

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 460 Session of 2007

INTRODUCED BY SIPTROTH, MACKERETH, D. O'BRIEN, DeWEESE, McCALL, SCAVELLO, BRENNAN, CALTAGIRONE, CAPPELLI, CURRY, CUTLER, DePASQUALE, EACHUS, GEORGE, GINGRICH, GOODMAN, GRUCELA, HARHAI, HARKINS, HERSHEY, HORNAMAN, KOTIK, LEVDANSKY, MANDERINO, McILVAINE SMITH, MICOZZIE, MYERS, NICKOL, PALLONE, PETRARCA, PETRONE, ROEBUCK, SAYLOR, SOLOBAY, SONNEY, STAIRS, STURLA, SURRA, WANSACZ, WOJNAROSKI, KULA, DALLY, YOUNGBLOOD, PASHINSKI, PAYTON, BARRAR, HENNESSEY, SWANGER, LENTZ AND VITALI, OCTOBER 18, 2007

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 12, 2007

A CONCURRENT RESOLUTION

1 Establishing the Joint Legislative Commission on Public School
2 Finance and providing for the powers and duties of the
3 commission.

4 WHEREAS, Section 14 of Article III of the Constitution of
5 Pennsylvania clearly gives the General Assembly sole authority
6 to "...provide for the maintenance and support of a thorough and
7 efficient system of public education to serve the needs of the
8 Commonwealth"; and

9 WHEREAS, The General Assembly, as part of Act 114 of 2006,
10 amended the Public School Code of 1949 to direct the State Board
11 of Education to "...conduct or provide for a comprehensive
12 Statewide costing-out study to arrive at a determination of the
13 basic cost per pupil to provide an education that will permit a
14 student to meet the State's academic standards and assessments"

1 with a final report to be presented to the General Assembly one
2 year from the date the contract to conduct the study was signed;
3 and

4 WHEREAS, The Commonwealth of Pennsylvania spends in excess of
5 \$14 billion on education in grades kindergarten through 12.
6 According to the National Education Association, in 2004-2005
7 Pennsylvania ranked 14th in expenditures per student at \$9,638
8 per pupil, well above the national average of \$8,618; and

9 WHEREAS, The Individuals with Disabilities Education Act
10 places strict provisions for identification and services for
11 children with special needs. Federal funding for the Individuals
12 with Disabilities Education Act has historically been severely
13 underfunded; and

14 WHEREAS, The No Child Left Behind Act of 2001, which focuses
15 on accountability, requiring states to close any existing
16 achievement gaps and assure students are proficient in basic
17 core academic subjects, is underfunded by the Federal
18 Government; and

19 WHEREAS, The Commonwealth has established academic standards
20 and Statewide assessments in order to move Pennsylvania's
21 students toward defined proficiencies in core academic subjects;
22 and

23 WHEREAS, Over the past three decades, efforts have been made
24 throughout the nation to revise state systems for funding public
25 schools; and

26 WHEREAS, Both Federal and State courts have increasingly been
27 asked to review the constitutionality of educational funding
28 systems that rely on local property taxes; and

29 WHEREAS, Opposition to existing State funding systems has
30 centered on the argument that dependence on local property taxes

1 yields disparities in funding between school districts that
2 violate constitutional provisions regarding equal protection, as
3 well as State constitutional obligations with regard to
4 education; and

5 WHEREAS, Pennsylvania currently ranks 11th in the nation in
6 the number of individual school districts; and

7 WHEREAS, Concerns have been raised that this large number of
8 administrative units is not cost effective and the merging of
9 some districts or regionalization of services would be more
10 efficient both economically and educationally; therefore be it

11 RESOLVED (the Senate concurring), That the General Assembly
12 establish the Joint Legislative Commission on Public School
13 Finance as a means of analyzing the results of the State Board
14 of Education's costing-out study and making recommendations on
15 issues surrounding Pennsylvania's current system of funding
16 public education; and be it further

17 RESOLVED, That the commission have as its purpose identifying
18 what school districts AND THE COMMONWEALTH need to do to improve <—
19 the chances of students, schools and the districts themselves
20 meeting the requirements of the State's accountability system;
21 and be it further

22 RESOLVED, That specific goals of the commission include
23 ensuring that State funds allocated for basic education funding
24 are distributed both adequately and equitably; that the
25 allocation of State funding addresses and is reflective of
26 unique characteristics among districts, including changes in
27 demography; that the allocation of State funding is linked with
28 measures of APPROPRIATE accountability; and that school <—
29 districts remain accountable for meeting State academic
30 standards and attaining student proficiency; and be it further

1 RESOLVED, That the commission consist of members appointed as
2 follows:

3 (1) A recognized expert in the field of public school
4 finance currently employed at a Commonwealth institution of
5 higher education to be chosen jointly by the President pro
6 tempore of the Senate and the Speaker of the House of
7 Representatives and who shall serve as the chairperson of the
8 commission.

9 (2) The chairman and minority chairman of the Education
10 Committee of the Senate and the chairman and minority
11 chairman of the Education Committee of the House of
12 Representatives or their designees who are members of the
13 respective committees.

