R. 1350, provisions that we believe are not in the best interest of children with disabilities, their families, and the professionals who work on their behalf.

This analysis of H.R. 1350 provides the reader with changes proposed to existing law. CEC has addressed Part A through D of the law. We do not guarantee to have covered every possible change proposed in this Bill. CEC has attempted to provide an extensive review of Part D since H.R. 1350 proposes to restructure the architecture of this Part, to reorganize and revise many of its programs, and to move responsibility in the U.S. Department of Education for the administration of some of its programs from the Office of Special Education Programs to the Institute of Education Sciences.

The upcoming IDEA reauthorization provides an important opportunity to continue CEC's efforts to assist in ensuring effective implementation of IDEA. As IDEA reauthorization proceeds, CEC will continue to carefully examine the implementation of the Part B Grants to States Program and the Preschool Grants Program; Part C, the Infants and Toddlers Program under IDEA; and the national support programs under Part D of IDEA. As the IDEA reauthorization process unfolds, we look forward to continuing to receive input on these and other issues from CEC members. CEC will engage in the dynamic reauthorization process and intends to consider other proposals that may come forward and take positions as may be appropriate.

## **PART A – GENERAL PROVISIONS**

This part of the Act addresses multiple topics that apply throughout IDEA. According to the House bill, as passed by the full House, the major sections in this part include:

- Sec. 601 – Short Title; Table of Contents; Findings; Purposes
- Sec. 602 – Definitions
- Sec. 603 – Office of Special Education Programs
- Sec. 604 – Abrogation of State Sovereign Immunity
- Sec. 605 – Acquisition of Equipment; Construction or Alteration of Facilities
- Sec. 605 – Employment of Individuals with Disabilities
- Sec. 607 – Requirements for Prescribing Regulations
- Sec. 608 – State Administration

### **Findings (Sec. 601(c))**

#### **Changes Proposed To Existing Law**

- Adds reference to providing incentives for scientifically based reading programs as a means of effectively educating children with disabilities. **(Sec. 601(c)(4)(E))**.
- Adds language to findings related to focusing resources on teaching and learning while reducing paperwork and requirements that do not assist in improving educational results. **(Sec. 601(c)(4)(F))**.
- Adds finding on development and use of technology to maximize accessibility for children with disabilities. **(Sec. 601(c)(4)(G))**.
- Deletes language related to the percentages of children in various minority groups in public schools and America’s racial profile. **(Current Law - Sec. 601(c)(7)(B) & (D))**.
- Deletes specific findings on the extent of minorities in the teaching profession. **(Current Law – Sec. 601(c)(9)(E)-(H))**.

### **Definitions (Sec. 602)**

#### **Changes Proposed To Existing Law**

- Adds to the definition of “child aged 3 through 9” under child with a disability, the following – “...or any subset of that age range, including ages 3 through 5...” **(Sec. 602(3)(B))**.
- Adds to the definition of FAPE “...that is reasonably calculated to provide educational benefit to enable the child with a disability to access the general curriculum...” **(Sec. 602(8)(C))**.
- Adds the definition of “highly qualified” which has the same meaning as that term in Section 9101 of the ESEA of 1965. **(Sec. 602(9))**.
- Adds the following to the definition of transition services – “(A)...results [oriented process] that is focused on improving the academic and developmental achievement of the child with a disability to facilitate the child’s move... .” In addition, adds the

term “**skills**” to the definition as follows- “(B) is based upon the individual child’s needs, taking into account the child’s **skills**, preferences, and interests;” (Sec. 602(31)(A) and (B)).

### **Employment of Individuals with Disabilities (Sec. 606)**

#### **Changes Proposed to Existing Law**

- Adds language to the existing requirement that the Secretary ensures that recipients of IDEA funding make positive efforts to employ and advance in employment qualified individuals with disabilities. The new language specifies this requirement particularly relates to “teachers, related services personnel, early intervention providers, and administrators.” (Sec. 606).

### **Requirements for Prescribing Regulations (Sec. 607)**

#### **Changes Proposed To Existing Law**

- Adds to the General Introduction of this section that, “The Secretary may issue such regulations as are reasonably necessary to ensure that there is compliance with this Act.” (Sec. 607(a)).
- Reduces the public comment period on any regulation proposed under Part B or Part C from “at least 90 days” to “at least 60 days” (Sec. 607(c)).
- Deletes all specific procedures for addressing policy issues of national significance by the Secretary. (Current Law - Sec. 607(e)).

### **State Administration (Sec. 608)**

#### **Changes Proposed To Existing Law**

- Adds criteria for the development of state rules, regulations and policies - ensuring these conform to the purposes of the Act; minimizing their number; and identifying in writing to LEAs and the Secretary when these exceed federal requirements. (Sec. 608).
- Adds multiple Comptroller General reviews/reports, to be completed no later than two years after the date of enactment of the Act, on paperwork, disability definitions, distance learning professional development programs, and Limited English Proficient children. (Sec. 608).

## **PART B – ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES**

This part of the IDEA addresses funding, state and local education agency eligibility, evaluations, eligibility determinations, individualized education programs, educational placements, procedural safeguards, withholding and judicial review, administration, program information, and preschool grants. Specific sections identified in the House Bill include:

- Sec. 611 – Authorization; allotment; use of funds; authorization of appropriations
- Sec. 612 – State eligibility
- Sec. 613 – Local educational agency eligibility
- Sec. 614 – Evaluations, eligibility determinations, individualized education programs, and educational placements
- Sec. 615 – Procedural safeguards
- Sec. 616 – Withholding and judicial review
- Sec. 617 – Administration
- Sec. 618 – Program information
- Sec. 619 – Preschool grants

### **Authorization; Allotment; Use of Funds; Authorization of Appropriations (Sec. 611)**

#### **Allocations to States (Sec. 611(a) and (d))**

##### **Changes Proposed To Existing Law**

- Adds limitation to maximum grant a state may receive under Part B – 13.5 percent of the number of all children ages 3 through 17 in the state. **(Sec. 611(a)(3))**.
- Deletes reference to reserving funds for studies and evaluations under Section 674(e) before allocating Part B monies to states. **(Current Law – Sec. 611(d)(1))**.
- Deletes the phrase “equal to or” from provision describing procedures for determining allocations to states when there is an increase in federal funds. **(Current Law – Sec. 611(e)(3))**.

#### **State-Level Activities (Sec. 611(e))**

##### **Changes Proposed To Existing Law**

- Restricts the amount of set-aside for state administration to 20 percent of the overall allocation that can be retained by the state educational agency or \$750,000, whichever is greater. **(Sec. 611(e)(2)(I))**.
- Deletes the development of a state improvement plan under subpart 1 of Part D as a state-level activity. **(Current Law – Sec. 611(f)(3)(E))**.
- Adds options to state-level activities including establishment of voluntary arbitration processes; paperwork reduction; expanding use of technology in IEP process;

development of support system for K-12 students not enrolled in special education; and designates that the special subgrants created in the 1997 amendments to IDEA now be used to provide technical assistance or direct services to LEAs in need of improvement under Section 1116 of ESEA of 1965. **(Sec. 611(e)(4) and (5)).**

- Deletes reference to coordination of and building upon system of services developed by the state under Part C. **(Current Law – Sec. 611(f)(3)(G)).**
- Adds state cost-sharing activity, up to 40 percent of overall state set-aside, to assist LEAs in providing high cost special education and related services through cost or risk sharing funds, consortia, and cooperatives. **(Sec. 611(e)(4)).**

### **Subgrants to Local Educational Agencies (Sec. 611(f))**

#### **Changes Proposed To Existing Law**

- Deletes subgrants to LEAs for capacity-building and improvement. **(Current Law – Sec 611(f)(4)).**
- Adds a reference to public charter schools that operate as LEAs as eligible recipients of the flow-through subgrants. **(Sec. 611(f)(1)).**
- Deletes references to former chapter 1 state agencies regarding allocation of funds. **(Current Law – Sec 611(g)(3)).**

### **Authorization of Appropriations (Sec. 611(i))**

#### **Changes Proposed To Existing Law**

- Adds specific authorization amounts to be appropriated for fiscal years 2004-2010. **(Sec. 611(i)).**

### **State Eligibility (Sec. 612)**

#### **In General (Sec. 612(a))**

#### **Changes Proposed To Existing Law**

- Replaces “demonstrates to the satisfaction of” the Secretary to “reasonably demonstrates to” the Secretary that the state has in effect policies and procedures in order to eligible for a grant under Part B. **(Sec. 612(a)).**

### **Children in Private Schools Enrolled by their Parents (Sec. 612(a)(10)(A))**

#### **Changes Proposed To Existing Law**

- Adds provision for timely and meaningful consultation with representatives of children enrolled in private schools prior to conducting child find process. **(Sec. 612(a)(10)(A)(i)(II)).**

- Adds provision for LEA to maintain records and report to the SEA on number of children evaluated and determined to be children with disabilities. **(Sec. 612(a)(10)(A)(i)(V))**.
- Adds time period for completion of child find process to be comparable to public school child find process. **(Sec. 612(a)(10)(A)(ii))**.
- Adds provision requiring consultation with representatives of parentally-placed children during the design and development of special education and related services so that private school children can participate equitably and meaningfully, including discussion of alternate service delivery mechanisms. **(Sec. 612(a)(10)(A)(iii))**.
- Adds the right of a private school official to complain to the state educational agency that the local educational agency did not engage in meaningful and timely consultation including the right to convey the complaint to the US Secretary of Education if dissatisfied with the decision of the state educational agency. **(Sec. 612(a)(10)(A)(iv))**.
- Adds authority for the public agency to provide special education and related services directly or through contracts with public and private agencies; declares all services to be secular, neutral, and non-ideological; and provides that control of funds and property shall remain in the public domain. **(Sec. 612(a)(10)(A)(v and vi))**.

#### **Comprehensive System of Personnel Development (Sec. 612(a)(14))**

##### **Changes Proposed To Existing Law**

- Deletes Comprehensive System of Personnel Development. **(Current Law - Sec. 612(a)(14))**.

