

HB1030—Need for and Intent of This Bill

A Message to Parents of Children with Special Needs:

The ultimate purpose of HB1030 is to motivate action in the United States Congress and Illinois General Assembly to fully fund all programs for children with special needs on the big-picture, aggregate levels as promised and required by law. These funds will be distributed to school districts based on the unique characteristics of the special education student population in each district. It would be an inappropriate, unfair misuse of the data to be collected, computed, and reported under the HB1030's provisions to attempt to pull out and spotlight the cost of special education services for any individual student. However, to properly reimburse school districts for their costs, it is a prerequisite to know what those costs are in broad totals. Full funding of special education programs and services benefits all children in the school system—special education, regular education, and gifted education.

Please read on as the needs and intent are described in greater detail.

The Need:

Ever since the original Education for All Handicapped Children Act (P.L. 94-142) was enacted by Congress in 1975, everyone seemed to acknowledge that the cost of providing special education services could get expensive. Initially, the costs represented about 3% of a school district's budget; now costs in many districts consume 20% or more of the budget. Over the decades, Congress has reauthorized the law, now called the Individuals with Disabilities Education Act (IDEA), adding new language to extend services to a larger number of students who can qualify as in need of services. Also over the years, court decisions have upheld the right of identified special education students to receive their mandated services regardless of cost to the school district.

In Illinois, no accounting methods were ever created to specifically measure the total revenues and costs of special education services to children with Individual Education Programs (IEP). Reimbursement formulas to help school districts pay for the costs were created by the Illinois Legislature in the 1980's, but the amounts in the 20th Century formulas have not been changed since they were created despite the efforts of individual legislators who have introduced bills to change those formulas to reflect costs in the 21st Century.

The “unreimbursed cost of providing special education services” is often cited as the reason for many school districts recording deficit spending. For their part, Congress has never—repeat, *never*—fully funded the federal share of 40% costs of special education services on national average; actual levels of federal funding have never reached 20%. Illinois has often struggled with meeting its obligation under the 1980's-era formulas, only paying its full share three times in the 2000, 2001, and 2002 state budgets since 1983 to the present. All of the funding shortfalls are passed down to the local school boards to find the money to pay the bills...somehow.

Because there is no procedure or method in place to record special education revenues and costs, there is no way to determine the magnitude of the problem of underfunding. It is difficult to fix a problem such as this through the legislative process if there is no data to quantify the needed amounts. HB1030 addresses this specific need.

The Intent:

As originally filed and passed by the Illinois House, HB1030 added some new reporting requirements by school districts to the Illinois State Board of Education (ISBE). In turn, the ISBE would compile these new reports, summarize them, and submit a report to the General Assembly and Governor annually. In the Illinois Senate, HB1030 was amended to eliminate all language requiring any new reports from the school districts, with the ISBE relying instead on existing data already provided by the districts on their Annual Financial Report, the Funding and Child Tracking System, and enrollment information. The Illinois House concurred with the Senate amendment and sent HB1030 as amended to the Governor.

The ISBE report to the General Assembly and Governor will be generated by computer from financial and student data routinely submitted to ISBE by all school districts. For each school district, the intent is to calculate the total costs of special education services less the offsetting revenues provided from federal, state, and local sources. Any costs not covered by the revenues will be reported as the “net special education expenditures over receipts received, if applicable.” By utilizing the same source documents from all districts based on ISBE’s uniform definitions and reporting procedures, the final aggregate report will reveal with a high level of accuracy what has been previously only suspected about the underfunding problem.

The *intent* is to then *do something* with this new information. The Illinois Congressional Delegation will have real numbers to present to Congress regarding the impact of not fully funding the federal share of IDEA. Advocates for special education funding, such as the National Education Association, National Association of School Boards, American Association of School Administrators, Association of School Business Officials International, and the many highly-committed special education organizations and individual parents, all can use this information as evidence of the harm caused by Congressional avoidance of fulfilling their own promises.

In Springfield, each Representative and Senator will have the numbers for the school districts in their home districts. This type of data has never been available to them before. The intent is to motivate action in the General Assembly that will update and modernize the ways the state must obtain and provide funds to fully fund the state’s share each year. The first step toward fixing a problem is agreeing that there is a problem and how great that problem is now and could become in the future. Again, advocates (including parents) for improving special education funding will have the same reliable data available to them for discussion with their state legislators.

HB1030 does not provide any money to school districts. What HB1030 will do is document how much money is *not* being provided.

(Ed Wahl, the author of this essay, is a retired school business official and a member of Better Funding for Better Schools Coalition and SCOPE, the South Cooperative Organization for Public Education. Special Education funding has been the subject of long term research and advocacy by Ed Wahl, who prevailed upon many legislators in both the House and Senate to address the shortage of special education funding. The primary sponsor of HB 1030 in the House was Rep. Sandra Pihos (with Coalition secretary, Rep. Paul Froehlich as a co-sponsor among others) and was sponsored in the Senate by Sen. Susan Garrett (and others.)