14 (3) The chairman and minority chairman of the
15 Appropriations Committee of the Senate and the chairman and
16 minority chairman of the Appropriations Committee of the
17 House of Representatives or their designees who are members
18 of the respective committees.

19 (4) Four additional members of the General Assembly, one
20 of whom is to be appointed by each of the following: the
21 Majority Leader of the Senate, the Minority Leader of the
22 Senate, the Majority Leader of the House of Representatives
23 and the Minority Leader of the House of Representatives.

24 (5) The Secretary of Education or a designee who shall
25 be a deputy secretary within the Department of Education.

26 (6) The Secretary of the Budget or a designee who shall
27 be an employee of the Office of the Budget.

28 (7) The chairperson of the State Board of Education or a
29 designee who shall be a member of the State Board of
30 Education.

1 (8) Representatives of the State's basic education
2 community as follows:

3 (i) Four classroom teachers, two of whom shall be
4 appointed jointly by the Majority Leader of the Senate
5 and the Majority Leader of the House of Representatives
6 from a list provided by each of the established
7 recognized organizations representing the State's public
8 school employees.

9 (ii) A school business manager jointly appointed by
10 the Majority Leader of the Senate and the Majority Leader
11 of the House of Representatives from a list provided by
12 the Pennsylvania Association of School Business
13 Officials.

14 (iii) Three chief school administrators appointed
15 jointly by the Majority Leader of the Senate and the
16 Majority Leader of the House of Representatives from a
17 list provided by the Pennsylvania Association of School
18 Administrators, one from an urban school district, one
19 from a suburban school district and one from a rural
20 school district.

21 (iv) A vocational-technical school administrator
22 appointed jointly by the Majority Leader of the Senate
23 and the Majority Leader of the House of Representatives
24 from a list provided by the Pennsylvania Association of
25 Vocational Administrators.

26 (v) An intermediate unit director appointed jointly
27 by the Majority Leader of the Senate and the Majority
28 Leader of the House of Representatives from a list
29 provided by the Pennsylvania Association of Intermediate
30 Units.

1 (vi) Three elected school board directors appointed
2 jointly by the Majority Leader of the Senate and the
3 Majority Leader of the House of Representatives from a
4 list provided by the Pennsylvania School Boards
5 Association, one from an urban school district, one from
6 a suburban school district and one from a rural school
7 district.

8 (vii) A representative of Pennsylvania's charter
9 school community appointed jointly by the Majority Leader
10 of the Senate and the Majority Leader of the House of
11 Representatives from a list provided by the Pennsylvania
12 Coalition of Charter Schools.

13 (viii) Three parents of students enrolled in a
14 Pennsylvania public school appointed jointly by the
15 Majority Leader of the Senate and the Majority Leader of
16 the House of Representatives from a list provided by the
17 Pennsylvania Parent Teacher Association, one of whom
18 shall be the parent of a special needs student.

19 (ix) Four representatives of this Commonwealth's
20 business community, one of each whom shall be appointed
21 by the Majority Leader of the Senate, the Minority Leader
22 of the Senate, the Majority Leader of the House of
23 Representatives and the Minority Leader of the House of
24 Representatives.

25 (x) Four representatives from this Commonwealth's
26 education community appointed by the Governor, two of
27 whom shall be representatives of a Statewide education or
28 child advocacy organization and two of whom shall be
29 representatives of a teacher preparation institution of
30 higher education located in this Commonwealth.

1 To the extent possible, appointments shall reflect the various
2 geographic regions of this Commonwealth. Notification of
3 appointments to the commission shall be furnished to the
4 President pro tempore of the Senate and the Speaker of the House
5 of Representatives by the appointing body no later than 30 days
6 after adoption of this resolution by both chambers AND THAT <—
7 APPOINTMENTS BE MADE BY THE GOVERNOR, THE PRESIDENT PRO TEMPORE
8 OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES NO
9 LATER THAN 45 DAYS AFTER ADOPTION OF THIS RESOLUTION BY BOTH
10 CHAMBERS; and be it further

11 RESOLVED, That the commission have the following powers and
12 duties:

13 (1) To review the findings and recommendations from the
14 Statewide costing-out study conducted by the State Board of
15 Education pursuant to section 2599.3 of the Public School
16 Code of 1949.

17 (2) To examine national trends in educational funding,
18 including foundation programs, percentage equalization and
19 guaranteed yield programs and their potential relevance for
20 Pennsylvania.

21 ~~(3) To review methods that attempt to link adequate and <—
22 equitable funding to a system of accountability such as
23 value-added assessment systems.~~

24 (3) TO REVIEW SYSTEMS THAT ASSIST IN DETERMINING STUDENT <—
25 ACHIEVEMENT SUCH AS A VALUE-ADDED ASSESSMENT SYSTEM.

26 (4) To examine Federal mandates, including the
27 Individuals with Disabilities Education Act and the No Child
28 Left Behind Act of 2001 and their impact on Pennsylvania's
29 public schools.

