

Bill as Introduced

SCR 4 - AS INTRODUCED

2007 SESSION

07-1312
04/05

SENATE CONCURRENT RESOLUTION 4

A RESOLUTION calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

SPONSORS: Sen. Kelly, Dist 10; Sen. Barnes, Dist 17; Sen. Bragdon, Dist 11; Sen. Burling, Dist 5; Sen. Cilley, Dist 6; Sen. D'Allesandro, Dist 20; Sen. DeVries, Dist 18; Sen. Downing, Dist 22; Sen. Estabrook, Dist 21; Sen. Foster, Dist 13; Sen. Fuller Clark, Dist 24; Sen. Gallus, Dist 1; Sen. Gottesman, Dist 12; Sen. Hassan, Dist 23; Sen. Janeway, Dist 7; Sen. Larsen, Dist 15; Sen. Reynolds, Dist 2; Sen. Roberge, Dist 9; Sen. Sgambati, Dist 4

COMMITTEE: Education

ANALYSIS

This senate concurrent resolution calls on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seven

A RESOLUTION calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

Whereas, since its enactment in 1975, the Individuals with Disabilities Education Act (IDEA) has helped millions of children with special needs to receive a quality education and to develop to their full capacities; and

Whereas, IDEA has moved children with disabilities out of institutions and into public school classrooms with their peers; and

Whereas, IDEA has helped break down stereotypes and ignorance about people with disabilities, improving the quality of life and economic opportunity for millions of Americans; and

Whereas, when the federal government enacted IDEA, it promised to fund up to 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, the federal government currently funds, on average, less than 17 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, local school districts and state government end up bearing the largest share of the cost of special education services; and

Whereas, the federal government's failure to adequately fulfill its responsibility to special needs children undermines public support for special education and creates hardship for disabled children and their families; and

Whereas, the general court is currently challenged with the responsibility of defining and funding an adequate education for all children in this state; and

Whereas, these legislative efforts are significantly burdened and constrained by the costs incurred by the federal government's failure to meet its full financial promise under IDEA; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That the New Hampshire general court urges the President and the Congress, prior to spending any surplus in the federal budget, to fund 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States as promised under IDEA to ensure that all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve; and

That copies of this resolution be forwarded by the senate clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation.

Committee Minutes

Education Committee

Hearing Report

TO: Members of the Senate

FROM: Nick Panagopoulos, *Legislative Aide*

RE: Hearing report on **SCR4 – A RESOLUTION** calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

HEARING DATE: March 20, 2007

MEMBERS OF THE COMMITTEE PRESENT: Senators Estabrook, Fuller Clark, Foster,

MEMBERS OF THE COMMITTEE ABSENT: Senators Kelly, Bragdon
Letourneau

Sponsor(s): Senators Kelly (Dist 10), Barnes (Dist 17), Bragdon (Dist 11), Burling (Dist 5), Cilley (Dist 6), D'Allesandro (Dist 20), DeVries (Dist 18), Downing (Dist 22), Estabrook (Dist 21), Foster (Dist 13), Fuller Clark (Dist 24), Gallus (Dist 1), Gottesman (Dist 12), Hassan (Dist 23), Janeway (Dist 7), Larsen (Dist 15), Reynolds (Dist 2), Roberge (Dist 9), Sgambati (Dist 4)

What the bill does: This senate concurrent resolution calls on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Act.

Who supports the bill: The sponsors, Dean Mitchner (NHSBA)

Who opposes the bill: No one

Summary of testimony received:

- **Senator Estabrook** introduced the bill on behalf of Senator Kelly and testified in favor. She has an interest in ensuring the federal government pays its fair share for special education. Special education is a major cost driver for education.
- **Dean Mitchner (NHSBA)** testified in favor of the bill. The School Board Association has been in support of asking the federal

government to fulfill their commitment to special education. Local and state government fund the major portion of special education costs. Each year, for the past 17 years the NHSBA has adopted a resolution urging Congress to pay 40% of the cost of I.D.E.A.

- Senator Fuller Clark asked what percentage the federal government is currently paying. Mr. Mitchner stated the federal government is paying approximately 18%, less than half of what it originally promised.

Funding: Not applicable

Future Action: Senator Fuller Clark moved "Ought to Pass," seconded by Senator Estabrook. The motion passed 2-0. Senator Kelly will report the bill.

