

106TH CONGRESS
1ST SESSION

S. CON. RES. 25

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

IN THE SENATE OF THE UNITED STATES

APRIL 13, 1999

Mr. JEFFORDS (for himself, Mr. GREGG, Ms. COLLINS, Mr. LOTT, Mr. DEWINE, Mr. HAGEL, Mr. ENZI, Mr. BROWNBACK, Mr. HATCH, Mr. ASHCROFT, and Mr. COVERDELL) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions

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 guaranteed 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 drain school budgets, jeopardize the quality of education provided by local schools, and place a significant burden on State and local taxpayers;

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 Senate (the House of Representatives*
 2 *concurring)*, That the Congress and the President—

3 (1) should, working within the constraints of
 4 the balanced budget agreement, give programs under
 5 the Individuals with Disabilities Education Act (20

1 U.S.C. 1400 et seq.) the highest priority among
2 Federal elementary and secondary education pro-
3 grams by meeting the commitment to fund the max-
4 imum State grant allocation for educating children
5 with disabilities under such Act prior to authorizing
6 or appropriating funds for any new education initia-
7 tive; and

8 (2) should meet the commitment described in
9 paragraph (1) while retaining the commitment to
10 fund existing Federal education programs that in-
11 crease student achievement.

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