

HJR

39

SENATE COMMITTEE REPORT

DATE: 3/19/08

FURTHER:

DATE TURNED
IN TO OFFICE: 3/26/08

Health, Education and Social Services Committee considered HOUSE JOINT RESOLUTION NO. 29

HJR 29 FEDERAL FUNDING FOR SPECIAL EDUCATION

Urging the President of the United States and the United States Congress to fulfill the federal obligation to provide adequate funding for special education in public schools.

and recommends:

- be replaced with SCS or CS _____ ()
- adopt previous SCS or CS _____ ()
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____





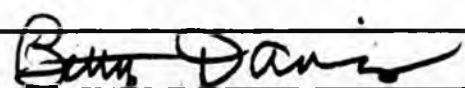
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
H. Hes	1/26/08			✓	

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	ABEND
	Elton	✓			
	Thomas	✓			
	Cowdery	✓			
	Dyson	✓			
CHAIR: 	DAVIS	✓			



25th Alaska State Legislature Joint Legislative Education Funding Task Force

Chair:

Rep. Mike Hawker
District 32, Anchorage

716 W. 4th Avenue
Anchorage, AK 99501
(907) 269-0244 office
(907) 268-0248 fax

Vice-Chair:

Senator Bert Stedman

Members:

Senator
Johnny Ellis

Senator
Lyman Hoffman

Representative
Reggie Joule

Representative
Mike Kelly

Representative
Bob Roses

Carl Rose
Assoc. of Alaska
School Boards

Representative
Paul Seaton

Senator
Gary Stevens

Senator
Gary Wilken

Committee Aides:

Juli Lucky
Charisse Millett
jletf@akleg.org

MEMORANDUM

TO: Senator Bettye Davis, Chair
Senate Health, Education & Social Services Committee

FROM: Representative Mike Hawker *MH*

SUBJECT: House Joint Resolution 29

DATE: 3/19/2008

I request that House Joint Resolution 29, which urges the federal government to provide adequate funding for special education in public schools, be scheduled for the Senate Health, Education & Social Services Committee at your earliest convenience. Enclosed you will find the current version of the bill, a sponsor statement, bill history and a fiscal note. There have been no amendments to the bill.

Please feel free to contact me if you need any additional information. You may also contact my legislative aide, Juli Lucky.

Representative Mike Hawker

Alaska State Legislature



HJR 29

Sponsor Statement

Session:

State Capitol
Juneau, AK 99801
907 465-4949 direct
800 478-4950 toll free
907 465-4979 fax

Interim:

716 W 4th Avenue
Anchorage, AK 99501
907 269-0244 office
907 269-0248 fax

Member:

House Finance Committee
Legislative Budget
& Audit Committee

House District 32:

Eagle River
Anchorage
Rainbow
Indian
Bird
Girdwood
Portage
Whittier
Sunrise
Hope

Short Title: Federal Funding for Special Education

HJR 29 is a statement against unfunded federal mandates and for full funding of education. The federal Individuals with Disabilities Education Act requires "free appropriate public education" for students with disabilities and authorized a federal appropriation to pay for 40 percent of the average per-pupil expenditure for general education students. However, the federal government has paid only 16 percent of the cost.

This under funding has forced school districts to balance their budgets by taking funds from other programs. Even with these cuts, there is not adequate funding and many students with special needs do not receive the services and assistance they need to succeed in school. The problem is exacerbated by the No Child Left Behind Act, which requires 100 percent proficiency by the end of the 2013-2014 school year.

HJR 29 asks the President of the United States and United States Congress to fulfill their obligation to provide adequate funding for educational services for students with disabilities.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HJR 29
 (H) Publish Date: 1/30/2008

Identifier (file name): _____ Dept. Affected: _____
 Title HJR 29 - Federal Funding for Special Education RDU _____
 Component _____
 Sponsor Representative Hawker
 Requester House HESS Component Number _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Becky Rooney, House HESS Committee Aide Phone 465-3759
 Division _____ Date/Time _____
 Approved by: Representative Peggy Wilson, Chair Date 1/28/2008
House HESS Committee

Subpart G—Allocation of Funds; Reports

ALLOCATIONS

§ 300.700 Special definition of the term "State".

For the purposes of §§ 300.701, and 300.703-300.714, the term *State* means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(Authority: 20 U.S.C. 1411(h)(2))

§ 300.701 Grants to States.

(a) *Purpose of grants.* The Secretary makes grants to States and the outlying areas and provides funds to the Secretary of the Interior, to assist them to provide special education and related services to children with disabilities in accordance with Part B of the Act.

(b) *Maximum amounts.* The maximum amount of the grant a State may receive under section 611 of the Act for any fiscal year is—

(1) The number of children with disabilities in the State who are receiving special education and related services—

(i) Aged 3 through 5 if the State is eligible for a grant under section 619 of the Act; and

(ii) Aged 6 through 21; multiplied by—

(2) Forty (40) percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.

(Authority: 20 U.S.C. 1411(a))

§ 300.702 Definition.

For the purposes of this section the term *average per-pupil expenditure in public elementary and secondary schools in the United States* means—

(a) Without regard to the source of funds—

(1) The aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all LEAs in the 50

States and the District of Columbia; plus

(2) Any direct expenditures by the State for the operation of those agencies; divided by

(b) The aggregate number of children in average daily attendance to whom those agencies provided free public education during that preceding year.

(Authority: 20 U.S.C. 1411(h)(1))

§ 300.703 Allocations to States.

(a) *General.* After reserving funds for studies and evaluations under section 674(e) of the Act, and for payments to the outlying areas, the freely associated States, and the Secretary of the Interior under §§ 300.715 and 300.717-300.719, the Secretary allocates the remaining amount among the States in accordance with paragraph (b) of this section and §§ 300.706-300.709.

(b) *Interim formula.* Except as provided in §§ 300.706-300.709, the Secretary allocates the amount described in paragraph (a) of this section among the States in accordance with section 611(a)(1), (4), (5) and (b)(1), (2) and (3) of the Act, as in effect prior to June 4, 1997, except that the determination of the number of children with disabilities receiving special education and related services under section 611(a)(3) of the Act (as then in effect) may be calculated as of December 1, or, at the State's discretion, the last Friday in October, of the fiscal year for which the funds were appropriated.

(Authority: 20 U.S.C. 1411(d))

§§ 300.704-300.705 [Reserved]

§ 300.706 Permanent formula.

(a) *Establishment of base year.* The Secretary allocates the amount described in § 300.703(a) among the States in accordance with §§ 300.706-300.709 for each fiscal year beginning with the first fiscal year for which the amount appropriated under 611(j) of the Act is more than \$4,924,672,200.

(b) *Use of base year.* (1) *Definition.* As used in this section, the term *base year* means the fiscal year preceding the first fiscal year in which this section applies.

(2) *Special rule for use of base year amount.* If a State received any funds

Resolution 07-9
Individuals with Disabilities Education Act Funding

WHEREAS, Alaska's public schools desire to meet their legal and educational responsibilities to provide effective education for all students, regardless of severity of disability or location in the State; and

WHEREAS, these responsibilities include the obligation to provide services in the least restrictive placement and manner appropriate to the child; and

WHEREAS, recognizing the much higher costs associated with educating children with special needs and that I.D.E.A. funding is crucial to support this effort; now

THEREFORE BE IT RESOLVED that the Alaska Council of School Administrators asks the Alaska Congressional Delegation to support full funding of I.D.E.A.

Adopted by the Alaska Council of School Administrators
October and December 2007