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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# SENATE RESOLUTION

No. 210 Session of  
2007

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INTRODUCED BY BROWNE, ORIE, FONTANA, LAVALLE, RAFFERTY,  
ERICKSON, PIPPY, C. WILLIAMS, COSTA, GREENLEAF AND MELLOW,  
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REFERRED TO EDUCATION, NOVEMBER 13, 2007

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A CONCURRENT RESOLUTION

1 Creating the Joint Legislative Commission on Public School  
2 Finance and providing for its powers and duties.

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

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

17 WHEREAS, According to the National Education Association, in

1 2004 and 2005 the Commonwealth ranked 14th in expenditure per  
2 student at \$9,638 per pupil, well above the national average of  
3 \$8,618 and spending in excess of \$14 billion total; and

4 WHEREAS, The Federal Individuals with Disabilities Act places  
5 strict provisions for identification and services for children  
6 with special needs, but has been severely underfunded by Federal  
7 funding; and

8 WHEREAS, Since 2001 and 2002, special education expenditures  
9 by school districts have increased by 28% and expenditures by  
10 the Commonwealth have increased by 9.6%; and

11 WHEREAS, The Federal No Child Left Behind Act of 2001 focuses  
12 on accountability, requiring states to close any existing  
13 achievement gaps and assuring that students are proficient in  
14 basic core academic subjects, but is underfunded by the Federal  
15 Government; and

16 WHEREAS, The Commonwealth has established academic standards  
17 and Statewide assessments in order to move students toward  
18 defined proficiencies in core academic subjects; and

19 WHEREAS, Over the past three decades, efforts have been made  
20 throughout the nation to revise state systems for funding public  
21 schools; and

22 WHEREAS, Both Federal and state courts have increasingly been  
23 asked to review the constitutionality of educational funding  
24 systems that rely on local property taxes on the basis that the  
25 dependence on local property taxes yields constitutionally  
26 impermissible disparities in funding between school districts  
27 that violate equal protection, as well as State constitutional  
28 obligations with regards to education; and

29 WHEREAS, The Commonwealth currently ranks 11th in the nation  
30 in the number of individual school districts, and concerns have

1 been raised that this large number of administrative units is  
2 not cost effective and that the merging of some districts or  
3 regionalization of services would be more efficient both  
4 economically and educationally; therefore be it

5       RESOLVED (the Senate concurring), That the General Assembly  
6 establish a Joint Commission on Public School Finance as a means  
7 of analyzing the results of the State Board of Education's  
8 costing-out study and make recommendations on issues surrounding  
9 the Commonwealth's current system of funding public education  
10 with the purpose of identifying what school districts need to do  
11 to improve the chances of students, schools and the districts  
12 themselves to meet the requirements of the State's  
13 accountability system; and be it further

14       RESOLVED, That specific goals of the commission are to ensure  
15 that:

16           (1) State funds allocated for basic education funding  
17 are distributed both adequately and equitably;

18           (2) the allocation of State funding addresses and is  
19 reflective of unique characteristics among districts  
20 including changes in demography;

21           (3) the allocation of State funding is linked with  
22 measures of accountability; and

23           (4) school districts remain accountable for meeting  
24 State academic standards and attaining student proficiency;

25 and be it further

26       RESOLVED, That the commission consist of 45 members appointed  
27 as follows:

28           (1) A chairperson of the commission, chosen jointly by  
29 the President pro tempore of the Senate and the Speaker of  
30 the House of Representatives, who shall be a recognized

1 expert in the field of public school finance currently  
2 employed at a Commonwealth institution of higher education.

3 (2) The chairpersons and minority chairpersons of the  
4 Education Committee of the Senate and the Education Committee  
5 of the House of Representatives, or their designees, who are  
6 members of the respective committee.

7 (3) The chairpersons and minority chairpersons of the  
8 Appropriations Committee of the Senate and the Education  
9 Committee of the House of Representatives, or their  
10 designees, who are members of the respective committee.

11 (4) Four additional members of the General Assembly, one  
12 of whom is to be appointed by each of the following: the  
13 Majority Leader of the Senate, the Minority Leader of the  
14 Senate, the Majority Leader of the House of Representatives  
15 and the Minority Leader of the House of Representatives.

16 (5) The Secretary of Education or his designee, who  
17 shall be a deputy secretary within the Department of  
18 Education.

19 (6) The Secretary of the Budget or his designee, who  
20 shall be an employee of the Office of the Budget.

21 (7) The Chairperson of the State Board of Education or  
22 his designee, who shall be a member of the State Board of  
23 Education.

24 (8) Representatives of the State's basic education  
25 community as follows:

26 (i) Four classroom teachers, two of whom shall be  
27 nominated by each of the established recognized  
28 organizations representing the Commonwealth's public  
29 school employees.