30 (5) To examine State regulations, standards and

1 guidelines that implement Federal and State laws and their
2 impact on Pennsylvania's public schools.

3 (6) To study demographic patterns within this
4 Commonwealth in order to determine the impact of both growth
5 and decline in student enrollments on school districts'
6 operations and costs, and the positive and negative aspects
7 of school consolidation as a means to affect cost
8 efficiencies.

9 (7) To examine the efficacy of consolidating existing
10 funding programs used to disperse State education funds and
11 to analyze the advantages and disadvantages of targeted
12 categorical funding.

13 ~~(8) To review potential local cost control mechanisms~~ <—
14 ~~that may become necessary, should the commission's~~
15 ~~recommendations lead to the State's assuming greater funding~~
16 ~~responsibility.~~

17 (8) TO REVIEW THE FINDINGS OF THE TASK FORCE ON SCHOOL <—
18 COST REDUCTION NOVEMBER 2007 REPORT TO THE GOVERNOR AND
19 GENERAL ASSEMBLY AND INCORPORATE RECOMMENDATIONS FROM THAT
20 REPORT IN THE COMMISSION'S REPORTS AS APPROPRIATE.

21 (9) To examine opportunities for improved cooperation
22 and consolidation among districts to:

23 (i) improve the efficiency and effectiveness of
24 school districts' operations in order to achieve savings;

25 and

26 (ii) enhance student achievement.

27 (10) TO EXAMINE STATEWIDE TRENDS IN THE STUDENT <—
28 POPULATION IN PENNSYLVANIA'S PUBLIC SCHOOLS INCLUDING
29 STUDENTS WITH DISABILITIES, STUDENTS LIVING IN POVERTY AND
30 STUDENTS WITH LIMITED ENGLISH PROFICIENCY AND THEIR IMPACT ON

1 COSTS TO PENNSYLVANIA'S PUBLIC SCHOOLS ASSOCIATED WITH THESE
2 STUDENTS MEETING STATE ACADEMIC STANDARDS AND THE NO CHILD
3 LEFT BEHIND ACT OF 2001;

4 and be it further

5 RESOLVED, That the commission develop, at a minimum, two
6 formulae for the adequate and equitable distribution of State
7 funds for the support of public schools in this Commonwealth and
8 other recommendations based upon its study; and be it further

9 RESOLVED, That the commission hold public hearings to receive
10 public comment and testimony on proposed funding formulae and
11 other recommendations of the commission; and be it further

12 RESOLVED, That the commission hold its first meeting no later
13 than ~~60~~ 30 days following the appointment of members; and be it <—
14 further

15 RESOLVED, That the commission have the authority to adopt, by
16 majority vote of its membership, rules of operation and conduct;
17 and be it further

18 RESOLVED, That the commission hold meetings at the call of
19 the chairperson and may hold hearings, take testimony and make
20 its investigations at such places as it deems necessary in this
21 Commonwealth; and be it further

22 RESOLVED, That all meetings and public hearings of the
23 commission be considered public meetings for the purpose of 65
24 Pa.C.S. Ch. 7; and be it further

25 RESOLVED, That the commission members receive no compensation
26 for their services, but shall be reimbursed for all necessary
27 travel and other reasonable expenses incurred in connection with
28 the performance of their duties as members; and be it further

29 RESOLVED, That the commission be authorized to hire or
30 contract for such services as it deems necessary and that all

1 expenses approved by the President pro tempore of the Senate and
2 the Speaker of the House of Representatives and incurred or
3 authorized by the commission shall be paid equally from accounts
4 under the control of the Chief Clerk of the Senate and the Chief
5 Clerk of the House of Representatives; and be it further

6 RESOLVED, That the Senate and the House of Representatives
7 provide administrative support, office space and any other
8 assistance required by the commission to carry out its duties;
9 and be it further

10 RESOLVED, That, whenever possible, the commission utilize the
11 services and expertise of existing personnel and staff of the
12 General Assembly in the performance of its duties; and be it
13 further

14 ~~RESOLVED, That the commission make a report of its findings~~ <—
15 ~~and recommendations to the Governor, the President pro tempore~~
16 ~~of the Senate and the Speaker of the House of Representatives no~~
17 ~~later than one year from the first meeting date of the~~
18 ~~commission; and be it further~~

19 RESOLVED, THAT THE COMMISSION MAKE AN INTERIM REPORT NO LATER <—
20 THAN 180 CALENDAR DAYS FROM THE FIRST MEETING DATE OF THE
21 COMMISSION AND A FINAL REPORT NO LATER THAN ONE YEAR FROM THE
22 FIRST MEETING DATE OF THE COMMISSION OF ITS FINDINGS AND
23 RECOMMENDATIONS TO THE GOVERNOR, THE PRESIDENT PRO TEMPORE OF
24 THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES; AND
25 BE IT FURTHER

26 RESOLVED, That upon receipt of the final report of the
27 commission, the General Assembly promptly review and consider
28 the recommendations of the commission and develop legislation
29 based on the commission's recommendations for consideration as
30 it deems appropriate.