



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

May 12, 2004
(Senate)

STATEMENT OF ADMINISTRATION POLICY

S. 1248 - Individuals with Disabilities Education Improvement Act of 2003

(Sen. Gregg (R) NH and 14 cosponsors)

The Administration supports Senate passage of S. 1248, the Individuals with Disabilities Education Improvement Act (IDEA) of 2003, which would align the IDEA with the important principles in the No Child Left Behind Act of 2001 (NCLB). These principles are: accountability for results; State flexibility; paperwork reduction; parental involvement; and research-based practices. However, the Administration has concerns with several provisions of the bill and will work with Congress to address the concerns described below.

The Administration is pleased that S. 1248 contains the following features:

Authorization levels. The Administration is pleased that the bill maintains the discretionary authorization, rather than mandatory funding for IDEA, so that the Administration and Congress can review the appropriate funding level through the annual appropriations process, taking into account program performance. The Administration is strongly opposed to mandatory funding for IDEA and would oppose any amendment that would make these funds mandatory. If enacted, the President's FY 2005 budget request for IDEA Grants to States would increase funding by 75 percent or by \$4.7 billion over the 2001 level for this program, boosting the Federal share from 14 percent in 2001 to a record 20 percent in 2005.

Parental choice and involvement. The Administration appreciates that S. 1248 strengthens and clarifies IDEA provisions relating to parental notification and consent to evaluate children. The Administration supports giving States discretion to let parents choose the appropriate early intervention services for preschool-aged children either under Part C or B of the Act.

Research-based practices. The Administration strongly endorses the bill's emphasis on using research-based practices and materials for educating children with disabilities, including: (1) identifying and evaluating these children (especially those with specific learning disabilities); (2) developing their individualized education programs (IEPs); and (3) providing evidence-based information to their parents. Consistent with the President's Budget, S. 1248 would place the new Center for Special Education Research in the Education Department's Institute of Education Sciences so that special education research would meet the rigorous standards required by the Education Sciences Reform Act of 2002 and place it on the same footing as the Department's other research activities.

The Administration has the following concerns:

Accountability for results. The Administration supports aligning the State program for children with disabilities under Part B of the IDEA with NCLB accountability requirements. The Administration would strongly oppose any amendment that would undermine the NCLB accountability provisions.

More flexibility and less paperwork. The Administration supports provisions that would reduce IEP paperwork burdens and free teachers to teach, while preserving protections for children with disabilities and their parents. The option of 3-year IEPs can significantly reduce paperwork and time spent in meetings. The Administration urges the Senate to also include a pilot program, along the lines of H.R. 1350, so that the Secretary of Education could waive paperwork requirements for a small number of States for a limited time and report to Congress on the impact of those waivers.

The Administration applauds the substantial reduction of "up-front" paperwork associated with State and local applications for IDEA funds. However, the Administration objects to the imposition on States of new and extensive data requirements, such as the requirement that States report on the incidence and duration of disciplinary actions by race/ethnicity status and by disability category. Such requirements would place substantial burden on both States and school districts, and increase the likelihood of releasing personal information in violation of the Family Education Rights and Privacy Act.

The Administration supports the concept of affording districts the flexibility to use IDEA Part B grants for pre-referral services, but supports amending the bill to more clearly identify the costs that can be paid for with Part B funds and ensure that non-disabled children are not served indefinitely with those funds.

Monitoring and enforcement. The Administration strongly opposes the provision that requires an unworkable and mechanistic enforcement system that would automatically trigger a series of State sanctions. While State-level benchmarks that address student achievement and school performance can promote accountability and create incentives for improvement, the proposed system would encourage low expectations and inappropriate sanctions. These provisions should be deleted.

Additional topics. The Administration will work with the Senate to improve S. 1248 so that it: (1) simplifies provisions relating to the allocation and use of funds; (2) provides a flexible option for States and local school districts to set aside sufficient funds to serve children who need high-cost services; (3) ensures that special education teachers who provide direct instruction in core academic subjects to students with disabilities are "highly qualified" and demonstrate subject matter knowledge for the appropriate grades; (4) offers parents more choices in selecting a school for their children with disabilities; and (5) addresses properly other important legal (including constitutional) and policy issues.

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