

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5591

To provide relief to teachers, administrators, and related services providers from an excessive paperwork burden, and to reduce time spent by teachers on non-instructional activities, as required under the Individuals with Disabilities Education Act.

---

## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 2002

Mr. KELLER (for himself, Mr. BOEHNER, and Mr. CASTLE) introduced the following bill; which was referred to the Committee on Education and the Workforce

---

## A BILL

To provide relief to teachers, administrators, and related services providers from an excessive paperwork burden, and to reduce time spent by teachers on non-instructional activities, as required under the Individuals with Disabilities Education Act.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “IDEA Paperwork Re-  
5 duction Act of 2002”.

1 **SEC. 2. STRATEGIC PROPOSALS TO REDUCE THE PAPER-**  
2 **WORK BURDEN UNDER THE INDIVIDUALS**  
3 **WITH DISABILITIES EDUCATION ACT.**

4 Not later than 6 months after the date of the enact-  
5 ment of this Act, the Secretary of Education shall submit  
6 to the Committee on Education and the Workforce of the  
7 House of Representatives and the Committee on Health,  
8 Education, Labor, and Pensions of the Senate a report  
9 that details such regulatory proposals as the Secretary  
10 deems advisable for reducing the paperwork burden on  
11 teachers, administrators, and related services providers  
12 under the Individuals with Disabilities Education Act, and  
13 reducing the non-instructional time spent by teachers in  
14 order to comply with the requirements of the Individuals  
15 with Disabilities Education Act.

16 **SEC. 3. SIMPLIFIED AND STREAMLINED NOTICES.**

17 (a) IN GENERAL.—Not later than 6 months after the  
18 date of the enactment of this Act, the Secretary of Edu-  
19 cation shall identify, develop, and disseminate simplified  
20 and streamlined model documents for individualized edu-  
21 cation programs (IEPs), procedural safeguards notices,  
22 and prior written notice reporting requirements incor-  
23 porating relevant Federal statutory and regulatory re-  
24 quirements under the Individuals with Disabilities Edu-  
25 cation Act.

1 (b) DISSEMINATION AND TRAINING.—In carrying out  
2 subsection (a), the Secretary shall disseminate and provide  
3 training and technical assistance on the model IEPs, pro-  
4 cedural safeguard notices, and prior written notice report-  
5 ing requirements to all State and local educational agen-  
6 cies, parent training centers, and other appropriate enti-  
7 ties.

8 **SEC. 4. 3-YEAR INDIVIDUALIZED EDUCATION PROGRAMS.**

9 Notwithstanding part B of the Individuals with Dis-  
10 abilities Education Act, a State that receives funds under  
11 part B of that Act may permit local educational agencies  
12 in the State, with the informed, written consent of the par-  
13 ents of a child with a disability, to carry out the following:

14 (1) Develop a 3-year IEP (in lieu of an annual  
15 IEP) for the child, with IEP goals coinciding with  
16 natural transition points for the child, including an-  
17 nual goals for measuring progress that are tied to  
18 the general education curriculum content standards  
19 as well as other annual goals, such as life skills, self-  
20 advocacy, social skills, desired post-school outcomes,  
21 and other goals deemed appropriate for the child by  
22 the IEP Team.

23 (2) Comprehensively review and revise the IEP  
24 consistent with applicable provisions of law, but at

1 natural transition points for the child as opposed to  
2 annually.

3 (3) Provide for a streamlined annual IEP re-  
4 view meeting focusing on the child's current levels of  
5 performance and progress toward meeting the meas-  
6 urable annual goals, and, based on that review, de-  
7 termine if any additions or modifications to the spe-  
8 cial education and related services are needed to en-  
9 able the child to meet the measurable annual goals  
10 set out in the IEP.

11 (4) Consistent with the performance-reporting  
12 requirements under the Individuals with Disabilities  
13 Education Act—

14 (A) regularly inform the parents of the  
15 child of the extent to which their child is pro-  
16 gressing toward meeting the goals of the IEP  
17 (including measurable annual goals and 3-year  
18 IEP goals coinciding with natural transition  
19 points for the child); and

20 (B) inform the parents of the extent to  
21 which that progress is sufficient to enable the  
22 child to achieve the measurable annual goals by  
23 the end of the school year, as well as the 3-year  
24 IEP goals coinciding with natural transition  
25 points for the child.

