SENATE CONCURRENT RESOLUTION NO. 601

A CONCURRENT RESOLUTION URGING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO INCREASE FUNDING FOR SPECIAL EDUCATION FROM AN AVERAGE FEDERAL SHARE OF 12% NATIONWIDE TO THE 40% LEVEL AUTHORIZED BY THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

WHEREAS, special education programs serving students with disabilities provide essential services to children and their families; and

WHEREAS, state and local educational agencies are mandated by federal law to provide a free appropriate public education for children with disabilities; and

WHEREAS, the architects of America's Constitution and Bill of Rights constructed a unique form of federalism under which the people delegated to the national government certain limited powers while reserving all other authority to the states and the people; the powers of the two government levels were carefully balanced and each had distinct roles with most day-to-day functions being left at the level closest to the people; the founders expected state power to rival national power; and

WHEREAS, the states were and are well aware of the constitutional obligation to provide public education for children with disabilities; many of the states enacted constitutionally sound special education laws prior to enactment in 1975 by Congress of Public Law 94-142, the Education for All Handicapped Children Act, known since 1990 as the Individuals with Disabilities Education Act or IDEA; nearly six million American children receive special education services provided by the states.
at a cost of almost $40 Billion, only about $5.7 Billion of which
is federal money; and

WHEREAS, enactment of the IDEA transferred decisions about
the ways in which special education services would be provided
from state capitals to Washington, D.C.; in an effort to alleviate
the intrusion that transfer of control over special education had
upon an area traditionally reserved to the states, the Act
authorized appropriation of a sum equal to 40% of the average per
pupil expenditure for general education pupils; congressional
appropriations have never come near the authorization level; and

WHEREAS, costs associated with serving children with
disabilities continue to rise, and meeting those substantial costs
requires a strong partnership between local, state, and federal
governments; and

WHEREAS, underfunding of special education programs affects
the quality of services provided to children with disabilities;
and

WHEREAS, underfunding results in local school districts
redirecting resources that could otherwise be used for all
children; and

WHEREAS, according to recent estimates, Mississippi received
$52,992,000.00 from Congress for Part B services under IDEA; and

WHEREAS, if Congress would fully fund its commitment, in
fiscal year 2002, Mississippi would receive $159,115,000.00; and

WHEREAS, the federal commitment to states and localities
under the federal Individuals with Disabilities Education Act to
contribute 40% of the excess costs of providing a free appropriate
public education has never been fulfilled; and

WHEREAS, despite recent large increases in federal special
education funding, the federal share is still less than one-half
the original commitment to states and localities.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF
MISSISSIPPI, THE HOUSE OF REPRESENTATIVES CONCURING THEREIN, That
the Legislature of the State of Mississippi urges the United States Congress and President George W. Bush to increase funding for special education so that the statutory goal of providing up to 40% of the national average per-pupil expenditure required to serve children and youth with disabilities be achieved within the next three years.

BE IT FURTHER RESOLVED, That the Secretary of State send copies of this resolution to President George W. Bush, the members of the Mississippi Congressional Delegation, the National Conference of State Legislatures, the State Board of Education, and the State Superintendent of Education, and be made available to the Capitol Press Corps.