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SENATE JOINT RESOLUTION NO. 353

Offered January 10, 2001

Prefiled January 9, 2001

Memorializing Congress to increase federal funding for the Individuals with Disabilities Education Act, P. L. 105-17 as amended, and to defer implementation of unfunded special education requirements.

Patron—Williams

Referred to Committee on Rules

WHEREAS, the Education for All Handicapped Children's Act, P. L. 94-142, enacted on November 29, 1975, entitles disabled children and youth to a free appropriate public education; and

WHEREAS, in 1990, the Education for All Handicapped Children's Act, P. L. 94-142, was renamed the Individuals with Disabilities Education Act, P. L. 101-476; and

WHEREAS, in 1997, pursuant to P. L. 105-17, IDEA was significantly amended to require, among other things, a specific focus on the Individualized Education Plan (IEP), the inclusion of disabled students in statewide and local educational assessments, participation of the regular education teacher in the development, review and revision of the child's IEP, graduation with a regular diploma and the continuation of special education and related services during periods of disciplinary removal from school attendance; and

WHEREAS, today, millions of children with disabilities attend public schools, and steady progress has been made in their education, enabling many of them to complete high school and college; and

WHEREAS, by 1982, federal funding to help defray state and local costs of implementing the law was approximately 40 percent of the total national costs of special education programs and services; and

WHEREAS, Congress imposed additional costly mandates without sufficient funding in 1997, when it reauthorized the Individuals with Disabilities Education Act, P. L. 105-17; and

WHEREAS, special education programs and services to disabled children have been underfunded since the enactment of the federal law in 1975, and the current level of federal funding provided to Virginia for special education programs is approximately 12 percent of the actual costs; and

WHEREAS, compliance with the new federal mandates in the 1997 Amendments to the Individuals with Disabilities Education Act significantly increases the costs of specialized education and related services provided to children with disabilities; and

WHEREAS, because special education programs and services are very expensive, and federal funding has been consistently insufficient to allow states and localities to implement the law fully without sacrificing other vital human services and bearing great fiscal burdens; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That Congress be urged to increase federal funding for the Individuals with Disabilities Education Act, P. L. 105-17 as amended, and to defer implementation of unfunded special education requirements; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, the President of the United States, and members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly in this matter.

INTRODUCED

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