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105TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPORT 105–649

IDEA TECHNICAL AMENDMENTS ACT OF 1998

JULY 24, 1998.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GOODLING, from the Committee on Education and the Workforce, submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany H.R. 3254]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 3254) to amend the Individuals with Disabilities Education Act to clarify the requirements relating to reducing or withholding payments to States under that Act, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "IDEA Technical Amendments Act of 1998".

SEC. 2. REDUCTION OR WITHHOLDING OF PAYMENTS TO STATES.

Section 616(c) of the Individuals with Disabilities Education Act (20 U.S.C. 1416(c)) is amended—

(1) by striking "For purposes of this section" and inserting "(1) Notwithstanding subsections (a) and (b)"; and

(2) by striking "the Secretary, in instances" and all that follows and inserting the following: "the Secretary, in instances where the Secretary finds that the failure to comply substantially with the provisions of this part are related to a failure by the public agency during a fiscal year to provide special education and related services to individuals who are 18 years of age or older, and the Secretary decides to take corrective action to ensure compliance with this part, may take only the following such corrective action (and such corrective action may only be taken with respect to payments for that fiscal year):

59–006

"(A) Reduce or withhold payments to the State in an amount that is proportionate to the total funds allotted under section 611 to the State as the number of such individuals who are 18 years of age or older is proportionate to the number of eligible individuals with disabilities in the State under the supervision of the State educational agency.

"(B) Ensure that any withholding of funds under paragraph (1) shall be limited to the specific agency responsible for the failure to comply with this part.

"(2) Upon reduction or withholding of payments to a State for a fiscal year under paragraph (1)—

"(A) with respect to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons, the State shall be deemed to be in compliance with this part for that fiscal year; and

"(B) no additional corrective action may be taken against the State with respect to the failure by the public agency described in paragraph (1).

"(3) For purposes of paragraph (1)(A), the number of eligible children with disabilities in adult prisons under the supervision of the other public agency and the number of eligible individuals with disabilities in the State under the supervision of the State educational agency shall be determined by the Secretary on the basis of the most recent satisfactory data available to the Secretary.".

PURPOSE

The purpose of H.R. 3254 is to clarify the requirements of the Individuals with Disabilities Education Act (IDEA) relating to Federal enforcement actions that may be taken against States that do not provide IDEA services to adult prisoners who are between the ages of 18 and 21.

COMMITTEE ACTION

HEARINGS AND TESTIMONY

The Subcommittee on Early Childhood, Youth, and Families held a hearing on the authorization of the IDEA on February 6, 1997. The second panel of witnesses at this hearing focused specifically on the issue of serving individuals with disabilities who are in prisons. Testifying on this panel were: Gregory W. Harding, Chief Deputy Director for Support Services, Department of Corrections, Sacramento, CA and Dr. Steven Steurer, Executive Director, Correctional Education Association, Lanham, MD.

INTRODUCTION OF THE IDEA TECHNICAL AMENDMENTS ACT OF 1998 AND LEGISLATIVE ACTION

H.R. 3254, the IDEA Technical Amendments of 1998, was introduced on February 24, 1998 by Chairman Frank Riggs (R–CA) and reported out of the Subcommittee on Early Childhood, Youth and Families by voice vote on May 21, 1998 with no amendments. The full Committee on Education and the Workforce met to consider H.R. 3254, the IDEA Technical Amendments of 1998, on Thursday, June 4, 1998. H.R. 3254 was ordered reported by a vote of 23 to 18 with amendments.

SUMMARY

In reporting H.R. 3254, the IDEA Technical Amendments of 1998, the Committee amends the provisions of the IDEA to clarify the requirements relating to reducing or withholding payments to States under that Act. H.R 3254 amends section 616 of the IDEA to confirm that the only action the Secretary of Education may take against a State that does not provide IDEA services to 18–21 year

old prison inmates is a proportionate withholding or reduction in Federal IDEA funds.

COMMITTEE VIEWS

The Individuals with Disabilities Education Act Amendments of 1997 (P.L. 105–17) significantly changed the requirements for providing IDEA services to adult prisoners. Prior to P.L. 105–17, the extent to which the requirements of the IDEA applied to individuals with disabilities who are in prison was unclear. Moreover, the Department of Education, through a combination of regulations, policy interpretations, and enforcement activities placed increasingly unreasonable mandates on States for providing special education services to individuals with disabilities in adult prisons.

P.L. 105–17 intended to address the ambiguity of the law and to curb the Department's inappropriate enforcement activities. Specifically, P.L. 105–17 identified the situations where the requirements of the IDEA did not apply to individuals who were incarcerated in adult prisons, such as assessment requirements and the procedural requirements for changing placements and provisions in the Individualized Education Program (IEP). Moreover, P.L. 105–17 allowed States to shift responsibility for the adult prisoners under the IDEA from the State Education Agency (SEA) to another agency, such as the Department of Corrections.

The most significant change in P.L. 105–17 regarding IDEA services to adult prisoners, however, was the limitations to the Secretary's enforcement authority under section 616 of the IDEA in those cases where responsibility for IDEA services for prisoners had been transferred to an agency other than the SEA. This change made an exception to the Secretary's enforcement authority in cases when a designated State agency does not provide services to individuals in the adult prison system. This exception limits reductions and withholding of funds to the specific State agency. Any reduction must be made in a manner that is proportionate to the number of IDEA-eligible individuals that the agency is responsible for, relative to the total number of children with disabilities in the State. Thus, if a State does not provide IDEA services to adult prisoners, the State agency responsible for the prisoners would forfeit any Federal IDEA funding, but this would not affect the Federal IDEA funding for the State's SEA.

The intent and effect of these changes is clear from the examination of the legislative history. During consideration of P.L. 105–17 on the Floor of the House of Representatives, Mr. Riggs (R–CA) stated:

> This bill also allows States, at their discretion, to deny services for adult prisoners while forfeiting only the pro rata share of Federal funding for that small segment of the total IDEA-eligible population.
>
> So if this bill becomes law and California decides to deny services to adult prison inmates, the U.S. Department of Education can only reduce California's total Federal allocation by a small percentage instead of withholding the entire allocation, as the department is currently threatening to do.

