

Congress of the United States
Washington, DC 20515

July 22, 2013

Chairman John Kline
House Committee on Education and the Workforce
2181 Rayburn House Office Building
Washington, DC 20515

Ranking Member George Miller
House Committee on Education and the Workforce
2101 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Kline and Ranking Member Miller,

The Individuals with Disabilities Education Act (IDEA) recognized the importance of providing for the specific educational needs of children with disabilities. To ensure that each child received the early intervention and special education services they need, the bill established a partnership between states and the federal government to provide funding toward this purpose. In return for the financial assistance of the federal government, states are required to maintain their funding for their IDEA programs. As an incentive for states to maintain their share of the funding, there are penalties leveled against states that fail to meet this maintenance of effort requirement in a given year. This penalty permanently reduces the federal funds allocated to that state by the amount that the state failed to meet its maintenance of effort.

While we support a strong incentive for states to maintain adequate special education funding in order to receive federal funding under IDEA, we believe that current law goes too far in reducing federal funds in perpetuity once a state fails to meet such maintenance of effort requirements. A permanent reduction to the states' funding levels provides little incentive for states to attempt to re-obtain their previously allocated funding levels. Ultimately, the needs of children with disabilities will go unmet should violating states be forced to permanently scale back their IDEA programs. So far 8 states, including New Mexico, have been or are currently at risk of permanently losing a portion of their federal funds under the IDEA program. The permanent nature of this penalty is not necessary in order to provide an incentive to states to maintain adequate funding.

As the House's Reauthorization of the Elementary and Secondary Education Act was passed on the House floor last week, we ask for your commitment to work with us on this issue should the bill be considered in conference with the Senate in upcoming weeks.

Sincerely,


Ben Ray Lujan
Member of Congress


Michelle Lujan Grisham
Member of Congress


Steve Pearce
Member of Congress