30 (ii) A school business manager nominated by the

1 Pennsylvania Association of School Business Officials.

2 (iii) Three chief school administrators nominated by  
3 the Pennsylvania Association of School Administrators,  
4 one of whom shall be from an urban school district, one  
5 of whom shall be from a suburban school district and one  
6 of whom shall be from a rural school district.

7 (iv) A vocational-technical school administrator  
8 nominated by the Pennsylvania Association of Vocational  
9 Administrators.

10 (v) An intermediate unit director nominated by the  
11 Pennsylvania Association of Intermediate Units.

12 (vi) Three elected school board directors nominated  
13 by the Pennsylvania School Boards Association, one of  
14 whom shall be from an urban school district, one of whom  
15 shall be from a suburban school district and one of whom  
16 shall be from a rural school district.

17 (vii) A representative of the State's charter school  
18 community nominated by the Pennsylvania Charter Schools  
19 Association.

20 (viii) Two parents of students enrolled in a State  
21 public school nominated by the Pennsylvania Parent  
22 Teacher Association, one of whom shall be the parent of a  
23 special needs student.

24 (9) Four representatives of the State's business  
25 community, one of whom shall be appointed by each of the  
26 following: the Majority Leader of the Senate, the Minority  
27 Leader of the Senate, the Majority Leader of the House of  
28 Representatives and the Minority Leader of the House of  
29 Representatives.

30 (10) Four representatives from the State's education

1 community appointed by the Governor, two of whom shall be  
2 representatives of Statewide education or a child advocacy  
3 organization and two of whom shall be representatives of  
4 teacher preparation institutions of higher education located  
5 in this Commonwealth;

6 and be it further

7 RESOLVED, That, to the extent possible, appointments reflect  
8 the various geographic regions of this Commonwealth, and  
9 notification of appointments to the commission be furnished to  
10 the President pro tempore of the Senate and the Speaker of the  
11 House of Representatives by the nominating body no later than 30  
12 days after adoption of this resolution by both chambers; and be  
13 it further

14 RESOLVED, That the commission have the following powers and  
15 duties:

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

20 (2) To examine national trends in educational funding,  
21 including foundation programs, percentage equalization and  
22 guaranteed yield programs and their potential relevance for  
23 the Commonwealth.

24 (3) To review methods that attempt to link adequate and  
25 equitable funding to system accountability, such as value-  
26 added assessment systems.

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

1 (5) To examine State regulations, standards and  
2 guidelines that implement Federal and State laws and their  
3 impact on Pennsylvania's public schools.

4 (6) To study demographic patterns within this  
5 Commonwealth in order to determine the impact of both growth  
6 and decline in student enrollments on school district  
7 operations and costs and the positive and negative aspects of  
8 school consolidation as a means to affect cost 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 assuming greater funding  
16 responsibility.

17 (9) To examine opportunities for improved cooperation  
18 and consolidation among the districts to improve the  
19 efficiency and the effectiveness of school district  
20 operations in order to achieve savings;

21 and be it further

22 RESOLVED, That the commission develop, at a minimum, two  
23 formulae for the adequate and equitable distribution of State  
24 funds for the support of public schools in this Commonwealth and  
25 other recommendations based upon their study; and be it further

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

29 RESOLVED, That the commission hold its first meeting no later  
30 than 60 days following the appointment of members; and be it

1 further

2 RESOLVED, That the commission have the authority to adopt, by  
3 majority vote of its membership, rules of operation and conduct,  
4 and the commission shall hold meetings at the call of the  
5 chairperson and may hold hearings, take testimony and make its  
6 investigations at such places as it deems necessary in this  
7 Commonwealth, and all meetings and public hearings of the  
8 commission shall be considered public meetings for the purpose  
9 of 65 Pa.C.S. Ch. 7 (relating to open meetings); and be it  
10 further

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

15 RESOLVED, That the commission be authorized to hire or  
16 contract for such services as it deems necessary, and that all  
17 expenses approved by the President pro tempore of the Senate and  
18 the Speaker of the House of Representatives incurred or  
19 authorized by the commission shall be paid equally from accounts  
20 under the control of the Chief Clerk of the Senate and the Chief  
21 Clerk of the House of Representatives; and be it further

22 RESOLVED, That the Senate and the House of Representatives  
23 provide administrative support, office space and any other  
24 assistance required by the commission to carry out its duties  
25 under this resolution, and, whenever possible, the commission  
26 shall utilize the services and expertise of existing personnel  
27 and staff of the General Assembly in the performance of their  
28 duties; and be it further

29 RESOLVED, That the commission make a report of its findings  
30 and recommendations to the Governor, the President pro tempore

1 of the Senate and the Speaker of the House of Representatives no  
2 later than one year from the first meeting date of the  
3 commission; and be it further

4       RESOLVED, That upon receipt of the final report of the  
5 commission, the General Assembly promptly review and consider  
6 the recommendations of the commission and develop legislation  
7 based on the commission's recommendations for consideration as  
8 it deems appropriate.