

EXTENSIONS OF REMARKS

H.R. 5—INDIVIDUALS WITH DISABILITIES EDUCATION ACT
AMENDMENT OF 1997

SPEECH OF

GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. MILLER of California. Mr. Speaker, I am pleased to join my colleagues in both parties today to support this remarkable achievement on behalf of children with disabilities and their families.

I have always believed that it is an honor and a privilege to serve in Congress. Today I can say that I am truly proud to serve in Congress and to have played a role in upholding the laws that protect our children and their families.

We had some very serious disagreements when we started this effort 2 years ago to revise the two-decades-old law on disability education.

At that time, there were several critical points that prevented us from coming to an agreement.

I believed then and still believe that all children, regardless of the nature of severity of their disability, must be guaranteed a free and appropriate public education and that no child should be denied an education.

I said last year that if the California Legislature could conclude that this sound educational and social policy does not compromise school safety, then Congress should do so as well. The language in this bill before us specifically prohibiting cessation of services accomplishes that goal.

I believed then and still believe that treatment of children with disabilities should be guided by what we know about the nature of the child's disability and its effect on his or her behavior. Unfortunately, this knowledge needs to be more widely disseminated. Language proposed in consideration of this bill previously would have allowed schools to discipline disabled students solely for so-called "disruptive behavior".

Most of us assume this was a well-intended effort, yet nonetheless it would have resulted in a situation where any of a wide-range of nonthreatening but, to some, unpleasant behaviors, could have been grounds for suspension or expulsion.

I am pleased that my colleagues had the good sense to strike this provision from the bill.

I believed then and still believe that parents are entitled to pursue all legal avenues available to them to ensure their child is treated fairly. Unfortunately, some had argued for provisions which would have curtailed or severely diminished these rights.

I am pleased that the bill before us maintains the fundamental rights we established when this groundbreaking law was written over 20 years ago.

The bill before us today resolves these differences to the satisfaction of the many dif-

ferent parties that have contributed to this process and who are affected by this legislation.

Other more, specific aspects of the bill also deserve note.

First, this bill permits a hearing officer to decide whether to place a child in an alternative educational setting for no more than 45 days if a school district proves beyond a preponderance of evidence that maintaining the child in his or her current educational placement is substantially likely to result in injury to the child or others. The standard substantially likely was established by the Supreme Court in *Honig versus Doe*. In that case, the Court described the children who could be moved as those who are truly dangerous, and noted that it was up to the school district to rebut the presumption of maintaining the child in the current placement. In deciding whether the district has met this burden, it would not be permissible to move a child based on behavior that is not truly dangerous.

In addition, H.R. 5 requires the hearing officer to consider the appropriateness of the child's placement and efforts by the school district to minimize the risk of harm. Thus, the bill assumes that it would not be permissible to remove a child when the child's behavior can be addressed in the current placement.

In placing the additional authority with the hearing officers, the proposed bill recognizes the important role already assigned to these individuals in guaranteeing the rights of children with disabilities. It is because of the importance of this role that the Act requires that hearing officers be impartial and prohibits the designation of an employee of the child's school district as a hearing officer.

It is expected that hearing officers will be provided appropriate training to carry out this new responsibility in an informed and impartial manner and that both State educational agencies and the Secretary of Education will closely monitor the implementation of this provision.

The intent behind this bill was to strengthen the least restrictive environment requirement and participation of children with disabilities in the general curriculum and the regular education classroom.

In keeping with this goal, the bill clarifies that the regular education teacher is part of the IEP team if the child is, or may be, participating in the regular education environment. With respect to the IEP team, it is also important to underscore the right of parents to bring advocates or anyone else they care to bring to support them in the IEP process. Parents often need this support to level the playing field and allow them to participate meaningfully in the IEP process.

I am particularly pleased that the bill strengthens enforcement of IDEA by providing the Secretary more flexibility in withholding funds in cases of noncompliance and by explicitly clarifying the Secretary's ability to refer matters to the Department of Justice for enforcement action. Enforcement of this Act has been one of the main obstacles to full implementation. These new features will help as-

sure that noncompliance will not go unchecked.

This process we went through in crafting these agreements was not easy. We had to overcome very real and difficult disagreements. Those of us who believed the rights of children and their parents were going to suffer were able to work with our colleagues in Congress who saw this issue differently and were able to agree that these rights should be protected.

What we strove to achieve, and what I think we've accomplished, is a bill that protects the rights of children with disabilities, and at the same time fosters cooperation between parents, teachers, school boards, administrators, and State and local agencies to help ensure that each recognizes their responsibilities and that each must make a commitment to work collaboratively to serve the best interests of all children.

