

105TH CONGRESS
2D SESSION

H. RES. 399

Urging the Congress and the President to work to fully fund the Federal Government's obligation under the Individuals with Disabilities Education Act.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 1998

Mr. BASS (for himself, Mr. GOODLING, Mr. GREENWOOD, Mr. RIGGS, Mr. BALLENGER, Mr. GRAHAM, Mr. BALDACCI, Mr. BATEMAN, Mr. BERRY, Mr. BILBRAY, Mr. BLUNT, Mr. BOEHLERT, Mr. CHAMBLISS, Mr. ENGLISH of Pennsylvania, Mrs. FOWLER, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. GANSKE, Mr. GILMAN, Mr. HILLIARD, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. NETHERCUTT, Mr. SNOWBARGER, and Mr. SUNUNU) submitted the following resolution; which was referred to the Committee on Education and the Workforce

RESOLUTION

Urging the Congress and the President to work to fully fund the Federal Government's obligation under the Individuals with Disabilities Education Act.

Whereas Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania, 334 F. Supp. 1247 (E. Dist. Pa. 1971), and Mills v. Board of Education of the District of Columbia, 348 F. Supp. 866 (Dist. D. C. 1972), found that children with disabilities are guaranteed an equal opportunity to an education under the 14th amendment to the Constitution;

Whereas the Congress responded to these court decisions by passing the Education for All Handicapped Children Act of 1975 (enacted as Public Law 94–142), now known as the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), to ensure an adequate public education for children with disabilities;

Whereas the Individuals with Disabilities Education Act provides that the Federal, State, and local governments are to share in the expense of educating children with disabilities and authorizes the Federal Government to pay up to 40 percent of the national average per pupil expenditure for children with disabilities;

Whereas since 1982 the Congress has authorized such sums as are necessary to provide the maximum State grant allocation for educating children with disabilities under the Individuals with Disabilities Education Act;

Whereas the Federal Government has appropriated only 7, 9, and 11 percent of the maximum State grant allocation for educating children with disabilities under the Individuals with Disabilities Education Act in the last 3 years, respectively;

Whereas the national average cost of educating a special education student (\$12,002) is more than twice the national average per pupil cost (\$5,955);

Whereas the high cost of educating children with disabilities and the Federal Government's failure to fully meet its obligation under the Individuals with Disabilities Education Act drain school budgets, jeopardize the quality of education provided by local schools, and place a significant burden on State and local taxpayers; and

Whereas the Federal Government's failure to appropriate the maximum State grant allocation for educating children with disabilities under the Individuals with Disabilities Education Act represents a massive unfunded Federal mandate on the States and localities of an estimated \$10,000,000,000 per year: Now, therefore, be it

1 *Resolved*, That the House of Representatives urges
2 the Congress and the President to give programs under
3 the Individuals with Disabilities Education Act (20 U.S.C.
4 1400 et seq.) the highest priority among Federal edu-
5 cation programs by working to fund the maximum State
6 grant allocation for educating children with disabilities
7 under such Act.

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