

HR 1350

Individuals with Disabilities Education Improvement Act of 2004

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Chamber: House

Policy Area: Education

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Sponsor

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Party: Republican • State: DE • Chamber: House

Cosponsors (19 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Ballenger, Cass [R-NC-10]	R · NC		Mar 19, 2003
Rep. Biggert, Judy [R-IL-13]	R · IL		Mar 19, 2003
Rep. Boehner, John A. [R-OH-8]	R · OH		Mar 19, 2003
Rep. Cole, Tom [R-OK-4]	R · OK		Mar 19, 2003
Rep. DeMint, Jim [R-SC-4]	R · SC		Mar 19, 2003
Rep. Greenwood, James C. [R-PA-8]	R · PA		Mar 19, 2003
Rep. Johnson, Sam [R-TX-3]	R · TX		Mar 19, 2003
Rep. Keller, Ric [R-FL-8]	R · FL		Mar 19, 2003
Rep. McKeon, Howard P. "Buck" [R-CA-25]	R · CA		Mar 19, 2003
Rep. Tiberi, Patrick J. [R-OH-12]	R · OH		Mar 19, 2003
Rep. Wilson, Joe [R-SC-2]	R · SC		Mar 19, 2003
Rep. Burgess, Michael C. [R-TX-26]	R · TX		Apr 8, 2003
Rep. Ehlers, Vernon J. [R-MI-3]	R · MI		Apr 8, 2003
Rep. Gillmor, Paul E. [R-OH-5]	R · OH		Apr 8, 2003
Rep. Kennedy, Mark R. [R-MN-6]	R · MN		Apr 8, 2003
Rep. LaTourette, Steven C. [R-OH-14]	R · OH		Apr 8, 2003
Rep. Putnam, Adam H. [R-FL-12]	R · FL		Apr 8, 2003
Rep. Bell, Chris [D-TX-25]	D · TX		Apr 29, 2003
Rep. Gordon, Bart [D-TN-6]	D · TN		Apr 29, 2003

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Reported by	Apr 2, 2003
Health, Education, Labor, and Pensions Committee	Senate	Discharged From	May 13, 2004

Subjects & Policy Tags

Policy Area:

Education

Related Bills

Bill	Relationship	Last Action
108 HCONRES 524	Related bill	<b>Nov 19, 2004:</b> Received in the Senate, considered, and agreed to without amendment by Unanimous Consent. (consideration: CR 11/20/2004 S11660)
108 HRES 858	Procedurally related	<b>Nov 19, 2004:</b> Motion to reconsider laid on the table Agreed to without objection.
108 S 1248	Procedurally related	<b>May 13, 2004:</b> Returned to the Calendar. Calendar No. 362.
108 HRES 206	Procedurally related	<b>Apr 30, 2003:</b> Motion to reconsider laid on the table Agreed to without objection.

Individuals with Disabilities Education Improvement Act of 2004 - **Title I: Amendments to the Individuals With Disabilities Education Act** - (Sec. 101) Amends the Individuals with Disabilities Education Act (IDEA) to revise and reauthorize its programs.

Revises IDEA part A general provisions, including definitions. Revises requirements for assistive technology devices and related services to eliminate coverage of surgically implanted medical devices or their replacement. Allows a State or local educational agency (LEA), with respect to children ages three to nine, to include any subset of that age range for purposes of determinations that an individual is experiencing development delays and needs special education and related services as a child with a disability. Provides definitions of core academic subject, highly qualified teacher, and limited English proficient individual to conform with requirements under the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act (NCLBA). Includes interpreting services and school nurse services under related services.

Sets forth requirements relating to State administration, policies, and rulemaking under IDEA.

Provides for a paperwork reduction demonstration program. Authorizes the Secretary of Education to grant waivers of statutory or regulatory requirements, other than civil rights requirements, under part A for up to four years to up to 15 States, based on State proposals to reduce excessive paperwork and noninstructional time burdens that do not assist in improving educational and functional results for children with disabilities. Prohibits such waiver program from being construed to: (1) affect the right of a child with a disability to receive a free appropriate public education (FAPE) under part A; and (2) permit a State or LEA to waive specified procedural safeguards. Directs the Secretary to include in certain annual reports to Congress information related to the effectiveness of such waivers, including including any specific recommendations for their broader implementation.

Revises IDEA part B assistance for education of all children with disabilities.

Authorizes appropriations for part B programs, in specified increasing amounts for FY 2005 through FY 2011, and in necessary sums for FY 2012 and succeeding fiscal years. (Provides a separate authorization of appropriations for preschool grants under part B.)

Sets forth a formula for determining the maximum amount to be available for awarding grants to States under part B for any fiscal year. Bases the FY 2005 and FY 2006 formula on the number of children with disabilities in the State who are receiving special education and related services. Bases the formula for FY 2007 and subsequent fiscal years on the number of such children who received such education and services in the 2004-2005 school year. Provides for such numbers to be multiplied by 40 percent of the national average per pupil expenditure, and adjusted by the rate of annual change in the sum of 85 percent of a State's population of children and 15 percent of a State's population of children living in poverty.

Provides allocation formulas for grants to States (with subgrants to LEAs), outlying areas and freely associated States, and the Secretary of the Interior for programs for Indian children. Includes population and poverty components of the specified permanent formula in determining the amount available for States' maximum grants. Provides for continued funding of outlying areas and freely associated States at the FY 2003 level.