During consideration of P.L. 105–17 on the Floor of the Senate on May 13, 1997, Senator Harkin (D–IA) engaged in the following colloquy with Senator Boxer (D–CA):

> Mrs. BOXER. It is my understanding that under this bill, if California does not provide special education in prisons it stands to lose only one-fourth of 1 percent of its allocated share. California would no longer face the possible loss of 100 percent of its allotted special education funds. I would ask the Senator from Iowa, is my understanding correct?
>
> Mr. HARKIN. The Senator is correct that any withholding of Federal funds will be limited to the proportional share attributable to disabled students in adult prisons. Other funds would not be withheld.

Despite last year's significant changes and the clear legislative history on the intent of this legislation, the Department of Education continues to aggressively assert that the statute does not limit the range of enforcement actions that the Secretary of Education may take against a State. The Committee notes that the Administration was a full participant in the negotiations on the 1997 Amendments and Department officials knew full well that the intent of the legislation was to make an exception to the Department's enforcement powers regarding adult prisons. However, in a letter to Mr. Riggs (R-CA) dated May 19, 1998, Judith Heumann, Assistant Secretary for Special Education and Rehabilitative Services, defended the Department's inclusion of unrestricted enforcement authority in the proposed regulations implementing the statute:

> The proposed regulation also recognized that the Secretary has various enforcement options and the discretion of which option to use to ensure full compliance. This position is based, in part, upon our long-standing interpretation of section 454 of (sic) General Education Provisions Act (20 U.S.C. §1234c). This is not a departure from statutory language or the Department's long-standing interpretation of its enforcement options.

The aggressive campaign that the Department of Education continues to wage against the State of California, which has the Nation's largest prison population, provides the strongest basis for why Congress needs to further clarify these provisions. Since 1995, the Department of Education has threatened to take a variety of enforcement actions against the State of California in an effort to compel it to direct limited State special education funds away from children with disabilities in the State's school system to violent criminals who are in adult prisons and eligible for IDEA services.

The Governor of California and the State legislature, in contrast, have decided that the State, which already spends over $3,500 per inmate on educational services, should direct increases in State special education funds on children with disabilities in the K-12 school system rather than on adult felons in the prison system. State officials believe that the current educational services provided to prisoners are appropriate. In their view, accepting Federal

IDEA funds and agreeing to provide the full range of services under the IDEA for adult inmates would require significant increases in State funding and staff resources, would increase the opportunity for inmates to file frivolous lawsuits against prison officials (which currently average 5 per day), and would unduly limit the State's discretion and authority in determining the extent of services provided to inmates.

During the last 3 years, the Department of Education has threatened to withhold all Federal IDEA funding for the nearly half-million children with disabilities served by the IDEA in California in an effort to compel California to change its policy. It has also threatened to refer the case to the Department of Justice in order to seek a court injunction or other legal action. Despite the changes made in P.L. 105-17, it is apparent that the Department of Education refuses to recognize any limits on the Secretary's authority. Secretary of Education Riley in a letter to Governor Pete Wilson of California dated September 4, 1997 stated, "Nothing in the IDEA requires that I use withholding as a means of enforcement if I believe that it is not the appropriate action to obtain compliance." In response to the Secretary's assertions, Governor Wilson in a letter to Chairman Goodling (R-PA) concluded:

> We are at a stand-off and the Department has made it clear it will use every power to compel special education benefits for these adult felons—over the bipartisan objections of the California Legislature and at the expense of law-abiding school children who need these same services.

The Committee believes that the Federal government should not have the ability to mandate that States serve convicted adult felons at the expense of children with disabilities in the school system. P.L. 105-17 already contains inducements for serving the prison population and establishes specific financial consequences if that population is not provided IDEA services. In the case of services for adult prison inmates, which was clearly identified as an exception in section 616 of the IDEA, the Secretary should not be permitted to take actions that are clearly beyond what is reasonable based on the nature and the degree of the State's noncompliance.

The Committee also believes that the Federal government should support State efforts to improve the educational outcomes for children with disabilities, rather than thwarting these efforts with Federal mandates that would pull funds away from children and substantially increase State costs. The Committee believes that the Federal government should support States in exercising their discretion to focus their resources and efforts on serving children with disabilities in the school system.

H.R. 3254 prevents the Department of Education from further undermining the consensus reached last year through the continued use of inappropriate, heavy-handed tactics to coerce States. The bill only affects adult inmates (ages 18-21) in the adult prison system, and would not affect services to individuals in the juvenile justice system. In the case of California, for example, over 20 percent of the youthful offenders who are wards of the California Youth Authority currently receive IDEA services. These youths would continue to receive these services and would not be affected

by this legislation. This age range was included in the amendment in the nature of a substitute offered by Mr. Riggs (R-CA) at the Full Committee.

Moreover, the bill would do nothing to jeopardize or weaken the Department of Education's ability to protect children. It only clarifies the intent of P.L. 105-17 by making it explicit that the Department of Education cannot use all of the enforcement tools that it has been given in order to protect the rights of children to advocate for services to adult prison inmates.

SECTION-BY-SECTION ANALYSIS

Section 1 gives the short title of the Act as the "IDEA Technical Amendments Act of 1998".

Section 2 amends section 616(c) of the Individuals with Disabilities Education Act to confirm that the Secretary may only reduce or withhold payments to the State in an amount that is proportionate to the total funds allotted under section 611 of the Act to the State as the number of eligible children with disabilities in adult prisons under the supervision of the other public agency; clarifies that this reduction shall be made on the basis of the most recent satisfactory data available to the Secretary; and upon forfeiture of funds, considers the State to be in compliance with this part for that fiscal year and does not allow any additional corrective action to be taken against the State for not serving individuals incarcerated in adult prisons.

