

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1738 Session of 2013

INTRODUCED BY O'NEILL, CLYMER, ROEBUCK, SANTARSIERO, READSHAW, BARBIN, V. BROWN, COHEN, CUTLER, DAVIS, DeLUCA, DUNBAR, FARRY, FLECK, GINGRICH, GODSHALL, GRELL, GROVE, HARHART, HELM, HENNESSEY, JAMES, KORTZ, KOTIK, LONGIETTI, MACKENZIE, MENTZER, MILLARD, R. MILLER, MILNE, MIRABITO, MURT, QUINN, REESE, ROSS, SAYLOR, SCHLOSSBERG, SONNEY, STEPHENS, SWANGER, TOEPEL, TRUITT AND WATSON, OCTOBER 2, 2013

REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 2, 2013

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing for basic education funding
6 commission.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding a
11 section to read:

12 Section 123. Basic Education Funding Commission.--(a) There
13 is hereby established a Basic Education Funding Commission.

14 (b) The commission shall review and make recommendations
15 related to basic education funding as provided in this section.

16 (c) (1) The commission shall consist of the following
17 members:

1 (i) The chair and minority chair of the Education Committee
2 of the Senate and the chair and minority chair of the Education
3 Committee of the House of Representatives or their designees.

4 (ii) Two (2) legislators from each of the four (4)
5 legislative caucuses, to be appointed by the President pro
6 tempore of the Senate and the Speaker of the House of
7 Representatives, in consultation with the Majority Leader and
8 Minority Leader of the Senate and the Majority Leader and
9 Minority Leader of the House of Representatives.

10 (iii) The Secretary of Education or a designee.

11 (iv) The Deputy Secretary for Elementary and Secondary
12 Education or a designee.

13 (v) An individual appointed by the Governor from within the
14 Governor's Administration.

15 (2) The commission shall appoint a member to serve as chair
16 of the commission.

17 (d) The commission shall hold its first meeting within
18 forty-five (45) days of the effective date of this section,
19 regardless of whether the Governor or all legislative caucuses
20 have actually approved members to the commission.

21 (e) The commission shall hold meetings at the call of the
22 chair.

23 (f) The members may not receive compensation for their
24 services, but shall be reimbursed for all necessary travel and
25 other reasonable expenses incurred in connection with the
26 performance of their duties as members of the commission.

27 (g) The General Assembly shall provide administrative
28 support, meeting space and any other assistance required by the
29 commission to carry out its duties under this section in
30 cooperation with the department. The department shall provide

1 the commission with data, research and other information upon
2 request by the commission.

3 (h) The commission shall develop a basic education funding
4 formula and identify factors that may be used to determine the
5 distribution of basic education funding among the school
6 districts in this Commonwealth. The factors identified under
7 this subsection may include all of the following:

8 (1) The market value/personal income aid ratio averaged for
9 each of the three (3) most recent years for each school
10 district.

11 (2) The equalized millage rate averaged for each of the
12 three (3) most recent years for each school district.

13 (3) Geographic price differences identified for each school
14 district.

15 (4) Whether a school district has experienced exceptionally
16 high enrollment growth.

17 (5) Whether a school district has an exceptionally high
18 level of local support.

19 (6) Other factors related to the distribution of basic
20 education funding.

21 (i) The commission shall have all of the following powers
22 and duties:

23 (1) Review and make findings and recommendations related to
24 basic education funding in this Commonwealth.

25 (2) Consult with and utilize experts to assist the
26 commission in carrying out the duties under this subsection.

27 (3) Receive input from interested parties, including, but
28 not limited to, school districts and charter and cyber charter
29 school operators.

30 (4) Hold public hearings in different regions of this

1 Commonwealth.

2 (5) Review and consider basic education funding formulas and
3 factors utilized throughout the United States.

4 (6) In identifying the basic education funding factors under
5 subsection (h) and in completing the report required under this
6 subsection, consider the impact these factors may have on the
7 distribution of basic education funding among the school
8 districts.

9 (7) Review the administration of State and regional basic
10 education programs and services to determine if cost savings may
11 be achieved and make recommendations to implement the savings.

12 (8) Prior to recommending a basic education funding formula
13 under this section, consider the potential consequences of a
14 basic education funding formula that does not allocate to each
15 school district at least the same level or proportion of State
16 basic education funding as the school district received in the
17 prior school year.

18 (9) Prior to recommending a basic education funding formula
19 under this section, consider nationally accepted accounting and
20 budgeting standards.

21 (10) Develop a proposed basic education funding formula and
22 factors pursuant to subsection (h).

23 (11) Draft proposed regulations and proposed legislation
24 based on the commission's findings.

25 (12) Issue a report of the commission's findings and
26 recommendations to the Governor, the President pro tempore of
27 the Senate, the Majority Leader and Minority Leader of the
28 Senate, the Education Committee of the Senate, the Speaker of
29 the House of Representatives, the Majority Leader and Minority
30 Leader of the House of Representatives, the Education Committee

1 of the House of Representatives, the Secretary of Education and
2 the State Board of Education not later than one year after the
3 effective date of this section.

4 (j) The basic education formula developed by the commission
5 shall not go into effect unless the formula is approved by an
6 act of the General Assembly enacted after the effective date of
7 this section.

8 (k) Every five (5) years the commission shall be
9 reconstituted in accordance with subsection (c) and shall meet
10 and hold public hearings to review the operation of the basic
11 education funding provisions of this section, shall make a
12 further report and shall issue the report to the recipients
13 listed in subsection (i) (11). When in receipt of a further
14 report recommending changes to the basic education funding
15 formula, the General Assembly shall consider and take action to
16 enact the formula into law in accordance with subsection (j).

17 (l) The General Assembly shall, through the annual
18 appropriations process, determine the level of State funding for
19 basic education.

20 (m) As used in this section, the following words and phrases
21 shall have the meanings given to them in this subsection unless
22 the context clearly indicates otherwise:

23 "Commission." The Basic Education Funding Commission
24 established under this section.

25 "Department." The Department of Education of the
26 Commonwealth.

27 Section 2. This act shall take effect immediately.