Makes State expenditure of administrative funds contingent upon its certification that agreements to establish public agency responsibilities for providing and financing part B services within a State are current. Revises the formula for

determining the amount States may use for State administration and other State activities. Includes enforcement among required State activities, as well as the currently required monitoring, complaint investigation, and mediation system. Includes among optional State activities: support for paperwork reduction; positive behavioral interventions and supports and mental health services; technology; transition programs; alternate programming for those expelled from school, in correctional facilities, or in State-operated or State-supported schools; appropriate accommodations and alternate assessments; and technical assistance and direct services, including supplemental educational services.

Requires States to reserve a specified portion of part B funds to establish a risk pool fund to assist LEAs in serving high-need children with disabilities or unanticipated special education costs. Requires placement-neutral policies for settings of high-need students that: (1) do not favor public, nonpublic or out-of-district placements; and (2) provide the services to which children are entitled in a setting that is consistent with their individualized education plan (IEP). Prohibits risk pool funds from being used to pay costs that otherwise are reimbursable as medical assistance for a child with a disability under a State Medicaid program.

Provides that public charter schools that operate as LEAs are entitled to subgrants as LEAs.

Removes certain procedural and reporting requirements for State eligibility. Requires States to provide assurances that they have the appropriate policies and procedures in place to ensure that they have met part B requirements.

Revises requirements for LEAs to oblige proportional amounts of funds for parentally-placed private school children with disabilities, under certain conditions. Requires LEAs to: (1) provide direct services to such children to the extent practicable; (2) provide data on the number of students evaluated, found to have a disability, and served under part B; (3) conduct the child-find process for such children in a time period comparable to that for students attending public schools; (4) not consider the cost of such child-find and individual evaluations in meeting their proportional obligations; and (5) consult with private school officials on the child find process, determination of proportional share of Federal funds, provision of services, alternative delivery mechanisms, and third party providers. Allows private schools to appeal if such consultation does not take place. Requires such special education and related services to be secular, neutral, and nonideological. (Continues requirements for: (1) no cost to parents for State or LEA placement of a child in a private school to receive required special education and services; and (2) reimbursement for the parents' placing the child in a private school for such education and services, if a court or hearing officer orders it upon finding that the public agency had not made a free appropriate public education available to the child prior to that enrollment.)

Revises personnel standards to direct States to adopt policies that require LEAs to take measurable steps to recruit, hire, and retain highly qualified personnel.

Requires all special education teachers in an elementary, middle or secondary school to be highly qualified no later than the end of the 2005-2006 school year.

Eliminates a requirement that States develop a comprehensive system of personnel development. Requires State standards governing the qualifications of related service personnel serving children with disabilities to be consistent with any State-approved or State-recognized certification or licensing or other comparable requirement applicable to the specific professional discipline of such personnel. Requires States to ensure that such personnel have not had their certification or licensure requirements waived on an emergency, temporary, or provisional basis. Provides that such provisions shall not: (1) be construed to create a right of action on behalf of an individual student for the failure of a particular SEA or LEA staff person to be highly qualified; or (2) prevent a parent from filing a State complaint regarding staff qualifications with the SEA.

Revises requirements for academic achievement and functional performance of children with disabilities to conform IDEA to the State and LEA accountability system established under NCLBA, with school and LEA disaggregation of data to examine the results of children with disabilities and ensure that such subgroup is making adequate yearly progress (AYP) towards reaching proficiency.

Includes provisions relating to AYP among State performance goals and indicators for children with disabilities.

Revises requirements for participation in assessments. Requires alternate assessments to be a part of State and LEA assessment programs and accountability systems. Sets forth additional requirements for developing and administering alternate assessments aligned with the State's academic content and achievement standards, and for developing alternate standards for those children with significant cognitive disabilities. Requires States and LEAs to develop and use universally designed assessments to the extent feasible.

Prohibits States from having funding mechanisms that distribute funds based upon the type of setting in which a child is served. Requires States to revise any such current policies or procedures.

Prohibits States from using part B funds to satisfy State-law mandated funding obligations to LEAs, including funding based on student attendance or enrollment, or inflation, in complying with part B requirements relating to: (1) supplementation of State, local, and other Federal funds; and (2) maintenance of State financial support.

Establishes requirements for accessibility of instructional materials. Allows SEAs to opt not to coordinate with the National Instructional Materials Access Center in adopting a national instructional materials accessibility standard, if they assure the Secretary that they will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. Requires, within two years after enactment of this Act, those SEAs that opt to coordinate with the Center to enter into contracts with publishers of print instructional materials to: (1) require the publisher to prepare and supply to the Center electronic files with such materials' contents using such standard; or (2) purchase from the publisher instructional materials that are produced, or may be rendered, in specialized formats.

Requires State policies and procedures to prevent overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including identification of children as children with a particular impairment.

Requires SEAs to prohibit SEA and LEA personnel from requiring a child, as a condition of attending school or receiving IDEA evaluations or services, to obtain a prescription for a substance covered by the Controlled Substances Act.

Removes certain procedural and reporting requirements for LEA eligibility. Requires LEAs to submit plans with assurances to SEAs that they have in effect policies, procedures, and programs that meet specified part B requirements.

Includes among allowable uses of part B funds by LEAs: (1) services that also benefit non-disabled children; (2) early intervening educational services; (3) high cost education and services; and (4) administrative case management, including related technology.

Revises provisions relating to public charter schools to: (1) authorize LEAs to distribute IDEA funds to charter schools based on relative enrollment and proportional distribution; and (2) direct LEAs to provide supplemental and related services on site at the charter school to the same extent as to other public schools.

