

FOIA MARKER

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Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Public Liaison

Series/Staff Member: William White, Jr.

Subseries:

OA/ID Number: 14204

FolderID:

Folder Title:

IDEA [Individuals with Disabilities Act] [Folder 1]

Stack:
S

Row:
31

Section:
2

Shelf:
9

Position:
3

Joshua Lindsay Bailey
3021 Hampshire Pike
Mt. Pleasant, TN 38474 615/388-7042

Mother: Susan

Joshua is an attractive, tall, slender, white 16 year old who attends a regular public high school in Tennessee and has a learning disability (dyslexia). He has a traumatic brain injury resulting from a car accident when he was five months old. Joshua was first diagnosed with a learning disability in the third grade. His disability is apparent in his difficulties reading and retrieving words. Nevertheless, he is an Eagle Scout, and an accomplished speaker, who has made presentations at a graduation ceremony at a local school, was a featured speaker at the OSEP Leadership Conference and testified before the IDEA reauthorization working group in April, 1997.

DREDF

Disability Rights Education and Defense Fund, Inc.

Law, Public Policy, Training and Technical Assistance

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Berkeley, CA 94710FAX
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(510) 644-2555
DREDF@dredf.org

FAX TRANSMITTAL SHEET

BILLING CODE: _____

Date 3/2Time 2:35am 11 pm

To:

Bill White

From:

Arlene Mayerson10-10-87

Message:

Judy asked me to remind you
to put Emma Mayerson on the list
for the signing ceremony with
her mom (Arlene Mayerson) Pls
call if any problems occur
310-528-1011 hm
310-644-2555 wrk

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NUMBER OF PAGES INCLUDING THIS SHEET

1

TO FAX #

202-456-6218PHOTOCOPY
PRESERVATION

WHSO LAYOUT DRAFT 1
a/o 5/28/97; S. Warren

**SIGNING OF THE INDIVIDUALS WITH DISABILITIES
EDUCATION ACT AMENDMENTS OF 1997**
Wednesday, June 4, 1997

GATES OPEN: 8:30 a.m.
INVITE TIME: 9:30 a.m.
POTUS TIME 10:30 a.m.
Approx. 400 guests/Open Press/Business Attire

8:15 a.m. IN PLACE TIME

8:30 a.m. Guests arrive to SW Gate and proceed up driveway to South Lawn Tent.

10:25 a.m. **THE PRESIDENT** arrives to Diplomatic Reception Room to greet Richard Riley, Secretary of Education, and guest speaker.

10:30 a.m. Program Begins:

- **THE PRESIDENT**, Sec. Riley, and guest speaker are announced from Dip Room to Honors and proceed to stage in South Lawn Tent.
- Secretary Riley proceeds to podium to give welcoming remarks and introduces guest speaker.
- Guest speaker gives brief remarks and introduces **THE PRESIDENT**.
- Following remarks, **THE PRESIDENT** invites Members of Congress and special guests seated in front row to join him on stage for bill signing.

11:00 a.m. Following the signing, **THE PRESIDENT** works ropeline.

11:25 a.m. **THE PRESIDENT** departs.

Guests depart SW Gate.

- options -

① - kip - program -

② Short -

③ Podium - stage -

POTUS

SEC.

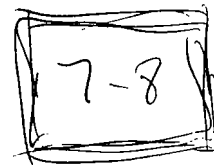
- L. A. V. -

- LOTT -

- G. W. -

- Jeffords

- CLAY -



Talking Points for White House Meeting

Why This Legislation? History

- IDEA 97 has a 22 year history. It builds on earlier legislation, the Education for All Handicapped Children Act of 1975, that provided children with disabilities the right to an education.
- We felt we could do better and in 1990 the Individuals with Disabilities Act was passed which gave these children the right to schooling – the right to go to schools with their non-disabled peers.
- We conducted a longitudinal study that indicated we could do still better. [use handout from Scott Brown] Therefore, IDEA 1997 raises the ante and ensures that children with disabilities meet the same high expectations that we have for all children in our nation. And it complements the President's efforts to provide the best possible education for all children as exemplified in Goals 2000 and other initiatives that increase parental involvement, raise expectations for student learning, and provide more rigorous teaching and learning strategies.

What Problems Does IDEA 1997 Solve?

- Increases expectations for children with disabilities to meet same high standards as their non-disabled peers. Children with disabilities will have access to the same curriculum and meet the same assessment requirements.
- Increases the likelihood that more children with disabilities will go on to higher education and gain meaningful employment.
- Places responsibility for their education on the combined efforts of the children, their parents and the schools.
- Ensures the placement of children with disabilities in classes with well-trained teachers.

- Provides appropriate supports to accommodate their disability and allows them to learn.
- Why is the issue of high expectations so key to this legislation? When the President had knee surgery, the first thought that came to many people was that the Summit meeting would have to be canceled. The expectation of those people was that the President was unable to meet the challenge of this meeting. His subsequent attendance and performance at the Summit proved them wrong. I tell you this because when we make assumptions about the abilities or limitations of another person, we often do them an injustice.

Why Should the American People be Interested in IDEA?

- It is inclusive. There are no “throw-away kids in our society. Everyone counts.
- As a nation we are invested in improving our schools. This task can only be accomplished by improving **all** schools for **all** children.
- It promotes a stronger nation. When children are identified and their specific needs are addressed early, we have more successful individuals and families, and fewer problems from crime to welfare payments.
- It makes us all winners. Everyone benefits from the research knowledge we have on teaching and learning (Sylvan’s cooperative learning); adaptations of technology (electronic curbcuts such as captioning that help non-English speakers learn English, or elderly persons who are hard of hearing to watch television); and others that recognize that all children learn differently, and that **all** can be taught.

Additional Talking Points prepared by Dept/Hill.

IDEA TALKING POINTS

- I want to reiterate the Administration's support of this bill which we believe will **improve services and results for children with disabilities.**
- The Administration has spent four years and thousands of hours of staff time trying to develop the most **balanced** and effective approach to reauthorize the IDEA.
- We have been **full and equal participants** in the Lott process which would not have been the case in any other forum.
- We believe this has produced the **best product to achieve the goals** we all want.
- Everyone involved worked hard and tried to listen and respond to concerns expressed by **parents, teachers, administrators, and others.**
- The process was a great example of **bipartisan cooperation** with extensive opportunities for input from the community.
- I should point out that this is a compromise bill--everybody will not like everything in it, but, in its totality, we believe that the **changes represent improvements in the law.**
- We expect you to get behind this bill to get it passed so that we can then fight for **greater appropriations.**

IMPROVEMENTS OVER CURRENT LAW FOR DISABLED CHILDREN AND THEIR FAMILIES

1. PLACEMENT DECISIONS. Requirement added that parents must be included in the group making placement decisions about their child (currently, parents must be part of IEP team, but in some states another group makes placement decisions).

2. PERFORMANCE GOALS AND INDICATORS AND STATE ASSESSMENTS. Ensuring that states and local school districts include disabled children in their performance goals, indicators and general assessments (and alternative assessments are developed for those disabled children for whom the general assessment is inappropriate).

3. EVALUATIONS AND RE-EVALUATIONS. Ensures parental consent for triennial reevaluations, not just initial evaluations, and ensures that evaluations are relevant to the child's instructional needs.

4. EARLY INTERVENTION. Includes improvements in the early intervention program, including clarification that infants and toddlers should receive services in natural environments where appropriate (e.g., their home); strengthens the transition provisions, and retains the Federal Interagency Coordinating Committee (which the Republicans wanted to kill).

5. STATE PLAN AND DATA COLLECTION. Requires the state to monitor school districts to determine whether they are disproportionately segregating minority children in certain placements and to determine whether there is a disproportionate number of long-term suspensions and expulsions of disabled children.

6. ENFORCEMENT. Gives the Secretary and State educational agencies greater power to implement the law by providing authority to withhold all or some funds when violations are found. Currently, you must withhold all and as a result, the sanction is never used). In addition, SEAs must notify the public when it plans on taking enforcement action. Report language included specifying other enforcement options, including referral to Justice.

IMPROVEMENTS OVER CURRENT LAW FOR SCHOOL DISTRICTS

1. **NONEDUCATIONAL AGENCIES PAYING THEIR FAIR SHARE.** Strengthens provisions requiring the Governor to ensure that non-educational agencies enter into agreements with educational agencies regarding payment for related services such as physical, occupational, or speech therapy in order to ensure that other agencies pay their fair share.

2. **STATE MAINTENANCE OF EFFORT.** Includes provisions ensuring that the increases in federal appropriations are not offset by state decreases with the authority for the Secretary to establish criteria for exceptions.

3. **LOCAL MAINTENANCE OF EFFORT.** Codifies local maintenance of effort provision from regulations (except makes it applicable only to local funds) and includes additional exemptions for when a local need not maintain effort for special education (e.g., a teacher at the high end of the pay scale retires and is replaced by a recent graduate). Local effort may be offset when the total appropriation reaches a trigger of \$4.1 billion. The SEA may deny the local the ability to offset local effort if it finds that the LEA is out of compliance.

4. **PAPERWORK.** State and local applications need be submitted only once and thereafter only amendments necessitated by compliance problems or changes in the law; evaluations may be based on existing reports and data requirements are streamlined.

5. **DISCIPLINE.** Greater authority than under current law. School personnel are given unilateral authority to move children to an interim alternative educational setting for up to 45 days if they possess weapons or illegal drugs (current law limits this authority to guns). In addition, local authorities can secure an injunction from a hearing examiner, if they can demonstrate that maintaining the child in current placement is substantially likely to result in injury to the child or others (under current law the courts has this authority). Further, the bill recognizes that school officials can make referrals to law enforcement and judicial authorities. Finally, the bill would explicitly require a child to continue to receive special education and related services, even if the child has been suspended or expelled from school. This provision would effectively override the decision in the Virginia case, which would have permitted cessation of services.

6. **MEDIATION.** Requires SEAs to make mediation available to parents, however, it remains voluntary for both parties to determine whether they want to participate.

