

1 [Requesting Federal and State Funding Level Increases for Special Education]

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3 **Resolution requesting State and Federal governments to fulfill their obligations to**  
4 **local school districts for special education funding.**

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6 WHEREAS, Special Education is a federally mandated program through the  
7 Individuals with Disabilities Education Act (IDEA) passed in 1975 to guarantee a free  
8 appropriate public education (FAPE) for all children in the United States; and

9 WHEREAS, Federally mandated Special Education programs are critical services  
10 for children in public education, and vital to ensuring equity and access to a quality public  
11 education; and

12 WHEREAS, When the Federal Government passed the IDEA in 1975, there was  
13 a commitment to a funding formula that included 40 percent of costs to be covered by  
14 the Federal Government; and

15 WHEREAS, The funding levels from Federal and State governments have not  
16 kept pace with these commitments, and is currently at no more than 20 percent  
17 combined, requiring local school districts to dedicate approximately 80 percent to  
18 Special Education programming; and

19 WHEREAS, The San Francisco Unified School District (SFUSD) is experiencing an  
20 unprecedented increase in Special Education costs due to increasing numbers of students  
21 requiring services through Individual Education Plans (IEP) and the number of students with  
22 disabilities in San Francisco grew by 15 percent in recent years, from 7,010 students in FY  
23 2016-17 to 8,061 students in FY 2019-20. The number of students diagnosed with autism  
24 has grown by 51 percent over this same time period, comprising a greater share of the total  
25 number of students with disabilities; and

1           WHEREAS, The pandemic has exacerbated learning loss, requiring additional  
2 and intensive program interventions to support Special Education students; and

3           WHEREAS, The rising costs of Special Education are growing annually, and  
4 accounts for an ever-increasing share of SFUSD’s structural budget deficit in which the  
5 District’s Special Education budget has increased by 35 percent from \$136.1 million to  
6 \$184.1 million between FYs 2016-17 and 2020-21, while Federal and State Special  
7 Education funding increased by only 6 percent during the same period; and

8           WHEREAS, Federal and State government funding has not kept up with legally  
9 mandated Special Education costs, and SFUSD has increasingly turned to its Unrestricted  
10 General Fund to cover the difference, SFUSD is covering approximately two-thirds of its  
11 Special Education costs from its Unrestricted General Fund in FY 2020-21, an increase of  
12 57 percent compared to its contribution in FY 2016-17; and

13           WHEREAS, The increased dependence on Unrestricted General Fund to meet  
14 legally mandated Special Education costs is not limited to SFUSD, as other districts in  
15 California have experienced increased costs and are expending a greater contribution from  
16 local funds rather than Federal and State monies; and

17           WHEREAS, Cost trends are occurring in other California school districts, with  
18 districts contributing a growing share of local unrestricted General Fund to cover growing  
19 Special Education costs; and

20           WHEREAS, The comparison of cost growth increase from FY 2106-17 & FY 2019-  
21 2020 in local funding vs. Federal and State funding for Special Education is as follows: Los  
22 Angeles Unified School District (LAUSD) local funding 9 percent vs 2 percent federal/state  
23 share, Long Beach Unified School District (LBUSD) 14 percent local funding vs. -1 percent  
24 federal/state share, Oakland Unified School District (OUSD) 43 percent local funding vs. 3  
25 percent federal/state share, Sacramento City Unified School District (SCUSD) 16 percent

1 local funding vs.10 percent federal/state share, San Diego Unified School District (SDUSD) 6  
2 percent local funding vs. 4 percent federal/state share, and San Jose Unified School District  
3 (SJUSD) 19 percent local funding vs. -45 percent federal/state share, and are also  
4 experiencing a decline in their average daily attendance (ADA) as the number of students  
5 with disabilities is growing; and

6 WHEREAS, The California Governor has proposed a \$500 million increase in  
7 statewide funding for Special Education for FY 2022-23 which does not go far enough in  
8 meeting local district funding requirements for Special Education; and

9 WHEREAS, If the total increase in funding proposed by the Governor were doubled to  
10 \$1 billion statewide, estimated State funding allocation for SFUSD would be increased by  
11 \$10.5 million and such increases in State funding would result in a corresponding decrease  
12 in the District's use of its Unrestricted General Fund for Special Education; and

13 WHEREAS, Local school districts across the State of California have advocated  
14 for greater financial support for Special Education from the state budget, in order to ease  
15 the burden to local school budget; and

16 WHEREAS, A national campaign "Fulfill the Promise", led by parents of students with  
17 disabilities, disability rights organizations, educator unions, community organizations across  
18 the U.S. is actively advocating for the Federal Government to *fulfill its promise* that it made in  
19 1975 to fund IDEA at 40 percent in order to provide a free and appropriate education and  
20 evaluation of unique learning needs of all children with disabilities in the United States of  
21 America; now, therefore, be it

22 RESOLVED, That the Board of Supervisors appeals to Madam Speaker Nancy Pelosi,  
23 the California U.S. Congressional Delegation, the U.S. House Committee on Education and  
24 Labor, the U.S. Senate Committee on Health, Education, Labor and Pensions, to press the  
25 Federal Government to increase funding levels to the 40 percent commitment for Special

1 Education for local school districts, in compliance with IDEA and fulfilling their commitment to  
2 a free appropriate public education; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors hereby formally requests that  
4 the Governor of California, California State Senate, California State Assembly, California  
5 Senate Education Committee, and Assembly Education Committee, work to increase  
6 funding to local school districts by increasing the pledged \$500 million to \$1 billion for  
7 Special Education from the California State Budget this year; and, be it

8 FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the  
9 Board to transmit copies of this Resolution to Madam Speaker Nancy Pelosi, the California  
10 delegation to the U.S. Congress and Senate, the Governor of California, California State  
11 Assembly and Senate, with a request to take all necessary actions to achieve the objectives  
12 of this Resolution.

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