Revises provisions regarding early intervening services. Authorizes LEAs to use up to 15 percent of their IDEA funds to develop and implement coordinated, early intervening educational services for students who are not receiving special

education services but who require additional academic and behavioral support to succeed in a regular education environment, and who may be likely referrals to special education programs and services at a later time. Includes among such allowable services: (1) professional development for teachers and other school staff to deliver scientifically-based academic and behavioral interventions; and (2) providing educational and behavioral evaluations, services, and supports, including scientifically-based literacy instruction.

Eliminates provisions for a School-Based Improvement Plan.

Sets forth provisions for SEA flexibility to allow adjustments in State fiscal effort under certain conditions.

Revises requirements for evaluations, eligibility determinations, IEPs, and placements. Provides that a parent, SEA, other State agency, or LEA has a right to request an initial evaluation to determine whether a child qualifies for IDEA services. Provides that an LEA does not violate the FAPE requirement by failing to provide special education and related services to a child with a disability as long as these are refused by the parent. Includes academic information among the information the LEA is required to gather in the evaluation process of a child.

Revises additional requirements for LEA procedures in selecting and administering tests and other evaluations to determine a child's eligibility under IDEA. Requires tests and evaluations to be provided and administered, to the extent practicable, in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally.

Revises a special rule for eligibility determination to provide that a lack of scientifically based reading instruction cannot be the determinant factor for deciding whether the child is a child with a disability. Provides that LEAs, in determining whether or not a student has a specific learning disability, shall not be required to take into consideration whether there is a severe discrepancy between achievement and intellectual ability in specified skills. Allows LEAs, as part of evaluation procedures, to use a process that determines if a child responds to scientific, research-based intervention.

Revises exit evaluation requirements. Provides that such evaluations before termination of IDEA eligibility are not required upon: (1) graduation from secondary school with a regular diploma; or (2) exceeding age eligibility for a free appropriate public education under State law. Requires LEAs, in such cases, to provide students with a summary of their academic achievement and functional performance, including recommendations on how to assist them in meeting their postsecondary goals.

Requires individualized education programs (IEPs) to include a statement of the child's present levels of academic achievement and functional performance (currently educational performance). Requires the statement of measurable annual goals to include academic goals and functional goals.

Eliminates requirements for benchmarks and short-term objectives in IEPs. Requires IEPs to contain descriptions of: (1) how the child's progress toward meeting the annual goals will be measured; and (2) when periodic progress reports will be provided. Requires progress updates to provide parents with specific, meaningful, and understandable information on the progress children are making.

Revises requirements for accommodations and alternate assessments. Provides for testing of some children that includes certain necessary accommodations, an alternate assessment, or an alternate assessment based upon alternative standards for those children with significant cognitive disabilities. Requires a statement of appropriate accommodations to be made for State or districtwide assessments. Requires the IEP team, if it determines that a child shall take an alternate assessment, to state why the child cannot participate in the regular assessment and why the

particular alternate assessment selected is appropriate for that child.

Revises requirements for transition services. Requires IEPs, beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter, to contain: (1) appropriate measurable postsecondary goals based upon age appropriate assessments related to training, education, employment, and, where appropriate, independent living skills; and (2) the transition services the child needs to reach those goals.

Provides that nothing in IDEA regarding IEPs shall be construed to require that additional information be included in an IEP beyond what is explicitly required.

Allows a member of the IEP team to be excused from an IEP meeting if: (1) no modifications are being made to that member's area of curriculum or service; or (2) when a relevant modification is made, if the member provides input prior to the meeting. Requires the IEP team member, the parent, and the LEA to agree to the member's being excused. Directs LEAs to encourage consolidation of IEP meetings and reevaluation meetings. Includes the academic, developmental, and functional needs of the child among factors the IEP team must consider in developing a child's IEP.

Requires IEP teams to provide positive behavioral interventions and supports for children with disabilities whose behavior impedes their learning or the learning of others.

Authorizes the Secretary to approve up to 15 proposals from States to carry out a demonstration program allowing parents and LEAs the option of developing a comprehensive multiyear IEP, of up to three years, designed to coincide with natural transition points.

Allows parents and LEAs to agree to participate in IEP Team and placement meetings via means such as video conferences and conference calls.

Revises procedural safeguards to provide that LEAs, as well as parents, have the right to present complaints. Requires the party filing a due process complaint to send the complaint to the other party, as well as to the State agency. Requires, in the case of a homeless child or youth, the parent's notice to the LEA to contain contact information for the child and the name of the school the child is attending. Prohibits a due process hearing unless the requesting party has filed a complaint that meets specified notice requirements. Requires States to develop a model form to assist parents in filing due process complaint notices and complaints. Requires the school to provide a parent with a prior written notice, when learning of a parent's dispute for the first time in a parent's due process complaint. Requires parents to receive the procedural safeguards notice generally only once a year, but also upon: (1) initial referral or parental request for an evaluation; (2) a parent's registration of a due process complaint; or (3) request by the parent. Allows an LEA to place a current copy of the procedural safeguards notice on its Internet website. Requires the procedural safeguards notice to inform parents regarding specified matters, including: (1) the time period in which parents can file complaints; (2) the school district's opportunity to resolve a complaint before a due process hearing; and (3) the time period in which a party can appeal a hearing officer's decision to court.

Provides that: (1) parents may request mediation before filing a complaint; and (2) a written mediation agreement is enforceable in court. Authorizes a State agency to establish procedures to offer parents, as well as schools, that choose not to use the mediation process an opportunity to speak with a disinterested party regarding the benefits of mediation.