Preliminary Messages for IDEA Event(s)

1. ***We have the same high expectations for children with disabilities as we do for all children.*** We have the evidence that children with disabilities can and do learn well. And, with few exceptions, students with disabilities will meet the same high standards that we expect all children to achieve.
2. ***IDEA is a working reality, not a promising experiment.*** Schools across the nation have been implementing IDEA for years. We have hundreds of thousands of successful students with disabilities who have demonstrated their ability to learn and succeed in school. We know how to teach children with disabilities and they know how to learn.
3. ***IDEA lets us all win.*** All children have special learning needs. Children with disabilities are no different. Together we can ensure that all children in our schools will reach their potential, meet high standards and be prepared for their future as productive citizens.
4. ***Children's abilities should not be masked by their disabilities.*** In the past 22 years since the advent of P.L. 94-142, we have learned a great deal about how to teach children with disabilities. We know what works and why. We are willing and ready to be held accountable for our efforts.
5. ***By working together, we improve teaching and learning for all.*** Families, educators, students with disabilities and their classmates can all achieve their goals when they work together. This country was based on our citizens pulling together for our common good. We have a stake in each others' success.
6. ***IDEA 97 combines rights, responsibilities and results.*** The new law preserves the rights of children with disabilities to educational opportunity, while it places responsibility for achieving the best learning results possible squarely on the shoulders of students, educators and parents. Only with all working together, can we ensure that all children will become all that they can be.

Event Line Up

- **Children with Disabilities** - You should suggest including two or three children with various disabilities to speak at the White House event. This would place a human face on the legislation. It would also allow the children an opportunity to talk about their experiences. OSERS and it's friends are in a position to recommend children who would be appropriate.
- **General Education Teacher** - An experienced general education teacher would recount his or her experiences teaching children with disabilities. The teacher would relate that accounting for the problems faced by children with disabilities is no different than accounting for the problems faced by other children. Again, OSERS can recommend teachers who would be appropriate.
- **Parent of a Child with a Disability** - A parent of a child with a disability who would talk about the importance of creating educational opportunities for their child. The parent would speak to how such programs have opened doors for their child and have allowed them to become prepared for the future as full members of their community. OSERS once again can be helpful to White House staff in recommending parents who would be appropriate to speak.
- **Judy Heumann** - It is our belief, as well as the belief of your colleagues, that you should have a role in the event. Although, we realize it may be awkward for you to raise this issue with White House staff yourself, we believe the discussion of your involvement should take place at this juncture.

Panels approve overhaul of education law

By ROBERT GREENE

AP Education Writer

WASHINGTON (AP) - An overhaul of the law guaranteeing education for millions of disabled children speedily cleared House and Senate committees Wednesday after negotiators settled longstanding disputes over discipline, children's rights and curbing legal costs.

The overhaul and extension of the 1975 Individuals With Disabilities Education Act could reach President Clinton's desk by month's end. Committee approval followed four months of intensive negotiations involving the House, Senate and Clinton administration over a bill that had stymied lawmakers for more than two years.

A key compromise would give new powers to school officials to quickly remove disabled students who bring weapons or drugs to school, and keep them out for as much as 45 days pending a final decision. The removal policy has been limited to students who bring firearms.

Also, a hearing officer rather than a court would determine whether children can be moved to another classroom or school for endangering themselves or other people.

However, the bill would guarantee that they could continue their education elsewhere if they were expelled.

"Educators will have a clearer understanding of when and how they may discipline disabled children," said Sen. James Jeffords, R-Vt., chairman of the Senate Labor and Human Resources Committee. "Parents will know that the rights of their children are protected."

The original civil rights legislation guarantees a free and "appropriate" public education to children with a range of physical, mental and emotional disabilities.

The law is intended to bring children with conditions into regular public schools as much as possible, requiring local schools to provide tutors, specially trained teachers and even medicines and medical equipment.

However, the costs have expanded with the increasing numbers of children found to have disabilities, including attention deficit disorder and learning problems such as dyslexia.

The Education Department puts the number at 5.4 million and distributes money to states based on the number of disabled students.

One provision would change the funding formula to make federal support, worth about \$4 billion this year, depend on poverty and

population.

In other, related provisions, local schools could lower their share of the program costs if Congress makes more money available, and states could not lower their payments to local school districts.

The bill also attempts to answer complainmediation be made available in all states as an alternative to more expensive court hearings and limit instances under which parents can collect lawyers' fees.

Also, parents would have to tell schools before attempting to move disabled children to special private schools and billing the public schools.

At the same time, parents would have greater access to their children's records and deliberations over their future.

"The bill will assure parents' ability t. Goodling, R-Pa., chairman of the House committee.

MAY 08 1997

Panels approve bill on disabled education

By Susan Ferrechio
THE WASHINGTON TIMES

An overhaul of a decades-old law guaranteeing the nation's 5.4 million disabled children an adequate public education is poised for easy passage in Congress after sailing out of House and Senate committees yesterday.

Educators, parents and advocates for the disabled clapped and sighed in relief when the House Committee on Education and the Workforce passed the bill, which was meticulously negotiated for nearly a year by a bipartisan group of senators and House members.

The Individuals With Disabilities Education Act, scheduled for a full vote in the House on Tuesday, has been revamped to help bring more money to local school systems for special education.

It also would grant educators unprecedented authority to quickly discipline disabled students who are disruptive or dangerous and would limit litigation costs that drain school budgets.

"I'm glad we were able to turn years of hard work and lots of blood, sweat and tears by a lot of people into a very balanced and

Schools would gain money, authority

farsighted bill," said Rep. Frank Riggs, California Republican and chairman of the House Education and the Workforce subcommittee on early childhood, youth and families.

"I think the bill will pass next week with deep and broad support," he said.

By the end of the month, the legislation could be on the desk of President Clinton, who said he will sign it.

The bill aims to reduce legal costs shouldered by schools by making states offer mediation as an alternative to court hearings.

Parents wishing to move a disabled child to a private school at the expense of a public school system would first have to notify public school officials.

The bill also aims to improve education standards for the disabled by defining what students should learn and subjecting them to the assessment tests taken by non-disabled students.

Among the other provisions in the bill is one allowing school officials to suspend for up to 45 days

students who bring drugs or weapons to school or who pose a danger to themselves or others.

Current law allows school officials to suspend disabled students for no more than 10 days for infractions other than those involving firearms, which warrant a 45-day suspension.

Disciplinary cases would be assigned to hearing officers, rather than the courts, to determine placement of the children, guaranteed an education no matter what the outcome.

Meting out punishment for disabled students who knowingly break school rules has been a major sticking point among advocates for the disabled, educators and lawmakers.

Such divisiveness stopped the bill in 1996, but it appears a compromise has been reached.

"We were disappointed there was nothing in the bill to address disruptive students," said Diane M. Shust, government liaison for the National Education Association, the nation's largest teachers union. "But there is increased flex-

ibility for schools to deal with them."

Denise Rozelle, government liaison for the American Foundation for the Blind, said she is pleased with a provision in the bill that would ensure blind students have access to Braille in public schools. But, she said, some things "we would have written differently."

"The bottom line is, nobody really got what they wanted in this bill, and that's why it's fair and balanced," she said.

At the center of the intense negotiations was David Hoppe, chief of staff to Senate Majority Leader Trent Lott of Mississippi.

Mr. Hoppe's 6-year-old son, Gregory, has Down syndrome and is a kindergartner at a Springfield elementary school.

"This bill achieves broadly what I think everybody believes are the most essential things that need to be done," Mr. Hoppe said.

The legislation received high praise from Mr. Lott, who called the bipartisan effort to produce it "a lot of honest, hard-working give and take, the likes of which I don't think I've ever seen" during 24 years in Congress.

Panels approve overhaul of education law for disabled children

By ROBERT GREENE

AP Education Writer

WASHINGTON (AP) - A planned overhaul of the law guaranteeing millions of disabled children a free education will bring them further into the mainstream, Education Secretary Richard Riley says.

"This is a balanced approach, and it places a strong emphasis on teaching and learning," Riley said Wednesday after the House and Senate education committees approved a rewrite of the Individuals With Disabilities Education Act.

The committees quickly approved identical changes in the 22-year-old civil rights law, after an agreement that ended more than two years of wrangling. The bill appears headed to quick passage in the House and Senate, and Riley said it has President Clinton's full support.

Before the legislation reached that point, negotiators had to settle disputes over discipline, children's rights and curbs on legal costs.

Riley pointed to the changes that would give parents more access to school decisions on the kinds of classes disabled children attend and require that those students get report cards as often as other children.

Regular teachers would be brought into the decisions, and disabled children would be included in standardized tests given by the state or districts, "with appropriate accommodations where necessary."

In a key compromise, school officials would get new powers to quickly remove disabled students who bring weapons or drugs to school and keep them out for as much as 45 days. The removal policy has been limited to students who bring firearms.

Also, children could be removed if a hearing officer found that they endangered other people or themselves, even if a weapon was not involved. Moreover, the children could be expelled or otherwise disciplined like other children if the conduct were found to be unrelated to the disability.

However, the bill would guarantee that they could continue their education elsewhere if they were expelled. Rights to a hearing would be protected.

"Educators will have a clearer understanding of when and how they may discipline disabled children," said Sen. James Jeffords, R-Vt., chairman of the Senate Labor and Human Resources Committee. "Parents will know that the rights of their children are protected."

The original civil rights legislation guarantees a free and "appropriate" public education to children with a range of physical, mental and emotional disabilities. The Education Department distributes money to states based on the number of disabled students and puts the number at 5.8 million. Critics say that bonus system encourages schools to classify children as disabled.

One provision would change the funding formula to make federal

grants, worth about \$3.1 billion this year, dependent on poverty and population. However, that would not kick in until federal support increases.

In related provisions, local schools could lower their share of the program costs if Congress makes more money available, and states could not lower their payments to local school districts.

The bill also attempts to answer complaints by school officials about the high legal cost of resolving disputes over handling disabled children, while parents say too many decisions about the fate of their children are made without consultation.

The bill would require that mediation be made available in all states as an alternative to more expensive court hearings and would limit instances under which parents could collect lawyers' fees.

Also, parents would have to tell schools before attempting to move disabled children to special private schools and bill the public schools.

MAY 09 1997

Overhaul to education act advances

ASSOCIATED PRESS

WASHINGTON - An overhaul of the law guaranteeing education for millions of disabled children quickly cleared House and Senate committees yesterday after negotiators settled longstanding disputes over discipline, children's rights, and curbing legal costs.

The overhaul and extension of the 1975 Individuals With Disabilities Education Act could reach President Clinton's desk by month's end. Committee approval followed four months of negotiations involving the House, Senate, and Clinton administration over a bill that had

stymied lawmakers for more than two years.

A key compromise would give new powers to school officials to remove disabled students quickly who bring weapons or drugs to school and keep them out for up to 45 days pending a final decision.

