

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 263 Session of  
1993

INTRODUCED BY PESCI, STISH, MICOZZIE, TRELLO, MIHALICH, DALEY,  
HERMAN, LAUGHLIN, JAROLIN, GODSHALL, GORDNER, SAURMAN,  
DeLUCA, PHILLIPS AND GERLACH, FEBRUARY 8, 1993

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 8, 1993

AN ACT

1 Establishing the Commission on Education Reform and conferring  
2 powers and duties upon it relating to studying the public  
3 education system of the Commonwealth for purposes of  
4 recommending reform; and making an appropriation.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Public  
9 Education Reform Act.

10 Section 2. Declaration of policy.

11 The General Assembly finds and declares as follows:

12 (1) In the mid 1970s, the Commonwealth paid 55% of local  
13 school costs, and the level of State support in 1990-1991  
14 will be 39.7%.

15 (2) The lowest level of spending for each pupil in a  
16 Commonwealth school district was \$2,016 in 1989-1990, and the  
17 highest level of per-pupil spending for a school district was  
18 \$7,122, or over three and one-half times as much as the

1 lowest level.

2 (3) There is a \$31,000 gap between the average salaries  
3 of public school teachers in the most generous school  
4 district and the least generous school district, and teachers  
5 in the former are being paid two and one-half times as much  
6 on average as teachers in the latter.

7 (4) The lack of uniformity in teachers' contracts in the  
8 various school districts throughout this Commonwealth creates  
9 a disparity in the availability and quality of education for  
10 our children.

11 (5) While students in some of our public schools are  
12 able to attend classes uninterrupted, others are deprived  
13 from doing so by strikes in their districts.

14 (6) In many school districts, particularly those in  
15 economically distressed areas, taxation for the support of  
16 schools is more onerous than in more affluent districts.

17 (7) It has often been found that for poorer school  
18 districts with greater need, there is less available money  
19 and poorer education.

20 (8) The current system of public education in this  
21 Commonwealth is neither thorough nor efficient. While many  
22 factors, such as local control, contractual and vested  
23 rights, taxation on both a State and local level, and  
24 Commonwealth reimbursements, are involved and would have to  
25 be addressed, the General Assembly should provide for a  
26 fairer, more efficient and thorough, and more uniform system  
27 of public education.

28 (9) Adequate education of the children within this  
29 Commonwealth is essential to the economic prosperity and  
30 political freedom of the residents of this Commonwealth.

1 (10) The purposes of this act are as follows:

2 (i) To assist the General Assembly in carrying out  
3 its Constitutional duty as set forth in section 14 of  
4 Article III of the Constitution of Pennsylvania.

5 (ii) To develop proposals for a system of public  
6 education that is thorough and efficient and that  
7 provides every child with an equal opportunity to an  
8 adequate education.

9 Section 3. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Commission." The Commission on Education Reform established  
14 in section 4.

15 "Council." The Council of Technical Advisors authorized by  
16 section 6(a).

17 Section 4. Commission.

18 (a) Establishment.--The Commission on Education Reform is  
19 established. The commission shall consist of 16 members:

20 (1) The Majority Chairman and the Minority Chairman of  
21 the Education Committee of the Senate. Each chairman may  
22 designate an alternate by filing a written notice with the  
23 commission.

24 (2) The Majority Chairman and the Minority Chairman of  
25 the Education Committee of the House of Representatives. Each  
26 chairman may designate an alternate by filing a written  
27 notice with the commission.

28 (3) Two members of the Senate, one appointed by the  
29 President pro tempore of the Senate and one appointed by the  
30 Minority Leader of the Senate. Appointments under this

1 paragraph shall be made in a manner that assures equal  
2 representation to urban and rural areas.

3 (4) Two members of the House of Representatives, one  
4 appointed by the Speaker of the House of Representatives and  
5 one appointed by the Minority Leader of the House of  
6 Representatives. Appointments under this paragraph shall be  
7 made in a manner that assures equal representation to urban  
8 and rural areas.

9 (5) Seven members appointed by the Governor: one  
10 teacher, one member of a school board, two individuals with a  
11 child attending a public school, one individual above the age  
12 of 55, one representative of an urban area and one  
13 representative of a rural area. All members appointed under  
14 this paragraph must own a residence in this Commonwealth.

15 (6) The Secretary of Education, who shall serve as a  
16 nonvoting, ex officio member.

17 (b) Appointments.--Appointments under subsection (a) shall  
18 be made within 60 days of the effective date of this act.

19 (c) Vacancies.--A vacancy on the commission shall be filled  
20 in the manner in which the original appointment was made. This  
21 subsection does not apply to subsection (a)(6).

22 (d) Officers.--The commission shall elect a chairperson and  
23 a vice chairperson from among its members.

24 (e) Quorum.--

25 (1) Except as provided in paragraph (2), eight voting  
26 members shall constitute a quorum.

27 (2) For hearings, the commission may determine a lesser  
28 quorum than provided in paragraph (1).

29 (f) Meetings.--The initial meeting of the commission shall  
30 take place within 30 days of the completion of appointments

1 under subsection (b). Subsequent meetings shall be at the call  
2 of the chair, at least every other month. Members under  
3 subsection (a)(3), (4) or (5) who miss two consecutive meetings  
4 without an excuse accepted by the commission shall be dismissed  
5 from the commission.

