

# SAM Positions and Resolutions Related to Special Education Funding 2016-17

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## **SAM Positions Supporting Special Education Funding**

### **SPECIAL EDUCATION ADMINISTRATIVE RULE MAKING**

SAM supports state administrative rules for the Individuals with Disabilities Education Act (IDEA) that do not exceed the requirements in the federal laws and rules.

**Designation: Support**

### **FEDERAL PROGRAMS**

Federally funded programs should be written in language that ensures easy understanding, minimum paperwork, maximum student-to-teacher contact and interaction, and which allows for local districts to expend allocated funds on eligible students in a manner which they, the local districts, feel most beneficial. It is incumbent on local boards and their administrators to insure that the intent of federal programs is properly implemented and that programs are managed with fiscal and educational integrity.

To enable Montana schools to benefit from various sources of federal funding, SAM supports legislative efforts to pool applications and reporting requirements for receipt of these federal funds.

To ensure equitable funding to all Montana students, SAM supports formula grants instead of competitive grants. SAM will encourage our federal and state legislators to work to this end.

**Designation: Support**

## **SAM Resolutions Supporting Special Education Funding**

### **Resolution #03/15-01 - SPECIAL EDUCATION FUNDING**

**WHEREAS**, the percentage of state support for earmarked special education general fund expenditures has declined at a rate significantly greater than has the rate of state support for the total general fund budget; and

**WHEREAS**, the original intent of Congress was to fund special education at the 40% level of the national average for pupil expenditure; and

**WHEREAS**, the lack of state fiscal support for mandated special education services effectively decreases the amount of general funds available to support general education programming;

**BE IT RESOLVED**; that SAM urges the legislature and state officials to avoid state appropriations that may suggest discriminatory funding practices between special education and regular education; and

**BE IT FURTHER RESOLVED**, that SAM supports legislation to allow school districts to increase their budget caps to provide for the disproportionate costs associated with educating students with special needs; and

**BE IT FINALLY RESOLVED**, that SAM supports efforts to fully fund IDEA at its originally intended levels and to allow flexibility in maintenance of effort requirements.

**Designation: Action**

**Resolution #03/06/11/16-02 – ADDITIONAL FUNDING FOR MANDATED SPECIAL EDUCATION SERVICES**

**WHEREAS**, the state provides no funding to support the mandated services required of schools for students with disabilities in the 3-5 year old age range; and

**WHEREAS**, the state provides no funding for mandated extended school year services for students with disabilities;

**BE IT RESOLVED**, that SAM supports full state and federal funding for mandated special education services for three to five year old students with disabilities based on the current ANB formula; AND

**BE IT RESOLVED**, that SAM supports full state and federal funding for mandated Extended School Year special education services.

**BE IT FINALLY RESOLVED**, that SAM will prioritize support of legislative action to increase the monetary investment for such Mandated Special Education Services by applying additional state funding without reducing payments for the Instructional Services Block Grant, Related Services Block Grant, and the Disproportionate Cost Reimbursement.

**Designation: Action**

**Resolution #13/14-04 – FEDERAL ISSUES IMPORTANT TO MONTANA**

**BE IT RESOLVED**, that SAM will work with the Montana Congressional Delegation in support of full federal funding of special education (IDEA); and

**BE IT FUTHER RESOLVED**, that SAM will communicate with the Montana Congressional Delegation regarding our continued opposition to school vouchers in any form; and

**BE IT FUTHER RESOLVED**, that SAM will work with the Montana Congressional Delegation during the reauthorization of any education legislation in support of adequate funding and to ensure that the implementation of the federal legislation is reasonable for Montana school districts; and

**BE IT FUTHER RESOLVED**, that SAM support a stronger voice for rural education at the federal level that includes the establishment of an Office of Rural Education Policy within the U.S. Department of Education to recognize the unique challenges facing rural schools and that federal policies should balance the

needs of urban and rural school districts; and

**BE IT FUTHER RESOLVED**, that SAM will communicate with the Montana Congressional Delegation regarding the concern of Montana school districts over a drop in federal funding for important programs such as Title I and other Title programs and the impact these reductions could have on local and state funding of current education priorities; and

**BE IT FUTHER RESOLVED**, that SAM will advocate for maintenance of local supervision and control over federal funds allocated to Montana's public schools and oppose provisions in federal/national legislation, regulation or other standards that would denigrate local control of Montana's public schools; and

**BE IT FURTHER RESOLVED**, that SAM supports formula funding and opposes competitive grant programs at the federal level; and

**BE IT FINALLY RESOLVED**, that SAM will support additional federal resources for capital or operational programs only to the extent that these programs are not unfunded mandates or under-funded programs.