Also, a hearing officer rather than a court would determine whether children can be moved to another classroom or school for endangering themselves or other people.

However, the bill would guarantee that they could continue their education elsewhere if they were expelled.

"Educators will have a clearer

understanding of when and how they may discipline disabled children," said Senator James Jeffords, Republican of Vermont, chairman of the Senate Labor and Human Resources Committee. "Parents will know that the rights of their children are protected."

The original civil rights legislation guarantees a free and "appropriate" public education to children with a range of physical, mental, and emotional disabilities.

The law is intended to bring children with disabilities into regular public schools as much as possible.

However, the costs have expanded with the increasing numbers of children found to have disabilities.

The Education Department puts the number at 5.4 million and distributes money to states based on the number of disabled students.

One provision would change the funding formula to make federal support, worth about \$4 billion this year, depend on poverty and population.

The bill also attempts to answer complaints by school officials about the high legal cost of resolving disputes over handling disabled children.

The bill would require that mediation be made available in all states as an alternative to more expensive court hearings and limit instances under which parents can collect lawyers' fees.

EDUCATION DAILY

The education community's independent daily news service

Debate Over Discipline Dogs IDEA To Final Votes

Vol. 30, No. 92
Tuesday, May 13, 1997

An eleventh-hour attempt to allow schools to decide how to discipline students with disabilities may threaten a compromise on changes to the nation's special education law.

IDEA **Reauthorization**

As the Senate yesterday began debate on S. 717, a senator

who opposes the plan to rewrite the Individuals with Disabilities Education Act (IDEA) said he would offer an amendment on discipline.

Sen. Slade Gorton, R-Wash., told other senators that his amendment would stipulate that "local schools shall have the right to set rules about the safety and educational atmosphere for that school system."

He did not specify whether it would authorize schools to stop serving students with disabilities, which S. 717 would specifically bar, and he did not offer the amendment before the Senate adjourned in the late afternoon (ED, April 25).

Gorton lambasted S. 717, saying it would create a dual system of discipline that would fail to adequately protect nondisabled students from class disruptions and violence perpetrated by students with disabilities.

"Their safety doesn't count; their ability to learn in a safe atmosphere doesn't count," he said of the bill's impact on nondisabled students.

With votes on any amendments—and the bill itself—scheduled today, the Senate's top education policymaker was struggling yesterday to preserve the bipartisan plan, citing its new discipline provisions.

(more on p. 2)

Debate Over Discipline Dogs IDEA To Final Votes (Cont.)

The IDEA amendments are overdue, after failing to pass in the 104th Congress, and a bipartisan group working behind closed doors forged the compromise contained in S. 717 and its House companion, H.R. 5.

A House vote on the legislation also is scheduled for today. In addition to writing new rules on discipline for students with disabilities, the legislation would create a new state funding formula and new reporting requirements for student performance (ED, April 16).

Not The Same Old IDEA

The new measure would authorize schools to put disabled students in alternative settings for up to 45 days for weapon and drug offenses, and would allow hearing officers—not just judges—to order placement changes for dangerous students (ED, May 9).

“It’s not the kind of situation that we had before this bill, in which a school system was kind of helpless,” said Sen. James Jeffords, R-Vt. Current policy bars schools from changing a placement for more than 10 days without parental consent or a court order.

As expected, Sen. Judd Gregg, R-N.H., proposed requiring Congress to increase federal special education funding by \$10 billion over the next seven fiscal years (ED, May 8).

Gregg said Congress should fund 40 percent of the excess costs of educating children with disabilities, which the special education law has authorized since 1975. Federal spending, at \$3.1 billion in fiscal 1997, equals only about 8 percent (ED, Feb. 5).

But Jeffords and Sen. Tom Harkin of Iowa, the Democrats’ leader on IDEA, said Gregg’s amendment would upset the bipartisan IDEA apple cart. “We really could have an impasse here,” Jeffords warned.

The two also claimed Gregg’s funding amendment was unneeded, because the law would allow appropriators to provide the money.

The House has put H.R. 5 up for quick action. The education committee chairman, Rep. Bill Goodling, R-Pa., may offer one amendment and other members may only make speeches before voting on the overall bill. —William J. Cahir

Senate passes bill for disabled

By Susan Ferrechio
THE WASHINGTON TIMES

The Senate yesterday easily passed a major rewrite of a civil rights bill guaranteeing a public education for the nation's 5.4 million disabled students.

The Individuals with Disabilities Act, which sought to resolve questions involving legal costs and school discipline, passed with just one dissenter, Sen. Slade Gorton, Washington Republican.

Its approval came a day after the same bill was overwhelmingly approved in the House. President Clinton supports the measure and is expected to sign it into law by the end of the month.

"This will do so much to straighten out the problems we have with special education in our schools," said Sen. James M. Jeffords, Vermont Republican and chairman of the Senate Labor and Human Resources Committee, which oversees educational issues.

Two years in the making, the bill is an overhaul of 1972 legislation that first made it illegal to deny a satisfactory public education to disabled children.

The overhauled measure is intended to help ease special education's growing financial burden on local systems while giving school officials greater authority to discipline disabled students who are violent or potentially dangerous.

Its passage was heralded by lawmakers as a rare agreement between the House, Senate and Clinton administration as well as educators, parents and advocates for the disabled.

Sen. Edward M. Kennedy, Massachusetts Democrat and ranking member on the Labor Committee, called its passage, "the finest moment we have had in this session."

The bill addresses a wide range of issues, from court costs to education of the blind.

A sticking point in the bill had been just how to discipline very

disruptive or dangerous special-education students while also protecting the rights of the disabled.

The measure that passed yesterday prevents educators from ceasing services for any disabled child, but it gives local school officials the authority to suspend for up to 45 days a special education student who brings guns or drugs to school or who poses a threat to himself or others.

The bill stipulates that a hearing officer decide the fate of the child during that period and whether he or she should be returned to school or placed in another program.

Mr. Gorton called the provision a double standard and introduced an amendment, defeated 51-48, that would have let local school systems decide how to discipline such students, even if they chose to suspend services.

"These are decisions that should be made by educators, not senators," Mr. Gorton said. "What about the parents of the non-disabled students?"

The bill also aims to reduce the financial burden on local school systems, which pay more than \$30 million a year in special education costs. The federal government picks up an additional \$4 million, or 7 percent.

Under the new measure, states who receive additional federal money for special education would be prevented from reducing their share to local school districts.

Local school systems could also save money by another provision in the bill requiring them to offer mediation to parents who are dissatisfied with their child's education.

Under current law, parents can take the school system to court and then bill them for legal costs. The bill also restricts when parents can hold school systems responsible for such fees.

It also aims to aid learning and achievement by calling for improved individual education plans (IEPs), which are curriculums designed specifically for each disabled student.

MAY 15 1997

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IDEA Reauthorization Speeds Through Committees

By Joetta L. Sack

Washington

Basking in the rare glow of bipartisanship, the House and Senate education committees unanimously approved compromise bills last week to amend the nation's main special education law.

The Individuals with Disabilities Education Act reauthorization, more than a year overdue already, is now on the legislative fast track and appears poised for final passage in a matter of days.

"Our goal is to pass this and get it to the president by Memorial Day," said Senate Majority Leader Trent Lott, R-Miss. He added that he would reserve a slot on the Senate's busy legislative calendar for S216. The chairman of the House education committee, Rep. Bill Goodling, R-Pa., said he expected the House bill, HR 5, to pass May 13.

"This is a strong agreement, and it has the full support of the president and the administration," added Secretary of Education Richard W. Riley.

Little of the discord that brought the legislative process to a halt last year was evident among the bipartisan group that gathered at a news conference last week to celebrate the IDEA bills' passage through the two key committees.

The reauthorization legislation would rework the funding formula for grants to states after appropriations reach \$4.9 billion, and allow local education agencies to reduce their spending slightly after appropriations pass the \$4.1 billion mark. The companion bills also would ease litigation threats by requiring states to set up voluntary mediation systems to settle disputes over the placement of children with disabilities.

The compromise legislation was written in the past two months by Republican and Democrat lawmakers and staff aides, with input from education and disability-rights groups. ("Panels To Consider Compromise Spec. Ed. Bill This Week," May 7, 1997.)

Smooth Sailing

In the Senate session where committee members examine bills line by line, known as a mark-up, the bill's actual passage went faster than the accompanying round of thank-you's and appreciative nods. Members approved a package of technical amendments to clarify portions of the bill, and the House later followed suit.

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Staff Writer Jessica L. Sandham contributed to this report.

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Panels approve overhaul of education law

By ROBERT GREENE

AP Education Writer

WASHINGTON (AP) - An overhaul of the law guaranteeing education for millions of disabled children speedily cleared House and Senate committees Wednesday after negotiators settled longstanding disputes over discipline, children's rights and curbing legal costs.

The overhaul and extension of the 1975 Individuals With Disabilities Education Act could reach President Clinton's desk by month's end. Committee approval followed four months of intensive negotiations involving the House, Senate and Clinton administration over a bill that had stymied lawmakers for more than two years.

A key compromise would give new powers to school officials to quickly remove disabled students who bring weapons or drugs to school, and keep them out for as much as 45 days pending a final decision. The removal policy has been limited to students who bring firearms.

Also, a hearing officer rather than a court would determine whether children can be moved to another classroom or school for endangering themselves or other people.

However, the bill would guarantee that they could continue their education elsewhere if they were expelled.

"Educators will have a clearer understanding of when and how they may discipline disabled children," said Sen. James Jeffords, R-Vt., chairman of the Senate Labor and Human Resources Committee. "Parents will know that the rights of their children are protected."

The original civil rights legislation guarantees a free and "appropriate" public education to children with a range of physical, mental and emotional disabilities.

The law is intended to bring children with conditions into regular public schools as much as possible, requiring local schools to provide tutors, specially trained teachers and even medicines and medical equipment.

However, the costs have expanded with the increasing numbers of children found to have disabilities, including attention deficit disorder and learning problems such as dyslexia.

The Education Department puts the number at 5.4 million and distributes money to states based on the number of disabled students.

One provision would change the funding formula to make federal support, worth about \$4 billion this year, depend on poverty and

population.

In other, related provisions, local schools could lower their share of the program costs if Congress makes more money available, and states could not lower their payments to local school districts.

The bill also attempts to answer complainmediation be made available in all states as an alternative to more expensive court hearings and limit instances under which parents can collect lawyers' fees.

Also, parents would have to tell schools before attempting to move disabled children to special private schools and billing the public schools.