1           (5) If the child is making sufficient progress to-  
2           ward meeting each of the measurable annual goals  
3           of the IEP by the end of the school year and such  
4           progress continues to be deemed sufficient to enable  
5           the child to attain the 3-year IEP goals coinciding  
6           with natural transition points for the child, the IEP  
7           Team shall not be required to conduct a comprehen-  
8           sive annual review and revision of the IEP but shall  
9           instead conduct a streamlined annual IEP review  
10          process in intervening years between natural transi-  
11          tion points (at which time the comprehensive review  
12          would be required), unless the child's parents or  
13          teacher request a more comprehensive review and re-  
14          vision of the IEP.

15          (6) If the child is not making sufficient  
16          progress toward attaining each of the measurable  
17          annual goals of the IEP by the end of the school  
18          year and such lack of progress is deemed insufficient  
19          to enable the child to attain the 3-year IEP goals co-  
20          inciding with natural transition points for the child,  
21          an IEP review meeting shall take place to determine  
22          if any additions or modifications to the special edu-  
23          cation and related services are needed to enable the  
24          child to meet the measurable annual goals set out in  
25          the IEP.

1 **SEC. 5. PAPERWORK REDUCTION DEMONSTRATION PRO-**  
2 **GRAM.**

3 (a) PILOT PROGRAM.—The Secretary is authorized  
4 to grant waivers of paperwork requirements under the In-  
5 dividuals with Disabilities Education Act for a period of  
6 time not to exceed 4 years with respect to not more than  
7 10 States based on proposals submitted by States for ad-  
8 dressing reduction of paperwork and non-instructional  
9 time spent fulfilling statutory and regulatory require-  
10 ments.

11 (b) REPORT.—The Secretary shall include in the an-  
12 nual report of the Department of Education (required to  
13 be transmitted to Congress under section 426 of the De-  
14 partment of Education Organization Act) information re-  
15 lated to the effectiveness of waivers granted under sub-  
16 section (a)—

17 (1) in reducing the paperwork burden on teach-  
18 ers, administrators, and related services providers  
19 under the Individuals with Disabilities Education  
20 Act, and non-instructional time spent by teachers in  
21 compliance of the requirements of the Individuals  
22 with Disabilities Education Act, including any spe-  
23 cific recommendations for broader implementation;  
24 and

25 (2) in enhancing longer term educational plan-  
26 ning, improving positive outcomes for children with

1 disabilities, promoting collaboration between IEP  
2 Team members, and ensuring satisfaction of family  
3 members, including any specific recommendations  
4 for broader implementation.

5 **SEC. 6. AMENDMENTS TO THE INDIVIDUALS WITH DISABIL-**  
6 **ITIES EDUCATION ACT.**

7 (a) INDIVIDUALIZED EDUCATION PROGRAMS.—

8 (1) DEFINITIONS.—Section 614(d)(1) of the In-  
9 dividuals with Disabilities Education Act (20 U.S.C.  
10 1414(d)(1)) is amended—

11 (A) in subparagraph (B), by striking  
12 clause (ii) and inserting the following:

13 “(ii) a regular education teacher of  
14 such child (if the child is, or may be, par-  
15 ticipating the majority of the school day in  
16 the regular education environment), but  
17 such teacher shall not be required to at-  
18 tend a meeting or part of a meeting of the  
19 IEP Team involving issues not related to  
20 the child’s participation in regular edu-  
21 cation, nor shall multiple regular education  
22 teachers, if the child has more than one  
23 regular education teacher, be required to  
24 attend a meeting, or part of a meeting, of  
25 the IEP Team;” and

1 (B) by adding at the end the following:

2 “(C) LEA DISCRETION.—(i)(I) The local  
3 educational agency shall have the discretion to  
4 determine whether any member of the IEP  
5 Team may be excused from attending an IEP  
6 meeting, in whole or in part, when, under the  
7 circumstances, the attendance of the member is  
8 not necessary. An IEP Team may obtain input  
9 prior to an IEP meeting from any member  
10 whose attendance at such meeting is not nec-  
11 essary as determined under the preceding sen-  
12 tence.

