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THE POLITICS OF EDUCATION LEGISLATION IN PENNSYLVANIA

Lehigh University

Ph.D. 1986

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THE POLITICS
OF EDUCATION LEGISLATION
IN PENNSYLVANIA

by
Dale N. Titus

A Dissertation
Presented to the Graduate Committee
of
Lehigh University
in Candidacy for the Degree of
Doctor of Education

in
Educational Administration

Lehigh University

1986

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Certificate of Approval

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ment for degree of Doctor of Education.*

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Dissertation Abstract

Dale Titus

THE POLITICS OF EDUCATION LEGISLATION
IN PENNSYLVANIA

During the 1983-84 legislative session of the Pennsylvania General Assembly, education, in response to a presidential initiative, became a major issue in American and Pennsylvania politics. In this time frame an exploratory, descriptive field study was conducted to determine how decisions were made concerning educational legislation in Pennsylvania. Legislator-interest group interaction was the focus of inquiry which investigated the extent to which legislative decisions were influenced by education groups.

Research methodology integrated the open-ended interview technique and a case study approach. Based upon position, background, reputation, and legislative behavior, 34 key resource persons (lobbyists, legislators, and legislative staff personnel) were identified and interviewed. Eight education bills, selected for their propensity to stimulate legislator-lobbyist interaction, were subjected to case

analysis and case comparison. Perceptions of legislators, lobbyists, and legislative staff were then compared to observed behavior from case studies.

Groups representing teachers and school boards were most influential overall. Relative interest group strength, however, was found to be issue dependent. Diffusion of group strength resulted from fragmentation of existing lobbying groups and the proliferation of new lobbies. Partisan political cleavages gave way to an economic/regional polarization of educational interests.

Key factors which affected decision-making for education legislation were: timing, affordability, partisanship, compromise, public opinion, interest group consensus, and executive branch support. Major education bills that became law were omnibus bills enacted as conference committee reports. Politically sensitive issues were deferred to the State Board of Education or avoided by the Legislature.

Identified for education legislation were two decision-making levels - before final passage and during final passage. Before final passage legislative elites (leadership and cognizant committee chairpersons) controlled the fate of education bills. The disposition

of bills that reached final passage was a more pluralistic process.

Decision-making for education legislation in Pennsylvania was found to be widely diffused and issue dependent. Decision-making power was dispersed among elites, groups, and the citizenry. No clear, visible decision-making pattern was revealed. The decision-making process was unique for each issue, and was controlled by undirected cooperation among groups and individuals pursuing common goals.

CHAPTER I

Interest Groups and Educational Legislation

Introduction

The year 1984, long anticipated for its forecasted Orwellian invasion of privacy, instead became the year when education was propelled into the spotlight as a major issue in American politics. Expressed official concern, public opinion, and media attention during 1983 were harbingers of educational reform, and 1984 became revolutionary for America's public school systems. The charged atmosphere presented a unique opportunity for researchers to study the legislative decision-making processes for education while public debate and political action were being stimulated.

After years of decline in student academic performance, as documented by numerous studies and reports, public opinion had been aroused and national attention was focused on the plight of America's public schools. But with education controlled by the states and a president resolved to strictly limit federal involvement in education, state legislatures remained the main theaters for political action involving educational issues.

Background

Public education, a function reserved for state governments by the U.S. Constitution, had been shaped by bodies of state law which set the limits and prescribe the boundaries of administrative action, financial management, and local school district control. Within this legal framework local school districts function and interest groups compete for wealth, power, and prestige.

Advantage gained through the making of laws favorable to their cause has been the foremost goal of interest groups vying for political and economic power. The road to greater influence has been built upon political pressure which yields the necessary leverage to tip the balance of power and to affect legislative decisions.

Approach

This study concentrated on legislative politics through observation of the political behavior of lobbyists and legislators during the 1984 session of the Pennsylvania State Legislature. It focused on attempts to exert influence upon legislators by major education interest groups such as the Pennsylvania State Education Association, Pennsylvania Federation of Teachers, Pennsylvania School Boards Association, Pennsylvania

Association of School Administrators, Pennsylvania Associations of School Principals, Pennsylvania League of Urban Schools, and the executive branch of Pennsylvania government. Relationships between legislators and interest groups was determined through open-ended interviews and by case studies of several major educational issues confronting the Pennsylvania General Assembly. The study sought to determine, through an analysis of interactions between legislators and interest groups, how legislative decisions concerning Pennsylvania's public education were made.

Research Questions

Decisions weighing heavily upon public education were being made each year by Pennsylvania's legislators. These decisions had a direct impact on all students, parents, school employees, and taxpayers. Yet little was known of the decision-making processes which ultimately lead to construction of the statutory framework within which public education functioned. With respect to important educational legislation, the interaction of Pennsylvania legislators and education interest groups was not well understood. The intent of this inquiry was to investigate this legislator/interest group interaction in order to determine the extent to which legislative decisions were

influenced by education groups.

The major research question posed by this study was to determine how decisions were made concerning educational legislation in Pennsylvania. In pursuit of this basic research objective, the following ancillary questions relative to education legislation in Pennsylvania were raised:

1. What interest groups affect education legislation?
2. What is the relative effectiveness of educational interest groups in Pennsylvania?
3. What factors make Pennsylvania educational interest groups influential?
4. How do interest groups select issues on which to take action?
5. How do interest groups plan strategies to influence these issues?
6. To what extent do education interest groups solicit the support of other interest groups to form coalitions?
7. How effective is joint activity among education interest groups?
8. What are the most effective and most frequently used influence techniques?
9. How do interest groups select legislators to be

targeted?

10. How can interest groups best secure the support of legislators?

11. Where do legislators and lobbyists get reliable information on educational legislation?

12. To what degree are legislators and lobbyists responsive to their constituents?

13. What is the structure of the decision-making system?

14. How does the decision-making system function?

15. How are education bills affected by intra-legislative processes?

16. Who are the key decision-makers?

17. To what degree is the decision-making process diffused?

18. How do educator-legislators differ from other legislators?

Value of the Inquiry

How often have we questioned the wisdom of laws, rules, or administrative edicts only to receive the same cliché - "My hands are tied?" In Pennsylvania's public education system, hands have often been tied - tied by a body of school law which mandates a multitude of programs for local school districts. The only way to untie these

hands is to initiate change in the school law. But the changing of laws requires political power. Where does this political power come from? How is influence acquired so that stronger pressure can be exerted on lawmakers? What gets the attention of legislators? What does it take to get a bill sponsored and passed in the Pennsylvania Legislature? When these questions have been answered, an excellent starting point will have been found for exerting influence within the legislative system. Understanding how pressure groups influence legislators and how legislators perceive their role vis-a-vis lobbyists and interest groups is invaluable to all persons seeking to affect or block educational change through the legislative process. A clear understanding of how legislators and interest groups interact in the political arena to bring about educational change is a valuable tool for all who are interested in the management of Pennsylvania's public schools. It is hoped that this research will lead to improved education in Pennsylvania through greater insight into the school lawmaking process. The findings of this study also provide an informational base for future related research.

During the past three decades, studies associated with the politics of education have been completed by scholars in several other states and the District of Columbia.

These studies have concentrated primarily on factors affecting educational legislation at the state level. Since no similar study has been done in Pennsylvania, this research is original for the state of Pennsylvania.

Within Pennsylvania several studies were completed which were associated with the politics of education. No other research, however, focused upon interest group/legislator interaction as it affected the decision-making processes in the Pennsylvania Legislature. The question of how decisions concerning educational legislation are made in Pennsylvania remained unanswered. Answering this question allows for comparison of Pennsylvania to the several other states where similar research has been conducted. In addition, this study makes a significant contribution to the growing body of knowledge on the dynamic school - lawmaking processes.

Terms Defined and Operationalized

Constituents - Constituents are clients who give support to and/or demand representation from both legislators and lobbyists.

Decision-making - A series of actions leading to the making of a choice from delineated alternatives and their consequences is termed decision-making (Minar, 1970).

Democratic elitism - The making of crucial political

decisions in a democracy by a small group of political elites is called democratic elitism (Bachrach, 1967).

Educator-legislator - For the purpose of this study an educator-legislator is defined as a member of the Pennsylvania General Assembly who served as a public school teacher or administrator within two years of initial election to the Legislature.

Interest aggregation - Interest aggregation is the amalgamation by an interest group of often diverse constituent interests in an attempt to achieve organizational consensus.

Interest articulation - Interest articulation is an interest group's expression to governmental decision-makers of policy positions which reflect the perceived needs and desires of the group's membership.

Interest group - An interest group (used interchangeably with pressure group) is an association composed of members who share some common characteristics, interests, or attributes that makes certain claims upon society (Truman, 1955) and seeks to influence public policy through the political process without accepting direct governmental responsibility (Wooton, 1970).

Interest group coalition - When two or more organizations with a mutual interest seek to have an impact on public

policy through concerted action, they have formed an interest group coalition.

Lobbyist - A lobbyist is an individual who seeks to influence public policy as the legitimate representative of an interest group.

Political Elite - The political elite are those who make or directly affect decisions (Lasswell, 1967).

Pluralism - Pluralism is the diffusion of power among representative sectors of the population which constitute competing social groups (Parenti, 1980).

Power - Power is the ability to make decisions in a political system or to overtly influence the decision-making process.

Strategy of advocacy - Strategy of advocacy is a broad plan of attack, based upon the underlying theories of influence, which dictates the general approaches to lobbying (Berry, 1977).

Tactics of advocacy - Tactics of advocacy are a set of alternative actions open to lobbyists or specific actions taken to advocate certain policy positions (Berry, 1977).

CHAPTER II

Related Literature

Historical Perspective

Several attempts have been made to develop both systematic and general frameworks for understanding interest-group dynamics in American politics. Researchers, writing from various historical perspectives, have tended to be products of their environment. To some extent, each writer's viewpoint reflected the perceived situation at a particular point in time. These changing analyses concerning interest-group participation in the American political system have illustrated the fact that interest group politics has been a dynamic process. Throughout the history of the American political system, both lobbying and its effect on government have experienced considerable change.

As early as 1908, Bentley argued that groups were the "raw materials of government," but almost one-half century elapsed before Truman (1951) responded with his major contribution to the understanding of interest-group phenomena. Although several important case studies were

conducted before and especially since Truman's work, knowledge of the organization, operation, effectiveness, and range of responsibility of interest groups has remained surprisingly limited (Ornstein and Elder, 1978).

In the early years of our nation, businessmen and mercantilists constituted the most significant of the few existing interest groups. Their impact was based primarily on their willingness to use money directly to influence Congress. They bought influence through bribes, campaign contributions, lavish parties, and other forms of social entertainment. Their impact, however, was limited because of the narrow scope of government (Ornstein and Elder, 1978).

Post-Civil War industrial and economic expansion fueled a massive immigration to America from Europe. Government expanded, and interest groups began to multiply. Farm groups, labor organizations, broad-based mass movements, and other groups representing a wide range of economic interests proliferated in American society and politics (Ornstein and Elder, 1978).

The stereotype of the unscrupulous lobbyist, formulated in an earlier era, was, in America's second century, almost entirely without foundation. There developed, however, a widespread misconception that

lobbyists generally indulged in soliciting the support of legislators by providing elaborate entertainment, offering bribes, promising support, or threatening retribution. To the contrary, the trend in the age of mass communications has been for interest groups to expend more of their energy and resources in the hopes of creating more favorable public opinion rather than cultivating direct channels of access to governmental decision-makers (Zeigler, 1964).

During the twentieth century, advancing technology allowed government to interact regularly with a vast number of groups and institutions representing a broad spectrum of interests. Legislatures, decentralized by committee systems and based on detailed divisions of labor, found interest groups useful for drafting bills, providing information, sorting issues, and establishing legislative priorities. The interaction between interest groups and legislatures gradually evolved into a mutually supportive and interdependent arrangement (Ornstein and Elder, 1978).

Latham (1952) depicted legislative bodies as passive, power struggle referees. Their function was to ratify the victories of successful coalitions and to record, in the form of statutes, compromises, conquests, and the terms of surrender. The legislative vote on any issue was seen to represent the balance of power among contending interest

groups. Equilibrium reached at any given moment in the struggle among contending pressure groups was labeled public policy. Latham's pressure-group model, however, lost credibility among political scientists and fell from favor during the 1960's as interest groups came to be considered little more than service bureaus for their legislative allies (Milbrath, 1970).

Baver (1963), through an insightful case study of business lobbying on tariffs, found legislator-lobbyist interaction to be transactional. Group pressure at times was coordinated, one-sided, and quite overwhelming. When fragmented, interest groups were found to cancel each other, leaving legislators relatively free to pursue their own courses of action.

Milbrath (1970) found little evidence to indicate significant influence or power in lobbying per se, especially on questions of large public attention with reelection consequences for legislators. He contended that in most cases other forces clearly outweighed the impact of lobbying on public policy. Public opinion was seen as setting the boundaries of the policy struggle, and voters were credited with establishing broad trends of public policy which were followed by all other influences on policy. Lobbying tended to exert more influence on minor,

technical questions which attracted little public attention. He concluded that the overall impact of lobbying had been much less significant than the will of the dominant political majority.

Interest group research declined during the decade of the 1970's in the wake of a widespread view among political scientists that interest groups had become peripheral actors in the legislative process, but a proliferation of new interest groups in the 1980's and a resurgence of their strength as documented by economists and journalists rekindled interest in pressure groups within the political science community. Economists advanced exchange theories of political markets whereby pressure groups once again were viewed as central actors and legislatures were seen as political markets sensitive to the supply and demand of public policies (Hayes, 1981).

Group Evolution

Truman (1951) contended that economic disturbances and their concomitant dislocations stimulated the formation of interest groups which were organized to alleviate hardships. He believed that disturbance, dislocation, and suffering almost inevitably resulted in organized political pressure. He thought that those disadvantaged groups in need of a collective voice organized to articulate their

needs. The facts, however, have not substantiated this view that interest group formation is dependent on group suffering, unless there has been a considerable time lag for group formation. The data has indicated that the rate at which associations have been formed actually has been highest in recent years of relative prosperity and stability.

During the decade of the 1970's there was a marked growth in the number and influence of public interest groups which claimed to represent society as a whole rather than particularized interests. Regardless of this recent phenomenon, most interest groups have remained upper-class biased and unrepresentative of the broad spectrum of the American people. It has been argued, however, that the growth of public interest groups has changed the political system by giving organized voices to previously unrepresented elements in society (Ornstein and Elder, 1978).

The push in Washington for a new lobbying law accelerated during the 1970's, in part as a response to the tremendous growth in the number of active lobbying groups and the extent of their activities. More lobbying activity covering a wider range of issues reactivated the ambivalent feelings of Americans toward group political behavior and

renewed pressures for revision of lobbying law. Proposed statutes, however, have emphasized public disclosure of lobbying groups and their activities rather than curtailment of their legal and constitutional functions (Ornstein and Elder, 1978).

As lobbyists dramatically increased their political activity in the early 1980's, interest group politics in America exploded into prominence. Interest groups became much more deeply involved in a wider range of political activities than was the case just a few decades before. Formerly unorganized sectors such as fundamentalist Christians, environmentalists, women, the elderly, and gays have had a significant impact on recent American politics. Functions formerly relegated to political parties such as fund raising, candidate selection, and the drafting of legislation have been assumed by interest groups. Interest group politics entered a new era as organizations enhanced their position as articulators of political demands and political parties experienced a seemingly related sharp decline in their role as key actors in the political process (Hrebienar and Scott, 1982).

Based on evidence from congressional case study literature, Hayes (1981) postulated a rational choice theory of legislative behavior. Legislators and lobbyists were

seen as interdependent insofar as they both survived by appearing to deliver benefits to their respective constituencies, an imperative that created the conditions for a mutually beneficial exchange. As interest group leaders obtained or appeared to obtain benefits for their members, congressmen still retained a considerable measure of freedom. Since legislators and lobbyists had far more in common than in conflict, their interaction was typified more by symbiosis than by pressure.

Interest group leaders and legislators have faced the common problem of representation. A divergence of interests has been recognized between group leaders and their followers. Because of the heterogeneity within constituencies, both legislators and lobbyists have had considerable latitude in defining their jobs and taking policy positions (Salisbury and Heinz, 1970).

Within the discipline of political science, interest groups traditionally have been considered central actors in the legislative process. Political scientists have determined that the importance of interest groups has depended upon the varying legislative circumstances. Groups have been pivotal to certain kinds of issues and peripheral to others. The important question for research on interest groups has been not whether they have been

important, but when. The underlying theme of previous efforts to develop a typology of policy areas showed that policy outcomes have depended upon policy processes. The challenge has been to specify the circumstances under which interest groups impact policy (Hayes, 1981).

Conflicting Theories

Merriam (1934), in an effort to demonstrate that community power was exercised democratically, argued that the common people of democratic societies maintain a considerable measure of control over their leaders, regardless of any limitation on man's rational behavior or man's propensity for establishing hierarchies. He reasoned that the citizenry retain an ultimate reserve power which they can exercise in time of need through active or passive resistance, civil disobedience, or general strikes to compel the removal and replacement of those in authority.

Students of American politics who began to concentrate on behavioral reality, however, made discoveries which did not support Merriam. Despite democratic political practices in American society most citizens were found to be politically insignificant, at least until the post World War II era, and only a few wielded decisive power (Ricci, 1971).

Behavioral scientists who have studied community

power structures in American society have drawn various conclusions concerning decision-making processes. Their conclusions can be divided into two main schools of thought: those that explained politics largely in terms of groups, and those which focused on individuals. The pluralists, on the one hand, agreed with earlier commentators such as Truman that power in America is widely dispersed. They rely on group theory to describe the American political system as a flourishing democracy. On the other hand, some scholars hold to the logic and findings of the reputational and positional theories of elitism. They share the critical conviction that power attaches to public and private institutions, habits, the economy, and other social phenomena (Ricci, 1971). Within each school of thought, however, no general consensus has been reached concerning the degree to which decision-making power has been dispersed among groups or among individuals.

Mills (1956) identified a national power elite involving an often uneasy coincidence of economic, military, and political power. He maintained that out of common beliefs, social congeniality, and coinciding interests the chief executives, the warlords, and selected politicians established ties and practiced an interchangeability of position among their higher circles.

He held that the men occupying top leadership positions in each of these major hierarchies came from the same mold. With few exceptions Mills found the power elite to have been white, upper class, Protestant, and from the East. They were college graduates, and except for the higher military, a substantial proportion were from Ivy League colleges.

Hunter (1980) found the system of institutional policy-making at the local level gravely skewed in favor of economic institutional values with points of power anchored in industrial, urbanized society. According to Hunter, a majority of decisions affecting the lives of Americans have been directed from the control centers of private enterprise by specific men holding specific positions in society.

Parenti (1980) has contended that democratic elitism was embodied in the constitutional structure by the framers in 1787 and has prevailed ever since. He has argued that "the fragmentation of power is the pocketing of power." According to Parenti, the parceling out of decision-making power was a way of insulating portions of the political process from the tides of popular sentiment.

Hunter (1980) has acknowledged, however, that American society has a tradition of using associations for

the achievement of social goals. He has concluded that the only recourse open to an individual wishing to engage in the pursuit of social change is to align himself with others of like persuasion. He determined, however, that the individual may find himself thwarted if his support group departs too far from community norms, paradoxically, the very norms he wishes to change.

Dahl (1982) argued that the rights required for democracy on a large scale make relatively autonomous groups possible, advantageous, necessary, and inevitable. The term pluralism is used to refer to organizational pluralism which Dahl defines as "the existence of a plurality of relatively autonomous organizations within the domain of a state." He contended that some important organizations are relatively autonomous in all democratic countries and that all large-scale democratic systems are organizationally pluralist.

Pluralists want to find out about leadership roles which are presumed to be diverse and fluid. Pluralist research is not interested in ascertaining an actor's ranking in a system presumed to operate hierarchically. American society from a pluralist perspective is seen as fractured into hundreds of groups with multiple intersecting memberships, widely differing power bases, and

a multitude of techniques for exercising influence on decisions salient to their interests (Polsby, 1970).

According to Ricci (1971) the implications of elite power were similar to those of group power. Scholars have disagreed as to whether the elite is more powerful than groups or vice versa, whether the elite was a group unto itself, or whether the elite worked through groups. But regardless of the exact relationship between the two, neither was considered a legitimate permanent force in society according to liberal democratic ideology. Both elite power and group power were perceived as capable of manipulating or at least circumventing, the representative and legislative procedures established to place decision-making power in the hands of the entire citizenry.

Through their research, social scientists have challenged the democratic tenet that government can be made responsive to the desires and needs of the governed. They have claimed that the organizations that men form to restrain government officials - groups such as parties, lobbies, and committees - themselves tend to get out of hand, to pass beyond the control of their members (Ricci, 1971).

All organizations have had a propensity to be at least partially unresponsive to the wishes of their members.

Since all group members cannot exercise power directly, organizations inevitably have acquired a hierarchical structure of internal power. Every organization has been marked by an eventual, vertical alignment of authority. The result has been that only a limited number of men have made decisions (Ricci, 1971). Historically, government has been government by the few. In all large-scale societies the decisions at any given time have been typically in the hands of a small number of people. It has been possible, however, for democratic societies to express themselves through small groups of elected leaders (Lasswell, Lerner, and Rothwell, 1971).

A departure from the pluralist/elitist debate was taken by Long (1966) when he envisioned a world "still swayed by magic" and "carried forward by the logic of unplanned, undirected historical process." He viewed the piecemeal responses of members of society to the challenges presented by crises as the social counterpart to the process of evolution and natural selection. He acknowledged, however, that much of human behavior is self-conscious and rational, unlike the random mutation of the animal kingdom. Within the general area of unplanned, unconscious social process, Long conceded that technological areas emerge that are so structured as to

promote rational, goal-oriented behavior and meaningful experience rather than mere happenstance. In these areas he concluded that group activity may result in cumulative knowledge and self-corrective behavior.

Hunter (1980) has taken issue vigorously with those who have claimed that massive, unidentifiable, irrational forces rule our lives rather than identifiable minorities of irrational men. He has emphasized that vital institutional values concerning religion, the family, recreation, health, welfare, and education must be considered in addition to political and economic values.

Strategy and Tactics

Each interest group, with limited personnel and money, has not been able to become actively involved in every pertinent issue: therefore, interest groups have had to choose carefully how to allocate and expend their scant assets on issues with the greatest probability of success and potential for maximizing organizational gains. This process of resource allocation has led to development of strategies and tactics for lobbying campaigns (Berry, 1977).

Political influence efforts normally have begun with a long-range strategy. On each issue, interest groups have had to decide whether to act cooperatively with other,

sympathetic organizations during extended lobbying campaigns or to go it alone. When mutually beneficial, two or more interest groups have acted in concert to form interest group coalitions (Berry, 1977). Specific tactics to be employed have been determined by broad strategies of advocacy. Underlying theories of influence efficacy have guided choices of lobbying tactics and determined how groups can expend their resources most effectively.

Interest groups have enhanced their value to legislators by helping lawmakers make adjustments and affect compromises among the myriad demands from a multiplicity of special interests. Interest groups have gained valuable political advantage by providing legislators with information and other supportive services that enable them to operate more successfully (Holtzman, 1966).

Commonly used tactics of advocacy are divided into two main categories of direct and indirect lobbying. Direct lobbying tactics have included personal presentations, testifying at hearings, litigation, contact by influential persons, letter writing, and political demonstrations. Examples of indirect lobbying have been monetary political contributions, publishing voting records, releasing research, and public relations. In addition,

whistle-blowing by disgruntled persons has sometimes been used. Each tactic has unique costs and benefits associated with its employment (Berry, 1977).

Buchmiller (1976) determined that the impact of lobbying was dependent upon several considerations. He enumerated the following factors as determinants of success in a lobbying effort: skill of employed liaison representatives, number of persons involved, development of ground swells of public sentiments, coalition with other interest groups, assisting legislative staffs, influential contacts, and financial resources.

Ziegler (1964) identified the primary goal of interest groups as securing favorable reactions from decision-makers through their responsiveness to widespread public support for group objectives. This targeting of the electorate by interest groups has brought a greater emphasis on public relations as a lobbying technique. Public relations propaganda campaigns by organized groups generally have been of two types: defensive efforts to ward off some immediate threat and generalized, long-range programs to create a favorable image of the organization without reference to any immediate objectives.

Milbrath (1970) found effective communications designed by lobbyists to penetrate the perceptual screen of

legislators to be vital. Institutional means of sorting, coding, condensing, and comprehending information through staff assistants also must be penetrated. Lobbyists have had to overcome several other barriers to effective communications such as personal predispositions (personalities) of legislators, legislator receptivity, communication timeliness, and credibility of the communicator and his group. The credibility of communications has been dependent upon the sender's reputation for integrity and trustworthiness: therefore, competitive organizations have combed each other's communications for mistakes or misrepresentations in efforts to destroy credibility.

Communications and intelligence have flowed both outside and within interest organizations. Information has traveled not only from top to bottom, but from constituency to lobbyists as well. Berry (1977) identified the publication of an interest group as a very significant channel of communication between central decision-makers and their clients or constituents. Interest group publications have yielded insights into organizational behavior by revealing the way professional staffs view the role of the memberships and the functions of their organizations. They also reveal what information

organizations feel is useful and interesting to their audiences.

Medcalff (1983) devised practical step-by-step guidelines for exerting influence on legislators which include identifying goals, developing expertise, learning the system, knowing the process, establishing rapport with those who influence legislation, compromising, showing flexibility, and fighting issues rather than people. Special emphasis has been placed on supporting the group's position with sound knowledge, developing personal relationships with influential people, and communicating effectively in a brief but personal manner.

The amount of information available to governmental decision-makers has been expanded greatly by the proliferation of interest groups, their enhanced research efforts, and increased use of technology. Administrators and lawmakers have been provided with an increasing volume of data relative to their decision-making, with the great bulk of this information being provided by interest groups. The narrow range of information sources previously available has been supplanted by an explosion of information spurred by the technological revolution and rapid expansion in the number of interest organizations (Hrebener and Scott, 1982).

The technological revolution has enveloped lobbying with computerization, data processing, improved communications, direct mail solicitation, and the increased use of media. New technology has revolutionized the strategies and tactics of advocacy. The older style of personal lobbying has been affected dramatically by the newer mode of electronic lobbying. Technological innovations have increased the speed of communication, the ability to rapidly mobilize resources, and the number of strategies and tactics available to interest groups. Perceived images of power, created by mass media overmagnification of actual strength, often have resulted in group influence well beyond their actual resources (Hrebenar and Scott, 1982).

Educational Lobbying

Education, affected by Platonic warnings against sophistry, has for generations been bathed in an idealistic, anti-political atmosphere. One of the most fascinating political phenomena of our national experience has been the cultivation of the proposition that education should be divorced from politics with school and teachers, as public servants, remaining apolitical (Bailey, 1962). Because of self-imposed restrictions by educators, educational interest groups were late bloomers on the

American political scene.

Prior to the decade of the 1970's, education lobbyists in Washington were grossly ineffective, mostly because they were academicians lacking in political savvy. Throughout the 1970's, however, the national education lobby improved markedly. These politically astute education lobbyists learned to sense the prevailing political, social, and judicial winds and mastered the art of building and packaging coalitions. They have recognized that issues and personalities greatly affect the legislative process, and they have learned when and whether they should intercede (Kaplan, 1982).

At the national level, education interest groups have been influenced by policy as much as they have shaped it. Interest groups, rather than serving as agents for change, have responded consistently to political circumstances and have been confined to the prerogative of the executive and legislative branches. Educational innovations have generally been products of national crises, presidential leadership, judicial decisions, and partisan politics. Interest groups have helped to sustain already enacted programs and have assisted in shaping the way in which legislation is formulated, but the overall direction of educational policy has been surprisingly divorced from the

play of group politics (Peterson and Rabe, 1983).

In the fifty states an ever-changing mosaic of education legislation and education power structures has resulted from the localized, pluralistic systems of American education and politics. Teacher organizations have tended to concentrate political action on improving their bargaining positions in a collective bargaining environment. Exceptions have occurred in the conservative South and Rocky Mountain states. Political leadership, backed by public opinion, has been generally hostile to public sector collective bargaining. Where opposition to collective bargaining has been strong, teacher organizations have concentrated on securing more tax dollars for education and have not appeared intent on obtaining the right to strike (Browne, 1976).

In his study of New Jersey educational politics, Langlois, (1972) discovered interest groups to be welcomed into the legislative arena because they were a needed source of information. Groups able to provide legislators with supplementary staff were particularly preferred. The New Jersey Education Association was identified as the state's most influential educational interest organization because of its large size and many assets. Lobbying

efforts were directed specifically toward lawmakers known to be sympathetic, while other open-minded legislators were too often ignored by lobbyists. Teacher-legislators were found to be generally more supportive of educational bills than other legislators.

Cohn (1981) conducted an indepth case analysis of the successful attempt to defeat the Jarvis II (Proposition 9, June, 1980) Initiative which would have reduced tax revenues for education in California. His research revealed that California educational interest groups, preoccupied with initiative politics, played the dominant leadership roles in the organization, maintenance, and financing of an interest group coalition. Strong leadership roles also were offered by noneducational public employee unions. The data indicated that the coalition successfully used a two-pronged organizational strategy of constituent or voter persuasion through the participation of 58 local county coalitions and more than 80 statewide interest groups. Business and corporate elites refused to participate in the coalition and played no significant role in the defeat of Proposition 9. It was concluded that the Citizens for California Coalition was not hindered by labor-management divisions and that the office of the

California State Superintendent of Public Instruction played a dominant role in using statewide school resources to mobilize efforts on behalf of the coalition.

The decision-making process employed by the Ohio General Assembly in the development of the 1979 version of the Ohio Equal Yield Formula was analyzed by Reeves (1981). His findings indicated that education interest groups did collaborate on this issue. The Ohio State Department of Education was identified as the most effective lobby. The major actors in providing legislative leadership were identified as the Governor, the President of the Senate, and Speaker of the House.

In Missouri, public school professionals, including administrators were organized into a single group. The Missouri State Teachers Association (MSTA) held a virtual monopoly over the articulation of policy demands. MSTA strength was reinforced by a great symbolic advantage: namely, its image as a spokesman for school improvement programs. Legislators, bureaucrats, and other interests, realizing that opposition to better schools is like opposing motherhood and apple pie, were reluctant to challenge MSTA initiatives. Although school board members had their own association, they supported most MSTA proposals and seldom attempted to change policy through

independent action. The Missouri political system, which traditionally militated against large state expenditures and high public service levels, adjusted MSTA proposals to make them acceptable to the norms of the state's political culture. MSTA was generally successful by keeping requests reasonable and in line with available resources and by supporting gubernatorial requests for tax increases (Masters, Salisbury, and Eliot, 1964).

The strategy governing the legislative objectives of the Missouri State Teachers Association (MSTA) was based upon minimization of conflict. In its quest for unity among educational interests, MSTA confined itself exclusively to statewide issues. MSTA presented its recommendations as products of detached, objective study, supported by all of the state's professional experts. MSTA enjoyed the added advantage of representing a large and unified constituency capable of mobilizing considerable grass roots pressure on legislators (Masters, et al., 1964).

The Illinois General Assembly in 1957 delegated broad authority for education to the School Problems Commission (SPC) which served as a constant source of information, a conclusive answering service for constituents, and an occasional scapegoat. Individual legislators removed

themselves from most pressures concerning education by transferring responsibility for education to the SPC as the principal agency in the formation of school policy. Major education interest groups endorsed and supported SPC because it effectively mediated often-conflicting group aims (Masters, et al., 1964).

During this era of Commission-dominated education, the Illinois Education Association (IEA) played the major role in the articulation of new proposals, but it could not speak for all school interests. The IEA gained influence more from the research data it provided than from the political clout of its large membership. Though equipped to become politically active, IEA did not find it necessary to rely extensively on grass roots pressure (Masters, et al., 1964).

In her study of Illinois education political action programs, Athas (1980) discovered that the state legislature emerged from the 1970's era of intra-professional feuds as the educational decision-maker. Educational interest groups, although their political astuteness improved under collective bargaining, were found to be politically naive among the milieu of sophisticated state politics. The effectiveness of education interest groups was dependent upon the organizations ability to

accommodate divergent membership demands and its degree of commitment to political activities. In Illinois it was discovered that issues were determining political strength rather than political strength determining issues.

