

108TH CONGRESS  
1ST SESSION

# H. R. 464

To provide relief to teachers, administrators, and related services providers from an excessive paperwork burden, and to reduce time spent by teachers on non-instructional activities, as required under the Individuals with Disabilities Education Act.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2003

Mr. KELLER (for himself, Mr. BOEHNER, and Mr. CASTLE) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To provide relief to teachers, administrators, and related services providers from an excessive paperwork burden, and to reduce time spent by teachers on non-instructional activities, as required under the Individuals with Disabilities Education Act.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “IDEA Paperwork Re-  
5       duction Act of 2003”.

1 **SEC. 2. STRATEGIC PROPOSALS TO REDUCE THE PAPER-**  
2 **WORK BURDEN UNDER THE INDIVIDUALS**  
3 **WITH DISABILITIES EDUCATION ACT.**

4 Not later than 6 months after the date of the enact-  
5 ment of this Act, the Secretary of Education shall submit  
6 to the Committee on Education and the Workforce of the  
7 House of Representatives and the Committee on Health,  
8 Education, Labor, and Pensions of the Senate a report  
9 that details such regulatory proposals as the Secretary  
10 deems advisable for reducing the paperwork burden on  
11 teachers, administrators, and related services providers  
12 under the Individuals with Disabilities Education Act, and  
13 reducing the non-instructional time spent by teachers in  
14 order to comply with the requirements of the Individuals  
15 with Disabilities Education Act.

16 **SEC. 3. SIMPLIFIED AND STREAMLINED NOTICES.**

17 (a) IN GENERAL.—Not later than 6 months after the  
18 date of the enactment of this Act, the Secretary of Edu-  
19 cation shall identify, develop, and disseminate simplified  
20 and streamlined model documents for individualized edu-  
21 cation programs (IEPs), procedural safeguards notices,  
22 and prior written notice reporting requirements incor-  
23 porating relevant Federal statutory and regulatory re-  
24 quirements under the Individuals with Disabilities Edu-  
25 cation Act.

1 (b) DISSEMINATION AND TRAINING.—In carrying out  
 2 subsection (a), the Secretary shall disseminate and provide  
 3 training and technical assistance on the model IEPs, pro-  
 4 cedural safeguard notices, and prior written notice report-  
 5 ing requirements to all State and local educational agen-  
 6 cies, parent training centers, and other appropriate enti-  
 7 ties.

8 **SEC. 4. 3-YEAR INDIVIDUALIZED EDUCATION PROGRAMS.**

9 (a) DEVELOPMENT OF 3-YEAR IEP.—Notwith-  
 10 standing part B of the Individuals with Disabilities Edu-  
 11 cation Act, a local educational agency that receives funds  
 12 under part B of that Act may offer to the parent of a  
 13 child with a disability the option of developing a com-  
 14 prehensive 3-year IEP. With the consent of the parent,  
 15 the IEP Team shall develop an IEP, as described in sec-  
 16 tions 614(d)(1) and 614(d)(3) of that Act, that is de-  
 17 signed to serve the child for a 3-year period, which in-  
 18 cludes a statement of—

19 (1) measurable goals pursuant to section  
 20 614(d)(1)(A)(ii) of that Act, coinciding with natural  
 21 transition points for the child, that will enable the  
 22 child to be involved in and make progress in the gen-  
 23 eral education curriculum and that will meet the  
 24 child's other educational needs that result from the  
 25 child's disability; and

1           (2) annual goals for measuring progress toward  
2           meeting the goals in paragraph (1).

3           (b) REVIEW AND REVISION OF 3-YEAR IEP.—

4           (1) REQUIREMENT.—The IEP Team shall con-  
5           duct a review of the child’s 3-year IEP under section  
6           614(d)(4) of the Individuals with Disabilities Edu-  
7           cation Act at each of the child’s natural transition  
8           points.

9           (2) ANNUAL STREAMLINED REVIEW.—In years  
10          other than a child’s natural transition points, the  
11          local educational agency shall ensure that the IEP  
12          Team—

13                (A) provides an annual streamlined review  
14                of the child’s IEP to determine the child’s cur-  
15                rent levels of progress and determine whether  
16                the annual goals for the child are being  
17                achieved; and

18                (B) revises the IEP, as appropriate, to en-  
19                able the child to continue to meet the measur-  
20                able goals set out in the IEP.

21          (3) COMPREHENSIVE REVIEW.—If the review  
22          under paragraph (1) determines that the child is not  
23          making sufficient progress toward the goals de-  
24          scribed in subsection (a), the local educational agen-  
25          cy shall ensure that the IEP Team provides a re-

1 view, within 30 calendar days, of the IEP under sec-  
2 tion 614(d)(4) of the Individuals with Disabilities  
3 Education Act.

4 (4) PARENTAL PREFERENCE.—At the request  
5 of the parent, the IEP Team shall conduct a review  
6 of the child’s 3-year IEP under section 614(d)(4) of  
7 the Individuals with Disabilities Education Act rath-  
8 er than an annual streamlined review under para-  
9 graph (1).

10 **SEC. 5. PAPERWORK REDUCTION DEMONSTRATION PRO-**  
11 **GRAM.**

12 (a) PILOT PROGRAM.—The Secretary is authorized  
13 to grant waivers of paperwork requirements under the In-  
14 dividuals with Disabilities Education Act for a period of  
15 time not to exceed 4 years with respect to not more than  
16 10 States based on proposals submitted by States for ad-  
17 dressing reduction of paperwork and non-instructional  
18 time spent fulfilling statutory and regulatory require-  
19 ments.