At the same time, parents would have greater access to their children's records and deliberations over their future.

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MAY 08 1997

Panels approve bill on disabled education

By Susan Ferrechio
THE WASHINGTON TIMES

An overhaul of a decades-old law guaranteeing the nation's 5.4 million disabled children an adequate public education is poised for easy passage in Congress after sailing out of House and Senate committees yesterday.

Educators, parents and advocates for the disabled clapped and sighed in relief when the House Committee on Education and the Workforce passed the bill, which was meticulously negotiated for nearly a year by a bipartisan group of senators and House members.

The Individuals With Disabilities Education Act, scheduled for a full vote in the House on Tuesday, has been revamped to help bring more money to local school systems for special education.

It also would grant educators unprecedented authority to quickly discipline disabled students who are disruptive or dangerous and would limit litigation costs that drain school budgets.

"I'm glad we were able to turn years of hard work and lots of blood, sweat and tears by a lot of people into a very balanced and

Schools would gain money, authority

farsighted bill," said Rep. Frank Riggs, California Republican and chairman of the House Education and the Workforce subcommittee on early childhood, youth and families.

"I think the bill will pass next week with deep and broad support," he said.

By the end of the month, the legislation could be on the desk of President Clinton, who said he will sign it.

The bill aims to reduce legal costs shouldered by schools by making states offer mediation as an alternative to court hearings.

Parents wishing to move a disabled child to a private school at the expense of a public school system would first have to notify public school officials.

The bill also aims to improve education standards for the disabled by defining what students should learn and subjecting them to the assessment tests taken by non-disabled students.

Among the other provisions in the bill is one allowing school officials to suspend for up to 45 days

students who bring drugs or weapons to school or who pose a danger to themselves or others.

Current law allows school officials to suspend disabled students for no more than 10 days for infractions other than those involving firearms, which warrant a 45-day suspension.

Disciplinary cases would be assigned to hearing officers, rather than the courts, to determine placement of the children, guaranteed an education no matter what the outcome.

Meting out punishment for disabled students who knowingly break school rules has been a major sticking point among advocates for the disabled, educators and lawmakers.

Such divisiveness stopped the bill in 1996, but it appears a compromise has been reached.

"We were disappointed there was nothing in the bill to address disruptive students," said Diane M. Shust, government liaison for the National Education Association, the nation's largest teachers union. "But there is increased flex-

ibility for schools to deal with them."

Denise Rozelle, government liaison for the American Foundation for the Blind, said she is pleased with a provision in the bill that would ensure blind students have access to Braille in public schools. But, she said, some things "we would have written differently."

"The bottom line is, nobody really got what they wanted in this bill, and that's why it's fair and balanced," she said.

At the center of the intense negotiations was David Hoppe, chief of staff to Senate Majority Leader Trent Lott of Mississippi.

Mr. Hoppe's 6-year-old son, Gregory, has Down syndrome and is a kindergartner at a Springfield elementary school.

"This bill achieves broadly what I think everybody believes are the most essential things that need to be done," Mr. Hoppe said.

The legislation received high praise from Mr. Lott, who called the bipartisan effort to produce it "a lot of honest, hard-working give and take, the likes of which I don't think I've ever seen" during 24 years in Congress.

Panels approve overhaul of education law for disabled children

By ROBERT GREENE

AP Education Writer

WASHINGTON (AP) - A planned overhaul of the law guaranteeing millions of disabled children a free education will bring them further into the mainstream, Education Secretary Richard Riley says.

"This is a balanced approach, and it places a strong emphasis on teaching and learning," Riley said Wednesday after the House and Senate education committees approved a rewrite of the Individuals With Disabilities Education Act.

The committees quickly approved identical changes in the 22-year-old civil rights law, after an agreement that ended more than two years of wrangling. The bill appears headed to quick passage in the House and Senate, and Riley said it has President Clinton's full support.

Before the legislation reached that point, negotiators had to settle disputes over discipline, children's rights and curbs on legal costs.

Riley pointed to the changes that would give parents more access to school decisions on the kinds of classes disabled children attend and require that those students get report cards as often as other children.

Regular teachers would be brought into the decisions, and disabled children would be included in standardized tests given by the state or districts, "with appropriate accommodations where necessary."

In a key compromise, school officials would get new powers to quickly remove disabled students who bring weapons or drugs to school and keep them out for as much as 45 days. The removal policy has been limited to students who bring firearms.

Also, children could be removed if a hearing officer found that they endangered other people or themselves, even if a weapon was not involved. Moreover, the children could be expelled or otherwise disciplined like other children if the conduct were found to be unrelated to the disability.

However, the bill would guarantee that they could continue their education elsewhere if they were expelled. Rights to a hearing would be protected.

"Educators will have a clearer understanding of when and how they may discipline disabled children," said Sen. James Jeffords, R-Vt., chairman of the Senate Labor and Human Resources Committee. "Parents will know that the rights of their children are protected."

The original civil rights legislation guarantees a free and "appropriate" public education to children with a range of physical, mental and emotional disabilities. The Education Department distributes money to states based on the number of disabled students and puts the number at 5.8 million. Critics say that bonus system encourages schools to classify children as disabled.

One provision would change the funding formula to make federal

grants, worth about \$3.1 billion this year, dependent on poverty and population. However, that would not kick in until federal support increases.

In related provisions, local schools could lower their share of the program costs if Congress makes more money available, and states could not lower their payments to local school districts.

The bill also attempts to answer complaints by school officials about the high legal cost of resolving disputes over handling disabled children, while parents say too many decisions about the fate of their children are made without consultation.

The bill would require that mediation be made available in all states as an alternative to more expensive court hearings and would limit instances under which parents could collect lawyers' fees.

Also, parents would have to tell schools before attempting to move disabled children to special private schools and bill the public schools.

MAY 09 1997

Overhaul to education act advances

ASSOCIATED PRESS

WASHINGTON - An overhaul of the law guaranteeing education for millions of disabled children quickly cleared House and Senate committees yesterday after negotiators settled longstanding disputes over discipline, children's rights, and curbing legal costs.

The overhaul and extension of the 1975 Individuals With Disabilities Education Act could reach President Clinton's desk by month's end. Committee approval followed four months of negotiations involving the House, Senate, and Clinton administration over a bill that had

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A key compromise would give new powers to school officials to remove disabled students quickly who bring weapons or drugs to school and keep them out for up to 45 days pending a final decision.

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The law is intended to bring children with disabilities into regular public schools as much as possible.

However, the costs have expanded with the increasing numbers of children found to have disabilities.

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EDUCATION DAILY

The education community's independent daily news service

Debate Over Discipline Dogs IDEA To Final Votes

Vol. 30, No. 92
Tuesday, May 13, 1997

An eleventh-hour attempt to allow schools to decide how to discipline students with disabilities may threaten a compromise on changes to the nation's special education law.

IDEA **Reauthorization**

As the Senate yesterday began debate on S. 717, a senator

who opposes the plan to rewrite the Individuals with Disabilities Education Act (IDEA) said he would offer an amendment on discipline.

Sen. Slade Gorton, R-Wash., told other senators that his amendment would stipulate that "local schools shall have the right to set rules about the safety and educational atmosphere for that school system."

He did not specify whether it would authorize schools to stop serving students with disabilities, which S. 717 would specifically bar, and he did not offer the amendment before the Senate adjourned in the late afternoon (ED, April 25).

Gorton lambasted S. 717, saying it would create a dual system of discipline that would fail to adequately protect nondisabled students from class disruptions and violence perpetrated by students with disabilities.

"Their safety doesn't count; their ability to learn in a safe atmosphere doesn't count," he said of the bill's impact on nondisabled students.

With votes on any amendments—and the bill itself—scheduled today, the Senate's top education policymaker was struggling yesterday to preserve the bipartisan plan, citing its new discipline provisions.

(more on p. 2)

Debate Over Discipline Dogs IDEA To Final Votes (Cont.)

The IDEA amendments are overdue, after failing to pass in the 104th Congress, and a bipartisan group working behind closed doors forged the compromise contained in S. 717 and its House companion, H.R. 5.

A House vote on the legislation also is scheduled for today. In addition to writing new rules on discipline for students with disabilities, the legislation would create a new state funding formula and new reporting requirements for student performance (ED, April 16).

Not The Same Old IDEA

The new measure would authorize schools to put disabled students in alternative settings for up to 45 days for weapon and drug offenses, and would allow hearing officers—not just judges—to order placement changes for dangerous students (ED, May 9).

“It’s not the kind of situation that we had before this bill, in which a school system was kind of helpless,” said Sen. James Jeffords, R-Vt. Current policy bars schools from changing a placement for more than 10 days without parental consent or a court order.

As expected, Sen. Judd Gregg, R-N.H., proposed requiring Congress to increase federal special education funding by \$10 billion over the next seven fiscal years (ED, May 8).

Gregg said Congress should fund 40 percent of the excess costs of educating children with disabilities, which the special education law has authorized since 1975. Federal spending, at \$3.1 billion in fiscal 1997, equals only about 8 percent (ED, Feb. 5).

But Jeffords and Sen. Tom Harkin of Iowa, the Democrats’ leader on IDEA, said Gregg’s amendment would upset the bipartisan IDEA apple cart. “We really could have an impasse here,” Jeffords warned.

The two also claimed Gregg’s funding amendment was unneeded, because the law would allow appropriators to provide the money.

The House has put H.R. 5 up for quick action. The education committee chairman, Rep. Bill Goodling, R-Pa., may offer one amendment and other members may only make speeches before voting on the overall bill. —William J. Cahir

Senate passes bill for disabled

By Susan Ferrechio
THE WASHINGTON TIMES

The Senate yesterday easily passed a major rewrite of a civil rights bill guaranteeing a public education for the nation's 5.4 million disabled students.

The Individuals with Disabilities Act, which sought to resolve questions involving legal costs and school discipline, passed with just one dissenter, Sen. Slade Gorton, Washington Republican.

Its approval came a day after the same bill was overwhelmingly approved in the House. President Clinton supports the measure and is expected to sign it into law by the end of the month.

"This will do so much to straighten out the problems we have with special education in our schools," said Sen. James M. Jeffords, Vermont Republican and chairman of the Senate Labor and Human Resources Committee, which oversees educational issues.

Two years in the making, the bill is an overhaul of 1972 legislation that first made it illegal to deny a satisfactory public education to disabled children.

The overhauled measure is intended to help ease special education's growing financial burden on local systems while giving school officials greater authority to discipline disabled students who are violent or potentially dangerous.