#### **Personnel Standards (Sec. 612(a)(14))**

##### **Changes Proposed To Existing Law**

- Adds standard for ensuring that special education teachers who teach in core academic subjects are highly qualified in those subjects. **(Sec. 612(a)(14)(B)(i))**.
- Deletes standard for retraining or hiring of personnel who meet highest requirements in the state. **(Current Law - Sec. 612(a)(15)(B)(ii))**.
- Deletes policy on good-faith effort to recruit and hire qualified staff, shortages of personnel, and timeline of three years. **(Current Law - Sec. 612(a)(15)(c))**.
- Adds provision requiring the state educational agency to encourage the development and use of innovative strategies to deliver intensive professional development that improve educational results for students and that are both cost-effective and accessible. **(Sec. 612(a)(14)(C))**.

### **Performance Goals and Indicators (Sec. 612(a)(15))**

#### **Changes Proposed To Existing Law**

- Adds references to section 1111(b)(2)(C) of the ESEA of 1965 regarding adequate yearly progress and measurable annual objectives with annual reporting to Secretary. (Sec. 612(a)(15)(A)and(B)).

### **Participation in Assessments (Sec. 612(a)(16))**

#### **Changes Proposed To Existing Law**

- Adds references to assessments under Title 1 of ESEA of 1965, appropriate accommodations on IEPs, and LEA responsibilities for district-wide assessments. (Sec. 612(a)(16)).

### **Dispute Resolution (Sec. 612(a)(17))**

#### **Changes Proposed To Existing Law**

- Requires that the state have in effect systems of mediation and voluntary binding arbitration pursuant to section 615(e). See Procedural Safeguards section of this summary. (Sec. 612(a)(17)).

### **State Advisory Panel (Sec. 612(a)(21))**

#### **Changes Proposed To Existing Law**

- Adds “ages birth through 26” to parents of children with disabilities serving on the panel. (Sec. 612(a)(21)).

### **Suspension and Expulsion Rates (Sec. 612(a)(22))**

#### **Changes Proposed To Existing Law**

- Adds a requirement that data examined by the state educational agency to determine discrepancies in the rate of long-term suspensions and expulsions should include data disaggregated by race and ethnicity.(Sec. 612(a)(22)(A)).

### **Instructional Materials(Sec. 612(a)(23))**

#### **Changes Proposed To Existing Law**

- Adds a section requiring the state to adopt the national instructional materials accessibility standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities. (Sec. 612(a)(23)).

### **Overidentification and Disproportionality (Sec. 612(a)(24))**

#### **Changes Proposed To Existing Law**

- Adds a provision requiring the state to maintain policies and procedures to prevent the overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including with respect to a particular impairment. (Sec. 612(a)(24)).

### **Prohibition on Psychotropic Medication (Sec. 612(a)(25))**

#### **Changes Proposed To Existing Law**

- Adds a provision requiring that school personnel be prohibited from requiring a child to obtain a prescription for certain substances as a condition for attending school or receiving services (Sec. 612(a)(25)).

### **By-Pass for Children in Private Schools (Sec. 612(f))**

#### **Changes Proposed To Existing Law**

- Deletes by-pass provision for children with disabilities enrolled in private schools by their parents. (Sec. 612(f)).

### **Local Educational Agency (LEA) Eligibility (Sec. 613)**

#### **LEA Eligibility – In General (Sec. 613(a))**

#### **Changes Proposed To Existing Law**

- Replaces the phrase “Demonstrates to the satisfaction of” with “reasonably demonstrates” to the SEA that the LEA will meet specific requirements under Part B of IDEA in order to be eligible for assistance. (Sec. 613(a)).

#### **Treatment of Federal Funds In Certain Fiscal Years (Sec. 613(a)(2)(C)(ii))**

#### **Changes Proposed To Existing Law**

- Adds a provision that if an LEA chooses to treat 20 percent of its Part B funds (those funds that exceed the Part B funds received the previous year,) in any fiscal year, as local funds, the LEA must use these funds to provide additional funding under the ESEA of 1965. (Sec. 613(a)(2)(C)(ii)).

### **Personnel Development (Sec. 613(a)(3))**

#### **Changes Proposed To Existing Law**

- Deletes the provision that an LEA, if it determines to be appropriate, shall contribute to and use the comprehensive system of personnel development established of the state. **(Current Law – Sec. 613(a)(3)(B))**.
- Adds the provision that the LEA, in ensuring that all personnel necessary to carry out Part B are appropriately and adequately prepared, shall do so consistent with Section 1119 of ESEA of 1965. **(Sec. 613(a)(3))**.

### **Permissive Use of Funds (Sec. 613(a)(4)(B)-(E))**

#### **Changes Proposed To Existing Law**

- Adds multiple activities that an LEA may use its Part B funds for including prereferral services, high cost education and related services, case management and administration and supplemental educational services for children with disabilities in schools designated for improvement under the ESEA of 1965 (NCLB). **(Sec. 613(a)(4)(B)-(E))**.

### **Coordinated Services System (Current Law - (Sec. 613(f))**

#### **Changes Proposed To Existing Law**

- Deletes provisions for a coordinated services system that included activities such as the facilitation of linkages with Part C and other federal programs, developing and implementing interagency finance strategies, and interagency personnel development. **(Current Law – Sec. 613(f))**.

### **Prereferral Services (Sec. 613(f)(1)-(5))**

#### **Changes Proposed To Existing Law**

- Adds “prereferral services” which permits an LEA to use up to 15 percent of its Part B funds for students who have not been identified as needing special education and related services but who need additional academic and behavioral support to succeed in a general education environment. Activities permitted under this subsection include professional development, scientifically based literacy instruction, speech therapy, behavioral evaluations and services and supports, and coordination with ESEA of 1965. **(Sec. 613(f)(1)-(5))**.

## **School-Based Improvement Plan (Current Law - (Sec. 613(g))**

### **Changes Proposed To Existing Law**

- Deletes current provisions for the development of a school-based improvement plan. **(Current Law – Sec. 613(g)).**

## **Evaluations and Eligibility Determinations (Sec. 614(a)-(c))**

This portion of section 614 addresses the evaluation of a student who is suspected to have a disability, required parental consent of the evaluation and of services, reevaluations of students already receiving special education and related services, and determination of eligibility for special education and related services.

### **Initial Evaluations (Sec. 614(a)(1))**

#### **Changes Proposed to Existing Law**

- Adds a paragraph that allows either a parent of a child, a State educational agency, other State agency as appropriate, or local educational agency to initiate a request for an initial evaluation to determine if the child is a child with a disability. **(Sec. 614(a)(1)(B)).**
- Adds language under the “Parental Consent” provisions that requires LEAs to obtain informed parental consent before providing special education and related services to the child, not just for the initial evaluation. **(Sec. 614(a)(1)(D)).**
- Adds language allowing the LEA to proceed with an initial evaluation if the parents fail to respond to a request for evaluation, but prohibiting the LEA from providing special education and related services to the child without consent. **(Sec. 614(a)(1)(D)).**
- Adds language that clarifies the LEA is not required to convene an IEP meeting or develop an IEP for a child if there is an absence of consent for an initial evaluation or services. **(Sec. 614(a)(1)(D)).**
- Adds a provision stating that the screening of a student to determine instructional strategies for curriculum implementation shall not be considered an evaluation under this section. **(Sec. 614(a)(1)(E)).**

### **Reevaluations (Sec. 614(a)(2))**

#### **Changes Proposed to Existing Law**

- Limits reevaluations to no more than once a year unless the parent and the LEA agree otherwise. **(Sec. 614(a)(2)(B)).**
- Adds a waiver to the requirement that a reevaluation occur at least every three years, if the parent and the LEA agree that a reevaluation is unnecessary. **(Sec. 614(a)(2)(B)).**

### **Academic Evaluation (Sec. 614(b)(2)(A))**

#### **Changes Proposed to Existing Law**

- Adds a requirement that the LEA, in addition to gathering relevant functional and developmental information in conducting an evaluation, will also gather academic information. **(Sec. 614(b)(2)(A))**.

### **Assessment in the Child's Native Tongue (Sec. 614(b)(3)(A))**

#### **Changes Proposed to Existing Law**

- Alters the current language of law stating that assessments be provided in the child's native language or other mode of communication to a requirement that they be provided in the language and form most likely to yield accurate academic and developmental data unless it is clearly not feasible to do so. **(Sec. 614(b)(3)(A)(ii))**.

### **Determination of Eligibility (Sec. 614(b)(5))**

#### **Changes Proposed to Existing Law**

- Adds language to the "Special Rule for Eligibility Determination" provision expanding the identification exemption on the basis of "lack of instruction" to read that a child will not be determined to have a disability if the determinate factor is lack of scientifically based instruction practices and programs that contain the essential components of reading instruction, as defined in ESEA. **(Sec. 614(b)(5))**.

### **Specific Learning Disability (Sec. 614(b)(6))**

#### **Changes Proposed to Existing Law**

- Adds language that states LEAs, when determining whether a child has a specific learning disability, are not required to take into consideration whether the child has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning. **(Sec. 614(b)(6)(A))**.
- Adds a provision that allows LEAs to use a process that determines if a child responds to scientific, research-based intervention when determining whether a child has a specific learning disability. **(Sec. 614(b)(6)(B))**.