Factors affecting how Illinois legislators voted on key educational issues were evaluated statistically by Upchurch (1980). Membership on the education committee and party affiliation were the only factors found to be of statistical significance. Experienced legislators perceived administrator organizations of both superintendents and principals as exerting little influence on the legislative process.

In Michigan no continuous or regular pattern of decision-making was identified, and no dominant group could speak for the education community. The interests, with their individual designs for public school improvement, were fragmented and acted independently. No process was established in Michigan to eliminate or modify conflict over educational issues. The absence of a clear, visible decision-making pattern in Michigan did not, however, imply that their achievements were less impressive than those of other states or that it was impossible to achieve consensus. But each year a new pattern seemed to emerge which left the outcome in doubt until final decisions were

reached (Masters, et al., 1964).

Education groups making demands on the Michigan State Legislature have been divided. Failure to adopt a state-wide school district reorganization plan resulted in a situation where poor and wealthy districts promoted their selfish and conflicting interests. Whenever state aid or school district reorganization have been at issue, these divisions have been reflected and articulated within the Legislature. Divisions were exacerbated by a long-standing cleavage between two ideologically-oriented political parties and a division between the proponents of public schools and the protectors of the parochial and private schools. Michigan education leaders have argued that durable and stable structures are necessary for public school decision-making, but they have confessed to their lack of success in depoliticizing crucial public school issues and separating them from conflicts that have raged over other issues (Masters, et al., 1964).

An inquiry into the effectiveness of education lobbyists as a function of their personal characteristics was conducted by Becker (1979) in the Indiana General Assembly. The following intra-personal factors were discerned to be determinants of effectiveness for individual lobbyists: legislative contacts, experience in

the education field, easy availability to legislators for information, a strong and wealthy organization, an organization philosophically aligned with the legislature, personal reputation for honesty, integrity, candor and accuracy, and reasonable personality to establish rapport with legislators. Individuals with partisan political party experience were generally ineffective as educational lobbyists.

In her study of the Virginia Legislature, Boese (1979) focused on factors which shape the political behavior of legislators on education issues. Her findings suggested that personal beliefs regarding education, economic considerations, and legal constraints exert the strongest influence on individual legislators vis-a-vis educational legislation. Interest groups, peer opinions, and constituents' views were factors of lesser, moderate influence.

The case study of North Carolina House Bill 205, "Every Pupil Testing Bill," by Sosne (1979) illustrated the fact that opposition from the North Carolina Association of Educators held very little effect on its passage. The central figure in the process which determined the fate of the bill was the Governor who perceived public demand for student testing, proposed the legislation, chose

representatives to introduce and sponsor the bill, and shepherded the bill through the political system.

The effects of fragmentation of the Florida education lobby were studied by Fergusson (1982) through a field study and archival review. The newly fragmented educational lobby was perceived to be more effective than the old, united lobby. Legislators, their staffs, and teachers' organizations increased their political influence through fragmentation. Because of the split in the educational lobby, school superintendents and the Florida State Department of Education lost influence.

Zandan (1982) investigated the factors that prevented or constrained the use of research data by education policy-makers in Texas. The critical factor in explaining why research was not used was the informal political process which placed legislators' personal priorities and values as the deciding factors of whether research would be used. The theory that the production of research is a symbolic gesture toward rational decision-making was formulated. He contended that in Texas research is a legitimization device that functions to build support and define what is responsible looking action rather than the information source assumed by most education practitioners and researchers.

The policy role and the power of states vis-a-vis public education was strengthened overall by federal education legislation of the sixties. As a result, there has been over the past two decades a stronger direct relationship between local schools and state departments of education than ever before. State legislatures have become more active with regard to educational policy formation, and teacher organizations have become more militant as they have sought to share in the policy-setting process (Tye, 1980).

Keystone Reflections

In 1955, Springer completed an historical study covering three decades to find how educational change was brought about in Pennsylvania through legislation and administrative interpretations. He discovered that in the period between 1929 and 1954 the Pennsylvania Department of Public Instruction and the State Superintendent of Public Instruction became increasingly important in educational affairs. It was concluded that educational legislation reflected economic, political, and social conditions. The findings indicated an inverse relationship between state and local tax effort to support education.

Reed (1975) described the functioning of the Committee on Education of the Pennsylvania House of Representatives,

the political party caucuses in the House of Representatives, and the Governor of Pennsylvania regarding educational legislation. The Pennsylvania School Boards Association (PSBA) and the Pennsylvania State Education Association (PSEA) were judged to be the most reliable and influential education organizations. Educational legislation was not treated differently from other types of legislation by party caucuses. Political party caucuses were perceived as being more influential than either the Governor or the public hearings conducted by the House Committee on Education in determining the way a legislator voted on educational bills.

In her analysis of education legislation in the 1973-74 Pennsylvania General Assembly, Whitehill (1976) determined that no partisan or rural-urban pattern emerged. All analyses of party discipline indicated that education legislation was bipartisan legislation affected mostly by constituency considerations. The method used in defeating education bills was by assignment of the bills to various committees rather than by a floor vote. Bills were amended in committee, returned to the other chamber, reassigned, or just not considered. Education bills were not openly defeated, they simply died. In order for a bill to be enacted, Whitehill determined that it must have bipartisan

support, and it should be lobbied by influential, knowledgeable lobbyists who have the respect of both political parties and the leadership of the two chambers.

Hess (1980) sought to identify and analyze the role and influence of the Pennsylvania State Education Association (PSEA) within the process of legislative policy formulation for education. Findings indicated that PSEA had successfully linked electoral power to legislative influence. It was concluded that the constituency represented by an interest group was of greater importance than the position taken. Access to legislators and the quality of information communicated by an interest were confirmed as prime assets of a lobby; however, research uncovered that a politically active constituency was perceived as being an even more vital resource.

Hannon (1980) examined the influence of the Political Action Committee for Education (PACE) of the Pennsylvania State Education Association (PSEA) to ascertain the effectiveness of PACE political endorsements for legislators and support of legislators for PSEA-backed educational legislation. His study concluded that PSEA has been able to claim significant influence on the legislative and electoral process in Pennsylvania since the inception of PACE in 1968, whether or not it has actually exercised

such influence. Both houses of the Pennsylvania General Assembly tended to vote for PSEA - supported bills in the ten-year period from 1968 to 1978, usually by sizable majorities. The ninety percent success rate of PACE-endorsed candidates indicated that PACE support correlated closely with election to legislative office in Pennsylvania.

Trends and Prospects

Special interest lobbying at both the federal and state levels has affected recent educational outcomes. Among the measures influenced by educational interest groups are career education, consumer education, environmental education, special education provisions, and accountability standards.

The retreat by local school boards seeking to gain fiscal support in exchange for power has been combined in recent years with the assertiveness of state legislatures and departments of education. As a result, the trend in education since the mid 1960's has been to give state government a more central role (Lutz and Hess, 1982).

More aggressive political activity and an activist lobbying strategy by educational interest groups developed during the seventies in response to declining enrollments, teacher surpluses, inflation, loss of public support, and

declining student achievement. The best places for educators to use their political muscle has been at the state and local levels. Keys to their success have been the building of educational interest-group coalitions and the recruitment of potential allies in services related to human resources such as health and child nutrition (Kirst, 1978).

Many gains were made by organized public-sector employees until 1975, a year which proved costly. A record number of strikes by teachers and other public employees coupled with a host of local and state budget crises shaped a hostile public opinion and changed the minds of some legislators formerly supportive of organized labor. Smaller wage settlements throughout the public sector in 1976 reflected public sentiment. As nationally-exerted pressures eliminated any short-term prospect of a federal public sector bargaining law, teacher power was blocked both in Congress and on the economic home front (Browne, 1976).

States as separate entities have tended to develop structures which reflect local cleavages, customs, and traditions. These very structures may have shaped the content of public policy (Masters, et al., 1964). The politics of education within individual states has been

dependent on the political culture of the particular state. Groups representing educational interests have had to adapt to the political environments in which they have operated.

Some observations made concerning the lobbying for special education in Illinois seem to apply generally. Strong advocates were required for programs to develop, and advocates had to capitalize on or incite public concerns. At the state level, advocates had to be well connected at the state department of education. Advocacy pressure required application over an extended period of time and had to be backed up with professional expertise (House and Gordon, 1976).

The case of Missouri illustrated two important facts with broad implications. Interest group strategy and tactics have been a function of the local political culture, not only in Missouri, but across America. In addition, the effectiveness of obtaining goals has been dependent on the availability of resources (Masters, et al., 1964). The goals of American professional educators have been moderated to fit what the political systems allowed.

Under the "New Federalism" of President Reagan the federal government has sought to delegate responsibility for education to the states. This enhanced the position of

state legislatures as the foci for public educational concerns and reaffirmed the decentralization of public education in the United States (Lutz and Hess, 1982).

The American political system has responded to changing economic, political, and social conditions to reflect the will of the dominant political majority. Good lobbyists, sensitive to public demands, have been pragmatists rather than idealists. Interest groups have adapted their strategies, tactics, and their interaction with legislative and other governmental branches to varying political climates. The rapidity of cultural change brought on by industrial and technological revolutions accelerated this process. If this dynamic historical trend can be extrapolated into the future, interest aggregation and interest articulation will continue to reflect the changing needs of groups tempered by the unpredictable moods of the American people.

CHAPTER III

Research Design and Procedures

Design of Study

This exploratory, descriptive field study was conducted to determine how major legislative decisions are made concerning education in Pennsylvania. Research methodology combined the interview technique with the case study approach. Several education bills under consideration by the Pennsylvania General Assembly in 1984 were the main focus of this inquiry. Open-ended interviews were conducted with lobbyists, legislators, and legislative staff personnel; and their political behavior was observed in the Pennsylvania state capital of Harrisburg. Groups which influence education legislation were identified, and interaction between legislators and key educational interest groups was investigated. Research emphasis was placed on gaining a better understanding of the decision-making process for educational legislation.

This research, although concerned primarily with educational legislation, is closely associated with the study of government, human behavior, interpersonal relationships, and group dynamics. Since education is

considered an applied or trans-discipline without an indigenous methodology appropriate for this inquiry, methods from the behavioral sciences and from other related disciplines were adopted and combined into an interdisciplinary approach.

In this field study the steps of data collection and data analysis proceeded simultaneously. In order to generate new ideas, data, as they were collected, were continually analyzed and used to modify or confirm existing theory in terms of the evidence. As in the social-anthropological field study, the integration of data collection with data analysis was a constant process used to formulate theory and stimulate further inquiry. The movement, considered to be essential to competent data collection, went from theory to data and back to theory. Synthesis and organization of evidence gleaned from observed behavior was done in the field because it is requisite to successful field research (Lutz and Iannacone, 1969).

The critical incident, a special type of event often emphasized by historians and adapted for use in the disciplines of sociology and social anthropology, was watched for closely because it is appropriate for the study of power systems in education. Since total behavior

cannot be observed and not all behavior can or should be recorded, the researcher concentrated on the documentation of critical incidents which were analyzed as the data were collected and as the report was written. The most critical type of incident in the study of power, the deviant case, received special scrutiny because it is central to the field study and necessary for understanding social order and developing explanatory systems (Lutz and Iannacone, 1969).

Conduct of Study

A descriptive survey was conducted for key resource persons because direct questioning provides the best method of determining feelings and opinions. A main data collection technique was the personal interview which is considered a superior method of eliciting accurate expressions of opinion about possible relationships between legislators and interest groups. Open-ended questions allowed respondents the opportunity to express their opinions in their own way without being compelled to choose from categories provided by a questionnaire. Since probes can draw forth more discussion, respondents were encouraged by this type of interview to answer questions more fully (Flanigan, 1972). Interviews were requested with key education lobbyists, leadership in the General Assembly,

lawmakers with special responsibilities for education legislation, legislators with professional backgrounds in education, and legislative staff personnel responsible for education bills.

A review of empirical studies of the interaction between lobbyists and legislators suggested that crucial variables are all too often virtually impossible to operationalize; therefore, case studies of education bills were conducted as part of this inquiry. Although reliable inferences cannot be drawn from an examination of any single case, case studies are an invaluable data base when examined comparatively and in the context of good theory (Hayes, 1981).

In addition to the integration of interviews and case studies, close observations of overt political behavior were made of lobbyists and legislators interacting in the political arena. Public statements of key players, official publications, and the voting behavior of legislators were monitored closely in order to glean relevant data.

Selection of Bills

Several education bills under consideration by the Pennsylvania General Assembly in 1984 were chosen for case studies. Bill selection was based upon their likelihood of

stimulating legislator-lobbyist interaction and their propensity to generate activity among major educational interest groups. Three techniques were utilized in order to identify bills best suited for case analysis of legislative decision-making. The relative importance of education bills to the public and to interest groups was determined by the attention received from the general and professional press. Education lobbyists were asked which bills were of special concern to their interest groups. Legislative staff for the House and Senate Education Committees were asked which bills were expected to be most important and/or activate educational interest groups.

From a population of 52 education bills a sample of eight bills was selected for case analysis. Case studies were conducted for the following bills:

1. Senate Bill 928 (middle management bargaining/dismissal/arbitration)
2. Senate Bill 1176 (mandated testing/remediation)
3. Senate Bill 1320 (teacher retirement/cost of living allowance (COLA) increase)
4. House Bill 690 (contracts/bargaining/compensation/finance)
5. House Bill 728 (teacher retirement/COLA increase)
6. House Bill 1181 (competency testing/educational

standards)

7. House Bill 1293 (private and parochial school requirements)

8. House Bill 2114 (early retirement/pension annuity increase)

Interview Subject Selection

Selection of subjects to be interviewed was based upon position, background, legislative behavior, and reputation of prospective subjects. Since this was not a statistical study, no attempt was made to survey a random or stratified sample. Experts having a breadth and depth of knowledge in the field of Pennsylvania education legislation were identified and consulted. Every effort was made to interview those individuals identified as having the requisite insights into the legislative decision-making process.

Several methods were employed to identify those people who had particular expertise vis-a-vis education legislation in Pennsylvania. Organizational charts and directories were consulted initially to identify subjects on the basis of position. The "Pennsylvania Manual" was the source used for background surveys of legislators. Education lobbyists and legislative staff of the House and Senate Education Committees were asked to identify

individuals influential in legislative affairs for education in Pennsylvania. In addition, sponsors of bills chosen for case analysis were selected as interview subjects.

Subjects selected for interview included the following:

1. Lobbyists for educational interest groups (11)
2. Education Committee chairpersons (4)
3. Senate and House leadership (8)
4. Appropriations Committee chairpersons (4)
5. Executive directors of education committees (4)
6. Other legislative staff (4)
7. Sponsors of studied bills and their amendments (4)
8. Educator legislators (7)
9. Reputational selections not identified above (3)

Upon completion of the selection process, designated legislators, lobbyists, and legislative staff were mailed a letter which requested a short interview and explained the nature of this inquiry. An interview schedule was enclosed to allow subjects the opportunity for advance preparation. Resource persons were asked for permission to publish their names in the research findings. The opportunity to speak off-the-record was offered, however, to create a nonthreatening atmosphere conducive to frank and open

discussion.

Interpreting Results

Descriptive field studies do not lend themselves to rigorous analysis by inferential statistics; therefore, this research is neither scientific inquiry designed to test hypotheses nor a statistical study with correlative data. Only descriptive statistics were utilized to interpret the data, and tests for statistical significance were not employed. The interview method coupled with a case study approach was utilized to investigate the interaction among Pennsylvania lawmakers and educational interest groups. The perceptions of subjects as indicated by what was said in interviews and their actual behavior as observed in legislative case studies was integrated for data interpretation.

The research was exploratory in nature with many open-ended questions designed to elicit a variety of responses to research questions. Open-ended questions, however, have two distinct disadvantages. They make it much more difficult for the interviewer to record responses, and the coder has the burden of reducing a multitude of responses to a dimension which can be analyzed (Flanigan, 1972).

The researcher acted as both interviewer and coder

since there are numerous advantages to having the interviewer code the data he collects. During personal interviews the researcher was in a position to observe the behavior of the respondent and other nuances of the situation. Categorization by the data collector was more time-efficient, and the researcher had more information upon which to base judgments than would coders relying solely on the written word (Selltitz, 1959). In coding the interview data every different response to a question was recorded and the frequency of each different response was indicated.

Reporting the Findings

As this exploratory study was initiated only the problem was known; a thesis was not advanced, nor were hypotheses stated for testing. During this field study hypotheses were formulated from the research findings, and these hypotheses are reported a posteriori. Hypotheses which are structured after the data are in, however, remain at the level of plausibility until subjected to external confirmation.

During the process of collecting and analyzing the research data useful insights were gained concerning the decision-making process for educational legislation in Pennsylvania. In this way the descriptive study was used

as a powerful, illuminating tool to generate new knowledge. Unanticipated or puzzling data provided hunches about phenomena which were not originally considered. When this occurred, descriptive or explanatory hypotheses were developed which enabled the investigator to specify more precisely the nature of variables and relationships under investigation, the types of observations to make, and the variations in behavior most profitable to study (Van Dalen, 1973).

From case studies of education bills generalizations were formulated about the legislative process. Key factors, common features, and significant differences contributing to the success or failure of these bills were identified. Data were analyzed for patterns and trends evident in successful or unsuccessful legislation. Obstacles to these bills, strengths and weaknesses of lobbying efforts, and critical incidents affecting their disposition were reported.

The relative strengths of education lobbies and factors affecting lobbying strength were determined. Consideration was given to the responsiveness of education lobbies to their respective constituencies. The effectiveness of interest group coalitions was scrutinized, and the use and relative effectiveness of influence

techniques and strategies were determined. Methods employed by education interest groups in the selection of priority issues and in the targeting of legislators also were documented.

In documenting the legislative process for education bills emphasis was placed on the responsiveness of legislators to constituents and education interest groups. Relationships and interactions among legislators and lobbyists were discerned. A comparison of educator-legislators and other legislators was made, and sources of reliable information on education legislation were identified.

Because political decisions often result from the exchange process of bargaining which usually requires the agreement of many political actors (Garms, Guthrie, and Pierce, 1978), key decision-makers were identified and the decision-making process was detailed. The extent to which the decision-making process is diffused was discerned by analyzing which individuals and/or interest groups got their way. A determination was made as to whether bills of the rank and file or elites passed, and conclusions were drawn concerning the applicability of elitist and pluralist theories to education legislation in Pennsylvania.

Subject to the limited base of this study, trends are

identified and hypotheses are formulated about how decisions are made concerning education legislation in Pennsylvania. Based upon knowledge gained from this research, recommendations are advanced for the more effective articulation of interests on education bills in the Pennsylvania General Assembly. Perplexing questions are reported, and suggestions are offered for the conduct of future related research.

CHAPTER IV

The Legislative Arena

Legislative System

Legislative decisions are made within a system. Understanding this system is prerequisite to a determination of how decisions are made concerning education legislation in Pennsylvania. Before the fundamental research question of this study can be addressed properly, the structure of decision-making mechanisms and the nature of decision-making processes must be scrutinized. A close examination of Pennsylvania's legislative system for education bills sets the stage for in depth case analysis of education legislation and for the interpretation of data gleaned from interviews. Detailing the legislative system creates a framework for analysis and provides the background needed for the synthesis of information.

Education, as an issue, cannot be strictly separated from other issues in the legislative arena. Education bills are subject to the same constitutional guidelines, legislative rules, and political processes as are other pieces of legislation. Educational issues

impact interests well outside the sphere of education and require interaction with groups far beyond the education community. It is, therefore, necessary to consider the entire legislative system within which education bills are deliberated in order to focus on decision-making for education legislation.

Legislative Structure and Style

The Pennsylvania General Assembly is organized along both vertical and horizontal lines. Vertically, the Legislature is arranged according to levels of formal authority chosen by members of the chamber and/or by members of the party caucus. Horizontally, legislative chambers are divided into a number of standing committees, each with defined jurisdiction over policy domains. Standing committees serve as the key legislative agencies during legislative sessions and as the primary work groups in the interim periods between sessions. Legislation is referred to the appropriate standing committee which screens, discusses, and decides whether to report bills or to simply let them die in committee (Rosenthal and Fuhrman, 1981).

The roles and responsibilities of the two legislative chambers are delineated by sets of House and Senate rules. Rules, along with certain constitutional

restraints, serve to provide the procedural framework in which the craft of legislating takes place. Rules are formal cooperative devices established by tradition and adopted by the legislators. These formal constraints on legislative politics must be adhered to or the process breaks down (Hass, 1983).

In the Pennsylvania General Assembly party leadership is extremely important. The most influential members of the Legislature are the presiding officers and the majority and minority leaders of each chamber. Leadership controls patronage, makes committee assignments, establishes the legislative agenda, and influences party caucuses. The leadership of the governor's party carries his program to the Legislature and often serves as a link between legislators and the executive branch. Leadership within the Pennsylvania General Assembly, however, is fragmented. Although there are well-developed leadership structures such as majority and minority party leadership, party caucuses, policy committees, committee chairmen, and informal influence networks, none of these leadership structures can bend the Legislature to its will (Katz, 1981).

The Speaker of the House and the President Pro Tempore of the Senate are members of their respective

legislative bodies who have the right to present petitions, to vote on all questions, and to address their chambers on any question. House Rules give the Speaker authority to appoint conference and select committees and the chairmen and vice-chairmen of standing committees. The President Pro Tempore is empowered by Senate Rules to appoint chairmen, vice-chairmen and members of standing committees, members of special committees, and Senate employees as are authorized by law. The President of the Senate is the Lieutenant Governor who votes to break ties except on those questions requiring a two thirds vote or a majority of the elected members (Ackley, 1983).

Although the same political traditions of partisanship, professionalism, and bargaining are shared by the Senate and the House, there are important differences between the two chambers. House members serve two-year terms and represent small and often homogeneous constituencies. Senators are elected by larger, usually more heterogeneous constituencies to four-year terms. For educational policies this difference in constituencies has important consequences. If a senatorial district includes urban, suburban, and/or rural school districts, a Senator may be

cross-pressured when it comes to voting on a revision of the school subsidy formula (Katz, 1981).

Legislative leadership in the area of education is a function of legislator interest, style, and position because relatively few legislators have a continuing and sustained interest in educational issues (Katz, 1981). Pennsylvania's reputationally-determined education leadership in the Legislature is heavily weighted toward seniority and oriented predominantly toward policy. All of these education leaders consider themselves to be full-time legislators who devote approximately thirty percent of their legislative effort toward education. More than three quarters of those legislators perceived to be education leaders serve on Education committees. A lesser proportion of the state's legislative education leadership serves on Appropriations, Ways and Means, or Finance committees. Few top legislative leaders, however, are among the education leadership structure. Because there is a high degree of legislative specialization, leadership is disinclined to concern itself in any sustained way with particular policy areas (Rosenthal and Fuhrman, 1981).

In education the Legislature tends to respond to demands from the State Department of Education, the

Governor, organized interest groups, and local constituencies. Most education issues are treated as finance issues by the Legislature. So that no organized interest or constituency loses too much all at once, most policy decisions are filled with "hold harmless" considerations. Bargaining, compromise, and log-rolling (trading of votes) characterize educational decision-making (Katz, 1981).

When constituents fail to get what they want from their local school districts they turn to the Legislature for action. The Legislature then acts as an appeals board for locals who are dissatisfied with district-level solutions. These grass roots pressures are disruptive to the rather subdued give-and-take between education committees and education interests (Katz, 1981).

The General Assembly attempts to balance the demands generated by constituencies and the demands of professional interests. Rather than being innovative, the Legislature is a "reactive body" which formulates policy to deal with specific situations that are brought before it by concerted interests. The Education committees attempt to block any extraneous or extreme initiatives. Very controversial bills are usually

avoided or killed in committee. Education committees usually screen out the constituency demands which do not mesh with the position of the professional interests. Then they quietly broker the demands of education interest groups into politically feasible solutions (Katz, 1981).

Because of their brokering/compromising style, the Legislature is essentially incremental concerning education. The legislative task is not to make radical educational changes on its own initiative but rather to work out the demands of various interests. The reactive posture of the Legislature enables it to function slowly by keeping potential conflicts quiescent. Compromise, bargaining, and brokering are the keys to educational policy formulation in the Pennsylvania General Assembly. Compromise is the solution to deep partisan, ideological, and geographical cleavages which, if allowed to surface on every issue, could paralyze the Legislature (Katz, 1981).

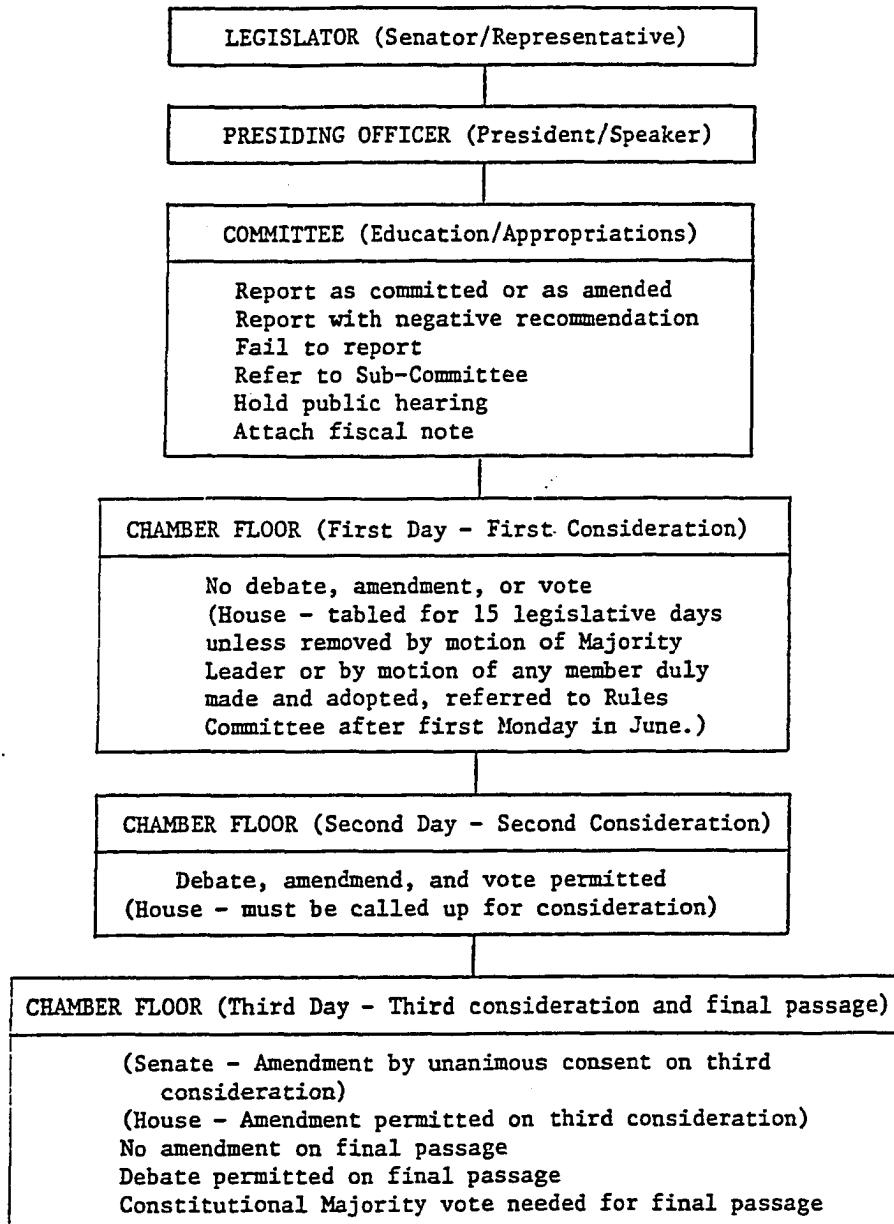
Legislative Process

The Constitution of the Commonwealth of Pennsylvania (1983) establishes legislative procedures and gives the General Assembly a mandate to provide for the maintenance and support of a thorough and efficient

system of public education. It specifically designates a bill as the only vehicle for passing a law. Proposed laws or amendments are introduced by General Assembly members in the form of bills. Except for general appropriations bills or bills codifying or compiling the law, bills are limited by the Constitution to a single subject. Bills may not be altered or amended by the Legislature so as to change their original purpose. All bills, before they may be considered in the General Assembly, must be referred to a committee and printed for the use of the members. Figure 1 outlines the path for an education bill in either chamber of the Pennsylvania General Assembly.

The Lieutenant Governor, who acts as President of the Senate, and the Speaker of the House refer bills to appropriate standing committees in their respective chambers (Primer, 1978). In accordance with Senate Rules every bill introduced by a Senator or received from the House must be referred by the President to the appropriate committee within one day. The Speaker is required by House Rules to refer each bill to an appropriate committee within three days of its introduction. If the Speaker neglects or refuses to refer any House or Senate bill to committee after

Figure 1. Track of an education bill in the Senate or House



introduction or presentation by the Senate for concurrence, any House member may move for the reference of that bill to an appropriate committee. If the motion is carried, the Speaker is required to surrender the bill immediately to the committee designated in the motion (Ackley, 1983).

Bills are drafted by the Legislative Reference Bureau and typed in proper legal form. With his signature a member assumes sponsorship of a bill (Primer, 1978). All Senate bills must be examined by the Legislative Reference Bureau for correctness and imprinted with their stamp before being accepted by the President for introduction. A copy of bills introduced in the House is forwarded to the Legislative Reference Bureau for their review. When requested by committees, amendments to bills are prepared by the Legislative Reference Bureau (Ackley, 1983).

The caucus system (closed meetings of all the members of the same political party in each legislative chamber) is a major force in moving legislative proposals. Caucus officers include the majority and the minority leaders and whips in each chamber. Caucus sessions are used by party leadership to explain bills to the party membership, to work out a unified party

position, and to plan a strategy for taking legislation to the floor. Major policy bills which are vital to the party's program or prestige such as tax measures bring caucus politics into play. Minor bills or those of local interest are handled by committee chairmen, often on a nonpartisan basis, with little pressure exerted in caucus (Primer, 1978).

Committees have full power over bills referred to them. Committee chairmen normally refer bills to sub-committees with instructions to study the legislation and make recommendations to the standing committee. After careful consideration of legislation committees may report a bill to their respective chamber either as committed (without change), as amended (with change), or with negative recommendation. When a committee does not favor a bill it usually decides not to report the bill out of committee. This committee action of failing to report a bill of which it disapproves is known as a "pigeon hole." The House or Senate may, however, discharge its committees from consideration of any bill by a majority vote of its elected members (Primer, 1978).

The first challenge in the legislative process is to get a bill out of committee. If a bill is not

favorable to the majority, it does not normally come out of committee. It usually stays in committee and may die there unless someone can amend it into another bill on the floor. If a bill is favorable to the majority, consensus is more easily reached. After a bill is reported out of committee the fight moves to the floor (Nolan, 1984).

At critical times such as budget time and recess time bills come "crawling out of the woodwork." These bills usually have been blocked by a committee, and an attempt is made to get them out through the back door. Often a very popular bill is brought to the floor which is used as a vehicle for other, less popular bills which are attached as amendments (Nolan, 1984).

At the end of a legislative session everything tends to get dumped into an omnibus bill. This tends to diffuse special interest groups and the opposition. Well decorated omnibus bills almost always pass because they contain something for everyone. Their constitutionality, however, is in question because the Pennsylvania constitution clearly states that a bill must deal with a single subject and concerns germane to that issue. For education bills which amend the school

code the Legislature considers any issue under the banner of education acceptable (Unger, 1984).

Leadership controls the pre-floor calendaring process for bills favorably reported by a committee. This setting of the legislative agenda is extremely important. It tends to reduce the authority of standing committees and enhance party control. The screening of legislation between the committee report and floor consideration is a critical phase in the life of a bill in the Pennsylvania General Assembly (Rosenthal, 1974).

The Pennsylvania Constitution requires every bill to be considered on three different days in each chamber before final passage. All amendments to a bill must be printed for the use of the members before the final vote is taken on the bill. In order to become law the vote on final passage must be a roll call vote with the names of persons voting for and against entered in the journal and with a majority of elected members voting in favor in each chamber.

