

106TH CONGRESS  
1ST SESSION

# H. CON. RES. 84

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IN THE SENATE OF THE UNITED STATES

MAY 5, 1999

Received and referred to the Committee on Health, Education, Labor, and  
Pensions

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## CONCURRENT RESOLUTION

Urging the Congress and the President to fully fund the  
Federal Government's obligation under the Individuals  
with Disabilities Education Act.

Whereas all children deserve a quality education, including  
children with disabilities;

Whereas *Pennsylvania Association for Retarded Children v.*  
*Commonwealth of Pennsylvania*, 334 F. Supp. 1247 (E.  
Dist. Pa. 1971), and *Mills v. Board of Education of the*  
*District of Columbia*, 348 F. Supp. 866 (Dist. D. C.  
1972), found that children with disabilities are guaran-

teed an equal opportunity to an education under the 14th amendment to the Constitution;

Whereas the Congress responded to these court decisions by passing the Education for All Handicapped Children Act of 1975 (enacted as Public Law 94–142), now known as the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), to ensure a free, appropriate public education for children with disabilities;

Whereas the Individuals with Disabilities Education Act provides that the Federal, State, and local governments are to share in the expense of educating children with disabilities and commits the Federal Government to pay up to 40 percent of the national average per pupil expenditure for children with disabilities;

Whereas the Federal Government has provided only 9, 11, and 12 percent of the maximum State grant allocation for educating children with disabilities under the Individuals with Disabilities Education Act in the last 3 years, respectively;

Whereas the national average cost of educating a special education student (\$13,323) is more than twice the national average per pupil cost (\$6,140);

Whereas research indicates that children who are effectively taught, including effective instruction aimed at acquiring literacy skills, and who receive positive early interventions demonstrate academic progress, and are significantly less likely to be referred to special education;

Whereas the high cost of educating children with disabilities and the Federal Government's failure to fully meet its obligation under the Individuals with Disabilities Education Act stretches limited State and local education

funds, creating difficulty in providing a quality education to all students, including children with disabilities;

Whereas, if the appropriation for part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) exceeds \$4,924,672,200 for a fiscal year, the State funding formula will shift from one based solely on the number of children with disabilities in the State to one based on 85 percent of the children ages 3 to 21 living in the State and 15 percent based on children living in poverty in the State, enabling States to undertake good practices for addressing the learning needs of more children in the regular education classroom and reduce over identification of children who may not need to be referred to special education;

Whereas the Individuals with Disabilities Education Act has been successful in achieving significant increases in the number of children with disabilities who receive a free, appropriate public education;

Whereas the current level of Federal funding to States and localities under the Individuals with Disabilities Education Act is contrary to the goal of ensuring that children with disabilities receive a quality education; and

Whereas the Federal Government has failed to appropriate 40 percent of the national average per pupil expenditure per child with a disability as required under the Individuals with Disabilities Education Act to assist States and localities to educate children with disabilities: Now, therefore, be it

1       *Resolved by the House of Representatives (the Senate*  
 2       *concurring), That—*

3               (1) the Congress and the President—

1           (A) should, working within the constraints  
2           of the balanced budget agreement, give pro-  
3           grams under the Individuals with Disabilities  
4           Education Act (20 U.S.C. 1400 et seq.) the  
5           highest priority among Federal elementary and  
6           secondary education programs by meeting the  
7           commitment to fund the maximum State grant  
8           allocation for educating children with disabili-  
9           ties under such Act prior to authorizing or ap-  
10          propriating funds for any new education initia-  
11          tive; and

12          (B) should meet the commitment described  
13          in subparagraph (A) while retaining the com-  
14          mitment to fund existing Federal education pro-  
15          grams that increase student achievement; and

16          (2) if a local educational agency chooses to uti-  
17          lize the authority under section 613(a)(2)(C)(i) of  
18          the Individuals with Disabilities Education Act to  
19          treat as local funds up to 20 percent of the amount  
20          of funds the agency receives under part B of such  
21          Act that exceeds the amount it received under that  
22          part for the previous fiscal year, then the agency  
23          should use those local funds to provide additional

- 1 funding for any Federal, State, or local education
- 2 program.

Passed the House of Representatives May 4, 1999.

Attest: JEFF TRANDAHL,  
*Clerk.*