Provides for a resolution session to give parents and LEAs an opportunity to resolve the complaint before a due process hearing.

Establishes a two-year timeline for requesting a hearing on claims for reimbursed or ongoing compensatory education services, unless there is an applicable State timeline.

Requires hearing officers to make decisions on due process complaints on substantive grounds based upon a determination of whether the child in question received a FAPE. Authorizes hearing officers, in matters alleging a procedural violation, to find that a child did not receive a FAPE only if the procedural inadequacies: (1) impeded the child's right to a FAPE; (2) significantly impeded the parents' opportunity to participate in the decisionmaking process regarding FAPE provision; or (3) caused a deprivation of educational benefits.

Prescribes requirements for administrative and judicial review. Provides for a 90-day-period, or the period provided by State law, for a party to appeal a due process hearing decision to State or Federal district court. Prohibits the award of attorneys' fees for services performed subsequent to a written offer of settlement, under specified conditions. Provides for reduction of award of attorneys' fees under certain circumstances, including where the parent or parent's attorney unreasonably protracted the final resolution of the controversy.

Sets forth types of disciplinary actions that an LEA may take under IDEA.

Authorizes schools to consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

Authorizes schools to order, for children with disabilities who violate student conduct codes, changes of placement to an appropriate interim educational setting, another setting, or suspension, for up to ten consecutive school days, to the same extent such alternatives would apply to children without disabilities, without making a manifestation determination.

Authorizes schools, upon determining that the violation in question was not a manifestation of the child's disability, to apply beyond that ten-day period the same disciplinary procedures as for a child without a disability, provided that FAPE requirements are met, with the option of providing such FAPE in an interim alternative educational setting.

Requires, within 10 school days of such a disciplinary decision to change placement, a review of all relevant informant by LEA, parent, and IEP Team to determine if the child's behavior was a manifestation of disability. Bases such determination on whether the conduct: (1) was caused by, or had a direct and substantial relationship to, the child's disability; or (2) was the direct result of the LEA's failure to implement the IEP. Requires the IEP Team, if the conduct is such a manifestation, to: (1) conduct a functional behavioral assessment and implement a behavioral intervention plan, if the LEA has not done so; (2) if such a plan has been developed, review and modify it to address the behavior; and (3) (except in cases involving weapons, drugs, or infliction of serious bodily injury) return the child to the placement from which the child was removed, unless the parent and LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

Authorizes a school, in cases involving weapons or drugs, or when a child has committed serious bodily injury, to remove the child from the regular classroom setting for up to 45 school days, regardless of whether the child's behavior was a manifestation of disability. Requires that such children receive continued educational services and appropriate functional behavioral assessments and behavioral intervention services and modifications.

Directs the IEP team to determine the child's alternative educational setting.

Sets forth circumstances in which a party may request a hearing regarding disciplinary decisions or proposed disciplinary actions. Allows requests for such hearings by: (1) parents who disagree with LEA decisions regarding disciplinary

actions, placements, or manifestation determinations, with the hearing officer to determine if the LEA decision is appropriate; and (2) LEAs that believe that maintaining the child's current placement is substantially likely to result in injury to the child or others.

Requires the child, during a parent's appeal, to remain in the interim alternative educational setting chosen by the IEP team pending the hearing officer's decision or until the time period for the disciplinary action expires, whichever occurs first, unless the parent and public agency agree otherwise. Requires the hearing to occur within 20 days of the hearing request, and to result in a determination within 10 days after the hearing.

Allows assertion of IDEA protections for a child not determined eligible for special education and related services who has violated a code of student conduct, if the LEA had knowledge that the child had a disability before the behavior that precipitated the disciplinary action occurred. Deems an LEA as knowing about a child's disability if: (1) the parent has expressed concern in writing; (2) the parent has requested an evaluation; or (3) a teacher or other school personnel has expressed concern about a pattern of behavior to either the special education director, or to other administrative personnel. Provides that an LEA will not be deemed to know that the child has a disability if the child's parent has not agreed to allow an evaluation requested by the LEA.

Revises provisions relating to transfer of parental rights at age of majority to allow a parent of a child with a disability to elect to receive required notices by e-mail communication, if the public agency makes such option available.

Provides for monitoring, technical assistance, and enforcement of part B programs. Directs the Secretary to: (1) monitor IDEA implementation through oversight of States' supervision and a system of performance indicators focused on improving educational results and functional outcomes for all children with disabilities; (2) enforce State compliance in making satisfactory progress toward improving educational results using certain indicators and benchmarks; and (3) require States to monitor and enforce LEA compliance.

Requires the primary focus of Federal and State monitoring activities to be on improving educational results and functional outcomes for all children with disabilities, while ensuring compliance with program requirements, with a particular emphasis on requirements relating to improving educational results for children with disabilities.

Sets the following monitoring priorities: (1) provision of a FAPE in the least restrictive environment; (2) State exercise of general supervisory authority; and (3) disproportionate representation of racial and ethnic groups in special education and related services, to the extent the overrepresentation is the result of inappropriate identification. Requires States to develop State performance plans, including targets to measure progress in priority areas.

Provides for various enforcement measures in cases of State needs for assistance, intervention, or substantial intervention.

Requires SEAs to prohibit LEAs from reducing their maintenance of effort if they are not meeting IDEA part B requirements.

Directs the Secretary to develop model forms for certain plans and notices.

Revises data collection requirements to require States to: (1) make data available to the public, as well as the Secretary; (2) provide the number and percentage of children in various categories; (3) collect information on the categories of gender and limited English proficiency status; (4) collect additional information in relation to certain disciplinary actions, due process complaints and hearings, and mediations; and (5) report data so as not to result in the disclosure of data

identifiable to individual children. Authorizes the Secretary to permit States to obtain data through sampling.

Continues the preschool grants program under IDEA part B. Provides among State-level activities for early intervention any services which include an educational component that promotes schools readiness and incorporates preliteracy, language, and numeracy skills.

Revises IDEA part C (Infants and Toddlers with Disabilities) programs of early identification and intervention.

Includes: (1) sign language and cued language services among part C early intervention services; and (2) vision specialists, ophthalmologists, and optometrists among listed qualified personnel who may provide such services. Allows States to include under part C certain children eligible for services under part B preschool grants.

Requires eligible statewide systems to have a rigorous definition of developmental delay to appropriately identify infants and toddlers with disabilities in need of part C services. Includes those who are homeless and those who are wards of of the State among all the infants and toddlers with disabilities and their families who are to receive part C services..

Allows part C statewide systems to include a State policy under which parents of children with disabilities who are eligible for part B preschool services and previously received part C services may choose the continuation of early intervention services for such children under this part until such children enter, or are eligible under State law to enter, kindergarten. Requires such continued services to include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills. Requires States that opt for such a policy to comply with certain requirements, including notice and information on options for parents and reports to the Secretary.

Requires the Individualized Family Services Plan (IFSP) to include a description of services for the child in transition from part C early intervention services to part B preschool services. Includes transition services among the service coordinator's responsibilities. Requires justification of the extent, if any, that early intervention services will be provided in a setting other than a natural environment. Require IFSPs to include: (1) measurable outcomes, including appropriate preliteracy and language skills; and (2) information on the frequency, intensity, and method of delivery of of services. Provides that only services for which consent was obtained will be provided, when a parent does not provide written consent for all services on an IFSP.

Requires a public agency that initially fails to provide or pay for special education and related services, but is required to do so under a State's current system of arrangements, to meet its financial responsibilities by reimbursing the LEA or SEA that provided or paid for such education and services.

Includes a representative from the State Medicaid agency as a required member of the State Interagency Coordinating Council under part C.

Eliminates a requirement that the Secretary establish a Federal Interagency Coordinating Committee.

Extends through FY 2010 the authorization of appropriations for IDEA part C.

Revises IDEA part D National Activities to Improve Education of Children with Disabilities. Renames and replaces the current subpart 1 State Program Improvement Grants with a program of State Personnel Preparation and Professional Development Grants. Requires the State to: (1) continue, as under current law, to identify and address State and local needs for the preparation of personnel serving children with disabilities; and (2) use all subpart 1 grant funds to recruit, train, and retain highly qualified teachers and other special education personnel.

Requires grants to SEAs under the new program: (1) on a competitive basis, if the remaining funds are less than a specified amount for a fiscal year; and (2) on a formula basis, if such funds are equal to or greater than such amount.

Authorizes the Secretary to give priority in awarding such competitive grants to States that: (1) have the greatest personnel shortages; or (2) demonstrate the greatest difficulty in meeting part B requirements for personnel standards (which include the deadline for having highly qualified special education teachers by the end of the 2006-2007 schoolyear). Directs the Secretary to make certain minimum competitive grants to all States.

Provides for formula grant allotments. Directs the Secretary to make certain minimum allotments for States that received competitive grants.

Directs the Secretary to reserve specified subpart 1 funds for any necessary continuation awards for multiyear grants to SEAs under such replaced program.

Allows SEAs to apply for a subpart 1 grant for a grant period of between one and five years. Requires an SEA, in order to be considered for such a grant, to: (1) establish a professional development partnership (PDP) with LEAs and other State agencies involved in, or concerned with, the education of children with disabilities, including institutions of higher education and the State agencies responsible for administering part C, child care, and vocational rehabilitation programs; (2) work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, which may include specified entities; and (3) include in the partnership any individual, entity, or agency other than the SEA that State law assigns responsibility for teacher preparation and certification, and ensure that such partner carries out any subpart 1 activities within that partner's jurisdiction.

Requires SEA grant applications to include a State personnel preparation and professional development plan with specified elements.

Revises part D subpart 2 requirements for personnel preparation, research, technical assistance, model demonstration projects, and dissemination of information. Sets forth provisions for personnel development to improve services and results for children with disabilities.

Revises technical assistance and demonstration projects to require such activities to be rooted in scientifically based research. Gives priority to applications that propose to: (1) serve teachers and school personnel directly in the school environment; or (2) strengthen the capacity of States and LEAs to improve instruction practices of personnel serving children with disabilities. Directs the Secretary to support certain activities concerned with, among other things: (1) inappropriate behavior of students; (2) valid and reliable yearly progress assessments; (3) different learning styles of children with disabilities; and (4) effective transition to post-school settings.

Establishes: (1) a beginning special educators program, which adds a fifth-year clinical learning opportunity; and (2) a program to assist general educators (including principals and administrators) in having the skills, knowledge, and leadership training to meet the needs of children with disabilities. Authorizes appropriations for FY 2005 through 2010 for these programs as well as for the leadership preparation program and other programs for personnel development.

