

LEGISLATIVE REFERENCE BUREAU

RESOLUTION

INTRODUCED \_\_\_\_\_, 20 \_\_\_\_\_

BY \_\_\_\_\_, District  
NO. \_\_\_\_\_

BY \_\_\_\_\_, District  
NO. \_\_\_\_\_

BY \_\_\_\_\_, District  
NO. \_\_\_\_\_

BY \_\_\_\_\_, District  
NO. \_\_\_\_\_

BY \_\_\_\_\_, District  
NO. \_\_\_\_\_

See next page for additional co-sponsors.

Referred to Committee on

Date \_\_\_\_\_ 20 \_\_\_\_\_

Reported \_\_\_\_\_ 20 \_\_\_\_\_

As Committed-Amended

Recommendation

\_\_\_\_\_

By Hon. \_\_\_\_\_

## A RESOLUTION

1 Memorializing the President and the Congress of the United  
2 States to fully fund all special education mandates imposed  
3 by Federal laws or regulations upon State, county, municipal  
4 or local providers of educational services to students in  
5 this Commonwealth.

6 WHEREAS, Section 14 of Article III of the Constitution of  
7 Pennsylvania requires the General Assembly to provide for the  
8 maintenance and support of a thorough and efficient system of  
9 public education in this Commonwealth; and

10 WHEREAS, The right to an education is not among the rights  
11 explicitly or implicitly guaranteed by the Constitution of the  
12 United States; and

13 WHEREAS, Federal laws, beginning with a March 2, 1867,  
14 appropriation to create a Department of Education, began a  
15 pattern of imposing educational terms and conditions upon the  
16 public school systems of the individual states; and

17 WHEREAS, In 1965, the passage of the Elementary and Secondary  
18 Education Act was considered to be landmark legislation; and

19 WHEREAS, The Elementary and Secondary Education Act remains

1 the nucleus of Federal kindergarten through 12th grade education  
2 policy; and

3 WHEREAS, The 1975 passage of the Education for All  
4 Handicapped Children Act, revised and renamed the Individuals  
5 with Disabilities Education Act in 1990 and further revised and  
6 reauthorized by the Individuals with Disabilities Education  
7 Improvement Act of 2004, required the states to provide free  
8 public education to all disabled students and specified the  
9 evaluations that must be performed and the services that must be  
10 provided; and

11 WHEREAS, Special education enrollment and aggregate costs for  
12 children with disabilities have increased markedly since 1990  
13 and there have not been proportionate increases in Federal  
14 special educational appropriations; and

15 WHEREAS, The disabilities of children enrolled with special  
16 education needs include autism, deaf-blindness, deafness,  
17 emotional disturbance, hearing impairment, intellectual  
18 disability, multiple disabilities, orthopedic impairment, other  
19 health impairment, specific learning disability, speech or  
20 language impairment, traumatic brain injury and visual  
21 impairment, including blindness; and

22 WHEREAS, Special education-mandated spending by local school  
23 districts is consuming a larger percentage of increased  
24 educational costs; and

25 WHEREAS, Pennsylvania's school system is comprised of 500  
26 school districts; and

27 WHEREAS, The school districts in this Commonwealth educate  
28 1,677,515 students and have an average expenditure per student  
29 of \$12,299; and

30 WHEREAS, The Federal revenue contribution per student is

1 \$1,052; and

2 WHEREAS, Pennsylvania educates approximately 219,377 children  
3 with disabilities and 57,605 of these children have been found  
4 to be severely disabled; and

5 WHEREAS, The cost to educate a child with a disability is  
6 approximately \$16,407, 40% higher than for a non-disabled child;  
7 and

8 WHEREAS, Appropriations under the Individuals with  
9 Disabilities Education Improvement Act would require a 130%  
10 increase before the mandates of the act are fully funded; and

11 WHEREAS, State and local budgets have been forced to absorb  
12 the unfunded costs of this mandate; therefore be it

13 RESOLVED, That the Senate memorialize the President and the  
14 Congress of the United States to fully fund all special  
15 education mandates imposed by Federal laws or regulations upon  
16 State, county, municipal or local providers of educational  
17 services to students in this Commonwealth; and be it further

18 RESOLVED, That copies of this resolution be transmitted to  
19 the President of the United States, the presiding officers of  
20 each house of Congress and each member of Congress from  
21 Pennsylvania.