EXPLANATION OF AMENDMENTS

The Amendment in the Nature of a Substitute is explained in the body of this report.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. This bill clarifies the requirements of the Individuals with Disabilities Education Act (IDEA) relating to Federal enforcement actions that may be taken against States that do not provide IDEA services to adult prisoners who are between the ages of 18 and 21. The bill does not prevent legislative branch employees from receiving the benefits of this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

The provisions of the Individuals with Disabilities Education Act and the amendments thereto made by this bill are within Congress's authority under the spending clause of the Constitution, Article I, section 8, clause 1.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act requires a statement of whether the provisions of the reported bill include unfunded mandates. This bill clarifies the requirements of the Individuals with Disabilities Education Act (IDEA) relating to Federal enforcement actions that may be taken

against States that do not provide IDEA services to adult prisoners who are between the ages of 18 and 21. As such, the bill does not contain any unfunded mandates.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 2(l)(3)(A) of rule XI and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

STATEMENT OF OVERSIGHT FINDINGS OF THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 3254.

COMMITTEE ESTIMATE

Clause 7 of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 3254. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 2(l)(3)(B) of rule XI of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of 2(l)(3)(C) of rule XI of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3254 from the Director of the Congressional Budget Act:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 12, 1998.

Hon. WILLIAM F. GOODLING,
Chairman, Committee on Education and the Workforce,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3254, the IDEA Technical Amendments Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Justin Latus.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

H.R. 3254—IDEA Technical Amendments Act of 1998

CBO estimates that enacting this bill would have no significant effect on the federal budget. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. H.R. 3254 contains no intergovernmental of private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would impose no costs on state, local, or tribal governments.

H.R. 3254 would clarify the penalty on states that do not provide educational services to children with disabilities who are in adult prisons. Under current law, these states would lose the federal funding that would normally pay for educating these children and could face additional action (including legal action) from the Department of Education. This bill would limit the penalty on states that do not provide these educational services to the loss of funding for those not served. CBO estimates that this bill would have no impact on the federal budget.

The CBO staff contact for this estimate is Justin Latus. The estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

ROLLCALL VOTES

COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 1 **BILL H.R. 3254** **DATE June 4, 1998**
PASSED 23 - 18

SPONSOR/AMENDMENT Mr. Ballenger / motion to report the bill to the House with an amendment and with the recommendation that the amendment be agreed to and the bill as amended do pass

MEMBER	AYE	NO	PRESENT	NOT VOTING
Mr. GOODLING, Chairman				X
Mr. PETRI, Vice Chairman	X			
Mrs. ROUKEMA	X			
Mr. FAWELL	X			
Mr. BALLENGER	X			
Mr. BARRETT	X			
Mr. HOEKSTRA	X			
Mr. McKEON	X			
Mr. CASTLE	X			
Mr. JOHNSON	X			
Mr. TALENT	X			
Mr. GREENWOOD	X			
Mr. KNOLLENBERG	X			
Mr. RIGGS	X			
Mr. GRAHAM				X
Mr. SOUDER	X			
Mr. McINTOSH	X			
Mr. NORWOOD	X			
Mr. PAUL	X			
Mr. SCHAFFER	X			
Mr. PETERSON	X			
Mr. UPTON	X			
Mr. DEAL	X			
Mr. HILLEARY	X			
Mr. PARKER	X			
Mr. CLAY		X		
Mr. MILLER				X
Mr. KILDEE		X		
Mr. MARTINEZ		X		
Mr. OWENS		X		
Mr. PAYNE		X		
Mrs. MINK		X		
Mr. ANDREWS		X		
Mr. ROEMER		X		
Mr. SCOTT		X		
Ms. WOOLSEY		X		
Mr. ROMERO-BARCELO				X
Mr. FATTAH		X		
Mr. HINOJOSA		X		
Mrs. McCARTHY		X		
Mr. TIERNEY		X		
Mr. KIND		X		
Ms. SANCHEZ		X		
Mr. FORD		X		
Mr. KUCINICH		X		
TOTALS	23	18		4

COMMITTEE SUBMISSIONS

SACRAMENTO, CA, *July 24, 1997.*

Hon. RICHARD W. RILEY,
Secretary, Department of Education,
Washington, DC.

DEAR MR. SECRETARY: California hereby rejects the condition which one of your Department subordinates has improperly sought to impose upon California's acceptance of the full $306 million federal grant award provided for the Federal Fiscal year 1997 pursuant to the Individuals with Disabilities Education Act (IDEA) Amendments of 1997. That condition, placed in a cover letter but not in the grant award notification, provided that "[a]cceptance by California of this grant award constitutes an agreement by the State" to make a free public education available to disabled felons over the age of 18 incarcerated in adult correctional facilities, which would divert precious funds from law-abiding children to adult convicts.

Because that condition reflects a dramatic misinterpretation of the new IDEA law. California rejects the condition and accepts the full grant in accordance with the terms of the grant award notification, minus the amount permitted under IDEA to be deducted when a state chooses not to divert special education services to convicted felons in state prison.

Specifically, the new IDEA law gives states the right under IDEA not to divert special education services to individuals "convicted as adults under State law and incarcerated in adult prisons" by limiting "any reduction or withholding of payments to the State" to the proportion of the grant equal to the percentage of the number of eligible individuals in adult prisons divided by the entire IDEA-eligible population. See §§ 612(a)(11)(C): 616(c). Indeed, the Act stresses in a separate section that "any withholding of funds * * * shall be limited to the specific agency responsible" for the decision not to provide such services to felons in adult correctional facilities.

Notwithstanding the plain wording and legislative intent of the IDEA law, Assistant Secretary Judith Heumann in a July 16, 1997, letter threatened California with the loss of its entire federal grant unless California agreed to divert special education services to convicted felons incarcerated in state prisons. That letter followed a June 30, 1997, letter from Ms. Heumann to California's Department of Corrections (CDC) asserting that, far from the exclusive remedy Congress specified for states electing to not provide such services, the Department "has a number of enforcement options to address a substantial failure to comply with the requirements of the IDEA related to eligible youths with disabilities who are convicted as adults and incarcerated in adult prisons. * * *"

Ms. Heumann's demand subverts the plain meaning of the new IDEA law and is contrary to the legislative history surrounding the Act's enactment. Representative Bill Goodling, Chairman of the Committee on Education and the Workforce, which reported the IDEA reauthorization bill, wrote that the statute "ensures that California would lose only a small share of its entire $300 million Federal allotment for special education if it decides not to provide services for adult prison inmates." Speaker Gingrich similarly rec-

ognized California's ability under the Amendments "to deny services for adult prisoners while forfeiting only the pro-rata share of federal funding for that small segment of the total IDEA-eligible population."

