

contracts with owners by which owners screen residents, provide units for eligible families, and authorities make payments directly to owners on behalf of the eligible families. The authority may enter into a contract with itself for units it manages or owns.

Amount of Monthly Assistance Payment, Shopping Incentive and Escrow. States that the monthly payment for assistance under this title is in the case of a unit with gross rent that exceeds the payment standard for the locality, the amount by which the payment standard exceeds the amount of the resident's contribution and, in the case of a unit with gross rent that is less than the payment standard, the amount by which the gross rent exceeds the resident's contribution. Half of any savings under (b) are escrowed into a fund on behalf of the tenant, the remainder to be returned to the federal treasury.

TITLE IV—HOME RULE FLEXIBLE GRANT OPTION

Allows local governments and jurisdictions to create and propose alternative programs for better delivery of housing services using funds that otherwise would have been provided to these localities through the federal programs. Localities would be able to consolidate public housing and choice-based rental assistance funds. The local plan would have to meet certain federal requirements, and would be subject to approval by the Secretary. HUD would enter into "performance agreements" with the jurisdictions setting forth specific performance goals.

TITLE V—ACCOUNTABILITY AND OVERSIGHT PROCEDURES

Study of Various Performance Evaluation Systems, Establishment of Accreditation Board. Requires that a study be conducted of alternative methods to evaluate the performance of public housing agencies, the results of which shall be reported to Congress by the Secretary within six months of the date of enactment of this legislation. Six months after completion of the study and receipt by Congress, a twelve-member Housing Foundation and Accreditation Board (the "Board") is established with the purpose of developing an alternative evaluation and accreditation system for public housing authorities.

Annual financial and performance audits. Requires each public housing authority to conduct an annual financial and performance audit. Procedures for the selection of an auditor, access to all relevant records, design of audit are described. The Secretary may withhold the amount of the cost of an audit from an authority that does not comply with this section.

Classification by performance category. Provides for four classifications for housing authorities, including troubled housing authorities. Requires an authority classified as troubled to enter into an agreement with the Secretary that provides a framework for improving the authority's management.

Removal of Ineffective PHA's. Authorizes the Secretary to (a) solicit proposals from other entities to manage all or part of the authority's assets, (b) take possession of all or part of the authority's assets, (c) require the authority to make other arrangements to manage its assets, or (d) petition for the appointment of a receiver for the authority, upon a substantial default by a housing authority of certain obligations. The Secretary may provide emergency assistance to a successor entity of an authority. Allows an appointed receiver to abrogate contracts that impede correction of the default or improvement of the authorities classification, demolish and dispose of assets in accordance with this title, create new public housing authorities in consultation with the Secretary.

Mandatory takeover of chronically troubled PHA's. Requires the Secretary to takeover

each chronically troubled public housing agency not later than 180 days after the date of the enactment. The Secretary may either solicit proposals and take the necessary actions to replace management of the agency or take possession of the agency.

TITLE VI—REPEALS AND CONFORMING AMENDMENTS

Provides for repeal of the United States Housing Act of 1937. However, the effective date of this act is delayed for six-months after date of enactment to allow HUD time to identify any technical corrections that would be required resulting from such repeal. In addition, the Secretary may delay implementation (until no later than October 1, 1998) of any section in order to avoid undue hardship or if necessary for program administration, provided the Secretary notify Congress.

TITLE VII—AFFORDABLE HOUSING AND MISCELLANEOUS PROVISIONS

Include various miscellaneous provisions, including a prohibition against HUD establishing a national occupancy standards, technical corrections to legislation governing the use of assisted housing by aliens, amendments to HOME and CDBG income eligibility to promote homeownership, and provisions governing the use of surplus government property by homeless providers and self-help housing programs.

IDEA IMPROVEMENT ACT OF 1997

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RIGGS. Mr. Speaker, I am pleased to join Chairman GOODLING, and others, in the introduction of the IDEA Improvement Act of 1997. I will serve as the chairman of the Subcommittee on Early Childhood, Youth and Families during the 105th Congress. I care deeply about ensuring that all children receive a quality education. There is nothing more important to the future of our country than providing the opportunity for a high quality education for all Americans. I believe that this can be achieved by working together to build on what works: basic academics, parental involvement, and dollars to the classroom, not bureaucracy.

We must ensure that children with disabilities are not denied the opportunity for a high quality education. The IDEA Improvement Act of 1997 will help children with disabilities by focusing on their education instead of process and bureaucracy, by increasing parents' participation, and by giving teachers the tools they need to teach all children.

The bill I have cosponsored is nearly identical to the bipartisan IDEA Improvement Act of 1996. That bill, which passed the House in June 1996 without a single dissenting vote, made numerous changes to current law. The 1997 bill changes the focus of the Act to education, not process and bureaucracy. It ensures evaluations for special education so that schools will consider whether other needs are the primary cause of a child's learning problems. These could include inability to speak English, or lack of previous instruction in reading and math.