[ntp]

[SCR 4 report]

Date: March 20, 2007

Date: March 20, 2007
Time: 8:50 a.m.
Room: State House, Room 103

243

The Senate Committee on Education held a hearing on the following:

SCR 4 calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

Members of Committee present: Senator Estabrook
 Senator Foster
 Senator Fuller Clark
 Senator Kelly

The Vice-Chair, Senator Martha Fuller Clark, opened the hearing on SCR 4 and, in the absence of Senator Kelly, called upon Senator Estabrook to introduce the legislation.

Senator Iris W. Estabrook, D. 21: For the record, I'm Senator Iris Estabrook, introducing SCR 4 on behalf of Senator Kelly. I think it is well known by the Committee that I have an interest in full funding of special education, both on the federal and state levels. I think it is especially fitting that we have this before us right now because, just in the last few months, we've seen the report on state finances that indicates that special education is one of the five largest cost drivers in our budget and is increasing. It is one of the five areas that is increasing very quickly. So, it is very timely and if the federal government would put some energy into fully funding this, fulfilling that obligation before putting other burdens on the states, I would like that to be in the record. I appreciate that, too.

Thank you very much, Madam Chair.

Senator Martha Fuller Clark, D. 24: Thank you very much, Senator Estabrook. I would now like to hear from Dean Michner please.

fjb

Dean Michner: Thank you very much. My name is Dean Michner and I represent the New Hampshire school boards in support of this resolution. I'm both very pleased and very frustrated to be before you today supporting this resolution. I'm very pleased to be able to share with you the longstanding support for this issue of asking the federal government to fully fund the promise they made to us decades ago, and I'm very frustrated that we're still here talking about this after all these years.

SCR 4 accurately highlights the minimal federal share and commitment to helping support our special education leaving, as noted on lines 12 and 13, local districts in the state to bear the largest portion of special education costs and services. What is the bottom line of this? The bottom line is that this strain on local budgets actually undermines the public support for providing special education services. It is often seen at many school district meetings as the debate between regular ed programs and special ed programs and this just does not do anything good for education in general. NHSBA has long been aware of this situation and has annually, for the past seventeen years, adopted a resolution at our annual delegate assembly and we have made annual trips to Washington to talk to our Congressmen about supporting the fully funding of IDEA.

I would just like to read our resolution that has been adopted for the last seventeen years at our delegate assembly.

NHSBA urges the US Congress to appropriate funds to pay forty percent of the cost of implementing IDEA and to fully fund any additional requirements in special education and provide financial impact statements.

I would also like to add that during the reauthorization of IDEA which, in 2004, we adopted another resolution addressing several areas of that reauthorization, but we specifically, once again, called for, in the area of federal funding, for Congress to fully fund the federal share of IDEA, but to move it from the discretionary side of the budget to the mandatory side.

We have worked with our Congressmen on this issue and we're frustrated that we're still talking about it.

And, with that, I will close my comments.

Senator Iris W. Estabrook, D. 21: Thank you very much. Senator Fuller Clark?

Senator Martha Fuller Clark, D. 24: I do have some questions. Would you be able to tell us at what percentage right now the federal government funds

special ed? I know it was nine and then it went up to sixteen or seventeen over a period of years. Where are we now?

Mr. Michner: For a couple of years, it did get close to twenty percent, but then it has been dipping back down. My current estimate, the last I was looking at, if I recall correctly, it was around eighteen percent. So, less than half of what... And, some of us are long in the tooth enough to remember the discussions when IDEA was passed that while the law does say that the federal government shall pay up to forty percent, the discussions, the implication, it was made very well known that we were talking about a forty percent funding level and they haven't met even half of that over the entire time that the law has been in place.

Senator Martha Fuller Clark, D. 24: I have a follow-up question. I know that it is enormously expensive for us to cover the cost of having to send a certain percentage of our special needs students out-of-state. Do you have what those costs are in terms of special needs students whose needs can be met within New Hampshire and those that have to be sent out-of-state for their needs to be met?

Mr. Michner: The specific pool of students you're talking about is over a thousand, a little over a thousand. These are students that are eligible for the catastrophic aid program. I don't have those actual numbers for you, but I could get them or they would be available at the Department of Education. I would be glad to track down some information on that for you.

Senator Martha Fuller Clark, D. 24: And, has that number of students needing out-of-state support gone up over the last five years?

Mr. Michner: Oh, yes. If you look at the requirements. The State's catastrophic aid program is rather minimal. I mean, we're talking about in order to qualify, to just initially qualify for the aid, you have to spend \$30,000 on an individual student just to get to the point where you qualify for catastrophic aid. So, the program works. You have to spend three and half times the state average before you can qualify and once you spend over ten times, then the State picks up all those costs. But, those costs have been escalating each year. The State, if you look at the budget, the State's commitment and need to budget funds for those costs has been increasing. We're projecting over \$35 million that you're going to have to be looking at each year of the biennium for the next budget.

