

INDIVIDUALS WITH DISABILITIES EDUCATION

ACT RESOLUTION

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Kory M. Holdaway

LONG TITLE

General Description:

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

Highlighted Provisions:

This resolution:

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

Special Clauses:

None

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

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

WHEREAS, prior to enactment of the Education for All Handicapped Children's Act of 1975, only one in five children with disabilities was educated in public schools in the United States;

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

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

WHEREAS, the federal government currently funds only 18% of its initial promise to

pay 40% of per pupil expenditures under IDEA;

WHEREAS, considering the new federal No Child Left Behind requirements for raising the percentage of students with disabilities proficient in state standards to 100% by the end of the 2013-14 school year and the federal government's prior history in funding special education costs, states are presented with another unfunded or partially funded mandate by the federal government;

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

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

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

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

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

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

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

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