



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

April 30, 2003
(House)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 1350 - Improving Education Results for Children with Disabilities Act of 2003

(Rep. Castle (R) DE and 17 cosponsors)

The President is committed to improving educational results for all students with disabilities so that no child is left behind. The Administration therefore strongly supports House passage of H.R. 1350, the Improving Education Results for Children With Disabilities Act of 2003, which would substantially align the Individuals with Disabilities Education Act (IDEA) with the important principles of the No Child Left Behind Act of 2001 (NCLB), by promoting accountability for results, providing more flexibility and reducing paperwork burdens for States and school districts, enhancing the role of parents, and insisting on the use of approaches to improving student achievement that are based on sound research. This bill will help reduce the misidentification of students with disabilities and relieve the paperwork burden on teachers, allowing them to spend more time instructing and working with their students.

Authorization levels. The Administration is pleased that the bill authorizes discretionary rather than mandatory funding for the IDEA. This will enable the Administration and the Congress to review the appropriate funding level through the annual appropriations process, taking into account how the program is performing. The President's 2004 Budget for IDEA State Grants represents nearly a 50 percent increase in funding compared to 2001, signaling the Administration's strong commitment to increased funding for special education to ensure that students with disabilities receive a high-quality education.

Accountability for results. The Administration supports provisions of the bill that align State programs for children with disabilities with the accountability requirements of NCLB, emphasize the academic achievement of these children, and ensure that special education teachers are highly qualified in accordance with NCLB.

More flexibility and less paperwork. The Administration supports provisions that simplify the process for developing and revising individualized education programs (IEPs), which will free teachers to teach and substantially reduce IDEA paperwork burdens and the time spent on non-instructional duties, while preserving the important rights and protections for children with disabilities and their parents. The Administration also supports provisions in the bill that give States and school districts additional flexibility in educating children with disabilities, by permitting them to use IDEA funds for pre-referral

services, and to provide appropriate modifications and accommodations for children with disabilities to receive supplemental educational services if they attend schools identified as in need of improvement under Title I of the ESEA. Finally, the Administration supports the bill's pilot program, under which the Secretary of Education would waive paperwork requirements for a small number of States for a limited time and report to Congress on the impact of those waivers.

Parental choice and involvement. The Administration appreciates provisions in the bill that strengthen and clarify IDEA provisions relating to parental notice and consent. The availability of binding arbitration to parents who want to resolve disagreements through that avenue is also laudable. Finally, the Administration supports the bill's addition of State discretion to let parents choose to have their preschool-aged children continue to receive early intervention services under Part C of the Act (rather than services under the pre-school program), so long as those services include an educational component that promotes school readiness. The Administration will continue to work with the Congress to ensure that the bill supports State programs that offer parents more choices in selecting a school that best meets the needs of their children with disabilities.

Research-based practices. The Administration strongly endorses the bill's emphasis on the use of practices and materials that are based on sound research in all aspects of the education of children with disabilities, from identifying and evaluating these children to developing their IEPs and providing them special education and related services, and to providing evidence-based information to their parents. This emphasis includes language overriding the current requirement to follow an outmoded regulation governing the evaluation and identification of children as having a specific learning disability. Finally, the Administration supports placing responsibility for research on special education and related services in the Education Department's Institute of Education Sciences, as provided in the bill. This will ensure that special education research meets the same rigorous standards that apply to the Institute's research generally, under the Education Sciences Reform Act of 2002, enacted last fall.

Student discipline. The Administration appreciates provisions that simplify the complexities of the IDEA's provisions on discipline of IDEA eligible children with disabilities while ensuring the continued provision of services to children with disabilities who will be or who have been disciplined, and will work with Congress to clarify that a school and school district should consider the unique circumstances of a child with a disability who violates the school's code of conduct.

Additional topics. The Administration will work with the Senate to strengthen H.R. 1350 so that it: (1) builds on the provisions of the bill promoting accountability for results; (2) enables States and local school districts to set aside sufficient funds to serve children with disabilities who need high-cost services; (3) provides a much tighter focus on the children who may receive pre-referral services paid for with IDEA funds; (4) improves planning for the transition of youth with disabilities to postsecondary education, adult services, or employment; and (5) takes care to address properly important legal, constitutional, and other policy issues.

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