

ONE HUNDRED NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 422

Introduced by Rountree, 3.

WHEREAS, the federal Education for All Handicapped Children Act of 1975 was enacted by Congress and signed into law by the President to address the failure of states to meet the educational needs of children with disabilities; and

WHEREAS, in 1990, the act was amended and renamed the Individuals with Disabilities Education Act, commonly known as IDEA; and

WHEREAS, this law remains the cornerstone of federal statutory mandates governing special education; and

WHEREAS, the purpose of the 1975 Act, as stated by Congress, was to ensure that all children with disabilities have available to them, within specified time periods, a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of children with disabilities and their parents or guardians are protected, to assist states and localities to provide for the education of all children with disabilities, and to assess and assure the effectiveness of efforts to educate children with disabilities; and

WHEREAS, the 1975 Act authorized a maximum state funding entitlement of forty percent, for the fiscal year ending September 30, 1982, and for each fiscal year thereafter, of the average per-pupil expenditure in public elementary and secondary schools in the United States; and

WHEREAS, since 1975, including in the most recent amendments to the IDEA, Congress has maintained the funding authorization at forty percent of the average per-pupil expenditure in public elementary schools and secondary schools in the United States; and

WHEREAS, the federal government has never paid the authorized share of the

IDEA mandate, forcing the states and local educational agencies to cover the remaining costs of the provision of special education services; and

WHEREAS, the Nebraska student population requiring special education and related services continues to grow each year; and

WHEREAS, state legislatures, schools, and disability and parent groups have been trying for years to bring IDEA appropriations up to the full funding of forty percent of average per-pupil expenditures; and

WHEREAS, because the promised federal funding level is not being met, the burden has fallen on states and local school districts, which leads to cuts in other state and educational programs and necessitates state and local tax increases.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature respectfully urges Congress and the President of the United States to enact legislation to fully fund the Individuals with Disabilities Education Act.

2. That a copy of this resolution be sent to the Vice President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives, and each member of Nebraska's congressional delegation.