

108TH CONGRESS  
1ST SESSION

# H. R. 1373

To provide options to States to innovate and improve the education of children with disabilities by expanding the choices for students and parents under the Individuals with Disabilities Education Act.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2003

Mr. DEMINT (for himself, Mr. BOEHNER, Mr. HOEKSTRA, Mrs. MUSGRAVE, and Mr. FEENEY) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To provide options to States to innovate and improve the education of children with disabilities by expanding the choices for students and parents under the Individuals with Disabilities Education Act.

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 “IDEA Parental Choice  
5 Act of 2003”.

1 **SEC. 2. AMENDMENTS TO THE INDIVIDUALS WITH DISABIL-**  
2 **ITIES EDUCATION ACT.**

3 (a) RESEARCH AND INNOVATION TO IMPROVE SERV-  
4 ICES AND RESULTS FOR CHILDREN WITH DISABIL-  
5 ITIES.—Section 672(b)(2) of the Individuals with Disabil-  
6 ities Education Act (20 U.S.C. 1472(b)(2)) is amended  
7 by adding at the end the following:

8 “(I) Supporting the post-award planning  
9 and design, and the initial implementation  
10 (which may include costs for informing the  
11 community, acquiring necessary equipment and  
12 supplies, and other initial operational costs),  
13 during a period of not more than 3 years, of  
14 State programs that allow the parent of a child  
15 with a disability to make a genuine independent  
16 choice of the appropriate public or private  
17 school for their child, if the program—

18 “(i) requires that the child—

19 “(I) have been determined to be  
20 a child with a disability in accordance  
21 with section 614;

22 “(II) have spent the prior school  
23 year in attendance at a public elemen-  
24 tary or secondary school unless the  
25 child was served under section 619 or  
26 part C during such year; and

1                   “(III) have in effect an individ-  
2                   ualized education program (as defined  
3                   in section 614(d)(1)(A));

4                   “(ii) permits the parent to receive  
5                   from the eligible entity funds to be used to  
6                   pay some or all of the costs of attendance  
7                   at the selected school (which may include  
8                   tuition, fees, and transportation costs);

9                   “(iii) prohibits the selected school  
10                  from discriminating against eligible stu-  
11                  dents on the basis of race, color, or na-  
12                  tional origin; and

13                  “(iv) requires the selected school to be  
14                  academically accountable to the parent for  
15                  meeting the educational needs of the stu-  
16                  dent.”.

17                  (b) CHILDREN ENROLLED IN PRIVATE SCHOOLS BY  
18                  THEIR PARENTS.—Section 612(a)(10)(A) of the Individ-  
19                  uals with Disabilities Education Act (20 U.S.C.  
20                  1412(a)(10)(A)) is amended by adding at the end the fol-  
21                  lowing:

22                  “(iii) PARENT OPTION PROGRAM.—If  
23                  a State has established a program de-  
24                  scribed in section 672(b)(2)(I) (whether  
25                  statewide or in limited areas of the State)

1 that allows a parent of a child with a dis-  
2 ability to use public funds to pay some or  
3 all of the costs of attendance at a public or  
4 private school—

5 “(I) funds allocated to the State  
6 under section 611 may be used to  
7 supplement those public funds, if the  
8 Federal funds are distributed to par-  
9 ents who make a genuine independent  
10 choice as to the appropriate school for  
11 their child;

12 “(II) the authorization of a par-  
13 ent to exercise this option fulfills the  
14 State’s obligation under paragraph (1)  
15 with respect to the child during the  
16 period in which the child is enrolled in  
17 the selected school; and

18 “(III) a private school accepting  
19 those funds shall be deemed, for both  
20 the programs and services delivered to  
21 the child, to be providing a free ap-  
22 propriate public education and to be  
23 in compliance with section 504 of the  
24 Rehabilitation Act of 1973 (29 U.S.C.  
25 794).”.

1           (c) PERMISSIVE USE OF FUNDS.—Section 613(a)(4)  
2 of the Individuals with Disabilities Education Act (20  
3 U.S.C. 1413(a)(4)) is amended by adding at the end the  
4 following:

5                           “(C) SUPPLEMENTAL EDUCATIONAL SERV-  
6                           ICES FOR CHILDREN WITH DISABILITIES IN  
7                           SCHOOLS DESIGNATED FOR IMPROVEMENT.—  
8                           For the reasonable additional expenses (as de-  
9                           termined by the local educational agency) of  
10                          any necessary accommodations to allow children  
11                          with disabilities who are being educated in a  
12                          school identified for school improvement under  
13                          section 1116(b) of the Elementary and Sec-  
14                          ondary Education Act of 1965 (20 U.S.C.  
15                          6316(b)) to be provided supplemental edu-  
16                          cational services under section 1116(e) of such  
17                          Act on an equitable basis, if such children with  
18                          disabilities are eligible children (as defined in  
19                          section 1116(e)(12)(A) of such Act).”.

20           (d) ALLOWING CHILDREN TO RECEIVE EARLY  
21 INTERVENTION SERVICES UNTIL AGE 6.—

22                           (1) IN GENERAL.—Section 632(5) of the Indi-  
23                          viduals with Disabilities Education Act (20 U.S.C.  
24                          1432(5)) is amended—

1 (A) in subparagraph (A), by striking  
2 “and” at the end;

3 (B) in subparagraph (B), by striking the  
4 period at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(C) may also include, at a State’s discre-  
7 tion, a child aged 3 through 5, who previously  
8 received services under this part and who is eli-  
9 gible for services under section 619, if services  
10 provided to this age group under this part in-  
11 clude an educational component that promotes  
12 school readiness and incorporates scientifically  
13 based pre-literacy, language, and numeracy  
14 skills.”.

15 (2) REQUIREMENTS FOR STATEWIDE SYS-  
16 TEM.—Section 635 of the Individuals with Disabil-  
17 ities Education Act (20 U.S.C. 1435) is amended by  
18 adding at the end the following:

19 “(c) TREATMENT OF CHILDREN AGED 3 THROUGH  
20 5.—If a State includes children described in section  
21 632(5)(C) in the system described in section 633, the  
22 State shall be considered to have fulfilled any obligation  
23 under part B with respect to the provision of a free appro-

- 1 private public education to those children during the period
- 2 in which they are receiving services under this part.”.

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