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# THE CONGRESS PROJECT

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## *Assignment Prompt Sheet*

### **IDEA Reauthorization Act of 2004**

#### **Overview**

**Act Title:** Individuals with Disabilities Education Improvement Act of 2004

**Congress:** 108th Congress (2003-2004)

**Session/Sessions:** 1-2

**Statute No:**

**Public Law No:** 108 PL 446

**Eid:** 1080446

**Gid:** 213-018

**Bill:** [HR 1350](#)

**Sponsor:** [Rep. Michael Castle \(R-DE\)](#)

**House Committees:** Education and the Workforce

**Senate Committees:** Health, Education, Labor, and Pensions

**Companion Bill:** [S 1248](#)

**Related Bills:** HCR 524

**House Rules:** Hres 206; Hres 858

**Past Bills:**

**Introduced Date- Law Date:** 3/19/2003-12/3/2004

**House Floor Days:** 4

**Senate Floor Days:** 3

**Roll Call Votes:** 11 (6 in the House on HR 1350; 1 in the House on Hres 206; 1 in the Senate on HR 1350; 3 in the Senate on S 1248)



*(Above): Rep. Mike Castle (R-DE)*

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## Legislative History Comments

Federal education policy was significantly impacted in 1975, when Congress passed the Education for *All Handicapped Children Act* (94 PL 142). As [CQ \(1975\)](#) notes, the law was “aimed at assuring free and adequate public school education for the nation’s eight million handicapped children.” The program was retitled the Individuals with Disabilities Education Act (IDEA) after a 1990 reauthorization, the *Intellectually Disabled Education Act of 1990* (101 PL 476) was passed. The measure is controversial, as it promises states federal funds will cover up to 40 percent of the extra costs but the federal government has never come close to hitting that number. Controversy over it is clear during debate over the reauthorization we’ll be focusing on in this assignment, the *Individuals with Disabilities Education Improvement Act of 2004* (108 PL 446).

The 2004 measure reauthorization is—as far as I can tell—the only time we’ve seen a debate over fully funding IDEA. It shouldn’t be too tough from a process standpoint. There’s a Senate companion and the bill is considered in the House under Hres 206, a structured rule that bars all minority party amendments. Democrats argue this was done to avoid the full funding amendment. Here are the CQ write-ups on the 2004 measure and a useful CRS report:

- <https://library.cqpress.com/cqalmanac/document.php?id=cqal03-835-24343-1084287&type=hitlist&num=1>
- <https://library.cqpress.com/cqalmanac/document.php?id=cqal04-836-24366-1085113&type=hitlist&num=0>
- <https://fas.org/sgp/crs/misc/R44624.pdf>

This measure received a decent amount of media attention in recent years due to both underfunding and challenges presented by COVID and remote learning. See newspaper pieces under “Suggested Sources” for more.

## Assignments

For the sections below, you’re going to want to answer the questions and write-up the process sections that correspond to your assigned number. Here they are:

- #1.
- #2.
- #3.

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## Background Questions

1. Discuss the broader political context this bill was considered in. Who controlled the House? The Senate? By how many? Who was President? Was this part of the President's agenda? What other pieces of legislation were being considered/passed in this Congress? The Stathis (2014) piece might worth a citation here.
2. What does this act actually do? Who was pushing for it? Was it significantly altered during consideration?

Why is there such a disjoint between [authorizations](#) and [appropriations](#) in this area? Specifically, did authorizers write the IDEA program knowing that the appropriations committee would short change them? Why did appropriators consistently shortchange the program?

3. What did existing federal policy look like in this specific issue area? Where did the IDEA program originate? How had it evolved prior to the 2004 reauthorization? What about federal funding for education prior to IDEA?

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## Process Sections

Please write-up the sections that correspond to your number. Feel free to incorporate any notes I might have dumped in the margins.

### *#1. House Consideration of HR 1350 (March 19, 2003)*

HR 1350 was considered under Hres 206, a structured rule that allowed only a set number of previously approved amendments to the bill.<sup>1</sup> Democrats felt that this rule shut them out of debate and that this was an attempt to block debate on the funding of the bill.

14 amendments were offered onto the bill and 11 were agreed to.

HR 1350 is adopted [251-171](#).

### *#2. Senate Consideration of S 1248 & HR 1350 (May 12-13, 2004)*

The Senate Health, Education, Labor and Pensions Committee approved its own bill, S 1248, in May by a vote of 21-0.

On the floor, the bill was amicably debated. The Senate floor debate lasted two days and was a bit more subdued than the House. There were two roll call votes proposed on amendments made by Senator Tom Harkin (D-IA) and Senator Judd Gregg (R-NH). Harkin attempted to insert text into the bill that would require mandatory increases in the IDEA funding. The increases they proposed would have helped reach the 40 percent of full funding over 6 years by implementing a 2.2 billion dollar increase per year. Senators voted 56-41 in favor of the measure, but it failed to win 60 votes to waive the 2004 budget resolution.