Senate bills are not subject to amendment, debate, or a vote on first consideration (Senate Rules, 1983). House bills reported from committees are considered for the first time when reported and then automatically

removed from the calendar and tabled (House Rules, 1983).

Bills on second consideration are considered as a whole and are subject to amendment and debate in both legislative bodies. In the Senate bills may be called up for consideration by the President. In the House, however, bills on second consideration must be called up for consideration by a sponsor (Ackley, 1983).

Bills which require an expenditure of Commonwealth funds or which may entail a loss of revenues are not given second consideration on the calendar until they have been referred to the Appropriations Committee for a fiscal note. Except for general appropriations bills, Appropriations must certify that provision has been made to appropriate necessary funds. The Rules Committee by a three-fourths vote may, however, allow attachment of a fiscal note while on the active calendar or waive the fiscal note if it deems the bill to have a de minimus fiscal impact. According to House Rules (1983) the Appropriations Committee is limited to consideration of the fiscal impact of the bill. Fiscal notes designate the fund and general appropriations bill line item for expenditures, list the short-term and projected costs, give the fiscal history of the program, estimate the

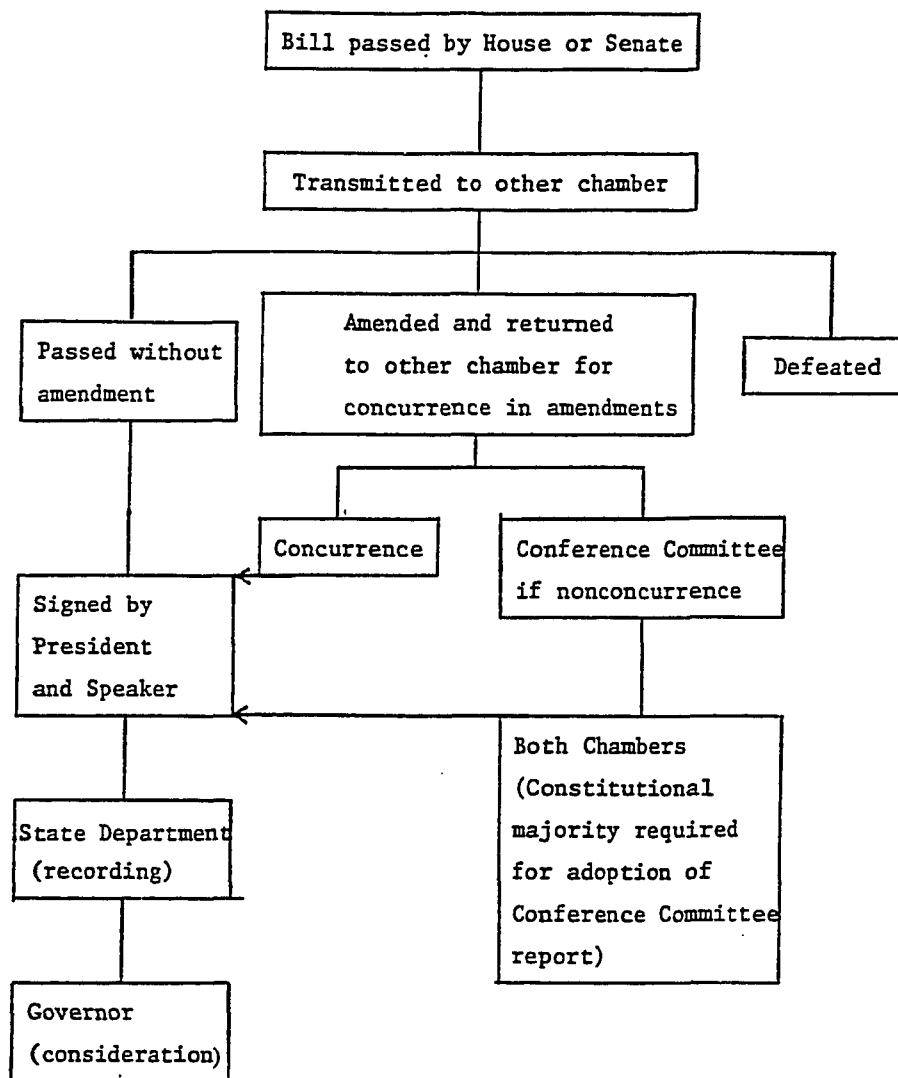
loss of revenue, reference the sources of data for the fiscal information, and make recommendations. For retirement bills an actuarial note is required which gives a reliable estimate of the financial and actuarial effect. The Appropriations Committee may utilize the services of the Governor's Office of Budget and Administration or any other state agency to obtain required information.

The general appropriation bill is limited by Article III of the Constitution to appropriations for the executive, legislative, and judicial departments of the Commonwealth, for the public debt, and for public schools. Separate bills, each embracing but one subject, are required for all other appropriations.

Since passage of a bill by both chambers is required, intra-legislative processes between the House and Senate are extremely important. Figure 2 traces the between-chamber interaction for an education bill which has passed either the House or Senate.

If a bill is passed by one chamber and rejected by the other it goes to a conference committee. A very select group of legislators is named to that conference committee. Amendments can be placed in a bill in conference committee. When the bill goes back to the

Figure 2. Intra-legislative processes for education bills

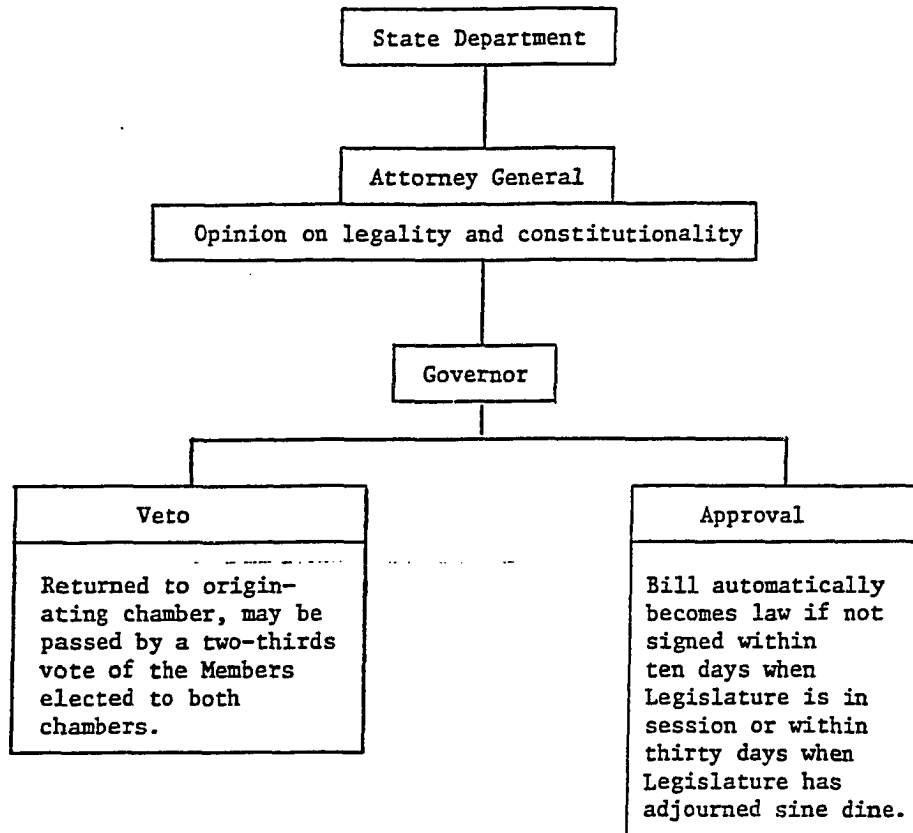


floor there is no discussion, and legislators often vote on that bill without knowing exactly what is in it (Nolan, 1984).

Conference Committee Reports are treated in accordance with the same constitutional procedure as amendments made by one chamber to a bill passed by the other chamber. In either legislative chamber they can be adopted only by a yes-or-no majority vote (Ackley, 1983).

Every bill which has passed both houses is presented to the Governor for executive action as outlined in Figure 3. The Governor has three options: sign the bill, return it to the originating chamber with his objections, or not sign or return the bill. Returned bills can be passed over the Governor's veto by a two-thirds vote of all elected members in both chambers. While the General Assembly is in session any bill not returned by the Governor within ten days automatically becomes law. If the Legislature is adjourned, a bill becomes law automatically within thirty days after such adjournment, unless the Governor files the bill with his objections in the office of the Secretary of the Commonwealth and gives notice thereof by public proclamation. The Governor has the

Figure 3. Executive action on education bills



constitutional power to disapprove of any item or items of any bill which embraces distinct items or appropriates money. The part or parts of a bill approved by the Governor become law. Provisions of a bill subject to the Governor's line item veto are void, unless re-passed over the executive veto by a two-thirds vote of all elected members in both chambers (Constitution of Pennsylvania, 1983).

The Governor also plays an active legislative role by expressing his views to the General Assembly on proposed legislation and by exercising powers to convene or adjourn the Legislature in special cases. He sometimes suggests measures that the Legislature may want to introduce in the form of a bill. On extraordinary occasions, such as transaction of executive business, the Governor may convene the General Assembly. When the Senate and House can not agree on adjournment, the Governor can adjourn them (Ackley, 1983).

Legislative Committees

Without a division of labor through committee systems it would be impossible for the Pennsylvania General Assembly to get through its voluminous legislative business. The standing committees in the

House and in the Senate are the workshops of the Legislature (Primer, 1978).

Permanent standing committees are granted several powers and responsibilities by the rules of the House and Senate. Within their areas of concern standing committees are empowered to maintain a continuous review of the work of Commonwealth agencies and the performance of the functions of government. They have the right and authority to inspect the administration, operation, and physical plant of any public agency in the Commonwealth. Standing committees may appoint subcommittees to conduct hearings or to consider bills or resolutions referred to them. Standing committee chairmen may hold closed executive sessions or may conduct public hearings after giving proper public notice (Ackley, 1983).

The power of committee chairmen does not approach that of the elected party leadership. A committee chairmanship provides an opportunity for leadership within the Legislature, but it is no guarantee of power. A committee chairman's power is more likely to be a function of his interest in the policy area, his legislative style, his ability to bargain successfully, his individual skills, and his relationship with leadership (Katz, 1981).

The most important single committee within either chamber is clearly the Appropriations Committee. According to the formal legislative rules, the role of the Appropriations Committee is to supply a fiscal note which informs the membership as to the likely cost of proposed legislation. In actuality the Appropriations Committee is a super committee which kills legislative proposals for both substantive and fiscal reasons (Katz, 1981). The Appropriations Committee is generally seen as a gatekeeper, a committee which bottles up legislation because of political and financial concerns, working in consort with leadership and the Governor to shape legislative programs (Fuhrman and Rosenthal, 1981).

The Appropriations Committee acts as a sort of fiscal clearing house on all legislation, including education legislation. Any bill likely to incur a cost or a loss of revenue to the state, a local school district, or a local municipality goes to Appropriations before it reaches second reading on the calendar. A great percentage of bills referred to Appropriations never get out of committee (Hershock, 1985).

The responsibility for setting the education legislative agenda rests with the education committees.

Quite apart from the education committees, however, other legislators can influence particular education matters. Within the education committees power is exercised or delegated by the chairman. Although education committee structure follows the partisan tradition, the most divisive aspects of partisanship usually are circumvented. Within the education committees both sides of the aisle have learned to work together because they share the mutual concern of satisfying the needs and demands of interest groups and constituencies (Katz, 1981).

A deep-seated urban-rural division has a strong influence on the politics of education legislation in Pennsylvania. Deliberation is reasonably bipartisan within the education committees where the rural-big city split is often more salient. Issues sometimes get defined as Philadelphia versus the rest of the state (Katz, 1981).

When it comes to educational issues, partisanship is suppressed in the Pennsylvania General Assembly, especially in the House. Parties do work very closely together on educational matters, and issues usually do not break down along party lines. On Chapter Five curriculum standards, for example, legislators of vastly

different political stripes were united on that very critical issue, with unanimous support on the traditionally bipartisan House Education Committee (Manchester, 1984).

In addition to the education and appropriations committees, conference committees play an extremely important role in education legislation. Differences which exist between House and Senate versions of a bill usually are resolved by a conference committee. Almost all subsidy legislation is written in conference committees. Conference committees provide the best way to get anything really controversial done for the simple reason that they prevent the "Christmas-treeing" of a bill with extraneous amendments (White, 1984).

Legislative Politics

Partisanship is still strong in the Pennsylvania General Assembly. Both chambers are caucus-oriented with whips lobbying their party members for votes. The fragmented Democrats, however, close ranks less often than do the more homogeneous Republicans (McHale, 1984).

The trend in Pennsylvania legislative politics has followed the same general pattern as that of the United States Congress, but it has lagged behind by about ten

years. Pennsylvania legislators, in becoming increasingly independent, have reflected the moods of their electorates. The high turnover rate for legislators, particularly in the House, is indicative of voter independence and declining party influence (McHale, 1984). In recent years party discipline has weakened and partisanship has mellowed (Freeman, 1984).

Special interest groups have filled the vacuum created by declining party influence. Interest group political action committees (PACS) have provided the bulk of recent campaign contributions for Pennsylvania legislators. Campaign contributions exert only an implied pressure, however, because it is illegal for lobbies to link the vote of legislators directly to campaign contributions (Freeman, 1984).

Regardless of party position, each legislator is given free range by his party on a host of issues so that he may satisfy his constituency and maintain his seat. A concerted effort, however, is made in party caucuses to have the party close ranks on important procedural matters and on the budget (Freeman, 1984).

Straw votes sometimes are taken among legislators in order to plan party strategy. Party leaders get irate when members of their party on whose vote they were

counting decide to switch their vote after the straw poll (Kratzer, 1984).

Lobbyists, committees, and party caucuses are considered practical necessities in dealing with legislation. Lobbyists, who are usually predictable, do provide useful information. For the good of all concerned, most bills are bottled up by committees. Closed party caucuses provide a forum for private, frank discussion and legislative decision-making, while the General Assembly debate is more for public consumption (Kratzer, 1984).

Legislative staff, although organized on a partisan basis, serves as a bridge between the parties and chambers. Staffers of both parties share information, plan joint strategy, and generally cooperate. In so doing they forge links which legislators may be unable to make due to partisan differences (Fuhrman and Rosenthal, 1981).

Legislative politics in Pennsylvania revolves around party, interest groups, and constituency. Party leadership is primarily interested in education as it might impact upon taxation and government spending. Substantive educational issues normally are left to the

education committees of the House and the Senate (Katz, 1981).

Legislators identify constituency as the root of their concerns. General Assembly education leaders, like their legislative colleagues, tend to be advocates of their constituency interests. They keep in close contact with their constituents by maintaining district offices and speaking to local groups whenever possible (Katz, 1981).

The most dominant role of Pennsylvania's education leaders in the Legislature is their ability to successfully broker the party and constituency differences that exist in the Legislature. Educational politics in Pennsylvania is characterized by partisanship and constituency - based conflict, tempered by a continuity of leadership and a tradition of cooperation that mitigate the most divisive aspects of the system (Katz, 1981).

Since education is less partisan than most other legislative issues, fund appropriation and/or subsidy formula components are the only areas where partisanship normally surfaces for education legislation. Because of the interaction of politics and demographics, caucuses

may take opposing positions based on regional concerns (Caffrey, 1985).

In the absence of a dominant party plurality and rigid party discipline, the party in power has always had to accommodate the minority. This has been accomplished either by working with the minority leadership or by dealing with selected individual members of the minority. Leadership has had to struggle to prevent defections from their party and to convert the opposition. As a result, the leadership has been forced to sometimes make large concessions to individual legislators holding the deciding vote on important legislation (Katz, 1981).

State Board of Education

The Pennsylvania State Board of Education was officially established by Act 94 in 1963. The role of the Board was expanded by Act 224 in 1972. The State Board is assigned the responsibility to review and adopt regulations governing the public educational programs of the Commonwealth, upon recommendation of its councils (Ackley, 1983).

The State Board of Education is a regulatory and policy-making lay board made up of twenty-one citizens. Seventeen board members are appointed by the Governor

and confirmed by the Senate. Appointed members serve without pay for staggered six-year terms. Act 14 of 1984 added the majority and minority chairpersons of the House and Senate education committees, or their designees, to the State Board. The State Board is divided into two ten-member councils for basic and higher education. The Governor appoints a chairperson for each council and a chairperson for the entire board who acts as a member of both councils. The Secretary of Education serves as the Board's non-voting chief executive officer (Ackley, 1983).

The staff of the State Board of Education consists of only three employees: an executive secretary, administrative assistant, and clerk stenographer. The executive secretary conducts liaison with the Legislature and the Pennsylvania Department of Education. He also directs research on behalf of the Board in preparation for the development of position papers, regulations, and policies. Additional administrative services are provided to the Board by the Pennsylvania Department of Education (Ackley, 1983).

In the 1970's, by adopting sweeping new regulations which markedly affected basic education in Pennsylvania, the State Board gained a reputation as an advocacy body.

In 1978 the Pennsylvania State Supreme Court took a broad view of the powers of the State Board of Education when it upheld regulations adopted by the State Board which concerned physical education policies and controversial student rights and responsibilities (Pittinger, 1980).

The (1983) Biennial Report of the State Board of Education to the Governor and General Assembly is indicative of Board involvement in the legislative arena. That report acknowledges requesting formally that the General Assembly revise the School Code to return the terms of locally-elected school directors to six years. The Board takes credit for "good representation in educational decision-making" by expressing support to the Legislature for proposed changes in public law. The State Board also expresses its concern over Act 181 (the Regulatory Review Law) of 1982 which gives the General Assembly, through the Regulatory Review Commission, the authority to disapprove proposed regulations on the grounds that they are excessive in costs or in the administrative burdens they impose.

The Pennsylvania State Board of Education in its regulatory role has delegated legislative powers.

Regulations, in fact, often times are more important than legislation. Political action goes on through the State Board and the Pennsylvania Department of Education (Manchester, 1984). It is for this reason that the role of the State Board can not be neglected when analyzing the decision-making process for education legislation.

CHAPTER V

EDUCATIONAL INTEREST GROUPS

Harrisburg Lobbyists

Disclosure reports filed by lobbyists indicated that, as of August 1984, there were 656 lobbyists representing 919 organizations registered under Pennsylvania's Lobbying Registration Act which governs Harrisburg lobbyists. These lobbyists are employed as salesmen and as watchdogs for interest groups. Through their legislative clients they promote the introduction and passage of legislation favorable to the interests which they represent. They also attempt to block legislation seen as potentially harmful to their respective groups (O'Hara, 1984).

Lobbyist disclosure reports for many large interest groups reported no expenditures under Pennsylvania's Lobbying Registration Act in 1984. Most of the state's lobbyists do not file the expense reports called for in the lobbyist disclosure law because only certain costs must be listed. Only a fraction of true interest group spending is reported because lobbyist salaries, office costs, and amounts not exceeding \$300 per month per

client need not be reported. As required by federal law lobbyists did, however, list thousands of dollars in campaign contributions to state lawmakers.

Lobbying in the Pennsylvania General Assembly is regulated by rules as well as by law. House rules, for example, state that "no registered lobbyist shall be admitted to the Hall of the House" (Ackley, 1983). Lobbyists who represent educational interests labor under the same statutes and regulations as their counterparts who are advocates for other interests in the state capitol.

Lobbyists who specialize in education represent several interest groups who are vitally concerned with educational legislation in Pennsylvania. Educational interest groups and educational interest group coalitions are identified and profiled in this chapter to aid in the comparison of group strength and in the analysis of their legislative activities.

Pennsylvania State Education Association (PSEA)

PSEA, organized in 1852, has been affiliated with the National Education Association (NEA) since 1857. With its membership made up mostly of public school teachers, PSEA is concerned primarily with the public school program. PSEA has grown from 24 original members

to a current membership of approximately 130,000. It is the largest professional organization of any kind in Pennsylvania and the third largest state education association in the United States. PSEA is divided into eleven geographic regions, sixty county coordinating councils, and some 600 local associations (Wills, 1984).

Former Secretary of Education, Pittinger (1980), thought of PSEA as a government in exile. He considered PSEA the dominant force among Pennsylvania educational interest groups during the 1970's because of its large membership and because it had the largest full-time staff and the largest budget of the interest groups. During the 1970's PSEA averaged one quarter million dollars per year as donations to political campaigns. Throughout the 1970's PSEA endorsed about 170 legislative candidates, both democrats and republicans, each year in the general election simply because they were going to win. Many PSEA-endorsed candidates had never done a thing for public education, but PSEA wanted to be able to take credit by claiming that their endorsement had won the election for them.

The general policy-making body of PSEA is the House of Delegates. This body is composed primarily of representatives of PSEA locals and is proportioned on

the basis of local membership. Duties of the House of Delegates include the initiation of general policies and the election of state officers and NEA directors. Policy is administered by the Board of Directors and carried out by a staff of more than 200 full-time employees headed by the Executive Director (Wills, 1984).

The Committee on Legislation solicits issues from PSEA locals when preparing their legislative agenda. Legislation is reviewed by the committee to determine if it should be supported or opposed by PSEA. Committee members also participate in PSEA's political action program which includes candidate interviews, political endorsements, and campaign support (Wills, 1984).

In 1984 PSEA for the first time solicited member input in establishing PSEA's legislative priorities. In announcing "an important first", PSEA President Nancy M. Noonan said, "Now all members have the opportunity to participate in the decision-making process through this Member Opinion Survey." Results of this membership survey were then considered by the Legislative Committee in preparing PSEA legislative proposals for the 1985 legislative session.

PSEA takes credit for many legislative successes. PSEA boasts that its independent political action arm, PACE, since its formation in 1968, has endorsed and helped to elect many legislators. In 1985 communications to its membership PSEA lists more than 50 "organizational successes" as a result of the efforts of thousands of educators who donated their time, their talents, and their energy to elect friends of education to the General Assembly.

Pennsylvania Federation of Teachers (PaFT)

PaFT, the second largest teachers' organization in the state, is affiliated with the American Federation of Teachers and the Pennsylvania AFL-CIO. PaFT represents the faculties of several community colleges, private schools and vocational/technical institutions as well as public school teachers from 19 Pennsylvania school districts.

Within Pennsylvania PaFT is structured into five regions. Federation membership is concentrated primarily in urban areas with Philadelphia and Pittsburgh school districts providing the bulk of the members.

PaFT operations are governed by their 1984 Constitution and By-Laws. A 21 member Executive

Committee which meets at least four times each year carries out business delegated to it by the biennial PaFT convention. Between conventions the Executive Committee is given broad constitutional powers to attend to such other business not otherwise expressly provided for. Any decision of the Executive Committee that is contrary to policies established by the biennial convention must, however, be submitted to affiliated locals and to members-at-large before action is taken thereon. The Executive Committee also conducts PaFT financial business and is authorized to employ an Executive Secretary.

The President, as chief executive officer of the PaFT, presides over sessions of the biennial convention and Executive Committee meetings. Duties of the President include the administration of all federation affairs and the execution of policies as determined by the convention and the Executive Committee.

A legislative representative serves on the Executive Committee. It is the responsibility of the legislative representative to be informed of all legislation affecting teachers and other educational professionals. The legislative representative assists with the introduction of legislation authorized by the

PaFT and in the presentation of the PaFT position before legislative bodies.

Pennsylvania School Boards Association (PSBA)

The Pennsylvania School Boards Association, established in 1895, is the oldest school boards association in the United States. It is a nonprofit, public interest, educational organization pledged to local control and local lay leadership for the public schools of the commonwealth. PSBA voting membership is restricted to members of public school district boards of education, intermediate unit boards, and governing bodies of tax-supported colleges or universities (Goble, 1984).

In "Legislative Action and You" (1984) PSBA published a comprehensive review and action plan for legislative effectiveness among local school boards, the General Assembly, other government agencies, and PSBA. The legislative action plan attempts to strengthen grass roots activities and to establish a mechanism for focusing on priorities. It provides a local forum for school district legislative chairmen and establishes an improved process for two-way communication between PSBA officers and local districts.

PSBA, through its Office of Governmental Relations, conducts lobbying at both the state and national levels in behalf of the 501 school districts and other affiliated public education interests. In addition, it provides analyses, summaries, and reports on legislative developments. The Legislative Committee of PSBA reviews and acts upon all legislative proposals reported to it by member boards and other committees.

The position of PSBA on key legislative issues is adopted by the Legislative Policy Council at its annual meeting. Delegates from school districts and other member units meet here to prepare the platform and to decide the organization's legislative goals and policy positions. Legislative positions adopted by the Policy Council are proposals for which the entire membership, as well as the PSBA staff and Executive Board, will seek consideration by the General Assembly.

Between annual state conferences the Executive Board, however, is charged with directing the general affairs of the association including the legislative program. Adjustments to the legislative agenda that may be necessary during the year because of legislative action or inaction are the responsibility of the Executive Board.

PSBA emphasizes local leadership in the development and implementation of policy positions. The local legislative chairman, a school director designated by his board to coordinate legislative activity, is the key link in this process. In response to special communications from PSBA concerning activity on Capitol Hill, the local legislative chairman acts to inform local legislators of school board positions on proposed bills and other matters.

PSBA has its thumbprint on every piece of education legislation. Because of this wide focus, however, it is unable to concentrate its efforts on just a few bills (Unger, 1984).

PSBA lobbyist Albert Unger (1984) describes his organization as the "barometer" on educational issues. According to Unger it always falls on the shoulders of PSBA to be the opposition. When one special interest group wants something, other groups are unconcerned so long as it does not affect them directly. Unger believes that these special interest groups generally join forces and support each other. When educational special interests do act jointly, PSBA often gets support from groups representing other local government

entities with interests paralleling those of PSBA. Through this process PSBA has, at one time or another, dealt with every other lobby in Harrisburg.

Mr. Unger concedes that PSBA may never be center stage as far as recognized political clout is concerned because that is not the intent of the association. In the political arena PSBA does not have what Mr. Unger considers to be the two most important weapons in political warfare, money or a large constituency. PSBA is a quasi-public organization representing school districts. Because the association represents both political parties it does not participate in partisan politics by endorsing candidates or working the polls.

The effectiveness of the school boards lobby in the political arena is diffused because there is no uniform presentation to the Legislature. The basic tenet of allowing diverse local boards of education to make local decisions comes back to haunt PSBA when they try to present a concerted position before the Legislature. The position of PSBA is to prevent the passage of laws which would infringe upon the power of local school districts. It is the unenviable role of PSBA to make sure that policies which they consider unwise are not put into practice (Unger, 1984).

Pennsylvania League of Urban Schools (PLUS)

The Pennsylvania League of Urban Schools is a nonprofit private corporation established to seek solutions for the pressing educational and financial problems unique to Pennsylvania's urban school districts. Membership in PLUS is limited by its 1982 bylaws to eighteen eligible school districts which include cities or exhibit characteristics of urban decay. The organization proposes and/or supports legislation favorable to urban education. In addition, it attempts to establish and maintain productive relationships with appropriate public and private organizations.

Policies and practices of PLUS are determined by a Board of Directors made up of the superintendents of all districts currently funding the organization. Dues for currently funding districts are assessed on the basis of total district expenditures. On financial, constitutional, and legislative issues the votes of member districts are then weighted in direct proportion to dues. This arrangement gives large urban districts a stronger voice within the league than that of their smaller counterparts.

The Executive Committee of PLUS functions as an operating committee. It is made up of one superintendent from every five currently funding districts, grouped according to urban population. The Executive Committee meets at least bimonthly to carry out organizational business between annual meetings of the Board of Directors.

Day-to-day business is handled by an executive director who administers league affairs in accordance with the policies and directives of the Board of Directors. The executive director is charged with providing PLUS with the necessary leadership to achieve organizational objectives. Among the duties of the executive director is the responsibility to "establish effective liaison with legislators and appropriate organizations and agencies affecting urban public education" (By-Laws, 1982).

Legislative issues are identified by PLUS each autumn when members are polled for problems. Problems are then analyzed to decide which can be solved by legislation. After narrowing solvable problems to three or four crucial issues, other lobbyists are consulted and position papers are developed on these issues. PLUS, with a narrow focus, doesn't have to do everything

for everybody. It is, therefore, easier for PLUS to select issues than it is for groups having broad based constituencies (Carroll, 1984).

The cities of Philadelphia and Pittsburgh, although PLUS members, employ their own lobbyists. They also have legislative agendas which are unique to them (Carroll, 1984).

After developing a legislative issue PLUS employs a set strategy. Urban school board members are assigned to help with grass roots lobbying. The strategy is essentially to get the message out to urban legislators back home so that they come into the capitol knowing the issue and the position of PLUS. Support is then solicited from the legislative leadership and from cognizant legislative committee chairs. Legislator performance is observed on the floor, and an attempt is made to get eloquent legislators on the side of PLUS (Carroll, 1984).

PLUS has enjoyed good support from most legislators with the exception of those from suburban Philadelphia and Allegheny County. Some difficulty has been experienced with rural legislators, but, in the final analysis, PLUS has received their support. In order to

obtain the help of rural legislators, however, PLUS has had to reciprocate in kind (Carroll, 1984).

PLUS, because it is representing the urban schools, represents a great many of the poorer school districts in the state. These districts are in areas which are usually represented by democratic members of the General Assembly. To alleviate the financial plight of these districts PLUS has hired some of the best people around in the subject of school subsidy and has developed an admirable expertise in the area of school finance (Hershock, 1985).

Pennsylvania Association of School Administrators (PASA)

Since 1959 PASA has served the chief school administrators and other school administrators in the commonwealth. Purposes of the association as stated in its 1984 bylaws include: promoting general educational welfare, proposing desirable educational legislation, protecting and advancing the interests of its members, fostering professional growth, advancing educational standards, and maintaining cooperative relationships among all organizations affecting education.

Active PASA membership is open to commissioned officers of the commonwealth, their administrative and supervisory staff personnel, school directors,

principals, administrative and supervisory personnel of the Pennsylvania Department of Education, and college or university staff members who teach or assist in school administration.

The Committee on Legislation studies legislation affecting PASA or deemed important to public education and makes recommendations to the association regarding such legislation. One committee member is elected from each of the PASA regions, geographic areas which conform to intermediate unit boundaries. This committee, in cooperation with PASA's executive director and headquarters staff, has the responsibility of guiding PASA-approved legislation through the General Assembly.

PASA's goals and aspirations for public education are reflected in the resolutions adopted at its 1984 annual business meeting. Many PASA resolutions, more specific actions necessary for the achievement of goals, deal with proposed legislation and relationships with other interest groups. Eight goals represent generally what the Resolutions Committee believe PASA should work toward as an organization. Among the goals are "working with the General Assembly to secure desirable legislation affecting education" and "maintaining effective relationships with the Pennsylvania Department

of Education and other education oriented organizations."

In recent years PASA has become more influential, primarily because of the caliber of individuals in key liaison positions (Caffrey, 1985). In taking positions PASA has not been strident. While addressing real problems the association has attempted to find a middle ground politically. With this middle-of-the-road approach PASA has gained a reputation among education groups for providing the most objective information on educational issues (Feir, 1984).

Pennsylvania Associations of Elementary and Secondary School Principals (PAESP/PASSP)

Two principals' groups, the Pennsylvania Association of Elementary School Principals (PAESP) and the Pennsylvania Association of Secondary School Principals (PASSP), operate jointly from the same office and under one executive director. They serve principals, assistant principals, and supervisors. Both groups are affiliated with their respective national associations and work closely on legislation with the separate Philadelphia and Pittsburgh administrator associations. The associations provide rights assistance, legal aid, and liability coverage for all of

their members as well as meet and discuss assistance for local associations. PAESP/PASSP lobby both legislative and executive branches of state government on behalf of school middle management.

The principals' association assumes educational leadership roles through professional publications and inservice opportunities. Special areas of interest for PAESP include early childhood education and elementary curriculum. PASSP focuses on the secondary curriculum, student activities, and discipline.

Just prior to each General Assembly session legislative priorities are established by survey to determine which issues are important to the membership. In order to have a state-wide impact, action issues are selected by the Council of Middle Management Organizations which includes PAESP/PASSP and the Philadelphia and Pittsburgh principals' groups (Manchester, 1984).

