

AMENDED IN SENATE MARCH 15, 2001

Senate Joint Resolution

No. 10

Introduced by ~~Senator Poochigian~~ Senators Poochigian, Ackerman, Alarcon, Alpert, Battin, Bowen, Brulte, Burton, Chesbro, Costa, Dunn, Escutia, Figueroa, Haynes, Johannessen, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Monteith, Morrow, O'Connell, Oller, Peace, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vincent

March 8, 2001

Senate Joint Resolution No. 10—Relative to special education funding.

LEGISLATIVE COUNSEL'S DIGEST

SJR 10, as amended, Poochigian. Special education: federal funding.

This measure would memorialize the President and Congress of the United States to provide the full federal share of funding for special education programs to the states so that this state and other states will not be required to take funding from other vital state and local programs to fund this underfunded federal mandate.

Fiscal committee: no.

1 WHEREAS, The Congress enacted the Education for All
2 Handicapped Children Act of 1975 (P.L. 94-142), now known as
3 the Individuals with Disabilities Education Act (IDEA), to ensure
4 that all children with disabilities in the United States have
5 available to them a free and appropriate public education that
6 emphasizes special education and related services designed to
7 meet their unique needs, to ensure that the rights of children with

1 disabilities and their parents or guardians are protected, to assist
2 states and localities to provide for the education of all children with
3 disabilities, and to assess and ensure the effectiveness of efforts to
4 educate children with disabilities; and

5 WHEREAS, Since 1975, federal law has authorized
6 appropriation levels for grants to states under the IDEA at 40
7 percent of the average per-pupil expenditure in public elementary
8 and secondary schools in the United States; and

9 WHEREAS, Congress continued the 40 percent funding
10 authority in Public Law 105-17, the Individuals with Disabilities
11 Education Act Amendments of 1997; and

12 WHEREAS, Congress has never appropriated funds equivalent
13 to the authorized level, has never exceeded the 15 percent level,
14 and has usually only appropriated funding at about the 8 percent
15 level; and

16 WHEREAS, The federal budget for fiscal year 2001, signed by
17 the President on December 22, 2000, made an additional \$1.4
18 billion available for special education, and this increased
19 appropriation, when combined with the revised allocation formula
20 in Public Law 105-17 will make the federal government more able
21 to fund special education, and at higher levels than previously
22 attained; and

23 WHEREAS, The California Master Plan for Special Education
24 was approved for statewide implementation in 1980 on the basis
25 of the anticipated federal commitment to fund special education
26 programs at the federally authorized level; and

27 WHEREAS, The Governor's Budget for the 2001-02 fiscal
28 year proposes \$2.6 billion in General Fund support for the state's
29 share of funding for special education programs; and

30 WHEREAS, California anticipates receiving over \$650
31 million, including a \$140 million increase in federal special
32 education funds under Part B of IDEA for the 2001-02 school
33 year, even though the federally authorized level of funding, if fully
34 reimbursed, would provide an additional amount of over \$1 billion
35 annually to California; and

36 WHEREAS, Local educational agencies in California are
37 required to pay for the underfunded federal mandates for special
38 education programs, at a statewide total cost exceeding \$1 billion
39 annually; and



1 WHEREAS, The decision of the Supreme Court of the United
2 States in the case of Cedar Rapids Community Sch. Dist. v. Garret
3 F. (1999) 143 L.Ed.2d 154, has had the effect of creating an
4 additional mandate for providing specialized health care, and will
5 significantly increase the costs associated with providing special
6 education and related services; and

7 WHEREAS, Whether or not California participates in the IDEA
8 grant program, the California schools are required to meet the
9 requirements of Section 504 of the federal Rehabilitation Act of
10 1973 (29 U.S.C. Sec. 701) and its implementing regulations (34
11 C.F.R. 104), which prohibit recipients of federal financial
12 assistance, including educational institutions, from discriminating
13 on the basis of disability, yet no federal funds are available under
14 that act for state grants; and

15 WHEREAS, California is committed to providing a free and
16 appropriate public education and related services to children and
17 youth with disabilities, in order to meet their unique needs; and

18 WHEREAS, Since 1997, the state has used federal special
19 education funding increases to provide equity adjustments to
20 school agencies consistent with the new special education funding
21 model provided in Assembly Bill 602 of the 1997–98 Regular
22 Session (Chapter 854 of the Statutes of 1997); and

23 WHEREAS, California is committed to the continued use of
24 increases in federal funding for special education to recognize
25 special education funding committments made to local education
26 agencies; and

27 WHEREAS, The California Legislature is extremely concerned
28 that, since 1978, Congress has not provided states with the full
29 amount of financial assistance necessary to achieve its goal of
30 ensuring children and youth with disabilities equal protection of
31 the laws; now, therefore, be it

32 *Resolved by the Senate and Assembly of the State of California,*
33 *jointly,* That the Legislature respectfully memorializes the
34 President and Congress of the United States to provide the full 40
35 percent federal share of funding for special education programs so
36 that California and other states participating in these critical
37 programs will not be required to take funding from other vital state
38 and local programs in order to fund this underfunded federal
39 mandate; and be it further



1 *Resolved*, That the Secretary of the Senate transmit copies of
2 this resolution to the President and Vice President of the United
3 States, to the Speaker of the House of Representatives, to the
4 Majority Leader of the Senate, to the Chair of the Senate
5 Committee on Budget, to the Chair of the House Committee on the
6 Budget, to the Senate Committee on Appropriations, to the Chair
7 of the House Committee on Appropriations, to each Senator and
8 Representative from California in the Congress of the United
9 States, and to the United States Secretary of Education.

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