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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE RESOLUTION**

**No. 91**

Session of  
2007

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INTRODUCED BY RHOADES, MUSTO, TARTAGLIONE, ORIE, BOSCOLA,  
FONTANA, TOMLINSON, PUNT, MELLOW, ERICKSON, O'PAKE, RAFFERTY,  
McILHINNEY, WAUGH, ROBBINS AND ARMSTRONG, APRIL 20, 2007

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REFERRED TO EDUCATION, APRIL 20, 2007

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A RESOLUTION

1 Urging the President and Congress to increase funding for  
2 special education programs provided by the states to the  
3 level authorized by the Individuals with Disabilities  
4 Education Act.

5 WHEREAS, In the interest of ensuring that children with  
6 disabilities in the United States receive a free appropriate  
7 public education, the Individuals with Disabilities Education  
8 Act (Public Law 91-230, 20 U.S.C. § 1400 et. seq.) encroached  
9 upon the states' traditional domain over education and  
10 established certain mandates that all state and local  
11 governments must observe in the education of children with  
12 special needs; and

13 WHEREAS, In recognition of the high cost of these Federal  
14 mandates, the Individuals with Disabilities Education Act allows  
15 the Congress to provide each state with a maximum Federal grant  
16 equal to the number of children with disabilities in the state  
17 multiplied by 40% of the average per pupil expenditure for all  
18 special education students in the United States; and

1       WHEREAS, Although the Commonwealth of Pennsylvania has  
2 endeavored to serve its students with special needs by  
3 implementing the costly mandates imposed by the Individuals with  
4 Disabilities Education Act, the Federal Government has not  
5 provided sufficient funding to pay for these mandates; and

6       WHEREAS, The Federal funding the Commonwealth receives for  
7 each student with special needs is only the equivalent of 14.8%  
8 of the national average per pupil expenditure; and

9       WHEREAS, By this measure, the Federal Government contributes  
10 only 37% of the total cost of special education in this  
11 Commonwealth even though the Commonwealth and its school  
12 districts must comply with 100% of the costly mandates imposed  
13 by the Individuals with Disabilities Education Act; and

14       WHEREAS, These costs have been increasing rapidly in recent  
15 years; and

16       WHEREAS, In this Commonwealth, the population of students  
17 with special needs has increased by less than 1% since 2000; and

18       WHEREAS, In the same period, the Commonwealth's  
19 appropriations for special education have increased by 25% in  
20 order to keep pace; and

21       WHEREAS, Because the Federal Government has failed to provide  
22 the level of funding that the Individuals with Disabilities  
23 Education Act allows, it has placed a disproportionate financial  
24 burden on the Commonwealth and its school districts; and

25       WHEREAS, If the Individuals with Disabilities Education Act  
26 is to fully accomplish its mission to provide a free appropriate  
27 public education to children with disabilities, the Federal  
28 Government must provide State and local governments with the  
29 funding they need to successfully implement the act's mandates;  
30 therefore be it

1       RESOLVED, That the Senate of Pennsylvania urge Congress and  
2 the President of the United States to fulfill the commitment of  
3 the Individuals with Disabilities Education Act to provide  
4 resources equal to 40% of the national average per pupil  
5 expenditure for special education students for each Pennsylvania  
6 student with special needs; and be it further

7       RESOLVED, That copies of this resolution be sent to the  
8 President and Vice President of the United States, to the  
9 presiding officers of each house of Congress, to each member of  
10 Congress from Pennsylvania, to the National Conference of State  
11 Legislatures, to the State Board of Education and to the  
12 Secretary of Education.