Another change focusing on education is in the area of due process. The IDEA Improvement Act will shift the focus of dispute resolution from litigation to mediation—focusing on

the real needs of the child. Similarly, prior to the commencement of any litigation and unlike current law, parents and schools will be required to disclose their concerns about the child's education to the other party. I believe this will lead to conflict resolution and education for the child, instead of more litigation and attorney's fees.

Parental involvement is an important hallmark of this bill. Under the bill, parents will be given the right to access all of their child's records and participate in any decisions on the placement of their child. Parents will be able to receive regular, meaningful updates about the progress their child is making, in another marked change from current law. This will further ensure that a child with a disability receives a quality education, not simply passes through an educational process.

Finally, the bill will ensure that teachers have the tools they need to teach all children. The bill will shift decisions on the expenditure of Federal training funds from the Federal Government to States and localities. That change will mean more general and special education teachers receiving the in-service training they need, instead of the pre-service training for special educators that the universities desire. The bill will eliminate the incidental benefit rule, which prevents schools from allowing even an incidental benefit from IDEA funds from deriving to other students, even if doing so would result in substantial aggregate cost savings, which can be used to educate all children.

I would like to briefly comment on the process that has led to this bill's introduction. During the past 2 months, I met with a number of members of the disability and education communities to learn their views on last year's bill and the need for reforming IDEA in general. During my discussions with the disability community, they expressed their appreciation for our initial intention to introduce a bill that is silent on the issue of whether schools may expel students with disabilities without education services in cases where such expulsion is permitted by local law and where the child's actions are unrelated to their disability.

I had taken that action as a sign of good faith that the topic of student discipline would be discussed in a fair and open manner by the committee. Our hope was that all groups would agree to such a free, democratic process.

Following my conversation with representatives of the disability community, I was both surprised and saddened to receive a letter from the co-chairs of the Consortium for Citizens with Disabilities asking Chairman GOODLING and me not to introduce a bill at this time. They indicated that there was insufficient time in this new Congress for my Democrat counterparts to consider a new bill. They were also concerned that the bill would be represented as having their support because it is based on last year's bill, the contents of which drew heavily from the disability and education group consensus process that occurred in the spring of last year.

I do not believe our introduction of the IDEA Improvement Act of 1997, which has only technical changes from the bill that passed the House unanimously last year, will result in any undue difficulty for our committee's Democrats. Being based on last year's bill, the 1997 bill draws from the four hearings and six drafts that preceded the House's later bipartisan passage of that bill.

I certainly do not expect that this legislation will be greeted by immediate, unconditional support from all parties. I do, however, expect that interested parties will use this new bill as the basis of discussion in the coming months.

Because the disability community has apparently decided against supporting such a process of open discussion, the cosponsors of this bill and I have chosen to introduce a bill which includes all provisions of the bill which has received bipartisan support in the House of Representatives. That bill included provisions on cessation of education services.

Reauthorization of the Individuals with Disabilities Education Act will be the first priority of my subcommittee in the 105th Congress. Chairman GOODLING and I will once again attempt to reach a consensus with all of the groups affected by our legislation.

IDEA IMPROVEMENT ACT OF 1997

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. GOODLING. Mr. Speaker, today over one dozen of my colleagues and I have introduced the IDEA Improvement Act of 1997, amending the Individuals with Disabilities Education Act [IDEA]. I have long been concerned about ensuring that all children receive a high quality education. There is nothing more important to the future of our country than providing the opportunity for a high quality education for all Americans. My colleagues and I believe this can be achieved by working together to build on what works: that means improving basic academics, increasing parental involvement, and moving dollars to the classroom.

In my view, this bill represents a significant step toward local schools delivering a high quality education to all children with disabilities. I have long supported improving the quality of education for children with disabilities. Last year, I worked hard for the passage of the IDEA Improvement Act of 1996, H.R. 3268. That bill passed the House in the 104th Congress by a unanimous vote. I have also long pushed the Appropriations Committee for increased funding for the Part B Program. Last year, my efforts were rewarded with over \$700 million in new funding being appropriated to IDEA.

Like H.R. 3268, the IDEA Improvement Act of 1997 focuses the act on children's education instead of process and bureaucracy, gives parents greater input in determining the best education for their child, and gives teachers the tools they need to teach all children well. These are the changes that are necessary to provide a high quality education for all children with disabilities.

The changes in the IDEA Improvement Act will have a real and positive impact on the lives of millions of students with disabilities. When enacted, the bill will help children with disabilities learn more and learn better, which should be the ultimate test of any education law. Students with disabilities will now be expected, to the maximum extent possible, to meet the same high educational expectations that have been set for all students by States and local schools. There will be an emphasis on what works instead of filling out paperwork.

