

HOUSE BILL REPORT

SJM 8007

As Passed House:

March 1, 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:

Education: 2/14/24, 2/19/24 [DP].

Floor Activity:

Passed House: 3/1/24, 90-6.

Brief Summary of Joint Memorial

- Requests the United States Congress and the President of the United States sign federal legislation to fully fund 40 percent of the costs of the Individuals with Disabilities Education Act.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 13 members: Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist, Couture, Eslick, Harris, Nance, Ortiz-Self, Pollet, Steele, Stonier and Timmons.

Minority Report: Do not pass. Signed by 1 member: Representative McEntire, Assistant Ranking Minority Member.

Minority Report: Without recommendation. Signed by 1 member: Representative McClintock.

Staff: Megan Wargacki (786-7194).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

The Individuals with Disabilities Education Act (IDEA) is a grants statute that provides federal funding for the education of infants, toddlers, children, and youth with disabilities. The IDEA requires, as a condition for the receipt of federal grant funds, that states agree to provide a free appropriate public education (FAPE) to eligible infants, toddlers, children, and youth (collectively referred to as children).

According to a 2019 report issued by the Congressional Research Service (CRS), each of the IDEA's programs has followed a similar federal funding pattern: funding increased steadily from the year of each program's inception until the early 2000s; and, since the IDEA's most recent reauthorization in 2004, the funding for the programs has fluctuated.

The CRS Report states that the amount required to provide the maximum amount for each state's grant is commonly referred to as "full funding" of the IDEA. It reports that, when the United States Congress (Congress) enacted the predecessor legislation to the IDEA in 1975, they strove to ensure that: (1) states would provide every eligible child FAPE 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.

According to the CRS report, at that time, the available estimate of the cost of educating children with disabilities was, on average, twice the cost of educating other children; Congress determined that the federal government would pay up to 40 percent of the national average per-pupil expenditure to assist with the excess cost. The report goes on to say that IDEA funding has fallen short of the full funding amount each year. For example, in fiscal year 2019 the amount appropriated for Part B of the IDEA accounted for approximately 14.3 percent of the national average per-pupil expenditure.

The CRS report states that the IDEA was intended to help states and public schools increase overall educational spending, rather than substituting federal funds for education spending at the state and local levels. Thus, the IDEA includes maintenance of effort (MOE) and supplement not supplant requirements that, in general, limit a state or public school from reducing the amount of state financial support for special education and related services for children with disabilities below the amount of state support in the preceding fiscal year. According to the CRS report, with some exceptions, if a state or public school fails to meet the MOE requirement in any fiscal year, its federal funding will be reduced during the next fiscal year in the amount by which it failed to meet the requirement.

For the 2022-23 school year, in Washington, the total federal, state, and local expenditure for special education and related services was \$2.77 billion, with \$264 million of that reported as federal.

Summary of Joint Memorial:

The Legislature requests that the United States Congress and the President of the United States sign federal legislation to fully fund 40 percent of the costs of the Individuals with Disabilities Education Act, 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.

Appropriation: None.

Fiscal Note: Requested on February 6, 2024.

Staff Summary of Public Testimony:

(In support) People have been working for decades to have the federal government fully fund special education. Neither the federal government nor the state government is fully funding its obligation to fund special education, so school districts are forced to use local levy dollars to pay these costs. There is a \$5.92 million dollar shortfall that local districts are covering.

This joint memorial requests the federal government to keep their promise to fund 40 percent of the costs of the Individuals with Disabilities Education Act (IDEA). This is not just about budgets; it is about upholding the equal education of all regardless of disability. Funding from the IDEA transforms classrooms into spaces where diversity is celebrated, and each child can contribute meaningfully. The individualized education program of a student with disabilities is the compass that guides the child through their education journey with tailored support. Full IDEA funding is a commitment to justice and equality; it is an investment in the dreams of children.

(Opposed) None.

Persons Testifying: Senator Claudia Kauffman, prime sponsor; and Lisa Keating, Washington State School Directors' Association.

Persons Signed In To Testify But Not Testifying: None.