

This response was prepared for Pad McCracken, Montana Legislative Services Division

Your Question:

You asked about the number of states that have passed resolutions in the past five years encouraging Congress to fully fund the Individuals with Disabilities Education Act (IDEA).

Our Response:

IDEA **requires** states receiving federal IDEA funds to make a free appropriate public education available to eligible children with disabilities. “Full funding” generally refers to IDEA’s long-standing authorization for federal funding up to 40% of the average per-pupil expenditure in public elementary and secondary schools in the United States. Congress has **never** reached that 40% funding level, leaving states and local school districts to cover much of the remaining cost of special education services.

In the past five years, at least five state legislatures have taken final legislative action to encourage Congress to fully fund IDEA. These include **Alaska, California, Idaho, Nebraska, and Washington**. At least two additional states, **Kansas** and **Oregon**, introduced similar measures in recent sessions. However, those measures are not included in the five-state count because they have not reached final legislative action. Below, we profile five states that have taken final legislative action in the past five years to urge Congress or the president to fully fund IDEA. For this review, “final legislative action” includes resolutions or memorials that were adopted, chaptered, enrolled, signed by presiding officers, delivered to the secretary of state or otherwise completed the legislative process.

States Resolutions Urging Full IDEA Funding

Alaska

Alaska enacted **HJR 45** in 2026, titled “Support Special Education Funding.” The resolution urges Congress to fully fund IDEA. The resolution notes that more than 7 million children nationwide qualify for special education services; that 15% of Alaska public school students have an IEP; and that the number of Alaska children eligible for an IEP increased from 18,023 in 2014 to 20,578 in 2024. It also identifies Alaska-specific implementation challenges, including waitlists, geographic distance, high costs of recruiting and retaining specialized providers in rural and remote communities, special education teacher vacancies, outside service contracting, and travel costs.

California

California chaptered [SJR 4](#) in 2022. The resolution memorialized Congress and the President to reintroduce and enact legislation similar to prior versions of the [IDEA Full Funding Act](#) (2025). It notes that IDEA authorizes federal funding up to 40% of the average per-pupil expenditure in public elementary and secondary schools in the United States, but that the federal government has never met that funding level. The resolution argues that this persistent shortfall shifts special education costs to states and local school districts and urges federal action to meet IDEA's full funding commitment.

Idaho

Idaho adopted [HJM 11](#) in 2026. The joint memorial calls on Congress to pass and fully fund legislation meeting the federal commitment to provide up to 40% of the national average per-pupil expenditure for the excess cost of educating students with disabilities. The memorial states that federal IDEA funding in Idaho is approximately 12%, and argues that the continuing shortfall burdens taxpayers, school districts, families, and state legislatures. The memorial also encourages sustained mandatory federal funding increases, calls on the President to propose the needed increases in the annual budget, directs the Idaho Superintendent of Public Instruction to provide an annual overview of how IDEA funding supports inclusive special education services, and encourages the U.S. Department of Education to provide clearer information on nationwide and state IDEA funding levels.

Nebraska

Nebraska adopted [LR 422](#) in 2026. The resolution urges Congress and the President to enact legislation fully funding IDEA at the authorized level of 40% of average per-pupil expenditure. The committee statement explains that the resolution is grounded in the finding that Congress has consistently authorized funding at 40%, but the federal government has never met that commitment. It states that this gap requires states and local school districts, including those in Nebraska, to cover most special education costs, resulting in reductions to other educational programs or increased reliance on state and local taxes.

Washington

Washington passed [SJM 8007](#) in 2024. Washington's memorial requested that Congress pass, and the President sign, federal legislation to fully fund 40% of IDEA costs. The memorial notes that chronic federal underfunding places an additional burden on states, school districts, and taxpayers, and that the shortfall can affect other school programs that also benefit students with disabilities.