The sentiment expressed in the Senate was to the same tune. In a colloquy with Senators Harkin and Jeffords. Senator Boxer expressed the view that "if California does not provide special education services in prisons it stands to lose only one-fourth of 1 percent of its allotted share [and] would no longer face the possible loss of its allotted special education funds." Senators Harkin and Jeffords expressed their unqualified agreement with that interpretation of the Amendments. Cong. Rec. S4375–76 (May 13, 1997).

This legislative intent will be determinative in interpreting the legislation, as it will dispositively outweigh any competing interpretation subsequently given by your Department, See *Chevron* v. *Natural Resources Defense Council,* 467 U.S. 837, 843 n.9 (1984) (the judiciary "must reject administrative constructions which are contrary to clear congressional intent.").

Ms. Heumann attempts to buttress her threat of a total loss of California's federal grant on a second, equally spurious theory: that proportionate withholding is unavailable since the California Department of Education is also responsible for this decision as it "retains responsibility under that section for any eligible youth with disabilities in such facilities who were not convicted as adults." Ms. Heumann is misinformed. There are no youths incarcerated under the jurisdiction of CDC who have not been convicted as adults.

Because Congress's recent IDEA legislation made crystal clear that the decision not to divert precious special education funds to convicted felons does not jeopardize the entire grant, I regard Ms. Heumann's attempt to condition federal funding to California on this unlawful basis as out-and-out extortion.

Before concluding, allow me to offer the observation that there may be certain individuals within your agency zealous to impose their extralegal agenda upon the country. Congress's recent passage of the IDEA reauthorization bill responded to efforts by the Department to require that special education funds be diverted from law-abiding children to incarcerated felons in states' prisons. The new law must be respected by the Department. This present episode closely follows an aborted effort, now reversed, by the Department to coerce schools in Texas not to comply with the Fifth Circuit Court of Appeals' decision in *Hopewood* v. *Texas,* 78 F.3d 932 (5th Cir.), *cert. denied,* 116 S. Ct. 2580 (1996). It is not within the powers of any agency official to subvert the will of Congress or the courts. Actions like those taken by Ms. Heumann show a deep disrespect for the rule of law.

Should the Department attempt to recoup the entirety of the $306 million federal funding grant to California which supports more than 48,000 disabled children, the Department will force California to divert limited public resources from existing education reforms, such as class size reduction and pupil testing, in order to backfill the loss of federal special education funds. I, therefore, hope you will respect CDC's decision under the IDEA law to return unspent exactly that portion of the 1997 grant that Congress has specified as the remedy for states opting not to spend scarce re-

sources to provide special education services to convicted felons in state prisons.

Californians will perform an accounting to determine the precise figure and remit this amount to the federal government—a reasonable decision in light of the fact that the actual cost of diverting services to convicted felons overwhelmingly exceeds the proportionate reduction.

Sincerely,

PETE WILSON, *Governor.*

DEPARTMENT OF EDUCATION,
Washington, DC, September 4, 1997.

Hon. PETE WILSON,
Governor of California,
State Capitol, Sacramento, CA.

DEAR GOVERNOR WILSON: This is in response to your letter of July 24, 1997, expressing concern about the condition placed on California's federal grant under Part B of the Individuals with Disabilities Education Act (IDEA). I hope this also addresses the issues raised in your April 18, 1997, letter regarding promulgation of new IDEA regulations on special education services for youth with disabilities in adult correctional facilities.

Regarding the grant award condition, Assistant Secretary Judith E. Heumann's letter of July 16, 1997, was entirely appropriate. This Department's responsibility is to enforce the requirements of the IDEA, while ensuring continued funding for special education services for all eligible children and youth with disabilities in California. The IDEA Amendments of 1997, which passed Congress by large majorities of Republicans and Democrats, made it clear that all States must serve eligible youth with disabilities in adult correctional facilities. There are no provisions in the law that allow a State to elect to exclude all youth in adult facilities. As a result, as a condition of your IDEA grant, you do not have the option of rejecting the provision of these services. This requirement is imposed by the statute, not by the Department of Education. The specific condition that the Department imposed upon California's grant was a reporting requirement regarding efforts made to serve this population. This condition was imposed based upon California's history of noncompliance on this issue.

I would also like to correct what appears to be a serious misunderstanding of the enforcement provisions of the IDEA. The new law directs me to take "pro corrective action to ensure compliance" when there is a failure to provide required services to eligible youth with disabilities in adult correctional facilities. It also provides that if I choose to withhold funds from a State in these circumstances, the amount of that withholding is limited to the portion of the IDEA funds that represents the percentage of eligible children and youth with disabilities in the State who are convicted as adults and are in adult correctional facilities. Nothing in the IDEA requires that I use withholding as a means of enforcement if I believe that it is not the appropriate action to obtain compliance. Both the IDEA and the General Education Provisions Act set out a number of options for obtaining corrective action under De-

partment programs. These options include, in addition to withholding funds, referring the matter to the Department of Justice for injunctive relief, obtaining a cease and desist order, and entering into a compliance agreement. I have not yet made a decision as to the corrective action that is most appropriate in this case.

Since February 1996, when we issued a monitoring report to the State citing its failure to make any special education services available in any of the State's adult prisons, we have attempted to work with the State to ensure compliance with the requirements of federal law. Our efforts to resolve this issue cooperatively included offering the State a compliance agreement, under which it would have up to three years to come into compliance. It is still my strong preference to work with the State to enter into a compliance agreement. I am asking Assistant Secretary Heumann to provide you information on the assistance that would be available from the Department in working toward the development of a compliance agreement.

