

# SENATE BILL REPORT

## SJM 8023

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As Reported by Senate Committee On:  
Early Learning & K-12 Education, February 4, 2010

**Brief Description:** Petitioning Congress to fully fund forty percent of the costs of the federal Individuals with Disabilities Education Act (IDEA).

**Sponsors:** Senators McAuliffe, Kohl-Welles, Kauffman, Tom, Kline and Shin.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 2/04/10 [DP].

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** Do pass.

Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King, Ranking Minority Member; Brandland, Gordon, Hobbs and Roach.

**Staff:** Susan Mielke (786-7422)

**Background:** A joint memorial is a message or petition addressed to the President and/or Congress of the United States, or the head of any other agency of the federal or state government, asking for consideration of some matter of concern to the state or region.

In February 2001 the Congressional Research Service, a division of the Library of Congress, released a report addressing issues regarding full funding of the federal Individuals with Disabilities Education Act (IDEA). The report acknowledged that as a condition of accepting the federal IDEA funding, the IDEA requires that states and school districts provide a free and appropriate public education to eligible students with disabilities. The report also acknowledged that special education and related services can be expensive. When Congress enacted the predecessor legislation to IDEA in 1975, Congress authorized the federal government to pay up to 40 percent of each state's excess cost of educating children with disabilities. The current IDEA includes language authorizing Congress to provide a maximum of 40 percent of the excess cost of educating children with disabilities based on the national average per pupil expenditure. The report points out that although Congress in recent years has substantially increased IDEA funding; however, the funding level does not reach 40 percent of state's costs.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** Congress is asked to pass, and the President is asked to sign, federal legislation to fully fund 40 percent of the costs of IDEA. The rationale provided includes a notation that Congress has indicated in legislation that the federal government was to pay up to 40 percent of each state's excess cost of educating children with disabilities; and that in the current economic downturn the practice of the federal government not maximizing federal IDEA funding is creating a strain on state and school districts budgets.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Staff Summary of Public Testimony:** PRO: We support this memorial and think it is long overdue for the federal government to provide greater support to the education for students with disabilities. However, this joint memorial does not go far enough and we would encourage you to include Part C of the IDEA law in the memorial.

**Persons Testifying:** PRO: Cecile Lindquist, Washington State Special Education Coalition.