Gregg responded to the full funding proposal by saying that “it would make us feel better politically but, its bad policy” citing the idea that when something becomes mandatory funding, it isn’t often reviewed or improved.<sup>2</sup>

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<sup>1</sup> The text of Hres 206:

Rules Committee Resolution H. Res. 206 Reported to House. Rule provides for consideration of H.R. 1350 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. The rule waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. Measure will be considered read. Specified amendments are in order. Makes in order only those amendments printed in H. Rept. 108-79 and provides that they shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, considered as read, debatable for the time specified in the report equally divided and controlled by the proponent...”

**Commented [AJM1]:** In the fall of 2003, the House passed HR 1350, an IDEA reauthorization bill. The bill began with House Republicans working closely to create a bill that addressed their concerns. This caused more contentious debate between the parties because of the focus on the issues that the Republicans believed were important. The bill was sponsored by Michael N. Castle and had 19 cosponsors.

The debate began on March 19th, 2003. It was introduced to the Subcommittee of Education and Workforce on a committee focused in Education Reform. Lynn Woolsey (D-CA) addressed the Democrats’ biggest concern with the bill, funding. Woolsey stated, “We should use this reauthorization to move IDEA Part B Funding from discretionary to mandatory, with a gradual phase-in of full funding.” Democrats’ major push with the bill was to make this discretionary spending bill into a mandatory funding matter which would cancel out the need for appropriations. IDEA funding in 2003 was at 17% of the 40% promised in funding in the original draft of the IDEA bill. Despite Democrats’ efforts in the subcommittee, the bill was approved by a voice vote on April 2nd.

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Here's a link to the voteview split on the motion to waive:

- <https://voteview.com/rollcall/RS1080552>

### ***#3. House Consideration of the Conference Report (November 17, 2004)***

The House and Senate's bills differed on student discipline. The House wanted to keep the measure that would make discipline of non-disabled and disabled students the same. The Senate rolled back on this and did not want to make any changes to current legislation that took a child's disability into account when enacting student discipline.

Passes the House [397-3](#), with Reps. Paul (R-TX); Flake (R-AZ) and Garrett (R-NJ), voting no. All represent the libertarian wing.

### ***#3. Senate Consideration of the Conference Report (November 19, 2004)***

In the final remarks before passing the bill, Senator Chris Dodd (D-CT) expressed Democrats' disappointment with the discretionary spending of the IDEA bill. He said, "And while I am disappointed that the bill does not contain a provision to provide mandatory full funding of IDEA, I believe that the monetary targets that have been provided, are at least pointing us in the right direction. Still, I think it is important to remind everyone, yet again, that thirty years ago when we passed IDEA, we made a commitment to, over time, cover 40 percent of the State cost of servicing students with special needs (*Congressional Record*, 108<sup>th</sup> Congress, November 17<sup>th</sup>, 2004, S11656)."

Passes the Senate by unanimous consent.

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<sup>2</sup> Davis, Michelle R. "Senate Approves Bill to Reauthorize IDEA." *Education Week*, Editorial Project in Education, 22 Feb. 2019, [www.edweek.org/ew/articles/2004/05/19/37idea.h23.html](http://www.edweek.org/ew/articles/2004/05/19/37idea.h23.html).

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## Member Spotlight

Choose one of the following for your member spotlight:

**#1.** Rep. Mike Castle (R-DE); Rep. John Boehner (R-OH); Rep. Charlie Bass (R-NH); Rep. Tom Tancredo (R-CO); Rep. Peter Hoekstra (R-MI); Rep. Lynn Woosley (D-CA)

**#2.** Sen. Judd Gregg (R-NH); Rep. Jim DeMint (R-SC); Sen. Ted Kennedy (D-MA); Sen. Rick Santorum (R-PA); Rep. David Vitter (R-LA); Sen. Hilary Clinton (D-NY)

**#3.** Sen. Tom Harkin (D-IA); Rep. Lynn Woolsey (D-CA); Sen. Chuck Hagel (R-NE); Sen. Chris Dodd (D-CT); Rep. Marilyn Musgrave (R-CO); Rep. Chris Van Hollen (D-MD)

## Aftermath Questions

1. How was this act viewed upon passage? What did the newspapers say? How did the final measure differ from the one reformers were pushing?
2. How has this law evolved over time? Has it been featured in any major Supreme Court cases? Significantly altered by subsequent legislation?

Additionally, how relevant is the IDEA program currently? Are there additional issues related to it that reformers have been pushing to change?

3. How has IDEA been viewed by scholars? Did it achieve its stated goals? Do scholars highlight any major limitations? Are there aspects of the bill that are viewed more favorably than others? Discuss the relevance of this act as it pertains to contemporary policy.