The philosophy of the principals' association has been to limit their legislative agenda to a few issues where they believe they can have an impact. This enables the middle management group to concentrate its efforts. In the 1983-84 legislative session, because it took a narrow focus on just three bills, the principals' association was the only Harrisburg educational interest

group to pass its entire legislative agenda. On each bill, however, a different approach was utilized (Manchester, 1984).

The principals' lobby stays out of the big fights and employs a four-fold strategy. In terms of lobbying the principals' group has pursued a strategy of working harder at the local level than in the state capitol. Friendships which principals have had with legislators, legislators' families, and legislative staffs over a long period of time have been utilized to convey the association's points of view. Because bills cannot move until they come out of committee, lobbying effort is concentrated on the education committees and on the leadership. Rather than lobbying legislators directly, attention is focused on legislative staff who have great influence. The Senate, with fewer members, is more easily managed and, therefore, receives greater attention than does the House (Manchester, 1984).

A strategy used by PAESP/PASSP, but not specifically mentioned by Executive Director Manchester, is to have an advocate of principals' interests in a key legislative position. State Senator James Rhoades (R) 29th, vice chairman of the Senate Education Committee and a former junior high school principal, is recognized

as a strong supporter of the principals' group. For his leadership activities in the improvement of education for the youth of Pennsylvania Senator Rhoades was honored at the 1984 PAESP/PASSP banquet and presented with a beautifully engraved plaque "in testimony of PASSP's gratitude and appreciation" (Mamana, 1984).

Office of the Governor

The Governor delivers messages to the General Assembly and suggests measures that the Legislature may want to introduce in the form of a bill. The legislative agenda for the Governor is managed by his appointed Secretary of Legislative Affairs (Ackley, 1983).

Secretary of Legislative Affairs George Seidel (1985) sees a need in the Governor's office for a team effort and a correlation on the part of the executive branch of government. There is an attempt to coordinate the efforts of all government agencies in order to avoid having various agencies working at cross purposes with each other. Press, legal, and legislative activities also are coordinated.

The Office of the Budget and Administration (OBA) is responsible for the preparation of the Governor's budgets, coordination of capital improvements, and the

conduct of liaison between the Governor's Office and the several state authorities. The Budget Office oversees the preparation of budget estimates for all state agencies and institutions seeking appropriations. In addition, OBA maintains a continuing assessment of the progress of state programs to evaluate their effectiveness in meeting program objectives (Ackley, 1983).

The Budget Office is under the supervision of the Secretary of the Budget who is appointed by and reports directly to the Governor. The Budget Secretary is responsible for obtaining and preparing information necessary for the preparation of the state budget. State agencies return budget estimates to the Budget Secretary who, at the direction of the Governor, may make inquiries into their financial needs. The Governor may approve, disapprove, or alter budget estimates after each group is given an opportunity to be heard (Ackley, 1983). The OBA chief executive is a key administration influential who ranks among the top five decision-makers in the executive branch. While powerful in his role as Budget Secretary, his range of influence is not restricted to fiscal issues (Haas, 1983).

In preparing the budget the Budget Office reviews education programs, their funding levels, and their

statutory bases. OBA develops confidential, internal position papers on bills for use in formulating administration policy positions relating to the cost of proposed legislation. In a number of cases OBA proposes, as part of the budget, changes in education legislation. OBA is particularly concerned with the preparation of fiscal notes for all education bills which will have a fiscal impact (Bittenbender, 1985).

Legislators, bureaucrats, and lobbyists do try to solicit Budget Office support for legislation. More often they try to explain their perspective on the bills. They try to modify or reduce any opposition to the bill by the Budget Office. The interest groups often are advocating a position that is more costly than OBA is willing to support. They often try to explain the merits of their position and why it is appropriate to incur those additional costs. Interest groups sometimes question the data, assumptions, and conclusions reached in a fiscal note. This often causes a review by OBA (Bittenbender, 1985).

Pennsylvania Department of Education (PDE)

In contrast to many other states where departments of education are nonpartisan, the Department of Education in Pennsylvania is identified as part of the

administration. Relationships between PDE and the Legislature involve conflict and cooperation. Both partisan political considerations and constitutional separation of powers govern interaction between PDE and the Legislature (Fuhrman & Rosenthal, 1981).

PDE is headed by the Secretary of Education who is appointed by the Governor, subject to the consent of the Senate. The Secretary of Education reports directly to the Governor and serves as chief executive officer for the State Board of Education (Pittinger, 1980).

PDE is charged with carrying out policies established by the State Board of Education, administering school laws enacted by the Legislature, and assisting school districts in conducting their educational programs. The broad responsibilities of PDE include: program evaluation, prescription of minimum courses of study, apportionment of state funds to local school districts, distribution of funds for secular educational services to nonpublic schools, regulation of private schools, and provision of services to public libraries and institutions of higher education (Ackley, 1983).

Traditionally the orientation of PDE has been more toward rural areas and less toward urban areas. Because

PDE is governed by statute and a vast majority of its personnel are civil servants, there is little room for political influence by legislators at PDE. PDE, therefore, has not been subjected to interference by the Legislature (Pittinger, 1980).

PDE has great financial flexibility. It gets a lump sum appropriation for general government operations. Within civil service limits PDE can spend appropriated funds as it pleases and is not restricted by narrow line items (Pittinger, 1980).

PDE compiles detailed information on Pennsylvania education. It is the one organization which gathers information from all interest groups. Under Secretaries Wilburn and Smith in the 1980's PDE has allowed interest group access to their computerized data base (Carroll, 1984).

The Department of Education has a fairly strong legislative influence based upon their position on a bill. The PDE is important in that it often brings out timely issues not voiced by interest groups. It provides statistics and important impact analyses. Speaking in behalf of the Governor, PDE also makes legislative proposals which the administration would like to have carried out (Caffrey, 1985).

The attitude of PDE officials is that they do not have to be in the middle of every fight. Unless PDE or the Governor's Office has a particular interest in a bill, nothing is done concerning the legislation. PDE studies bills to determine what effects they might have on schools and on the state. When an issue is of critical importance, however, PDE tends to be a combatant rather than a mediator. PDE attempts to develop a position which is compatible with its obligations to the education community and to the Governor's Office (Feir, 1984).

Pennsylvania Catholic Conference

The Pennsylvania Catholic Conference, although its interests reach far beyond the sphere of education, is vitally concerned with both nonpublic and public education. An organizational profile published by the Catholic Conference in 1981 specifically lists "state and federal legislative programs to aid parents and children in nonpublic schools" as a major concern. A stated conference objective is to "formulate policy decisions with regard to legislation and with regard to state government programs and policies which affect the common good and the interests of the Church." Other

conference objectives prominently mention education as well.

The Pennsylvania Catholic Conference was established by the state's bishops in 1960 to promote spiritual values in the state's public affairs. It is a federation of the Catholic Dioceses of Pennsylvania. With 3.5 million Catholics living in the commonwealth, the conference represents a formidable constituency. The Catholic Conference is considered by some the most powerful lobby in Pennsylvania (Myers, 1984).

Church lobbies, which are tax-exempt, are forbidden by the Internal Revenue Service Code from contributing money to political campaigns. Church groups like the Pennsylvania Catholic Conference, therefore, must rely on grass roots lobbying by its membership for influence rather than on campaign contributions (Fetterhoff, 1984).

Catholic Conference organization as described in its (1981) self-portrait includes a Board of Governors, Administrative Board, and specialized departments. The top policy makers are the Board of Governors, made up of bishops who head the Catholic dioceses of Pennsylvania, who meet annually. The Administrative Board, made up of two clergy and/or lay persons appointed from each

diocese, meets quarterly to make conference policy within the broad guidelines established by the bishops. Concern for the Catholic Church's teaching mission to students in both public and nonpublic elementary and secondary schools is implemented by the Education Department of the Catholic Conference. Department membership consists of diocesan superintendents of school and other educational professionals concerned about nonpublic and public education. This department works for government programs and legislation allowed under federal and state constitutions for students in Catholic schools.

The Catholic Conference maintains a tracking system for legislation. A private law firm is hired to screen every bill and, if the bill is of interest, to write a legal memorandum to the Catholic Conference concerning the bill. In weekly staff meetings the Catholic Conference then reviews legislation forwarded by legal council. Reviews are conducted for significant bills at quarterly Education Department meetings. School superintendents make position recommendations on education bills. But authorization by the Board of Governors is required before the Catholic Conference can actively lobby a bill (Fetterhoff, 1984).

Other Interest Groups

A number of less visible special interest groups are active in Harrisburg on educational issues affecting their constituencies. These groups do not maintain a continuous presence in the capitol and are not concerned with most educational legislation. They can become quite vocal, however, on issues which vitally affect their membership. When the major interests are split on a legislative issue, their influence can be effective. These groups represent such diverse constituents as school business officials, Christian schools, school nurses, retired school employees, intermediate units, parents, and the mentally retarded. A brief profile is included herein for several of these groups who were active on bills selected for case analysis in this study.

The Keystone Christian Education Association (KCEA) formed because of shared doctrinal philosophies on the reliability of the scriptures. Most member Christian schools are oriented toward their local churches who are affiliated with Baptist, Wesleyan, or Bible churches. All follow a conservative theology and often are referred to as orthodox or fundamentalists (Clayter, 1985). The natural concern of the association is with

legislation and regulations affecting private and parochial schools.

The Pennsylvania Association of School Business Officials (PASBO) is a group of professional administrators and supervisors with primary responsibilities in school business management. Although PASBO is without a continuing presence on Capitol Hill, the association is very knowledgeable about school finance and the operation of schools (Myers, 1984).

The intermediate unit (IU), which replaced the county school superintendent as the administrative intermediary between the state and local school districts, has begun to articulate interests. Some IU's have set up full-time professional lobbyists to serve the interests of the school districts which they represent. PSBA lobbyist Albert Unger (1984) believes that as human nature takes over, however, these lobbyists invariably tend to favor the interests of their own bureaucratic organization, sometimes at the expense of the local school districts which they are commissioned to serve.

According to its 1985 "Legislative Directory" the 28,000 member Pennsylvania Retired Public School Employees Association (PRPSEA) represents retired school

employees in the Commonwealth of Pennsylvania. PRPSEA is concerned with education and the economic, social, and professional status of retired school employees. The efforts of PRPSEA are concentrated mainly on grass roots lobbying by its membership.

In 1984 PRPSEA vacated the office it had occupied for seventeen years at the PSEA building in Harrisburg and split from that organization because they were receiving virtually no assistance from PSEA. At this time PSEA formed a section for retirees within their own organization, PSEA - Retired, which is now competing with PRPSEA. PSEA has been accused by PRPSEA of not being concerned for the welfare and interests of retired teachers. Retired teachers charged PSEA with being concerned only with active teachers because of their dues (Pratt, 1985).

In addition to the educational interest groups mentioned above, other interests often affect education legislation. Groups not normally associated with educational issues get involved with education legislation which may impact their particular interests.

Interest Group Coalitions

Joint activity with other interest groups is very important for most educational lobbies. Groups

representing administrators have formed a close working relationship. Administration groups also have an important lever in their close working relationships with the executive branch, particularly the Pennsylvania Department of Education (Manchester, 1984).

Teachers' groups, PSEA and PaFT, sometimes are thought to be at odds, but they are not. Their approach may be a little different, but they have similar objectives (Reibman, 1984).

In education, if several interest groups coalesce, the coalition formed usually represents a sizeable number of people. Their influence is usually substantial. When education groups get together their representatives debate the issues for the legislators. Two or three options often are presented by a coalition of lobbyists. They allow the legislators to explore the options until they find which one is most stable and gains the most momentum. Then the interest groups take off on that option (Nolan, 1984).

After years of merely talking there has been recent joint action through the Joint Action Committee. The Joint Action Committee is a formalized coalition which includes PASA, PSBA, PAESP/PASSP, PaFT, PSEA, the PTA and vocational administrators. PDE participates but is

not a voting member. Only issues with a potential for joint action are addressed by the committee, and no action is taken without unanimous support (Manchester, 1984).

When the Legislature is in session an informal coalition of lobbyists assembles regularly. This group consists of PSEA, PaFT, PASA, PLUS, the Pennsylvania Association of Intermediate Units, the Philadelphia and Pittsburgh school districts and, occasionally, PSBA. The group meets primarily for budget purposes, and individual bills are discussed only as they impact on educational finance. Because members must represent their individual constituencies, they cannot reach accord on all issues, but they try to hammer out a unified position. Members have an agreement that, if they can't agree on an issue, they will disagree civilly (Carroll, 1984).

Trends and Traditions

The legislative process in Pennsylvania has a tradition of interest group involvement. This tradition has developed through close lobbyist-legislator interaction over an extended period of time (Katz, 1981).

Pennsylvania legislators have come to depend on lobbyists and the interest groups which they represent. State Representative Fred Trello (D) 45th (1985) strongly emphasized the value of education lobbies to legislators when he commented: "Lobbies are in tune with what the existing problems are. They are more aware of what should be taught and why the present system should be changed. A legislator would be absolutely lost without a lobbyist."

Legislative staffs also rely heavily on lobbyists; but they must, of course, realize where the information is coming from. Interest groups present information favorable to their respective organizations. The job of the legislative staffer is to analyze the information presented by interest groups to ensure that it paints a complete picture (Nolan, 1984).

In recent years educational interest groups have begun to splinter. School districts, because of varied self-interest, have started to organize based on geography and demographics into three groupings - urban, suburban, and rural. PLUS already represents urban districts, and rural groups are starting to organize (Nolan, 1984).

The overall trend among Pennsylvania's educational interest groups has been characterized by proliferation and fragmentation. New groups have sprung up in response to changing needs, interests, and situations. Some existing groups have been fractured because of the heterogeneity of their membership and their inability to reach consensus. Educational lobbies, as they have adjusted to changing patterns of economics and politics, have demonstrated remarkable resilience and sustained dynamism.

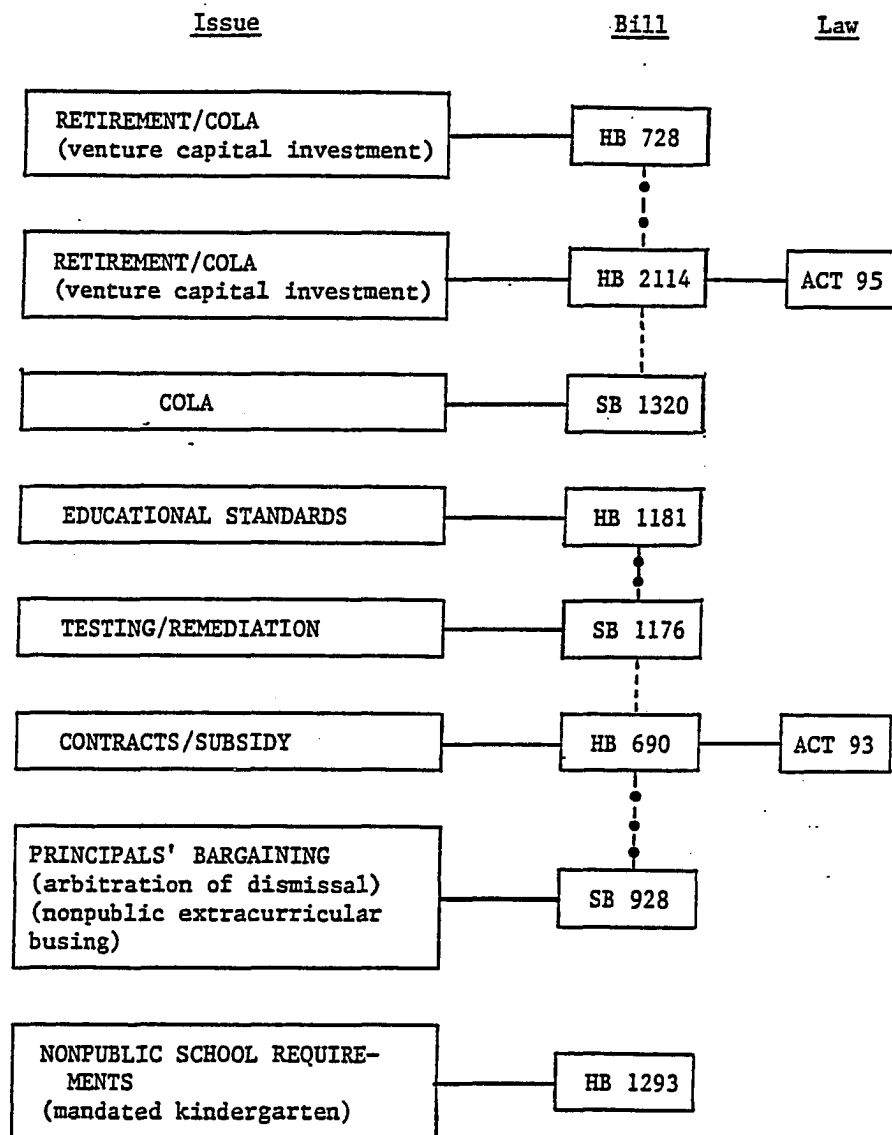
CHAPTER VI

Case Studies of Educational Legislation

Bills and Their Issues

Eight education bills were selected for case analysis in this study. Bill selection was based upon propensity to activate educational interest groups and the likelihood of stimulating legislator-lobbyist interaction. Bills were identified by observing the attention they received from the general and professional press and through interviews with legislators, education lobbyists, and legislative staff personnel. Case histories of these bills are reported in this chapter. The eight bills studied dealt with five main issues: educational standards, testing/remediation, nonpublic school requirements, retirement/cost of living adjustment (COLA), and principals' bargaining. Five subsidiary issues (arbitration of dismissal, contracts, nonpublic extracurricular busing, venture capital investment, and mandated kindergarten) were considered in this legislation. The school subsidy formula also was inserted into one of the bills. Figure 4 integrates the bills studied with the issues they addressed and

Figure 4. Educational issues and legislation



- - - Provisions folded into another bill

- • - • Provisions partially folded into another bill

graphically illustrates relationships among certain bills.

House Bill 728 (HB 728)

In April of 1983 HB 728, with an all Democratic sponsorship, was introduced and referred to the House Education Committee. Initially the bill had two provisions. It allowed the Pennsylvania School Employees Retirement Board to periodically set the valuation interest rate (assumed rate of return on retirement fund investments) on the basis of actual and expected investment returns. It also provided an ad hoc COLA for retired public school employees. In September of 1983 HB 728 was reported out of the Education Committee as committed and re-committed to the House Appropriations Committee.

The Appropriations Committee attached two amendments to HB 728. A small percentage (1% to 2%) of school employee retirement funds were made available for venture capital investments. In addition, the normal retirement age for school employees was reduced from 65 to 62, and school employees were allowed to retire without penalty after 30 years of service.

HB 728 passed the House (192 to 6) in February of 1984. The House, before passing HB 728, had amended the

bill to increase the basic retirement fund contribution rate from 5½% to 6½% of salary.

In the Senate, HB 728 was referred to the Finance Committee which is responsible for retirement legislation. The Finance Committee killed HB 728, but certain provisions of the bill were to resurface in HB 2114. Senate staffer, David Myers (1984) related:

The Senate did not take HB 728 seriously
....HB 728 did not come up in the Senate
because the chairman of the Senate
Finance Committee [Edward L. Howard
(R) 10th] didn't want it to come up.

Actuarial estimates for the cost of COLA were \$60 million annually for 20 annual installments. The net cost of a "30 and out" retirement provision was estimated at \$26 million for the first year with annual increases proportional to payroll. Costs were to be shared equally between the Commonwealth and the school districts. Some doubt about the price tag on HB 728 was expressed, however, because of anticipated payroll savings and possible future changes in the economic assumptions of the Retirement Board (Willey, 1984).

The Pennsylvania Retired Public School Employees Association (PRPSEA) strongly supported HB 728. Groups representing teachers and administrators generally were supportive. PSBA reported the progress of the bill in its "Information Legislative Service" without taking a stand on its provisions. The Governor's Office of Budget and Administration, however, opposed HB 728 (Bittenbender, 1985).

Representative Ralph Pratt (D) 10th (1985), prime sponsor of the bill, confided:

That bill was drafted primarily by the retired teachers association in conjunction with their governmental relations representatives....

Some very good friends of mine, constituents, were officers in the state-wide retired teachers association (PRPSEA). The president and chairman of their legislative committee both resided in my district, and they came to me because I took an interest in them in the past and in education bills which benefited them.

Concerning the legislative process for his bill
Representative Pratt added:

PSEA always kept an eye on legislation dealing with retired teachers because they knew... that legislation dealing with retired teachers gets a lot more sympathy and support than legislation dealing with active teachers. When my bill started to move I got the chairman of the House Education Committee to get it... to the chairman of Appropriations to get a fiscal note. In the meantime we started negotiations with the Governor's Office to see how much money he was going to budget to fund COLA. Finally... the Governor had made note that he would support a reasonable COLA. It started to move in Appropriations, and leadership in the House decided that they would move the bill. PSEA decided that if that bill was going to move, then they were

going to attach a rider to it.
Being influential with leadership,
PSEA received leadership support
to attach the early out window.
That early retirement provision
virtually killed HB 728 when it
went over to the Senate. The
venture capital provision for
pension funds was another
provision which provided the
death knell for HB 728.

Partisanship and credit taking were key ingredients
in the sponsorship of this education bill according to
Representative Pratt:

When HB 728 went over to the
Senate I then started negotiations
with Senator Howard, Chairman of the
Senate Finance Committee....
Senator Howard in no way was going
to permit a Democrat to be the
prime sponsor of anything that was
going to benefit retired teachers.
He said that the Senate was going
to get their own COLA bill out

sponsored by his buddy, Senator Stauffer.

Representative Pratt believed that his bill was not enacted because it was considered too expensive by the Governor. Provisions of HB 728 were greatly reduced by Act 95 (HB 2114) where COLA finally passed.

Senate Bill 1320 (SB 1320)

SB 1320, which concerned supplemental annuities for retired school employees, was the Governor's response to HB 728. The retirement supplement proposed by SB 1320 was, however, much less generous than that contained in HB 728.

SB 1320 was introduced in March of 1984 and referred to the Senate Finance Committee. The bill had bipartisan sponsorship with Senate Majority Whip, John Stauffer (R) 19th as prime sponsor.

Rather than a percentage COLA, SB 1320 proposed an ad hoc post retirement adjustment which was to be calculated on a dollar multiple basis. The supplemental monthly annuity was one dollar for each year of active service and two dollars for each year which the annuitant had spent on retirement. Payment of this supplemental annuity was to stop, however, if its

funding was certified by the Budget Secretary as insufficient.

In amendment No. A1919 to SB 1320, the Senate Finance Committee proposed an additional supplemental annuity beyond that provided by the original version of the bill. It was equal to two percent of the monthly annuity, but it was not to exceed \$20. This amendment included a pay-as-you-go feature to protect the solvency of the pension fund by making payment of this supplement contingent upon the availability of financial resources.

An advisory note from the Public Employee Retirement Study Commission (1984) pointed out that the post retirement adjustment proposed in SB 1320 was not purely proportional. It provided the largest additional benefits to long retired and long service benefit recipients irrespective of the size of their current benefits. The greatest percentage increases were to go to recipients receiving the smallest benefit amounts. This proposed adjustment went beyond a replacement of the effects of inflation. It attempted to correct the precarious situation of benefit recipients with small, potentially inadequate benefit amounts. The \$15 million price tag was only one fourth the estimated COLA cost of HB 728 (Hustead, 1984).

Concerning SB 1320 the Governor's Secretary for Legislative Affairs, George Seidel (1985), reflected:

The drafting of the COLA increase was done in close coordination with the Governor's Budget Office and the Governor's Legislative Liaison Office.... It was a strongly supported administration effort. The COLA formula based on years of service and years retired came out of the executive branch and was embraced by the retired teachers' group.

With the exception of PRPSEA, SB 1320 attracted scant attention from the Harrisburg education lobbies. PRPSEA supported the bill but asked for the flat two percent COLA in addition to the supplement based on years of service and years retired. Deletion of the conditional funding language which made the future of the increase uncertain also was requested by PRPSEA (Stoner and Klein, 1984).

SB 1320 never went beyond the Senate Finance Committee where it was referred initially. It died there from an apparent lack of interest on the part of

both legislators and lobbyists. Provisions of SB 1320 were revived, however, in HB 2114.

House Bill 2114 (HB 2114)

House Appropriations Committee chairman Max Pievsky (D) 174th was the lone sponsor of HB 2114. Upon introduction in May, 1984 his bill was referred to the Appropriations Committee and reported as committed. The bill appropriated some \$6 million from the State Employees' Retirement Fund for the fiscal year 1985 expenses of the State Employees' Retirement System. After having been amended to require a one to two percent venture capital investment program for the retirement fund, HB 2114 passed the House unanimously.

In the Senate HB 2114 was referred to the Appropriations Committee. There the retirement fund venture capital investment provision was removed. HB 2114 passed the Senate on a unanimous vote in June, 1984 with only editorial changes.

When the House and Senate could not agree on amendments, committees of conference were appointed in both chambers. Sponsors of COLA legislation and prominent members of appropriations and finance committees (Senators Howard, Stauffer, and Lewis and Representatives Manderino, Pievsky, and McClatchy) staffed these conference committees.

The Report of the Committee of Conference bore little resemblance to HB 2114. As recommended by the Governor, a cost of living adjustment (COLA) identical to that proposed by SB 1320 was provided for retirees of the Public School Employees Retirement System. The COLA included: two percent on the first \$12,000 of a retiree's pension; one dollar per month for each year of service; and two dollars per month for each year on retirement. Two provisions which resembled HB 728 also were added. Retirement boards were authorized to invest one percent of their retirement funds in venture capital investments. The executive branch came up with the parameters for a one-time special early retirement window between July 1, 1985 and June 30, 1986 (Seidel, 1985). Public school employees who had 30 years of service and had reached at least the age of 53 were offered an early retirement incentive without penalty.

Just before the summer recess both chambers adopted this three-pronged retirement bill unanimously in conjunction with the state budget. With the Governor's approval it became law on June 29, 1984 as Act 95.

The Pennsylvania State Education Association reported in a July 16, 1984 letter to its membership that the early retirement victory didn't come easily. PSEA Executive Director K. Eugene Preston wrote:

Since PSEA introduced the 30-and-out bill early last school year, members sent almost 100,000 cards and letters urging legislators to support it. When school ended, PSEA members kept right on working. Then, several days before the end of the legislative session, 50 political action leaders came to Harrisburg to lobby for the bill, which by then had become the focus of intense legislative controversy. In those last days in June, PSEA lobbyists worked on "the Hill" literally night and day.

In its legislative letter of June 29, 1984 the Pennsylvania Retired Public School Employees Association took credit for the COLA increase:

We are very pleased to announce this victory which could not have materialized without PRPSEA -- its members, its officers and board members, its legislative committee, and its Legislative Advisor -- Fred A. McKillop.

Pennsylvania Federation of Teachers lobbyist Pat Halprin (1985) recounted:

PaFT worked very hard for the early retirement bill.... They (PaFT) had to build the grass roots support and work with the Governor's Office. They (the Governor's Office) did not want to do it. We had to show them there was enough legislative support so that it was going to happen....

Secretary of the Budget Bittenbender (1985) admitted, "We finally supported a more modest early retirement bill and COLA; HB 2114 was a compromise version."

The administration and school boards were opposed to early retirement because of cost. Their concern was the actuarial health of the pension system (Reibman, 1984). But with most educational interest groups in favor of COLA, no strong opposition to HB 2114 was generated. Administrator groups actively supported early retirement legislation. PLUS supported early retirement because there was an economic benefit for urban districts to have teachers retire early. There

was also some self-interest from members who wanted to retire early (Carroll, 1984).

During passage of the budget for fiscal year 1984 a commitment had been made by House Democratic and Senate Republican leadership to provide some kind of early retirement for teachers in the next year. This commitment was embodied in Act 95 (Myers, 1984).

House Minority Whip Sam Hayes (R) 81st (1984) considered the fate of HB 2114 to be based primarily on "an actuarial finding coupled with a standing request from across Pennsylvania." He added, "After actuarial figures demonstrated retirement fund solvency, it passed."

Senate Education Committee Minority Chairman Jeanette Reibman (D) 18th (1984) believed that HB 2114 became law for two reasons. In her analysis, "It passed because of compromises and lobbying by PSEA and PaFT." House Bill 1181 (HB 1181)

The issue of curriculum regulations crystallized in April of 1983 when the National Commission on Excellence in Education released its stark and disturbing report, "A Nation at Risk." With a national focus on the quality of education in America, deliberations on educational reform were a natural response to a deep public concern.

HB 1181 was an attempt to legislate more rigorous educational standards for public schools in Pennsylvania. Provisions of the bill included the updating of curriculum requirements for elementary and secondary pupils and the mandating of a state-wide performance testing program. Tests were required in the second, fifth, and eighth grades to assist in the development of remedial programs. Satisfactory performance on an eleventh grade test was a basic prerequisite for receiving a high school diploma.

HB 1181 also called for the repeal of Section 290.1 of the Pennsylvania School Code concerning Educational Performance Standards. Under Section 290.1 of the School Code, the Pennsylvania Department of Education (PDE) and the State Board of Education already had established educational goals and quality assessment testing.

Private schools were required by HB 1181 to administer a PDE - approved national test of their choice to students in eleventh grade and to notify parents or guardians of test results. Passing the test, however, was not a state-mandated graduation requirement for nonpublic school students.

HB 1181 was introduced and referred to the Education Committee on June 7, 1983. It was reported

out of committee with amendments to protect students having recognized learning disabilities. After consideration by the Rules Committee the bill was re-referred to Education and there amended to protect vocational-technical, business, bilingual, foreign language, and physical education programs. It was re-committed to the Appropriations Committee and reported unchanged. The House passed HB 1181 (171 to 26) with editorial changes on February 13, 1984.

In the Senate HB 1181 was referred to the Education Committee and reported out of committee with amendments on June 14, 1984. The Senate Education Committee deleted minimum secondary course requirements and eleventh grade testing as a prerequisite for high school graduation. In so doing it declined to challenge the authority of the State Board of Education to establish educational standards. On June 8, 1984, after one year of debate, HB 1181 was re-referred to the Senate Appropriations Committee where it died.

In the interim the bill had been overtaken by events. Chapter 5 curriculum regulations, consistent with the language of HB 1181 and the Governor's "Agenda

for Excellence in Pennsylvania Public Schools," already had been promulgated by the State Board on December 14, 1983.

The Harrisburg education lobby generally supported HB 1181 in its final form. PSBA's "Information Legislative Service" (1984) reported that the Joint Action Committee, which includes every major education interest group with the exception of PLUS and the Catholic Conference, supported "courses of study and graduation requirements provided in both HB 1181 and the new Chapter 5 regulations." Only the Keystone Christian Education Association (KCEA), which envisioned a potential for government intrusion into private school graduation standards, actively opposed HB 1181. In the "Friend Amendment" to HB 1181 KCEA attempted to allow religious schools to choose a nationally recognized test that would not conflict with their religious distinctiveness (Clater, 1984).

HB 1181 underscored a more fundamental question than course requirements which actually differed little from those advanced in Chapter 5 regulations. It was a political issue between a Republican Governor and a Democratic House and House Education Committee Chairman over who should establish school standards, the Legislature or the State Board of Education. PSBA

Director of Governmental Relations Albert Unger (1984) offered the following analysis of HB 1181:

On the issue of competency testing and educational standards it became a question of whether the Legislature or the Governor, articulated through the State Board of Education, was going to make the determination as to what the standard should be. The House Education Committee primarily opposed the Governor. It became a game of who had the authority.... The only thing that differed at the end was that the House Education Committee wanted testing in eleventh grade in addition to three, five, and eight.

Edward Nolan (1984), a member of the House Minority Appropriations Committee staff, added:

When Chapter 5 passed, the Chairman of the House Education Committee wanted to get some credit for the new initiative for education in the state....

There was an attempt by the Legislature to reject Chapter 5 regulations when they came back to the House for final approval. As a result of HB 1181 the School Code was amended to put legislators on the State Board of Education.

From a legislator's point of view former educator and House Republican Caucus Chairman Fred Noye (R) 86th reflected:

School districts really did not want competency testing, but the public did. That was a classic case of the legislator having to choose between his constituents or special interests.