13 “(II) The local educational agency shall  
14 provide notice to the parent of the child with a  
15 disability that an IEP Team member will not  
16 attend an IEP meeting as determined under  
17 subclause (I).

18 “(III) If the parent of the child with a dis-  
19 ability disagrees with the determination of the  
20 local educational agency under subclause (I)  
21 that an IEP Team member will not attend an  
22 IEP meeting, the parent may request that the  
23 IEP Team member attend the IEP meeting.

24 “(ii) An IEP meeting at which the attend-  
25 ance of a regular education teacher of a child



1 with a disability is necessary, or at which such  
2 attendance has been requested by the child's  
3 parents, shall not be scheduled at a time that  
4 would require the absence of the regular edu-  
5 cation teacher from the classroom during in-  
6 structional time.”.

7 (2) DEVELOPMENT OF IEP.—Section 614(d)(3)  
8 of such Act (20 U.S.C. 1414(d)(3)) is amended by  
9 adding at the end the following:

10 “(D) WAIVER OF MEETING.—In making  
11 changes to a child's IEP, the parent of a child  
12 with a disability and the local education agency  
13 may waive the need for an IEP meeting and in-  
14 stead develop a written document to amend or  
15 modify an existing IEP.

16 “(E) CONSOLIDATION AND ALTERNATIVE  
17 MEANS REGARDING MEETINGS.—To the extent  
18 possible, the local educational agency shall en-  
19 courage consolidation of IEP Team meetings  
20 for each child and shall permit all participants  
21 in IEP Team meetings to use alternative means  
22 of participating, such as video conferencing and  
23 conference calls.”.

24 (3) REVIEW AND REVISION OF IEP.—Section  
25 614(d)(4)(B) of such Act (20 U.S.C. 1414(d)(4)(B))

1 is amended by inserting before the period at the end  
2 the following: “through consultation or through at-  
3 tendance at IEP Team meetings when it would not  
4 result in absence from the classroom during instruc-  
5 tional time”.

6 (b) CONSTRUCTION.—Section 614(e) of such Act (20  
7 U.S.C. 1414(e)) is amended by adding at the end the fol-  
8 lowing: “Nothing in this section shall be construed to re-  
9 quire that additional information be included in a child’s  
10 IEP beyond what is explicitly required in this section.”.

11 (c) PROCEDURAL SAFEGUARDS NOTICE.—Section  
12 615(d)(1) of such Act (20 U.S.C. 1415(d)(1)) is amended  
13 by striking subparagraphs (B) and (C) and inserting the  
14 following:

15 “(B) at the time services are initially pro-  
16 vided;

17 “(C) upon registration of a complaint  
18 under subsection (b)(6) of this section; and

19 “(D) upon request by a parent.”.

20 **SEC. 7. DEFINITIONS.**

21 In this Act:

22 (1) CHILD WITH A DISABILITY.—The term  
23 “child with a disability” has the meaning given the  
24 term in section 602 of the Individuals with Disabil-  
25 ities Education Act.

1           (2) IEP TEAM.—The term “IEP Team” has  
2 the meaning given the term in section 614(d)(1)(B)  
3 of the Individuals with Disabilities Education Act.

4           (3) INDIVIDUALIZED EDUCATION PROGRAM.—  
5 The term “individualized education program” or  
6 “IEP” has the meaning such term has in section  
7 602 of the Individuals with Disabilities Education  
8 Act.

9           (4) NATURAL TRANSITION POINTS.—The term  
10 “natural transition points” means those periods that  
11 are close in time to the transition of a child with a  
12 disability from preschool to elementary grades, from  
13 elementary grades to middle or junior high school  
14 grades, from middle or junior high school grades to  
15 high school grades, and from high school grades to  
16 postschool activities, but in no case longer than 3  
17 years.

18           (5) SECRETARY.—The term “Secretary” means  
19 the Secretary of Education.

20           (6) STATE.—The term “State” means each of  
21 the 50 States, the District of Columbia, and the  
22 Commonwealth of Puerto Rico.

○