Its passage was heralded by lawmakers as a rare agreement between the House, Senate and Clinton administration as well as educators, parents and advocates for the disabled.

Sen. Edward M. Kennedy, Massachusetts Democrat and ranking member on the Labor Committee, called its passage, "the finest moment we have had in this session."

The bill addresses a wide range of issues, from court costs to education of the blind.

A sticking point in the bill had been just how to discipline very

disruptive or dangerous special-education students while also protecting the rights of the disabled.

The measure that passed yesterday prevents educators from ceasing services for any disabled child, but it gives local school officials the authority to suspend for up to 45 days a special education student who brings guns or drugs to school or who poses a threat to himself or others.

The bill stipulates that a hearing officer decide the fate of the child during that period and whether he or she should be returned to school or placed in another program.

Mr. Gorton called the provision a double standard and introduced an amendment, defeated 51-48, that would have let local school systems decide how to discipline such students, even if they chose to suspend services.

"These are decisions that should be made by educators, not senators," Mr. Gorton said. "What about the parents of the non-disabled students?"

The bill also aims to reduce the financial burden on local school systems, which pay more than \$30 million a year in special education costs. The federal government picks up an additional \$4 million, or 7 percent.

Under the new measure, states who receive additional federal money for special education would be prevented from reducing their share to local school districts.

Local school systems could also save money by another provision in the bill requiring them to offer mediation to parents who are dissatisfied with their child's education.

Under current law, parents can take the school system to court and then bill them for legal costs. The bill also restricts when parents can hold school systems responsible for such fees.

It also aims to aid learning and achievement by calling for improved individual education plans (IEPs), which are curriculums designed specifically for each disabled student.

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IDEA Reauthorization Speeds Through Committees

By Joetta L. Sack

Washington

Basking in the rare glow of bipartisanship, the House and Senate education committees unanimously approved compromise bills last week to amend the nation's main special education law.

The Individuals with Disabilities Education Act reauthorization, more than a year overdue already, is now on the legislative fast track and appears poised for final passage in a matter of days.

"Our goal is to pass this and get it to the president by Memorial Day," said Senate Majority Leader Trent Lott, R-Miss. He added that he would reserve a slot on the Senate's busy legislative calendar for S216. The chairman of the House education committee, Rep. Bill Goodling, R-Pa., said he expected the House bill, HR 5, to pass May 13.

"This is a strong agreement, and it has the full support of the president and the administration," added Secretary of Education Richard W. Riley.

Little of the discord that brought the legislative process to a halt last year was evident among the bipartisan group that gathered at a news conference last week to celebrate the IDEA bills' passage through the two key committees.

The reauthorization legislation would rework the funding formula for grants to states after appropriations reach \$4.9 billion, and allow local education agencies to reduce their spending slightly after appropriations pass the \$4.1 billion mark. The companion bills also would ease litigation threats by requiring states to set up voluntary mediation systems to settle disputes over the placement of children with disabilities.

The compromise legislation was written in the past two months by Republican and Democrat lawmakers and staff aides, with input from education and disability-rights groups. ("Panels To Consider Compromise Spec. Ed. Bill This Week," May 7, 1997.)

Smooth Sailing

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Schools would gain money, authority

farsighted bill," said Rep. Frank Riggs, California Republican and chairman of the House Education and the Workforce subcommittee on early childhood, youth and families.

"I think the bill will pass next week with deep and broad support," he said.

By the end of the month, the legislation could be on the desk of President Clinton, who said he will sign it.

The bill aims to reduce legal costs shouldered by schools by making states offer mediation as an alternative to court hearings.

Parents wishing to move a disabled child to a private school at the expense of a public school system would first have to notify public school officials.

The bill also aims to improve education standards for the disabled by defining what students should learn and subjecting them to the assessment tests taken by non-disabled students.

Among the other provisions in the bill is one allowing school officials to suspend for up to 45 days

students who bring drugs or weapons to school or who pose a danger to themselves or others.

Current law allows school officials to suspend disabled students for no more than 10 days for infractions other than those involving firearms, which warrant a 45-day suspension.

Disciplinary cases would be assigned to hearing officers, rather than the courts, to determine placement of the children, guaranteed an education no matter what the outcome.

Meting out punishment for disabled students who knowingly break school rules has been a major sticking point among advocates for the disabled, educators and lawmakers.

Such divisiveness stopped the bill in 1996, but it appears a compromise has been reached.

"We were disappointed there was nothing in the bill to address disruptive students," said Diane M. Shust, government liaison for the National Education Association, the nation's largest teachers union. "But there is increased flex-

ibility for schools to deal with them."

Denise Rozelle, government liaison for the American Foundation for the Blind, said she is pleased with a provision in the bill that would ensure blind students have access to Braille in public schools. But, she said, some things "we would have written differently."

"The bottom line is, nobody really got what they wanted in this bill, and that's why it's fair and balanced," she said.

At the center of the intense negotiations was David Hoppe, chief of staff to Senate Majority Leader Trent Lott of Mississippi.

Mr. Hoppe's 6-year-old son, Gregory, has Down syndrome and is a kindergartner at a Springfield elementary school.

"This bill achieves broadly what I think everybody believes are the most essential things that need to be done," Mr. Hoppe said.

The legislation received high praise from Mr. Lott, who called the bipartisan effort to produce it "a lot of honest, hard-working give and take, the likes of which I don't think I've ever seen" during 24 years in Congress.

Panels approve overhaul of education law for disabled children

By ROBERT GREENE

AP Education Writer

WASHINGTON (AP) - A planned overhaul of the law guaranteeing millions of disabled children a free education will bring them further into the mainstream, Education Secretary Richard Riley says.

"This is a balanced approach, and it places a strong emphasis on teaching and learning," Riley said Wednesday after the House and Senate education committees approved a rewrite of the Individuals With Disabilities Education Act.

The committees quickly approved identical changes in the 22-year-old civil rights law, after an agreement that ended more than two years of wrangling. The bill appears headed to quick passage in the House and Senate, and Riley said it has President Clinton's full support.

Before the legislation reached that point, negotiators had to settle disputes over discipline, children's rights and curbs on legal costs.

Riley pointed to the changes that would give parents more access to school decisions on the kinds of classes disabled children attend and require that those students get report cards as often as other children.

Regular teachers would be brought into the decisions, and disabled children would be included in standardized tests given by the state or districts, "with appropriate accommodations where necessary."

In a key compromise, school officials would get new powers to quickly remove disabled students who bring weapons or drugs to school and keep them out for as much as 45 days. The removal policy has been limited to students who bring firearms.

Also, children could be removed if a hearing officer found that they endangered other people or themselves, even if a weapon was not involved. Moreover, the children could be expelled or otherwise disciplined like other children if the conduct were found to be unrelated to the disability.

However, the bill would guarantee that they could continue their education elsewhere if they were expelled. Rights to a hearing would be protected.

"Educators will have a clearer understanding of when and how they may discipline disabled children," said Sen. James Jeffords, R-Vt., chairman of the Senate Labor and Human Resources Committee. "Parents will know that the rights of their children are protected."

The original civil rights legislation guarantees a free and "appropriate" public education to children with a range of physical, mental and emotional disabilities. The Education Department distributes money to states based on the number of disabled students and puts the number at 5.8 million. Critics say that bonus system encourages schools to classify children as disabled.

One provision would change the funding formula to make federal

grants, worth about \$3.1 billion this year, dependent on poverty and population. However, that would not kick in until federal support increases.

In related provisions, local schools could lower their share of the program costs if Congress makes more money available, and states could not lower their payments to local school districts.

The bill also attempts to answer complaints by school officials about the high legal cost of resolving disputes over handling disabled children, while parents say too many decisions about the fate of their children are made without consultation.

The bill would require that mediation be made available in all states as an alternative to more expensive court hearings and would limit instances under which parents could collect lawyers' fees.

Also, parents would have to tell schools before attempting to move disabled children to special private schools and bill the public schools.

MAY 09 1997

Overhaul to education act advances

ASSOCIATED PRESS

WASHINGTON - An overhaul of the law guaranteeing education for millions of disabled children quickly cleared House and Senate committees yesterday after negotiators settled longstanding disputes over discipline, children's rights, and curbing legal costs.

The overhaul and extension of the 1975 Individuals With Disabilities Education Act could reach President Clinton's desk by month's end. Committee approval followed four months of negotiations involving the House, Senate, and Clinton administration over a bill that had

stymied lawmakers for more than two years.

A key compromise would give new powers to school officials to remove disabled students quickly who bring weapons or drugs to school and keep them out for up to 45 days pending a final decision.

Also, a hearing officer rather than a court would determine whether children can be moved to another classroom or school for endangering themselves or other people.

However, the bill would guarantee that they could continue their education elsewhere if they were expelled.

"Educators will have a clearer

understanding of when and how they may discipline disabled children," said Senator James Jeffords, Republican of Vermont, chairman of the Senate Labor and Human Resources Committee. "Parents will know that the rights of their children are protected."

The original civil rights legislation guarantees a free and "appropriate" public education to children with a range of physical, mental, and emotional disabilities.

The law is intended to bring children with disabilities into regular public schools as much as possible.

However, the costs have expanded with the increasing numbers of children found to have disabilities.

The Education Department puts the number at 5.4 million and distributes money to states based on the number of disabled students.

One provision would change the funding formula to make federal support, worth about \$4 billion this year, depend on poverty and population.

The bill also attempts to answer complaints by school officials about the high legal cost of resolving disputes over handling disabled children.

The bill would require that mediation be made available in all states as an alternative to more expensive court hearings and limit instances under which parents can collect lawyers' fees.

EDUCATION DAILY

The education community's independent daily news service

Debate Over Discipline Dogs IDEA To Final Votes

Vol. 30, No. 92
Tuesday, May 13, 1997

An eleventh-hour attempt to allow schools to decide how to discipline students with disabilities may threaten a compromise on changes to the nation's special education law.

IDEA Reauthorization

As the Senate yesterday began debate on S. 717, a senator

who opposes the plan to rewrite the Individuals with Disabilities Education Act (IDEA) said he would offer an amendment on discipline.

Sen. Slade Gorton, R-Wash., told other senators that his amendment would stipulate that "local schools shall have the right to set rules about the safety and educational atmosphere for that school system."

He did not specify whether it would authorize schools to stop serving students with disabilities, which S. 717 would specifically bar, and he did not offer the amendment before the Senate adjourned in the late afternoon (ED, April 25).

