

Marin County School Districts Joint Legislative Advisory Committee (JLAC) Annual Priorities 2021

Marin County

Marin County serves over 35,000 PreK-14 public school students in small to mid-size, rural and suburban districts. Like schools throughout California, Marin schools serve a diverse population of students and families, including immigrants and English Learners.

Joint Legislative Advisory Committee (JLAC)

JLAC is a countywide committee of superintendents and elected school board members advocating on behalf of public school children in Marin County. Recognizing the challenges and limited resources of our state education system, JLAC is committed to focusing on top actionable priorities that will enable Marin's students to be provided with the best possible education programs.

ACTIONABLE AND IMMEDIATE CONCERNS

1. Pension Liabilities

JLAC urges the Legislature to address pension liabilities as a statewide issue. School districts have had to use their limited funding to pay for increasing pension obligations. The state-required employer and employee contributions to CalSTRS and CalPERS have grown dramatically over the years without a similar increase in state funding to offset these increases. As a result, school districts are required to spend more of their funding covering pension liabilities, which impacts their ability to provide the highest quality education and provide their educators and staff with the pay raises that they deserve. In addition, school districts' ability to raise other sources of funding from parcel taxes or foundations is limited because the public believes that those funds will be used to pay for pension liabilities.

Working with our labor partners, we are calling upon the Legislature to increase funding to school districts commensurate with the increases to districts' pension liability. This is appropriate because school boards have no ability to set rates or benefit levels, but are obligated to pay for the rates and benefits set by others, including by the State Legislature. It is unfair to our students and communities to ask school districts to use their scarce resources, designated for instructional programs, to address the long-term problem of unfunded liabilities in the CalSTRS and CalPERS pension programs. Increasing pension costs diminish local districts' flexibility to address student programs, staff salary improvements, and facility maintenance and improvement.

Fund K-12 Education at the National Average

Districts face real and unavoidable cost increases that require additional funding from the state. Simply put, addressing student needs and ensuring that every student is college and career ready costs more money than the state currently provides. JLAC strongly advocates for an increase in school funding that would put our school funding on par with other states. While California is the fifth-largest economy in the world, its per-pupil spending on public education is one of the lowest in the United States.

2. Special Education Must Be "Fully Funded".

With the passage of Public Law 94-142 in 1975, federal law established a maximum grant amount for each state equal to 40% of the national average per-student educational spending amount (including special education expenditures) times the state's population of students with disabilities. This is commonly referred to as "full funding" for the Individuals with Disabilities Education Act (IDEA), legislation that reauthorized Public Law 94-142.

Actual federal funding has fallen short of this target. As the attached chart from the National Education Institute indicates, the federal percentage of IDEA funding in 2020 was the lowest since 2000.

The shortfall in funding has grown over time even faster because special education per-student expenditures are rising faster than available funding. The Legislative Analyst's Office (LAO) report on special education funding in 2018 determined that inflation adjusted, per-student special education expenditures increased 12% between 2005-06 and 2015-16. Over this same period of time, inflation adjusted, per-student Proposition 98 funding increased only 2%. Local school districts must use local unrestricted dollars not originally intended for special education to cover the resulting shortfall.

Programming costs related to the increase of students with severe disabilities must be recognized.

The prevalence of students with relatively severe disabilities has almost doubled since 2000-01. This increase is due largely to a notable rise in autism, which affected about 1 in 600 students in 1997-98 compared to about 1 in 50 students in 2017-18.

As the examples below show, between 2007-08 and 2017-18, inflation-adjusted special education expenditures increased from \$10.8 billion to \$13 billion (28%). Both state and federal funding decreased in inflation-adjusted terms over this period, primarily as a result of declining overall student attendance. Consequently, local unrestricted funding has been covering an increasing share of special education expenditures (49% in 2007-08 compared to 61% in 2017-18). In a recent report, the LAO estimated that about one-third of recent increases in special education expenditures are due to general increases in staff salaries and pension costs affecting most school districts. The remaining two-thirds were due to a rise in the number of students with relatively severe disabilities, which require more intensive and expensive supports.

Funding models need to be changed to be responsive to the need.

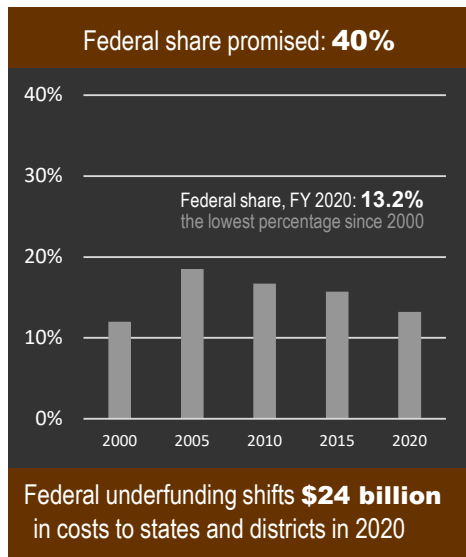
Special education is highly individualized, with some students requiring more intensive and more costly support. State funding is primarily distributed through a model developed under AB602 which provides a base rate per unit of student Average Daily Attendance (ADA) with no differentiation for serving students with more intensive (and expensive) supports. Attendance is in decline across the state, meaning state funding is also in decline. However, the incidence of students identified for special education services has been steadily increasing. JLAC supports the consideration of a funding model that is driven by special education enrollment and learning profiles and not by ADA. The state's funding model ignores the trends impacting special education and provides proportionately less funding each year. Local budgets are left to make up the difference.

