

Enrolled
House Joint Memorial 3

Sponsored by Representative DOHERTY, Senator ROBLAN, Representative SOLLMAN; Representatives EVANS, FAHEY, GORSEK, NERON, PILUSO, PRUSAK, SALINAS, SCHOUTEN, Senators GELSER, KNOPP, WAGNER (Presession filed.)

To the President of the United States and the Senate and the House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Eightieth Legislative Assembly of the State of Oregon, in legislative session assembled, respectfully represent as follows:

Whereas the federal Education for All Handicapped Children Act of 1975 (1975 Act) was enacted by Congress and signed into law by the President of the United States as P.L. 94-142 to address the failure of states to meet the educational needs of children with disabilities; and

Whereas the 1975 Act, known as the federal Individuals with Disabilities Education Act (IDEA) since 1990 with the enactment of P.L. 101-476, remains the cornerstone of federal statutory mandates governing special education; and

Whereas the purpose of the 1975 Act, as declared by Congress, was to ensure that all children with disabilities have available to them, within specified time periods, “a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of children with disabilities and their parents or guardians are protected, to assist States and localities to provide for the education of all children with disabilities, and to assess and assure the effectiveness of efforts to educate children with disabilities”; and

Whereas the 1975 Act authorized a maximum state funding entitlement of 40 percent, for the fiscal year ending September 30, 1982, and for each fiscal year thereafter, of the average per-pupil expenditure in public elementary and secondary schools in the United States; and

Whereas since 1975, including in the most recent amendments to the IDEA, P.L. 108-446, the federal Individuals with Disabilities Education Improvement Act of 2004, Congress has maintained the funding authorization at “40 percent of the average per-pupil expenditure in public elementary schools and secondary schools in the United States”; and

Whereas the federal government has never paid its promised 40 percent share of the IDEA mandate, and for many years Congress paid less than eight percent of the excess cost of educating children with disabilities, forcing states and local educational agencies to cover the remaining costs; and

Whereas the Oregon student population requiring special education and related services continues to grow each year; and

Whereas school, disability and parent groups have been trying for years to bring IDEA appropriations up to the authorized 40 percent of average per-pupil expenditures, the maximum any state can receive per student with disability, and this effort has come to be known as “full funding,” but the effort has never succeeded; and

Whereas in 2016, federal funding represented only 16.3 percent of its share, well short of the promised 40 percent level; and

Whereas because the promised federal funding level is not being met, the burden has fallen on states and local school districts, which leads to cuts in programs, or tax increases, or both; and

Whereas a bill stands on the floor of the United States House of Representatives, the IDEA Full Funding Act, which aims to reach the 40 percent “full funding” level by fiscal year 2027 through incremental increases in the federal share of funding each fiscal year; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

That we, the members of the Eightieth Legislative Assembly, respectfully urge the Congress of the United States to enact the IDEA Full Funding Act, which would fully fund the Individuals with Disabilities Education Act; and be it further

Resolved, That a copy of this memorial shall be sent to the President of the United States, to the Senate Majority Leader, to the Speaker of the House of Representatives and to each member of the Oregon Congressional Delegation.

Adopted by House April 2, 2019

Timothy G. Sekerak, Chief Clerk of House

Tina Kotek, Speaker of House

Adopted by Senate April 29, 2019

Peter Courtney, President of Senate