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SJR-8 Special education funding. (2019-2020)

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Senate Joint Resolution No. 8

CHAPTER 131

Relative to special education funding.

[Filed with Secretary of State August 23, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SJR 8, Wilk. Special education funding.

This measure would respectfully memorialize the Congress and the President of the United States to enact legislation, S. 866, known as the IDEA Full Funding Act, during the current session of Congress to fully fund the federal Individuals with Disabilities Education Act.

Fiscal Committee: no

WHEREAS, The federal Education for All Handicapped Children Act of 1975 (Public Law 94-142) (1975 Act) was enacted by the United States Congress and signed into law by the President 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 the United States 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 IDEA, the federal Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446), the United States 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, the United States Congress paid less than 8 percent of the excess cost of educating children with disabilities, which forced 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 and the Congress of the United States 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, tax increases, or both; and

WHEREAS, A bill is pending on the floor of the United States Senate, S. 866, known as the IDEA Full Funding Act, that aims to reach the 40-percent "full funding" level by the 2029 fiscal year 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 S. 866, 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 Budget, to the Chair of the House Committee on the Budget, to the United States 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.