ENGROSSED SENATE
CONCURRENT
RESOLUTION NO. 5

By: Lawler, Williams, Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Stipe, Taylor, Wilcoxson, Wilkerson and Williamson of the Senate

and

Nations of the House

A Concurrent Resolution urging the President and Congress to fulfill the federal obligation to provide adequate funding for special education in the public schools; and directing distribution.

WHEREAS, it is the policy and law of the State of Oklahoma to ensure educational opportunities for all children, including children with disabilities; and

WHEREAS, the requirement for provision of special education in Oklahoma, as well as in many other states, predated the 1975 enactment by Congress of Public Law 94-142, the Education for All Handicapped Children Act, known since 1990 as the Individuals with Disabilities Education Act or IDEA; and

WHEREAS, enactment of IDEA transferred decisions about the provision of education and related services to disabled students from the state capitols to Washington, D.C., and this act authorized appropriation of a sum equal to forty percent (40%) of the average

per-pupil expenditure for general education students (34 C.F.R. Section 300.701(a)(1)); and

WHEREAS, the federal government enacted the "Unfunded Mandates Reform Act of 1995" (P.L. 104-4, March 22, 1995, 109 Stat. 48) which stated that "the Federal Government should not shift certain costs to the States, and the States should end the practice of shifting costs to local governments"; and

WHEREAS, according to recent estimates, Oklahoma received $73,590,153.00 from the federal government for Part B services under IDEA, which is about twenty-three percent (23%) of the total cost, and if Congress would fully fund its commitment of forty percent (40%), in fiscal year 2002, the state would receive $127,303,327.00 to provide a free and appropriate education for these students; and

WHEREAS, the lack of sufficient federal funding for the federally-mandated services puts a tremendous strain on all Oklahoma public school districts to provide a quality education for all Oklahoma students; and

WHEREAS, Oklahoma shares with every other state a chronic shortage of qualified special education teachers, despite the fact that state law requires school districts to pay special education teachers a minimum of five percent (5%) above the prevailing wage of other teachers in the district; and

WHEREAS, during the 2001-02 school year 87,801 Oklahoma students qualified for the special education program, representing fourteen percent (14%) of all students in average daily membership, and the percentage of students eligible for special education services in school districts across the state ranges from a low of six percent (6%) to a high of thirty percent (30%); and

WHEREAS, the underfunding of special education programs affects the quality of services provided to children with disabilities; and

WHEREAS, the task of meeting the rising costs associated with serving children with disabilities requires a strong partnership between local, state and federal governments.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 1ST SESSION OF THE 49TH OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

THAT the Oklahoma Legislature strongly urges the President and Congress of the United States to fulfill the federal obligation to provide adequate funding of special education up to the amount authorized in the Individuals with Disabilities Education Act of forty percent (40%) of the average per-pupil expenditure in public elementary and secondary schools in the United States.

THAT a copy of this resolution be distributed to the President, the United States Secretary of Education, each member of the Oklahoma Congressional Delegation, the Majority and Minority Floor Leaders in the U.S. House and Senate, and the Oklahoma State Board of Education.

Adopted by the Senate the 25th day of February, 2003.

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Presiding Officer of the Senate

Adopted by the House of Representatives the ____ day of _____, 2003.

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Presiding Officer of the House
of Representatives