No longer will teachers be forced to complete massive piles of unnecessary, federally required forms and data collection sheets. These changes will mean more time for teachers to dedicate to their students, and fewer resources wasted on process for its own sake.

The IDEA Improvement Act will help cut costly referrals to special education by emphasizing basic academics in the general education classroom. In the 1994-95 school year, 2.5 million of our Nation's 4.9 million special education children were there because they have learning disabilities. Many of these problems could be addressed with better academics in the early grades.

The IDEA Improvement Act has addressed this issue in several ways. First, following every evaluation of a child for special education services, school personnel will need to consider whether the child's problems are the result of lack of previous instruction. Too often, children whose primary problems result from a lack of reading skills enter special education because their problem was not properly addressed with basic academics. This change will result in fewer children being improperly identified as disabled because of their actual need, lack of skills, will be noted and addressed in a general education setting.

Second, the bill's discretionary training program will provide necessary training for general education teachers that is not being provided today. Current Federal training grant programs ultimately focus on their resources on pre-service training for special education teachers, because universities that receive the grants decide what the priorities for training are. While such training is important, where local teachers and schools are given the opportunity to decide what priorities are most important, they consistently cite in-service training, particularly for general education teachers, and pre-service training for early-grade general education and reading teachers. This bill will refocus Federal efforts by putting the decision making power with States and local schools, who are in a better position to recognize and serve their local needs. This will mean teachers will be better trained to teach children in the critical early grades, which will lead to better taught children and ultimately, fewer special education referrals.

Third, the IDEA Improvement Act will eliminate many of the financial incentives for over-identifying children as disabled. The change in the Federal formula, which I will talk about shortly, will reduce the Federal bonus for identifying additional children as disabled. Hopefully, States will follow suit, moving toward similar formulas. The legislation will also ensure that States do not use placement-driven funding formulas that tie funds to the physical location of the child. Such incentives encourage children to be placed in more restrictive settings, from which they are less likely to ever leave. They also encourage placement in special education in the first place, particularly children with mild disabilities that might best be served in general education classrooms with more assistance, instead of separate classrooms.

The legislation will also help ensure that assignment to special education is not permanent. Children are often referred to special education in early grades and then never leave. Part of the problem lies with the child not keeping pace with their peers. Special education plans often have no link to the gen-

eral curriculum. Therefore, children remain in special education because they lose contact with what other children their age are learning and can no longer keep up. This legislation will ensure that the general curriculum is part of every child's Individualized Education Program [IEP] or justifies why it is not.

The bill will assure parents' ability to participate in key decisionmaking meetings about their children's education and they will have better access to school records. They will also be updated no less regularly than the parents of nondisabled students through parent-teacher conferences and report cards. Parents will be in a better position to know about their child's education, and will be able to ensure that their views are part of the IEP team's decisionmaking process.

The bill ensures that States will offer mediation services to resolve disputes. Mediation has proved successful in the nearly three-quarters of the States that have adopted it. This change will encourage parents and schools to work out differences in a less adversarial manner. The bill will also eliminate attorney's fees for participating in IEP meetings, unless they have been ordered by a court. The purpose of this change is to return IEP meetings to their original purpose, discussing the child's needs.

Our legislation will reduce litigation under IDEA by ensuring that schools have proper notice of a parent's concerns prior to a due process action commencing. In cases where parents and schools disagree with the child's IEP, the school will have real notice of the parent's concerns prior to due process. We hope that this will lead to earlier resolution of such disputes without actual due process or litigation.

Local principals and school administrators will be given more flexibility. There will be simplified accounting and flexibility in local planning. No longer will accounting rules prevent even incidental benefits to other, nondisabled children for fear of lost Federal funding.

The bill will make schools safer for all students, disabled and nondisabled, and for their teachers. Expanding upon current procedures for students with firearms, we will enable schools to quickly remove violent students and those who bring weapons or drugs to school, regardless of their disability status. The bill will ensure that such children can quickly be moved to alternative placements for 45 days, during which time the child's teachers, principal, and parents can decide what changes, if any, should be made to the child's IEP and placement.

The legislation will also ensure that disability status will not affect the school's general disciplinary procedures where appropriate. In discipline cases, the child's Individualized Education Program team will determine whether the child's actions were a manifestation of his or her disability. If they were not, schools will need to take the same action with disabled children as they would with any other child. This would include expulsion in weapons and drug cases where that is permitted by local or State law.

Finally, I would like to talk about the funding which will determine how much of the Federal appropriation each State will receive. Let me say first of all—no State will lose funds through the first 5 years of the transition to the new formula. This bill moves from allocating funds to the States based on a "child count"