

PENDING

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for a paperwork reduction demonstration.

IN THE SENATE OF THE UNITED STATES—108th Cong., 2d Sess.

S. 1248

T AMENDMENT No. 3149 tion

By Gregg for Santorum

To: S. 1248

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Page(s)

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AMENDMENT intended to be proposed by Mr. Gregg (for Mr. Santorum)

Viz:

1 Amend section 609 of the Individuals with Disabil-
2 ities Education Act, as amended by section 101 of the bill,
3 to read as follows:

4 "SEC. 609. PAPERWORK REDUCTION.

5 "(a) REPORT TO CONGRESS.—The Comptroller Gen-
6 eral shall conduct a review of Federal, State, and local
7 requirements relating to the education of children with
8 disabilities to determine which requirements result in ex-
9 cessive paperwork completion burdens for teachers, related

1 services providers, and school administrators, and shall re-
2 port to Congress not later than 18 months after the date
3 of enactment of the Individuals with Disabilities Edu-
4 cation Improvement Act of 2003 regarding such review
5 along with strategic proposals for reducing the paperwork
6 burdens on teachers.

7 “(b) PAPERWORK REDUCTION DEMONSTRATION.—

8 “(1) PILOT PROGRAM.—

9 “(A) PURPOSE.—The purpose of this sub-
10 section is to provide an opportunity for States
11 to identify ways to reduce paperwork burdens
12 and other administrative duties that are directly
13 associated with the requirements of this Act, in
14 order to increase the time and resources avail-
15 able for instruction and other activities aimed
16 at improving educational and functional results
17 for children with disabilities.

18 “(B) AUTHORIZATION.—

19 “(i) IN GENERAL.—In order to carry
20 out the purpose of this subsection, the Sec-
21 retary is authorized to grant waivers of
22 statutory requirements of, or regulatory re-
23 quirements relating to, this part for a pe-
24 riod of time not to exceed 4 years with re-
25 spect to not more than 20 States based on

1 proposals submitted by States to reduce
2 excessive paperwork and noninstructional
3 time burdens that do not assist in improv-
4 ing educational and functional results for
5 children with disabilities.

6 “(ii) EXCEPTION.—The Secretary
7 shall not waive any statutory requirements
8 of, or regulatory requirements relating to,
9 applicable civil rights requirements.

10 “(iii) RULE OF CONSTRUCTION.—
11 Nothing in this subsection shall be con-
12 strued to—

13 “(I) affect the right of a child
14 with a disability to receive a free ap-
15 propriate public education under this
16 part; and

17 “(II) permit a State or local edu-
18 cational agency to waive procedural
19 safeguards under section 615.

20 “(C) PROPOSAL.—

21 “(i) IN GENERAL.—A State desiring
22 to participate in the program under this
23 subsection shall submit a proposal to the
24 Secretary at such time and in such manner
25 as the Secretary may reasonably require.

1 “(ii) CONTENT.—The proposal shall
2 include—

3 “(I) a list of any statutory re-
4 quirements of, or regulatory require-
5 ments relating to, this part that the
6 State desires the Secretary to waive
7 or change, in whole or in part; and

8 “(II) a list of any State require-
9 ments that the State proposes to
10 waive or change, in whole or in part,
11 to carry out a waiver granted to the
12 State by the Secretary.

13 “(D) TERMINATION OF WAIVER.—The
14 Secretary shall terminate a State’s waiver
15 under this subsection if the Secretary deter-
16 mines that the State—

17 “(i) has failed to make satisfactory
18 progress in meeting the indicators de-
19 scribed in section 616; or

20 “(ii) has failed to appropriately imple-
21 ment its waiver.

22 “(2) REPORT.—Beginning 2 years after the
23 date of enactment of the Individuals with Disabil-
24 ities Education Improvement Act of 2003, the Sec-
25 retary shall include in the annual report to Congress

1 submitted pursuant to section 426 of the Depart-
2 ment of Education Organization Act information re-
3 lated to the effectiveness of waivers granted under
4 paragraph (1), including any specific recommenda-
5 tions for broader implementation of such waivers,
6 in—

7 “(A) reducing—

8 “(i) the paperwork burden on teach-
9 ers, principals, administrators, and related
10 service providers; and

11 “(ii) noninstructional time spent by
12 teachers in complying with this part;

13 “(B) enhancing longer-term educational
14 planning;

15 “(C) improving positive outcomes for chil-
16 dren with disabilities;

17 “(D) promoting collaboration between IEP
18 Team members; and

19 “(E) ensuring satisfaction of family mem-
20 bers.