Directs the Secretary to delegate to the Director of the Institute of Education Sciences (IES) responsibility for studies and evaluations (including the national assessment) of activities under IDEA (with the exception of the following by the Secretary: (1) an annual summary report to Congress; and (2) a study of the extent to which States adopt policies for statewide systems and the effect of such policies). Requires a national study or studies on alternate assessments and ensuring accountability for students with significant disabilities. Authorizes support for research on: (1) the impact of

professional development and educational evaluation programs on student outcomes; (2) economic benefits to special education service delivery through more effective pre-referral services, and (3) teacher recruitment and retention.

Sets forth provisions relating to interim alternative educational settings, behavioral supports, and systemic school interventions. Authorizes the Secretary to make grants, contracts, and cooperative agreements for various activities to: (1) improve interim alternative educational settings; and (2) provide increased behavioral supports and research-based, systemic interventions in schools. Makes eligible individual LEAs as well as consortia of LEAs with community-based organizations with a proven record of helping children with disabilities with behavioral problems, community mental health providers, institutions of higher education, or educational service agencies.

Extends through FY 2010 the authorization of appropriations for certain subpart 2 programs.

Revises part D subpart 3 provisions for supports to improve results for children with disabilities. Directs the Secretary to: (1) make an award to at least one parent training and information center (PTIC) in each State; or (2) in the case of a large State, make awards to multiple PTICs, but only if the centers demonstrate that coordinated services and supports will occur among them. Requires parent organizations that are PTICs, and local parent organizations that support community parent resource centers (CPRCs), to have as their mission serving families of children and youth with a full range of disabilities. Authorizes the Secretary to make an award to one parent organization to provide technical assistance for developing, assisting, and coordinating programs carried out by PTICs and CPRCs. Requires such national technical assistance grantee to: (1) establish regional centers selected from PTICs and CPRCs; and (2) with such regional centers, develop collaborative agreements with geographically appropriate Regional Resource Centers.

Revises, and extends through FY 2010 the authorization of appropriations for, provisions for technology development, demonstration, and utilization, and for media services. Directs the Secretary to support video description, open captioning, and closed captioning of television programs, videos, or other materials that are appropriate for use in the classroom setting. Allows such support only when such services: (1) are not provided by the producer or distributor of such materials; or (2) have not been fully funded by other sources. Allows support for news programming only until September 30, 2006. Provides that visually impaired and print disabled students in postsecondary and graduate schools, as well as in elementary and secondary schools, may continue to be provided with free educational materials.

Directs the Secretary to establish and support, through the American Printing House for the Blind, a National Instructional Materials Access Center to facilitate collection and dissemination of instructional materials for blind and print-disabled students. Requires the Secretary to establish a national instructional materials accessibility standard.

Extends through FY 2010 the authorization of appropriations for subpart 3 programs.

Directs the Secretary, under subpart 4 general provisions, to develop and implement a comprehensive plan for activities under subparts 2 and 3, and report annually on such activities. Authorizes the Secretary to make grants to, or contracts or cooperative agreements with, eligible entities to carry out purposes of such subparts in accordance with such plan. Requires such entities to demonstrate in their application how they will address the needs of children with disabilities from minority backgrounds. Directs the Secretary to reserve a specified portion of funds for such subpart for outreach and technical assistance involving historically Black colleges and universities and institutions of higher education with minority enrollments of at least 25 percent.

**Title II: National Center For Special Education Research** - (Sec. 201) Amends the Education Sciences Reform Act of 2002 to establish the National Center for Special Education Research.

Requires the Center to: (1) sponsor research to expand knowledge of the needs of children with disabilities and improve IDEA services and implementation; (2) evaluate IDEA implementation and effectiveness; and (3) carry out appropriate research activities. Directs the Center's Commissioner to: (1) ensure that such research activities meet specified standards; and (2) propose to the Director of the Institute of Education Sciences (IES Director) a research plan developed in collaboration with the Assistant Secretary for Special Education and Rehabilitative Services. Authorizes the IES Director to award grants or enter into contracts or cooperative agreements with eligible entities in carrying out Center duties. Requires the Center to: (1) synthesize and disseminate findings and results from research it conducts or supports; and (2) assist the IES Director in preparing the IES biennial report.

Authorizes appropriations for FY 2005 through 2010 carry out Center activities.

(Sec. 202) Subjects to sunshine provisions of Federal law meetings of the National Board for Education Sciences.

(Sec. 203) Requires regional advisory committees to submit their assessments to the IES Director (formerly known as the Director for the Academy of Education Sciences).

**Title III: Miscellaneous** - (Sec. 301) Amends the Children's Health Act of 2000 to include the Department of Education among the Federal agencies required to be represented in a consortium involved in a long-term child development study authorized under such Act. Requires such study to be conducted in compliance with specified provisions of the General Education Provisions Act, including the requirement of prior parental consent for the disclosure of any education records, except without the use of authority or exceptions granted to authorized representatives of the Secretary of Education for the evaluation of federally-supported education programs or in connection with the enforcement of the Federal legal requirements that relate to such programs.

(Sec. 304) Repeals specified IDEA provisions relating to a Federal Interagency Coordinating Council.

(Sec. 306) Amends Federal copyright law to allow publishers of print instructional materials for elementary or secondary schools, under specified conditions, to create and distribute to the National Instructional Materials Access Center copies of certain electronic files to be used to reproduce or distribute contents of such materials in specialized formats for use by blind or other persons with disabilities.