Gorton lambasted S. 717, saying it would create a dual system of discipline that would fail to adequately protect nondisabled students from class disruptions and violence perpetrated by students with disabilities.

"Their safety doesn't count; their ability to learn in a safe atmosphere doesn't count," he said of the bill's impact on nondisabled students.

With votes on any amendments—and the bill itself—scheduled today, the Senate's top education policymaker was struggling yesterday to preserve the bipartisan plan, citing its new discipline provisions.

(more on p. 2)

Debate Over Discipline Dogs IDEA To Final Votes (Cont.)

The IDEA amendments are overdue, after failing to pass in the 104th Congress, and a bipartisan group working behind closed doors forged the compromise contained in S. 717 and its House companion, H.R. 5.

A House vote on the legislation also is scheduled for today. In addition to writing new rules on discipline for students with disabilities, the legislation would create a new state funding formula and new reporting requirements for student performance (ED, April 16).

Not The Same Old IDEA

The new measure would authorize schools to put disabled students in alternative settings for up to 45 days for weapon and drug offenses, and would allow hearing officers—not just judges—to order placement changes for dangerous students (ED, May 9).

“It’s not the kind of situation that we had before this bill, in which a school system was kind of helpless,” said Sen. James Jeffords, R-Vt. Current policy bars schools from changing a placement for more than 10 days without parental consent or a court order.

As expected, Sen. Judd Gregg, R-N.H., proposed requiring Congress to increase federal special education funding by \$10 billion over the next seven fiscal years (ED, May 8).

Gregg said Congress should fund 40 percent of the excess costs of educating children with disabilities, which the special education law has authorized since 1975. Federal spending, at \$3.1 billion in fiscal 1997, equals only about 8 percent (ED, Feb. 5).

But Jeffords and Sen. Tom Harkin of Iowa, the Democrats’ leader on IDEA, said Gregg’s amendment would upset the bipartisan IDEA apple cart. “We really could have an impasse here,” Jeffords warned.

The two also claimed Gregg’s funding amendment was unneeded, because the law would allow appropriators to provide the money.

The House has put H.R. 5 up for quick action. The education committee chairman, Rep. Bill Goodling, R-Pa., may offer one amendment and other members may only make speeches before voting on the overall bill. —William J. Cahir

Senate passes bill for disabled

By Susan Ferrechio
THE WASHINGTON TIMES

The Senate yesterday easily passed a major rewrite of a civil rights bill guaranteeing a public education for the nation's 5.4 million disabled students.

The Individuals with Disabilities Act, which sought to resolve questions involving legal costs and school discipline, passed with just one dissenter, Sen. Slade Gorton, Washington Republican.

Its approval came a day after the same bill was overwhelmingly approved in the House. President Clinton supports the measure and is expected to sign it into law by the end of the month.

"This will do so much to straighten out the problems we have with special education in our schools," said Sen. James M. Jeffords, Vermont Republican and chairman of the Senate Labor and Human Resources Committee, which oversees educational issues.

Two years in the making, the bill is an overhaul of 1972 legislation that first made it illegal to deny a satisfactory public education to disabled children.

The overhauled measure is intended to help ease special education's growing financial burden on local systems while giving school officials greater authority to discipline disabled students who are violent or potentially dangerous.

Its passage was heralded by lawmakers as a rare agreement between the House, Senate and Clinton administration as well as educators, parents and advocates for the disabled.

Sen. Edward M. Kennedy, Massachusetts Democrat and ranking member on the Labor Committee, called its passage, "the finest moment we have had in this session."

The bill addresses a wide range of issues, from court costs to education of the blind.

A sticking point in the bill had been just how to discipline very

disruptive or dangerous special-education students while also protecting the rights of the disabled.

The measure that passed yesterday prevents educators from ceasing services for any disabled child, but it gives local school officials the authority to suspend for up to 45 days a special education student who brings guns or drugs to school or who poses a threat to himself or others.

The bill stipulates that a hearing officer decide the fate of the child during that period and whether he or she should be returned to school or placed in another program.

Mr. Gorton called the provision a double standard and introduced an amendment, defeated 51-48, that would have let local school systems decide how to discipline such students, even if they chose to suspend services.

"These are decisions that should be made by educators, not senators," Mr. Gorton said. "What about the parents of the non-disabled students?"

The bill also aims to reduce the financial burden on local school systems, which pay more than \$30 million a year in special education costs. The federal government picks up an additional \$4 million, or 7 percent.

Under the new measure, states who receive additional federal money for special education would be prevented from reducing their share to local school districts.

Local school systems could also save money by another provision in the bill requiring them to offer mediation to parents who are dissatisfied with their child's education.

Under current law, parents can take the school system to court and then bill them for legal costs. The bill also restricts when parents can hold school systems responsible for such fees.

It also aims to aid learning and achievement by calling for improved individual education plans (IEPs), which are curriculums designed specifically for each disabled student.

MAY 15 1997

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IDEA Reauthorization Speeds Through Committees

By Joetta L. Sack

Washington

Basking in the rare glow of bipartisanship, the House and Senate education committees unanimously approved compromise bills last week to amend the nation's main special education law.

The Individuals with Disabilities Education Act reauthorization, more than a year overdue already, is now on the legislative fast track and appears poised for final passage in a matter of days.

"Our goal is to pass this and get it to the president by Memorial Day," said Senate Majority Leader Trent Lott, R-Miss. He added that he would reserve a slot on the Senate's busy legislative calendar for S216. The chairman of the House education committee, Rep. Bill Goodling, R-Pa., said he expected the House bill, HR 5, to pass May 13.

"This is a strong agreement, and it has the full support of the president and the administration," added Secretary of Education Richard W. Riley.

Little of the discord that brought the legislative process to a halt last year was evident among the bipartisan group that gathered at a news conference last week to celebrate the IDEA bills' passage through the two key committees.

The reauthorization legislation would rework the funding formula for grants to states after appropriations reach \$4.9 billion, and allow local education agencies to reduce their spending slightly after appropriations pass the \$4.1 billion mark. The companion bills also would ease litigation threats by requiring states to set up voluntary mediation systems to settle disputes over the placement of children with disabilities.

The compromise legislation was written in the past two months by Republican and Democrat lawmakers and staff aides, with input from education and disability-rights groups. ("Panels To Consider Compromise Spec. Ed. Bill This Week," May 7, 1997.)

Smooth Sailing

In the Senate session where committee members examine bills line by line, known as a mark-up, the bill's actual passage went faster than the accompanying round of thank-you's and appreciative nods. Members approved a package of technical amendments to clarify portions of the bill, and the House later followed suit.

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For background, previous articles, and related Web links, see our Issues Page on Inclusion.

Read the draft IDEA amendments of 1997, from the House Committee on Education and the Workforce Web page.

Read our story, "Progress Is Slow-Going in Spec. Ed. Negotiations," April 9, 1997.



IDEA defined.

But Sen. Judd Gregg, R-N.H., said he may propose an amendment on the Senate floor to mandate that the federal government pick up 40 percent of states' costs to implement the IDEA. Last year's \$3.1 billion appropriation was less than 10 percent of states' total costs. But at the news conference, Sen. James M. Jeffords, the Vermont Republican who heads the Senate education committee, said Mr. Gregg did not have enough votes to succeed.

Read our story,
"Rifts Stymie
Efforts To Retool
Special Ed. Law,"
Oct. 16, 1996.

Several House committee members raised concerns about provisions in the agreement and the back-room negotiations that created it. Two Democrats claimed they were left out of the process, but Republican leaders asserted that the meetings were open to all. Some committee members withdrew their amendments to ensure that the bill's quick passage would not be jeopardized.

Aside from winning final passage of the bill, the committee members agreed the next step would be persuading congressional appropriators to find more money for IDEA programs.

Staff Writer Jessica L. Sandham contributed to this report.

On the Web

Investigate the House IDEA Bill-- H.R. 5 and the Senate IDEA Bill--S. 216 with THOMAS.

Read a summary of the IDEA Improvement Act of 1997, from the House Committee on Education and the Work force Web site.

Read a statement by U.S. Secretary of Education Richard W. Riley, on the IDEA Legislative Agreement.

Read a letter from the American Association of School Administrators, opposing the proposed changes.

Read about the impact that the Individuals with Disabilities Education Act has made over the past twenty years from the U.S. Department of Education's Web site.

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Elizabeth McCulleyCOMMENTS: re. Secy Riley Press Release / Sen Lott

**UNITED STATES
DEPARTMENT OF EDUCATION****NEWS**

FOR RELEASE

May 7, 1997

Contact: Jim Bradshaw
(202) 401-2310**STATEMENT OF SECRETARY OF EDUCATION RICHARD W. RILEY
On the Legislative Agreement on the Individuals with Disabilities Education Act**

I am very pleased to join Senator Lott and Senator Kennedy, Congressman Goodling and Congressman Martinez and the senators and congressmen, Democrats and Republicans, who have worked so hard to make this agreement possible. I want to thank all of them for extending themselves and making that extra effort to produce this far-reaching agreement.

I want to thank Senator Lott for making the Department a full and equal partner in shaping this agreement. This was a very open process. Both houses of the Congress, and members from both sides of the aisle, Democrats and Republicans, have worked with the Administration and interested parties to find common ground. I am very pleased that I was able to send one of my best — Assistant Secretary Judy Heumann — to participate in negotiating the agreement.

This is a strong, bipartisan agreement that has the full support of the President and this Administration. We will work very hard to make sure that it gets to the President's desk for his signature. This is a balanced approach that places a strong emphasis on teaching and learning, and it goes a long way to improving the educational results of almost 5.8 million disabled children. I am very pleased by the results, and every segment of the education community should find satisfaction in this agreement.

Parents of disabled children get the support they need. They will be more fully involved in placement decisions, and they will get report cards on the progress their children are making as frequently as the parents of non-disabled children.

Parents will also have the satisfaction of knowing that the regular education teachers who teach their children will now be part of the team developing and reviewing the child's educational program — the IEP. This should give disabled children more of an opportunity to succeed in the regular classroom.

I am also pleased that the agreement makes a strong statement about expectations and high standards by including these young people in state and district assessments, with appropriate accommodations where necessary.

The agreement expands the authority of school officials to protect the safety of all children in the classroom. Parents of disabled children and non-disabled children alike need to know that school

-MORE-

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officials can act quickly to avoid situations that involve weapons and drugs that can put children in harms way. Yet, this agreement still retains the essential rights and protections for children with disabilities. The bill also makes clear that educational services may not be terminated for any child with a disability.