It is my sincere belief that the numerous changes to IDEA that allow States more flexibility in serving incarcerated youth, which the Department supported, should make possible the development of such an agreement. For example, States need only make available special education services to youth with disabilities, aged 18 through 21, who, in the educational placement prior to their incarceration in an adult correctional facility: (a) were actually identified as being a child with a disability under the IDEA; or (b) had an individualized education program under the IDEA. The new law also provides that youth with disabilities who are convicted as adults and in adult prisons need not participate in general testing programs conducted by the State, and that transition services to promote movement from school to employment and other post-school activities need not be provided to individuals in adult prisons whose eligibility under the IDEA will have ended because of their age before they are released from prison.

Most importantly, the educational program and placement of eligible youth with disabilities who are convicted as adults and in adult prisons can be modified if the State shows bona fide security interests. This provision allows these interests to be addressed on a case-by-case basis and in extreme circumstances, such as when a youth with disabilities poses an immediate threat to self or others, permits appropriate modifications or limitations to the educational program or placement, including suspension of services for an appropriate period of time.

In California, a majority of incarcerated youth ages 21 or younger are serving sentences of 4 years or less. These young people will be released back into society within a relatively short period of time. The majority of the studies that have looked at the benefits of prison education programs have shown that education has a positive effect on reducing recidivism and a positive effect on post-release employment success. Young prisoners with disabilities are among the least likely to have the skills they need to be able to hold a job. For them, education is probably the only opportunity they have to become productive, independent members of society.

I continue to hope that it will be possible for us to resolve this matter in a manner that serves the educational interests of all children consistent with the requirements of the IDEA.

Yours sincerely,

RICHARD W. RILEY, *Secretary.*

COMMITTEE ON EDUCATION AND THE WORKFORCE,
Washington, DC, January 30, 1998.

Hon. RICHARD RILEY,
Secretary, Department of Education,
Washington, DC.

DEAR MR. SECRETARY: I am writing to express my continued concerns about how the Department of Education proposes to implement Public Law 105–17 with regard to providing special education services to children with disabilities who are incarcerated in adult prisons.

The Department's proposed regulation 300.587(e) outlines the enforcement actions that the Secretary can take with respect to complying with part B of the Act for children with disabilities incarcerated in adult prisons when the public agency responsible for such children is not the State Education Agency. The Department has added language that allows the Secretary to take "one of the enforcement actions described in paragraph (b) of this section" (300.587). The enforcement actions described in 300.587(b) include withholding in whole or in part any further payments to the State under part B of the Act, referring the matter to the Department of Justice for enforcement, or any other enforcement action authorized by law.

As a principal author of the IDEA Amendments of 1997, I am specifically concerned with the language in 300.587(e) that allows the Secretary to take enforcement action against the State, other than reducing or withholding payments that are proportionate to the total funds allotted to the State as the number of eligible children with disabilities in adult prisons under the supervision of a public agency other than the SEA. This is the only enforcement action authorized by the statute for the Secretary to take if the State does not provide part B services to children with disabilities incarcerated in adult prisons. The statute clearly provides this exception to the Secretary's general enforcement authority in section 616(c) of Public Law 105–17. The proposed regulation 300.587(b) violates that exception.

As you know, this issue was vigorously debated during the consideration of the 1997 IDEA amendments. The legislative history, as well as the statutory language, clearly indicate that the only enforcement authority given to the Secretary if a State does not comply with part B for children with disabilities incarcerated in adult prisons is reducing or withholding payments that are proportionate to the total funds allotted to the State as the number of eligible children with disabilities in adult prisons under the supervision of a public agency other than the SEA. This is the only enforcement action available to the Secretary in these cases.

I strongly urge you to delete the reference in the proposed regulation 300.587(e) that allows the Secretary numerous enforcement

actions when States do not provide part B services to children with disabilities incarcerated in adult prisons. There is no basis in the statute or legislative history for this ill-advised regulatory language.

Sincerely,

FRANK RIGGS,
Chairman, Subcommittee on Early Childhood, Youth and Families.

COMMITTEE ON EDUCATION AND THE WORKFORCE,
Washington, DC, May 8, 1998.

Hon. JUDITH HEUMANN,
Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, Washington, DC.

DEAR MS. HEUMANN: As a principal author of the IDEA Amendments of 1997, I continue to be concerned about how the Department of Education proposes to implement Public Law 105–17 with regard to providing special education services to inmates incarcerated in adult prisons.

This issue was vigorously debated during the consideration of the 1997 IDEA amendments. The Administration knows full well that the new law clarifies how services are to be provided to individuals in adult prisons who have been tried and convicted as adults.

The legislative history, as well as the statutory language, clearly indicates that a State may now delegate its obligation to oversee prison education to the prison system or the State adult correctional department. Standards relating to IDEA services, placement, and paperwork were relaxed to acknowledge the unique security requirements of the prison environment. States, at their discretion, may also deny services for adult prisoners while forfeiting only the pro rata share of Federal funding for that small segment of the total IDEA eligible population.

The congressional intent is clear on this matter. There are statements that I made, statements that Chairman Goodling made, and even statements made in a colloquy between Senator Boxer and Senators Jeffords and Harkin which all contradict the Administration's proposed position.

Despite the clear legislative history on this issue, the Department's proposed regulations have added language that allows the Secretary to take additional enforcement actions. These actions include withholding further payments to the State under part B of the Act, referring the matter to the Department of Justice for enforcement, or any other enforcement action authorized by law. This concerns me because the statute makes a clear exception to the Secretary's general enforcement authority in section 616(c) of Public Law 105–17.

Simply put, section 300.587(b) of the proposed regulation violates the statute. There is no basis in the statute or legislative history for this ill-advised regulatory language. I strongly urge the Department to delete the reference in this section that allows the Secretary numerous enforcement actions in this case.

