
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 120 Session of
2017

INTRODUCED BY RYAN, BAKER, BARRAR, BIZZARRO, CALTAGIRONE,
CHARLTON, D. COSTA, HELM, LONGIETTI, McNEILL, MILLARD, MURT,
NEILSON, PASHINSKI, QUIGLEY, RAPP, READSHAW, SAYLOR, SOLOMON,
STAATS AND WARD, MARCH 6, 2017

REFERRED TO COMMITTEE ON EDUCATION, MARCH 6, 2017

A RESOLUTION

1 Urging the Congress of the United States to provide
2 corresponding funding for Federal mandates with respect to
3 special education in the Commonwealth of Pennsylvania.

4 WHEREAS, Our Founding Fathers envisioned a nation in which
5 there was a separation of powers to ensure that the legislative,
6 executive and judicial branches were held in check and balance;
7 and

8 WHEREAS, Moreover, the Congress of the United States was
9 established so that the United States House of Representatives
10 represented the people and the United States Senate represented
11 the interests of the states; and

12 WHEREAS, In the document of the constitutional design of the
13 United States Senate, it states:

14 The framers of the Constitution created the United States
15 Senate to protect the rights of individual states and
16 safeguard minority opinion in a system of government designed
17 to give greater power to the national government. They

1 modeled the Senate on governors' councils of the colonial era
2 and on the state senates that had evolved since independence;
3 and

4 WHEREAS, The passage of the 17th Amendment of the
5 Constitution of the United States effectively undermined
6 critical aspects of the balance of powers by stripping the
7 states of direct representation and paved the way for the states
8 to lose their representation; and

9 WHEREAS, The separation of powers is violated in the case of
10 unfunded Federal mandates on the states which, because of the
11 17th Amendment, become mere implementers of Federal law and
12 policies; and

13 WHEREAS, Unfunded Federal mandates in the area of education
14 have saddled schools, local communities and taxpayers with
15 burdens of unparalleled proportions; and

16 WHEREAS, Schools in the Commonwealth of Pennsylvania rely on
17 State taxes and property taxes to fund these unfunded Federal
18 education mandates, otherwise known as cost drivers, as well as
19 locally desired programs; and

20 WHEREAS, One of the principal cost drivers for schools in the
21 Commonwealth of Pennsylvania is the unfunded Federal mandate
22 associated with educating children with disabilities; and

23 WHEREAS, The Federal Government's prescription for helping
24 children with disabilities without corresponding funding raises
25 the risk of those children not receiving the special education
26 they need; and

27 WHEREAS, Unfunded Federal special education mandates put the
28 parents of children with disabilities in the unfortunate
29 position of searching for school districts that have programs
30 that meet the diverse needs of their children; and

1 WHEREAS, Unfunded Federal special education mandates
2 significantly impact the ability of school districts in the
3 Commonwealth of Pennsylvania to formulate a budget due to the
4 unknown costs associated with a varying degree of special
5 education needs; and

6 WHEREAS, Unfunded Federal special education mandates are
7 responsible for an average of 12% to 17% of a school district's
8 budget in the Commonwealth of Pennsylvania being allocated to
9 help children with disabilities with limited funding assistance
10 from the Federal Government; and

11 WHEREAS, As a result, school districts in the Commonwealth of
12 Pennsylvania are forced to increase property taxes; and

13 WHEREAS, It is necessary for the preservation of our
14 liberties and the restoration of the balance of power between
15 the Federal, State and local governments that Federal programs
16 be funded by Federal revenue, State programs be funded by State
17 revenue, and local programs be funded by local revenue; and

18 WHEREAS, Federal funding for special education mandates in
19 the Commonwealth of Pennsylvania ensures that Commonwealth
20 residents will not be the sole source of funding for these
21 mandates; and

22 WHEREAS, Parents of children with disabilities should not
23 have to move to a different school district in order for their
24 children to receive a quality education as a result of unfunded
25 Federal special education mandates; therefore be it

26 RESOLVED, That the House of Representatives of the
27 Commonwealth of Pennsylvania urge the Congress of the United
28 States to provide corresponding funding for Federal mandates
29 with respect to special education in the Commonwealth of
30 Pennsylvania; and be it further

1 RESOLVED, That copies of this resolution be transmitted to
2 the presiding officers of each house of Congress and to each
3 member of Congress from Pennsylvania.