

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 41 Session of 2011

INTRODUCED BY BROWNE, FONTANA, ERICKSON, RAFFERTY, ALLOWAY,
BOSCOLA, COSTA AND STACK, FEBRUARY 23, 2011

REFERRED TO EDUCATION, FEBRUARY 23, 2011

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
18 2004 and 2005 the Commonwealth ranked 14th in expenditure per

1 student at \$9,638 per pupil, well above the national average of
2 \$8,618 and spending in excess of \$14 billion total; and

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

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

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

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

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

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

28 WHEREAS, The Commonwealth currently ranks 11th in the nation
29 in the number of individual school districts, and concerns have
30 been raised that this large number of administrative units is

1 not cost effective and that the merging of some districts or
2 regionalization of services would be more efficient both
3 economically and educationally; therefore be it

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

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

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

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

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

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

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

27 (1) A chairperson of the commission, chosen jointly by
28 the President pro tempore of the Senate and the Speaker of
29 the House of Representatives, who shall be a recognized
30 expert in the field of public school finance currently

1 employed at a Commonwealth institution of higher education.

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

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

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

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

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

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

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

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

29 (ii) A school business manager nominated by the
30 Pennsylvania Association of School Business Officials.

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

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

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

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

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

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

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

29 (10) Four representatives from the State's education
30 community appointed by the Governor, two of whom shall be

representatives of Statewide education or a child advocacy organization and two of whom shall be representatives of teacher preparation institutions of higher education located in this Commonwealth;

and be it further

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

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

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

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

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

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

(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 district
6 operations and costs and the positive and negative aspects of
7 school consolidation as a means to affect cost efficiencies.

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

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

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

20 and be it further

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

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

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

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

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

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

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

28 RESOLVED, That the commission make a report of its findings
29 and recommendations to the Governor, the President pro tempore
30 of the Senate and the Speaker of the House of Representatives no

1 later than one year from the first meeting date of the
2 commission; and be it further

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