## Additional Requirements for Evaluation and Reevaluations (Sec. 614(c))

### Changes Proposed to Existing Law

- Adds language clarifying that evaluations and reevaluations should include data on academic achievement and related developmental needs of the child. **(Sec. 614(c)(1)(B)(ii)).**
- Adds a new qualifier that the LEA will evaluate a child with a disability prior to graduation, and before determining that the child is no longer a child with a disability, only in instances where the IEP team is not in agreement regarding the change in eligibility. **(Sec. 614(c)(5)).**

## **Individualized Education Program (IEP)(Sec. 614 (d))**

### IEP (Sec. 614(d)(1)(A))

### Changes Proposed To Existing Law

- Replaces “educational performance” with “academic achievement” in statement of present levels. **(Sec. 614(d)(1)(A)(i)(I)).**
- Deletes the requirements for *benchmarks or short-term objectives* at the beginning of the 2005-2006 school year, except in the case of children with disabilities who take alternate assessments aligned to alternate achievement standards. **(Current Law – Sec. 614(d)(1)(A)(ii)).**
- Adds the phrase “based on peer-reviewed research to the extent practicable” to statement of special education and related services and supplementary aids and services. **(Current Law – Sec. 614(d)(1)(A)(i)(III)).**
- Adds the phrases “appropriate accommodations” and “to measure the academic achievement of the child” to statement of state or district-wide assessments. **(Sec. 614(d)(1)(A)(i)(v)(aa)).**
- Deletes the phrase “the extent to which that progress is sufficient to enable the child to achieve the goal by the end of the year” in the statement on regularly informing parents of their child’s progress. **(Current Law – Sec. 614(d)(1)(A)(viii)(II)(bb)).**
- Adds criteria under rule of construction that no additional information is required in a child’s IEP beyond what is explicitly stated in the statute. **(Sec. 614(d)(1)(A)(ii)(I)).**
- Adds disclaimers on the participation of regular education teachers in IEP meetings, including aspects of content in the IEP relative to participating in regular education, and number of regular education teachers required to attend a meeting. **(Sec. 614(d)(1)(B)(ii)).**
- Adds the phrase “the academic and developmental needs of the child” to those factors an IEP team must consider in developing an IEP. **(Sec. 614(d)(3)(A)(ii)).**
- Replaces the word “as” with the word “if” regarding a regular education teacher being a member of the IEP team. **(Sec. 614(d)(3)(C)).**
- Adds provision for parent and LEA to jointly excuse any member from attending an IEP meeting. **(Sec. 614(d)(3)(D)).**

- Adds provision for parent and LEA to make changes in IEP without holding a meeting and without all members involved. **(Sec. 614(d)(3)(E)and(G))**.
- Adds provision that encourages the consolidation of IEP meetings. **(Sec. 614(d)(3)(F))**.
- Adds extensive procedures for the development of a “multi-year” IEP at the option of the parent, including “streamlined” and “comprehensive” reviews at each of a child’s natural transition points. **(Sec. 614(d)(5))**.
- Adds alternative means for conducting IEP and placement meetings such as video-conferences and conference calls. **(Sec. 614(f))**.

### **Sense of Congress (Sec. 614(b)(2))**

#### **Changes Proposed to Existing Law**

- Adds a “Sense of Congress” that students who have not been diagnosed by a physician or other person certified by a state health board as having a disability (as defined under the IDEA) should not be classified as children with disabilities for purposes of receiving services under the Act. **(Sec. 614(b)(2))**.
- Adds a further “Sense of Congress” that students with behavioral problems who have not been diagnosed by a physician or other person certified by a state health board as having a disability should be subject to the regular school disciplinary code. **(Sec. 614(b)(2))**.

### **Procedural Safeguards (Sec. 615)**

This section of the Act addresses such topics as written prior notice, mediation, voluntary binding arbitration, procedural safeguards notice, due process hearings, and discipline.

### **Types of Procedures (Sec. 615(b))**

#### **Changes Proposed to the Existing Law**

- Adds voluntary binding arbitration. **(Sec. 615(b)(5))**.
- Adds a one-year statute of limitation for filing a complaint. **(Sec. 615 (b)(6)(B))**.
- Adds reference to contact information for homeless children when filing written notice for a due process hearing. **(Sec. 615)(b)(7)(A)(ii))**.
- Adds a provision that a parent or attorney representing a child may not have a due process hearing until they provide written notice to the LEA or SEA, as appropriate. **(Sec. 615(b)(7)(B))**.

### **Content of Prior Written Notice (Sec. 615(c))**

#### **Changes Proposed to Existing Law**

- Deletes a description of any other options that the agency considered and the reasons why those options were rejected. **(Current Law – Sec. 615(c)(3))**.

- Deletes a description of any other factors that are relevant to the agency’s proposal or refusal. **(Current Law – Sec. 615(c)(5)).**

### **Procedural Safeguards Notice (Sec. 615(d))**

#### **Changes Proposed to Existing Law**

- Adds the following times when a parent must be given a copy of the procedural safeguards notice: [upon] parental request [for evaluation]; annually, at the beginning of the school year; and upon written request of a parent. **(Sec. 615(d)(1)).**
- Deletes the following times when a parent must be given a copy of the procedural safeguards notice: upon each notification of an IEP meeting; reevaluation of the child; and upon registration of a complaint. **(Current Law – Sec. 615(d)(1)).**
- Replaces the words “a full explanation” with “a description” of the content in the procedural safeguards notice provided to parents. **(Sec. 615(d)(2)).**
- Adds early dispute resolution and voluntary binding arbitration to the content in a procedural safeguards notice. **(Sec. 615(d)(2)(I)).**

### **Mediation and Voluntary Binding Arbitration (Sec. 615(e))**

#### **Changes Proposed to Existing Law**

- Expands the availability of mediation to include matters arising prior to the filing of a complaint. **(Sec. 615(e)(1)(A)).**
- Deletes the minimum availability of mediation to whenever hearings were requested. **(Current Law – Sec. 615(e)(1)).**
- Replaces the words “to require” with “to offer” parents who choose not to use mediation to meet with a disinterested third party. **(Sec. 615(e)(1)(B)(ii)).**
- Adds extensive procedures for the establishment and implementation of a process for resolving disputes through voluntary binding arbitration in lieu of a due process hearing. **(Sec. 615(e)(2)).**

### **Impartial Due Process Hearing (Sec. 615(f))**

#### **Changes Proposed to Existing Law**

- Deletes the provision that due process hearings could be conducted by the LEA as determined by state law or the SEA. **(Current Law – Sec. 615(f)(1)).**
- Adds procedures for conducting a “resolution session” prior to a due process hearing including timelines and definition of meeting. **(Sec. 615(f)(1)(B)).**
- Adds criteria to selection of hearing officer to state that an individual can’t have “a personal or professional interest that would conflict with his or her objectivity in the hearing.” **(Sec. 615(f)(3)(A)(ii)).**
- Adds provision restricting either parties’ ability to raise issues at a due process hearing that have not been raised in the compliant, discussed in a resolution session, or properly disclosed unless agreed to by both parties. **(Sec. 615(f)(3)(B)).**

### **Appeal (Sec. 615(g))**

#### **Changes Proposed to Existing Law**

- Deletes appeal to SEA if hearing conducted by LEA. (**Current Law – Sec. 615(g)**).

### **Safeguards (Sec. 615(g))**

#### **Changes Proposed to Existing Law**

- Adds the right to be represented by non-attorney advocates in a due process hearing. (**Sec. 615(g)(1)**).
- Deletes the transmission of hearing decisions to the state advisory panel for special education LEA. (**Current Law – Sec. 615(h)(4)**).

### **Administrative Procedures (Sec. 615(h))**

#### **Changes Proposed to Existing Law**

- Redesignates “administrative procedures” as Section 615(h); deletes all references to appeals at state level; and revises procedures for determining the amount of attorneys’ fees by designating that the fee is set by the Governor or other appropriate state official. (**Sec. 615 (h)**).

### **Placement In Alternative Educational Setting (Sec. 615(j))**

#### **Changes Proposed to Existing Law**

- Adds the terminology “who violates a code of student conduct policy” under authority of school personnel for a change of placement for not more than 10 school days. (**Sec. 615(j)(1)(A)**).
- Deletes references to weapons and drugs under authority of school personnel for a change of placement for not more than 45 school days and replaces with “who violates a code of student conduct policy.” (**Current Law – Sec. 615(k)(1)(A)(ii)**).
- Adds exception to 45 school days time limit which states that “...except that the change in placement may last beyond 45 school days if required by state law or regulation for the violation in question, to ensure the safety and appropriate educational atmosphere in the schools under the jurisdiction of the LEA. (**Sec. 615(j)(1)(B)**).
- Deletes conducting a “functional behavioral assessment” and developing a “behavioral intervention plan.” (**Current Law – Sec. 615(k)(1)(B)**).
- Deletes authority of hearing officer to order a change of placement when maintaining the placement of the child is “substantially likely to result in injury to the child or to others.” (**Current Law – Sec. 615(k)(2)**).
- Deletes provision of services and modifications, continued participation in general curriculum (although in another setting), and addressing behavior so that it does not

recur for a change in placement for not more than 10 school days. (**Current Law – Sec. 615(k)(3)(B)**).

- Deletes references to “manifestation determination” and “determination that behavior was not manifestation of disability.” (**Current Law – Sec. 615(k)(4)and(5)**).
- Deletes references to “manifestation determination,” “expedited” hearing, and “hearing officer review “of manifestation determination under “parent appeal procedures.” (**Current Law – Sec. 615(k)(6)**).
- Deletes references to manifestation determination under “placement during appeals” and the pendency procedures including expedited hearings for addressing any proposed change of placement after the time provided for the disciplinary action has expired. (**Current Law – Sec. 615(k)(7)(B)and(C)**).
- Adds under “protections for children not yet eligible for special education and related services/basis of knowledge” the phrase “...before the behavior that precipitates the disciplinary action occurred” and that expressed concerns by school staff be in writing (**Sec. 615(j)(5)(B)**).
- Deletes under “protections for children not yet eligible for special education and related services/basis of knowledge” the criteria that “the behavior or performance of the child demonstrates the need to such services (**Current Law – Sec. 615(k)(8)(B)**).
- Deletes the definition of “controlled substance,” “illegal drugs,” “substantial evidence,” and “weapon.” (**Current Law – Sec. 615(k)(10)**).