**Designation: Support**

#### **Resolution #14-04 – FUNDING SPECIAL EDUCATION COOPERATIVE INFRASTRUCTURE**

**WHEREAS**, a large majority of school districts, 81%, participate in special education cooperatives owing in a large part to a very sparsely distributed population; and

**WHEREAS**, increasing frequency, intensity, and investments of special education services require a robust cooperative infrastructure necessary to assure our students in rural schools equal access to special education services and quality education; and

**WHEREAS**, school laws of Montana do not adequately address funding the basic entitlement of Cooperatives in order to establish the appropriate infrastructure necessary for rural students to have equal access to special education services and quality education;

**BE IT RESOLVED**, that SAM supports legislative action ensuring the development of the full educational potential of each person;

**BE IT FURTHER RESOLVED**, that SAM supports legislative action to increase the monetary investment in Cooperative infrastructure including means to recruit and retain highly qualified personnel in rural areas; and

**BE IT FINALLY RESOLVED**, that SAM supports legislative action to ensure educational infrastructure is equitably and adequately funded across all Montana administrative units.

**Designation: Action**

## **Resolution #15-01- SPECIAL EDUCATION FUNDING, CLOSING THE GAP**

**WHEREAS**, review of recent legislative funding increases for K-12 education will clearly show there has been, and continues to be a significant “gap” between increases in revenue provided general education versus increases provided special education;

**WHEREAS**, the 2015 legislature provided no increase in funding for special education services, this lack of additional revenue from the state places increasing pressure on districts to use local revenue to fund special education services;

**WHEREAS**, because districts and cooperatives are not receiving an increase in special education revenue, the effect on districts’ includes reducing services to special education children placing districts at risk of failing to provide FAPE (Free Appropriate Public Education), places special education in the position of “competing” for local funding with general education, sports, and other activities, and places an increasing burden on local tax payers;

**BE IT RESOLVED**, that SAM will develop a proposal to present to their educational partners, the Office of Public Instruction, and the Governor’s office, to “close the gap” in funding increases for general education versus special education.

### **Designation: Action**

## **Resolution #16-07 – ADEQUATE FUNDING FOR MANDATED SPECIAL EDUCATION SERVICES**

**WHEREAS**, IDEA, as federal law, mandates a free appropriate public education for children with disabilities, ages 3-21. (Title I, B, 612, a, 1, A) with provision for State level statutory language to limit services to children with disabilities ages 18-21 (Title 1, B, 612, a, 1, B, ii); and

**WHEREAS**, most Montana school districts limit attendance to age 19, mandated special education services in the State typically address the needs of children with disabilities ages 3-19; and

**WHEREAS**, inadequate State funding of mandated special education services negatively impacts the education of all students by effectively decreasing the amount of general funds available to support general education programming;

**BE IT RESOLVED**, that SAM will prioritize adequate funding of mandated special education services; and

**BE IT FURTHER RESOLVED**, that SAM will prioritize support of legislative action for statutory language that includes the special education appropriation in the group of education appropriations subject to the mandatory inflationary increase; and

**BE IT FURTHER RESOLVED**, that SAM will prioritize support of legislative action to increase monetary investment in Cooperative infrastructure without reducing payments for the Instructional Services Block Grant, Related Services Block Grant, and the Disproportionate Cost Reimbursement; and

**BE IT FURTHER RESOLVED**, that SAM recognizes proposals for new program entitlements for students outside the current age-range of State-funded educational programs may negatively impact funding consideration for mandated special education services; and

**BE IT FINALLY RESOLVED**, that SAM will prioritize support of legislative action for inflationary increases for special education and increased monetary investment in Cooperative infrastructure above advocacy efforts for new program entitlements for students outside the current age-range of State funded educational programs.

**Designation: Action**