The decision-making process for HB 1181 involved the avoidance of controversy (Christopher, 1985). In the end the General Assembly seemed content with placing their representatives on the State Board of Education and allowing the State Board to make potentially controversial choices. This solution enabled the Legislature to influence educational policy-making without alienating either special interests or

constituents. The introduction of HB 1181 did prod State Board action in the adoption of Chapter 5 curriculum regulations. It also allowed legislators to take credit for supporting a politically popular issue. Senate Bill 1176 (SB 1176)

On October 17, 1983 Governor Thornburg unveiled "TURNING THE TIDE: An Agenda for Excellence in Pennsylvania Public Schools." The administration agenda included wide-ranging proposals for reversing the growing crisis described in American schools by the National Commission on Excellence in Education. Included among the Governor's proposals was "Testing for Essential Learning and Literacy Skills" (TELLS), a state-funded testing and remediation program.

SB 1176 was introduced in the Senate and referred to the Education Committee on December 8, 1983. It was legislation designed to implement TELLs. Criterion-referenced competency testing in reading and mathematics with follow-up remediation was mandated by the bill. SB 1176 provided for testing of public school students in grades three, five, and eight to identify students not performing at the appropriate skill level. Nonpublic school students also were afforded the opportunity to participate in the testing program. The

bill delegated testing and remediation specifics to the Pennsylvania Department of Education.

SB 1176 was amended by the Education Committee to assign responsibility for the development and implementation of the testing and remediation program to the State Board of Education. In addition, the Secretary of Education was authorized to grant exceptions to program requirements for certain categories of students. It was reported as amended in January of 1984.

With minor amendments in the Senate, SB 1176 reached second consideration in February, 1984 and was re-referred to the Senate Appropriations Committee. There the bill died, but its provisions resurfaced at a later date in HB 690.

PDE legislative coordinator Robert Feir (1984) pointed out that "SB 1176 was essentially the Governor's bill. It was the administration's testing and remediation proposal."

Senator James Rhoades (R) 29th (1985), the bill's prime sponsor, concurred with Feir:

SB 1176 came down with the Governor's "Excellence in Education" program. Senator Hess (Senate Education Committee

Chairman) and I were telling the administration that, if they were going to do something, start moving. If they had not started moving when they did, we would have started putting our own package together. It came down ultimately to the budget process and was affected by the dollars going into it.

A fiscal note prepared by the Budget Office indicated that \$28 million was included in the 1984-85 Executive Budget to provide for first year administrative costs and remediation programs beginning in the Spring of 1985. Costs for fiscal year 1985-86 and beyond were estimated at \$56 million annually (Rao, 1984).

Senate Bill 928 (SB 928)

The stated purpose of SB 928 was "to provide a means by which compensation matters affecting school administrators can be resolved within the framework of a management team philosophy." It was designed to amend the Public School Code by requiring school employers to adopt written administrator compensation plans for middle management. Administrator compensation plans

were required by SB 928 to include: the method of determining administrative salaries, a salary schedule, and a listing of fringe benefits. Under this bill school employers, upon written request of a majority of district administrators, were required to meet with appropriate representatives of the school administrators and discuss compensation and related issues in good faith.

Past legislation concerning middle management bargaining had not been taken seriously by legislators because they found a lack of unity among administrators on the negotiations issue and felt no pressure to act. The first and most important step toward passing negotiations legislation was taken as early as 1972 when the Council of Middle Management was formed among the various groups representing principals and supervisors (Manchester, 1984).

Groups representing principals and supervisors banded together to support a strong collective bargaining bill in the 1983-84 Pennsylvania General Assembly. However, the advice of superintendents to eliminate language that might give the bill a collective bargaining flavor was taken. Middle management groups decided to draft a bill that would fit on a single page so that it could be read easily by legislators and to

focus on signed salary agreements, the only major right not already available to most Pennsylvania administrators. In a major lobbying effort for this bill every Pennsylvania legislator was contacted (Manchester, 1984).

SB 928 was introduced with bipartisan sponsorship in July, 1983 and referred immediately to the Senate Education Committee. It was reported by the Education Committee as committed, and it passed the Senate (38 to 9) in January, 1984.

In the House SB 928 was referred to the Education Committee and reported out of committee as committed. After first consideration and tabling it was returned to the House Education Committee for further consideration. SB 928 was amended by the Education Committee to permit exclusive bargaining representatives to grieve and arbitrate the validity of a professional employee's termination.

SB 928 was then referred to the House Appropriations Committee where it was again amended. School districts who provide their students with free bus transportation for extracurricular activities were required by the amendment to provide the same services for nonpublic school pupils.

After amending SB 928 to ensure that no costs would be incurred to transport students for religious activities, the House passed the bill (128 to 65) in May, 1984 and sent it back to the Senate. The Senate did not concur in amendments and returned SB 928 to the House. When the House insisted on its amendments a conference committee was appointed to resolve differences between the two chambers.

According to School Boards Association lobbyist Albert Unger (1984):

Revisions to SB 928 concerning compensation for middle management administrators were the result of several months of discussion by PASA, PAESP/PASSP, and PSBA. On the principals' bargaining bill, PSBA stood alone in opposition to it. Even PASA supported it. PSBA has opposed collective bargaining bills traditionally because of the adversarial relationship they have set up.

When PSBA sensed that SB 928 was going to move they offered several amendments which were favored by PASA. The major PSBA amendment suggested that the bill focus

on a compensation plan passed by local school boards as policy rather than on a signed agreement. Acceptance of PSBA amendments by the Council of Middle Management broke whatever resistance there had been on the House Education Committee and led to an announcement by PSBA that it would not oppose the bill in its new form (Manchester, 1984).

Concerning SB 928 prime sponsor James Rhoades (R) 29th (1985) confided:

SB 928 was primarily supported by the Pennsylvania Association of Secondary and Elementary School Principals. PSBA opposed it initially.... After it went through the Senate, PSBA and PASSP/PAESP worked out a compromise they could live with. The arbitration and dismissal provision was amended into SB 928 through the efforts of PaFT.

Federation of Teachers lobbyist Pat Halprin acknowledged:

In getting bargaining rights for principals, PaFT did not have a strong interest. We were active

on the bill, however, because we used it as a vehicle for something that we wanted to go through. It gave us the right to arbitrate dismissals. PaFT and PSEA knew it was a bill that could get through the Senate. So it was used as a vehicle for arbitration of dismissal.

Perhaps PLUS Executive Director Don Carroll (1984) summed up the issue of principals' bargaining best when he said:

Middle management bargaining was one of the most popular bills, but the last to pass. It was held hostage because everyone knew that would go. It was held because you know you can amend the living daylight out of it with other, less popular, legislation. Our members were already doing principal bargaining, so they said go with it.... PLUS was worried about what was going to be "Christmas-treed" on it.

Each chamber passed a different version of SB 928, and the bill was not enacted. Differences were never resolved in conference committee. Provisions of SB 928, however, were folded into HB 690 and eventually became law.

Senate Education Committee Minority Executive Director David Myers (1984) opined:

Principals bargaining was stymied by PSBA in the House, largely through the efforts of Representative Steven Friend. It was included in HB 690 so Senator Rhoades could tell his constituency he got another bill enacted.

House Bill 690 (HB 690)

HB 690 was introduced in April of 1983. It was sponsored exclusively by Democrats, most of whom represented urban areas. Eventually it became a vehicle to implement the budget and to enact some of the proposals contained in other education bills (Bittenbender, 1985).

In the House the bill was referred initially to the Education Committee and reported as committed. The original version of the bill dealt with contracts and construction in school districts of the first class. It

allowed those large districts to award contracts under \$4,000 without soliciting competitive bids and to perform work costing less than \$50,000 with their own maintenance personnel. A House amendment extended the contracts provision to all school districts and allowed all school districts to have up to \$10,000 worth of work done by obtaining bids from at least three firms. HB 690 passed the House in May of 1983 with only two representatives dissenting.

HB 690 ricocheted around the Senate for four months. It was at first referred to the Education Committee where it was completely rewritten. Construction and contracting were deleted and replaced with provisions for exceptional children and for the reimbursement of certain special education services. On second consideration, however, reduced construction and contracting limits were reinserted. HB 690 was then re-referred to the Appropriations Committee. There quarterly advance subsidy payments to school districts were added, and solicitation of three quotations for purchases over \$1,000 was required for school-affiliated organizations. Every senator voted in favor of HB 690 as it passed the Senate in October, 1983.

Concurrence between chambers was not reached on amendments, and a conference committee was appointed which included prominent legislative leaders and education committee chairmen (Senators Hess, Reibman, and Stauffer and Representatives Gallagher, Levin, and Hayes). Their report was adopted by both chambers and approved by the Governor as Act No. 93 on June 29, 1984. HB 690, which was enacted as a compromise, contained something for most education interests.

In conference committee radical surgery had been performed on HB 690. No section of the bill was left intact; several sections were added. School district self-maintenance projects were limited to \$5,000 in all districts, and the rights of exceptional children section was changed drastically. Principals' meet and discuss and professional employee arbitration of dismissal, previously contained in SB 928, were inserted. The school subsidy factor for educational expense was increased for those districts participating in the Governor's testing and remediation program-TELLS.

Educational interest groups became very active on HB 690. The adjusted subsidy formula was written by PLUS (Hershock, 1985). There was some intense lobbying on the part of the School Boards Association which is philosophically opposed to collective bargaining

(Reibman, 1984). PSBA lobbyist Albert Unger (1984) acknowledged that his association was able to change the whole direction of the bill. In its final form HB 690 was supported, or at least unopposed, by all major associations representing basic education (Manchester, 1984). Senator Reibman credited the success of HB 690 to the intense lobbying of principals' groups. Her sentiments were echoed in print by a July 2, 1984 legislative bulletin from the principals' groups which read:

In a dramatic last minute move by
... Senator Jim Rhoades, the Salary
Agreement Bill was amended to HB 690,
a budget bill, and passed both
houses.... Senator Rhoades, a former
secondary principal and PASSP member,
shepherded the Salary Agreement Bill
through the Senate and General Assembly
and deserves the thanks of every
administrator in the Commonwealth....

House Education Committee Majority Executive
Director Frank Christopher (1984) observed:

"A Nation at Risk" prompted the
Governor's "Agenda for Excellence
in Education" which was embodied in

Act 93 and Chapter 5 regulations.
The national studies generated a
climate for action which stimulated
Pennsylvania state government and
generated consensus.

David Myers (1985), Minority Executive Director of
the Senate Education Committee, concurred that support
for TELLS was the key to success for HB 690. He
concluded that testing, remediation, and subsidy for
schools were the popular issues that carried other less
popular issues. Added Myers:

Behind the scenes negotiating between
PSEA, PaFT, and PASA went on over final
language. Since arbitration of dismissal
was the most controversial part of
HB 690, they had to put it together
with some other things to get it to
pass.

With respect to HB 690, Conference Committee member
Sam Hayes (R) 81st (1984) observed:

It is an example of how one issue
provides the energy necessary for
passage. The subsidy issue provided
the momentum. Other issues were

important, but legislators were most attentive to school subsidy and what was going to be done to bring about quality education and competency testing.

Conference committee chairman Jim Gallagher (D) 141st (1985) added:

The original bill had little resemblance to what finally became law.... The bill itself was the vehicle which was handy at the time It... went to conference committee It was there the agreement was made in negotiations for the whole budget.... Bargaining for principals was put in to satisfy some ... people, and contracts was minute. It became law because of strong support for TELLS.

House Bill 1293 (HB 1293)

As introduced in June, 1983 HB 1293 confirmed the right of parents to choose to educate their children in private religious schools, and it preserved the freedom of these schools to be uniquely religious. HB 1293 attempted to curtail the delegation of regulatory

authority over private and parochial schools to the State Board of Education. It delineated what religious schools must offer their students to fulfill compulsory attendance provisions and placed nonpublic schools under the control of the Legislature. The bill exempted religious-affiliated schools from course of study requirements contained in sections 1511 and 1605 of the Public School Code. Under HB 1293 principals of private or parochial schools confirmed compliance with Commonwealth standards simply by submitting notarized statements.

Prime sponsor Fred Trello (D) 45th (1985) admitted to his token sponsorship of HB 1293. He identified Representative Steven Friend (R) 166th, who drafted the legislation and handled it on the floor, as the bill's real sponsor. Friend, a Republican, had asked Trello, a Democrat, to sponsor his bill in the Democratically-controlled House. Representative Trello, who has children in Catholic school and has many private and parochial schools in his district, agreed to be prime sponsor when he learned of the bill's contents.

After eight months of deliberations, HB 1293 was reported out of the House Education Committee. There it had been amended to require four years of English and

three years each of math, science, and social studies for high school graduation.

The House tacked on several amendments before passing the bill (172 to 24) in May, 1984. Nonpublic schools were prohibited by amendments from advocating political terrorism and from refusing to enroll any student because of race or color. These schools also were prohibited from issuing a high school diploma to transfer students who had failed an eleventh grade skills test until the students had successfully completed the test.

In the Senate HB 1293 was referred to the Education Committee. There it was amended to require all school districts to establish and maintain kindergartens. After the Senate Appropriations Committee determined that the bill would have no fiscal impact on the Commonwealth, HB 1293 passed the Senate (39 to 2) on November 28, 1984, the last day of the legislative session.

The bill was returned to the House in what appeared to be an eleventh hour attempt to gain concurrence in Senate amendments. The fate of HB 1293 was summed up in a December, 1984 PSEA legislative letter which announced: "Minutes before adjournment, House

leaders at our request chose to not vote to concur in Senate amendments to the bill. The bill is dead for this session."

In a February 24, 1984 letter to all legislators PSEA lobbyist Walter Carmo had voiced his organization's strong opposition to HB 1293. PSEA's objection was that HB 1293 placed religious schools outside the authority and review of the state and raised serious constitutional questions. PSEA particularly opposed language in the bill which read:

Nothing contained in this act shall empower the Commonwealth, any of its officers, agencies, or subdivisions to approve the course content, faculty, staff, or disciplinary requirements of any religious school referred to in this section without the consent of said school.

Pennsylvania Federation of Teachers (PaFT) lobbyist Pat Halprin confided:

There was no way the General Assembly could block it. So we tried to maneuver. If a bill looks like it is going to go through and I don't like it, I tack on something that

I do like so that it is not a complete loss. So we got kindergarten in there and slowed down the timing of it.

In their June 15, 1984 "Information Legislative Service" PSBA voiced their objection to the PaFT-inspired amendment to mandate kindergarten. PSBA reiterated its position that local school officials should retain discretion to implement such programs.

Senate Education Committee Majority Executive Director Helen Caffrey (1985) observed:

Although all the major education interest groups were united in their opposition to HB 1293, it still moved. Groups worked hard to stop it, but there was another motivation out there to move that bill which education groups couldn't stop.

Although the Catholic Conference and fundamentalist Christians are not natural allies, they joined forces in supporting HB 1293. With Catholics and fundamentalists united, it was difficult for most legislators to vote against the bill without risking the alienation of constituents. The fact that HB 1293 passed both the

House and Senate yet didn't become law indicated that something strange was happening (Halprin, 1985).

Pennsylvania Catholic Conference Executive Director Howard Fetterhoff (1984) credited the Keystone Christian Education Association and his group with drafting and lobbying HB 1293. He recounted:

Christian schools in particular were very interested to get the Legislature to set the limits of what government intrusion into religious schools would be.... The interest was to set a public policy which would protect parochial schools from the kind of problem in Nebraska. Pennsylvania doesn't pose that kind of threat. They wanted to prevent such a problem in the future.... The main reason that HB 1293 came close to passing was that Reverend Clater had clergymen from all over the state contacting their legislators for support of the bill.

Prime sponsor Fred Trello (1985) confirmed Mr. Fetterhoff's assessment. He acknowledged that "representatives of religious interests were in every legislator's office" concerning HB 1293.

Howard Fetterhoff (1984) of the Catholic Conference concluded that the House did not concur in Senate amendments to HB 1293 because House leadership did not put it on the calendar and bring it to the floor. Fetterhoff revealed:

House leadership did not feel they had time to bring it up at the end of the legislative session. The votes were there. Questions not really known are whether the leadership was more influenced by bill opponents or actually didn't have time.

House Education Committee Executive Director Greg White (1984) confirmed Mr. Fetterhoff's suspicions:

Representative Manderino (Democratic Floor Leader) refused to put it on a supplemental calendar. He did so for two reasons: one, he didn't agree with the legislation; two, the Senate insisted on including a

provision which included kindergarten programs (which the House had already rejected). That amendment was included to kill it....

HB 1293 was a reaction to a potential rather than a real problem stemming from state regulation of religious schools in Nebraska. It was a test between two titans, PSEA and the Catholic Conference. Everybody finally came out a winner without the bill becoming law (Myers, 1984).

Key Factors

In order to make comparisons among bills, key factors affecting the disposition of legislation must be identified from individual case analyses. Common features and/or significant differences contributing to the success or failure of legislation can then be discerned from case comparisons. From the aggregate data generalizations can be made about this sample of education bills, and important insights into the legislative decision-making process can be gained. Key factors and other important data found in the above case studies are summarized in Figure 5 for comparative analysis of education legislation.

Figure 5. Comparative analysis matrix

| Factor | Unsuccessful Bills | | | | | | Successful Bills | |
|-------------|---------------------------------|---|---|--|---|---|--|---|
| | HB 728 | SB 1320 | HR 1181 | SB 1176 | SB 928 | HB 1293 | HB 2114 | HB 690 |
| Issue | COLA/ Retire- ment | COLA | Educ. Standards /Juris- diction | Testing/ Remedi- ation | Princi- pals' Bargain- ing/Arb- itration of Dis- missal | Nonpub- lic School Rqmts. | COLA/ Retire- ment | Testing/ Remedi- tion/ Princi- pals' Bargain- ing |
| Sponsorship | (D) Pratt(D) 10th | Bipart- isan Stauffer (R) 19th | Bipart- isan Gallagher (D) 141st | Bipart- isan Rhoades (R) 29th | Bipart- isan Rhoades (R) 29th | Bipart- isan Trello(D) 45th (token) Friend(R) 166th (real) | (D) Pievsky (D) 174th | (D) Gallagher (D) 141st |
| Committee | H.Educ. H.Appro. S.Finan. | S.Finan. | H.Educ. H.Appro S.Educ. S.Appro. | S.Educ. S.Appro. | S.Educ. H.Educ. H.Appro. Conf. | H.Educ. S.Educ. S.Appro. | H.Appro. S.Appro. Conf. | H.Educ. S.Appro. S.Educ. Conf. |
| Amendments | H.Appro. House | S.Finan. | H.Educ. House S.Educ. | S.Educ. Senate | H.Educ. H.Appro. House | H.Educ. House S.Educ. | House S.Appro. Senate Omnibus | House S.Educ. Omnibus |

Figure 5. Comparative analysis matrix

| Factor | Unsuccessful Bills | | | | | | Successful Bills | |
|------------------------------|---|----------------------------|---|---------------------|--|---|---|---|
| | HB 728 | SB 1320 | HB 1181 | SB 1176 | SB 928 | HB 1293 | HB 2114 | HB 690 |
| Support | PRPSEA PSEA PAFT PAESP/ PASSP PASA | PRPSEA Gov.'s Office | PSEA PAFT PAESP/ PASSP PASA PSBA | Unanimous | PSEA PAFT PAESP/ PASSP PASA* | KCEA Catholic Conf. | PRPSEA PSEA PAFT PLUS PASA PAESP/ PASSP | PSEA PAFT PLUS PAESP/ PASSP |
| Opposition | OBA | NONE | KCEA Admin. | NONE | PSBA PASA* | PSEA PAFT PSBA | PSBA | NONE |
| Cost | \$86 m/yr for 20yrs | \$15 m/yr for 20 yrs | \$56 m/yr | \$56 m/yr | NONE | NONE | \$15 m/yr for 20yrs | \$149 m/yr |
| Funds Budgeted | Partially | Yes | Yes | Yes | NA | NA | Yes | Yes |
| Demonstrated Partisanship | Yes | Yes | Yes | No | No | No | No | No |
| Compromise | No | No | No | No | Yes | No | Yes | Yes |
| Disposition | Killed by S.Finan. | Died in S.Finan. | Died in S.Appro. | Died in S.Appro. | Died in Conf. Com. | House Didn't Concur in Sen. Amend. | Enacted as Act 95 | Enacted as Act 93 |

Figure 5. Comparative analysis matrix

| Factor | Unsuccessful Bills | | | | | | Successful Bills | |
|---------------------------------|--|------------------|--|--------------------|-----------------|------------------------------------|---|---|
| | HB 728 | SB 1320 | HB 1101 | SB 1176 | SB 928 | HB 1293 | HB 2114 | HB 690 |
| House Vote | (192-6) | NA | (171-26) | NA | (128-65) | (172-24) | Unanimous | (192-2) |
| Senate Vote | NA | NA | NA | NA | (38-9) | (39-2) | Unanimous | Unanimous |
| Reasons for Success/ Failure | Governor considered early retirement too expensive | Lack of interest | O.V.E. / Provisions established by State Board | Folded into HB 690 | Held as Vehicle | House Leadership kept off calendar | Affordability / Compromise / Popular Support / PSEA/PAFT Lobbying | Public Opinion / Group Consensus / Popular Issues / Subsidy Formula / Support for TELLS |

* PASA supported middle management meet-and-discuss but opposed the arbitration of dismissal amendment.

CHAPTER VII
Perceptions of Legislators, Lobbyists,
and Staff

Interview Data

This chapter reports the perceptions of legislators, lobbyists, and legislative staff expressed during tape-recorded interviews conducted by the researcher. Open-ended interview questions, designed to probe basic and ancillary research questions, were used for this research. The interview schedule used for lobbyists is included in appendix A. Appendix B contains the interview schedule for legislators and legislative staff.

Based upon position, reputation, and bill sponsorship 49 interview subjects were identified. Of the 49 resource persons selected to take part in the study, 34 agreed to participate and were interviewed. The greatest difficulty in obtaining interviews was encountered with the legislative leadership. Legislative leaders were well insulated by staff, and they most often gave a very busy schedule as their reason for declining to participate. Only two subjects requested anonymity. The names and positions of all other participants are referenced in this study.

Participating subjects included 11 lobbyists, 7 legislative staff personnel, and 16 legislators, 8 of whom were educator-legislators.

Coding of interview data was completed by the researcher during interviews and from a review of interview tape recordings. For each category of subject (lobbyist, staff, educator-legislator, and other legislator) a matrix was developed to analyze raw interview data. Every different response to each interview question was recorded on the matrixes, and the number of repetitions was indicated for each response. Figures 6, 7, and 8 contain the most common responses recorded on the matrixes. Included in this chapter is a summary of subject perceptions and their significant revelations relative to the research questions posed by this study.

Educational Interest Groups

When asked what organizations have the greatest expertise with regard to educational legislation, subjects most often named PSEA. The preeminence of PSEA was attributed to resources. PSBA and PaFT were regularly mentioned. Also recognized for their expertise in legislative affairs were PASA, PDE, and PLUS. Dependence on the issue was emphasized since groups tend to develop expertise in their areas of major concern.

Figure 6. Education interest groups

| Question | Response | Lobbyist (11) | Staff (7) | Ed. Legislator (8) | Legislator (8) | Total (34) |
|-------------------------|---|---------------|-----------|--------------------|----------------|------------|
| Legislative Expertise | Pennsylvania State Education Association (PSEA) | 8 | 5 | 4 | 7 | 24 |
| | Pennsylvania School Boards Association (PSBA) | 4 | 1 | 2 | 4 | 11 |
| | Pennsylvania Federation of Teachers (PAFT) | 3 | 1 | 1 | 4 | 9 |
| Group Influence | Pennsylvania State Education Association (PSEA) | 10 | 7 | 7 | 8 | 32 |
| | Pennsylvania Federation of Teachers (PAFT) | 10 | 6 | 3 | 4 | 23 |
| | Pennsylvania School Boards Association (PSBA) | 5 | 4 | 7 | 4 | 20 |
| Sources of Strength | Membership (numbers) in legislative district | 7 | 5 | 3 | 5 | 20 |
| | Money (campaign spending) | 7 | 1 | 1 | 1 | 10 |
| | Reliable information (research staff) | 4 | 2 | 2 | 2 | 10 |
| Coalition Effectiveness | Conditional | 3 | 2 | 3 | 6 | 14 |
| | Inversely proportional to group size | 4 | 2 | 2 | 1 | 9 |
| Strategy Development | Issue dependent | 4 | NA | NA | NA | 4 |
| | Influence legislators through constituents | 4 | NA | NA | NA | 4 |
| | Concentration on few issues | 3 | NA | NA | NA | 3 |

NOTE: Numbers in the columns indicate how many times each different response was given by interview subjects in the categories listed above the columns. Numbers in parens indicate how many respondents were in each category.

All subjects were asked to identify the most influential interest groups concerned with educational legislation in Pennsylvania. This question elicited a variety of responses. A total of 15 groups, all of whom are profiled in Chapter V, were named. Teacher groups (PSEA and PaFT) and school boards (PSBA) were mentioned most prominently, with PSEA identified most often.

Shifts in group strength were perceived by several subjects. Although still considered to be highly influential, both PSEA and PSBA were thought to have declined in their influence. Increasing influence was seen for PASA, PaFT, PLUS, and groups representing retired teachers.

Several respondents believed that the power of PSEA peaked in the mid-1970's and has been in decline over the past decade. Various theories were advanced to explain the perceived decline in influence for PSEA. PSBA lobbyist Albert Unger (1984) opined, "they have not wisely used their preponderance of resources." Said Representative Carmel Sirianni (1985):

The influence of PSEA is declining because they fight only to improve salary, benefits, and working conditions of teachers. But they do not fight to improve education.

Because of this stance teachers
are perceived as selfish and greedy
by the public.

Representative Fred Noye (1985) added:

They (PSEA) made some major changes
in personnel which was a serious
mistake. George Seidel went
with the Governor and Fred McKillop
was fired in a power play. Those
two were truly able to keep PSEA
as a bipartisan/nonpartisan type
of operation. PSEA has now...
lost their identity as a bipartisan
operation. They have become truly
a democratic arm union....

PSBA, with strong grass roots support, was
perceived as very influential, especially by
legislators. Several respondents believed, however,
that PSBA influence has receded as well. In the opinion
of rival PSEA lobbyist Walt Carmo (1985) "the school
boards do not advocate anything except opposition; that
is what debilitates them." Principals' lobbyist Frank
Manchester (1984) agreed that PSBA "lost credibility
with the General Assembly because they had been
perceived ... as being obstructionist."

Although administrator groups have been considered relatively weak (Manchester, 1984), the Pennsylvania Association of School Administrators (PASA) has been recognized as growing in influence, particularly as PSEA has gotten more aggressive. PASA's perceived increase in strength is attributed to their stance in the middle ground and to their reputation as a source of reliable information (Myers, 1984).

The Pennsylvania Department of Education (PDE), although not normally viewed as a lobby, was seen as an interest group by some respondents. Senate staffer David Myers (1984) explained:

There has been a shift in recent years from viewing the PDE as being an independent source to being an agent for a perspective. They have become, rather than a disseminator of bias-free information, an advocate of positions and a maker of proposals. The PDE is selling the administration's position.

The Governor's Secretary for Legislative Affairs, George Seidel (1985) argued that "the strength of interest groups is often overplayed by suggesting that one group is all powerful." He added, "this is probably

more true today than ever." Senate Appropriations Committee Chairman Richard Tilghman (1985) supported Mr. Seidel's assessment when he said that "lobbies have become fragmented in education." Commenting on the reasons for this phenomenon Mr. Seidel concluded:

The last ten years has seen a proliferation of staff in the General Assembly and their committees, including the education committees. The reliance upon outside research units and lobbyists ... has diminished proportionately. The executive and legislative staff personnel have molded the approaches to much education legislation in recent years. There has been a more limited impact on the part of special interests.

Seidel conceded, however, that education bills usually are introduced at the behest of one or more of the special interest groups or on the part of the administration.

Senate staffer Helen Caffrey (1985) pointed out, "Which interest groups are most influential depends upon the issue involved." In her assessment, groups most

affected by specific legislation become active and, therefore, influential on certain issues.

Sources of Group Strength

Size of group membership was most often identified as the main source of group strength. Particularly emphasized as affecting a legislator's vote was group membership within the legislator's district. Money, especially campaign contributions through political action committees (PAC's), was reported a close second to numbers in determining relative group strength. Personal contacts in the legislature and a politically active grass roots organization were considered valuable assets for a lobby. Other sources of group strength included: research capability (quality, quantity, and reliability of information); lobbyist reputation, credibility, personality, and persistence; Harrisburg presence and activity; organization; expertise in school operations; ability to write legislation; a statewide breadth of coverage; the astute use of political power; and rapport with legislators.

Pennsylvania League of Urban Schools (PLUS) lobbyist Don Carroll (1984) made an important distinction between sources of strength for larger and for smaller education interest groups. He contended that numbers and money give teachers groups their

strength. For administrator groups he believed that experience, personal contacts, and knowledge are important. According to Mr. Carroll, "Lobby groups which are effective serve as a staff for legislators by providing information."

Interest Group Interaction

When asked how they go about getting support from other interest groups, lobbyists stressed the importance of personal contacts and the identification of natural allies. Appealing to self-interest by demonstrating mutual benefit and by reciprocating support was considered effective. The importance of eliminating the negative was stressed as well.

Responses to questions concerning interest group coalitions were mixed, some even contradictory. With certain qualifications, most interview subjects thought that joint activity is generally effective. Joint activity was believed to be a necessity for education groups to compete with interests outside of education for scarce state resources. Coalitions, which form and continually change with the issues, were perceived as especially influential if they involve constituents, include adverse groups, and are unopposed by major interests outside of education. Joint activity, which is seldom unanimous, was believed to be as strong as the

coalition itself. Lobbyists representing smaller groups considered joint activity crucial; but the largest group, PSEA, saw little advantage in joining a coalition.

Department of Education lobbyist Bob Feir (1984) explained joint activity among Harrisburg education lobbyists in this way:

The people who actually work with educational legislation in Harrisburg are few in number. With rare exceptions, the education legislative lobbying community in Harrisburg do not have secrets from one another. Education lobbyists know where their colleagues stand on issues, and they all do their jobs better when they communicate with colleagues on both sides of issues. There is a cadre of education lobbyists who work together. Occasionally they split on an issue, but their overall coalescence is effective.

PLUS lobbyist Don Carroll (1984) expressed his convictions on the effectiveness of coalitions when he said:

Joint activity is the only way to win. The reason that the lobbying group (coalition of lobbyists) meets is to ensure they all talk the same thing where they can, and 95% of the time they do. Joint activity is crucial because if you go in there and present a divided front you open it up to anyone. If you are united, it makes a big difference.

Pennsylvania State Education Association (PSEA) lobbyist Walt Carmo (1985) expressed an opposite view. He explained:

When PSEA comes to a position it is already compromised because PSEA represents urban, suburban, and rural districts. We compromise with the Legislature. We don't view any of those groups (other Harrisburg educational interests) as peers of PSEA. PSEA is too big and too powerful and represents too many interests.

George Seidel (1985), who led PSEA's lobbying effort during its 1970's zenith, commented:

As far as teachers groups are concerned, they enter into coalitions out of weakness. With the size and potential resources of that constituency there is no real need for them to join ...any coalition. When a large and powerful group such as teachers enters into a coalition with smaller groups it adds to the strength of groups who want to coalesce but not to the strength of the big group.

From his Capitol Hill vantage point, Majority Executive Director of the House Education Committee Frank Christopher (1985) expressed this viewpoint:

It makes it much easier if opposing interest groups can get together and reach some kind of accord.... If they can come to some sort of agreement that each can live with, the prospects of that legislation are much greater.... The problem you have with trying to push a bill through with both

sides trying to fight each other
is that you come up with something
worse. You get a total bastardization
of the original piece of legislation.

Christopher's Senate counterpart, Helen Caffrey,
(1985) added:

They (coalitions) are more successful
in passing new legislation because
they give legislators the feeling
that they (interest groups) have reached
consensus....Blocking of legislation is
not done overtly by coalitions. It is
done very subtly as they may network out.

