

An Act

To reauthorize the Individuals with Disabilities Education Act, and for other purposes. <<NOTE: Dec. 3, 2004 - [H.R. 1350]>>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, <<NOTE: Individuals with Disabilities Education Improvement Act of 2004. 20 USC 1400 note.>>

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Individuals with Disabilities Education Improvement Act of 2004".

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## "SEC. 664. <<NOTE: 20 USC 1464.>> STUDIES AND EVALUATIONS.

### "(a) Studies and Evaluations.--

"(1) Delegation.--The Secretary shall delegate to the Director of the Institute of Education Sciences responsibility to carry out this section, other than subsections (d) and (f).

"(2) Assessment.--The Secretary shall, directly or through grants, contracts, or cooperative agreements awarded to eligible entities on a competitive basis, assess the progress in the implementation of this title, including the effectiveness of State and local efforts to provide--

"(A) a free appropriate public education to children with disabilities; and

"(B) early intervention services to infants and toddlers with disabilities, and infants and toddlers who would be at risk of having substantial developmental delays if early intervention services were not provided to the infants and toddlers.

### "(b) Assessment of National Activities.--

"(1) In general.--The Secretary shall carry out a national assessment of activities carried out with Federal funds under this title in order--

"(A) to determine the effectiveness of this title in achieving the purposes of this title;

"(B) to provide timely information to the President, Congress, the States, local educational

agencies, and the public on how to implement this title more effectively; and

((C) to provide the President and Congress with information that will be useful in developing legislation to achieve the purposes of this title more effectively.

((2) Scope of assessment.--The national assessment shall assess activities supported under this title, including--

((A) the implementation of programs assisted under this title and the impact of such programs on addressing the developmental needs of, and improving the academic

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achievement of, children with disabilities to enable the children to reach challenging developmental goals and challenging State academic content standards based on State academic assessments;

((B) the types of programs and services that have demonstrated the greatest likelihood of helping students reach the challenging State academic content standards and developmental goals;

((C) the implementation of the professional development activities assisted under this title and the impact on instruction, student academic achievement, and teacher qualifications to enhance the ability of special education teachers and regular education teachers to improve results for children with disabilities; and

((D) the effectiveness of schools, local educational agencies, States, other recipients of assistance under this title, and the Secretary in achieving the purposes of this title by--

((i) improving the academic achievement of children with disabilities and their performance on regular statewide assessments as compared to nondisabled children, and the performance of children with disabilities on alternate assessments;

((ii) improving the participation of children with disabilities in the general education curriculum;

((iii) improving the transitions of children with disabilities at natural transition points;

((iv) placing and serving children with disabilities, including minority children, in the least restrictive environment appropriate;

“(v) preventing children with disabilities, especially children with emotional disturbances and specific learning disabilities, from dropping out of school;

“(vi) addressing the reading and literacy needs of children with disabilities;

“(vii) reducing the inappropriate overidentification of children, especially minority and limited English proficient children, as having a disability;

“(viii) improving the participation of parents of children with disabilities in the education of their children; and

“(ix) resolving disagreements between education personnel and parents through alternate dispute resolution activities, including mediation.

“(3) Interim and final reports.--The Secretary shall submit to the President and Congress--

“(A) an interim report that summarizes the preliminary findings of the assessment not later than 3 years after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004; and

“(B) a final report of the findings of the assessment not later than 5 years after the date of enactment of such Act.

“(c) Study on Ensuring Accountability for Students Who Are Held to Alternative Achievement Standards.--The Secretary shall carry out a national study or studies to examine--

“(1) the criteria that States use to determine--

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“(A) eligibility for alternate assessments; and

“(B) the number and type of children who take those assessments and are held accountable to alternative achievement standards;

“(2) the validity and reliability of alternate assessment instruments and procedures;

“(3) the alignment of alternate assessments and alternative achievement standards to State academic content standards in reading, mathematics, and science; and

“(4) the use and effectiveness of alternate assessments in appropriately measuring student progress and outcomes specific to individualized instructional need.

((d) Annual Report.--The Secretary shall provide an annual report to Congress that--

- ((1) summarizes the research conducted under part E of the Education Sciences Reform Act of 2002;
- ((2) analyzes and summarizes the data reported by the States and the Secretary of the Interior under section 618;
- ((3) summarizes the studies and evaluations conducted under this section and the timeline for their completion;
- ((4) describes the extent and progress of the assessment of national activities; and
- ((5) describes the findings and determinations resulting from reviews of State implementation of this title.

((e) Authorized Activities.--In carrying out this section, the Secretary may support objective studies, evaluations, and assessments, including studies that--

- ((1) analyze measurable impact, outcomes, and results achieved by State educational agencies and local educational agencies through their activities to reform policies, procedures, and practices designed to improve educational and transitional services and results for children with disabilities;
- ((2) analyze State and local needs for professional development, parent training, and other appropriate activities that can reduce the need for disciplinary actions involving children with disabilities;
- ((3) assess educational and transitional services and results for children with disabilities from minority backgrounds, including--
  - ((A) data on--
    - ((i) the number of minority children who are referred for special education evaluation;
    - ((ii) the number of minority children who are receiving special education and related services and their educational or other service placement;
    - ((iii) the number of minority children who graduated from secondary programs with a regular diploma in the standard number of years; and
    - ((iv) the number of minority children who drop out of the educational system; and
  - ((B) the performance of children with disabilities from minority backgrounds on State assessments and other performance indicators established for all students;
- ((4) measure educational and transitional services and results for children with disabilities served under this title,

including longitudinal studies that--

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``(A) examine educational and transitional services and results for children with disabilities who are 3 through 17 years of age and are receiving special education and related services under this title, using a national, representative sample of distinct age cohorts and disability categories; and

``(B) examine educational results, transition services, postsecondary placement, and employment status for individuals with disabilities, 18 through 21 years of age, who are receiving or have received special education and related services under this title; and

``(5) identify and report on the placement of children with disabilities by disability category.

``(f) <<NOTE: Reports.>> Study.--The Secretary shall study, and report to Congress regarding, the extent to which States adopt policies described in section 635(c)(1) and on the effects of those policies.

Source: <http://idea.ed.gov/download/statute.html>