

# SENATE RESOLUTION No. 138

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 13, 2019

**Sponsored by:**

**Senator JOSEPH PENNACCHIO**

**District 26 (Essex, Morris and Passaic)**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Morris, Somerset and Union)**

**Co-Sponsored by:**

**Senators Corrado, Oroho, O'Scanlon and A.R.Bucco**

**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.



**(Sponsorship Updated As Of: 5/14/2019)**

1    **A SENATE RESOLUTION** urging the State to fully fund extraordinary  
2       special education aid for students in the 2019-2020 fiscal year  
3       and thereafter.  
4  
5    **WHEREAS**, The federal "Individuals with Disabilities Education Act"  
6       (IDEA), 20 U.S.C. s.1400 et seq., is intended to ensure that all  
7       children with disabilities have available to them a free appropriate  
8       public education designed to meet their unique needs; and  
9    **WHEREAS**, The IDEA provides federal funds to assist states and local  
10       agencies in meeting their obligation to provide special education  
11       and related services to all children with an identified disability in  
12       order to address their individual needs; and  
13    **WHEREAS**, Providing the necessary special education and related  
14       services for students with disabilities can be extremely costly for  
15       New Jersey school districts, particularly with respect to students  
16       who have the greatest needs; and  
17    **WHEREAS**, School districts with particularly high special education  
18       costs face even more budgetary pressures and challenges in  
19       educating all of their students; and  
20    **WHEREAS**, A school district should not be expected to bear alone the  
21       costs of properly educating the State's highest-need students; and  
22    **WHEREAS**, In response, the New Jersey "School Funding Reform Act  
23       of 2008" (SFRA), P.L.2007, c.260 (C.18A:7F-43 et al.), provides  
24       additional funding to school districts, known as "extraordinary  
25       special education aid," for students who have excessive special  
26       education costs which exceed a certain threshold; and  
27    **WHEREAS**, Under the SFRA, extraordinary special education aid is  
28       available for students educated in public school programs whose  
29       costs exceed \$40,000 and for students educated in private schools  
30       whose costs exceed \$55,000. When these thresholds are met, the  
31       State is required to reimburse the district for 90 percent of the  
32       expenditures above the threshold for students educated in a public  
33       school program with nondisabled peers and to reimburse 75 percent  
34       of expenditures above the thresholds for other students; and  
35    **WHEREAS**, Extraordinary special education aid serves multiple  
36       important purposes, including helping school districts meet the high  
37       costs of educating the most vulnerable children, helping districts  
38       stabilize their budgets, and ensuring that students' individual needs  
39       are fulfilled; and  
40    **WHEREAS**, Despite the SFRA's requirement for the State to reimburse  
41       school districts for extraordinary special education costs, the State  
42       has not fully funded its formula for distributing extraordinary  
43       special education aid to school districts; and  
44    **WHEREAS**, Based on applications submitted by school districts to the  
45       Department of Education for costs incurred in the 2017-2018 school  
46       year, districts were eligible to receive a total of \$387.6 million in  
47       reimbursements for extraordinary special education aid. However,  
48       the fiscal year 2019 appropriations act only included \$195 million

1 for that purpose, and school districts received only 50.12 percent of  
2 their entitlement; and

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

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

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

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

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21 1. This House urges the State to fully fund extraordinary  
22 special education aid for students in the 2019-2020 fiscal year and  
23 thereafter in order to meet its obligations under the "School  
24 Funding Reform Act of 2008" (SFRA), P.L.2007, c.260 (C.18A:7F-  
25 43 et al.), and help school districts cover the costs of educating the  
26 State's highest-need children.

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

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# STATEMENT

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36 This Senate resolution urges the State of New Jersey to fully  
37 fund extraordinary special education aid for students in the 2019-  
38 2020 fiscal year and thereafter. The "School Funding Reform Act  
39 of 2008" (SFRA), P.L.2007, c.260 (C.18A:7F-43 et al.), provides  
40 that the State will reimburse school districts for certain costs of  
41 educating special education students when the costs exceed \$40,000  
42 for a student educated in a public school program or \$55,000 for a  
43 student educated in a private school for students with disabilities.  
44 The extraordinary special education aid serves multiple important  
45 purposes, including helping school districts meet the high costs of  
46 educating the most vulnerable children, helping districts stabilize  
47 their budgets, and ensuring that students' individual needs are  
48 fulfilled. However, despite the SFRA's requirements, the State has

1 not fully funded its formula for distributing extraordinary special  
2 education aid to school districts. Failing to fully fund extraordinary  
3 special education aid may hinder a district's ability to provide  
4 necessary special education services and puts even greater pressure  
5 on a school district's overall budget. It is critical that the State fully  
6 fund extraordinary special education aid in the 2019-2020 fiscal  
7 year and thereafter in order to ensure that special education students  
8 are provided with the services they need and that school districts are  
9 able to provide the necessary resources for all of their students.