Concerning the interaction of education and other
interests PSBA lobbyist Al Unger (1984) observed:

Anything that has ever happened
in education has affected other
groups such as the Farmers
Association, the Chamber of
Commerce, medical groups, and
the AFL-CIO.... So you can't
discount groups like those for
educational issues.... Education
touches virtually every other
interest group in Harrisburg at

one point in time or another....
In any given political issue, if
the position of a noneducation
group is contrary to the one
advanced by an education group,
it will have a tremendous impact.

Strategy Development

Lobbyists reported that action issues were selected democratically within their organizations. Roughly half of the education groups poll their members directly. The others rely on convention delegates or representatives of locals to express the concerns of the rank and file. After problems are identified, decisions are made as to which can be solved by legislation. In order to enhance the chances of success, issues with broad popular support are selected. Interest groups, however, do not always have the luxury of picking and choosing issues because they are oftentimes forced to react to issues thrust upon them.

The reaction of Pennsylvania Catholic Conference lobbyist, Howard Fetterhoff (1984) stressed the importance of issue selection:

You have to be very selective....
Issues are complex, and you can't
take on too many and be effective.

Even large groups have to limit
their legislative involvement.

You dilute your welcome if you
bother legislators too much.

Lobbying, if you are going to
do it right, is a lot of work;
and, if you have too many bills,
you can't be as thorough as you
should.

Lobbyists were asked to explain how their strategy
was developed after it was decided that an issue was
going to be acted upon. Several lobbyists reported that
it depends on the issue and, sometimes, on
personalities. Several organizations attempt to exert
influence through the legislators' local constituents.
Groups also attempt to find sympathetic sponsors and
floor leaders, and they quietly touch base with key
legislators.

PSEA lobbyist Walt Carmo (1985) observed that there
are two ways to lead, "Organize a crowd and take them
with you, or jump in front of the crowd and have them
follow." He defined lobbying as "the art of taking
credit." Carmo stressed that you never see a bill
sponsored or supported by PSEA without bipartisan

sponsorship. He emphasized that a major strategy of his group was to always go bipartisan.

With regard to strategy PaFT lobbyist Pat Halprin (1985) confided:

When it comes to budget time you need to have a number of vehicles setting quietly in conference committee or passed the Senate or House so you can do the things that have to be done at the last minute....

The Senate Education Committee as a matter of policy does not release many bills ... because they don't want many vehicles around. When it looks like the Senate Education Committee is going to put out a bill, PaFT generally supports it so it can be used as a vehicle.

Interest Articulation

Interview subjects were asked to describe the most effective method for interest groups to communicate with legislators. By a substantial margin face-to-face communication was identified as the most effective communication medium. A personal visit by a knowledgeable constituent, conducted in the legislator's

Figure 7. Legislator/interest group interaction

| Question | Response | Lobbyist (11) | Staff (7) | Ed. Legislator (8) | Legislator (8) | Total (34) |
|---------------------------------|--|---------------|-----------|--------------------|----------------|------------|
| Reliable Information Sources | Educational interest groups | 1 | 7 | 5 | 4 | 18 |
| | Pennsylvania Department of Education | 2 | 5 | 6 | 4 | 17 |
| | Legislative committees and their staff | 1 | 3 | 5 | 6 | 15 |
| Effective Communication Medium | Face-to-face | 10 | 6 | 5 | 8 | 29 |
| | Via constituents (grass roots) | 6 | 1 | 6 | 1 | 14 |
| | Personally written correspondence | 2 | - | 3 | 4 | 9 |
| Common Lobbying Efforts | Rational presentation of information | 1 | 7 | 4 | 6 | 18 |
| | Via constituents (grass roots) | - | 4 | 3 | - | 7 |
| | Affect reelection of legislator | - | - | 1 | 3 | 4 |
| Legislator Group Identification | Some heavily involved with PSEA | 3 | 1 | 2 | 2 | 8 |
| | Some closely aligned with PSBA | 2 | - | 1 | 2 | 5 |

NOTE: Numbers in the columns indicate how many times each different response was given by interview subjects in the categories listed above the columns. Numbers in parens indicate how many respondents were in each category

district, was considered especially effective. Personal letters eliciting a legislator's response were perceived as very effective. Mass mailings of form letters, however, were branded as less effective, even ineffective. Respondents indicated that telephone calls were a good communication medium. Position papers were regarded as an efficient method for interest groups to articulate their views. Subjects pointed out, however, that it is much easier to say no to a piece of paper or to a telephone than it is to a person. The most effective medium depends, to some extent, upon the communicating organization. Smaller and more diffuse groups, for example, have developed a sense of rapport and community by inviting legislators to special programs.

Legislators and their staff personnel reported that education interest groups most often attempt to influence legislation with a rational presentation of information conveyed through various media. This information is normally presented from the point of view of the interest group membership and stresses local impact on the legislator's district. Grass roots lobbying to influence legislators through their constituents also is used regularly. Considered important by legislators were attempts to affect a

legislator's reelection through publication of votes, political endorsements, and campaign contributions. One legislator told of attempts by lobbyists to establish rapport through personal favors, dinner, and even drinks.

Information Sources

When asked where they obtain reliable information on education bills, subjects identified several information sources. The three primary sources named were educational interest groups, the Pennsylvania Department of Education, and legislative committees. Constituents and caucuses were secondary sources of information for legislators. Legislators, particularly bill sponsors, were secondary sources for lobbyists who generally help draft education bills and are usually well aware of their contents before introduction. Reliable information sources were seen to vary with the issues. For example, the Governor's Office, PLUS, and PSEA were cited specifically for financial issues.

State Senator Jim Rhoades (1985) confided, "It is almost impossible for a legislator to read everything, so you have to depend on staff." His colleague Jeannette Reibman (1984) agreed:

We have good staff people. So I
don't always take the views of the

lobbying groups. I have my research staff research it from the points of view of constitutionality, legality, and what other states are doing.... Then we make our independent judgment.... I rely quite heavily on the information they supply me.

The remarks of Representative Sam Hayes (1984) accurately reflect the views of his peers in the Legislature:

In the past decade the Pennsylvania General Assembly has developed its own research staff to the extent that it no longer has to rely solely on outside information. For education, information is a blend of that provided by P.D.E., lobbies, and legislative staff. Information coming to the General Assembly is now viewed analytically rather than taken as gospel.

Legislator-Interest Group Ties

A variety of sometimes contradictory responses were elicited when subjects were asked which legislators are

identified with educational lobbying groups. Several legislators, mostly in the Senate, reported that they knew of no legislators who were involved with lobbies. Although all other respondents answered in the affirmative, the number of legislators identified with interest groups was thought to have been decreasing. Some subjects identified specific groups and committees. Others linked legislators by name to specific interest groups, but asked, in most cases, that their comment be kept off the record. Lobbyists were understandably reluctant to give names of legislators supportive of their own organization. They did, however, identify Senators Reibman, Hess, and Lincoln and Representatives Gallagher, Burns, and Davies with teacher unions, particularly PSEA. Senator Rhoades was linked to the principals' groups. Senator Snyder was associated with PSBA. Representative Friend was tied to both PSBA and the Catholic Conference. Lobbyists qualified their remarks by pointing out that these legislators are closely tied but not bound. They believed that legislators identify with issues rather than with groups. The point was raised that legislators who are supported by groups such as PSEA often vote against the position of the supporting group. Some legislators who

simply make education their priority are accused of having ties to educational interest groups.

Said Senator Rhoades (1985), "There is no way that you can say that any legislator is tied to a particular interest group.... Legislators must know the area they are coming from. They have to represent their district."

Educator-legislator John Davies (1985) openly acknowledged his interest group ties, however, when he said, "I would be identified with education interest groups because I am a former officer of PSEA. I was a regional president for two terms and a treasurer for four years. Usually I am looked upon as being affiliated with PSEA."

When legislators were asked if they generally support legislation proposed by education interest groups, only one responded in the negative. One third of the legislators reported that they were usually supportive; an equal number answered that it depended on the issue.

Subjects, when asked how an interest group can best secure the support of legislators for education legislation, responded that it depends on the size and resources of the group. Demonstrating that a bill will benefit a legislator and his constituents was considered

the best way to gain a legislator's support. The importance of reputation and credibility for lobbyists and the groups they represent was stressed. Solid research information and personal contacts were deemed important as well. Both legislators and lobbyists emphasized the importance of persistence in gaining legislative support. Lobbyists expressed the belief that helping legislators get elected was instrumental in securing their support. Legislators, however, discounted any link between campaign assistance and their support for special interests. Legislators acknowledged the importance of group consensus, but said that they vote for the position of an interest group only when they personally agree with it. The general consensus among legislators was that they support policies and programs that benefit children and the public.

Group Conflict Resolution

The most commonly reported method of conflict resolution among educational interest groups was compromise. Smaller education groups, like those representing administrators, are more accustomed to compromise. They tend to seek compromise more easily than teacher groups who have a large membership telling them not to budge on certain issues (Carrol, 1984).

Figure 8. Legislative decision-making

| Question | Response | Lobbyist (11) | Staff (7) | Ed. Legislator (8) | Legislator (8) | Total (34) |
|---------------------------------------|--|---------------|-----------|--------------------|----------------|------------|
| Support Group-backed Legislation | Usually supportive | NA | NA | 4 | 2 | 6 |
| | Depends on legislation | NA | NA | 2 | 4 | 6 |
| Secure Legislator Support | Demonstrate benefit to legislator and his constituents | 6 | 1 | 2 | 3 | 12 |
| | Maintain credibility/reputation | 3 | 1 | 1 | 1 | 6 |
| | Help legislators get elected | 6 | - | - | - | 6 |
| Group Conflict Resolution | Seek compromise | 5 | 5 | 5 | 2 | 17 |
| | Seek information on feasibility and cost | - | - | - | 5 | 5 |
| Important Intra-legislative Processes | Committee referral process | - | 4 | 6 | 3 | 13 |
| | Conference committee reports | - | 6 | 1 | - | 7 |
| Decision-Makers | Education committee chairmen | 4 | 6 | 4 | 4 | 18 |
| | Legislative leadership | 5 | 5 | 4 | 4 | 18 |
| | Administration (Governor, Governor's Office, PDE) | - | 2 | 6 | 4 | 12 |
| Decision-Making | Concern for local impact | - | 2 | 2 | 3 | 7 |
| | Committees (Education, Conference, Appropriations) | - | 3 | 3 | 1 | 7 |

NOTE: Numbers in the columns indicate how many times each different response was given by interview subjects in the categories listed above the columns. Numbers in parens indicate how many respondents were in each category.

Attempts to reach accord ranged widely when education interest groups could not reach consensus on a legislative proposal. The course of action taken by interest groups to resolve conflict varied with the groups involved. Lobbyists representing some of the smaller groups reported that they attempted to avoid conflict. Other lobbyists said that they would counter the opposing group, usually by coalescing with allies on a particular issue. Several legislators reported that they seek information on feasibility and cost. One legislator said that he would rely on his research staff and make a judgment independent of the lobbies. Another said he would weigh the impact of the bill on constituent school districts. Representative Fred Noye (1985) offered the following insights:

Legislators are not going to be put in a position of having to choose one side or the other when educational interest groups are at odds.... When the Legislature finds itself between two conflicting, major groups ... the Legislature will shy away until compromise has been reached. Attempts are made to reach a compromise between the groups by having committees look

for some middle ground. If compromise can't be reached, the issue will likely be aborted.

Intra-Legislative Processes

Important intra-legislative processes identified as affecting education legislation included: party caucuses, the calendaring of bills, support from the Governor's office, and the amendment process. Legislators believed that the committee referral process most affected education bills. Legislative staff, however, emphasized the importance of conference committee reports. In recent years major education legislation has come from conference committee because smaller bodies like conference committees are more effective in ironing out education compromises (Hess, 1985). Budget and subsidy bills almost always come out of conference committees (Christopher, 1984).

For education legislation the "process is irrational" and "timing is critical" (Christopher, 1984). Leadership puts together a package which includes something for enough legislators to make it carry. Legislators often are inundated with materials late at night or late in the session. Leadership does not necessarily give legislators time to discuss, think about, or even read the legislation (Rhoades, 1985).

Representative Bruce Smith (1985) described his experience in this way:

One of the crazy things ... is that you don't know when you are voting on a bill.... Interest groups don't always know when a bill is being voted either. Sometimes we get their position paper after we have made our vote.... No bill is voted on unless each party caucuses on the bill, but you don't know exactly when a bill will be voted on.... Some 50 bills appear on the calendar. But some bills stay on the calendar for a prolonged period. You don't know which of the bills you are voting on until you get the voting schedule for the day on the House floor.

From the lobbyist's perspective Howard Fetterhoff (1985) of the Pennsylvania Catholic Conference disclosed:

You have to have "all your bases covered." In a crisis situation

(like the eleventh hour attempt to pass HB 1293) one person with the power (like the House Majority Leader) can outweigh a huge majority of legislators in both parties and both chambers.

From the vantage point of the Governor's office George Seidel (1985) explained:

In general, the administration can expect support from their party caucuses for administration bills....

It is rare that we indicate far in advance whether the Governor is going to sign or veto something....

If the Governor expresses strong opposition and there is a likely veto of the bill, it is in pretty deep trouble.

Educator Legislators

When asked how educator-legislators differ from other legislators concerning education legislation, all but one of the educator-legislators cited differences. Some conceded, however, that their differences faded with time in the Legislature. All lobbyists noted some idiosyncrasies for educator-legislators but cautioned

against stereotyping. Respondents expressed the belief that the backgrounds of educator-legislators made them keenly aware of educational needs, sensitive to the problems of teachers, and generally sympathetic toward educational issues. Educator-legislators were portrayed as idealistic, service-minded lawmakers who thoroughly research the issues. They tend to be full-time legislators and to gravitate toward education committees. A lobbyist, requesting anonymity, remarked facetiously, "They are difficult to train because of their experience."

Representative Jere Schuler (1985), a former teacher and first-term legislator, sensed a "strong anti-teacher group feeling" in his House Republican Caucus. He confided that a legislator who comes from the ranks of the teaching profession is often labeled a "PSEA man."

Decision-Makers

Legislators and legislative staff personnel were asked to identify the most important decision-makers for education legislation in Pennsylvania. They reported that, before final passage, leadership and education committee chairmen determine the fate of all education bills. The administration is especially important when a bill is being debated on the floor. For education

bills with a fiscal impact, appropriations committee chairmen were considered important decision-makers who have assumed a greater role in recent years. All voting legislators are, of course, important decision-makers for final passage. Also mentioned were the Secretary of Education and members of the State Board of Education. Individuals named as important decision-makers, listed in order of identification frequency, were: House Republican Whip Sam Hayes, House Majority Leader James Manderino, the Governor's Secretary for Legislative Affairs George Seidel, and Representative Steven Friend.

When asked how they chose legislators to actively solicit support from, lobbyists responded in a variety of ways. League of Urban Schools Executive Director Don Carroll (1984) described a standard Capitol route taken by PLUS lobbyists which goes: "House Majority Leader, House Appropriations Committee, House Minority Leader, House Education Committee, Senate Education Committee, Senate Appropriations Committee, Senate Majority Leader, Senate Minority Leader." Education Committee members, especially chairmen, and leadership were most often identified. Key leaders on particular issues and legislators who are eloquent in floor debate receive special attention from lobbyists. The support of legislators in a swing position also is solicited.

There are attempts to win the opposition over to the group's position. For bills with a fiscal impact, Appropriations receives special attention. Catholic Conference lobbyist Howard Fetterhoff (1984) made a distinction between soliciting legislators who will become leaders on an issue and legislators who will support an issue with their vote. Commented Fetterhoff:

You have to have effective
legislative leaders for a bill
and support with votes once
leaders do their work.... You
get to know which legislators are
most interested and most inclined
to support your position on a
variety of legislation. We solicit
supportive legislators to sponsor
bills and to act as floor leaders.

Decision-Making

A myriad of responses came from subjects who were asked how decisions are made concerning education legislation in Pennsylvania. Their descriptions revealed a variable process which changes considerably from bill to bill. Decision-making was seen as dependent upon the issue, the estimated impact on the state's education system, the cast of characters, the

timing, and whether or not money is involved. For education bills with a cost factor, decisions are based on the availability of financial resources and normally are negotiated among legislative leadership. Partisanship is more economic (labor vs. management) and regional (urban vs. rural) than political (democratic vs. republican). Respondents indicated that decisions are influenced by public opinion and anticipated uproar from the opposition. Representative Manmiller (1985) summarized the views of his colleagues when he concluded that decisions reflect the concerns of legislators as to how legislation will affect their local school districts and the state's education program as a whole.

When the General Assembly fails to act or chooses not to act, decisions often are deferred to the State Board of Education. What the General Assembly does not do by legislation, the State Board of Education does administratively. Representative Davies (1985) described regulation by the State Board as legislation by administrative/executive action.

Interview subjects envisioned two distinct decision-making levels for education legislation in Pennsylvania. They detailed differences in the way decisions are made before and after bills reach final passage.

The first decision-making level involves behind-the-scenes decisions made privately before a bill reaches final passage. These are primarily joint decisions reached collectively through consensus by small groups of legislators and/or lobbyists (committee, caucus, leadership, coalition, etc.). Respondents disclosed that these preliminary decisions depend on personal friendships, political alliances, personalities, personal interests, power relationships, and bipartisan support. Because of the Governor's legislative influence and veto power, the backing of the Governor also weighs heavily on whether or not a bill will reach a floor vote.

The second level involves public decisions made by legislators when they cast their floor vote. Second-level decisions are personal choices made by individual legislators as they vote at final passage. Their decisions on how to vote a bill reflect personal values and the varied backgrounds of legislators. Decision-making on legislative floor votes, therefore, varies greatly from legislator to legislator. Legislators reported that in weighing the relative merits of a bill they gather information by consulting staff, caucus, committees, and constituents. Concern

for local impact was identified as the main criterion for legislators when they decide how to vote a bill. When casting their floor votes most legislators are guided by self-preservation, fear of reprisals at the polls. In the words of Representative Trello (1985), "In Harrisburg legislators vote their butts; ... you had better vote the way you think the people back home want."

Concerning the influence of interest groups on legislative decision-making PSBA lobbyist Albert Unger (1984) stated:

There is no legislator who takes his positions on the basis of rightness who will be in the Legislature very long. He ultimately makes his decisions on where he believes special interest groups may or may not be more powerful. No legislator supports the public interest in public education without some deference to special interest groups.

Conference committee reports often present a decision-making dilemma for legislators. There may be

several bills wrapped into one conference committee report. Explained Senator Rhoades (1985), "You may not like one or two of them, but you may be the prime sponsor on another." Asked Rhoades rhetorically, "What are you going to do, vote against your own bill?" Then he concluded, "It is a question of the lesser of two evils."

Decision-making for education legislation was portrayed as a blend of elitism and pluralism. A small group of expert people are the main actors, particularly before a bill reaches final passage. One of their areas of expertise is in calculating the interests of individual members of the General Assembly. Among other things, the elites are vote counters. When the experts diverge from the will of the majority of legislators, they fail. Pluralistic interests, therefore, are exerted at final passage (Hershock, 1985).

Said Representative Hayes (1984), "We don't have a czar for education in Pennsylvania." He conceded, however, that most landmark decisions which are far-reaching in terms of their impact are made by a few legislators. Hayes confided, "We craft that legislation around the needs and political realities of the General Assembly and the people of Pennsylvania."

CHAPTER VIII

Conclusions and Recommendations

Data Interpretation

Knowledge gained from this research is expected to be short-lived because decision-making for education legislation has been revealed as a dynamic process. Research conducted for this study concentrated on a two-year time span which approximated the 1983-84 legislative session of the Pennsylvania General Assembly. Conclusions drawn from the data apply to this restricted time frame. They can not be extrapolated into the distant future or extended far into the past.

Case studies were completed for a sample of eight education bills under consideration in the 1983-84 Pennsylvania General Assembly. No attempt was made to select bills at random. Legislation was selected instead for its propensity to stimulate legislator-interest group interaction. Inferences, therefore, may not be drawn about the general population of education bills. Conclusions apply only to the eight bills which were subjected to case analysis.

Interview data was gleaned from 34 resource persons. Experts were identified and consulted. Neither random samples nor stratified random samples of subjects were utilized. Perceptions reported reflect the views of participating experts and cannot be generalized to all legislators, lobbyists, or legislative staff.

Findings reported in this study are subject to epistemological limitations endemic to inquiry into human behavior. Research obstacles included heterogeneity of subjects, reliance on opinion, and a lack of experimental control. Several possible sources of error may have affected the research data. Of the 49 interview subjects identified by reputation, position, and/or background, 34 participated in the study. Most of the powerful legislative leadership were among the 17 subjects who chose not to participate. Resource persons who granted interviews may have been less than candid. Important information relevant to this study could have been concealed in bills not selected for case analysis. Behind-the-scenes events might have affected decisions without having been revealed by either case studies or interviews.

Several important factors establish validity for this study, however, and strengthen the research findings. Education, in response to a presidential initiative, was a major issue in American and Pennsylvania politics at the time this study was conducted. Research focused on the best available sources of information rather than on a random sample of all, possibly uninformed, sources. Interview subjects agreed to speak on the record with full knowledge that their names would be referenced and their words quoted. Subjects were interviewed independently by the same interviewer. Resource persons were not compelled to choose from categories provided by a questionnaire. The same open-ended questions were asked so that respondents could express themselves in their own way. The checks and balances inherent in a dual methodology lend credibility to the data and strengthen the conclusions. Perceptions of legislators, lobbyists, and legislative staff were compared to observed behavior from case studies. Case analysis data did, for the most part, corroborate the perceptions of interview subjects.

Research findings herein reported cannot be generalized to all education legislation in

Pennsylvania. Conclusions drawn from this exploratory field study apply to the 1983-84 legislative session, the 8 bills subjected to case analysis, and the 34 experts interviewed. Conclusions are reported in the form of descriptive/exploratory a posteriori hypotheses which must remain at the level of plausibility until subjected to external confirmation by future related research.

Legislative Process

From case analyses of education bills several key factors were identified which affect the legislative process. Variables important to decision-making for education legislation include: timing, affordability, partisanship, compromise, public opinion, interest group consensus, and executive branch support. Successful legislation contained popular, nonpartisan issues. Bills that passed embodied compromise and interest group consensus. They had the Governor's blessing, and funds were budgeted to cover their cost. Unsuccessful legislation did not receive administration support, was considered too expensive, generated conflict among influential interest groups, and/or involved demonstrated partisanship.

Education bills are most often proposed by interest groups or by the Governor through his administration. Occasionally, as in the case of HB 1181, education bills are generated from within the Legislature. Education bills do not move in the Legislature, however, unless they are pushed by influential interest groups and/or by key legislators.

Committee referral and the appointment of conference committees proved to be the most important intra-legislative processes affecting education bills. The amendment process, the calendaring of bills, and party caucuses also had a significant effect on education legislation.

Timing is critical to the success or failure of a bill. Bills tend to pass just before summer recess when there is a sense of urgency to enact the budget. There is also a flurry of legislative activity between election day and sine die adjournment when legislators feel least threatened by voter retribution.

Major education bills that become law are almost always enacted as conference committee reports. Usually they are omnibus bills which include something for most legislators. Popular education bills are held in standing committees for use by conference committees as

vehicles to carry other, less popular, issues.

Conference committees prevent extraneous amendments, cut off debate, and ratify legislative compromises.

Over the past decade there has been a marked growth of legislative staff in the Pennsylvania General Assembly. This has greatly enhanced the research capabilities of the Legislature. As a result the Legislature has become less dependent on information provided by the Department of Education and education interest groups. Information from outside sources has been subjected to critical analysis in the Legislature. By controlling the flow of information, screening issues, and developing options, legislative staff personnel have gained considerable legislative authority.

Education Interest Groups

During the past decade the influence of Pennsylvania education interest groups has been diffused. Diffusion of group strength has resulted from fragmentation of existing lobbying groups and the proliferation of new interest groups and legislative staff. No dominant organization can speak for the education community.

Education interest groups are more important for issues which they generate themselves such as COLA, early retirement, principal's bargaining, and nonpublic school requirements. For issues such as educational excellence, performance testing, and remediation which are politically popular and grow out of a genuine public concern, groups are less important.

Relative strength of interest groups depends on the issue. Lobbies develop expertise in areas of their major concern. Groups, with limited legislative agendas, become active on issues which affect them directly and concentrate their efforts on these priority issues. Interests most affected by legislation become very active and, therefore, influential on particular issues. Group strength, rather than dictating issues, is often determined by issues.

The issue of middle management bargaining demonstrated that groups articulate interests most effectively when they attain organizational unity and can present a unified position to the Legislature. The experience of PSBA, however, illustrates that a group's ability to present a united front decreases with the degree of local control allowed within the organization.

Groups representing teachers and school boards are most influential overall because of their large memberships, vast resources, established reputations, and legislative expertise. Smaller groups representing school administrators and urban schools have gained in influence because of the caliber of their lobbyists and the quality of their lobbying efforts. Smaller, more flexible groups have sometimes been able to outmaneuver the larger groups who have taken a rigid stance on some issues.

The smaller education interest groups have little impact when large and powerful lobbies are in agreement. It is when the traditional powers are at odds that the smaller groups can arbitrate, broker, or swing legislative decisions.

The avoidance of political partisanship is the one strategy apparently common to all groups and to all issues. Other strategies depend on interest group size, resources, and constituency. Strategy development is dictated by the interests served and varies with issues and with personalities. Organizations serving large heterogeneous constituencies are compelled to deal with a wide range of issues as they aggregate divergent membership demands. Groups representing smaller, more

homogeneous constituencies have narrower interests and can focus on fewer issues.

Few educational interest groups employ set strategies or have the luxury of selecting issues. Groups are more often compelled to react to issues thrust upon them, and they develop strategies appropriate for each issue. Groups sometimes support issues which they know will pass so that they can take credit for popular successes.

The use and relative effectiveness of lobbying tactics varies with the issue and with the interest group. The largest educational lobby, PSEA, targets every legislator when lobbying a bill. Smaller groups with fewer resources must concentrate their efforts on legislative elites, sympathetic legislators, leaders on particular issues, especially eloquent legislators, and/or the smaller and more manageable Senate chamber. There are two common and effective tactics employed by educational interests. One is to encourage the passage and positioning of a popular bill so that it can be used as a vehicle for a conference committee report. The other is to promote amendments designed to kill unwanted bills or, at the very least, to get something desirable from bills which are likely to pass.

Lobbies depend on their memberships and are generally responsive to the needs and desires of constituents. The degree of interest group responsiveness to constituencies, however, is inversely proportional to group size. Smaller organizations have more homogeneous memberships who tend to join out of their own volition. They usually solicit the views of their entire memberships. The large teacher unions and PSBA are more heterogeneous. They rely more on local representatives, committee members, and/or convention delegates to establish policy for the rank and file.

Coalitions of education interest groups are extremely important to legislative decision-making. The Legislature does not normally act on an issue when major groups are at odds. Joint activity allows education interests to present a unified position to the Legislature. Through their attempts to reach consensus education lobbyists debate the issues for legislators. Joint activity also is important for education groups to compete successfully for scarce state resources with groups outside of education.

The effectiveness of education interest group coalitions depends on the issue and the groups involved. Coalitions are stronger if they include many groups and

adverse interests, involve constituents of legislators in grass roots lobbying, and are unopposed by major interests outside of education.

The propensity of education groups to coalesce is inversely proportional to group size. Very large and powerful groups can exert influence independently. Smaller and less powerful lobbies are more effective when they engage in joint activity.

Legislator-Interest Group Interaction

For the articulation of educational interests in Harrisburg, the direct, old fashioned, personal style of lobbying is still most used and most effective. The technological revolution, which has greatly affected lobbying at the national level, has done little to alter interactions between the Pennsylvania General Assembly and education interests.

Face-to-face communication which allows the legislator to interact personally with the lobbyist or constituent is the most effective way for interests to articulate their positions. Requests made in person, especially by constituents, are the most difficult for a legislator to refuse. Personal relationships with key decision-makers facilitate the articulation of interests by education lobbyists.

Personally written correspondence is an efficient method of communicating with legislators. Personal communications from constituents which elicit a reply have the most influence efficacy.

Interests are best articulated through grass roots lobbying because legislators are most responsive to voters in their local districts. Communications conveyed through constituents have the greatest impact when they provide a consistent, rational presentation of accurate information which demonstrates a benefit to the legislator and/or his constituency.

The Legislature is responsive to educational interest groups. Legislators attempt to accommodate the requests of lobbies, and they depend on groups for information. Data provided by interest groups is analyzed by legislative staff, however, and balanced against data obtained from other sources.

When educational interest groups are at odds, individual legislators and legislative committees promote compromise among groups. The Legislature tends to shy away from controversial issues when major groups are in conflict until group consensus is reached.

Some legislators are tied to educational interest groups because of intersecting constituencies and mutual

concerns, but none are bound. Legislators are generally supportive of interest groups, depending on the legislation. Legislators, however, identify more with issues than with groups.

Decision-making

The decision-making process is issue dependent. No clear, visible decision-making pattern is evident for education legislation. Because each issue is unique, decision-making does not neatly fit a single model. Each issue has its own cast of characters, strategies, tactics, and innovations. Groups and individuals struggle to promote their own interests and adjust to political realities.

There is no evidence to indicate a grand design for decision-making concerning education legislation. Groups and individuals tend to take a practical, ad hoc approach to each issue in an attempt to find the best way to accomplish their objectives. A great deal of the decision-making process consists of undirected cooperation among groups and individuals pursuing common goals. In the absence of a master plan the decision-making system seems to function much like a competitive, free-market economy as it responds to stimuli of resource supply and public demand.

There are two legislative decision-making levels (before final passage and during final passage) through which a bill must successfully pass before it becomes law. The first level is manipulated by key decision-makers as a bill moves from introduction to final passage. On the second level all legislators who cast their floor votes at final passage share equally in the legislative decision. Decisions on whether to move bills through the first level, however, are influenced by anticipated legislative support at the second level.

Several key decision-makers determine the fate of educational legislation. Legislative leadership controls the committee referral and calendaring of bills. Education committee chairmen play a major role in drafting and amending legislation. Appropriations chairmen become important for legislation with a fiscal impact. The Governor and his administration are especially important when money is involved and in the blocking of legislation.

Elitism is important for drafting, screening, scheduling, and killing legislation. Elitism is evidenced at the first decision-making level where most important issues are decided. Elites draft and sponsor education legislation and decide if and when to bring it

to the floor for consideration. They serve on conference committees which make important legislative decisions on education issues. To get a bill introduced and moving you need the support of a few influential people. The blocking of legislation also is an elitist process.

Elites wield decision-making power by virtue of their position. There is no evidence to indicate that elites share common beliefs, interests, backgrounds, or social class. Legislative elites acquire their status through seniority or earn their position by outstanding performance. There is a regular turnover of elites as personalities change in the Legislature. Because relatively few legislators have a strong concern for educational issues, legislative leadership for education is a function of legislator interest.

Pluralistic interests also are exerted before a bill reaches final passage. Education bills are usually introduced and amended at the request of one or more of the education interest groups, and elites are responsive to groups.

Pluralism, however, is of greatest import for the passing of legislation. Individual legislators are most

influenced by interest groups when they cast their public vote at final passage.

Local impact is the main criterion for deciding which way a legislator will vote. The main concern of legislators is reelection. A legislator's first priority is satisfying his constituency.

Decision-making for education legislation is widely diffused. Bargaining, compromise, and "log-rolling" (the trading of votes), all are part of the process. Decision-making power is dispersed among elites, groups, and the citizenry to produce a blend of pluralism and democratic elitism. Decisions are made by a relatively small group of elected officials who are responsive to their electorates.

Critical incidents were uncovered in two case analyses. Case studies of House Bill 1181 and House Bill 1293 revealed important events which provided insights into how decisions are made. Both bills were examples of how legislators avoid alienating constituents and/or special interests by not making decisions with potentially adverse political consequences.

House Bill 1181 illustrated the importance of gubernatorial support for education legislation. It also demonstrated how the Legislature defers politically

sensitive decisions to the State Board of Education while, at the same time, it attempts to influence State Board decisions. The State Board makes decisions which the Legislature cannot or will not make.

