SPECIAL EDUCATION

FULLY FUND THE INDIVIDUALS WITH DISABILITIES ACT (IDEA)

As advocates for the educational rights of students with disabilities, PSESD (Puget Sound Educational Service District) believes that fully funding the Individuals with Disabilities Education Act (IDEA) is essential to ensuring a strong public education system that can deliver on the promise of a Free Appropriate Public Education (FAPE) as guaranteed by IDEA. Students with disabilities must receive equal access to and opportunity for the services and support they need to achieve their highest potential in education, employment, independence, and life success. Local education agencies (LEAs), including Tribal schools and public charter schools, have a legal obligation to serve all students with disabilities, regardless of the cost of services. Full implementation of IDEA, as the preeminent education law for special education, is critical to achieving this goal.

The federal government provides annual funding for the four parts of IDEA. While PSESD engages in work related to all four parts of IDEA, our efforts focus on supporting and advocating for educational services for students from age three to twenty-two. Therefore, this paper emphasizes Part B, Section 611, and 619 grants to states, as these are the predominant funding streams for special education services. LEAs, families, and educational partners continue to raise ongoing concerns about meeting special education needs as the cost and demand for services increase, staffing shortages persist, and budgets are impacted by fluctuating student enrollment.

THE CURRENT FUNDING LANDSCAPE

IDEA Part B includes a provision that assures the federal government will provide a substantial share of the cost of educating children with disabilities. The passage of Public Law 94-142 described this substantial share as "... the maximum amount of the grant to which a state is entitled under this Part for any fiscal year shall be equal to...(v) 40 per centum, 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...."[1] The original intent behind this provision was to ensure that states and LEAs could provide a high-quality FAPE to all students with disabilities in their least restrictive environment (LRE).

Congress determined that a fair proportion of the federal share would be 40 percent of the national average per-pupil expenditure (APPE), adjusted by the number of children with disabilities being served in the state. This figure is now known as "full funding" for IDEA Part B. While federal appropriations have increased annually, federal funding for IDEA has averaged only 13 percent of states' costs since the passage of Public Law 94-142 in 1975. In 2021–22, over 147,000 Washington students ages 3–21 received special education services. Funding for special education services is in addition to, or in "excess" of, the full basic education allocation (BEA) available for all students. District expenditures for special education and related services exceeded federal and state special education funding by over $400 million (or nearly 18%). This gap requires LEAs to cover over $400 million of the excess costs of special education through local funding sources, including local levies.

Washington State's percentage of students with disabilities mirrors national trends, showing steady growth in the number of students identified and receiving special education and related services. Last school year, 16.4% of the school-aged population in Washington state were identified as students with disabilities aged 3 through 22. The combination of a rising number of children with disabilities and chronic underfunding of IDEA has resulted in a greater financial burden on state and local agencies and programs.

Additionally, as LEAs strive to provide equitable educational opportunities for students with disabilities, they have shifted to providing more inclusive services, which is widely acknowledged to require more funding for staff training and resources than traditional, segregated special education services. Adding to the cost of providing effective special education and related services to students with disabilities is the rising cost of recruiting and retaining highly qualified personnel. Educator shortages are a persistent barrier to effectively serving students due to wages not keeping pace with the cost of living and a lack of resources (e.g., mentoring, support personnel, curricular materials, planning, and collaboration time). Furthermore, the federal underfunding of IDEA has forced LEAs to eliminate valuable programs, extracurriculars, and support staff that are beneficial to all students.

The funding that school districts receive for special education services is not well aligned with needed expenditures, leaving some districts to rely on local levies to supplement their special education programs. Local levies are not a fair , reliable, or sustainable funding source. In a time when state and local agencies are called on to do more with less, ultimately, it is students and families furthest from educational justice that experience the greatest effects of underfunding IDEA. Requiring states and communities to meet IDEA's important requirements without providing the necessary federal funding leads to difficult choices that can impact the quality of services and the range of opportunities provided to children with disabilities and their families.

- Fully funding IDEA would enable states and LEAs to create the conditions that would allow all students with disabilities to thrive, including:
- Special education teacher recruitment, training, and retention efforts.
- Early intervention for young children with disabilities.
- Positive behavioral support systems for the prevention and intervention of social-emotional and mental health needs.
- Exclusionary discipline reform, including the elimination of restraint and isolation practices.
- Employment training and transition supports for a seamless school-to-post-school transition.
- Inclusionary practices to support students with disabilities with meaningful access and participation for children ages 3–22.
- Ongoing and high-quality professional development for all personnel, including general education teachers and paraeducators.
- Materials and supplies, including the purchase of specialized equipment and/or assistive technology.

Federal contributions of 40% of the per-pupil expenditures would allow LEAs to access the resources they need to implement IDEA as intended by the federal government. Full funding would strengthen state and local budgets. This would enable greater investment in school programs that support students' academic, social, and emotional needs. Therefore, PSESD implores the federal government to uphold its commitment to fully fund IDEA, which will enable LEAs to fulfill the promise of a free and appropriate public education for students with disabilities.

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