### **Monitoring, Enforcement, Withholding, and Judicial Review (Sec. 616)**

#### **Changes Proposed to Existing Law**

- Adds new federal monitoring activities with a particular focus on improving educational results for all children with disabilities, while ensuring compliance with program requirements. (**Sec. 616(a)**).
- Adds required indicators of States’ progress on improving educational results for children with disabilities that address information and data on:
  - Achievement results on State or district assessments including use of accommodations;
  - Achievement results on State or district alternate assessments;
  - Comparisons of graduation rates between children with disabilities and nondisabled children; and
  - Comparisons of drop out rates between children with disabilities and nondisabled children. (**Sec. 616(b)(1)**).
- Adds language that the Secretary may also give priority to the following permissive areas for federal Part B monitoring:
  - Provision of appropriate educational services in the LRE, including access to general curriculum with accommodations, addressing behavior that impedes learning, and participation/performance on state and local assessments including alternate assessments;

- Secondary transition, including planning while in school and preparation for post-secondary education, employment, and adult life; and
  - A State's exercise of its general supervisory authority, including effective monitoring, and use of complaint resolution, mediation, and voluntary binding arbitration. **(Sec. 616(b)(2)(A))**.
- Adds language that the Secretary may also give priority to the following permissive areas for federal Part C monitoring:
    - Child Find and Public Awareness including the provision of culturally relevant material to inform and promote referral;
    - Provision of early intervention services in natural environments and evaluation/assessment to identify child and family needs related to enhancing the development of the child;
    - Effective early childhood transition to services under Part B; and
    - A State's exercise of its general supervisory authority, including effective monitoring, and use of complaint resolution, implementation of mediation, and voluntary binding arbitration and coordination of parent and child protections. **(Sec. 616(b)(2)(B))**.
- Adds required review by the Secretary of the States' data collection and analyses capacity to ensure that data and information are collected, analyzed and accurately reported to the Secretary. This may include the provision of federal technical assistance to states on these matters. **(Sec. 616(b)(3))**.
  - Adds a provision that allows the Secretary to develop additional priorities for federal monitoring under Part B or Part C with at least a 30-day public comment period. These additional priorities are not enforceable until 1 year after publication as a final rule in the Federal Register. **(Sec. 616(c))**.
  - Adds a section on compliance which outlines federal procedures to be used when states are determined to be:
    - ***Not making satisfactory*** progress in improving educational results – Federal action can include provision of technical assistance to the state, directed use of state funds for technical assistance and withholding of some state set-aside funds;
    - ***In substantial noncompliance*** with IDEA – Federal action can include a one year corrective action plan, a three year compliance agreement, identification as a high risk grantee, imposition of special conditions, recovery of funds and/or withholding of payments;
    - ***In continued noncompliance*** with IDEA - Federal action may include any of the above actions including a report on this matter to the Congress. **(Sec. 616(d))**.

## Administration (Sec. 617)

### Changes Proposed To Existing Law

- Deletes the language stating that the Secretary shall issue regulations only to the extent that such regulations are necessary to ensure there is compliance with the requirements of the Act. **(Current Law - Sec. 617(b)).**
- Deletes the reference to Section 673 (Personnel Preparation) when authorizing the Secretary to hire personnel necessary to carry his responsibilities under certain sections of IDEA including Sections 618 and 661. **(Current Law - Sec. 617(d)).**
- Adds a construction clause prohibiting federal mandate, direction or control of a State, LEA or school's specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction. **(Sec. 617(b)).**
- Adds a new section "Pilot Program" which authorizes the Secretary to grant waivers of paperwork requirements for up to 4 years to not more than 10 states. States would submit proposals to address reduction of paperwork and non-instructional time spent fulfilling requirements. **(Sec 617(e)).**
- Adds a new section "Report" which requires the Secretary in the annual report to Congress to report on the effectiveness of the waivers under (e) above in reducing paperwork burdens and non-instructional time spent, in enhancing long-term planning, improving outcomes for students, promoting collaboration between IEP team members and ensuring family satisfaction. **(Sec. 617(f)).**
- Adds a new section "Model Forms" which requires the Secretary to publish and disseminate widely to States, LEAs, and parent training and information centers no later than the day final regulations are published a model IEP form, a model form for the procedural safeguards notice (615(d)) and a model form for prior written notice (615(b)(3)) that would meet the requirements of the Act. **(Sec. 617(g)).**

## Program Information (Sec. 618)

This section of the law describes the annual data States and the Department of the Interior are required to submit to the Secretary of Education.

### Changes Proposed To Existing Law

- In almost all instances, when data are required on the number of children meeting a certain criteria (e.g. receiving FAPE, receiving early intervention services, participating in regular education, etc.) new language has been added to require that percentages also be submitted annually. **(Sec 618(a)).**
- Adds a new provision requiring data to be submitted annually by number/percentage and by race, ethnicity, and disability category, on students who begin secondary school and graduate with a regular high school diploma through the age of 21. **(Sec. 618(a)(1)(A)(v)).**
- Adds a new provision requiring data to be submitted annually on students removed to an interim alternative educational setting regarding the incidence,

duration, and type of disciplinary actions, by race and ethnicity, including suspensions and expulsions. **(Sec. 618(a)(1)(A)(viii)(IV))**.

- Adds two new provisions requiring data to be submitted annually on the number of complaints resolved through voluntary binding arbitration and the number of mediations held and the number of settlement agreements reached through mediation. **(Sec. 618(a)(1)(A)(viii) and (ix))**.
- Adds a new provision requiring data to be submitted annually on the number of students served with funds under the new Section 613(f) “Prereferral Services.” **(Sec 618(a)(1)(C))**.
- Adds a new provision to the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the State and LEAs with respect to the incidence, duration, and type of disciplinary actions, including suspensions and expulsions. **(Sec. 618(c)(1)(C))**.
- Adds a new provision that a State must require any LEA identified as having significant disproportionate representation based on race to reserve the maximum amount of funds available under the new Prereferral subsection (613(f) to provide comprehensive coordinated pre-referral support services to serve children in the LEA, particularly students in those groups that were significantly over identified and to publicly report on revisions of policies, practices, and procedures. **(Sec. 618(c)(2)(B) and (C))**.

### **Preschool Grants (Sec. 619)**

This section provides grants to assist States to provide special education and related services to preschool children with disabilities.

#### **Changes Proposed To Existing Law**

- Deletes the provision that reserves some Section 619 funds for Studies and Evaluations under Section 674(e). **(Current Law – Sec. 619(c)(1))**.
- Adds a provision to allow the use of state 619 funds for the new voluntary binding arbitration process under 615(e). **(Sec. 619(f)(1))**.
- Deletes one activity included under “Other State Activities.” This section outlines activities for which state level (non-administrative) funds are to be used. Eliminated is “To develop a State improvement plan under subpart 1 of Part D. **(Current Law - Section 619(f)(3))**.

## **PART C – INFANTS AND TODDLERS WITH DISABILITIES**

This part of IDEA provides financial assistance to states in the development and implementation of statewide, comprehensive, coordinated, multidisciplinary, interagency systems that provide early intervention services for infants and toddlers with disabilities and their families. According to the final House Bill, this includes:

- Sec. 631 – Findings and Policy
- Sec. 632 – Definitions
- Sec. 633 – General Authority
- Sec. 634 – Eligibility
- Sec. 635 – Requirements for Statewide System
- Sec. 636 – Individualized Family Service Plan
- Sec. 637 – State Application and Assurances
- Sec. 638 – Uses of Funds
- Sec. 641 – State Interagency Coordinating Council
- Sec. 642 – Federal Administration
- Sec. 643 – Allocation of Funds
- Sec. 644 – Authorization of Appropriations

### **Definitions (Sec. 632)**

#### **Changes Proposed To Existing Law**

- Maintains the current required categories of eligible children in current law without change (developmental delay and diagnosed condition). However, the bill adds a new group of children *who may be served at a state's discretion*. Added language is as follows- **“a child aged 3 through 5, who previously received services under this part and who is eligible for services under section 619, if—(i) services provided to this age group under this part include an educational component that promotes school readiness and incorporates scientifically-based pre-literacy, language and numeracy skills; and (ii) parents are provides a written notification of their rights and responsibilities in determining whether their child will continue to receive services under this part or participate in preschool programs assisted under section 619”**. (Sec. 632(5)(C)).

There is no mention of what funds are to be utilized to pay for this new state option.

- Additional language also relates to this new optional group of children. The new language states that **“In general- If a State includes children described in Section 632(5)(C) in the system described in Section 633, the State shall be considered to have fulfilled any obligation under part B with respect to the provision of a free appropriate public education to those children during the period in which they are receiving services under this part”**. The bill also states **“nothing in paragraph (1) shall be construed to alter or diminish the rights and protections afforded under this part to children described in such paragraph”**. (Sec. 635(c)).

- Adds “family therapy” as follows- “family training, **family therapy**, counseling, and home visits” to the list of early intervention services. (Sec. 632(4)(E)(i)).
- Changes the term “nutritionist” to “registered dietitians” in the list of providers of early intervention services. (Sec. 632(4)(F)(viii)).
- Adds “**vision specialist, including ophthalmologists and optometrists**” to the list of providers of early intervention services. (Sec. 632(4)(F)(x)).
- Changes a component of the definition of early intervention services, changing the phrase “...are designed to meet the developmental needs of an infant or toddler with a disability” to “**are designed to address family-identified priorities and concerns that are determined by individualized family service plan team to relate to enhancing the child’s development...**” (Sec. 632(4)(C)).

### Eligibility (Sec. 634)

#### Changes Proposed To Existing Law

- Changes current law, which indicates that in order to receive a grant, a State shall demonstrate to the Secretary that the state adopted and implemented the overall policy. The House Bill changes “demonstrates” to “**provide assurances that.**” (Sec. 634).

### Requirements for a Statewide System (Sec. 635)

This section outlines the components that must be included in a statewide system.

#### Changes Proposed To Existing Law

Of the sixteen components included in this section, some components were changed in the House Bill. These are:

- Adds the phrase “**based on scientifically based research**” to characterize the services required in the component which ensures that early intervention services are available to all eligible children and their families. (Sec. 635(a)(2)).
- Amends the public awareness component in Part C adding language to describe the information made available to primary referral sources to distribute to parents – “**especially to inform parents with premature infants, or infants with other physical risk factors associated with learning or developmental complications on the availability of early intervention services under this part and of services under Section 619 of this Act....**” The public awareness language was also amended changing the current requirement to include “**procedures for determining the extent to which such sources disseminate such information...**” to “**procedures for assisting such sources in disseminating such information.**” (Sec. 635(a)(6)).
- Deletes the reference to coordination with Part B CSPD in the Part C CSPD component and changed the “may” to “shall” when listing the 3 of the 4 activities under CSPD in current law. Also, contains two things the CSPD plan “may include” – training personnel to work in rural and inner-city areas (an optional activity in

current law) and “training personnel in the emotional and social development of young children” (new language). **(Sec. 635(a)(8)).**

- Deletes highest standards language and language relating to the steps the state would take if all personnel do not meet the personnel standards at 9(B). The bill maintains the qualified standards language in current law at 9(A), but deletes all language related to paraprofessionals. **(Sec. 635(a)(9)(B)).**
- Adds additional language to the natural environment component as follows- (bolded language is the new language)-“The provision of early intervention services for any infant or toddler occurs in a setting other than a natural environment only when early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment **or in a setting that is most appropriate, as determined by the parent and the individualized family service plan team**”. **(Sec. 635(a)(16)(B)).**

### **Individualized Family Service Plan (Sec. 636)**

#### **Changes Proposed To Existing Law**

- Adds the phrase **“including a description of the appropriate transition services for the child’s entrance in school”** to the overall requirement that IFSPs must be developed. **(Sec. 636(a)(3)).**
- Changes the term “major outcomes” in the IFSP components list to **“major goals”** and uses “goals” throughout this section instead of “outcomes.” Also, the phrase **“including pre-literacy and language skills, as developmentally appropriate for the child”** is added to the description of the “goals.” **(Sec 636(a)(3)).**
- Adds the phrase **“based on peer-reviewed research, to the extent practicable,”** to the IFSP components as follows - “a statement of specific early intervention services **based on peer-reviewed research, to the extent practicable...**” **(Sec. 636(a)(4)).**
- Adds the terms **“length” and “frequency”** to the requirement to include the anticipated duration of the services in the IFSP. **(Sec. 636(a)(6)).**
- Adds the phrase **“including transition services”** to the description in the IFSP of the responsibilities of the named service coordinator, as follows – “...who will be responsible for the implementation of the plan and coordination with other agencies and parties, **including transition services.**” **(Sec. 636(a)(7)).**
- Adds the word **“only”** in front of the phrase – “... if the parents do not provide consent with respect to a particular early intervention service, then **only** the early intervention services to which consent is obtained shall be provided.” **(Sec. 636(e)).**

### State Application and Assurances (Sec. 637)

This section contains required components of the State application for Part C.

