

Assembly Joint Resolution

No. 31

Introduced by Assembly Member Buchanan
(Coauthor: Assembly Member Nestande)
(Coauthor: Senator Liu)

February 4, 2010

Assembly Joint Resolution No. 31—Relative to special education funding.

LEGISLATIVE COUNSEL'S DIGEST

AJR 31, as introduced, Buchanan. Special education funding.

This measure would respectfully memorialize the Congress and the President of the United States to enact H.R. 1102 or one of the other bills pending before Congress that would fully fund the federal Individuals with Disabilities Education Act.

Fiscal committee: no.

1 WHEREAS, The federal Education for All Handicapped
2 Children Act of 1975 (1975 Act) was enacted by Congress and
3 signed into law by the President as Public Law 94-142 to address
4 the failure of states to meet the educational needs of children with
5 disabilities. This Act, known as the federal Individuals with
6 Disabilities Education Act (IDEA) since 1990 with the enactment
7 of Public Law 101-476, remains as the cornerstone of federal
8 statutory mandates governing special education; and
9 WHEREAS, The purpose of the 1975 Act, as declared by
10 Congress, was to assure that all children with disabilities have
11 available to them, within specified time periods, “a free appropriate
12 public education which emphasizes special education and related

1 services designed to meet their unique needs, to assure that the
2 rights of children with disabilities and their parents or guardians
3 are protected, to assist States and localities to provide for the
4 education of all children with disabilities, and to assess and assure
5 the effectiveness of efforts to educate children with disabilities”;
6 and

7 WHEREAS, The 1975 Act authorized a maximum state funding
8 entitlement of 40 per cent, for the fiscal year ending September
9 30, 1982, and for each fiscal year thereafter, of the average per
10 pupil expenditure in public elementary and secondary schools in
11 the United States; and

12 WHEREAS, Since 1975, including in the most recent
13 amendments to the IDEA, Public Law 108-446, the federal
14 Individuals with Disabilities Education Improvement Act of 2004,
15 Congress has maintained the funding authorization at “40 percent
16 of the average per-pupil expenditure in public elementary schools
17 and secondary schools in the United States”; and

18 WHEREAS, The federal government has never paid its promised
19 40 percent share of the IDEA mandate. For many years, Congress
20 paid less than 8 percent of the excess cost of educating children
21 with disabilities which forced the states and local educational
22 agencies to cover the remaining costs. The California student
23 population requiring special education and related services
24 continues to grow each year. As of December 1, 2009, California’s
25 special education pupils number more than 677,000; and

26 WHEREAS, School, disability, and parent groups have been
27 trying for years to bring IDEA appropriations up to the authorized
28 40 percent of average per-pupil expenditures, the maximum any
29 state can receive per student with disability. This effort has come
30 to be known as “full funding,” but the effort has never succeeded;
31 and

32 WHEREAS, The California Legislature, since the early 1990s,
33 has approved a number of joint resolutions memorializing the
34 President and the U.S. Congress to provide the full federal share
35 of funding for special education programs to the states so that this
36 state and other states will not be required to take funding from
37 other vital state and local programs to fund this under-funded
38 federal mandate; and

39 WHEREAS, The current federal appropriations for Part B of
40 the IDEA are only \$11.5 billion, not counting funds under the

1 federal American Recovery and Reinvestment Act of 2009
2 (ARRA). That appropriation is about 17 percent of the average
3 per-pupil expenditure, according to congressional sources. With
4 ARRA, the federal funding share for Part B of IDEA amounted to
5 approximately 33.4 percent of the 40 percent authorized level, a
6 temporary infusion of stimulus funds; and

7 WHEREAS, On December 16, 2009, the President signed the
8 Fiscal Year 2010 omnibus appropriations bill, Public Law 111-117,
9 that funded IDEA Part B Grants to states at its Fiscal Year 2009
10 level of \$11.5 billion. IDEA Part C special education grants for
11 infants and families and Section 610 special education grants for
12 preschools were also funded at last year's allocations of \$439
13 million and \$374 million, respectively; and

14 WHEREAS, Funding at the 40 percent authorized level would
15 be approximately \$30,247,123,000, and would provide California
16 special education programs over \$3 billion annually; and

17 WHEREAS, Four bills are currently pending in the United States
18 House of Representatives and Senate to fully fund IDEA at the
19 authorized 40 percent funding level. One of the bills, H.R. 1102,
20 has 80 cosponsors; and

21 WHEREAS, H.R. 1102, the Keep our Promise to America's
22 Children and Teachers Act, would provide full funding of the
23 Elementary and Secondary Education Act of 1965 and the IDEA;
24 now, therefore, be it

25 *Resolved by the Assembly and the Senate of the State of*
26 *California, jointly,* That the Legislature respectfully memorializes
27 the Congress and the President of the United States to enact H.R.
28 1102 or one of the other bills pending before Congress that would
29 fully fund IDEA; and be it further

30 *Resolved,* That the Chief Clerk of the Assembly transmit copies
31 of this resolution to the President and Vice President of the United
32 States, to the Speaker of the House of Representatives, to the
33 Majority Leader of the Senate, and to each Senator and
34 Representative from California in the Congress of the United
35 States.