I particularly wish to thank Senate Majority Leader TRENT LOTT for allowing us the arena in which to make this achievement. It was a remarkable process. Senator LOTT's dedication, and that of his chief of staff, David Hoppe, have served us all well.

I would also like to thank the other members of the bipartisan House-Senate IDEA working group—Chairman GOODLING, Representatives RIGGS, CASTLE, MARTINEZ, and SCOTT, and Senators KENNEDY, JEFFORDS, HARKIN, and COATS—along with their staffs, for the extraordinary effort they made in putting this agreement together.

I would also like to extend special thanks to Assistant Secretary of Education Judy Heumann, whose commitment to and effectiveness in addressing issues affecting those with disabilities, and whose impact on my knowledge and understanding of these issues, is second to no one's. Judy was an integral part of this process from beginning to end and this agreement simply would not have been possible without her.

Mr. Speaker, during our deliberations on this act I received in the mail a letter from an old friend of mine, retired superior Court judge Robert J. Cooney, enclosing a copy of a book written by his son, Peter, describing what life is like for a child with Down's syndrome and for that child as he becomes an adult and seeks his place in American society. Over the years I have had the opportunity to watch Peter grow as he progressed through school and participated in the Special Olympics and achieve greater and greater independence.

Peter makes it clear in his book the importance of family and the available resources: "it is the love of parents and others that make the person special. We need help sometimes. Parents and teachers and counselors should help us when we need help but don't do too much for us.—Some counselors need to think of us as special. Part of their job is helping us become independent."

Peter is now 32 years old, lives in a residential facility and works in the food service business at Cosumnes River College when he is not attending a book signing.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, this legislation is about empowering parents and students to be able to get the best education they can, so that like Peter they too will have the chance to participate fully in American society.

We should never forget why we went through this process. Before the IDEA law was on the books over 20 years ago, more than a million children with disabilities were not being educated. Schools refused to take them, and States did not force them to do.

IDEA is a civil rights law. For a parent with a disabled child, there is nothing more important than knowing your child will get as good an education as any other child. You would think that is not so much to ask in this great and rich country of ours. In fact, twenty years ago, it was too much to ask. But it is not any more.

IN MEMORY OF LLOYD REYNOLDS

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. EHRLICH. Mr. Speaker, I rise today with great sadness to pay tribute to a wonderful friend of mine, Mr. Lloyd Reynolds. Lloyd was 64 years old when he was suddenly and prematurely taken from us last month. It is difficult for me to express the profound loss to me, his family, and the State of Maryland.

Lloyd was born in Long Branch, NJ, and moved to Reisterstown, MD, when he was 16. He graduated from Franklin High School in 1950, and, 5 years later, founded Reynolds & Yellott Co., a construction firm.

Always interested in farming, Lloyd raised cattle, pigs, and turkeys near his home. He became increasingly involved with the farming community and was president of the Baltimore County Farm Bureau at his death. One of his greatest concerns was the loss of quality farmland to commercial developers, and he sought alternative ways for farmers to get equity out of their land without having to sell for such development.

Lloyd was also involved in community service of another kind. A staunch Republican in a State where Democrats outnumbered Republicans by a ratio of three to one, Lloyd was a Republican candidate for Lieutenant Governor of Maryland in 1982 and 1990. Although both attempts were unsuccessful, being involved was a way of life for Lloyd Reynolds.

I could always rely on Lloyd for advice about farming or small business issues because I knew he would be candid and sincere with me. He was always unselfish and genuinely concerned about others—qualities that defined him as a unique human being.

Mr. Speaker, I want to send my condolences to Lloyd's wife of 43 years, Barbara, and his entire family. I will miss him a great deal. At the same time, I remain most thankful that Lloyd Reynolds was a part of my life over the past 12 years.

A FACTSHEET ON ALCOHOL-IMPAIRED DRIVING FROM THE CENTER FOR DISEASE CONTROL [CDC]

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. BILIRAKIS. Mr. Speaker, on May 13, 1997, I held a special order on the dangers of drunk driving. At the time, I submitted a factsheet to the CONGRESSIONAL RECORD on alcohol-impaired driving from the Center for Disease Control. However, the fact sheet was inadvertently left out of the RECORD. The factsheet is added here as an extension of remarks.

ALCOHOL-RELATED CRASH DEATHS: GENERAL POPULATION

Motor vehicle crashes are a leading cause of death in the United States for persons from one to 34 years of age.

41.3 percent of the 41,693 traffic fatalities in 1995 were alcohol-related (i.e., either the driver or nonoccupant (e.g., pedestrian) had a Blood Alcohol Content equal to or greater than 0.01 g/dL in a police-reported crash).