#### **Changes Proposed To Existing Law**

- Deletes the requirement in current law that information be included demonstrating the State has in effect the statewide system. **(Current Law - Sec. 637(a)(3)(A)).**
- Adds a new requirement that applications must describe **“policies and procedures requiring the referral of a child under age 3 who is involved in a substantiated case of child abuse or neglect consistent with 635(a)(5) or who is born and identified with fetal alcohol effects, fetal alcohol syndrome, neonatal intoxication, or neonatal physical or neurological harm resulting from prenatal drug exposure.” (Sec. 637(a)(5)).**
- Adds a new requirement that applications must describe **“state efforts to promote collaboration between Early Head Start programs, child care, and services under Part C of this Act.” (Sec. 637(a)(10)).**

### State Interagency Coordinating Council (SICC) (Sec. 641)

This section describes the requirements related to State Interagency Coordinating Councils.

#### **Changes Proposed To Existing Law**

- Adds new required members to State ICCs to include **at least one representative from the state agency responsible for children’s mental health and at least one representative from the state agency responsible for child protective services, and at least one representative of the Office of the Coordinator for the Education of Homeless Children and Youth. (Sec. 641(b)(1)(J-L)).**

### Allocation of Funds (Sec. 643)

#### **Changes Proposed To Existing Law**

This section contains the provisions for the distribution of funds to “outlying areas,” to “Indians” and to states. There were no changes to the distribution to outlying areas or states. One change is made as follows:

- Changes the report submission requirement of the tribe, tribal organization or consortium to an annual submission instead of every two years as in current law. It also requires the Secretary of the Interior to report to the Secretary of Education annually instead of biennially. **(Sec. 643(b)(5)).**

## **Federal Interagency Coordinating Council (Current Law - Sec. 644)**

### **Changes Proposed To Existing Law**

- Deletes the Federal Interagency Coordinating Council.

## **Authorization of Appropriations (Sec. 644)**

### **Changes Proposed To Existing Law**

- Adds an authorization level for Part C of \$447,000,000 for FY'04 and such sums as may be necessary for 2005-2009, thus requiring reauthorization in five years. The bill does not include permanent authorization of Part C. **(Sec. 644)**.

## **PART D – NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES**

In current law, Part D is organized into two subparts. The first authorizes the State Program Improvement Grants, and the second authorizes a wide range of coordinated activities designed to improve outcomes for children with disabilities. These activities include programs to develop new knowledge, to integrate that knowledge with what is known, and to help bring that knowledge into the practice of educators, parents, administrators, policy makers and others serving children with disabilities and to support its use. These activities are intended to result in systemic changes to improve the effectiveness of services provided to children with disabilities, to support continuous improvement of practices and programs, and to improve results for children with disabilities.

HR 1350 proposes to restructure the architecture of Part D, to reorganize and revise most of its programs, and to move responsibility for the administration of its research and evaluation programs from the Office of Special Education Programs to the Institute of Education Sciences. These changes are described in the following pages in the context of the activities proposed in the bill.

A significant change proposed in HR 1350 is in the structure of Part D. Table 1 is designed to assist readers in locating current and proposed Part D authorities by comparing the current organization of this part with the proposal contained in HR 1350. As this table depicts, HR 1350 proposes to establish three subparts in Part D, rather than the two subparts in current law. The reason for this change is unclear from the information provided in the bill. The information on the following pages is organized according to the three-subpart proposal of the House Bill.

Finally, in introducing the proposal for Part D, HR 1350 presents a statement of Congressional findings (Sec. 651).

### Special Note

CEC is concerned about the apparent refocusing of program purpose across several of the Part D programs. Current law emphasizes throughout Part D the aim of supporting states and local entities in *building capacity; improving early intervention, educational and transitional services and results for children with disabilities and their families; and addressing systemic-change goals and priorities for the development and education of children with disabilities*. In contrast, HR 1350 emphasizes that Part D is about *improving early intervention, educational, and transitional results for children with disabilities, including the practices of professionals and others in order to promote academic achievement and improve results for children with disabilities*.

CEC agrees that it is critical to continue special emphasis in IDEA on the high priority placed on improving the academic performance of children with disabilities. We are concerned, however, that HR 1350 is relaxing what is currently Part D's important

emphasis on early intervention service delivery; on a broad array of critical outcomes for children and youth with disabilities that include social development, independent living, self determination, and preparation for the responsibilities and benefits of adult life; and on supporting stakeholders including those responsible for implementing IDEA at every level in efforts to achieve systemic changes essential for improving results for children with disabilities. We are concerned that this change in emphasis will result in IDEA's effectiveness being measured primarily by children's academic achievement, rather than by a broader range of outcomes that includes other results equally relevant to individual children, to their families and to the agencies that serve them.

**Table 1**

**IDEA, PART D - NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES**

<b>CURRENT STRUCTURE</b>	<b>PROPOSED STRUCTURE (HR 1350)</b>
<p><b>SUBPART 1 -- STATE PROGRAM IMPROVEMENT GRANTS FOR CHILDREN WITH DISABILITIES</b></p> <p>Sec. 651. Findings and purpose.            Sec. 652. Eligibility and collaborative process.            Sec. 653. Applications.            Sec. 654. Use of funds.            Sec. 655. Minimum State grant amounts.            Sec. 656. Authorization of appropriations.</p> <p><b>SUBPART 2 -- COORDINATED RESEARCH, PERSONNEL PREPARATION, TECHNICAL ASSISTANCE, SUPPORT, AND DISSEMINATION OF INFORMATION</b></p> <p>Sec. 661. Administrative provisions.</p> <p><b>Chapter 1 – Improving Early Intervention, Educational, And Transitional Services And Results For Children With Disabilities Through Coordinated Research And Personnel Preparation</b></p> <p>Sec. 671. Findings and purpose.            Sec. 672. Research and innovation to improve services and results for children with disabilities.            Sec. 673. Personnel preparation to improve services and results for children with disabilities.            Sec. 674. Studies and evaluations.</p> <p><b>Chapter 2 – Improving early intervention, educational, and transitional services and results for children with disabilities through coordinated technical assistance, support, and dissemination of information</b></p> <p>Sec. 681. Findings and purposes.            Sec. 682. Parent training and information centers.            Sec. 683. Community parent resource centers.            Sec. 684. Technical assistance for parent training and information centers.            Sec. 685. Coordinated technical assistance and dissemination.            Sec. 686. Authorization of appropriations.            Sec. 687. Technology development, demonstration, and utilization, and media services.</p>	<p><b>SUBPART 1—STATE PROFESSIONAL DEVELOPMENT GRANTS</b></p> <p>Sec. 652. Purpose.            Sec. 653. Eligibility and collaborative process.            Sec. 654. Applications.            Sec. 655. Use of funds.            Sec. 656. State grant amounts.            Sec. 657. Authorization of appropriations.</p> <p><b><u>SUBPART 2—SCIENTIFICALLY BASED RESEARCH; TECHNICAL ASSISTANCE; MODEL DEMONSTRATION PROJECTS; DISSEMINATION OF INFORMATION; AND PERSONNEL PROGRAMS</u></b></p> <p>Sec. 661. Purpose.            Sec. 662. Administrative provisions.            Sec. 663. Research to improve results for children with disabilities.            Sec. 664. Technical assistance, demonstration projects, dissemination of information, and implementation of scientifically based research.            Sec. 665. Personnel development to improve services and results for children with disabilities.            Sec. 666. Studies and evaluations.            Sec. 667. Authorization of appropriations.</p> <p><b>SUBPART 3—SUPPORTS TO IMPROVE RESULTS FOR CHILDREN WITH DISABILITIES</b></p> <p>Sec. 671. Purposes.            Sec. 672. Parent training and information centers.            Sec. 673. Community parent resource centers.            Sec. 674. Technical assistance for parent training and information centers.            Sec. 674. Technology development, demonstration, and utilization; and media services.</p>

## **SUBPART 1 – STATE PROFESSIONAL DEVELOPMENT GRANTS (Sec. 651-657)**

In current law, Subpart 1 of Part D authorizes State Program Improvement Grants (Sec. 651-656). These grants assist State education agencies, in partnership with other state and local agencies, organizations and individuals concerned with the education of children with disabilities, in developing and implementing systemic changes designed to improve results for children with disabilities. Grants support partnerships in reforming and improving their systems for providing educational, early intervention, and transitional services, including their systems of professional development, technical assistance, and dissemination of knowledge about best practices, to improve results for children with disabilities.

