

1 **INDIVIDUALS WITH DISABILITIES ACT**

2 **RESOLUTION**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Kory M. Holdaway**

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This resolution:

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

15 **Special Clauses:**

16 None

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

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

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;



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