As you know, this is an important issue to my home state of California. If California decides to deny services to adult prison in-

mates, the U.S. Department of Education can only reduce California's total Federal allocation by a small percentage instead of withholding its entire allocation, as the Department has threatened to do.

Governor Wilson and I have worked closely on this matter for the past year. We cannot sit by and watch the Department of Education jeopardize the provision of services to millions of disabled children over its concerns about how well the State is serving adult prisoners under the Act. Almost a year ago, the Department told the State of California that it will consider other options for enforcing IDEA's requirements against the State for its failure to serve 18–21 year-old prisoners in adult correctional facilities. To date, I have not heard of any action by the Department on this matter. I would now like your response to the following questions:

Does the Department intend to hold this threat over the State of California forever, jeopardizing the more than $375 million in Federal Part B funds that California receives for its more than half a million children with disabilities?

Is there some point when the Department will make a decision about what action to take, if any?

Why is the Department not simply following section 616(c) of the Act and withholding or reducing California's allotment by the amount proportionate to the number of adult prisoners who the Department believes California is not serving under IDEA?

It has become clear to me that I have to do more to assure that the Department complies with P.L. 105–17. That is why I recently introduced H.R. 3254, The IDEA Technical Amendments Act of 1998, that would further clarify the statute and make this language even more explicit. I plan to mark-up this bill in my Subcommittee in the near future, and will pursue enactment of this legislation aggressively.

I still hope that we can work out a solution that carries out the intent of the law. I would appreciate a response to the questions that I posed to you by May 15, 1998. If you have any questions regarding this matter, please contact Jeff Andrade of my Subcommittee staff.

Sincerely,

FRANK D. RIGGS,
Chairman, Subcommittee on Childhood, Youth, and Families.

DEPARTMENT OF EDUCATION, OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES,
Washington, DC, May 19, 1998.

Hon. FRANK RIGGS,
Chairman, Subcommittee on Early Childhood, Youth and Families, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR CHAIRMAN RIGGS: This is in response to your letter to me of May 8, 1998. Most of the issues that you raise in your letter were previously addressed in Secretary Riley's September 4, 1997 response to Governor Wilson. I am attaching a copy for your information.

In your letter you ask three questions:

(1) Does the Department intend to hold this threat over the State of California forever, jeopardizing the more than $375 million in Federal Part B funds that California receives for its more than half a million children with disabilities?

The Department has never threatened California with the loss of its Part B funds. Indeed, on July 16, 1997, we awarded to the State its full Part B grant. The Department agrees that the option of withholding Part B funds from California, based on its failure to make a free appropriate public education available to youth with disabilities in adult prisons, is limited to a proportionate share of the State's grant. Moreover, our previous contacts with the State on this issue have been focused on resolving this matter cooperatively, without withholding any of the State's Part B funds. Our efforts towards a cooperative resolution have included the offers of technical assistance and of a compliance agreement that would give the State up to three years to come into full compliance with this requirement.

As part of my duties as Assistant Secretary, I have visited several correctional facilities, including facilities in California, an experience which has given me a greater appreciation of the issues faced by incarcerated youth with disabilities. There are very important policy reasons for our efforts to ensure that California comply with the requirements of the IDEA. The majority of studies that have looked at the benefits of prison education programs have shown that education has a positive effect on reducing recidivism and a positive effect on post-release employment success. According to 1997 figures we received from the California Department of Corrections, a majority of incarcerated youth ages 21 or younger are serving relatively short sentences of 4 years or less. In the absence of special education services, youth with disabilities will be released back into society without the skills they need to become productive citizens. National studies show that about one-third of prisoners are unable to perform such simple job-related tasks as locating an intersection on a street map, or identifying and entering basic background information on an application. Another one-third are unable to perform slightly more difficult tasks such as writing an explanation of a billing error or entering information into an automobile maintenance form. Only about one in 20 can do things such as use a schedule to determine which bus to take.

As you know, the 1997 amendments made numerous changes to the IDEA that allow States more flexibility in how they serve incarcerated youth that can be utilized by all States, including California, to work towards full compliance with federal law. One of these changes is that the educational program and placement of eligible youth with disabilities who are convicted as adults and in adult prisons can be modified if the State shows a bona fide security or compelling penological interest that cannot otherwise be accommodated. This allows States, in extreme circumstances, such as when a youth with a disability poses an immediate threat to self or others, to make changes or cease the program or placement for the appropriate period of time. This, along with the new limitations on eligibility, transition services, and participation in general as-

sessments, provide ample flexibility to States as they provide educational services to this population.

(2) Is there some point when the Department will make a decision about what action to take, if any?

(3) Why is the Department not simply following Section 616(c) of the Act and withholding or reducing California's allotment by the amount proportionate to the number of adult prisoners who the Department believes California is not serving under IDEA?

As you are aware, the Department issued a Notice of Proposed Rulemaking (NPRM) which sets out our position on what enforcement options are available under federal law. Since this issue generated comments through the rulemaking process, we are carefully considering those comments and will finalize the regulations before making a determination concerning enforcement action.

I also want to clarify the position that the Department set out in the NPRM. The Department fully agreed that the option of withholding Part B funds from States that have transferred to another agency the general supervisory authority for providing a free appropriate public education to youth with disabilities convicted as adults and in adult prisons, be limited to a proportionate share of the State's grant. However, the proposed regulation also recognizes that the Secretary has various enforcement options and the discretion of which option to use to ensure full compliance. This position is based, in part, upon our long-standing interpretation of section 454 of General Education Provisions Act (20 U.S.C. § 1234c). This is not a departure from statutory language or the Department's long-standing interpretation of its enforcement options.

The Department strongly opposes any revisions to the Act.

We continue to hope that California will decide to work cooperatively with the Department to ensure that a free appropriate public education is available to all eligible children and youth with disabilities in the State.

Sincerely,

JUDITH E. HEUMANN,
Assistant Secretary.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 11, 1998.

Hon. RICHARD RILEY,
Secretary, Department of Education,
Washington, DC.