House Bill 1293 revealed the most important type of critical incident, the deviant case. Although the Legislature normally accedes to the demands of a coalition of major educational interest groups, House Bill 1293 successfully passed both legislative chambers against the wishes of all major education interest groups. Yet it did not become law. The case of House Bill 1293 demonstrated that the Harrisburg education lobby will not necessarily get its way when it is opposed by strong interests outside of education.

Unexpected Phenomena

Harrisburg education lobbyists who represent smaller and more homogeneous interest groups have enjoyed greater flexibility in taking policy positions than their counterparts who serve larger and more heterogeneous organizations. This finding is puzzling because it runs counter to the national norm. The exact reasons for this phenomenon are unclear, but it appears to be related to the delegation of authority by education interests to their lobbyists. Larger

Pennsylvania education interest groups (PSEA and PSBA) have adopted rigid positions and left little room for their lobbyists to maneuver. Smaller education lobbies (PAESP/PASSP, PASA, and PLUS) have taken more flexible positions and allowed their lobbyists greater authority to affect compromise.

There has been an economic/regional polarization of educational interests. Poor and wealthy districts promote their selfish, often conflicting interests. To compete for state subsidies school districts have begun to organize on the basis of wealth, geography, and demographics into three groupings - urban, suburban, and rural. There has been a concomitant deemphasis of labor-management and partisan political cleavages as regional concerns have come to the forefront.

Educational issues are less partisan than most other issues only when they have little or no political impact. Education issues with political significance are highly partisan. When voters are affected by popular education issues like COLA for retired teachers and excellence in education, educational issues can be just as partisan as other issues.

The almost unanimous support for Act 93 and Act 95 revealed a "bandwagon effect" for legislation when

enactment appears to be inevitable. A ground swell of legislative support is generated for popular issues by credit taking and a scramble to be on the winning side.

In contrast to other states where full-time educators often serve as part-time legislators, Pennsylvania educator-legislators tend to be full-time lawmakers who do not return to the education field. Educator-legislators are generally sensitive to educational problems, sympathetic to education interests, aware of educational needs, and familiar with educational jargon. Differences between educator-legislators and other legislators fade with time, however, as educator-legislators are assimilated into the General Assembly.

Recommendations

For those who seek to affect public education in Pennsylvania through legislation, the findings of this study should be invaluable. It is recommended that the knowledge gained in this research be utilized to more effectively articulate the interests of the education community and to improve basic education in the Commonwealth through the legislative process.

It is hoped that the a posteriori hypotheses generated by this exploratory field study will stimulate

future related research. Hypotheses should now be examined more extensively and with greater scientific rigor. Through the use of random samples of education bills and/or randomly selected interview subjects, tests for statistical significance can be conducted. Indepth research can focus on particular areas of this research. Periodic replication of this study for Pennsylvania can probe the extent and velocity of change in the dynamic decision-making process for education legislation. Similar studies conducted in other states will allow for broader comparison among states and add to the growing body of knowledge on the governance of public education in America.

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Appendix I

LEGISLATOR/STAFF INTERVIEW SCHEDULE

I am doing research for my doctoral dissertation at Lehigh University. My study seeks to determine how decisions are made concerning educational legislation in Pennsylvania. In this interview I wish to focus on relationships between legislators and interest groups.

With your permission I would like to tape this interview. Please indicate if you wish to respond off-the-record. Otherwise, your name will be published as part of this study. Let us now begin.

1. What are the most influential interest groups concerned with educational legislation in Pennsylvania?
2. To what do you attribute the strength of these groups?
3. How do education interest groups attempt to influence legislators?
4. How can an interest group best secure your support for legislation?
5. What is the best medium for interest groups to communicate effectively with legislators?
6. How effective are interest group coalitions?
7. Where do legislators get reliable information concerning education bills?
8. What organizations have the greatest expertise with regard to educational legislation?
9. Do you generally support legislation proposed by education interest groups?
10. Do you know of legislators who are identified with any education lobbying groups?
11. What course do you normally take when educational interest groups are at odds over a legislative proposal?

12. How are decisions made concerning educational legislation in Pennsylvania?

13. Who are the most important decision-makers for education legislation in this state?

14. What processes within the General Assembly most affect education bills?

15. Please describe your decision-making process for the following legislation:

- a. House Bill 690 (Act 93 of June 29, 1984) concerning contracts/bargaining/compensation/finance.
- b. House Bill 2114 (Act 95 of June 29, 1984) providing for early teacher retirement/pension annuity increase.

16. What considerations did you weigh for the following bills?

- a. House Bill 728 concerning early teacher retirement/COLA increase.
- b. House Bill 1181 concerning competency testing/educational standards.
- c. House Bill 1293 concerning private and parochial school requirements.
- d. Senate Bill 928 concerning middle management bargaining/arbitration of dismissal.
- e. Senate Bill 1176 concerning mandated testing/remediation.
- f. Senate Bill 1320 concerning teacher retirement/COLA increase.

17. Is there any other information which you can offer which might help me in my study?

Appendix II

LOBBYIST INTERVIEW SCHEDULE

I am doing research for my doctoral dissertation at Lehigh University. My study seeks to determine how decisions are made concerning educational legislation in Pennsylvania. In this interview I wish to focus on relationships between legislators and interest groups.

With your permission I would like to tape this interview. Please indicate if you wish to respond off-the-record. Otherwise, your name will be published as part of this study. Let us now begin.

1. What are the most influential interest groups concerned with educational legislation in Pennsylvania?
2. To what do you attribute the strength of these groups?
3. How can an interest group best secure the support of legislators?
4. What is the best medium for interest groups to communicate effectively with legislators?
5. Where do interest groups get reliable information concerning educational bills?
6. What organizations have the greatest expertise with regard to educational legislation?
7. Which legislators are identified with educational lobbying groups?
8. What course do you normally take when education interest groups are at odds over a legislative proposal?
9. How are educator-legislators different from other legislators concerning educational legislation?
10. How do you choose which legislators to actively solicit support from?
11. How important is joint activity with other organizations?

12. How do you go about getting support from other interest groups?

13. Which legislators do you consider to be most supportive of your organization?

14. How does this organization select issues on which to take action?

15. When it is decided that an issue is going to be acted upon, how is the strategy developed?

16. Please give me recent examples of specific issues where you think your organization has been effective in influencing legislation?

17. Please give me examples of specific issues where you think your organization has been ineffective in trying to influence legislation?

18. How often do legislators or bureaucrats solicit your views on educational matters?

19. What position did your organization take on the following bills?

- a. House Bill 728 concerning early teacher retirement/COLA increase.
- b. House Bill 1181 concerning competency testing/educational standards.
- c. House Bill 1293 concerning private and parochial school requirements.
- d. Senate Bill 928 concerning middle management bargaining/arbitration of dismissal.
- e. Senate Bill 1176 concerning mandated testing/remediation.
- f. Senate Bill 1320 concerning teacher retirement/COLA increase.
- g. House Bill 690 (Act 93 of June 29, 1984) concerning contracts/bargaining/compensation/finance.
- h. House Bill 2114 (Act 95 of June 29, 1984) providing for early teacher retirement/pension annuity increase.

20. Is there any other information which you can offer which might help me in my study?

Appendix III

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 728**Session of
1983

INTRODUCED BY PRATT, DAVIES, GALLAGHER, COLAPPELLA, LESCOVITZ,
PEE, BELFANTI, SHOWERS, COY, E. Z. TAYLOR, CALTAGIRONE AND
BROUJOS, APRIL 6, 1983

AS AMENDED ON THIED CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 8, 1984

AN ACT

- 1 Amending Title 24 (Education) of the Pennsylvania Consolidated
2 Statutes, REENACTING THE DEFINITION OF "BASIC CONTRIBUTION
3 RATE"; further defining "superannuation or normal retirement
4 age"; authorizing the board to establish the valuation
5 interests used in actuaries' annual valuations; and further
6 providing for a cost-of-living increase to annuitants and for
7 certain investments by the board.
- 8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:
- 10 ~~Section 1. The definitions of "superannuation or normal~~
11 ~~retirement age" and "valuation interest" in section 8102 of~~
12 ~~Title 24 of the Pennsylvania Consolidated Statutes are amended~~
13 ~~to read:~~
- 14 SECTION 1. THE DEFINITION OF "BASIC CONTRIBUTION RATE" IN
15 SECTION 8102 OF TITLE 24 OF THE PENNSYLVANIA CONSOLIDATED
16 STATUTES, AMENDED JULY 22, 1983 (P.L.104, NO.31), IS REENACTED
17 AND THE DEFINITIONS OF "SUPERANNUATION OR NORMAL RETIREMENT AGE"
18 AND "VALUATION INTEREST" IN SECTION 8102 ARE AMENDED TO READ:
19 § 8102. Definitions.

1 The following words and phrases when used in this part shall
2 have, unless the context clearly indicates otherwise, the
3 meanings given to them in this section:

4 * * *

5 "BASIC CONTRIBUTION RATE." THE RATE OF 6 1/4%.

6 * * *

7 "Superannuation or normal retirement age."

| 8 | Class of service | Age |
|----|------------------|-------------------------------|
| 9 | T-A | 62 or any age upon accrual |
| 10 | | of [35] 30 eligibility points |
| 11 | T-B | 62 |
| 12 | T-C | 62 or [age 60 provided the |
| 13 | | member has at least 30 |
| 14 | | eligibility points or] |
| 15 | | any age upon accrual of |
| 16 | | [35] 30 eligibility points |

17 * * *

18 "Valuation interest." [Interest at 5 1/2% per annum,
19 compounded annually and applied to all accounts other than the
20 members' savings account.] Interest at such percentage rate to
21 be compounded annually as adopted from time to time by the board
22 under the advice of the actuary taking into consideration the
23 actual interest earnings of the system for preceding years and
24 the probable earnings of the system in the future.

25 * * *

26 Section 2. Section 8328(b) and (d) of Title 24 are amended
27 to read:

28 § 8328. Actuarial cost method.

29 * * *

30 (b) Normal contribution rate.--The normal contribution rate

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1 shall be determined after each actuarial valuation. Until all
2 accrued liability contributions have been completed, the normal
3 contribution rate shall be determined, on the basis of [an
4 annual 5 1/2%] the valuation interest rate and such mortality
5 and other tables as shall be adopted by the board, as a level
6 percentage of the compensation of the average new active member,
7 which percentage, if contributed on the basis of his prospective
8 compensation through the entire period of active school service,
9 would be sufficient to fund the liability for any prospective
10 benefit payable to him, in excess of that portion funded by his
11 prospective member contributions. After all accrued liability
12 contributions have been completed, the normal contribution rate
13 shall be determined by deducting from the present value of the
14 liabilities for all prospective benefits of active members, the
15 sum of the total assets in the fund on the valuation date,
16 excluding the balance in the annuity reserve account, and the
17 present value of prospective member contributions, and dividing
18 the remainder by the present value of the future compensation of
19 all active members.

20 * * *
21 (d) Supplemental annuity contribution rate.--Contributions
22 from the Commonwealth and other employers required to provide
23 for the payment of supplemental annuities to annuitants as
24 provided in section 8348 (relating to supplemental annuities)
25 shall be determined as a percentage of the total compensation of
26 all active members during the period for which the amount is
27 certified as sufficient to fund the liabilities of the
28 supplemental retirement allowance account as a level percentage
29 over a period of 30 years from July 1, 1967. In the event that
30 annuities are increased by legislation enacted subsequent to

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1 July 1, 1974, the additional liability for the increase in
2 benefits to annuitants shall be funded similarly as a level
3 percentage over a period of 20 years from the first day of July
4 coincident with or next following the effective date of such
5 legislation. Notwithstanding the foregoing, the additional
6 liability on account of any increase in annuities which is
7 effective July 1, 1979 shall be funded by level annual payments
8 over a period of 20 years beginning July 1, 1980 and the
9 additional liability on account of any increase in annuities
10 which is effective July 1, 1983 shall be funded by level annual
11 payments over a period of 20 years beginning July 1, 1983.

12 Section 3. Title 24 is amended by adding a section to read:
13 § 8348.1. Additional supplemental annuities.

14 (a) General rule.--Every annuitant who has received a
15 superannuation, withdrawal or disability annuity shall continue
16 to receive the annuity and, beginning July 1, 1983, any
17 annuitant who retired on or prior to July 1, 1982 shall receive
18 a cost-of-living supplement determined as a percentage applied
19 to the retirement annuity as of December 31, 1982. The cost-of-
20 living supplement shall be payable under the same terms and
21 conditions as provided under the option plan in effect as of
22 December 31, 1982.

23 (b) Cost-of-living adjustment factors.--The percentage which
24 is to be applied in the determination of the cost-of-living
25 supplements shall be determined on the basis of the effective
26 date of retirement payable on the first \$15,000 of annuity
27 received per year. Included in the amount of the annuity for
28 this purpose shall be any other supplements previously
29 authorized. The applicable percentage factors are:

| 30 | <u>Effective date of retirement</u> | <u>Percentage factor</u> |
|----|-------------------------------------|--------------------------|
|----|-------------------------------------|--------------------------|

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| | | |
|---|--|------------|
| 1 | <u>After July 1, 1981 through July 1, 1982</u> | <u>3%</u> |
| 2 | <u>After July 1, 1980 through July 1, 1981</u> | <u>8%</u> |
| 3 | <u>After July 1, 1979 through July 1, 1980</u> | <u>15%</u> |
| 4 | <u>After July 1, 1978 through July 1, 1979</u> | <u>21%</u> |
| 5 | <u>On or prior to July 1, 1978</u> | <u>24%</u> |

6 Section 4. Section 8521(b) of Title 24 is amended and a
7 subsection is added to read:

8 § 8521. Management of fund and accounts.

9 * * *

10 (b) Crediting of interest.--The board annually shall allow
11 statutory interest to the credit of the members' savings account
12 on the mean amount of the accumulated deductions of all members
13 for whom interest is payable for the preceding year and
14 valuation interest on the mean amount of the annuity reserve
15 account for the preceding year to the credit of that account.
16 The board annually shall allow valuation interest calculated on
17 the mean amount for the preceding year of the balance in the
18 State accumulation account excluding any earnings of the fund
19 credited to the account during that year. In the event the total
20 earnings for the year do not exceed [5 1/2%] that percentage of
21 the mean amount for the preceding year of the total assets of
22 the fund less earnings credited to the fund during that year
23 plus the administrative expenses of the board represented by
24 interest at the valuation rate, the difference required to be
25 appropriated from the General Fund shall be credited to the
26 State accumulation account.

27 * * *

28 (n) Investments in limited partnerships and separate
29 accounts.--

30 (1) Notwithstanding the discretion granted the board

1 pursuant to subsection (a), the board shall invest an equity
2 interest in venture capital limited partnerships and
3 participate in private placement separate accounts.
4 Investments in venture capital limited partnerships and
5 private placement separate accounts shall:

6 (i) Enhance the general welfare of the State and its
7 citizens through economic development.

8 (ii) Limit the liability of the retirement fund only
9 to the extent of the investment.

10 (iii) Provide that the management of the venture
11 capital limited partnership and the private placement
12 separate account rests solely with the general partner or
13 manager who shall be a professional investment manager.

14 (2) Investments made pursuant to this subsection for
15 venture capital limited partnerships shall not be less than
16 1% nor more than 2% of the value of the fund. Investments for
17 private placement separate accounts shall not be less than 1%
18 of the value of the fund. The value of the fund shall be the
19 total book value of the fund on the effective date of this
20 subsection.

21 (3) The investments authorized by this subsection shall
22 be made by the board over a three-year period. The board
23 shall file an annual report on these investments with the
24 General Assembly.

25 Section 5. Every active member of the Public School
26 Employees' Retirement System who, because of the amendment to
27 the definition of "superannuation or normal retirement age" in
28 24 Pa.C.S. § 8102 (relating to definitions), which reduces the
29 eligibility points to 30 without any age requirement, desires to
30 retire between June 30, 1985 and August 31, 1985 shall file a

1 nonbinding written statement of intent to retire by March 1,
2 1985 with the employer.

3 Section 6. The provisions of section 7 of the act of July 9,
4 1981 (P.L.208, No.66), known as the Public Employee Retirement
5 Study Commission Act, shall not apply to this act.

6 SECTION 7. THE PROVISIONS OF THIS ACT INSOFAR AS IT RELATES <—
7 TO THE REENACTMENT OF "BASIC CONTRIBUTION RATE"; THE AMENDMENT
8 OF "SUPERANNUATION OR NORMAL RETIREMENT AGE" IN SECTION 1 AND
9 SECTION 5 ARE NONSEVERABLE. IF ANY PROVISION OF SUCH SECTIONS OR
10 ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCES IS HELD INVALID,
11 THE REMAINING PROVISIONS OR APPLICATIONS OF THOSE SECTIONS ARE
12 VOID.

13 Section 7. ~~(a) Section~~ 8. AS MUCH OF SECTION 1 ~~(Sec. 8102~~ <—
14 relating to the ~~definition of~~ DEFINITIONS OF "BASIC CONTRIBUTION <—
15 RATE" AND "superannuation or normal retirement age" and section <—
16 5 of this act shall take effect June 30, 1985.

17 (b) The remainder of this act shall take effect immediately.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1320

Session of
1984

INTRODUCED BY STAUFFER, HOWARD, HESS, O'CONNELL, STAPLETON, CORMAN,
BRIGHTBILL, REIBMAN, SHAFFER, SHUMAKER, ANDREZESKI, HELFRICK, HOPPER,
STOUT, BELL, SNYDER, WENGER, JUBELIRER, LOEPER AND TILGHMAN,
MARCH 27, 1984

REFERRED TO FINANCE, MARCH 27, 1984

AN ACT

1 Amending Titles 24 (Education) and 71 (State Government) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 additional supplemental annuities.

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

6 Section 1. Title 24 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 8348.1. Additional supplemental annuities.

9 (a) Benefits.--Commencing with the first monthly annuity
10 payment after July 1, 1984, any eligible benefit recipient shall
11 be entitled to receive an additional monthly supplemental
12 annuity from the Public School Employees' Retirement System.

13 (b) Amount of additional supplemental annuity.--The amount
14 of the additional monthly supplemental annuity shall be the
15 total of the following:

16 (1) One dollar multiplied by the number of years of
17 active service.

18 (2) Two dollars multiplied by the number of years on

1 retirement.

2 (c) Payment.--The additional monthly supplemental annuity
3 provided for in this section shall be paid automatically unless
4 the intended recipient files a written notice with the system
5 requesting that the additional monthly supplemental annuity not
6 be paid. Nothing in this section shall authorize the payment of
7 an additional monthly supplemental annuity to an estate.

8 (d) Conditions.--The additional supplemental annuity
9 provided for in this section shall be payable under the same
10 terms and conditions as provided under the option plan in effect
11 as of June 30, 1984.

12 (e) Benefits paid to beneficiaries or survivors.--No
13 supplemental annuity enacted after the death of the member shall
14 be payable to the beneficiary or survivor annuitant of such
15 deceased member. However, when the effective date of the
16 supplement shall predate the death of the member by virtue of
17 retroactivity of the supplement, payments which were
18 retroactively due the deceased annuitant shall be paid to the
19 beneficiary or designated survivor as the case may be.

20 (f) Funding.--The actuary shall annually certify the amount
21 of appropriations for the next fiscal year needed to fund, over
22 a period of 20 years from the effective date of this section,
23 the additional monthly supplemental annuity provided for in this
24 section. The board shall submit the actuary's certification to
25 the Secretary of the Budget on or before November 1 of each
26 year. If, in any year after 1984, the amount certified is
27 disapproved under section 610 of the act of April 9, 1929
28 (P.L. 177, No. 175), known as The Administrative Code of 1929, as
29 insufficient to meet the funding requirements of this subsection
30 or is not appropriated on or before July 1, the additional

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1 supplemental annuity provided for in this section shall be
2 suspended until such time as an amount certified and approved as
3 sufficient is appropriated.

4 (g) Definitions.--As used in this section the following
5 words and phrases shall have the meanings given to them in this
6 subsection:

7 "Eligible benefit recipient." A person who is receiving a
8 superannuation, withdrawal or disability annuity and who
9 commenced receipt of that annuity on or prior to July 1, 1982;
10 provided, however, that such supplemental annuities shall not be
11 payable to an annuitant receiving a withdrawal annuity prior to
12 the first day of July coincident with or following his
13 attainment of superannuation age.

14 "Years of active service." The number of full years of
15 service as an active member to the credit of each benefit
16 recipient, which years of service need not have been continuous.

17 "Years on retirement." The number of full years as of July
18 1, 1983, which have elapsed since the eligible benefit recipient
19 commenced the receipt of an annuity.

20 Section 2. Title 71 is amended by adding a section to read:

21 § 5708.1. Additional supplemental annuities.

22 (a) Benefits.--Commencing with the first monthly annuity
23 payment after July 1, 1984, any eligible benefit recipient shall
24 be entitled to receive an additional monthly supplemental
25 annuity from the State Employees' Retirement System.

26 (b) Amount of additional supplemental annuity.--The amount
27 of the additional monthly supplemental annuity shall be the
28 total of the following:

29 (1) One dollar multiplied by the number of years of
30 active service.

1 (2) Two dollars multiplied by the number of years on
2 retirement.

3 (c) Payment.--The additional monthly supplemental annuity
4 provided for in this section shall be paid automatically unless
5 the intended recipient files a written notice with the system
6 requesting that the additional monthly supplemental annuity not
7 be paid. Nothing in this section shall authorize the payment of
8 an additional monthly supplemental annuity to an estate.

9 (d) Conditions.--The additional supplemental annuity
10 provided for in this section shall be payable under the same
11 terms and conditions as provided under the option plan in effect
12 as of June 30, 1984.

13 (e) Benefits paid to beneficiaries or survivors.--No
14 supplemental annuity enacted after the death of the member shall
15 be payable to the beneficiary or survivor annuitant of such
16 deceased former State employee. However, when the effective date
17 of the supplement shall predate the death of the member by
18 virtue of retroactivity of the supplement, payments which were
19 retroactively due the deceased annuitant shall be paid to the
20 beneficiary or designated survivor as the case may be.

21 (f) Funding.--The actuary shall annually certify the amount
22 of appropriations for the next fiscal year needed to fund, over
23 a period of 20 years from the effective date of this section,
24 the additional monthly supplemental annuity provided for in this
25 section. The board shall submit the actuary's certification to
26 the Secretary of the Budget on or before November 1 of each
27 year. If, in any year after 1984, the amount certified is
28 disapproved under section 610 of the act of April 9, 1929
29 (P.L. 177, No. 175), known as The Administrative Code of 1929, as
30 insufficient to meet the funding requirements of this subsection

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1 or is not appropriated on or before July 1, the additional
2 supplemental annuity provided for in this section shall be
3 suspended until such time as an amount certified and approved as
4 sufficient is appropriated.

5 (q) Definitions.--As used in this section the following
6 words and phrases shall have the meanings given to them in this
7 subsection:

8 "Eligible benefit recipient." A person who is receiving a
9 superannuation, withdrawal or disability annuity and who
10 commenced receipt of that annuity on or prior to July 1, 1982;
11 provided, however, that such supplemental annuities shall not be
12 payable to an annuitant receiving a withdrawal annuity prior to
13 the first day of July coincident with or following his
14 attainment of superannuation age.

15 "Years of credited service." The number of full years of
16 service credited as an active member for each benefit recipient,
17 which years of service need not have been continuous.

18 "Years on retirement." The number of full years as of July
19 1, 1983, which have elapsed since the eligible benefit recipient
20 most recently commenced the receipt of an annuity.

21 Section 3. This act shall take effect immediately.

Report of the Committee of Conference on House Bill No. 2114

To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 2114, entitled:
"An act making appropriations from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1984 to June 30, 1985 and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1984, ~~and providing for investments in Pennsylvania industries;~~ AND TO PROVIDE A SUPPLEMENTAL APPROPRIATION FROM THE STATE EMPLOYEES RETIREMENT FUND FOR THE FISCAL PERIOD JULY 1, 1983 TO JUNE 30, 1984.

respectfully submit the following bill as our report:

MAX PIEVSKY

JAMES J. MANDERINO

RICHARD A. McCLATCHY, JR.

(Committee on the part of the House of Representatives.)

JOHN STAUFFER

EDWARD L. HOWARD

H. CRAIG LEWIS

(Committee on the part of the Senate.)

AN ACT

1 Amending Titles 24 (Education) and 71 (State Government) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 additional supplemental annuities for special early
4 retirement, and authorizing participation in limited
5 partnerships and venture capital investments.

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

8 Section 1. Title 24 of the Pennsylvania Consolidated
9 Statutes is amended by adding a section to read:

10 § 8312. Eligibility for special early retirement.

11 Notwithstanding any provisions of this title to the contrary,
12 for the period only of July 1, 1985 to June 30, 1986, the
13 following special early retirement provisions shall be
14 applicable to specified eligible members as follows:

15 (1) During the period of July 1, 1985 to June 30, 1986,
16 any member who has attained the age of at least 53 years and
17 has credit for at least 30 eligibility points shall be
18 entitled upon termination of service and filing of a proper
19 application to receive a maximum single life annuity
20 calculated pursuant to section 8342 (relating to maximum
21 single life annuity) without any reduction by virtue of an
22 effective date of retirement which is under the
23 superannuation age.

24 (2) During the period of July 1, 1985 to June 30, 1986,
25 any member who has attained the age of at least 50 years but
26 not greater than 53 years and has credit for at least 30
27 eligibility points shall be entitled upon termination of
28 service and filing of a proper application to receive a
29 maximum single life annuity calculated pursuant to section
30 8342 with a reduction by virtue of an effective date of

1 retirement which is under the superannuation age of a
2 percentage determined by multiplying the number of months,
3 including a fraction of a month as a full month, by which the
4 effective date of retirement precedes the attainment of age
5 53 by 0.25%.

6 Section 2. Section 8328(d) of Title 24 is amended to read:

7 § 8328. Actuarial cost method.

8 * * *

9 (d) Supplemental annuity contribution rate.--Contributions
10 from the Commonwealth and other employers required to provide
11 for the payment of supplemental annuities to annuitants as
12 provided in section 8348 (relating to supplemental annuities)
13 shall be determined as a percentage of the total compensation of
14 all active members during the period for which the amount is
15 certified as sufficient to fund the liabilities of the
16 supplemental retirement allowance account as a level percentage
17 over a period of 30 years from July 1, 1967. In the event that
18 annuities are increased by legislation enacted subsequent to
19 July 1, 1974, the additional liability for the increase in
20 benefits to annuitants shall be funded similarly as a level
21 percentage over a period of 20 years from the first day of July
22 coincident with or next following the effective date of such
23 legislation. Notwithstanding the foregoing, the additional
24 liability on account of any increase in annuities which is
25 effective July 1, 1979 shall be funded by level annual payments
26 over a period of 20 years beginning July 1, 1980. The additional
27 liability on account of any increase in annuities which is
28 effective July 1, 1984 shall be funded by level annual payments
29 over a period of 20 years beginning July 1, 1984.

30 Section 3. Title 24 is amended by adding a section to read:

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1 § 8348.1. Additional supplemental annuities.

2 (a) Benefits.--Commencing with the first monthly annuity
3 payment after July 1, 1984, any eligible benefit recipient shall
4 be entitled to receive an additional monthly supplemental
5 annuity from the system.

6 (b) Amount of additional supplemental annuity.--The amount
7 of the additional monthly supplemental annuity shall be the
8 total of the following:

9 (1) One dollar multiplied by the number of years of
10 credited service.

11 (2) Two dollars multiplied by the number of years on
12 retirement.

13 (3) Two percent of the monthly annuity being received on
14 July 1, 1984, but not more than \$20.

15 (c) Payment.--The additional monthly supplemental annuity
16 provided for in this section shall be paid automatically unless
17 the intended recipient files a written notice with the system
18 requesting that the additional monthly supplemental annuity not
19 be paid.

20 (d) Conditions.--The additional supplemental annuity
21 provided for in this section shall be payable under the same
22 terms and conditions as provided under the option plan in effect
23 as of June 30, 1984.

24 (e) Benefits paid to beneficiaries or survivors.--No
25 supplemental annuity enacted after the death of the member shall
26 be payable to the beneficiary or survivor annuitant of the
27 deceased member. However, when the effective date of the
28 supplement predates the death of the member by virtue of
29 retroactivity of the supplement, payments which were
30 retroactively due the deceased annuitant shall be paid to the

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1 beneficiary or designated survivor, as the case may be.
2 (f) Funding.--The actuary shall annually certify the amount
3 of Commonwealth appropriations for the next fiscal year needed
4 to fund, over a period of 20 years from the effective date of
5 this section, the additional monthly supplemental annuity
6 provided for in this section. The board shall submit the
7 actuary's certification to the Secretary of the Budget on or
8 before November 1 of each year. If, in any year after 1984, the
9 amount certified is disapproved under section 610 of the act of
10 April 9, 1929 (P.L.177, No.175), known as The Administrative
11 Code of 1929, as insufficient to meet the funding requirements
12 of this subsection or is not appropriated on or before July 1,
13 the additional supplemental annuity provided for in this section
14 shall be suspended until such time as an amount certified and
15 approved as sufficient is appropriated.
16 (g) Definitions.--As used in this section the following
17 words and phrases shall have the meanings given to them in this
18 subsection:
19 "Eligible benefit recipient." A person who is receiving a
20 superannuation, withdrawal or disability annuity and who
21 commenced receipt of that annuity on or prior to July 1, 1982,
22 but the supplemental annuities shall not be payable to an
23 annuitant receiving a withdrawal annuity prior to the first day
24 of July coincident with or following the annuitant's attainment
25 of superannuation age.
26 "Years of credited service." The number of full years of
27 service as a member to the credit of each benefit recipient,
28 which years of service need not have been continuous.
29 "Years on retirement." The number of full years as of July
30 1, 1983, which have elapsed since the eligible benefit recipient

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1 Section 5. Title 71 is amended by adding a section to read:

2 § 5308.1. Eligibility for special early retirement.

3 Notwithstanding any provisions of this title to the contrary,

4 for the period only of July 1, 1985 to June 30, 1986, the

5 following special early retirement provisions shall be

6 applicable to specified eligible members as follows:

7 (1) During the period of July 1, 1985 to June 30, 1986,

8 any active member who has attained the age of at least 53

9 years and has credit for at least 30 years of credited State

10 or school service shall be entitled upon termination of State

11 service and compliance with section 5907(f) (relating to

12 rights and duties of State employees and members) to receive

13 a maximum single life annuity calculated pursuant to section

14 5702 (relating to maximum single life annuity) without any

15 reduction by virtue of an effective date of retirement which

16 is under the superannuation age.

17 (2) During the period of July 1, 1985 to June 30, 1986,

18 any active member who has attained the age of at least 50

19 years but not greater than 53 years and has credit for at

20 least 30 years of credited State or school service shall be

21 entitled upon termination of State service and compliance

22 with section 5907(f) to receive a maximum single life annuity

23 calculated pursuant to section 5702 with a reduction by

24 virtue of an effective date of retirement which is under the

25 superannuation age of a percentage factor which shall be

26 determined by multiplying the number of months, including a

27 fraction of a month as a full month, by which the effective

28 date of retirement precedes the attainment of age 53 by

29 0.25%.

30 Section 6. Section 5508(e) of Title 71 is amended to read:

- 6 -

1 § 5508. Actuarial cost method.

2 * * *

3 (e) Supplemental annuity contribution rate.--Contributions
4 from the Commonwealth required to provide for the payment of
5 supplemental annuities as provided in section 5708 shall be
6 determined as a percentage of the total compensation of all
7 active members during the period for which the amount is
8 certified as sufficient to fund the liabilities of the
9 supplemental annuity account as of July 1, 1969, as a level
10 percentage over a period of 20 years from such date. In the
11 event that supplemental annuities are increased by legislation
12 enacted subsequent to July 1, 1969, the additional liability for
13 the increase in benefits shall be funded as a level percentage
14 over a period of 20 years from the July first, coincident with
15 or next following the effective date of such legislation. The
16 additional liability for the increase in benefits which is
17 effective July 1, 1984 shall be funded as a level annual payment
18 over a period of 20 years beginning July 1, 1984.

