

STATE OF ALASKA THE LEGISLATURE

2008

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HJR 29

Legislative
Resolve No.
38



Urging the President of the United States and the United States Congress to fulfill the federal obligation to provide adequate funding for special education in public schools.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the Constitution of the State of Alaska and other laws and policies of the state require educational opportunities for all children, including children with disabilities; and

WHEREAS enactment of the Individuals with Disabilities Education Act by the United States Congress transferred from the states to the federal government decisions pertaining to the provision of education and related services to students with disabilities; and

WHEREAS the Individuals with Disabilities Education Act requires the provision of a "free appropriate public education" for students with disabilities; and

WHEREAS the Individuals with Disabilities Education Act authorized the federal appropriation of a sum equal to 40 percent of the average per-pupil expenditure for general education students under 34 C.F.R. 300.701(a)(1); and

WHEREAS the Unfunded Mandates Reform Act of 1995 (P.L. 104-4, March 22, 1995) provides that "the federal government should not shift certain costs to the States, and

States should end the practice of shifting costs to local governments"; and

WHEREAS, according to recent estimates, Alaska received approximately 16 percent of the total cost of providing a free appropriate public education for students with disabilities from the Congress for Part B services under the Individuals with Disabilities Education Act; and

WHEREAS the lack of adequate federal funding for students with disabilities has forced states and local school districts to make up the difference through payments made for other critical education programs; and

WHEREAS the lack of adequate federal funding for federally mandated services under the Individuals with Disabilities Education Act places a tremendous strain on all Alaska public school districts and on the ability of the districts to provide quality education for all students; and

WHEREAS Alaska shares with every other state a chronic shortage of qualified special education teachers; and

WHEREAS teacher preparation programs would benefit from full federal funding of the Individuals with Disabilities Education Act by attracting prospective applicants interested in a career of teaching special education; and

WHEREAS the underfunding of special education programs affects the depth of services provided to students with disabilities; and

WHEREAS, despite significant strides made in increasing and enhancing public education for students with disabilities, many of those students still do not receive the services and assistance they need to succeed in public schools; and

WHEREAS the federal No Child Left Behind Act requires that 100 percent of students with disabilities attain proficiency in meeting state education standards by the end of the 2013 - 2014 school year; and

WHEREAS improvement in the rate of proficiency of students in meeting state education standards is a primary indicator of school success under the No Child Left Behind Act, creating the need for public school districts to provide greater access to and progress in the general curriculum for students with disabilities; and

WHEREAS the task of meeting the rising costs associated with attaining proficiency in the general curriculum for students with disabilities requires a strong partnership between

local, state, and federal government agencies;

BE IT RESOLVED that the Alaska State Legislature strongly urges the President of the United States and the United States Congress to fulfill their obligation to provide adequate funding of educational services for students with disabilities by providing 40 percent of the average per-pupil expenditure for general education students in Alaska as authorized in the Individuals with Disabilities Education Act.

COPIES of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable Richard B. Cheney, Vice-President of the United States and President of the U.S. Senate; the Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives; the Honorable Margaret Spellings, United States Secretary of Education; and the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.