DEAR MR. SECRETARY: I am disappointed with your opposition to H.R. 3254, and with Assistant Secretary Heumann's May 19, 1998, letter on special education services to inmates incarcerated in adult prisons. The Committee on Education and the Workforce voted to report this bill favorably to the House. I plan to continue to pursue it aggressively.

Governor Pete Wilson, the State Legislature, the President of the State Board of Education and numerous parents of disabled children in California public schools oppose serving adult felons in California under IDEA. Over the past year and one-half, Governor Wilson and I have tried to work with the Department to arrive at a solution that implements the provisions of the IDEA Amend-

ments of 1997. We want to ensure that the limited special education resources of California and other states can be spent on disabled school children, not convicted adult felons.

Contrary to your characterization, H.R. 3254 does not break last year's agreement on the IDEA. In fact, it is the Department that has not acted in good faith in implementing the provisions contained in section 616(c) of the statute. The proposed regulations for 34 CFR 300.587(b) violate this section of the statute, which is a specific exception to the Secretary's general enforcement authority. I am troubled by the Department's continued assertions that it may go beyond the limits on enforcement actions in section 616 of IDEA, and exercise the enforcement remedies contained in section 454 of the General Education Provisions Act (GEPA) in these cases. The language of the statute and legislative history are clear. Moreover, the Department had knowledge of these provisions through its participation in the negotiations on the IDEA Amendments. Had the Congress wanted to grant the Department these additional remedies, it would have so specified in the IDEA legislation. Instead, the statute contains specific limitations on services to individuals incarcerated in adult prisons, and on the penalties for not providing those services.

I also object to the implication that this bill is an attempt to chip away at a basic civil right in a way that threatens education services to all children and youth. As a principal author of last year's IDEA Amendments, I have worked to preserve a disabled child's right to a free and appropriate public education and to help parents and educators improve the educational results for these children. In my view, the heavy-handed tactics that the Office of Special Education Programs (OSEP) has applied to coerce California to direct State funds away from children with disabilities in our schools in order to pay for services to convicted adult felons in prison is more of a threat to special education services to our disabled youth than anything contained in H.R. 3254.

Ms. Heumann is incorrect in stating that "the Department has never threatened California with the loss of Part B funds." On October 21, 1996, Thomas Hehir, Director of Special Education Programs sent a letter to the Director of the Special Education Division in the California State Department of Education. In that letter, Mr. Hehir informed State officials that the Department could "withdraw assistance under the Act" to the California State Department of Education because special education services were not available in the California Department of Corrections. Further, Mr. Hehir urged the California State Department of Education to enter into a compliance agreement as "an appropriate manner in which we can continue to fund California under Part B while the State works toward full compliance with the Part B requirements." That threat to deny Federal assistance to the one-half million school children with disabilities in California is a principal reason why Congress included Section 616(c) in the IDEA Amendments.

Finally, given the Department's inaction on enforcement in the California case, I am confused by the Administration's concerns that H.R. 3254 would undermine the Department's ability to enforce IDEA. This matter goes back to an OSEP monitoring review that was conducted in January 1995. The findings were not issued

to the State until more than a year later. Now, three and one-half years since the actual review, Ms. Heumann informs me that the Department will still not make a determination concerning enforcement action. This is disturbing.

I urge you to give this matter your personal attention, and that you review these issues so that California can get back to focusing on meeting the needs of the nearly one-half million children with disabilities in our schools.

If you have any questions regarding this matter, please contact Jeff Andrade of my Subcommittee staff.

Sincerely yours,

FRANK D. RIGGS,
Chairman, Subcommittee on Early Childhood, Youth and Families.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 616 OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

SEC. 616. WITHHOLDING AND JUDICIAL REVIEW.

(a) * * *

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(c) DIVIDED STATE AGENCY RESPONSIBILITY.—[For purposes of this section] *(1) Notwithstanding subsections (a) and (b)*, where responsibility for ensuring that the requirements of this part are met with respect to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons is assigned to a public agency other than the State educational agency pursuant to section 612(a)(11)(C), [the Secretary, in instances where the Secretary finds that the failure to comply substantially with the provisions of this part are related to a failure by the public agency, shall take appropriate corrective action to ensure compliance with this part, except—

[(1) any reduction or withholding of payments to the State is proportionate to the total funds allotted under section 611 to the State as the number of eligible children with disabilities in adult prisons under the supervision of the other public agency is proportionate to the number of eligible individuals with disabilities in the State under the supervision of the State educational agency; and

[(2) any withholding of funds under paragraph (1) shall be limited to the specific agency responsible for the failure to comply with this part.]

the Secretary, in instances where the Secretary finds that the failure to comply substantially with the provisions of this part are related to a failure by the public agency during a fiscal year to provide special education and related services to individuals who are 18 years of age or older, and the Secretary decides to take corrective action

to ensure compliance with this part, may take only the following such corrective action (and such corrective action may only be taken with respect to payments for that fiscal year):

(A) Reduce or withhold payments to the State in an amount that is proportionate to the total funds allotted under section 611 to the State as the number of such individuals who are 18 years of age or older is proportionate to the number of eligible individuals with disabilities in the State under the supervision of the State educational agency.

(B) Ensure that any withholding of funds under paragraph (1) shall be limited to the specific agency responsible for the failure to comply with this part.

(2) Upon reduction or withholding of payments to a State for a fiscal year under paragraph (1)—

(A) with respect to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons, the State shall be deemed to be in compliance with this part for that fiscal year; and

(B) no additional corrective action may be taken against the State with respect to the failure by the public agency described in paragraph (1).

(3) For purposes of paragraph (1)(A), the number of eligible children with disabilities in adult prisons under the supervision of the other public agency and the number of eligible individuals with disabilities in the State under the supervision of the State educational agency shall be determined by the Secretary on the basis of the most recent satisfactory data available to the Secretary.

