

By: Senator(s) Burton

To: Rules

SENATE RESOLUTION NO. 68

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

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

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

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

19 WHEREAS, the states were and are well aware of the
20 constitutional obligation to provide public education for children
21 with disabilities; many of the states enacted constitutionally
22 sound special education laws prior to enactment in 1975 by
23 Congress of Public Law 94-142, the Education for All Handicapped
24 Children Act, known since 1990 as the Individuals with
25 Disabilities Education Act or IDEA; nearly six million American
26 children receive special education services provided by the states

27 at a cost of almost \$40 Billion, only about \$5.7 Billion of which
28 is federal money; and

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

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

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

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

47 WHEREAS, according to recent estimates, Mississippi received
48 \$52,992,000.00 from Congress for Part B services under IDEA; and

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

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

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

58 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF
59 MISSISSIPPI, That the Senate urges the United States Congress and

60 President George W. Bush to increase funding for special education
61 so that the statutory goal of providing up to 40% of the national
62 average per-pupil expenditure required to serve children and youth
63 with disabilities be achieved within the next three years.

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