

ONE HUNDRED SIXTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 306

Introduced by Wishart, 27; Linehan, 39; Pansing Brooks, 28.

WHEREAS, the federal Education for All Handicapped Children Act of 1975 (the 1975 Act) was enacted to address the failure of states to meet the educational needs of children with disabilities. In 1990, the act was amended and renamed the Individuals with Disabilities Education Act (IDEA). This law remains the cornerstone of federal statutory mandates governing special education; and

WHEREAS, the purpose of the 1975 Act, as declared by Congress, was to ensure that all children with disabilities have available to them 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 40 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, Public Law 108-446, the federal Individuals with Disabilities Education Improvement Act of 2004, Congress has maintained the funding authorization at 40 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 promised 40 percent share of the IDEA mandate. For many years, Congress paid less than 8 percent of

the excess cost of educating children with disabilities, forcing the states and local educational agencies to cover the remaining costs; and

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

WHEREAS, school, disability, and parent groups have been trying for years to bring IDEA appropriations up to the full funding of 40 percent of average per-pupil expenditures, the maximum any state can receive per student with disability. These efforts have yet to succeed; and

WHEREAS, in 2016, federal funding only represented 16.3 percent of its share, well short of the promised 40 percent level; 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 programs, tax increases, or both; and

WHEREAS, a bill stands on the floor of the United States House of Representatives, H.R. 1878, known as the IDEA Full Funding Act, that aims to reach the 40 percent full funding level by the fiscal year 2028 through incremental increases in the federal share of funding each fiscal year.

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

1. That the Legislature respectfully urges Congress and the President of the United States to enact H.R. 1878 to fully fund the Individuals with Disabilities Education Act.

2. That a copy of this resolution be sent to each member of Nebraska's congressional delegation and to the United States Secretary of Education.