SENATE RESOLUTION No. 56

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 5, 2020

Sponsored by:
Senator JOSEPH PENNACCHIO
District 26 (Essex, Morris and Passaic)
Senator THOMAS H. KEAN, JR.
District 21 (Morris, Somerset and Union)

SYNOPSIS

Urges State to fully fund extraordinary special education aid for students in 2019-2020 fiscal year and thereafter.

CURRENT VERSION OF TEXT

As introduced.

A SENATE RESOLUTION urging the State to fully fund extraordinary special education aid for students in the 2019-2020 fiscal year and thereafter.

WHEREAS, The federal "Individuals with Disabilities Education Act" (IDEA), 20 U.S.C. s.1400 et seq., is intended to ensure that all children with disabilities have available to them a free appropriate public education designed to meet their unique needs; and

WHEREAS, The IDEA provides federal funds to assist states and local agencies in meeting their obligation to provide special education and related services to all children with an identified disability in order to address their individual needs; and

WHEREAS, Providing the necessary special education and related services for students with disabilities can be extremely costly for New Jersey school districts, particularly with respect to students who have the greatest needs; and

WHEREAS, School districts with particularly high special education costs face even more budgetary pressures and challenges in educating all of their students; and

WHEREAS, A school district should not be expected to bear alone the costs of properly educating the State's highest-need students; and

WHEREAS, In response, the New Jersey "School Funding Reform Act of 2008" (SFRA), P.L.2007, c.260 (C.18A:7F-43 et al.), provides additional funding to school districts, known as "extraordinary special education aid," for students who have excessive special education costs which exceed a certain threshold; and

WHEREAS, Under the SFRA, extraordinary special education aid is available for students educated in public school programs whose costs exceed $40,000 and for students educated in private schools whose costs exceed $55,000. When these thresholds are met, the State is required to reimburse the district for 90 percent of the expenditures above the threshold for students educated in a public school program with nondisabled peers and to reimburse 75 percent of expenditures above the thresholds for other students; and

WHEREAS, Extraordinary special education aid serves multiple important purposes, including helping school districts meet the high costs of educating the most vulnerable children, helping districts stabilize their budgets, and ensuring that students' individual needs are fulfilled; and

WHEREAS, Despite the SFRA's requirement for the State to reimburse school districts for extraordinary special education costs, the State has not fully funded its formula for distributing extraordinary special education aid to school districts; and

WHEREAS, Based on applications submitted by school districts to the Department of Education for costs incurred in the 2017-2018 school year, districts were eligible to receive a total of $387.6 million in reimbursements for extraordinary special education aid. However,

the fiscal year 2019 appropriations act only included $195 million for that purpose, and school districts received only 50.12 percent of their entitlement; and

WHEREAS, The State's failure to fully fund extraordinary special education aid may hinder a district's ability to provide needed services for its most vulnerable students and puts even greater pressure on school district budgets that are already stretched thin; and

WHEREAS, Providing full funding for extraordinary special education aid would not only help school districts deliver the necessary services for their students but also would provide property tax relief for the State's citizens by helping to stabilize school budgets; and

WHEREAS, In order to ensure that special education students are provided with the services needed to address their individual needs and that school districts are able to provide the necessary resources for all of their students, it is critical that the State fully fund extraordinary special education aid in the 2019-2020 fiscal year and thereafter; now, therefore,

BE IT RESOLVED *by the Senate of the State of New Jersey:*

1. This House urges the State to fully fund extraordinary special education aid for students in the 2019-2020 fiscal year and thereafter in order to meet its obligations under the "School Funding Reform Act of 2008" (SFRA), P.L.2007, c.260 (C.18A:7F-43 et al.), and help school districts cover the costs of educating the State's highest-need children.

2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Secretary of the Senate to the Governor, each member of the State Legislature, and the State Board of Education.

STATEMENT

This Senate resolution urges the State of New Jersey to fully fund extraordinary special education aid for students in the 2019-2020 fiscal year and thereafter. The "School Funding Reform Act of 2008" (SFRA), P.L.2007, c.260 (C.18A:7F-43 et al.), provides that the State will reimburse school districts for certain costs of educating special education students when the costs exceed $40,000 for a student educated in a public school program or $55,000 for a student educated in a private school for students with disabilities. The extraordinary special education aid serves multiple important purposes, including helping school districts meet the high costs of educating the most vulnerable children, helping districts stabilize

their budgets, and ensuring that students' individual needs are fulfilled. However, despite the SFRA's requirements, the State has not fully funded its formula for distributing extraordinary special education aid to school districts. Failing to fully fund extraordinary special education aid may hinder a district's ability to provide necessary special education services and puts even greater pressure on a school district's overall budget. It is critical that the State fully fund extraordinary special education aid in the 2019-2020 fiscal year and thereafter in order to ensure that special education students are provided with the services they need and that school districts are able to provide the necessary resources for all of their students.