

107TH CONGRESS
2D SESSION

S. 2883

To allow States to design a program to increase parental choice in special education, to fully fund the Federal share of part B of the Individuals with Disabilities Education Act, to help States reduce paperwork requirements under part B of such Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2002

Mr. CRAIG introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To allow States to design a program to increase parental choice in special education, to fully fund the Federal share of part B of the Individuals with Disabilities Education Act, to help States reduce paperwork requirements under part B of such Act, and for other purposes.

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 “Choice IDEA Act”.

1 **SEC. 2. CHOICE PROGRAM AND SALARY PROGRAM.**

2 Part B of the Individuals with Disabilities Education
3 Act (20 U.S.C. 1400 et seq.) is amended by adding at
4 the end the following:

5 **“SEC. 620. CHOICE PROGRAM.**

6 “(a) CHOICE PROGRAM AUTHORITY.—

7 “(1) IN GENERAL.—The Secretary shall carry
8 out a program under which the Secretary provides
9 States with the option of using funds received under
10 this part—

11 “(A) to carry out this part in accordance
12 with the provisions of this part; or

13 “(B) to carry out a choice program that
14 meets the requirements of subsection (b), with-
15 out regard to the provisions of this part other
16 than this section.

17 “(b) CHOICE PROGRAM REQUIREMENTS.—Each
18 State carrying out a choice program under this section
19 shall—

20 “(1) create a list that contains—

21 (A) an itemization of disabilities by cat-
22 egory; and

23 (B) the total average cost in the State as-
24 sociated with educating a child with a disability
25 described in each such category;

1 “(2) create a menu of special education and re-
2 lated services that—

3 “(A) is no less comprehensive than the
4 special education and related services available
5 in school districts within the State on the day
6 before the date of enactment of this section;
7 and

8 “(B) includes the estimated cost per child
9 per hour or semester, as appropriate, to receive
10 the special education and related services;

11 “(3) submit the list and menu to the Secretary
12 for approval;

13 “(4) allow a parent of each child with a dis-
14 ability in the State to use the proceeds of a voucher
15 provided under paragraph (5) to pay the costs of the
16 special education and related services that the par-
17 ent selects from the menu for their child to receive,
18 which selection may be made with the advice of any
19 person the parent determines appropriate;

20 “(5) provide a voucher to a parent of each child
21 with a disability in the State in an amount that—

22 “(A) is equal to the cost of the special edu-
23 cation and related services offered by public
24 schools within the State to a child with a dis-

1 ability, determined in accordance with the ap-
2 proved list; and

3 “(B) does not exceed the cost of the special
4 education and related services available to the
5 child under the approved list;

6 “(6) permit a parent to use the proceeds of the
7 voucher—

8 “(A) to obtain the special education and
9 related services, selected from the menu by the
10 parent, at a public school; or

11 “(B) to pay the cost of the child’s attend-
12 ance at a public or private school; and

13 “(7) establish independent, binding arbitration
14 procedures for disputes related to—

15 “(A) the determination of whether a child
16 is a child with a disability as defined in section
17 602; and

18 “(B) the categorization of a child’s dis-
19 ability.

20 **“SEC. 621. SALARY PROGRAM.**

21 “(a) GRANTS AUTHORIZED.—From amounts appro-
22 priated under subsection (b), the Secretary shall award
23 grants to States, that do not participate in a choice pro-
24 gram under section 620, to enable the States to award
25 grants to local educational agencies in the State in which

1 15 percent or more of the students served by the agency
 2 are children with disabilities, to help defray the salaries
 3 of individuals who help with paperwork associated with re-
 4 ceiving funds under this part.

5 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
 6 are authorized to be appropriated to carry out this section
 7 \$1,000,000 for fiscal year 2003 and each subsequent fiscal
 8 year.”.

9 **SEC. 3. FULL FUNDING.**

10 Section 611(j) of the Individuals with Disabilities
 11 Education Act (20 U.S.C. 1411(j)) is amended to read
 12 as follows:

13 “(j) AUTHORIZATION OF APPROPRIATIONS.—For the
 14 purpose of carrying out this part, other than section 619,
 15 there are authorized to be appropriated—

16 “(1) \$10,000,000,000 for fiscal year 2003;

17 “(2) \$12,179,939,000 for fiscal year 2004;

18 “(3) \$14,359,817,000 for fiscal year 2005;

19 “(4) \$16,539,817,000 for fiscal year 2006;

20 “(5) \$18,719,756,000 for fiscal year 2007;

21 “(6) \$20,899,695,000 for fiscal year 2008;

22 “(7) \$23,079,634,000 for fiscal year 2009; and

23 “(8) \$24,956,000,000 for fiscal year 2010.”.

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