

House Joint Memorial 3

Sponsored by Representative DOHERTY, Senator ROBLAN, Representative SOLLMAN; Representatives EVANS, GORSEK, PILUSO, SALINAS, SCHOUTEN, Senators GELSER, KNOPP, WAGNER (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Urges Congress to fully fund federal Individuals with Disabilities Education Act.

JOINT MEMORIAL

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 appro-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 priations up to the authorized 40 percent of average per-pupil expenditures, the maximum any state
2 can receive per student with disability, and this effort has come to be known as “full funding,” but
3 the effort has never succeeded; and

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

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

8 Whereas a bill stands on the floor of the United States House of Representatives, H.R. 2902,
9 known as the IDEA Full Funding Act, which aims to reach the 40 percent “full funding” level by
10 fiscal year 2027 through incremental increases in the federal share of funding each fiscal year; now,
11 therefore,

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

13 That we, the members of the Eightieth Legislative Assembly, respectfully urge the Congress of
14 the United States to enact H.R. 2902, which would fully fund the Individuals with Disabilities Ed-
15 ucation Act; and be it further

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

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