

MISSISSIPPI LEGISLATURE

2001 Regular Session

To: Rules

By: Senator(s) Burton

Senate Resolution 68

(As Adopted by Senate)

A 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