

109TH CONGRESS  
1ST SESSION

# S. RES. 328

Recognizing the 30th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 and reaffirming the commitment of Congress to the Individuals with Disabilities Education Act so that all children with disabilities receive a free appropriate public education in the least restrictive environment.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2005

Mr. ENZI (for himself, Mr. KENNEDY, Mr. ROBERTS, Mr. REED, Mr. BURR, Mr. JEFFORDS, Mr. GREGG, Mrs. MURRAY, Mr. HATCH, Mrs. CLINTON, Mr. DEWINE, Mr. BINGAMAN, Ms. MIKULSKI, Mr. HARKIN, and Mr. DODD) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions

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## RESOLUTION

Recognizing the 30th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 and reaffirming the commitment of Congress to the Individuals with Disabilities Education Act so that all children with disabilities receive a free appropriate public education in the least restrictive environment.

Whereas the Education for All Handicapped Children Act of 1975 (Public Law 94–142) was signed into law 30 years ago on November 29, 1975, and amended the State grant program under part B of the Education of the Handicapped Act;

Whereas the Education for All Handicapped Children Act of 1975 established the Federal priority of ensuring that all children, regardless of the nature or severity of their disability, have available to them a free appropriate public education in the least restrictive environment;

Whereas the Education of the Handicapped Act was further amended by the Education of the Handicapped Act Amendments of 1986 (Public Law 99–457) to create a preschool grant program for children with disabilities aged 3 through 5 and an early intervention program for infants and toddlers with disabilities under 3 years of age and their families;

Whereas the Education of the Handicapped Act Amendments of 1990 (Public Law 101–476) renamed the Education of the Handicapped Act as the Individuals with Disabilities Education Act (referred to in this resolution as “IDEA”) (20 U.S.C. 1400 et seq.);

Whereas IDEA currently serves an estimated 269,000 infants and toddlers, 679,000 preschoolers, and 6,000,000 children aged 6 to 21;

Whereas IDEA has helped reduce the number of children with developmental disabilities who must live in State institutions away from their families;

Whereas the number of children with disabilities who complete high school with standard diplomas has grown significantly since the enactment of IDEA;

Whereas more students with disabilities are participating in national and State testing programs, and graduation rates for students with disabilities are continuously rising, since the enactment of IDEA;

Whereas the number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA;

Whereas IDEA promotes partnerships between parents of children with disabilities and education professionals in the design and implementation of the special education and related services provided to children with disabilities;

Whereas the integration of students with disabilities in the classroom, learning alongside their peers without disabilities, has heightened the Nation's awareness of the needs and capabilities of students with disabilities;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108–446) reauthorizes IDEA and ensures that children with disabilities are guaranteed a quality education based on the high academic standards required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by the No Child Left Behind Act of 2001 (Public Law 107–110);

Whereas the Individuals with Disabilities Education Improvement Act of 2004 strengthens IDEA's focus on the educational results of children with disabilities and better prepares those children for further education beyond high school or employment;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 further enables special education teachers, related services providers, other educators, and State and local educational agencies to focus on promoting the academic and functional achievement of children with disabilities;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 places a new priority on providing students with disabilities with positive behavioral supports through school-wide interventions;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 enables students with disabilities, through the power of technology, to achieve better educational outcomes and enhance independent living skills;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 protects the procedural safeguards that guarantee the rights of children with disabilities to a free and appropriate public education while establishing mechanisms for parents and schools to resolve disagreements about educational planning and the implementation of such planning, thus reducing unnecessary litigation;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 continues to ensure that all students with disabilities receive the services and supports necessary in order to achieve positive educational outcomes in both public and private educational settings;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 ensures that the vast majority of IDEA funds will go directly to the classroom and provides States and local educational agencies additional flexibility to provide for the costs of educating high need children with disabilities;

Whereas IDEA has supported, through its discretionary programs, 3 decades of research, demonstration, and personnel preparation in effective practices for educating children with disabilities, enabling teachers, related serv-

ices providers, and other educators to effectively meet the educational and developmental needs of all children;

Whereas Federal and State governments support effective, research-based practices in the classroom to ensure appropriate services and supports for children with disabilities; and

Whereas IDEA continues to marshal the resources of this Nation to implement the promise of full participation in society for children with disabilities: Now, therefore, be it

1       *Resolved*, That the Senate—

2               (1) recognizes the 30th anniversary of the en-  
3       actment of the Education for All Handicapped Chil-  
4       dren Act of 1975 (Public Law 94–142);

5               (2) acknowledges the many and varied contribu-  
6       tions of children with disabilities and their parents,  
7       teachers, related services providers, and other edu-  
8       cators; and

9               (3) reaffirms the commitment of Congress to  
10      the Individuals with Disabilities Education Act (20  
11      U.S.C. 1400 et seq.) so that all children with dis-  
12      abilities receive a free appropriate public education.

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