

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"

of children with disabilities to a population-based formula with a factor for poverty. The new formula is based 85 percent on the number of children in the State and 15 percent on State poverty statistics. This is a major step in the move to reduce the overidentification of children as disabled, particularly African-American males who have been pushed into the special education system in disproportionate numbers.

In addition no State should ever receive less than it received in fiscal year 1996. Because of the substantial increase in IDEA Part B funding appropriated by the Congress for fiscal year 1997, 49 States will never receive less than they received last year. And that final State will never be affected if there are modest increases in IDEA funding between now and fiscal year 2007, and if not, only then in 2007.

The Clinton administration recognized the problem with the current system when it presented its proposal to the 104th Congress, suggesting a population-based formula with future funding. Many of my Democratic colleagues also recognized the importance of this change when they introduced that bill last year as H.R. 1986. In 1994, the Department of Education's Inspector General recommended changing the formula exactly as we have changed it in this bill. They called the current formula a "bounty system" that encourages putting children in special education when they should not be.

The IDEA Improvement Act of 1997 reflects an 18 month process of bipartisan efforts to improve upon IDEA. Because of the bipartisan passage of last year's bill, the bill we introduce today contains only a few technical changes from last year's bill. These changes include moving forward by 1 year various implementation dates within the bill and the inclusion of private school and charter school representatives on State advisory boards. The latter change was inadvertently left out of the bill as it passed the House in June 1996. In all other ways, the IDEA Improvement Act of 1997 is identical to last year's bill.

Ensuring a quality education for students with disabilities through the IDEA Improvement Act of 1997 is my committee's No. 1 educational legislative priority. As such, Subcommittee Chairman FRANK RIGGS will hold a pair of hearings in February with full committee consideration coming soon thereafter. It is our intention to have the IDEA Improvement Act of 1997 passed by the House prior to the end of this spring.

Before closing, I would also like to comment on the developments of the last 8 weeks that led to this bill's introduction. In November, Subcommittee Chairman FRANK RIGGS had a number of conversations with interested individuals and groups about IDEA and our committee's plans for introducing a new IDEA Improvement Act. At that time, Representative RIGGS stated our committee's intention to leave certain provisions out of the 1997 bill that were included in the 1996 bill. These provisions related to the ability of States and localities to discipline all students, including students with disabilities whose actions are unrelated to their disability, in accordance with local policy. This would include expulsion without educational services where that practice is permitted by local law for students with weapons or illegal drugs.

At that time, we had decided to leave those 1996 bill provisions out of the 1997 bill, essen-

tially making the bill silent on the issue of ceasing education services to children with disabilities who have been expelled because of their conduct. We intended to do so as a sign of good faith to the disability community, who had indicated their discomfort with those provisions—a sign that we intended to have a full public debate on this issue. I expected that this gesture would be taken as a welcome sign by these groups. My expectation was that they would respond by indicating their willingness to participate in a vigorous public debate about this and other important issues surrounding the education of children with disabilities. I was greatly disappointed to learn that this was not the reaction of the disability community.

On December 20, 1996, the cochair of the Consortium for Citizens with Disabilities sent a letter to me and Representative RIGGS asking that we postpone introduction of IDEA reform legislation. They said that while they applauded our earlier decision to introduce legislation that was silent on the issue of cessation, they had other concerns about other issues addressed in the 1996 bill. More pointedly, the letter remarked that "no disability organization supported [the 1996] legislation."

The cochair wrote briefly about the consensus process that led to the final form of the 1996 bill, and thus, the IDEA Improvement Act of 1997. The consensus process occurred last year when disability and education groups asked me if the bill's markup could be postponed so that these groups could make consensus recommendations. About 85 percent of the "consensus group" recommendations were incorporated into the 1996 legislation. The cochair's letter said that the disability community's purposes in supporting the consensus document was "to keep the legislative process moving" and that they "have never supported, and will never support, the consensus document as an acceptable final set of recommendations that should be enacted into law without further revision."

I was saddened to receive this letter. I simply find it hard to believe that it would be inappropriate to introduce legislation to reform a law when very similar legislation has been actively debated during the previous 18 months; has seen six distinct incarnations circulated or introduced; has seen four hearings held during the 104th Congress; and has seen passage of that legislation by the House of Representatives without a single dissenting vote less than 7 months before.

I was troubled as well by the group's position on the consensus recommendations and their incorporation into our 1996 bill. Neither I, nor any of our committee's members, believed that the consensus recommendations would be enacted into law without change. We understood that further debate and a conference with the Senate would be necessary before the law would be enacted.

Given this letter, I must believe that certain segments of the disability community are not interested in debating these important issues. They are not interested in releasing a working legislative document to the public at large for the consideration of all interested parties. That position is absolutely contrary to mine. As chairman, I am interested in an open discussion of reform options in a public hearing where everyone can comment on a range of proposals. The IDEA Improvement Act serves that purpose well, and I am proud to be its sponsor.

While I had previously stated that I intended to introduce a bill that included a sign of good faith for the disability community, I must take the cochair's letter as a rejection of that sign. For that reason, I have chosen not to introduce such a bill. Instead, I have introduced a bill that saw unanimous passage just 7 months ago in the House.

The IDEA Improvement Act is the most important change to America's special education system since the passage of Public Law 94-142 in 1975. Overall, America's special education system as currently structured has not accomplished what is necessary to educate all children with disabilities. There is broad agreement on the need to change. Results are important. Accountability is important. I believe this bill will help give America's children with disabilities what they were promised 21 years ago: the real opportunity to receive a high quality education. I urge my colleagues to join us in this effort.

IN SUPPORT OF REP. BOB DORNAN'S REQUEST FOR A FORMAL INVESTIGATION BY THE HOUSE OVERSIGHT COMMITTEE

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. STEARNS. Mr. Speaker, today I was officially sworn in as a member of the 105th Congress as were my 434 colleagues.

I was heartened to learn that although Ms. LORETTA SANCHEZ was sworn in to represent the 46th district of California, this would in no way prejudice Congress' consideration of the request made by former Representative Bob Dornan that Congress initiate a formal investigation into certain voter irregularities, which have occurred in the election in District 46, California on November 5, 1996.

I would caution my colleagues that this is not some bogus demand being made as a vendetta, nor is it groundless and without merit. There are proven cases of voter fraud in this election, which have already been acknowledged and verified. My major concern is that we must not allow our election process to become a sham merely because it is perceived to be politically correct. As a result of an initial investigation into this matter, an arm of the office of the Immigration and Naturalization Service [INS] has already been ordered by INS to shut down its citizenship testing program as of January 6, 1997.

Have we forgotten the struggles of minority citizens and women and their efforts to attain the right to vote?

Mr. Speaker, this request is not without precedent, I call to your attention McCloskey and McIntyre in the 99th Congress, 1st session or Roush versus Chambers 87th Congress, 1st session. These two cases involved dispositions to the House concerning Federal elections.

This country prides itself the fact that we are a democracy and abide by the axiom of "One man; one vote." However, I would like to quote a well known playwright who wrote: "It's not the voting that's democracy; it's the counting."