MINORITY VIEWS

The Majority asserts in its views that H.R. 3254, is necessary to clarify the intent of P.L. 105–17, the IDEA Amendments of 1997 (IDEA 97) because the Department of Education has overstepped its enforcement authority under the statute. This is false. This bill significantly modifies the intent and meaning of IDEA 97 pertaining to individuals with disabilities in adult correctional facilities in a way in which we cannot support. Furthermore, we find it troubling that the Majority, through H.R. 3254, seeks to undo the bipartisan compromise reached in IDEA 97.

The IDEA Amendments of 1997 was signed into law by President Clinton on June 4, 1997, The process used to draft the 1997 measure was wholly inclusive, involving both Democratic and Republican Members from the House and the Senate, and the Clinton Administration as full participants in the construction of this historic legislation. This measure was also the product of compromise—both chambers, both parties, and the Administration all had to find a middle course on their policy objectives in order to arrive at legislation that strengthens the ability of individuals with disabilities to receive a free appropriate public education (FAPE). It is important to note that IDEA 97 passed the House by a 420–3 margin and the Senate by a 98–1 margin—clear evidence of support for the statute in its current form.

Current law gives the Department of Education two enforcement options under IDEA: withholding of funds or referral for appropriate enforcement action, which may include referral to the Department of Justice. Current law also authorizes an *additional,* more limited enforcement tool when dealing with individuals with disabilities incarcerated in adult correctional facilities. In these cases, the Department of Education may only withhold the share of funds attributable to the number of disabled individuals in adult correctional facilities. Nothing in the statute implies or states that the Department of Education is limited to the option of withholding of funds to ensure compliance regarding incarcerated individuals with disabilities. The Department may use what ever enforcement mechanism is necessary to obtain compliance with IDEA and ensure that all individuals with disabilities receive a free appropriate public education in California and across the nation. The statute does not permit the Governor of a State to ignore the civil rights of individuals with disabilities.

Unfortunately, H.R. 3254 ignores the compromise reached in IDEA 97 and unravels the overwhelming bipartisan support for the Act. The Majority's claim that the Department of Education is overstepping its enforcement authority, and waging an "aggressive campaign" against California is false. The Department of Education has been attempting to work with California, and provide it with the technical assistance and training it needs to be able to

comply with IDEA. The Department has taken no enforcement action to date, choosing to work with California, rather than to assert its statutorily provided authority. Such actions seem to bear little resemblance to the "aggressive campaign" claimed by the Majority.

We also note that IDEA 97 included several provisions allowing for flexibility in serving IDEA eligible individuals who are incarcerated in adult correctional facilities. These provisions include:

Through State statute or a State's Governor, a State may assign any public agency in the State responsibility with respect to individuals with disabilities incarcerated in adult prisons and compliance for this population with IDEA.

An exemption from the mandatory participation of individuals with disabilities incarcerated in adult prisons on general assessments.

An exemption from transition planning for individuals with disabilities whose eligibility under IDEA will end, because of their age, before they will be released from prison.

A disabled individual's individualized education plan (IEP) may be modified if a State has demonstrated bona fide security or compelling peneological interests.

Least Restrictive Environment (LRE), may also be modified if a State has demonstrated bona fide security or compelling peneological interests.

The Secretary may not take an enforcement action against the SEA if the SEA is not the agency responsible for those individuals with disabilities in adult prisons.

In reducing funds for a State, the Secretary may only take such action on a proportionate basis, based on the number of disabled individuals in adult correctional facilities, compared to the number of disabled individuals total.

The obligation to provide FAPE for individuals with disabilities aged 18 through 21 who are incarcerated in an adult correctional facility could be waived by a State if such individuals were not identified or did not have an IEP in their last educational placement prior to incarceration.

Unfortunately, H.R. 3254 would amend IDEA to limit the Department of Education to one enforcement option when a State is in violation of IDEA by refusing to serve individuals with disabilities incarcerated in adult correction facilities over the age of 18. Limiting this enforcement authority to a small segment of IDEA funds received by a State, will open the door to States who want to eliminate IDEA services to these incarcerated in adult correctional facilities. Despite the numerous provisions providing flexibility in serving this population, the modifications sought by this bill would ensure that DEA services—educational and other related services—are cut off to those in adult correctional facilities. While we are concerned about the scarce amount of resources available to educate our children with disabilities, ignoring this segment of the population through denial of educational services will ensure that they become the future burdens on our society's social welfare system.

The Majority also includes several quotations from floor consideration of P.L. 105–17 to support H.R. 3254. The first quote is from Congressman Frank Riggs, Chairman of the Early Childhood,

Youth and Families Subcommittee. In this quote he asserts that California can only be penalized under IDEA through the withholding of funds. This statement is not consistent with the statute, which clearly provides two enforcement remedies for noncompliance. This statement has no value in terms of legislative history. The second floor quotation included by the majority is from a colloquy by Senators Harkin and Boxer. Mr. Harkin's response to Mrs. Boxer's inquiry about enforcement actions available to ED under the bill only deals with situations where the penalty chosen for noncompliance is the withholding of funds. This statement by Senator Harkin does not preclude the existence of other enforcement options.

IDEA and its provisions relating to services to those in adult correctional facilities were the product of bipartisan, bicameral compromise. We should not, approximately one year after the enactment of this historic legislation, go back on our commitment to this compromise. During the process to create IDEA 97, all Members, Republican or Democrat, had the ability to object, and eliminate a policy direction sought by another Member. H.R. 3254 is a shameful breach of last year's bipartisan IDEA agreement, and will undermine enforcement of the Individuals With Disabilities Act.

WILLIAM L. CLAY.
DALE E. KILDEE.
MAJOR R. OWENS.
PATSY T. MINK.
LYNN WOOLSEY.
CHAKA FATTAH.
CAROLYN MCCARTHY.
RON KIND.
HAROLD E. FORD, Jr.
GEORGE MILLER.
MATTHEW G. MARTINEZ.
DONALD M. PAYNE.
ROBERT E. ANDREWS.
BOBBY SCOTT.
CARLOS ROMERO-BARCELÓ.
RUBÉN HINOJOSA.
JOHN F. TIERNEY.
LORETTA SANCHEZ.
DENNIS J. KUCINICH.

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