

As Amended by House Committee

Session of 2023

House Concurrent Resolution No. 5004

By Representatives K. Williams, Thomas, Boyd, Donohoe, Estes, Featherston, Goddard, Haskins, Hill, Johnson, Landwehr, S. Miller, Murphy, Ousley, Poskin, Rhiley, L. Ruiz, Sanders, Schmoe, Schreiber, Stogsdill, Winn and Younger

1-19

1 A CONCURRENT RESOLUTION urging the U.S. Congress to fully
2 fund the federal government's original funding promise under the
3 individuals with disabilities education act.

4
5 WHEREAS, The federal education for all handicapped children act of
6 1975 was enacted by the congress of the United States and signed into
7 law by the president of the United States to address the failure of states to
8 meet the educational needs of children with disabilities; and

9 WHEREAS, This act, known as the federal individuals with
10 disabilities education act (IDEA) since 1990, remains the cornerstone of
11 federal statutory mandates governing special education; and

12 WHEREAS, The purpose of the act was to ensure that all children
13 with disabilities have available to them within specified time periods "a
14 free appropriate public education which emphasizes special education and
15 related services designed to meet their unique needs, to assure that the
16 rights of children with disabilities and their parents or guardians are
17 protected, to assist states and localities to provide for the education of all
18 children with disabilities, and to assess and assure the effectiveness of
19 efforts to educate children with disabilities"; and

20 WHEREAS, The federal government committed to pay **up to** 40% of
21 the average per-student expenditures for the provision of special
22 education services in public elementary and secondary schools in the
23 United States; and

24 WHEREAS, Since 1975, including in the most recent amendments to
25 IDEA in 2004, the congress of the United States has maintained the
26 federal funding authorization at 40% of the average per-student
27 expenditures for the provision of special education services; and

28 WHEREAS, The federal government has never paid its ~~promised~~
29 **promise to fund up to a 40% share of the IDEA mandate, which forces**
30 **and is currently funding only 13% of the average per-student cost,**
31 **forcing** states and local educational agencies to cover the remaining costs
32 of the provision of special education services; and

33 WHEREAS, State legislatures, ~~schools, disability groups and parent~~
34 ~~groups have been fighting school districts, parent groups and disability~~

1 **advocates have championed** for years to obtain full IDEA funding by
2 urging the congress of the United States to bring federal IDEA
3 appropriations up to the federal government's commitment to fund 40%
4 of average per-student expenditures; and

5 WHEREAS, Because the promised federal funding level continues to
6 not be met, the funding burden falls on states and local school districts,
7 which leads to cuts in other state and educational programs and
8 necessitates state and local tax increases: Now, therefore,

9 *Be it resolved by the House of Representatives of the State of Kansas,*
10 *the Senate concurring therein:* That the Kansas legislature urges the
11 congress of the United States to enact legislation to fulfill its original
12 promise to pay 40% of the average per-student expenditures in public
13 elementary and secondary schools in the United States to fully fund the
14 federal IDEA mandate; and

15 *Be it further resolved:* That the secretary of state shall send an enrolled
16 copy of this resolution to the presiding officers of each house of Congress
17 and each member of Congress from Kansas.