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**SENATE JOINT MEMORIAL 8007**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Kauffman, Hasegawa, and Hunt

TO THE HONORABLE JOSEPH R. BIDEN, JR., PRESIDENT OF THE UNITED STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED, AND TO MIGUEL CARDONA SECRETARY OF THE UNITED STATES DEPARTMENT OF EDUCATION:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, We have witnessed a revolution in promoting, protecting, and advancing the education rights of students with disabilities since Congress originally enacted Public Law 94-142, The Education for All Handicapped Children Act in 1975, later to be known as the Individuals with Disabilities Education Act or IDEA; and

WHEREAS, IDEA has helped millions of children with special needs receive a quality education, with approximately 7 million children between the ages of 3 and 21, representing approximately 14 percent of all public school students, receiving services in the 2017-2018 school year alone; and

WHEREAS, When Congress enacted the predecessor legislation to IDEA in 1975, the federal government was to pay up to 40 percent of each state's "excess cost" of educating children with disabilities; and

WHEREAS, Appropriations for IDEA have increased over the last decade, however, federal funding for IDEA has averaged approximately 13 percent of the states' cost; and

WHEREAS, Underfunding results in districts being unable to offer competitive wages that support the recruitment and retention of personnel who are essential to delivering services promised by IDEA; and

WHEREAS, Consistently low wages for personnel, such as paraeducators cause those positions to go unfilled and turnover frequently, resulting in decreased services to IDEA students; and

WHEREAS, The inability of districts to provide required services and programming due to inadequate funding is causing increasing lawsuits from families, which further increases districts expenses; and

WHEREAS, The COVID-19 pandemic harmed the ability of districts and states to adequately identify students with special needs, which has led to a significant increase in students needing referrals, which is exceeding capacity of current evaluative staffing in districts and requiring districts to seek more expensive, outside service providers; and

WHEREAS, The COVID-19 pandemic has also resulted in a growing number of students who require supplementary services whose learning was impacted by the pandemic; and

WHEREAS, The COVID-19 pandemic has put further strain on school budgets that are thus significantly reduced; and

WHEREAS, States and districts have begun to implement inclusive practices for students with IEPs to increase their access to general education learning opportunities and this shift is widely acknowledged to require additional training and resources for school staff rather than more traditional and restrictive special education programs; and

WHEREAS, The chronic underfunding of IDEA by the federal government places an additional funding burden on states, local school districts, and taxpayers to pay for needed services. This compounds the existing pressure already placed on local budget dollars to cover the federal shortfall and will further shortchange other school programs that are also beneficial to students with disabilities; and

WHEREAS, Funding programs that serve students with disabilities is one of the best measures of Congress' desire to offer a quality education to every single student; and

WHEREAS, To fully achieve the goal of providing a free appropriate public education for all students, Congress must provide sufficient funding to support early intervention services, transition services, professional preparation and development, and other critical components within IDEA; and

WHEREAS, It is time for the federal government to pay its fair share of the costs of IDEA and fulfill its commitment to students with disabilities, their families, and the states and school districts that provide students with a free and appropriate public education;

NOW, THEREFORE, Your Memorialists respectfully request that Congress pass and the President sign federal legislation to fully fund 40 percent of the costs of IDEA, recognizing that some types of disabilities are much more expensive to address than others and that the distribution of children with severe and more expensive disabilities may cluster in some areas that have outstanding medical facilities or exemplary programs for specific disabilities.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Joseph R. Biden, Jr., President of the United States, Miguel Cardona, 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.