

# House Concurrent Resolution No. 102

## 98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HUBRECHT.

6464H.011

D. ADAM CRUMBLISS, Chief Clerk

1           **WHEREAS**, the first principle of education, and therefore of education policymaking, is that  
2 parents are the primary educators of their children; and

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4           **WHEREAS**, because responsibility for the education of children lies primarily with their  
5 parents, so too, to the greatest extent possible, should decision-making authority over elementary and  
6 secondary education in the state of Missouri; and

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8           **WHEREAS**, the educators of Missouri, and not the politicians or bureaucrats of Washington,  
9 D.C., are better equipped to determine academic content for their students and to ensure the success  
10 of each child enrolled in a Missouri public school; and

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12           **WHEREAS**, the Tenth Amendment of the Constitution of the United States declares: "The  
13 powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are  
14 reserved to the states respectively, or to the people"; and

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16           **WHEREAS**, the Tenth Amendment defines the scope of federal power as being that  
17 specifically granted by the Constitution of the United States and no more; and

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19           **WHEREAS**, the Tenth Amendment unequivocally sets forth that we, the people of the United  
20 States of America and each sovereign state in the union of the states, now have, and have always had,  
21 powers that the federal government may not usurp; and

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23           **WHEREAS**, a federal role in education is a violation of the original intent of the Constitution  
24 of the United States and the Tenth Amendment; and

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26           **WHEREAS**, nowhere in the Constitution of the United States is the federal government  
27 delegated the power to regulate or fund elementary or secondary education; and

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29           **WHEREAS**, because education is not an enumerated power delegated to the federal  
30 government by the Constitution of the United States, it is reserved to the states respectively or to the  
31 people; and

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33           **WHEREAS**, the Missouri legislature, which is directly accountable to the citizens of Missouri,  
34 is the appropriate body to empower parents and educators to determine academic content, free from  
35 any pressure from the United States Department of Education:

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37           **NOW THEREFORE BE IT RESOLVED** that the members of the House of  
38 Representatives of the Ninety-eighth General Assembly, Second Regular Session, the Senate  
39 concurring therein, hereby urge the Congress of the United States to end all current, and prohibit any  
40 further, interference by the United States Department of Education with respect to state decisions  
41 regarding academic content standards; repeal and prohibit all compulsory federal legislation that  
42 interferes with the sovereign state of Missouri's constitutional authority over educational standards and  
43 materials through civil threat, sanctions, criminal penalty, or loss of federal funding; and prohibit federal  
44 programs that incentivize states to adopt certain academic standards or that require states to pass  
45 specific education legislation in order to maintain federal funding; and

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47           **BE IT FURTHER RESOLVED** that this resolution serves as notice to the United States  
48 Congress that it is the duty of the Missouri legislature to exercise its constitutional authority to resist and  
49 overturn any interference by the United States Department of Education or the United States Congress  
50 relating to Missouri's academic standards and educational materials; and

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52           **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of  
53 Representatives be instructed to prepare a properly inscribed copy of this resolution for the President  
54 of the United States, the President of the United States Senate, the Speaker of the United States House  
55 of Representatives, and each member of the Missouri Congressional delegation.

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