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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



City and County of San Francisco Tails

City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

Resolution

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File Number:	220398	Date Passed: April 19, 2022
Resolution requesting State and Federal governments to fulfill their obligations to local school districts for special education funding.		
April 19, 2022 Board of Supervisors - ADOPTED Ayes: 10 - Chan, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefan and Walton Excused: 1 - Melgar		
File N	o. 220398	I hereby certify that the foregoing Resolution was ADOPTED on 4/19/2022 by the Board of Supervisors of the City and County of San Francisco.
		Angela Calvillo Clerk of the Board
U 1	nsigned	04/28/2022
Lo	ndon N. Breed Mayor	Date Approved
I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2,		

as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo Clerk of the Board 04/28/2022

Date