Schools districts will get financial relief because of new cost-sharing provisions, and there will be less paperwork for teachers, school districts and states. We also clarify the requirements for providing services to children whose parents voluntarily place them in private schools.

Finally, this agreement is important in another way as well. The agreement will help us heal the divisiveness that has grown up over the years that sometimes has divided the parents of disabled children and school authorities. I believe everyone, for example, will benefit from the new mediation mechanisms to resolve disputes between parents and school officials.

As a result, I think we will be able to get back to a strong focus on the teaching and learning process; to making sure that all of these young people — disabled and non-disabled — reach their full potential.

Thank you.

Consortium for Citizens with Disabilities

For more information contact:

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Kevin Dwyer (301) 657-0270

Justine Maloney (703) 243-2614

The Consortium for Citizens with Disabilities' Education Task Force commends the bipartisan, bi-cameral efforts of that have produced the Individuals with Disabilities Education Act Amendments of 1997. Today, this legislation was unanimously adopted by the House of Representatives' Committee on Education and the Workforce and the Senate Labor and Human Resources Committee.

The IDEA Amendments of 1997 represent a compromise that is both fair and balanced and maintains the right to a free, appropriate public education for all children with disabilities. This legislation will be instrumental in improving educational results for children with disabilities. It strengthens parental participation in all aspects of the law. The legislation also provides essential supports to parents and school personnel through training, technical assistance and research activities. Paperwork burdens for school personnel are reduced through this legislation. Finally, the bill will reduce litigation with the new focus on alternative dispute resolution activities.

The CCD Education Task Force urges the Congress to adopt the IDEA Amendments of 1997 and to appropriate increased funds for all its programs in Fiscal Year 1998. The Department of Education should continue and improve its activities to vigorously monitor and enforce this landmark civil rights law.

The Consortium for Citizens with Disabilities is a coalition of approximately 100 national disability organizations working together to advocate for national public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

CCD's Education Task Force monitors federal legislation and regulations that address the educational needs of children with disabilities and their families, including the Individuals with Disabilities Education Act (IDEA) programs. The Education Task Force advocates for enhancing opportunities for children under these laws. The Task Force is comprised of 52 national organizations representing parents, consumers, professionals and provider groups.

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PRESS RELEASE

FOR IMMEDIATE RELEASE

May 7, 1997

Contact: Scott Southward

Phone: (202) 225-5464

CONGRESSMAN MARTINEZ ENSURES EDUCATION FOR DISABLED STUDENTS

Washington, D.C..... Today, Congressman Matthew G. Martinez scored a major victory for children with disabilities. Under his Leadership, the Individuals with Disabilities Education Act (IDEA) will maintain strong provisions mandating that children with disabilities receive free appropriate public education.

"I believe all children, including those with disabilities, are entitled to a quality education," says Martinez. "This bill ensures that children with disabilities are taught and served by qualified individuals with appropriate education and training."

Contained in this bipartisan reauthorization measure is important protections for children with disabilities, including a ban on the cessation of educational services. Congressman Martinez has been a strong and consistent advocate for children with disabilities and this reauthorization strongly reflects that. "As the Ranking Member of the Early Childhood, Youth and Families Subcommittee, I was able to gain bipartisan support for this major piece of legislation," says Martinez.

There are 5.4 million children under IDEA, about 4.8 million are school-age, 500,000 preschoolers, and about 150 infants and toddlers. Half of those 4.8 million school-age children have learning disabilities-- such as problems with reading and writing.

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**News
Release****Frank****Riggs**

Representative in Congress for California's First District

For Immediate Release
May 7, 1997Contact: Beau Phillips
202-225-3311**IDEA Special Education Reform Bill Passes
House and Senate Education Committees Wednesday**

WASHINGTON -- Legislation co-sponsored by Congressman Frank Riggs (R-CA-1) that will provide the most sweeping changes and reforms to federal special education policy in decades passed the education committees in both the House of Representatives and the U.S. Senate Wednesday.

"These reforms strengthen our nation's most comprehensive law guaranteeing the civil rights of children with learning disabilities," Riggs said at a press conference at the U.S. Capitol today. "Every American child with learning disabilities should have the opportunity to receive a quality education. My bill will guarantee that educational opportunity more than ever before." Riggs is chairman of the House Education Subcommittee on Early Childhood, Youth and Families, which shepherded the bill through the House.

And in a major victory for California, Riggs was able to get changes to the bill that will eliminate the threat the state now faces from the U.S. Department of Education. Without this deal, the state could lose its entire \$332 million federal special education assistance package for not providing special education services to adult prison inmates.

The deal brokered by Riggs will insure that California would not be required to provide special education services to inmates who were not classified as learning disabled before entering the correctional system. That will cut the number of inmates eligible for such services from an original projection of several thousand to well under 700. The agreement will also leave inmate education services in the hands of state corrections departments, and allow them to modify special education programs as needed for security reasons.

"This is a significant victory for California. The state is no longer under the threat of losing our \$332 million special education package -- which serves over 800,000 students in schools statewide," Riggs said. "This satisfies 99 percent of what California officials wanted, and does not break a deal that will benefit learning disabled students, parents, care givers and teachers nationwide."

(more)

In a break with the usual procedure for writing legislation, Congressman Riggs and Senate Majority Leader Trent Lott (R-MS) and others were able to create a consensus building approach to the negotiations over special education policy. As a result, most of the interested parties -- including Republican and Democrat lawmakers from both the House and Senate, the U.S. Dept. of Education, and White House negotiators -- spent the last five weeks in intensive round-the-clock negotiations.

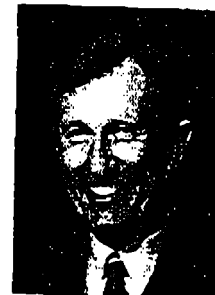
The measure, a reauthorization of the Individuals with Disabilities Education Act (IDEA), would grant new rights to parents of children with disabilities and cut paperwork for teachers and give them a greater say in designing special education programs.

"This may be the first time in a generation legislation of this magnitude, which affects so many children, parents and educators, will pass through both Houses of Congress with the support of nearly every Republican, every Democrat, the President, and the entire disability community," Riggs said. "It is a testament to what we can accomplish when we turn the spirit of bipartisanship and constructive compromise into real legislation."

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JIM JEFFORDS



UNITED STATES SENATOR • VERMONT

For Immediate Release
May 7, 1997

Contact: Joe Karpinski
(202) 224-6770

**Opening Statement
Senator James Jeffords**

**Markup of
The Individuals with Disabilities Education Act Amendments of 1997
May 7, 1997**

Today we are considering an original bill, the Individuals with Disabilities Education Act Amendments of 1997. This legislation is the result of four months of intensive discussion among Members of this Committee, the House Committee on Education and the Workforce, and officials from the U.S. Department of Education.

The process followed in developing this legislation was unprecedented. The cooperation demonstrated by everyone was extraordinary. In fact, the House Committee on Education and the Workforce will consider the same legislation in just a few minutes.

It is our hope and expectation that both the House and Senate will complete floor action on the bill prior to the Memorial Day recess.

Many people and organizations have helped us to get where we are today. I would like to name a few.

First and foremost I wish to thank the Majority Leader, Trent Lott, for his unwavering support and in particular for the assistance of his Chief of Staff, Dave Hoppe. Without their commitment to the process and to children with disabilities, we could not have come this far.

(More)

Page 2

I would also like to thank my colleagues – Senators Kennedy, Coats, Harkin, and Gregg, and especially, Chairman Goodling, Mr. Clay, Mr. Riggs, Mr. Martinez, Assistant Secretary Heumann and their staff for an extraordinary effort over the past few months.

I also wish to thank Senator Frist, who set the direction and standard that led us in our efforts to reauthorize IDEA in the last Congress, through the leadership he demonstrated.

We have also benefited from the patience and support we received from dozens and dozens of individuals and organizations. I cannot name them all in my oral remarks, but will note them in my statement for the record. Having such diverse support is greatly appreciated and critical to our efforts.

Last week, I was fortunate to have had the opportunity to hear directly from my constituents in Vermont. For two hours my staff and I discussed the proposal and I took questions. The comments I received were extremely helpful, and reinforced my belief that we are on the right path.

The purposes of the Individuals with Disabilities Education Act Amendments of 1997 are to clarify and strengthen the Individuals with Disabilities Education Act (IDEA) by providing parents and educators with the tools to:

- preserve the right of children with disabilities to a free appropriate public education;
- continue to provide children with disabilities early intervention, preschool, and educational experiences that prepare them for later educational challenges and employment;
- drive more Federal dollars to local school districts;
- bring meaningful accountability to the process of educating children with disabilities by placing emphasis on standards applied to all children and achieving outcomes for children with disabilities based on such standards

(More)

Page 3

- expand opportunities for parents, special education, related services, regular education, early intervention service providers, and others to work in new partnerships at both the State and local levels; and finally
- create incentives to enhance the capacity of schools and other community-based entities to work effectively with children with disabilities and their families, through targeted funding for personnel training, research, media, technology and the dissemination of technical assistance and best practices.

I would like to highlight a few examples from the bill that illustrate both the strength and potential of these amendments to IDEA.

First, we listened and responded to recommendations from parents.

The bill specifies that parents will participate in any meeting in which the educational placement of their child would be set. Currently, this is a matter of school district discretion.

Through their child's IEP, parents will know how the child's school will assist the child to succeed in the general education curriculum. They will know how that success will be measured, and they will know how it will be reported.

And most importantly, educational services to a child with a disabilities will not cease, when a child with a disability is expelled by a school district for violating discipline rules.

Second, we listened to educators, especially local educators. In the bill we have given them options for fiscal relief.

In any year in which Federal appropriations increase above inflation, local school districts will receive the benefits, either in greater amounts in their individual allotments or in opportunities to compete for best practice grants.

In addition, once the Federal appropriation for Part B of IDEA reaches \$4.1 billion, in any year a local school district may use up to 20 percent of the increase in its share of IDEA funds to supplant local dollars.

(More)

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Finally, in the bill we addressed discipline. We clarify and put in one place for the first time, the guidelines for disciplining children with disabilities. Educators will have a clearer understanding of when and how they may discipline disabled children. Parents will know that the rights of their children are protected.

When we embarked on the process of reauthorizing IDEA, we had two choices -- either to act separately and define common ground from our own vantage point, or work together -- all of us -- to develop public policy that made sense, could be justified, was understood, and will be supported in both the short- and long-term. We have done that.