HR 1350 would rename this program, narrow its purpose, and maintain some of the currently authorized activities while changing others in order to align with the proposed change in program purpose. The proposed sections of this subpart are:

- Sec. 652 - Purpose
- Sec. 653 - Eligibility and collaborative process
- Sec. 654 - Applications
- Sec. 655 - Use of funds
- Sec. 656 - State grant amounts
- Sec. 657 - Authorization of appropriations

### **Changes Proposed to Existing Law**

- Deletes statement of Congressional findings from the Findings and Purpose statement. **(Current Law – Sec. 651 (a)).**
- Renames this authority the State Professional Development Grants program, and would award grants to States on a competitive basis to support activities that would achieve a revised purpose “to assist State educational agencies in reforming and improving their systems for professional development in early intervention, educational, and transitional services in order to improve results for children with disabilities.” **(Sec. 652).**
- Retains the requirement that States establish a partnership agreement in order to be considered for a grant. **(Sec. 653(b)).**
- Changes the required members of eligible State partnerships to a State education agency, local education agencies, at least one institution of higher education, and other State agencies involved in or concerned with the education of children with disabilities **(Sec. 653(b)(1))**. Permits States to include as optional partners other organizations, agencies and individuals that are required partners in current law. These optional partners include the state’s Governor, parents of children with disabilities ages birth through 26, parents of nondisabled children ages birth through

26, individuals with disabilities, community-based and other organizations involved in the education and employment of persons with disabilities, the Part C lead agency, institutions of higher education, and others. **(Sec. 653(b)(2)).**

- Replaces the current requirement for development and submission of a State Improvement Plan as part of the State’s application for funding with a requirement for a State Plan that addresses “the State and local needs for professional development of administrators, principals, teachers, and individuals who provide direct supplementary aids and services to children with disabilities.” This plan is to be integrated, as feasible, with State plans under the Elementary and Secondary Education Act, the Rehabilitation Act, and the Higher Education Act, and designed to enable the State to meet the requirements of IDEA Sec. 612(a)(15) that are concerned with State personnel standards. **(Sec. 654(a)(2)).**
- Would require States in their applications to describe their partnership agreement, how grant and other federal funds would be used, and the strategies the State will use to implement the plan, and eliminates the requirement that States base the professional development plan described in their application on a needs analysis. **(Sec. 654(b)).**
- Authorizes the Secretary to give priority in funding to applications (a) on the basis of need, and (b) that provide for the establishment of professional development programs regarding methods of early and appropriate identification of children with disabilities. **(Sec. 654(c)).**
- Would require each State to submit an annual report on its progress in implementing its plan, on the effectiveness of the State’s grant activities, and on its strategies for meeting its performance goals under Sec.612(a)(16), and on any changes in strategies needed to improve its performance. **(Sec. 654(e)).**
- Authorizes grantees to use not less than 90% of grant funds to provide directly or through other arrangements professional development activities **(Sec. 655(a)(1)(A))** – for early intervention personnel, related services personnel, special and regular education teachers and administrators – intended to improve the knowledge, quality and retention of the teaching force and practices in such areas as:
  - helping students with disabilities improve their academic achievement and meet challenging academic content standards and achievement standards
  - using technology to improve teachers’ ability to collect, manage, and analyze data to improve teaching and decision making
  - promoting collaborative and consultative models in special education and related services;
  - increasing understanding of appropriate placements for all students to reduce racial and ethnic disproportionality in eligibility, placement and disciplinary actions;
  - strategies for retaining highly qualified teachers

- methods of positive behavioral interventions and support
  - methods of scientifically based reading instruction including early literacy instruction
  - methods of early intervention to identify and help students with disabilities
  - involvement of parents in their child's education
  - conducting facilitated IEP meetings
  - development and use of proven professional development strategies using technology and distance learning
- Authorizes grantees to use up to 10% of grant funds to conduct state activities (**Sec. 655(a)(1)(B)**) to:
    - reform special and regular education teacher certification or licensing requirements
    - establish, expand or improve alternative routes for State certification of special education teachers
    - support initiatives for special education teachers that promote professional growth and multiple career paths and pay differentiation
    - assist school districts and schools to recruit and retain highly qualified special education teachers
    - reform tenure systems, implementing teacher testing for subject matter knowledge, and implementing teacher testing for State certification and licensing
    - promote reciprocity of teacher certification or licensing between or among States for special education teachers
    - assist school districts in development of merit-based performance systems and strategies for differential and bonus pay for special education teachers
  - Retains language of current law concerning grants to outlying areas (**Sec. 655(c)**), and the minimum and maximum amount of funds that may to be awarded (**Sec. 656(a)**) for State grants. In determining the award to each grantee, the Secretary would take into consideration factors such as the relative population of the state and the types of activities proposed by the applicant, including the alignment of proposed activities with requirements in Sec. 612 for the establishment of personnel standards and performance goals and indicators for children with disabilities with the state plan (Sec. 1111) submitted under ESEA and the State grant awarded under ESEA for the training and recruitment of teachers and principals. (**Sec. 656(b)**).
  - Would authorize to be appropriated \$44,000,000 for FY 2004, and such sums as may be necessary for each of the fiscal years 2005 through 2008. (**Sec. 657**).

## **SUBPART 2 – SCIENTIFICALLY BASED RESEARCH; TECHNICAL ASSISTANCE; MODEL DEMONSTRATION PROJECTS; DISSEMINATION OF INFORMATION; AND PERSONNEL PROGRAMS**

Subpart 2 in current law authorizes all Part D programs except for the Subpart 1 State Program Improvement Grant Program. (See Table 1 for listing of current Part D authorities.)

HR 1350 proposes to replace Subpart 2 in current law with a revised Subpart 2 and a new Subpart 3. The proposed purpose of Subpart 2 is “to provide Federal funding for scientifically based research, technical assistance, model demonstration projects, information dissemination, and personnel preparation programs to improve early intervention, educational, and transitional results for children with disabilities.”

The following would be authorized in Subpart 2:

Sec. 661 - Purpose

Sec. 662 - Administrative provisions

Sec. 663 - Research to improve results for children with disabilities

Sec. 664 - Technical assistance, demonstration projects, dissemination of information, and implementation of scientifically based research

Sec. 665 - Personnel development to improve services and results for children with disabilities.

Sec. 666 - Studies and evaluations

Sec. 667 - Authorization of appropriations

### **Administrative Provisions (Sec. 662)**

In current law, this section sets forth specific rules and restrictions for the administration of Subpart 2 activities, including the development of a Comprehensive Plan, applicant eligibility, use of funds by the Secretary, setting of funding priorities, considerations for special populations, application management, peer review and other matters.

HR 1350 retains the section on Administrative Provisions (**Sec. 662**), but proposes some changes in its content.

### **Changes Proposed to Existing Law**

- Retains the requirement in current law directing the Secretary to develop and implement a Comprehensive Plan for activities conducted under this subpart, but makes a significant change in directing that this plan is not to address research activities authorized under Sec. 663 as current law requires. (**Sec. 662(a)(1)**).
- Deletes requirement directing the Secretary to consult with representatives of the field (parents, individuals with disabilities, professionals, NCD, national organizations, IHEs, state and local agencies, other Federal agencies and others) in the development

of the Comprehensive Plan for activities carried out under this subpart. (**Current Law – Sec. 661(a)(2)**).

- Retains requirement in current law directing the Secretary to take public comment on the Comprehensive Plan, and adds a requirement that this comment period must be for at least 30 days. (**Sec. 662(a)(2)**).
- Would require that the Secretary report to Congress each year (rather than periodically) on activities to develop the Comprehensive Plan, and to submit an initial report to Congress no later than 12 months (rather than 18 months in current law) after enactment of the amendments. (**Sec. 662(a)(4)**).
- Adds ‘public charter school that is a local educational agency under State law’ to the list of eligible applicants for grants, contracts and cooperative agreements authorized by Subpart 2. (**Sec. 662(b)(1)(c)**).
- Deletes language that permits the Secretary to use up to 20 percent of funds available under one Subpart 2 authority for activities permitted under any other Subpart 2 authority. In effect, the Secretary would no longer be permitted to use a portion of funds appropriated by Congress for personnel preparation to support activities authorized under another Subpart 2 program, such as research or technical assistance. (**Current Law - Sec. 661(c)**).
- Increases from one to two percent the amount of Subpart 2 funds that the Secretary must reserve for conducting outreach and/or technical assistance activities to historically black colleges and universities and to institutions of higher education with significant minority enrollments to promote their participation in Subpart 2 activities, and to enable such institutions to assist others IHEs and agencies in improving educational and transitional results for children with disabilities. (**Sec. 662(c)(2)**).
- Deletes requirement under Priorities, that the Secretary must ensure that funds awarded under this Subpart are spent for activities designed to benefit children with disabilities, their families, personnel who work with them and others named in current law. (**Current Law - Sec. 661(e)(1)(A)**).
- Retains provision in current law (Sec. 661(e)(2)) that permits the Secretary to establish funding priorities without following the rule making procedures required by the Administrative Procedures Act (5 USC 553) that apply to all government agencies, when these priorities fit within topics areas specified in this section. This means the Secretary may develop funding priorities under Subpart 2 without public review and comment, as long as those priorities are consistent with any of the topics areas designated in the law (e.g., projects that address: “disabilities”, “age ranges”, “types of services”). In addition, the bill adds new topic areas within which priorities can be established without being subject to the public review and comment requirements of the Administrative Procedures Act: “children with intractable

reading difficulties,” “children in public charter schools,” and any activity expressly authorized in the proposed Subpart 2 and Subpart 3 of Part D. **(Sec. 662(d)(3)).**

- Limits participation of parents of children with disabilities as members of standing panels that review applications for funding to parents whose children are ages birth through 26 years. **(Sec. 662(f)(1)(B)(vii)).**
- Would prohibit individuals from serving for more than 3 consecutive years as members of the standing panel that reviews applications for funding. Current law (661(g)(1)(D)) sets a three-year term for members of the standing panel, but permits the Secretary to reappoint a person whose continued participation is judged necessary for the sound administration of program. **(Sec. 662(f)(1)(C)).**
- Deletes requirement added by IDEA ‘97 that the Secretary must provide training to individuals who serve on standing panels that review applications for funding. **(Current Law - Sec. 661(g)(1)(C)).**
- Deletes the provision that permits the Secretary to use funds appropriated by Congress to pay the expenses of Federal employees to conduct on-site monitoring of projects awarded under Subpart 2 that receive more than \$500,000 a year in funding. **(Current Law - Sec. 661(g)(3)(C)).**
- Deletes authorization for appropriations for activities authorized in this section and, instead, proposes to authorize appropriations at the Subpart level for all activities authorized in Subpart 2. The same approach for authorizing appropriations is proposed in the bill for Subpart 3. **(Current Law - Sec. 672(g)).**

### **Research to Improve Results for Children with Disabilities (Sec. 663)**

Current law in Sec. 672 authorizes activities that support the production of new knowledge, the integration of knowledge and practice, and improving the use of knowledge to support systemic change and capacity building at the state and local efforts. The purpose of these activities is to improve services, the practice of professionals and others serving children with disabilities, and educational results for children with disabilities.

