

limit, especially as applied to state administration, will place severe burdens on already strained state education budgets and will result in an enormous federally unfunded mandate.

IDEA is a highly prescriptive law requiring vigilant state monitoring and evaluation to ensure disabled students are receiving all appropriate educational services. The new mandates will create even more administrative and oversight responsibilities for state education agencies (SEAs), while at the same time significantly decreasing the federal funds necessary to carry out such functions. Because of the artificial limits placed on the states' administrative share, the excess costs of administering the programs, distributing grants and ensuring local education agency (LEA) compliance with the law will be borne solely by the SEA.

In addition, the proposed legislation directs the states to implement the following new programs: (1) Include disabled students in all state-wide assessments by 1998 and to develop alternatives for students unable to participate in regular exams by the year 2000. (At the very least, this mandate will increase state assessment costs by 12%, the national average of disabled students in the general school population); (2) Establish and operate a mediation system for use by LEAs and parents; (3) Develop and implement state performance goals and indicators for disabled students.

The states are responsible for all of the costs incurred by creating and maintaining the above programs. The federal government is providing absolutely no new financial assistance to help offset these expenses.

The reduction of the state set-aside severely undermines the historic federal, state and local partnership and 20-year old cost-sharing arrangement that have worked so well in delivering a free, appropriate public education to disabled students. We urge you to amend the IDEA compromise agreement by allowing funding increases of up to 5% annually for state administration.

Sincerely,

BRENDA L. WELBURN,
Executive Director.

Mr. GILMAN. Mr. Speaker, I rise today in support of the Individuals With Disabilities Education Improvement Act, H.R. 5, and commend its sponsor, the distinguished chairman of the Committee on Education and the Workforce, Mr. GOODLING, and the chairman of the Subcommittee on Early Childhood, Youth and Families, Mr. RIGGS, for their diligent work in bringing this important bipartisan legislation to the floor.

This measure effectively incorporates numerous initiatives that have been proposed by educators and school board members in my district. This bill seeks to give the classroom teacher the ability to maintain adequate discipline with regard to special education students. While previous law prohibited a school from suspending or expelling a disabled student for more than 10 days, except in the situation where the student has brought a gun to school, this bill provides for removal to an alternative placement for students who bring weapons to school, bring illegal drugs to school, or illegally distribute drugs in schools, students who engage in assault or battery and students, who by proof of substantial evidence present a danger to himself or others. I believe that this bill effectively addresses that issue of classroom safety, while still maintaining protection for the students against arbitrary placement changes.

Furthermore, this measure requires States to make mediation available to school authori-

ties and parents who disagree over a disabled student's educational plan, instead of forcing the parties to move their dispute into the court. It is our hope that an increase in the use of mediation will reduce the acrimony involved in these disputes and will save money that has in the past been spent on attorney fees. Furthermore, it is my hope that the new formula changes phased in over 10 years will reduce overidentification and promote the effective use of government resources.

Accordingly, Mr. Speaker, I urge my colleagues to support this worthy measure to reform our Nation's special education programs.

Mr. GOODLATTE. Mr. Speaker, I want to first congratulate the chairman on his dedication to this important issue and his hard work toward crafting a bill that will help schools improve the quality of education for students with disabilities.

This bill includes a number of provisions that I strongly support. It streamlines and consolidates the requirements that States must meet for individualized education plans, allows parents to participate in all IEP decisions, guarantees that parents have access to all records relating to their children, and includes a number of provisions to limit attorney's fees and reduce litigation.

While I support most of the provisions in this bill, I am deeply concerned that in an effort to reach a compromise with the administration, this bill includes language that tramples the rights of States and localities to ensure safety and discipline in their classrooms.

The bill includes a provision that effectively overturns a recent Federal Appeals Court decision allowing States to suspend or expel disabled students for criminal or other serious misconduct when the action is unrelated to their disability. The administration's policy, which not only exceeds the mandate of IDEA, sets a glaring double standard by establishing two discipline codes—one for disabled students and another for nondisabled students. Including this provision in the bill ties the hands of States and localities when it comes to effectively disciplining students.

While I believe that the overall bill is good for disabled students, good for parents and teachers, and good for the American taxpayers, it would have been a great deal better had this provision not been included. With that, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the bill, H.R. 5, as amended.

The question was taken.

Mr. GOODLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONCURRING IN SENATE AMENDMENT TO H.R. 914, TECHNICAL CORRECTIONS IN HIGHER EDUCATION ACT, WITH AMENDMENTS

Mr. McKEON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 145) providing for the concurrence of the House with the amendment of the Senate to H.R. 914, with amendments.

The Clerk read as follows:

H. RES. 145

Resolved, That upon the adoption of this resolution the bill (H.R. 914), to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures, shall be considered to have been taken from the Speaker's table to the end that the Senate amendments thereto be, and the same are hereby, agreed to with amendments as follows:

Insert before section 1 the following:

TITLE I—TECHNICAL AMENDMENTS

Redesignate sections 1 through 5 as sections 101 through 105, and at the end of the bill add the following:

SEC. 106. PAYMENTS RELATING TO FEDERAL PROPERTY.

Section 8002(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(i)) is amended to read as follows:

“(i) PRIORITY PAYMENTS.—

“(1) IN GENERAL.—Notwithstanding subsection (b)(1)(B), and for any fiscal year beginning with fiscal year 1997 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996—

“(A) the Secretary shall first use the excess amount (not to exceed the amount equal to the difference of (i) the amount appropriated to carry out this section for fiscal year 1997, and (ii) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2); and

“(B) the Secretary shall use the remainder of the excess amount to increase the payments to each eligible local educational agency under this section.

“(2) LOCAL EDUCATIONAL AGENCY DESCRIBED.—A local educational agency described in this paragraph is a local educational agency that—

“(A) received a payment under this section for fiscal year 1996;

“(B) serves a school district that contains all or a portion of a United States military academy;

“(C) serves a school district in which the local tax assessor has certified that at least 60 percent of the real property is federally owned; and

“(D) demonstrates to the satisfaction of the Secretary that such agency's per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.”.

TITLE II—COST OF HIGHER EDUCATION REVIEW

SEC. 201. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the “Cost of Higher Education Review Act of 1997”.