I hope all of my colleagues will support this bill, join me as sponsors, and assist with its speedy consideration by the full Senate.

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Letters of support as of 5/8

National Parent Network on Disabilities
Learning Disabilities Association
The ARC
National Easter Seal Society
American Association of School Administrators
National Education Association
Autism Society of America
National Association of the Deaf
National Down Syndrome Society
Epilepsy Foundation of America
American Academy of Child & Adolescent Psychiatry
American Association of University Affiliated Programs
American Foundation for the Blind
American Physical Therapy Association
American Speech-Language-Hearing Association
Association for Education & Rehabilitation of the Blind and Visually Impaired
National Association of Developmental Disabilities Councils
National Association of State Directors of Special Education
National Coalition of Deaf-Blindness
National Mental Health Association
National Therapeutic Recreation Society
United Cerebral Palsy Associations
Council of Great City Schools
Children and Adults with Attention Deficit Disorders
Rehabilitation Engineering and Assistive Technology Society of North America
National Association School Psychologist
Higher Education Consortium for Special Education
The Council for Exceptional Children
National Association of Elementary School Principals
Federal Advocacy for California Education



- ABTA

- D/DF

- JUSTICE

- TASH

Post-it® Fax Note 7671		Date 9-8	# of pages 5
To Bill White	From Betty Smith		
Co./Dept.	Co.		
Phone #	Phone #		
Fax # 456-6218	Fax #		

Press Release

For Immediate Release
Revised

Contact: Lynda Voyles
703-264-9478 (O)
703-455-1007 (H)

President Clinton Short Changes Special Education

Undermines Tax Relief for Special Education Costs

RESTON, VA, SEPTEMBER 8, 1997--Despite public statements supporting children with disabilities, President Clinton is giving the education of such children short shrift in his funding recommendations. In his 1998 proposal, the president requested \$4.2 billion for special education, compared to \$4.35 billion proposed by the House and \$4.95 billion by the Senate.

In addition, the president's Office of Management and Budget, in a September 2 Statement of Administration Policy, "strongly urge[d]" the Senate to reduce its proposal for "lower priority" programs--which includes special education. The administration says these programs would be "adequately funded" at the administration-requested level.

President Clinton's funding recommendations contrast sharply with statements he made during his campaign and signing of the Individuals with Disabilities Education Act of 1997 (IDEA). In response to CEC questions about funding, he said, "I know how much IDEA means to millions of students with disabilities and their parents...I am committed to maintaining IDEA so that every American student with a disability will receive excellent educational opportunities."

-more-

President Shortchanges Special Education, Pg. 2

In sharp contrast to the president's goal of ensuring that all children can read by the end of the fourth grade, he requested only a 4.5 percent increase in the Part B program for children with disabilities -- *barely enough to cover inflation*. House members proposed a 7.7 percent increase for this program, and the Senate acknowledged the cost of implementing IDEA with its 27 percent increase. Children who have difficulty learning to read due to a disability need teachers and programs that meet their learning needs. In order to meet the overall objective of "America Reads," IDEA is essential to the needs of the 10 percent of children with challenges such as blindness, learning disability, or other impairment.

"While The Council for Exceptional Children appreciates the President Clinton's commitment to education in general," said Joseph Ballard, CEC's Director of Public Policy, "we regret that he does not appear to be as sensitive to the needs of children with disabilities, nor the needs of taxpayers for relief, as do members of Congress on this particular issue."

The newly reauthorized IDEA would, for the first time, offer local tax relief from the cost of educating children with disabilities. These provisions were championed by school boards, administrators, and parents, as well as special education oriented organizations such as CEC. For tax relief to be triggered, IDEA must be funded above \$4.9 billion. By proposing a lower figure, the president denies local tax relief.

The Council for Exceptional Children, the largest professional association for special educators, works to improve the educational success of students with disabilities and/or gifts and talents. CEC represents members serving more than 5 million students with disabilities and 2.5 million gifted students in the United States.

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JMB EDUCATION

ID:202-395-4875

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10:58 No.001 P.02



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

**September 2, 1997
(Senate Floor)**

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

**S. 1061 - DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES,
EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 1998**

(Sponsors: Stevens (R), Alaska; Specter (R), Pennsylvania)

This Statement of Administration Policy provides the Administration's views on S. 1061, the Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Bill, FY 1998, as reported by the Senate Appropriations Committee.

The Committee has developed a bill that provides requested funding for many of the Administration's priorities. We are pleased that the Committee has fully funded Bilingual and Immigrant Education, School to Work, and Education Technology Programs. The Administration is also pleased that the Committee has limited the number of appropriations riders, consistent with the terms of the Bipartisan Budget Agreement. The Senate is urged to continue this practice. As discussed below, the Administration will seek restoration of certain of the Committee's reductions.

The Administration is committed to working with the Senate to identify reductions in the bill in order to find offsets for the restoration of funds that the Administration seeks. For example, the Committee bill provides nearly \$1.5 billion more than the President has requested for three dozen authorities in the Department of Education, while cutting the President's request by almost \$2 billion. Similar reallocations are made in other sections of the bill. We strongly urge the Senate to reduce funding for lower priority programs, or for programs that would be adequately funded at the requested level, and to redirect funding to programs of higher priority, particularly those specified in the Bipartisan Budget Agreement, as noted below.

Unfortunately, the Administration understands that a number of controversial amendments may be offered, such as an amendment to halt the President's national testing initiative, an amendment to prohibit the use of funds in the Act for supervising the Termster's election, an amendment to enable states to privatize the administration of public assistance programs, and another amendment to provide that welfare recipients in workfare can be paid at rates below the minimum wage. In addition, a number of these proposals, as well as certain provisions of the Committee bill, such as the lack of funding for the President's America Reads Challenge, are contrary to the Bipartisan Budget Agreement. If such policies were adopted, particularly in light of other concerns raised in this Statement of Administration Policy, the President's senior advisers would be forced to recommend that the President veto the bill.

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Department of Education

The Administration appreciates the Committee's efforts to provide substantial new funding for education activities. Unfortunately, the Committee has failed to provide the \$260 million necessary for the President's America Reads Challenge in the Department of Education, and the bill provides only \$16 million of the \$42 million requested for America Reads in the portion of the Corporation for National and Community Service budget funded by this bill. The Committee has provided advance appropriations for America Reads to the Department of Education for FY 1999, pending new authorization, which would produce a full year's delay in getting needed reading assistance to millions of children. The Bipartisan Budget Agreement specifically calls for funding a literacy program, "consistent with the goals and concepts of the President's America Reads program" at the levels proposed in the President's FY 1998 Budget. America Reads is one of the Administration's highest funding priorities. The Administration believes that full FY 1998 funding for this initiative should be restored to both the Department of Education and the Corporation for National and Community Service activities funded in this bill and in the VA/HUD Appropriations bill.

The Administration is working closely with the authorizing committees to develop legislation effective for FY 1998. There is ample time to enact legislation, as needed, by April 1 for a program that would begin on July 1, in time for summer activities and the 1998-1999 school year. The Administration urges the Congress to do so. However, to ensure that funding is provided in a manner consistent with the Bipartisan Budget Agreement, the Administration strongly urges the Congress to include in this Act a provision to make the funds available on April 1 under existing authorities. In the event that final action on the authorization bill is not completed in a timely manner.

The Administration will strongly oppose potential amendments that would bring a halt to the President's national testing initiative. The national tests proposed by the President are critical because they will, for the first time, provide students, parents, and teachers the opportunity to measure how well students are performing in comparison to other students nationally and internationally and, as a result, they will help hold schools accountable for the performance of all students. The Department of Education has the authority to develop these tests under the Fund for the Improvement of Education (FIE) program, which provides the Secretary with the authority to support nationally significant programs and projects to improve the quality of education. We support the Committee report language requiring that the Department of Education contract with the National Academy of Science to conduct an evaluation of the testing initiative. In addition, we support legislation to place overall responsibility for the testing initiative with the independent, bipartisan National Assessment Government Board.

The Bipartisan Budget Agreement specifies funding at the levels proposed in the President's budget for Pell grants, which supports both a \$3,000 maximum award and expanded eligibility for independent students. The Committee bill cuts the Pell request by over \$725 million from the President's request, and thus does not fund the Administration's proposed independent

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student policy. The Administration proposes that the appropriation act include one year of authority while the reauthorization process is pending. This authorization is no different from the Committee's annual procedure of authorizing the maximum Pell grant award. In accordance with the terms of the Bipartisan Budget Agreement, we urge the Senate to fully fund Pell grants and to authorize both the maximum award and the independent student change.

While the Committee has exceeded the amount specified in the Balanced Budget Agreement for Education Reform, it has achieved this by adding technology funding currently within another account, rather than funding the full request for current Education Reform account programs. Within the total, Goals 2000 State and local grants are funded at only \$500 million, \$105 million below the request. Goals 2000 funds provide essential support to every State's education improvement strategy. We strongly urge the Senate to restore full funding for Goals 2000.

The Administration urges the Senate to fund Safe and Drug-Free Schools and Communities (SDFSC) at the President's FY98 request of \$620 million, \$64 million above the Senate mark. SDFSC, the largest Federal school-based drug and violence prevention program, serves more than 40 million students in over 97 percent of the nation's school districts and is an essential component of a comprehensive effort to reduce teen drug use.

A number of other high priority Education programs are funded significantly below the President's request. These include Adult Education, College Work-Study, Title I Targeted grants, Eisenhower Professional Development, Charter Schools, 21st Century Learning Centers, and educational research, statistics, and assessment. We urge the Senate to fully fund these activities at the levels requested in the President's FY 1998 Budget.

Department of Health and Human Services

The Administration is deeply concerned that the Committee has failed to provide \$21 million for the Administration's new Adoption Initiative. The goal of this program is to double the number of children adopted or permanently placed outside of child welfare systems by FY 2002. The additional investment is small compared to the potential rewards of placing children in supportive and loving homes. The Administration strongly urges the Senate to fully fund this urgently-needed program at the President's requested level.

The Administration is pleased that the Committee has provided the requested \$40 million increase over FY 1997 for Ryan White AIDS Treatment Grants, and an additional \$41 million that could be used by grantees for the purchase of AIDS drugs. The Administration is also pleased to see that the Committee has allocated these funds roughly as requested in the President's budget, with an additional \$38 million in Title II grants to States which spend a large proportion of the Ryan White grants on primary care and drugs for people with HIV and AIDS.