

1 **INDIVIDUALS WITH DISABILITIES** ⌘ **EDUCATION** ⌘ **ACT**

2 **RESOLUTION**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Kory M. Holdaway**

6

LONG TITLE

7 **General Description:**

8 This concurrent resolution of the Legislature and the Governor requests a mandate for
9 special education funding.

10 **Highlighted Provisions:**

11 This resolution:

12 ▶ urgently requests the United States Congress to make special education funding
13 mandatory and fulfill its commitment to provide funding at the 40% level.

14 **Special Clauses:**

15 None

16

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

17 WHEREAS, in 1975 the United States took a major step forward in promoting the
18 inclusion and equality of one of the nation's most disenfranchised groups of citizens;

19 **⌘ WHEREAS, PRIOR TO ENACTMENT OF THE EDUCATION FOR ALL HANDICAPPED
20 CHILDREN'S ACT OF 1975, ONLY ONE IN FIVE CHILDREN WITH DISABILITIES WAS EDUCATED IN
20a PUBLIC SCHOOLS IN THE UNITED STATES; ⌘**

21 WHEREAS, passage of the Education for All Handicapped Children Act, now known
22 as the Individuals with Disabilities Education Act (IDEA), reaffirmed the American principle
23 that all children deserve a free and appropriate public education;

24 WHEREAS, the federal government made a commitment to pay 40% of the cost for
25 children with special educational needs;

26 **⌘ [~~WHEREAS, over the years the federal appropriations have ranged from seven to 15%~~
27 ~~of the total cost~~] WHEREAS, THE FEDERAL GOVERNMENT CURRENTLY FUNDS ONLY 18% OF ITS
27a INITIAL PROMISE TO PAY 40% OF PER PUPIL EXPENDITURES UNDER IDEA; ⌘**



27b **h** WHEREAS, CONSIDERING THE NEW FEDERAL NO CHILD LEFT BEHIND
27c **REQUIREMENTS FOR RAISING THE PERCENTAGE OF STUDENTS WITH DISABILITIES PROFICIENT**
27d **IN STATE STANDARDS TO 100% BY THE END OF THE 2013-14 SCHOOL YEAR AND THE FEDERAL**
27e **GOVERNMENT'S PRIOR HISTORY IN FUNDING SPECIAL EDUCATION COSTS, STATES ARE**
27f **PRESENTED WITH ANOTHER UNFUNDED OR PARTIALLY FUNDED MANDATE BY THE FEDERAL**
27g **GOVERNMENT h ;**

28 WHEREAS, the federal contribution has always fallen short of the congressional
29 commitment to fully fund IDEA;

30 WHEREAS, local and state budgets have been forced to absorb the shortfall;

31 WHEREAS, after 25 years, the magnitude of that shortfall demands a new approach;

32 WHEREAS, funding for IDEA should be moved out of the discretionary budget and
33 into mandatory spending for the federal contribution;

34 WHEREAS, when IDEA funding nears the 40% commitment, schools will be able to
35 free up resources for other educational programs and services; and

36 WHEREAS, the United States Congress plans to review this issue during its current
37 session:

38 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
39 Governor concurring therein, urgently and respectfully request that the United States Congress
40 make special education funding mandatory and fulfill its commitment on a long overdue
41 promise to provide funding at the 40% level.

42 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of
43 the United States Senate, the Speaker of the United States House of Representatives, the United
44 States Secretary of Education, and the members of Utah's congressional delegation.

Legislative Review Note

as of 12-22-03 11:28 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

State Impact

Mailing requirements of this resolution can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst