

SENATE BILL REPORT

SJM 8007

As Reported by Senate Committee On:
Early Learning & K-12 Education, January 18, 2024

Brief Description: Requesting Congress to fully fund 40 percent of the costs of IDEA.

Sponsors: Senators Kauffman, Hasegawa and Hunt.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/15/24, 1/18/24 [DP, w/oRec].

Brief Summary of Bill

- A joint memorial requesting that Congress pass and the President sign federal legislation to fully fund 40 percent of the costs of the Individuals with Disabilities Education Act is transmitted to the President of the United States, the Secretary of the United States Department of Education, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass.

Signed by Senators Wellman, Chair; Nobles, Vice Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Dozier, Hunt, Mullet and Pedersen.

Minority Report: That it be referred without recommendation.

Signed by Senator McCune.

Staff: Alex Fairfortune (786-7416)

Background: The Individuals with Disabilities Education Act. The Individuals with Disabilities Education Act (IDEA) is a federal law that governs how states and public

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agencies provide early intervention, special education, and related services to more than 7.5 million eligible infants, toddlers, children, and youth with disabilities.

Federal IDEA funding to support special education and early intervention services is primarily provided to state education agencies through formula grants. The largest part of the IDEA is Part B, Assistance for Education of all Children with Disabilities, which covers special education for children and youth with disabilities between the ages of 3 and 21. Approximately 95 percent of total IDEA appropriations fund the two Part B programs: (1) the Section 611, grants-to-states program, for children ages 3-21; and (2) the Section 619, preschool grants program, for children ages 3-5.

The IDEA has two formulas for determining Part B grants to states: one for years when the appropriated amount available to states is greater than or equal to the amount available to states in the previous year and one for years when the amount available to states is less than the amount available to states the previous year. In years when the appropriated amount for Part B increases or remains the same, each state receives its base-year—FY1999—grant amount plus a share of the new money, for example, the amount above the FY1999 appropriation, based on the state's share of the national child population and national population of children living in poverty. In years when the appropriated amount for Part B decreases, each state receives its base-year grant amount plus a share of the new money the state received the previous year, which has been ratably reduced in proportion to the total new money available for the current year.

Individuals with Disabilities Education Act Full Funding. According to a report issued by the Congressional Research Service in 2019, when Congress enacted the predecessor legislation to the IDEA in 1975 they strove to ensure that: (1) states would provide every eligible child free appropriate public education in the least restrictive environment; and (2) states would not take on an untenable financial burden by agreeing to provide special education and related services.

The report notes that, at the time, the available estimate of the cost of educating children with disabilities was twice the cost of educating other children, on average. A determination was made that the federal government would pay some of this additional or excess cost. The metric for determining this excess cost was the national average per-pupil expenditure (APPE). Congress's final determination was the federal government would pay up to 40 percent of the excess cost of providing special education and related services. Today, a state's full funding level under the Part B grant-to-states program is 40 percent of APPE multiplied by the number of children with disabilities served and adjusted for each state's annual changes in child population and poverty rate.

According to the report, IDEA funding has fallen short of the full funding amount each year from the formula's enactment. Appropriations levels were closest to full funding in FY2009, when the addition of federal stimulus dollars increased the amount to almost 35 percent of the APPE. In FY2019, when the report was written, the amount appropriated for

Part B accounted for approximately 14.3 percent of the APPE.

Summary of Bill: A joint memorial requesting that Congress pass and the President sign federal legislation to fully fund 40 percent of the costs of the IDEA is transmitted to the President of the United States, the Secretary of the United States Department of Education, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: It is a slap in the face that the federal government is not funding to the level they made the commit to and the level that they know and understand is needed. IDEA has become a beacon of hope for families across the state and the nation. It embodies principles of equality and inclusiveness. It was enacted with the promise that the federal government would contribute 40 percent. Unfortunately that promise has yet to be fulfilled. The underfunding of IDEA has placed an undue burden on educational institutions, hindering their ability to provide resources and support for children with disabilities. This advocacy has been taking place for decades. Since neither the federal or state government meets their funding obligations school districts rely on local levies. FAPE is still not happening based on a lack of funding, training, staff, services, and understanding. There is no sense of urgency. Advocates at the federal level are constantly saying they need to hear more voices and pressure, so this puts the pressure on to meet that obligation.

Persons Testifying: PRO: Senator Claudia Kauffman, Prime Sponsor; Lisa Keating, Washington State School Directors' Association (WSSDA); Samantha Fogg, Seattle Council PTSA Immediate Past President; Michelle Whitehead.

Persons Signed In To Testify But Not Testifying: No one.