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SJR-19 Special education funding. (2017-2018)

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Senate Joint Resolution No. 19

CHAPTER 126

Relative to special education funding.

[Filed with Secretary of State July 10, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SJR 19, Wilk. Special education funding.

This measure would respectfully memorialize the Congress and the President of the United States to enact H.R. 2902 pending before Congress that would fully fund the federal Individuals with Disabilities Education Act.

Fiscal Committee: no

WHEREAS, The federal Education for All Handicapped Children Act of 1975 (1975 Act) was enacted by Congress and signed into law by the President of the United States as Public Law 94-142 to address the failure of states to meet the educational needs of children with disabilities. This act, known as the federal Individuals with Disabilities Education Act (IDEA) since 1990 with the enactment of Public Law 101-476, remains the cornerstone of federal statutory mandates governing special education; and

WHEREAS, The purpose of the 1975 Act, as declared by Congress, was to ensure that all children with disabilities have available to them, within specified time periods, "a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of children with disabilities and their parents or guardians are protected, to assist States and localities to provide for the education of all children with disabilities, and to assess and assure the effectiveness of efforts to educate children with disabilities"; and

WHEREAS, The 1975 Act authorized a maximum state funding entitlement of 40 percent, for the fiscal year ending September 30, 1982, and for each fiscal year thereafter, of the average per pupil expenditure in public elementary and secondary schools in the United States; and

WHEREAS, Since 1975, including in the most recent amendments to the IDEA, Public Law 108-446, the federal Individuals with Disabilities Education Improvement Act of 2004, Congress has maintained the funding authorization at "40 percent of the average per-pupil expenditure in public elementary schools and secondary schools in the United States"; and

WHEREAS, The federal government has never paid its promised 40 percent share of the IDEA mandate. For many years, Congress paid less than 8 percent of the excess cost of educating children with disabilities, forcing the states and local educational agencies to cover the remaining costs. The California student population requiring special education and related services continues to grow each year; and

WHEREAS, School, disability, and parent groups have been trying for years to bring IDEA appropriations up to the authorized 40 percent of average per-pupil expenditures, the maximum any state can receive per student with disability. This effort has come to

be known as "full funding," but the effort has never succeeded; and

WHEREAS, The California Legislature, since the early 1990s, has approved a number of joint resolutions memorializing the President of the United States and the U.S. Congress to provide the full federal share of funding for special education programs to the states so that this state and other states will not be required to take funding from other vital state and local programs to fund this underfunded federal mandate; and

WHEREAS, In 2016, federal funding only represented 16.3 percent of its share, well short of the promised 40 percent level; and

WHEREAS, Because the promised federal funding level is not being met, the burden has fallen on states and local school districts, which leads to cuts in programs, or tax increases, or both; and

WHEREAS, A bill stands on the floor of the United States House of Representatives, H.R. 2902, known as the IDEA Full Funding Act, that aims to reach the 40 percent "full funding" level by the fiscal year 2027 through incremental increases in the federal share of funding each fiscal year; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature respectfully memorializes the Congress and the President of the United States to enact H.R. 2902 pending before Congress that would fully fund IDEA; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to the Chair of the Senate Committee on the Budget, to the Chair of the House Committee on the Budget, to the Senate Committee on Appropriations, to the Chair of the House Committee on Appropriations, to each Senator and Representative from California in the Congress of the United States, and to the United States Secretary of Education.