JLAC also supports the reduction of Unwarranted Claims and unilateral placements. In order to help districts manage excessive special education costs often associated with private school placement, reasonable restrictions should be placed into statute that require districts and parents to create and implement Individualized Education Programs (IEP) providing an opportunity to deliver Free Appropriate Public Education (FAPE) for students, before families can unilaterally place their children in a private school environment and request reimbursement.

Despite the lack of funding, districts are committed to providing educational supports for students with disabilities. The value one places on a service is noted through the action, resources in this case. The message we receive through the lack of state and federal funding is that supports for students with disabilities are not a priority; these programs and our students are valued members of our learning community and funding to support them needs to be reflected in state and federal funding.

IDEA Funding Gap

The assumption underlying the Individuals with Disabilities Education Act (IDEA) and its predecessor legislation is that, on average, the cost of educating children with disabilities is twice the average cost (measured as the national average per pupil expenditure or APPE) of educating other children. Congress determined that the federal government would pay up to 40 percent of this "excess" cost, which is referred to as full funding. Since 1981, the first year for which full funding was 40 percent of APPE, the federal share has remained less than half of the federal commitment based on regular appropriations. Each year the federal government fails to fully fund IDEA, it shifts the costs for educating students with special needs to states and school districts.



Source: actual appropriations by state are from the U.S. Department of Education Budget Service. NEA calculated each state's maximum grant based on 40 percent of the national APPE multiplied by the number of children with disabilities served and adjusted for each state's annual change in child population and poverty rate. To adjust each state's annual change in child population and poverty rate, NEA used data by state from the U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement. The national APPE is from the Department's Budget Service. For more information, contact Tom Zemar at 202.822.7109 or TZemar@nea.org. | January 26, 2021

in millions

FY 2020 (School Year 2020-21)

State	Actual Appropriation	Full Funding Estimate	Funding Gap and Cost Shift
Alabama	\$197.3	\$489.5	\$292.2
Alaska	40.4	103.9	63.5
Arizona	226.0	675.5	449.5
Arkansas	121.5	373.4	251.8
California	1,327.8	3,301.1	1,973.3
Colorado	176.6	493.6	317.0
Connecticut	144.5	339.3	194.8
Delaware	39.4	99.0	59.6
District of Columbia	21.1	82.3	61.2
Florida	702.3	2,453.6	1,751.4
Georgia	381.0	1,139.5	758.4
Hawaii	43.2	138.3	95.1
Idaho	62.5	183.8	121.4
Illinois	549.8	1,495.5	945.8
Indiana	281.1	901.1	620.0
Iowa	132.8	419.6	286.8
Kansas	115.9	338.9	223.0
Kentucky	171.7	593.4	421.8
Louisiana	204.8	559.4	354.6
Maine	59.5	186.2	126.7
Maryland	217.4	568.1	350.7
Massachusetts	308.7	815.4	506.7
Michigan	433.8	1,065.0	631.1
Minnesota	206.1	667.0	460.8
Mississippi	130.1	347.6	217.5
Missouri	247.0	743.6	496.6
Montana	41.2	108.9	67.7
Nebraska	81.2	297.5	216.3
Nevada	86.0	300.9	215.0
New Hampshire	51.6	143.8	92.2
New Jersey	393.1	1,214.9	821.8
New Mexico	99.0	257.4	158.4
New York	824.9	2,033.0	1,208.2
North Carolina	372.5	1,114.0	741.5
North Dakota	34.0	99.2	65.2
Ohio	474.3	1,270.8	796.5
Oklahoma	161.9	586.4	424.5
Oregon	136.5	413.2	276.7
Pennsylvania	462.9	1,440.2	977.2
Rhode Island	47.6	129.9	82.4
South Carolina	192.3	609.0	416.7
South Dakota	39.0	112.9	73.9
Tennessee	258.3	687.5	429.2
Texas	1,126.4	3,136.8	2,010.5
Utah	127.3	365.2	237.9
Vermont	32.8	67.6	34.8
Virginia	308.8	953.7	644.9
Washington	241.3	728.3	487.0
West Virginia	82.6	261.7	179.1
Wisconsin	226.1	636.7	410.6
Wyoming	34.4	83.5	49.1
Puerto Rico	132.4	275.4	143.0
Outlying Areas	44.6	127.0	82.4
Bureau of Indian Education	99.0	282.0	182.9
Technical Assistance	10.0	33.7	23.7
Other	0.0	0.0	0.0
National	\$12,764.4	\$36,345.0	\$23,580.6