A driver with an alcohol concentration of point one-zero (0.10) (the legal limit in many States) or greater is seven times more likely to be involved in a fatal motor vehicle crash than is a driver who has not consumed alcoholic beverages. A driver with an alcohol concentration of 0.15 or greater is about 25 times more likely to be involved in a fatal motor crash.

From 1982 through 1995, the number of alcohol-related traffic fatalities decreased 31 percent, from 25,165 to 17,217.

Fatal crashes that occur at night, on weekends, and that involve only one vehicle have the highest percentage of alcohol involvement.

Men who die in motor vehicle crashes are almost two times more likely than women to be legally intoxicated.

Among drivers killed in motor vehicle crashes in 1995, the highest rates of alcohol intoxication were recorded for drivers 25 to 34-years of age (45.9 percent), followed by drivers aged 21 to 24 years (41.7 percent) and drivers 35 to 44 years of age (41.3 percent).

ALCOHOL-RELATED CRASH DEATHS: YOUTH AND YOUNG ADULTS

In 1994, 29 percent of the 2,610 traffic fatalities involving 15- to 17-year olds and 44 percent of the 3,616 traffic fatalities involving 18- to 20-year olds were alcohol-related.

Among young persons who drive after drinking alcohol, the relative risk of being involved in a crash is greater for young persons at all blood alcohol concentrations than it is for older persons.

ROLE OF OTHER DRUGS IN CRASH DEATHS

Drugs other than alcohol (e.g., marijuana and cocaine) have been identified in 18 percent of driver deaths. These drugs are generally used in combination with alcohol.

Most fatally injured drivers who have used drugs other than alcohol are males between the ages of 25 to 54.

ALCOHOL-RELATED CRASHES: FREQUENCY AND COST

Approximately 40 percent of persons will be involved in an alcohol-related crash during their lifetime.

In 1990, alcohol-related crashes cost \$46.1 billion, including \$5.1 billion in medical expenses.

DRINKING AND DRIVING: FREQUENCY AND CHARACTERISTICS OF DRINKING DRIVERS

In 1993, there were approximately 1.5 million arrests for driving under the influence of alcohol or narcotics in the United States.

Teenage and young adult drivers aged 16-29 years of age who have been arrested for driving while impaired are over four times more likely to die in future crashes involving alcohol than those who have not been arrested for drunk driving.

Adult drivers age 30 and older, who have been arrested for drunk driving, are over 11 times more likely to die in future crashes involving alcohol than those who have not been arrested.

Over 70 percent of drivers convicted of driving while impaired have serious drinking problems.

NATIONAL OBJECTIVES

By the year 2000, the U.S. Public Health Service wants to reduce alcohol-related motor vehicle crash deaths to no more than 5.5 per 100,000 population. (In 1994, the rate of deaths from these crashes was 6.4 per 100,000 population.)

By 2005, the U.S. Department of Transportation wants to reduce alcohol-related traffic fatalities to 11,000.

PROGRAMS AND POLICIES TO PREVENT ALCOHOL-IMPAIRED DRIVING

States lowering the legal BAC to 0.08 percent have experienced a 16 percent decline in the proportion of fatal crashes involving fatally injured drivers whose blood alcohol levels were 0.08 percent or higher and an 18 percent decline in the proportion of fatal crashes involving fatally injured drivers whose blood alcohol levels were 0.15 percent or higher, relative to other states who had not adopted these laws.

Raising the minimum drinking age to 21 years has been shown to reduce alcohol consumption among youth and significantly reduce crash deaths in the under-21 age group.

In one State, raising the minimum drinking age from 19 to 21 years resulted in a 38 percent decline in motor vehicle death rates among 19 and 20 year olds.

States lowering the legal BAC for drivers under age 21 years have experienced a 22 percent decline in deaths in single-vehicle crashes involving drivers 15-20 years of age compared to an only 2 percent decline in States that did not establish lower blood alcohol content for these drivers.

States that require the prompt suspension of the driver's license of persons who drive while intoxicated (i.e., administrative license revocation) have typically experienced a 6 percent decline in single-vehicle nighttime fatal crashes, crashes that typically involve alcohol.

Substance abuse treatment for DWI offenders has generally resulted in a 7- to 9-percent reduction in DWI recidivism.

TRIBUTE TO MICHAEL BLOOMBERG

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mrs. LOWEY. Mr. Speaker, I rise to honor Mr. Michael Bloomberg on the occasion of his receiving the prestigious Herbert Lehman Award, presented by the American Jewish Committee. As a member of the tribute committee, I am well aware of Michael's leadership in civic and community service, as well as success in New York's financial community.

A 1964 graduate of Johns Hopkins University, and a 1966 graduate of Harvard Business School, Michael has achieved one success after another. Following graduation, Michael spent 6 years at Salomon Brothers where he