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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

Read first time 02/13/23. Referred to Committee on Early Learning & K-12 Education.

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

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

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12 since Congress originally enacted Public Law 94-142, The Education  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

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

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

1       WHEREAS, Appropriations for IDEA have increased over the last  
2 decade, however, federal funding for IDEA has averaged approximately  
3 13 percent of the states' cost; and

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

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

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

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

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

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

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

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

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

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

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

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

21       BE IT RESOLVED, That copies of this Memorial be immediately  
22 transmitted to the Honorable Joseph R. Biden, Jr., President of the  
23 United States, Miguel Cardona, Secretary of the United States  
24 Department of Education, the President of the United States Senate,  
25 the Speaker of the House of Representatives, and each member of  
26 Congress from the State of Washington.

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