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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 435

01/29/2015 Authored by Newton, Selcer, Applebaum, Nelson, Slocum and others  
The bill was read for the first time and referred to the Committee on Education Finance

1.1 A resolution  
1.2 memorializing the President and Congress to uphold the federal government's pledge  
1.3 to fund 40 percent of special education costs.

1.4 WHEREAS, in 1975 the Congress passed Public Law 94-142, the Individuals with  
1.5 Disabilities Education Act, and provided a national framework for providing free, appropriate  
1.6 public education to all students regardless of the level or severity of disability; and

1.7 WHEREAS, Congress in its initial passage of the Individuals with Disabilities Education  
1.8 Act declared its intent to fund 40 percent of special education costs; and

1.9 WHEREAS, the federal government's share of funding for special education costs in  
1.10 Minnesota has never, except for one year, due to federal stimulus funds appropriated by the  
1.11 American Recovery and Reinvestment Act of 2009, exceeded 18 percent of total special  
1.12 education costs; and

1.13 WHEREAS, since the passage of the Individuals with Disabilities Education Act, the states  
1.14 and local districts have been primarily responsible for providing funding for special education  
1.15 services due to a lack of federal funds; and

1.16 WHEREAS, special education services are being provided to all eligible children in the  
1.17 State of Minnesota; and

1.18 WHEREAS, many states, including Minnesota, must provide substantial state funding to  
1.19 fill the gaps left by Congress' unfunded promise; and

1.20 WHEREAS, Congress is now currently debating the most effective ways to improve  
1.21 education among the states; NOW, THEREFORE,

2.1 BE IT RESOLVED by the Legislature of the State of Minnesota that Congress should  
2.2 speedily adhere to the goal to fund 40 percent of special education costs initially stated in the  
2.3 Individuals with Disabilities Education Act and appropriate to the states significant, genuine  
2.4 assistance to meet the needs of students with disabilities.

2.5 BE IT FURTHER RESOLVED that federal special education maintenance of effort  
2.6 requirements should only apply to state appropriations for special education and not to local  
2.7 school district subsidies for special education from general education funds.

2.8 BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is  
2.9 directed to prepare copies of this memorial and transmit them to the President of the United States,  
2.10 the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United  
2.11 States House of Representatives, and Minnesota's Senators and Representatives in Congress.