

SENATE BILL REPORT

SB 5809

AS OF MARCH 2, 1993

**Brief Description:** Funding clearly demonstrable extraordinary school funding needs for handicapped children.

**SPONSORS:** Senators Erwin and M. Rasmussen

**SENATE COMMITTEE ON EDUCATION**

**Staff:** Leslie Goldstein (786-7424)

**Hearing Dates:**

**BACKGROUND:**

The Legislature is required to fund a special education program for handicapped students under Article IX, Sections 1 and 2 of the state Constitution. (See Judge Doran's opinion in School Funding II.) In a 1988 Superior Court decision, Judge Doran addressed the special education funding formula. The court refused to invalidate the current funding formula. The court did conclude that although the Legislature has discretion to determine the nature of the funding formula, some sort of safety net needs to be provided to help districts that do not receive sufficient funds under the formula. In the 1991 appropriations act, the Legislature directed the Superintendent of Public instruction to propose procedures and standards to meet the demonstrable funding needs of local school districts beyond the level provided in the state funding program.

**SUMMARY:**

The Superintendent of Public Instruction is required to adopt rules governing providing additional special education funds to school districts with clearly demonstrable extraordinary funding needs.

The rules must contain specific criteria for eligibility for funds including: 1) demonstrating that the characteristics of handicapped students and costs differ significantly from the assumptions in the state funding formula; 2) the individualized education plans are properly and efficiently prepared and formulated; 3) the district's current effort to provide services within existing funds are reasonable; 4) the district operates in a reasonably efficient manner; 5) indirect costs are not charged against the handicapped program; and 6) available federal funds are not sufficient to address the additional needs.

**Appropriation:** \$2,900,000

**Revenue:** none

**Fiscal Note:** requested March 2, 1993