

## House Concurrent Resolution No. 5004

By Representatives K. Williams, Thomas, Boyd, Donohoe, Estes, Featherston, Goddard, Haskins, Hill, Johnson, Landwehr, S. Miller, Murphy, Ousley, Poskin, Rhiley, L. Ruiz, Sanders, Schmoe, Schreiber, Stogsdill, Winn and Younger

1-19

1 A CONCURRENT RESOLUTION urging the U.S. Congress to fully  
2 fund the federal government's original funding promise under the  
3 individuals with disabilities education act.  
4

5 WHEREAS, The federal education for all handicapped children act of  
6 1975 was enacted by the congress of the United States and signed into  
7 law by the president of the United States to address the failure of states to  
8 meet the educational needs of children with disabilities; and

9 WHEREAS, This act, known as the federal individuals with  
10 disabilities education act (IDEA) since 1990, remains the cornerstone of  
11 federal statutory mandates governing special education; and

12 WHEREAS, The purpose of the act was to ensure that all children  
13 with disabilities have available to them within specified time periods "a  
14 free appropriate public education which emphasizes special education and  
15 related services designed to meet their unique needs, to assure that the  
16 rights of children with disabilities and their parents or guardians are  
17 protected, to assist states and localities to provide for the education of all  
18 children with disabilities, and to assess and assure the effectiveness of  
19 efforts to educate children with disabilities"; and

20 WHEREAS, The federal government committed to pay 40% of the  
21 average per-student expenditures for the provision of special education  
22 services in public elementary and secondary schools in the United States;  
23 and

24 WHEREAS, Since 1975, including in the most recent amendments to  
25 IDEA in 2004, the congress of the United States has maintained the  
26 federal funding authorization at 40% of the average per-student  
27 expenditures for the provision of special education services; and

28 WHEREAS, The federal government has never paid its promised 40%  
29 share of the IDEA mandate, which forces states and local educational  
30 agencies to cover the remaining costs of the provision of special  
31 education services; and

32 WHEREAS, State legislatures, schools, disability groups and parent  
33 groups have been fighting for years to obtain full IDEA funding by urging  
34 the congress of the United States to bring federal IDEA appropriations up

1 to the federal government's commitment to fund 40% of average per-  
2 student expenditures; and

3 WHEREAS, Because the promised federal funding level continues to  
4 not be met, the funding burden falls on states and local school districts,  
5 which leads to cuts in other state and educational programs and  
6 necessitates state and local tax increases: Now, therefore,

7 *Be it resolved by the House of Representatives of the State of Kansas,*  
8 *the Senate concurring therein:* That the Kansas legislature urges the  
9 congress of the United States to enact legislation to fulfill its original  
10 promise to pay 40% of the average per-student expenditures in public  
11 elementary and secondary schools in the United States to fully fund the  
12 federal IDEA mandate; and

13 *Be it further resolved:* That the secretary of state shall send an enrolled  
14 copy of this resolution to the presiding officers of each house of Congress  
15 and each member of Congress from Kansas.