

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

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 amended, 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

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

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

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

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

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

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

1 WHEREAS, The current federal appropriations for Part B of
2 the IDEA are only \$11.5 billion, not counting funds under the
3 federal American Recovery and Reinvestment Act of 2009
4 (ARRA). That appropriation is about 17 percent of the average
5 per-pupil expenditure, according to congressional sources. With
6 ARRA, the federal funding share for Part B of IDEA amounted to
7 approximately 33.4 percent of the 40 percent authorized level, a
8 temporary infusion of stimulus funds; and

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

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

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

23 ~~WHEREAS, H.R. 1102, the Keep our Promise to America's~~
24 ~~Children and Teachers Act, would provide full funding of the~~
25 ~~Elementary and Secondary Education Act of 1965 and the IDEA;~~
26 ~~authorized 40 percent funding level; now, therefore, be it~~

27 *Resolved by the Assembly and the Senate of the State of*
28 *California, jointly,* That the Legislature respectfully memorializes
29 the Congress and the President of the United States to enact ~~H.R.~~
30 ~~1102 or one of the other~~ *one of the* bills pending before Congress
31 that would fully fund IDEA; and be it further

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

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