

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

956B0065

SENATE CONCURRENT RESOLUTION NO. 1

Introduced by: Senators Nesiba, Bolin, Maher, Monroe, and Youngberg and Representatives Schoenfish, Bartels, Duvall, and Smith (Jamie) at the request of the Extraordinary Cost Fund for Special Education Study Committee

1 A CONCURRENT RESOLUTION, Urging Congress to increase federal funding for special
2 education.

3 WHEREAS, Congress, in 1975, passed the Individuals with Disabilities Education Act
4 (IDEA) mandating that all children with disabilities be provided a free appropriate public
5 education in the least restrictive environment; and

6 WHEREAS, at the same time, Congress promised the states that the federal government
7 would provide forty percent of the average per pupil expenditure to help offset the cost of
8 educating eligible students; and

9 WHEREAS, in the nearly forty-four years since the law was passed and the promise was
10 made, Congress has never in any of those years provided the level of funding promised; in fact,
11 the past several decades have seen few significant increases and, more important, a decline in
12 funding as a percentage of the average per pupil expenditure, which peaked at eighteen percent
13 in 2004; and

14 WHEREAS, this persistent underfunding has contributed to poor outcomes for some



1 students and has left states and school districts burdened to find the fiscal resources needed to
2 meet their obligations under IDEA, especially at times like these when the relative costs of
3 serving children in special education are escalating; and

4 WHEREAS, coalitions comprised of education organizations and concerned parents have
5 worked tirelessly for years to secure increased appropriations for IDEA; their efforts have been
6 supported by the introduction of IDEA full funding bills in almost every session of Congress,
7 and support for increased funding has been largely bipartisan, but despite all of that, significant
8 increases in funding remain elusive:

9 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninety-Fourth Legislature
10 of the State of South Dakota, the House of Representatives concurring therein, that the United
11 States Congress be urged to begin to honor the promise made in 1975 by working toward
12 funding forty percent of the average per pupil expenditure for students eligible for special
13 education; and

14 BE IT FURTHER RESOLVED, that the secretary of the Senate transmit copies of this
15 resolution to the speaker and clerk of the United States House of Representatives, to the
16 president pro tempore and secretary of the United States Senate, and to the members of the
17 South Dakota Congressional delegation.