20 (b) REPORT.—The Secretary shall include in the an-  
21 nual report of the Department of Education (required to  
22 be transmitted to Congress under section 426 of the De-  
23 partment of Education Organization Act) information re-  
24 lated to the effectiveness of waivers granted under sub-  
25 section (a)—

1           (1) in reducing the paperwork burden on teach-  
 2           ers, administrators, and related services providers  
 3           under the Individuals with Disabilities Education  
 4           Act, and non-instructional time spent by teachers in  
 5           compliance of the requirements of the Individuals  
 6           with Disabilities Education Act, including any spe-  
 7           cific recommendations for broader implementation;  
 8           and

9           (2) in enhancing longer term educational plan-  
 10          ning, improving positive outcomes for children with  
 11          disabilities, promoting collaboration between IEP  
 12          Team members, and ensuring satisfaction of family  
 13          members, including any specific recommendations  
 14          for broader implementation.

15 **SEC. 6. AMENDMENTS TO THE INDIVIDUALS WITH DISABIL-**  
 16 **ITIES EDUCATION ACT.**

17       (a) INDIVIDUALIZED EDUCATION PROGRAMS.—

18           (1) DEFINITIONS.—Section 614(d)(1) of the In-  
 19          dividuals with Disabilities Education Act (20 U.S.C.  
 20          1414(d)(1)) is amended—

21           (A) in subparagraph (B), by striking  
 22          clause (ii) and inserting the following:

23                   “(ii) a regular education teacher of  
 24                   such child (if the child is, or may be, par-  
 25                   ticipating the majority of the school day in

1 the regular education environment), but  
2 such teacher shall not be required to at-  
3 tend a meeting or part of a meeting of the  
4 IEP Team involving issues not related to  
5 the child's participation in regular edu-  
6 cation, nor shall multiple regular education  
7 teachers, if the child has more than one  
8 regular education teacher, be required to  
9 attend a meeting, or part of a meeting, of  
10 the IEP Team;"; and

11 (B) by adding at the end the following:

12 "(C) IEP TEAM ATTENDANCE.—The par-  
13 ent of a child with a disability and the local  
14 educational agency may agree to excuse any  
15 member of the IEP Team from attending an  
16 IEP meeting, in whole or in part, when, under  
17 the circumstances, the attendance of such mem-  
18 ber is not necessary. An IEP Team may obtain  
19 input prior to an IEP meeting from any mem-  
20 ber whose attendance at such meeting is not  
21 necessary as determined under the preceding  
22 sentence."

23 (2) DEVELOPMENT OF IEP.—Section 614(d)(3)  
24 of such Act (20 U.S.C. 1414(d)(3)) is amended by  
25 adding at the end the following:

1           “(D) WAIVER OF MEETING.—In making  
2           changes to a child’s IEP, the parent of a child  
3           with a disability and the local education agency  
4           may agree to waive the need to reconvene the  
5           IEP Team and instead develop a written docu-  
6           ment to amend or modify an existing IEP.

7           “(E) CONSOLIDATION OF MEETINGS.—To  
8           the extent possible, the local educational agency  
9           shall encourage the consolidation of IEP Team  
10          meetings for a child.”.

11          (3) USE OF TECHNOLOGY.—Section 614 of  
12          such Act (20 U.S.C. 1414) is amended by adding at  
13          the end the following:

14          “(g) ALTERNATIVE MEANS OF MEETING PARTICIPA-  
15          TION.—When conducting IEP team meetings and place-  
16          ment meetings pursuant to this section and section 615,  
17          the parent of a child with a disability and a local edu-  
18          cational agency may agree to use alternative means of  
19          meeting participation, such as video conferencing and tele-  
20          conference calls.”.

21          (b) CONSTRUCTION.—Section 614(e) of such Act (20  
22          U.S.C. 1414(e)) is amended by adding at the end the fol-  
23          lowing: “Nothing in this section shall be construed to re-  
24          quire that additional information be included in a child’s  
25          IEP beyond what is explicitly required in this section.”.



1       (c) PROCEDURAL SAFEGUARDS NOTICE.—Section  
 2 615(d)(1) of such Act (20 U.S.C. 1415(d)(1)) is amended  
 3 by striking subparagraphs (B) and (C) and inserting the  
 4 following:

5               “(B) at the time services are initially pro-  
 6 vided;

7               “(C) upon registration of a complaint  
 8 under subsection (b)(6) of this section; and

9               “(D) upon request by a parent.”.

10 **SEC. 7. DEFINITIONS.**

11       In this Act:

12           (1) CHILD WITH A DISABILITY.—The term  
 13 “child with a disability” has the meaning given the  
 14 term in section 602 of the Individuals with Disabil-  
 15 ities Education Act.

16           (2) IEP TEAM.—The term “IEP Team” has  
 17 the meaning given the term in section 614(d)(1)(B)  
 18 of the Individuals with Disabilities Education Act.

19           (3) INDIVIDUALIZED EDUCATION PROGRAM.—  
 20 The term “individualized education program” or  
 21 “IEP” has the meaning such term has in section  
 22 602 of the Individuals with Disabilities Education  
 23 Act.

24           (4) NATURAL TRANSITION POINTS.—The term  
 25 “natural transition points” means those periods that

1       are close in time to the transition of a child with a  
2       disability from preschool to elementary grades, from  
3       elementary grades to middle or junior high school  
4       grades, from middle or junior high school grades to  
5       high school grades, and from high school grades to  
6       postschool activities, but in no case longer than 3  
7       years.

8               (5) SECRETARY.—The term “Secretary” means  
9       the Secretary of Education.

10              (6) STATE.—The term “State” means each of  
11       the 50 States, the District of Columbia, and the  
12       Commonwealth of Puerto Rico.