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## Suggested Sources

### *Scholarly Articles:*

Roberts, Megan. "The individuals with disabilities education act: Why considering individuals one at a time creates untenable situations for students and educators." *UCLA L. Rev.* 55 (2007): 1041.

Martin, Edwin W., Reed Martin, and Donna L. Terman. "The legislative and litigation history of special education." *The future of children* (1996): 25-39.

Katsiyannis, Antonis, Mitchell L. Yell, and Renee Bradley. "Reflections on the 25th anniversary of the Individuals with Disabilities Education Act." *Remedial and Special education* 22.6 (2001): 324-334.

Keogh, Barbara K. 2007. "Celebrating PL 91-142: The Education of All Handicapped Children Act of 1975." *Education Resources Information Center* Volume 16 (Issue 2): 68.  
<https://www.itejournal.org/issues/fall-2007/12keogh.pdf>

Osborne, Allan G. 1988. "The Supreme Court's Interpretation of the Education for All Handicapped Children Act." *Remedial and Special Education* Volume 9 (Issue 3): 21.  
<https://journals.sagepub.com/doi/pdf/10.1177/074193258800900305>

Garda Jr, Robert A. "Untangling eligibility requirements under the Individuals with Disabilities Education Act." *Mo. L. Rev.* 69 (2004): 441.  
<https://fas.org/sgp/crs/misc/R44624.pdf>

Dragoo, Kyrie E., "The Individuals with Disabilities Education Act (IDEA), Part B: Key Statutory and Regulatory Provisions" *CRS. Report: R41833*, August 19th.

Martin, Edwin W., Reed Martin, and Donna L. Terman. "The legislative and litigation history of special education." *The future of children* (1996): 25-39.

Blanck, Peter. "Why America is better off because of the Americans with Disabilities Act and the Individuals with Disabilities Education Act." *Touro L. Rev.* 35 (2019): 605.

Yell, Mitchell L., David Rogers, and Elisabeth Lodge Rogers. "The legal history of special education: What a long, strange trip it's been!" *Remedial and special education* 19.4 (1998): 219-228.

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## *Newspaper Pieces:*

- <https://www.nytimes.com/2020/09/16/parenting/school-reopening-special-needs.html>
- [www.sandiegouniontribune.com/focus/story/2019-04-05/districts-struggle-with-rising-special-ed-costs](http://www.sandiegouniontribune.com/focus/story/2019-04-05/districts-struggle-with-rising-special-ed-costs)
- <https://www.nytimes.com/2020/06/05/us/coronavirus-education-lost-learning.html>
- <https://www.theatlantic.com/national/archive/2012/04/4-common-sense-proposals-for-special-education-reform/256435/>
- <https://www.npr.org/transcripts/1034141443>
- <https://www.theatlantic.com/education/archive/2017/03/the-separate-unequal-education-of-students-with-special-needs/520140/>
- <https://www.nytimes.com/interactive/2020/09/10/magazine/special-education-covid.html>
- [https://www.washingtonpost.com/local/education/special-education-students-are-not-just-falling-behind--theyre-losing-key-skills-parents-say/2020/08/05/ec1b91ca-cffd-11ea-9038-af089b63ac21\\_story.html](https://www.washingtonpost.com/local/education/special-education-students-are-not-just-falling-behind--theyre-losing-key-skills-parents-say/2020/08/05/ec1b91ca-cffd-11ea-9038-af089b63ac21_story.html)
- <https://slate.com/news-and-politics/2020/10/students-disabilities-criminal-justice-system.html>
- <https://www.nytimes.com/2019/08/08/opinion/letters/students-disabilities-tests.html>
- <https://www.washingtonpost.com/education/2021/03/22/school-districts-unprepared-to-meet-need-of-returning-students-with-disabilities/>
- <https://www.vox.com/the-big-idea/2017/1/19/14314890/devos-disabilities-rights-idea-hassan>
- <https://www.theatlantic.com/education/archive/2016/06/escaping-the-disability-trap/487070/>
- Schemo, Diana Jean. "Senate Panel Approves Bill for Students with Disability." The New York Times, The New York Times, 26 June 2003, [www.nytimes.com/2003/06/26/us/senate-panel-approves-bill-for-students-with-disability.html?searchResultPosition=1](http://www.nytimes.com/2003/06/26/us/senate-panel-approves-bill-for-students-with-disability.html?searchResultPosition=1).
- Davis, Michelle R. "Senate Approves Bill to Reauthorize IDEA." Education Week, Editorial Project in Education, 22 Feb. 2019, [www.edweek.org/ew/articles/2004/05/19/37idea.h23.html](http://www.edweek.org/ew/articles/2004/05/19/37idea.h23.html).