HR 1350 makes significant changes in the research authority, related to program administration, scope and focus.

### **Changes Proposed to Existing Law**

- Deletes and does not replace the statement of Findings and Purpose. **(Current Law – Sec. 671).**
- Would establish a new National Center for Special Education Research in the Department of Education’s Institute of Education Sciences to carry out the activities authorized by Sec. 663 of HR 1350. This Center would be headed by a Commissioner

to be appointed by the Director of the Institute of Education Sciences (IES). The Commissioner would be required to “have substantial knowledge of the Center’s activities, including a high level of expertise in the fields of research and research management.” The bill requires that the Commissioner have expertise in the fields of research and in research management, but not in the education of children with disabilities. The IDEA research authority would no longer be administered by the Office of Special Education Programs. **(Sec. 663(a)(1))**.

- Makes Parts A and E of the Education Sciences Reform Act of 2002 as well as the standards for peer review and the conduct and evaluation of research under Sections 133(a) and 134 of that Act applicable to the conduct of activities authorized under the Sec. 663 research. **(Sec. 663(a)(2))**. The Education Sciences Reform Act of 2002 established the Institute of Education Sciences to replace the Office of Educational Research and Improvement.

Sec. 134 of the ESRA (which applies to the National Center for Education Research), and which would apply to IDEA research if HR 1350 is enacted, requires that “not less than 50 percent of the funds made available for research for each fiscal year shall be used to fund long-term research programs of not less than 5 years, which support the priorities and mission of the Institute and the mission of the Research Center [meaning the National Center for Education Research].

- Would require the National Center for Special Education Research to develop and submit to the IES Director a research plan that (a) is consistent with the mission of IES and with the mission of the Center (NOTE: no mission for the Center is included in HR 1350); (b) shall carry out activities listed in the ‘authorized activities’ listed in the bill; and (c) carries out specific, long-term research activities that are consistent with the priorities and mission of the IES, and are approved by the IES Director. **(663(d))**. The bill contains no provision requiring that this plan be related to IDEA or to the needs of OSEP, states or local education agencies.
- Would provide the Assistant Secretary of OSERS the opportunity to give advice to the National Center on the Center’s development of a research plan for IDEA research. **(Sec. 663(d))**. No other form of coordination or cooperation between OSEP and IES in planning or implementing IDEA research would be required, and no provision is made for consulting with IDEA stakeholders in the development of the research plan.
- Makes ambiguous the purpose and specific types of activities to be conducted under this program. It appears to authorize the National Center for Special Education Research to conduct research activities currently authorized by Sec. 672 in current law. In addition, Sec.663(a)(1), would authorize competitive grants for activities "to expand the fundamental knowledge and understanding of the education of children with disabilities in order to improve educational results for children with disabilities." Further on, at Sec. 663(e) in a provision concerned with implementation, research is referred to as including both basic and applied research.

- Replaces the current list of authorized activities with a new list which retains some activities authorized in current law and adds a new emphasis on “research activities to obtain knowledge and understanding” in several specified areas. A significant emphasis in the activities listed is on academic achievement and progress of children with disabilities and on assessment of children with disabilities, with significantly less emphasis than in current law on outcomes in such areas as transition, social development and behavior; on the design and development of instructional and assistive technology and materials; and on system level policies, procedures and practices associated with early intervention and the education of children with disabilities. **(Sec. 663(c)).**

**Technical Assistance, Demonstration Projects, Dissemination of Information, and Implementation of Scientifically Based Research (Sec. 664)**

Sec. 685 of current law authorizes coordinated technical assistance and dissemination for the purposes of supporting states and local entities in building capacity, to improve early intervention, educational and transitional services and results for children with disabilities and their families, and to address systemic-change goals and priorities.

Sec. 664 of HR 1350 would authorize the Secretary “to provide technical assistance, support model demonstration projects, disseminate useful information, and implement activities that are supported by scientifically based research.” The purpose of the activities authorized in this section would be to improve early intervention, educational, and transitional results for children with disabilities. (Sec. 661). Authorized activities would correspond to activities authorized in current law in Sec. 685, and include as well model demonstration activities currently authorized under the Sec. 672 research program.

**Changes Proposed to Existing Law**

- Authorizes support for ‘model demonstration projects.’ **(Sec. 664(a)).**
- Replaces the section structure in current law (Sec. 685) which designates support for Systemic Technical Assistance, Specialized Technical Assistance, and National Information Dissemination with a structure that designates support for Required Activities and Authorized Activities. **(Sec. 664(b) and (c)).**
- Would direct the Secretary to conduct Required Activities **(Sec. 664(b))** under this section “to improve services ... including the practices of professionals and others ... that promote academic achievement and improve results for children with disabilities” through --
  - implementing effective strategies for addressing inappropriate behavior
  - improving assessment methods for measuring adequate yearly progress, and
  - providing training for regular and special education teachers to address students’ different learning styles

- identifying effective curricular designs, instructional approaches, and strategies, and identifying positive academic and social learning opportunities that provide for effective transitions and improve educational and transitional results
  - demonstrating and applying scientifically based findings to facilitate systemic changes in policy, procedures, practice and in the training and use of personnel
- Would authorize but not require the Secretary to support authorized activities under this section “to improve services ... including the practices of professionals and others ... that promote academic achievement and improve results for children with disabilities” in a range of areas. These topic areas include some authorized in current law, with the addition of new topics as well. **(Sec. 664(c) and (e))**. Among the activities that may be conducted are those that address:
    - testing research findings to improve instructional methods, curricula and tools
    - coordination of early intervention and educational services with other agencies
    - alignment of general and special education reforms in curricula and evaluation
    - making research findings and successful practices accessible and usable
    - overcoming systemic barriers to service delivery
    - assisting state and local agencies in the planning of systemic changes
    - promoting systemic change through multistate or regional approaches
    - providing single or multi-state TA and in-service training to address specific populations of children, including those who are deaf-blind, those who have low incidence disabilities, and those with autism spectrum disorders
    - linking states to general and special education TA resources
    - demonstrating models of personnel preparation to ensure appropriate placements and services for all students and reduce disproportionality for minority and limited English proficient children in eligibility, placement and disciplinary actions
    - disseminating information on how to reduce racial and ethnic disproportionalities.
  - Applications submitted under this section would, to the extent feasible, have to propose conducting projects that will be based on scientifically based research carried out in accordance with the standards established by the National Center for Education Research. **(Sec. 664(f)(2))**.
  - Priority in the funding of activities under this section must be given to applications that will “serve teachers and school personnel directly in the school environment.” **(Sec. 664(f)(3))**.

**Personnel Development To Improvement Services and Results for Children with Disabilities (Sec. 665)**

In current law, Sec. 673 authorizes the Secretary to award grants, contracts or cooperative agreements for personnel preparation activities that help address state-identified needs for qualified personnel who work with children who have disabilities, and to ensure that those personnel have the skills and knowledge that have been determined through research and experience to be successful in meeting children’s needs. Current law

authorizes support for activities that prepare personnel who will serve children with low incidence disabilities, for personnel who will service children with high incidence disabilities, for personnel preparing to serve in leadership roles in schools, universities and other settings, and for projects of national significance.

HR 1350 retains authority for supporting personnel preparation activities to improve early intervention, educational, and transitional results for children with disabilities. (Sec. 661), and would make several changes in the purpose, priority and structure of this authority.

### **Changes Proposed in Existing Law**

- Retains the purposes stated in current law (Sec. 673(a)) and adds others (**Sec. 665(a)**):
  - to encourage increased focus on academics and core content areas
  - to ensure that regular education teachers have the skills and knowledge needed to serve children with disabilities in the regular education classroom
  - to ensure that all special education teachers teaching in core academic subjects are highly qualified
  - to provide high-quality professional development for principals, superintendents and other administrators in such areas as instructional leadership, behavioral supports, paperwork reduction, collaboration between special and general education teachers, assessment and accountability, effective learning environments and fostering positive relationships with parents.
- Continues existing authority for activities in the area of Low-Incidence Disabilities, with one exception: the HR 1350 deletes language in current law (Sec. 673(b)(2)(F)) authorizing support for activities that prepare personnel who provide services to children with significant cognitive disabilities and children with multiple disabilities. (**Sec. 665(c)(2)**). However, the definition of “Low-Incidence Disability” in current law (Sec. 673(b)(3)), which includes children who have a significant cognitive impairment” would be retained. (**Sec. 665(c)(3)**). This provision adds a new authorized activity, the preparation of personnel who provide service to children who are limited English proficient.
- Continues existing authority for activities in the area of Leadership Preparation, with only minor change. (**Sec. 665(d)**).
- Eliminates the two distinct authorities in current law that (1) support preservice preparation for individuals who will work with children who have High-Incidence Disabilities (673(e)), and (2) fund Projects of National Significance (Sec. 673(d)) to support activities, such as model development, evaluation and dissemination in personnel preparation, that will have broad applicability. Retains and combines into a General authority language describing most of the activities authorized in current law under those two distinct programs, and adds language to authorize other activities. (**Sec. 665(b)(2)**).

Proposed new language under this general authority would:

- Authorize support for ‘effective existing programs’ preparing teachers and related service personnel, not just for program improvement and reform. **(Sec. 665(b)(2)(A)(i)).**
- Authorize support for developing and improving programs to train special education teachers with an expertise in autism spectrum disorders. **(Sec. 665(b)(2)(I)).** This provision also authorizes activities “to train school safety personnel and first responders who work at qualified educational facilities.”
- Retains the provision in current law for a Service Obligation (Sec. 673(h)) which requires grantees to assure that individuals who receive a scholarship from a project funded under this section will work for two years for every year for which they received financial assistance, or repay that assistance to the Federal government. **(Sec. 665(g)).**

#### **Studies and Evaluations (Sec. 666)**

The Studies and Evaluations section of current law (Sec. 674) authorizes the Secretary, directly or through grants, contracts or cooperative agreements, to assess the progress in the implementation of the Act, including the effectiveness of State and local efforts to provide (a) FAPE to children with disabilities, and (b) early intervention services to infants and toddlers with disabilities and to those at risk of having substantial developmental delays if early intervention services are not provided. It directs the Secretary to conduct a National Assessment of activities carried out with Federal funds under IDEA, and requires that the Secretary report annually to Congress (Annual Report to Congress) on the progress being made in the implementation of the Act. Finally, this section requires that the Secretary provide technical assistance to local educational agencies to assist them in carrying out local capacity-building and improvement projects under Sec. 611(g)(4) of current law and other LEA systemic improvement activities under IDEA.