6 Section 5. Powers and duties of commission.

7 (a) Study.--The commission shall conduct a comprehensive  
8 study of the current status of the system of public education  
9 from kindergarten through grade 12 in this Commonwealth and  
10 shall consider all of the following:

11 (1) Disparities in educational funding among school  
12 districts within this Commonwealth and the need for greater  
13 efficiency and equity in educational funding.

14 (2) The level of expenditures for each student in each  
15 school district within this Commonwealth.

16 (3) Salaries, contractual and vested rights, benefits  
17 and other forms of compensation for public school teachers in  
18 each school district within this Commonwealth.

19 (4) The basic components of an adequate education that  
20 serve the needs of this Commonwealth as well as the different  
21 needs of children who come from varying socioeconomic  
22 backgrounds in all regions of this Commonwealth.

23 (5) The level of professionalism and competence in local  
24 school administration and instruction.

25 (6) The practice of school districts depositing money  
26 allocated to them by the Commonwealth in contingency funds.

27 (b) Public hearings.--The commission shall conduct public  
28 hearings, receive testimony and pursue its investigation and  
29 study in all regions of this Commonwealth. A minimum of six  
30 public hearings shall be held by the commission. Each hearing

1 shall be conducted in a different geographical region in order  
2 to provide residents of this Commonwealth with a reasonable  
3 opportunity to participate in the public hearings. The  
4 commission may administer oaths or affirmation to witnesses  
5 appearing before it. A hearing is a meeting within the meaning  
6 of section 4(f).

7 (c) Report on educational reform.--The commission shall  
8 submit a written report, no later than November 30, 1994, to the  
9 Chief Clerk of the Senate, the Chief Clerk of the House of  
10 Representatives, and the Governor. The report shall detail the  
11 activities and expenditures of the commission. The report shall  
12 make formal recommendations addressing the following:

13 (1) The feasibility of legislation under which all  
14 public school teachers would be employees of the  
15 Commonwealth, and the advantages and disadvantages of such a  
16 system to individual school districts and their residents and  
17 to this Commonwealth.

18 (2) The development of revenue sources for education  
19 which are based primarily on a taxpayer's ability to pay and  
20 are not based on a local school district's ability to tax.

21 (3) The remaking of the current Statewide education  
22 funding mechanisms to assure that funding of education in  
23 poorer and economically distressed school districts is at  
24 levels comparable to funding in the richer districts and that  
25 funding is adequate to provide for the special educational  
26 needs of the children in the poorer and economically  
27 distressed school districts.

28 (4) The reorganization and possible combination of local  
29 school administration to provide for a more efficient  
30 operation and a cost-effective utilization of resources and

1 for a more equitable revenue base.

2 (5) The enforcement of strict limitations on the use of  
3 State funds to assure that moneys provided by this  
4 Commonwealth are utilized solely for the purpose of providing  
5 for an adequate education for all children in public schools.

6 (6) The elements of an adequate education that serve the  
7 best interests of the Commonwealth and whether these elements  
8 should be set forth in statute or regulation.

9 (7) Taxpayer participation in decisions on utilization  
10 of resources.

11 Section 6. Commission support.

12 (a) Council.--The commission may consult with the Council of  
13 Technical Advisors, properly qualified by experience in  
14 educational matters and public finance. The council's members  
15 shall be appointed by the commission and shall serve at the  
16 pleasure of the commission. Council members shall receive no  
17 compensation, other than their actual and necessary expenses,  
18 for their services to the commission.

19 (b) Access to information.--The commission may secure  
20 directly from any Commonwealth agency information necessary to  
21 enable it to carry out this act. Upon the request of the  
22 chairperson or a majority of the commission, the head of a  
23 Commonwealth agency shall furnish the requested information to  
24 the commission.

25 (c) Commission staff.--The commission may appoint and fix  
26 compensation of an executive director, who shall devote full  
27 time to the general supervision of all the affairs of the  
28 commission. In addition, the commission may appoint a chief  
29 counsel, who shall not be subject to the supervision of the  
30 Attorney General or the General Counsel, and it may appoint and

1 fix the compensation of other employees as the commission may  
2 find necessary in carrying out its functions.

3 (d) Use of facilities and services.--Upon the request of a  
4 majority of the commission, the head of any Commonwealth agency  
5 shall make available to the commission any of the facilities and  
6 services of the agency.

7 (e) Personnel from other agencies.--Upon the request of a  
8 majority of the commission, the head of any Commonwealth agency  
9 shall detail any of the personnel of the agency to assist the  
10 commission in carrying out its functions.

11 Section 7. Appropriation.

12 The sum of \$1,000,000, or as much thereof as may be  
13 necessary, is hereby appropriated to the Commission on Education  
14 Reform for the fiscal year July 1, 1993, to June 30, 1994, to  
15 carry out the provisions of this act.

16 Section 8. Expiration.

17 The commission shall terminate November 30, 1994.

18 Section 9. Effective date.

19 This act shall take effect immediately.