

(LIMITED RUN SHOWING ALL ADDITIONAL SPONSORSHIPS)

HOUSE JOINT RESOLUTION NO. 29

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES HAWKER BY REQUEST OF THE JOINT LEGISLATIVE EDUCATION
FUNDING TASK FORCE, Chenault, Olson, Johnson, Lynn, Guttenberg**

SENATORS Davis, McGuire, Elton, Wielechowski, Ellis, Bunde, Thomas, Stevens, Green

Introduced: 1/15/08

Referred: Health, Education and Social Services

A RESOLUTION

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

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

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

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

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

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

15 **WHEREAS** the Unfunded Mandates Reform Act of 1995 (P.L. 104-4, March 22,
16 1995) provides that "the federal government should not shift certain costs to the States, and

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

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

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

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

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

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

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

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

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

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

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

1 local, state, and federal government agencies;

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

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