## Actions Timeline

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- **Dec 3, 2004:** Signed by President.
- **Dec 3, 2004:** Signed by President.
- **Dec 3, 2004:** Became Public Law No: 108-446.
- **Dec 3, 2004:** Became Public Law No: 108-446.
- **Nov 30, 2004:** Presented to President.
- **Nov 30, 2004:** Presented to President.
- **Nov 20, 2004:** Message on Senate action sent to the House.
- **Nov 19, 2004:** Rule H. Res. 858 passed House.
- **Nov 19, 2004:** Mr. Boehner brought up conference report H. Rept. 108-779 for consideration under the provisions of H. Res. 858. (consideration: CR H10010-10022)
- **Nov 19, 2004:** DEBATE - The House proceeded with one hour of debate on the conference report to accompany H.R. 1350.
- **Nov 19, 2004:** The previous question was ordered without objection. (consideration: CR H10021)
- **Nov 19, 2004:** Conference report agreed to in House: On agreeing to the conference report Agreed to by the Yeas and Nays: 397 - 3 (Roll no. 537).
- **Nov 19, 2004:** Motions to reconsider laid on the table Agreed to without objection.
- **Nov 19, 2004:** On agreeing to the conference report Agreed to by the Yeas and Nays: 397 - 3 (Roll no. 537).
- **Nov 19, 2004:** Conference papers: Senate report and manager's statement and message on House action held at the desk in Senate.
- **Nov 19, 2004:** Conference report agreed to in Senate: Senate agreed to conference report by Unanimous Consent Vote.(consideration: CR 11/20/2004 S11653-11660)
- **Nov 19, 2004:** Senate agreed to conference report by Unanimous Consent Vote. (consideration: CR 11/20/2004 S11653-11660)
- **Nov 19, 2004:** Pursuant to the provisions of H. Con. Res. 524, enrollment corrections on H.R. 1350 have been made.
- **Nov 18, 2004:** Rules Committee Resolution H. Res. 858 Reported to House. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.
- **Nov 17, 2004:** Conference committee actions: Conferees agreed to file conference report.
- **Nov 17, 2004:** Conferees agreed to file conference report.
- **Nov 17, 2004:** Mr. Boehner asked unanimous consent that managers on the part of the House have until midnight on Nov. 17 to file a conference report on H.R. 1350. Agreed to without objection.
- **Nov 17, 2004:** Conference report filed: Conference report H. Rept. 108-779 filed.(text of conference report: CR H9895-9959)
- **Nov 17, 2004:** Conference report H. Rept. 108-779 filed. (text of conference report: CR H9895-9959)
- **Oct 16, 2004:** Message on Senate action sent to the House.
- **Oct 11, 2004:** Senate insists on its amendment, agrees to request for a conference, appoints conferees Gregg; Frist; Enzi; Alexander; Bond; DeWine; Roberts; Sessions; Ensign; Graham SC; Warner; Kennedy; Dodd; Harkin; Mikulski; Jeffords; Bingaman; Murray; Reed; Edwards; Clinton.
- **Oct 9, 2004:** Message on House action received in Senate and at desk: House requests a conference.
- **Oct 8, 2004:** Mr. McKeon asked unanimous consent that the House disagree to the Senate amendment, and request a conference. (consideration: CR H9020)
- **Oct 8, 2004:** On motion that the House disagree to the Senate amendment, and request a conference Agreed to without objection.
- **Oct 8, 2004:** The Speaker appointed conferees - from the Committee on Education and the Workforce for consideration of the House bill and the Senate amendment, and modifications committed to conference: Boehner, Castle, Ehlers, Keller, Wilson (SC), Miller, George, Woolsey, and Owens.
- **Oct 8, 2004:** The Speaker appointed conferees - from the Committee on Energy and Commerce for consideration of sec. 101 and title V of the Senate amendment, and modifications committed to conference: Barton (TX), Bilirakis, and Dingell.
- **Oct 8, 2004:** The Speaker appointed conferees - from the Committee on the Judiciary for consideration of sec. 205 of the House bill, and sec. 101 of the Senate amendment, and modifications committed to conference: Sensenbrenner, Smith (TX), and Conyers.
- **Oct 8, 2004:** Motion to reconsider laid on the table Agreed to without objection.