Senator Martha Fuller Clark, D. 24: Thank you so very, very much.

Senator Iris W. Estabrook, D. 21: Thank you very much.

Mr. Michner: Thank you.

Senator Iris W. Estabrook, D. 21: Would anyone else like to speak on SCR 4? Seeing none, we will close the hearing.

Hearing concluded at 8:55 a.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "L. Gail Brown".

Recorded by Kathleen Howard

Transcribed by L. Gail Brown

Secretarial Supervisor

8/23/07

Speakers

SENATE EDUCATION COMMITTEE

Date: March 20, 2007

Time: 8:30

Public Hearing on SCR 4

SCR 4 - calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

Please check box(es) that apply:

SPEAKING FAVOR ~~OPPOSED~~

NAME (Please print)

REPRESENTING

[illegible]

Voting Sheets

Senate Education Committee

EXECUTIVE SESSION

Bill # ~~275~~ SCR 4

Hearing date: 3/20/07

Room: SH 103

Executive session date: 3/20/07

Motion of: 2-0

VOTE: OTP-

Made by Estabrook ☐
Senator: Foster ☐
Fuller ☒
Bragdon ☐
Letourneau ☐
Kelly ☐

Seconded Estabrook ☐
by Senator: Foster ☐
Fuller ☐
Bragdon ☐
Letourneau ☐
Kelly ☒

Committee Member

Present

Vote (Y/N)

Reported out by

Senator Estabrook, Chairman	✓	
Senator Foster, Vice-Chair		
Senator Fuller	✓	
Senator R. Bragdon		
Senator Letourneau		
Senator Kelly		✓

*Amendments:

NOTES:

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: March 20, 2007

THE COMMITTEE ON Education

to which was referred Senate Concurrent Resolution 4

A RESOLUTION calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

Having considered the same, the committee recommends that the Resolution:

OUGHT TO PASS

BY A VOTE OF: 2-0

AMENDMENT # s

Senator Molly Kelly
For the Committee

Kathleen Howard 271-4151

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SCR4 Docket

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Bill Title: calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

<u>Date</u>	<u>Body</u>	<u>Description</u>
3/8/2007	S	Introduced and Referred to Education; SJ 7, Pg.102
3/15/2007	S	Hearing; March 20, 2007, Room 103, State House, 8:30 a.m.; SC12
3/21/2007	S	Committee Report; Ought to Pass [03/29/07]; SC13
3/29/2007	S	Ought to Pass RC 24Y-0N, MA; OT3rdg; SJ 10, Pg.194
3/29/2007	S	Passed by Third Reading Resolution; SJ 10, Pg.209
4/5/2007	H	Introduced and ref to Education; HJ 35, pg.1279
5/2/2007	H	Public Hearing: 5/8/2007 10:15 AM LOB 207
5/17/2007	H	Executive Session: 5/22/07 10:30 AM LOB 207
5/22/2007	H	Committee Report: Ought to Pass for May 31 (vote 17-0; CC); HC 42, pg.1497
5/31/2007	H	Ought to Pass: MA VV; HJ 45, pg.1610

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Docket Abbreviations

Other Referrals

COMMITTEE REPORT FILE INVENTORY

Scry ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. COMMITTEE SECRETARY WILL CONFIRM ALL ENTRIES, SIGN AND DATE THIS INVENTORY.
5. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- ☒ DOCKET (Submit only the latest docket found in Bill Status)
- ☒ COMMITTEE REPORT (For calendar and floor)
- ☒ HEARING REPORT (Written summary of hearing testimony, if produced)
- ☒ HEARING TRANSCRIPT (Verbatim transcript of hearing)
List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: _____

☒ SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # _____ - AMENDMENT # _____
____ - AMENDMENT # _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

☒ AS INTRODUCED _____ AS AMENDED BY THE HOUSE
____ FINAL VERSION _____ AS AMENDED BY THE SENATE

____ PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

☒ EXECUTIVE SESSION REPORT

____ OTHER (Anything else deemed important but not listed above):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A NEW FILE FOLDER WITH THE CHAIRMAN'S COPY OF THE BILL AND THE LATEST DOCKET AND KEEP THOSE FILES IN YOUR OFFICE.

DATE DELIVERED TO SENATE CLERK

8/27/07

Bill Brown
COMMITTEE SECRETARY