HR 1350 would authorize Studies and Evaluations in Sec. 666, retaining much of the current authority, and proposing changes in the responsibility for its administration, in some of the topics to be addressed in the National Assessment, and in the content of the Annual Report to Congress.

#### **Changes Proposed in Existing Law**

- In the general authority, reorganizes and restates but largely retains current language authorizing studies and evaluation activities to assess progress in the implementation of the Act and the effectiveness of State and local efforts to provide FAPE and early intervention services to infants and toddlers with disabilities or at-risk of developing substantial developmental delays. **(Sec. 666(a) and (b)).**

- Would require the Secretary to delegate the responsibility for administering all activities authorized by Sec. 666 Studies and Evaluation (including the longitudinal studies, the National Assessment, and Annual Report to Congress) from the Office of Special Education Programs to the Institute for Education Services. **(Sec. 666(a)(2))**.
- Adds language to the general authority **(Sec. 666(a)(3))** for studies, evaluations and assessments that analyze issues identified in the research agenda developed under proposed Sec. 663(d), and that meet the quality of research standards stated in proposed Sec. 663(c) (NOTE: This reference to Sec. 663(c) appears to be an error, referring to the first version of HR 1350, not to the version passed by the House).
- To the specific language outlining the scope of the National Assessment, requires that such assessment address several new or revised areas of inquiry:
  - Implementation and impact of programs that address the developmental needs and academic achievement of children with disabilities to enable them to reach “challenging developmental goals and challenging State academic content standards based on State academic assessments.” **(Sec. 666(b)(3)(A))**.
  - Types of “programs and services that have demonstrated the greatest likelihood of helping students reach the challenging State academic content standards and developmental goals.” **(Sec. 666(b)(3)(B))**.
  - “Implementation of the professional development activities assisted under this Act and the impact on instruction, student academic achievement, and teacher qualifications to enhance the ability of special education teachers and regular education teachers to improve results for children with disabilities.” **(Sec. 666(b)(3)(C))**.
  - Effectiveness of schools, school districts, states and others assisted by this Act in improving children with disabilities’ academic achievement and “their performance on regular State-wide assessments as compared to nondisabled children, and the performance of children with disabilities on alternate assessments.” **(Sec. 666(b)(3)(D)(i))**.
- Continues to require that the National Assessment examine the transitions of children with disabilities, but replaces the current language which identifies the specific transitions (e.g., EI to preschool services, preschool to elementary school, etc.) with the phrase “at natural transition points.” **(Sec. 666(b)(3)(D)(iii))**.
- Revises the due dates in current law for interim and final reports of the National Assessment to dates in the future. **(Sec. 666(b)(4))**.
- For the Annual Report to Congress on the implementation of the IDEA, retains the reporting requirements in current law and adds language to require additional content: summaries of research conducted under proposed Sec. 663 and a description of the extent and progress of the national assessment. **(Sec. 666(c))**.

### **Authorization for Appropriations (Sec. 667)**

In current law, an authorization for appropriations is provided for each distinct program or authority in Subpart 2 (e.g., Research and Innovation, Personnel Preparation, Studies and Evaluations, etc.).

HR 1350, in contrast, would authorize Congress to appropriate funds for Research (Sec. 663), Technical Assistance/Dissemination (Sec. 664) and Studies and Evaluations (Sec. 666) together, with a total of \$171.86 million authorized for FY 2003 and ‘such sums as may be necessary for FY 2005 through FY 2008. HR 1350 would separately authorize \$90 million for the Personnel Preparation Program in FY 2004, and ‘such sums’ for FY 2005 through FY 2008.

### **Changes Proposed to Existing Law**

- Authorizes appropriations for Research, Technical Assistance/Dissemination and Studies and Evaluations together, rather than at the level of the individual program as in current law. **(Sec. 667))**.
- Deletes the provision authorizing the Secretary of Education to reserve up to one-half of one percent of the amount appropriated under Parts B and C in each fiscal year to carry out the activities authorized under Sec. 674, Studies and Evaluations. **(Current Law - Sec. 674(e))**.

### **SUBPART 3—SUPPORTS TO IMPROVE RESULTS FOR CHILDREN WITH DISABILITIES**

HR 1350 proposes the establishment of a new Subpart 3. Included in this subpart would be those Part D activities from current law that this bill has not included in either Subpart 1 or Subpart 2. These programs authorize parent training and information centers, community parent resource centers program, technical assistance to the parent centers, technology development, demonstration and utilization, and media services. The bill proposes the following elements for this subpart:

Sec. 671 - Purposes

Sec. 672 - Parent training and information centers

Sec. 673 - Community parent resource centers

Sec. 674 - Technical assistance for parent training and information centers

Sec. 675 - Technology development, demonstration, and utilization; and media services

### **Parent Training and Information Centers (Sec. 672)**

In current law, IDEA authorizes a program of Parent Training and Information Centers (Sec. 682) which supports at least one center in each state serving parents of children with disabilities with information, training and support activities. HR 1350 continues authority for this program, with limited change.

### **Changes Proposed to Existing Law**

- Retains authority for a program supporting Parent Training and Information Centers. **(Sec. 672).**
- Requires these centers to ensure that the training and information they provide meets the needs of low-income parents and parents of children with limited English proficiency. **(Sec. 672(b)(2)).**
- In the Definition of a Parent Organization, revises the requirement that the majority of the members of such organization be ‘parents of children with disabilities’ to ‘parents of children with disabilities ages birth through 26,’ and requires members of the board of these organizations to include low-income and limited English proficient parents of children with disabilities if the grantee’s service area serves these populations. **(Sec. 672(g)(1)(A) and C).**

### **Community and Parent Resource Centers (Sec. 673)**

HR 1350 retains the authority contained in current law in Sec. 683 for the Community and Parent Resource Centers which serve underserved parents of children with disabilities, and makes minor changes.

### **Technical Assistance for Parent Training and Information Centers (Sec. 674)**

Current law (Sec. 684(a)) authorizes the Secretary to provide, either directly or through awards, technical assistance for developing, assisting, and coordinating parent training and information programs carried out by parent training and information centers under IDEA.

### **Changes Proposed to Existing Law**

- Retains the authority in current law, with some revisions in the language describing the activities that may be conducted. **(Sec. 674(b)).**
- Deletes language that permits the technical assistance center to provide technical assistance to a parent training and information center in the area of evaluating itself as a center. **(Current Law - Sec. 684(b)(3)).**

### **Technology Development, Demonstration, and Utilization; and Media Services (Sec. 675)**

In current law, the technology and media services authorities are contained in Sec. 687 of Subpart 2. These programs support the development, testing, and application of technological innovation through research for the educational advancement of individuals with disabilities; production and distribution of educational media for instruction; and training in the use of educational media. They also provide support to promote the general welfare of individuals who are deaf and hard-of-hearing through activities focusing on their general and cultural advancement. Finally, they support activities to

promote the general welfare of visually impaired individuals through textbooks, films, video materials, television and other educational publications and materials.

HR 1350 proposes to maintain an authority for Technology and Media Services in Sec. 674, and would make changes in both components of the program.

### **Changes Proposed to Existing Law**

- Does not include a statement of Congressional Findings (**in current law at Sec. 681(a)(7) and (8)**) or program Purpose (**in current law at Sec. 681(b)(3) and (5)**) related to technology development, demonstration and utilization and to media services in this section or at the level of the subpart in which this section is located. Thus, contextual information concerning the goals of these programs is not provided.
- Under the Technology Development, Demonstration, and Utilization authority (**Sec. 675(b)**), the bill proposes to retain and, in some cases, revise some language authorizing activities now authorized in existing law, and proposes to delete other provisions --
  - Removes the phrase ‘publicly-funded telecommunications’ in the language authorizing support for demonstrating the use of systems to provide parents and teachers with information and training concerning early diagnosis, intervention and effective teaching strategies for young children with reading disabilities. (**Sec. 675(b)(2)(C)**).
  - Deletes language which authorizes the Secretary (1) to provide technical assistance to entities funded under this program concerning the development of accessible, effective and usable products, and (2) to support the implementation of research programs on captioning or video description. (**Current Law - Sec. 687(b)(C)**).
- Under the Media Services authority (**Sec. 675(c)**), the bill makes support for authorized activities optional or permissive, rather than mandatory as in existing law (Sec. 687(c)). Further, the bill proposes to retain and, in some cases, revise language authorizing some of the activities now authorized in existing law, and proposes to delete other provisions --
  - Whereas existing law authorizes (Sec. 687(c)(2)) support for video description, open captioning, or closed captioning of educational, news and informational television, videos, or materials, HR 1350 proposes to limit those services to television programs, videos and other materials that are for use in the classroom setting, or for news (until the end of FY 2006) and only when such services are not provided by the producer or distributor of such information. (**Sec. 675(c)(2)**).
  - Limits eligibility for grants awarded for providing free educational materials in accessible media for visually impaired and print-disabled students to a national

nonprofit entity that meets several specified criteria (e.g., demonstrated ability to leverage federal funding, proven track record in producing and distributing materials, etc.). **(Sec 675(d))**.

- Deletes authority for providing cultural experiences through nonprofit organizations, such as the National Theater of the Deaf and others, related to persons who are deaf or hard-of-hearing. **(Current Law - Sec. 687(c)(5))**.
- Deletes authority for compiling and analyzing data related to the activities conducted under the Media Services program. **(Current Law - Sec. 687(c)(6))**.

## **TITLE V – MISCELLANEOUS PROVISIONS**

HR 1350 proposes to add two new provisions to IDEA. They are:

### **Sec. 501 – Sense of Congress Relating to Safe and Drug-Free Schools**

HR 1350 includes a list of findings and a statement indicating the sense of the Congress that safe and drug-free schools are essential for the learning and development of children with disabilities.

### **Sec. 502 – Study and Report on State Costs Under the Individuals with Disabilities Education Act**

HR 1350 directs the Secretary of Education to conduct a study on the amount it costs states to comply with the requirements of IDEA, and to report the results of this study to Congress within two years after enactment of the IDEA amendments.