- **May 21, 2004:** Senate ordered measure printed as passed.
- **May 17, 2004:** Message on Senate action sent to the House.
- **May 13, 2004:** Senate Committee on Health, Education, Labor, and Pensions discharged by Unanimous Consent.
- **May 13, 2004:** Senate Committee on Health, Education, Labor, and Pensions discharged by Unanimous Consent.
- **May 13, 2004:** Measure laid before Senate. (consideration: CR S5411)
- **May 13, 2004:** Senate struck all after the Enacting Clause and substituted the language of S.1248 amended.
- **May 13, 2004:** Passed/agreed to in Senate: Passed Senate H.R. 1350 in lieu of S.1248 with an amendment by Yea-Nay Vote. 95 - 3. Record Vote Number: 94.(text: CR S5411-5451)
- **May 13, 2004:** Passed Senate H.R. 1350 in lieu of S.1248 with an amendment by Yea-Nay Vote. 95 - 3. Record Vote Number: 94. (text: CR S5411-5451)
- **May 1, 2003:** Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
- **Apr 30, 2003:** Rule H. Res. 206 passed House.
- **Apr 30, 2003:** Considered under the provisions of rule H. Res. 206. (consideration: CR H3466-3531)
- **Apr 30, 2003:** Rule provides for consideration of H.R. 1350 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. The rule waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. Makes in order only those amendments printed in H. Rept. 108-79 and provides that they shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, considered as read, debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, not be subject to a...
- **Apr 30, 2003:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 206 and Rule XXIII.
- **Apr 30, 2003:** The Speaker designated the Honorable John Linder to act as Chairman of the Committee.
- **Apr 30, 2003:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 1350.
- **Apr 30, 2003:** DEBATE - The Committee of the Whole proceeded with 10 minutes of debate on the Castle amendment.
- **Apr 30, 2003:** DEBATE - Pursuant to provisions of H. Res. 206 the Committee of the Whole proceeded with 10 minutes of debate on the Vitter amendment.
- **Apr 30, 2003:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Vitter amendment, the Chair put the question on the adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Vitter demanded a recorded vote and pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Apr 30, 2003:** DEBATE - Pursuant to provisions of H. Res. 206 the Committee of the Whole proceeded with 10 minutes of debate on the Bradley amendment.
- **Apr 30, 2003:** DEBATE - Pursuant to provisions of H. Res. 206 the Committee of the Whole proceeded with 10 minutes of debate on the Woolsey amendment.
- **Apr 30, 2003:** DEBATE - Pursuant to provisions of H. Res. 206 the Committee of the Whole proceeded with 20 minutes of debate on the DeMint amendment.
- **Apr 30, 2003:** POSTPONED PROCEEDINGS - At the conclusion of debate on the DeMint amendment, the Chair put the question on the adoption of the amendment and by voice vote, announced that the ayes had prevailed. Ms. Woolsey demanded a recorded vote and made a point of no quorum. Pursuant to the provisions of H. Res. 206, the Chair postponed further proceedings on the question of adoption of the amendment and the point of no quorum was considered as withdrawn.
- **Apr 30, 2003:** DEBATE - Pursuant to provisions of H. Res. 206 the Committee of the Whole proceeded with 10 minutes of debate on the Musgrave amendment.
- **Apr 30, 2003:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Musgrave amendment, the Chair put the question on the adoption of the amendment and by voice vote, announced that the ayes had prevailed. Ms. Woolsey demanded a recorded vote and pursuant to the provisions of H. Res. 206, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Apr 30, 2003:** DEBATE - Pursuant to provisions of H. Res. 206 the Committee of the Whole proceeded with 10 minutes of debate on the Shadegg amendment.

- **Apr 30, 2003:** DEBATE - Pursuant to provisions of H. Res. 206 the Committee of the Whole proceeded with 10 minutes of debate on the Tancredo amendment.
- **Apr 30, 2003:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Tancredo amendment, the Chair put the question on the adoption of the amendment and by voice vote, announced that the ayes had prevailed. Ms. Woolsey demanded a recorded vote and pursuant to the provisions of H. Res. 206, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Apr 30, 2003:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Apr 30, 2003:** DEBATE - Pursuant to the provisions of H. Res. 206, the Committee of the Whole proceeded with 10 minutes of debate on the Kirk amendment.
- **Apr 30, 2003:** DEBATE - Pursuant to the provisions of H. Res. 206, the Committee of the Whole proceeded with 10 minutes of debate on the McKeon amendment.
- **Apr 30, 2003:** DEBATE - Pursuant to the provisions of H. Res. 206, the Committee of the Whole proceeded with 10 minutes of debate on the Nethercutt amendment.
- **Apr 30, 2003:** DEBATE - Pursuant to the provisions of H. Res. 206, the Committee of the Whole proceeded with 10 minutes of debate on the Davis (CA) amendment.
- **Apr 30, 2003:** DEBATE - Pursuant to the provisions of H. Res. 206, the Committee of the Whole proceeded with 10 minutes of debate on the Wu amendment.
- **Apr 30, 2003:** DEBATE - Pursuant to the provisions of H. Res. 206, the Committee of the Whole proceeded with 10 minutes of debate on the Garrett (NJ) amendment.
- **Apr 30, 2003:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 1350.
- **Apr 30, 2003:** The previous question was ordered pursuant to the rule.
- **Apr 30, 2003:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text: CR H3480-3510)
- **Apr 30, 2003:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 251 - 171 (Roll no. 154).
- **Apr 30, 2003:** On passage Passed by the Yeas and Nays: 251 - 171 (Roll no. 154).
- **Apr 30, 2003:** Motion to reconsider laid on the table Agreed to without objection.
- **Apr 30, 2003:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 1350.
- **Apr 29, 2003:** Reported (Amended) by the Committee on Education and the Workforce. H. Rept. 108-77.
- **Apr 29, 2003:** Reported (Amended) by the Committee on Education and the Workforce. H. Rept. 108-77.
- **Apr 29, 2003:** Placed on the Union Calendar, Calendar No. 44.
- **Apr 29, 2003:** Rules Committee Resolution H. Res. 206 Reported to House. Rule provides for consideration of H.R. 1350 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. The rule waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. Measure will be considered read. Specified amendments are in order. Makes in order only those amendments printed in H. Rept. 108-79 and provides that they shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, considered as read, debatable for the time specified in the report equally divided and controlled by the proponen...
- **Apr 10, 2003:** Committee Consideration and Mark-up Session Held.
- **Apr 10, 2003:** Ordered to be Reported (Amended) by the Yeas and Nays: 29 - 19.
- **Apr 2, 2003:** Subcommittee Consideration and Mark-up Session Held.
- **Apr 2, 2003:** Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote.
- **Mar 24, 2003:** Referred to the Subcommittee on Education Reform.
- **Mar 20, 2003:** Sponsor introductory remarks on measure. (CR E527)
- **Mar 19, 2003:** Introduced in House
- **Mar 19, 2003:** Introduced in House
- **Mar 19, 2003:** Referred to the House Committee on Education and the Workforce.