19 Section 7. Title 71 is amended by adding a section to read:
20 § 5708.1. Additional supplemental annuities.

21 (a) Benefits.--Commencing with the first monthly annuity
22 payment after July 1, 1984, any eligible benefit recipient shall
23 be entitled to receive an additional monthly supplemental
24 annuity from the State Employees' Retirement System.

25 (b) Amount of additional supplemental annuity.--The amount
26 of the additional monthly supplemental annuity shall be the
27 total of the following:

28 (1) One dollar multiplied by the number of years of
29 credited service.

30 (2) Two dollars multiplied by the number of years on

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1 commenced the receipt of an annuity and during which the
2 eligible benefit recipient received an annuity.

3 Section 4. Section 8521 of Title 24 is amended by adding
4 subsections to read:

5 § 8521. Management of fund and accounts.

6 * * *

7 (n) Limited partnerships and separate accounts.--The board
8 may invest in any investments authorized in this section by
9 becoming a limited partner in partnerships that will hold such
10 investments or by participating in separate accounts of any
11 insurance company authorized to do business in this
12 Commonwealth, in either case the liability of the fund shall be
13 limited to the amount of the investment.

14 (o) Venture capital.--The provisions of subsection (l)
15 notwithstanding, venture capital investments made through
16 limited partnerships and through separate accounts shall be
17 limited to not more than 1% of the book value of the total
18 assets of the fund. A venture capital investment shall be made
19 only if such investment will enhance the general welfare of this
20 Commonwealth and its citizens through economic development and
21 meets the standard of prudence set forth in subsection (l). An
22 investment shall be deemed a venture capital investment if it
23 results in the acquisition of equity interests or a combination
24 of debt and equity interests in a business which is expected to
25 grow substantially in the future and in which the expected
26 return on investment is to come predominantly from an increase
27 in value of the equity interest and that are not held through or
28 secured by stock that is an authorized investment under the
29 authority of subsection (h) and are not interests in or secured
30 by real estate.

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1 retirement.

2 (3) Two percent of the monthly annuity being received on
3 July 1, 1984, but not more than \$20.

4 (c) Payment.--The additional monthly supplemental annuity
5 provided for in this section shall be paid automatically unless
6 the intended recipient files a written notice with the system
7 requesting that the additional monthly supplemental annuity not
8 be paid.

9 (d) Conditions.--The additional supplemental annuity
10 provided for in this section shall be payable under the same
11 terms and conditions as provided under the option plan in effect
12 as of June 30, 1984.

13 (e) Benefits paid to beneficiaries or survivors.--No
14 supplemental annuity enacted after the death of the member shall
15 be payable to the beneficiary or survivor annuitant of the
16 deceased former State employee. However, when the effective date
17 or the supplement predates the death of the member by virtue of
18 retroactivity of the supplement, payments which were
19 retroactively due the deceased annuitant shall be paid to the
20 beneficiary or designated survivor, as the case may be.

21 (f) Funding.--The actuary shall annually certify the amount
22 of appropriations for the next fiscal year needed to fund, over
23 a period of 20 years from the effective date of this section,
24 the additional monthly supplemental annuity provided for in this
25 section. The board shall submit the actuary's certification to
26 the Secretary of the Budget on or before November 1 of each
27 year. If, in any year after 1984, the amount certified is
28 disapproved under section 610 of the act of April 9, 1929.
29 (P.L.177, No.175), known as The Administrative Code of 1929, as
30 insufficient to meet the funding requirements of this subsection

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1 or is not appropriated on or before July 1, the additional
2 supplemental annuity provided for in this section shall be
3 suspended until such time as an amount certified and approved as
4 sufficient is appropriated.

5 (g) Definitions.--As used in this section the following
6 words and phrases shall have the meanings given to them in this
7 subsection:

8 "Eligible benefit recipient." A person who is receiving a
9 superannuation, withdrawal or disability annuity and who
10 commenced receipt of that annuity on or prior to July 1, 1982,
11 but the supplemental annuities shall not be payable to an
12 annuitant receiving a withdrawal annuity prior to the first day
13 of July coincident with or following the annuitant's attainment
14 of superannuation age.

15 "Years of credited service." The number of full years of
16 service credited as a member for each benefit recipient, which
17 years of service need not have been continuous.

18 "Years on retirement." The number of full years as of July
19 1, 1983, which have elapsed since the eligible benefit recipient
20 most recently commenced the receipt of an annuity and during
21 which the eligible benefit recipient received an annuity.

22 Section 8. Section 5931 of Title 71 is amended by adding
23 subsections to read:

24 § 5931. Management of fund and accounts.

25 * * *

26 (o) Limited partnerships and separate accounts.--The board
27 may invest in any investments authorized by this section by
28 becoming a limited partner in partnerships that will hold such
29 investments or by participating in separate accounts of any
30 insurance company authorized to do business in this

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1 Commonwealth, in either case the liability of the fund shall be
2 limited to the amount of the investment.

3 (p) Venture capital.--The provisions of subsection (a)
4 notwithstanding, venture capital investments made through
5 limited partnerships and through separate accounts shall be
6 limited to not more than 1% of the book value of the total
7 assets of the fund. A venture capital investment shall be made
8 only if such investment will enhance the general welfare of this
9 Commonwealth and its citizens through economic development and
10 meets the standards of prudence set forth in subsection (a). An
11 investment shall be deemed a venture capital investment if it
12 results in the acquisition of equity interests or a combination
13 of debt and equity interests in a business which is expected to
14 grow substantially in the future and in which the expected
15 return on investment is to come predominantly from an increase
16 in value of the equity interest and that are not held through or
17 secured by stock that is an authorized investment under the
18 authority of subsection (b) and are not interests in or secured
19 by real estate.

20 Section 9. Provisions relating to Title 24 amendments.

21 (a) Early retirement.--It is the intent of the General
22 Assembly by adding 24 Pa.C.S. § 8312 (relating to eligibility
23 for special early retirement) during this period of a reduced
24 student population in the public school system and of fiscal
25 restraint, to assist school districts by providing cost saving
26 opportunities to school districts and reduce the need for school
27 districts to furlough public school employees by granting
28 eligible public school employees with a one-time option for
29 early retirement.

30 (b) Report on resulting actuarial cost and salary savings.--

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1 On or before January 2, 1987, the Secretary of Education, with
2 the cooperation of the Executive Director of the Public School
3 Employees' Retirement System, shall prepare and transmit to the
4 Governor and to the General Assembly a report on the numbers of
5 persons utilizing the special early retirement option and the
6 actuarial cost and the salary savings resulting from this
7 special early retirement option. The report shall summarize, on
8 the basis of each participating employing unit, the additional
9 actuarial cost attributable to this legislation on the part of
10 any Public School Employees' Retirement System members who were
11 employed by the employing unit as of June 1, 1985 who retired
12 during the period July 1, 1985 through June 30, 1986, and to
13 whom the provisions of this act are applicable. The additional
14 actuarial cost for each applicable annuitant shall be provided
15 by the Executive Director of Public School Employees' Retirement
16 System and shall be the difference between the present value of
17 the maximum single life annuity actually payable to the
18 applicable annuitant as of the date of retirement and the
19 present value of the maximum single life annuity which would
20 have been payable to the applicable annuitant as of the date of
21 retirement pursuant to law without reference to this act. The
22 report shall also summarize, on the basis of each participating
23 employing unit, the salary savings attributable to retirement
24 pursuant to this legislation. The salary and fringe benefits
25 savings information for each participating employing unit shall
26 be the difference between the most current annual salaries for
27 those Public School Employees' Retirement System members who
28 were employed by the employing unit as of June 1, 1985 who
29 retired during the period July 1, 1985 through June 30, 1986,
30 and to whom the provisions of this act are applicable, and the

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1 current annual salaries of those persons, if any, who were newly
2 employed by that employing unit in the same or substantially
3 similar employment positions or classifications as the
4 applicable retiring employees during the period September 1,
5 1985 through October 31, 1986, and whose employment was not a
6 result of an increase in applicable complement levels. Employing
7 units shall provide information on the number of positions left
8 vacant and the amount of salary and fringe benefits savings
9 attributable to retirement pursuant to this legislation. Savings
10 in potential unemployment compensation payments shall also be
11 calculated.

12 (c) Nonseverability.--It is the intent of the General
13 Assembly that it would not have enacted any of the provisions of
14 24 Pa.C.S. § 8312 and this section without all other provisions
15 of 24 Pa.C.S. § 8312 and that all of the provisions are
16 essentially and inseparably connected with each other.
17 Accordingly, the provisions of 24 Pa.C.S. § 8312 and this
18 section shall be nonseverable.
19 Section 10. Provisions relating to Title 71.

20 (a) Early retirement.--It is the intent of the General
21 Assembly by adding 71 Pa.C.S. § 5308.1 (relating to eligibility
22 for special early retirement) during this period of changing
23 governmental services and of fiscal restraint to avail the
24 Commonwealth of cost-saving opportunities and to reduce the need
25 for the Commonwealth to furlough State employees by granting
26 eligible State employees with a one-time option for early
27 retirement.

28 (b) Report on resulting actuarial cost and salary savings.--
29 On or before January 2, 1987, the Secretary of Administration,
30 with the cooperation of the Secretary of the State Employees'

1 Retirement System, shall prepare and transmit to the Governor
2 and to the General Assembly a report on the numbers of persons
3 utilizing the special early retirement option and the actuarial
4 cost and the salary savings resulting from this special early
5 retirement option. The report shall summarize, on the basis of
6 each participating employing unit, the additional actuarial cost
7 attributable to this legislation on the part of any State
8 Employees' Retirement System members who were employed by the
9 employing unit, agency or department as of June 30, 1985, who
10 retired during the period July 1, 1985 to June 30, 1986, and to
11 whom the provisions of this act are applicable. The additional
12 actuarial cost for each applicable annuitant shall be provided
13 by the Secretary of the State Employees' Retirement Board and
14 shall be the difference between the present value of the maximum
15 single life annuity actually payable to the applicable annuitant
16 as of the date of retirement and the present value of the
17 maximum single life annuity which would have been payable to the
18 applicable annuitant as of the date of retirement pursuant to
19 law without reference to this act. The report shall also
20 summarize, on the basis of each participating employing unit,
21 agency or department, the salary savings attributable to
22 retirement pursuant to this legislation. The salary and fringe
23 benefits savings information for each participating employing
24 unit, agency or department shall be reported by each unit,
25 agency or department and shall be the difference between the
26 most current annual salaries for those State Employees'
27 Retirement System members who were employed by the employing
28 unit as of June 30, 1985 who retired during the period July 1,
29 1985 through June 30, 1986, and to whom the provisions of this
30 act are applicable, and the current annual salaries of those

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1 persons, if any, who were newly employed by that employing unit,
2 agency or department in the same or substantially similar
3 employment positions or classifications as the applicable
4 retiring employees during the period July 1, 1985 through August
5 31, 1986, and whose employment was not a result of an increase
6 in applicable complement levels. Additionally, the report shall
7 provide summarized information on the number of positions left
8 vacant and the amount of salary and fringe benefits savings
9 attributable to retirement pursuant to this legislation. Savings
10 in potential unemployment compensation payments shall also be
11 calculated.

12 (c) Nonseverability.--It is the intent of the General
13 Assembly that it would not have enacted any of the provisions of
14 71 Pa.C.S. § 5308.1 and this section without all other
15 provisions of 71 Pa.C.S. § 5308.1 and this section and that all
16 of the provisions are essentially and inseparably connected with
17 each other. Accordingly, the provisions of 71 Pa.C.S. § 5308.1
18 and this section shall be nonseverable.

19 Section 11. Applicability of other law.

20 The provisions of section 7 of the act of July 9, 1981
21 (P.L.208, No.66), known as the Public Employee Retirement Study
22 Commission Act, shall not apply to this act.

23 Section 12. Effective date.

24 This act shall take effect immediately.

SENATE AMENDED

PRIOR PRINTER'S NOS. 1342, 1376, 1791,
2542

Printer's No. 3165

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. **1181** Session of
1983

INTRODUCED BY GALLAGHER, FREIND, HARPER, COWELL, BURNS,
E. Z. TAYLOR, EVANS, FISCHER, COLAFELLA, DAVIES, LIVENGOOD,
MILLER, TIGUE, LESCOVITZ, STAIRS, WIGGINS, WASS, BATTISTO,
HAGARTY, COY, DALEY, PATTAN, KOSINSKI, HERMAN AND BOOK,
JUNE 7, 1983

SENATOR HESS, EDUCATION, IN SENATE, AS AMENDED, JUNE 12, 1984

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 mandatory programs;
6 providing for education-assessment-testing as a prerequisite
7 ~~for receipt of diploma~~ & STATEWIDE PROGRAM OF TESTING AND
8 REMEDIATION; further providing for voting of boards; further
9 providing for the granting of diplomas; and making editorial
10 changes.

<—
<—

11 The General Assembly of the Commonwealth of Pennsylvania

12 hereby enacts as follows:

13 Section 1. Section 290.1 of the act of March 10, 1949

14 (P.L.30, No.14), known as the Public School Code of 1949, is

15 repealed.

16 Section 2. Section 1511 of the act, amended July 31, 1968

17 (P.L.1020, No.301), is amended to read:

18 Section 1511. [Subjects of Instruction; Flag Code.--In every

19 elementary public and private school, established and maintained

1 in this Commonwealth, the following subjects shall be taught, in
2 the English language and from English texts: English, including
3 spelling, reading and writing, arithmetic, geography, the
4 history of the United States and of Pennsylvania, civics,
5 including loyalty to the State and National Government, safety
6 education, and the humane treatment of birds and animals,
7 health, including physical education, and physiology, music and
8 art. Other subjects shall be taught in the public elementary
9 schools and also in the public high schools as may be prescribed
10 by the standards of the State Board of Education. All such
11 subjects, except foreign languages, shall be taught in the
12 English language and from English texts: Provided, however,
13 That, at the discretion of the Superintendent of Public
14 Instruction, the teaching of subjects in a language other than
15 English may be permitted as part of a sequence in foreign
16 language study or as part of a bilingual education program if
17 the teaching personnel are properly certified in the subject
18 fields. Each school district shall provide and distribute to
19 each pupil, enrolled in the eighth grade of the public schools,
20 one illustrated copy of the National Flag Code, and shall, from
21 time to time, make available such copies as are necessary for
22 replacements from year to year. It shall be the duty of each
23 teacher in the public schools to make such use of the code as
24 may, from time to time, seem proper.] Programs or Courses of
25 Study in Public Schools.--(a) The mandatory required programs
26 or courses of study to be offered are as follows:
27 (1) At the elementary school level: English, to include
28 spelling, reading and writing; arithmetic; science; geography;
29 history of the United States and Pennsylvania; civics; safety
30 education, including regular instruction in the dangers and

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1 prevention of fires; health education; AND physical education; <-
2 music; art; and remedial programs AND ART. <-

3 (2) At the secondary school level: English, to include
4 language, literature, speech and composition; science, to
5 include earth sciences, biology, physics and chemistry;
6 geography; social studies, to include civics, economics, world
7 history, United States history, including the history of labor <-
8 in the United States, and Pennsylvania history; foreign
9 languages; mathematics, to include general mathematics and
10 statistics, algebra, geometry and trigonometry; computer
11 literacy or computer science; industrial arts; home economics;
12 art; music; vocational-technical education; business education;
13 health education; physical education; and remedial programs. The <-
14 program of health education shall include instruction concerning
15 the causes, effects, prevention and treatment of drug and
16 alcohol abuse and the undesirability of the abuse of these
17 substances AND HEALTH AND PHYSICAL EDUCATION. <-

18 (3) All subjects, except foreign languages, shall be taught
19 in the English language and from English texts in compliance
20 with State board regulations and department standards. The
21 teaching of subjects in a language other than English may be
22 permitted as part of a sequence in foreign language study or as
23 part of a bilingual education program if the teaching personnel
24 are properly certified in the subject fields.

25 (4) The General Assembly acknowledges the importance of
26 foreign language study to the Commonwealth and the United
27 States. No student shall be denied access to foreign language <-
28 study. Foreign language is an asset to the vocational-technical
29 student and business student, as well as the student who will
30 attend college.

1 (5) Computer literacy and computer science may be taught as
2 part of an elementary or secondary mandatory required program or
3 course. School districts are urged to provide instruction in
4 computer literacy and computer science to all students.

5 (6) Each school district shall provide and distribute to
6 each student, enrolled in the eighth grade of the public
7 schools, one illustrated copy of the National Flag Code and it
8 shall be the duty of each teacher in the public schools to make
9 such use of the code as may, from time to time, seem proper.

10 (7) The State board shall designate which of the mandated
11 programs or courses of study shall be required of all students
12 or of all students in certain grade levels. Physical education
13 shall be taught to every student every year at the elementary
14 and secondary levels. Physical education programs shall be
15 adapted for students unable to participate in a regular program.

16 ~~(8) Notwithstanding the provisions of clause (7), the~~ <-
17 ~~following minimum courses in grades nine (9) through twelve (12)~~
18 ~~are established as a requirement for high school graduation:~~

19 ~~(i) English, four (4) years (four (4) units of credit).~~
20 ~~(ii) Mathematics, three (3) years (three (3) units of~~
21 ~~credit).~~

22 ~~(iii) Science, three (3) years (three (3) units of credit).~~
23 ~~(iv) Social studies, three (3) years (three (3) units of~~
24 ~~credit).~~

25 ~~(v) Physical education, one (1) year (one (1) unit of~~
26 ~~credit).~~

27 ~~The phrase "unit of credit" as used in this section shall be~~
28 ~~defined in regulations of the State Board of Education. The~~
29 ~~offering of such courses shall begin in school year 1984-1985~~
30 ~~and the requirement for graduation shall apply to students~~

1 ~~graduating in 1989, and thereafter.~~
2 ~~(9) Each local school board shall establish written policies~~
3 ~~pertaining to the assignment of student homework and other out~~
4 ~~of class requirements.~~
5 ~~(10) Each school district shall make a reasonable effort to~~
6 ~~enable interested vocational-technical students to receive~~
7 ~~instruction in those courses which are prerequisites to~~
8 ~~admission to the State-owned and State-related universities in~~
9 ~~this Commonwealth.~~
10 ~~(11) Exceptions to the curriculum requirements contained in~~
11 ~~this section shall be considered according to standards and~~
12 ~~criteria adopted by the department pursuant to State Board of~~
13 ~~Education regulations.~~
14 ~~(b) As used in this section, the term "remedial programs"~~
15 ~~shall mean services limited to students not eligible for Federal~~
16 ~~compensatory education services or students in attendance areas~~
17 ~~not served by Federal compensatory education services. The~~
18 ~~remedial programs shall consist of services provided in~~
19 ~~accordance with a planned course approved by the Department of~~
20 ~~Education.~~
21 ~~Section 3. The act is amended by adding sections to read:~~
22 ~~Section 1511.1. Education Assessment Testing; Prerequisite~~
23 ~~for Receipt of Diploma. -- (a) The Department of Education shall~~
24 ~~select a minimum of three commercially, nationally developed~~
25 ~~tests designed to measure objectively cognitive development and~~
26 ~~educational performance in reading, grammar, word usage,~~
27 ~~arithmetic or mathematics, science and social studies. School~~
28 ~~districts shall select from the department's approved tests such~~
29 ~~testing instrument of their choice to be administered to all~~
30 ~~public school children in this Commonwealth in second, fifth,~~

~~1 eighth and eleventh grades. Nothing in this act shall prevent~~
~~2 school districts from testing at other grade levels and using~~
~~3 such tests of their choice. However, the Commonwealth shall be~~
~~4 responsible only for those costs incurred by school districts~~
~~5 for the department approved tests given in the second, fifth,~~
~~6 eighth and eleventh grades unless the services are provided to~~
~~7 nonpublic schools under sections 921-A, 922-A and 923-A of~~
~~8 this act. Except for mentally gifted students as defined in~~
~~9 regulations of the Department of Education, those students~~
~~10 defined as exceptional under section 1371 shall be exempt from~~
~~11 the provisions of this section but may participate at the~~
~~12 written request of a parent or guardian. However, any student~~
~~13 with a recognized learning disability, but not defined as~~
~~14 exceptional under section 1371, shall be given the same test,~~
~~15 however, such test may be administered orally.~~

~~16 (b) Private and parochial schools shall be exempt from the~~
~~17 provisions of subsection (a). The schools shall be required to~~
~~18 administer in the eleventh grade a commercially nationally~~
~~19 developed test of their choice, not disapproved by the~~
~~20 department, that is designed to measure objectively cognitive~~
~~21 development and educational performance. Private and parochial~~
~~22 schools shall notify and provide the department with a brief~~
~~23 description of the test the school selects prior to the~~
~~24 beginning of the school year. The department shall have thirty~~
~~25 (30) days to reject the test. Disapproval of the test by the~~
~~26 department shall occur only if the test is deficient in~~
~~27 measuring student achievement in reading, grammar, word usage~~
~~28 and arithmetic or mathematics. Private and parochial schools~~
~~29 shall notify parents or guardians of the results of the test.~~
~~30 Satisfactory performance on the test shall not be a prerequisite~~

1 ~~for receiving a high school diploma unless such a requirement is~~
2 ~~established by the private or parochial school.~~
3 ~~(c) Tests administered at the second, fifth and eighth grade~~
4 ~~levels shall be utilized by all school districts to measure~~
5 ~~relative student performance and to assist in the development of~~
6 ~~remedial educational programs in accordance with the practices~~
7 ~~of each local school district. Notwithstanding the testing~~
8 ~~requirements established in subsection (a), the department may~~
9 ~~contract with a recognized testing service or test development~~
10 ~~firm to establish a criterion reference testing program for~~
11 ~~students in the grade levels specified in this subsection. The~~
12 ~~tests shall be designed to measure objectively cognitive~~
13 ~~development and educational performance in reading, grammar,~~
14 ~~word usage, arithmetic or mathematics, science and the social~~
15 ~~studies. Prior to utilizing the tests the department shall~~
16 ~~review the tests with the Education Committees of the House of~~
17 ~~Representatives and the Senate. The department shall provide the~~
18 ~~required testing as prescribed in subsection (a) until the~~
19 ~~criterion reference tests have been developed and reviewed by~~
20 ~~the committees.~~
21 ~~(d) Satisfactory performance as determined by the department~~
22 ~~on the test administered in the eleventh grade shall be a basis~~
23 ~~prerequisite for all public, private and parochial school~~
24 ~~students receiving a high school diploma in Pennsylvania. A~~
25 ~~student failing the eleventh grade test shall immediately be~~
26 ~~placed in appropriate remedial programs to enable successful~~
27 ~~performance on the test. A student failing the eleventh grade~~
28 ~~test the first time shall be permitted to retake the test on a~~
29 ~~minimum of three (3) separate occasions, when the district shall~~
30 ~~offer it, during the student's senior year of high school. If a~~

1 ~~student fails to pass the test on all of these occasions, the~~
2 ~~student shall not receive a high school diploma but shall~~
3 ~~receive a certificate of attendance upon completion of twelfth~~
4 ~~grade. Failure to pass the test shall not prevent a student from~~
5 ~~repeating twelfth grade. The graduation requirements established~~
6 ~~herein shall be applicable to the school year commencing four~~
7 ~~(4) years after the development or selection by the department~~
8 ~~of appropriate testing instruments. The provisions of this~~
9 ~~subsection shall apply to students with learning disabilities~~
10 ~~but not defined as exceptional under section 1271. Students~~
11 ~~attending private and parochial schools shall be exempt from the~~
12 ~~provisions of this subsection.~~
13 ~~(c) Results of the test administered in the second, fifth,~~
14 ~~eighth and eleventh grades shall be provided to parents or~~
15 ~~guardians. The board of school directors in each school district~~
16 ~~shall determine which school district personnel may have access~~
17 ~~to the test results.~~

18 SECTION 3. THE ACT IS AMENDED BY ADDING SECTIONS TO READ: <-

19 SECTION 1511.1. TESTING AND REMEDIATION PROGRAM.--(A) IN
20 ORDER TO PROVIDE REMEDIAL INSTRUCTION TO STUDENTS, A STATEWIDE
21 PROGRAM OF TESTING AND REMEDIATION SHALL BE OFFERED BY SCHOOL
22 DISTRICTS TO THEIR STUDENTS AND BE FURNISHED DIRECTLY TO
23 NONPUBLIC SCHOOL STUDENTS BY THE INTERMEDIATE UNITS. IT IS THE
24 INTENT OF THE GENERAL ASSEMBLY THAT THE MOST EFFICIENT USE
25 POSSIBLE BE MADE OF AVAILABLE TESTING INFORMATION AND OF REVENUE
26 FOR SIMILAR PURPOSES FROM THE FEDERAL GOVERNMENT.

27 (B) A CRITERION-REFERENCED SKILLS TEST IN READING AND MATH,
28 DETERMINED BY THE DEPARTMENT, SHALL BE ADMINISTERED BY SCHOOL
29 DISTRICTS TO PUBLIC SCHOOL STUDENTS IN THE THIRD, FIFTH AND
30 EIGHT GRADES, AND FURNISHED DIRECTLY BY INTERMEDIATE UNITS TO

1 NONPUBLIC SCHOOL STUDENTS IN THE THIRD, FIFTH AND EIGHTH GRADES,
2 WHO CHOOSE, THROUGH THEIR NONPUBLIC SCHOOLS, TO PARTICIPATE IN
3 THIS TESTING PROGRAM. THE PURPOSE OF THE TEST IS TO IDENTIFY
4 INDIVIDUAL STUDENTS WHO ARE NOT PERFORMING AT THE APPROPRIATE
5 SKILL LEVEL. THE DEPARTMENT SHALL BE RESPONSIBLE FOR THE COST OF
6 DEVELOPMENT, PURCHASE AND ADMINISTRATION OF THE CRITERION-
7 REFERENCED TEST.

8 (C) EACH SCHOOL DISTRICT SHALL ESTABLISH AN APPROVED PROGRAM
9 OF REMEDIATION SERVICES FOR ITS PUBLIC SCHOOL STUDENTS AND EACH
10 INTERMEDIATE UNIT SHALL ESTABLISH AN APPROVED PROGRAM OF
11 REMEDATION SERVICES FOR THE NONPUBLIC SCHOOL STUDENTS IN ITS
12 SERVICE DELIVERY AREA. EACH SCHOOL DISTRICT AND INTERMEDIATE
13 UNIT SHALL SERVE STUDENTS IDENTIFIED AS NEEDING REMEDIATION WHO
14 ARE NOT CURRENTLY SERVED BY REMEDIAL PROGRAMS, AS WELL AS ANY
15 STUDENTS SELECTED BY A SCHOOL DISTRICT OR INTERMEDIATE UNIT WHO
16 ARE SO IDENTIFIED AND ARE CURRENTLY BEING SERVED BY OTHER
17 REMEDIAL PROGRAMS. ANNUALLY, EACH SCHOOL DISTRICT AND
18 INTERMEDIATE UNIT SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT
19 FOR APPROVAL OF A PROGRAM OF REMEDIATION SERVICES TO BE FUNDED
20 PURSUANT TO SUBSECTION (D). UPON APPROVAL OF THE PROGRAM, EACH
21 SCHOOL DISTRICT AND INTERMEDIATE UNIT SHALL BE ELIGIBLE FOR
22 STATE FUNDS MADE AVAILABLE FOR SUCH PROGRAMS, AS PROVIDED IN
23 SUBSECTION (D).

24 (D) FUNDS APPROPRIATED FOR REMEDIATION SERVICES SHALL BE
25 DISTRIBUTED BY THE DEPARTMENT OF EDUCATION TO SCHOOL DISTRICTS
26 BASED ON THE NUMBER OF PUBLIC SCHOOL STUDENTS IDENTIFIED FOR
27 REMEDATION AND TO INTERMEDIATE UNITS ON BEHALF OF NONPUBLIC
28 SCHOOL STUDENTS FOR REMEDIATION. FUNDS DISTRIBUTED TO
29 INTERMEDIATE UNITS SHALL BE FOR SERVICES THAT ARE IN ADDITION TO
30 ANY SERVICES PROVIDED IN ACCORDANCE WITH THE PROVISIONS OF

1 SECTION 922.1-A OF THIS ACT, AND SUCH FUNDS SHALL BE IN ADDITION
2 TO THOSE DISTRIBUTED IN ACCORDANCE WITH THE PROVISIONS OF
3 SUBSECTION (D) OF SECTION 922.1-A OF THIS ACT.

4 (E) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT SCHOOL
5 DISTRICTS UTILIZE REVENUE FOR SIMILAR PROGRAMS FROM THE FEDERAL
6 GOVERNMENT TO SUPPLEMENT STATE FUNDS PROVIDED FOR IN THIS ACT.
7 FURTHER, THE GENERAL ASSEMBLY DIRECTS THE DEPARTMENT TO
8 GUARANTEE, IN ITS DISTRIBUTION OF FUNDS AUTHORIZED BY THIS ACT,
9 THAT THE COMBINED RESOURCES OF STATE AND FEDERAL PROGRAMS EXCEED
10 THE RESOURCES WHICH WOULD BE AVAILABLE FROM STATE SOURCES IF
11 FEDERAL REVENUES FOR SIMILAR PURPOSES WERE NOT AVAILABLE.

12 (F) INTERMEDIATE UNITS SHALL FURNISH THE TESTING AND
13 REMEDATION SERVICES PROVIDED FOR IN THIS SECTION DIRECTLY TO
14 NONPUBLIC SCHOOL STUDENTS IN ACCORDANCE WITH THE PROVISIONS OF
15 SUBSECTIONS (A), (B) AND (C) OF SECTION 922.1-A OF THIS ACT.

16 (G) THE STATE BOARD OF EDUCATION SHALL DEVELOP REGULATIONS
17 TO IMPLEMENT THE TESTING AND REMEDIATION PROGRAM PROVIDED FOR IN
18 THIS SECTION, AND SUCH REGULATIONS SHALL INCLUDE THE
19 AUTHORIZATION FOR THE SECRETARY OF EDUCATION TO GRANT EXCEPTIONS
20 TO THE PROGRAM REQUIREMENTS FOR CERTAIN CATEGORIES OF STUDENTS,
21 INCLUDING CERTAIN EXCEPTIONAL CHILDREN.

22 Section 1511.2. Test for Educational Excellence and
23 Achievement.--The State Board of Education and the Department of
24 Education shall develop and utilize a test to be known as the
25 Educational Excellence and Achievement Test to assist districts
26 in long range planning. School districts may participate in the
27 Educational Excellence and Achievement Test and may utilize any
28 goals of excellence which the State Board of Education may
29 adopt. However, any goals of excellence adopted by the State <-
30 Board of Education shall not be utilized in conjunction with the

1 ~~programs and courses of study set forth in section 1511(a) (1)~~
2 ~~and (2).~~

3 Section 1511.3. Approval and Evaluation.--The Department of
4 Education shall be responsible for approval of programs for all
5 public elementary and secondary schools. Approval shall be
6 granted to a school which certifies that it is in compliance
7 with section 1511 of this act. All public schools shall be
8 subject to evaluation every five (5) years by the department for
9 the purpose of program approval.

10 Section 4. Section 1704 of the act, amended June 28, 1951
11 (P.L. 934, No. 180), is amended to read:

12 Section 1704. Joint Authority of Boards; Title to
13 Property.--The affairs of joint schools or departments shall be
14 supervised and directed (1) jointly by the several boards of
15 school directors, establishing and maintaining such joint
16 schools or departments, or (2) by a joint school committee, as
17 provided in section one thousand seven hundred seven of this
18 act. When there is no joint school committee, the several boards
19 of school directors are hereby authorized to meet jointly, and
20 exercise the same power and authority over the same as the
21 several boards exercise over the schools in their respective
22 districts. Whatever matter is required by law to be decided by a
23 vote of the majority of all the directors of a school district
24 shall in a joint school or department be required to be decided
25 by a vote of two-thirds of all the constituent boards comprising
26 said joint operation. The vote of any constituent board shall be
27 determined by a majority vote of all the school directors
28 comprising such constituent board. In addition thereto, the
29 matter shall have been voted for by a majority of all the school
30 directors of all of the constituent boards. All voting on the

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1 affairs of joint schools or departments by the school directors
2 of the constituent boards located in Allegheny County shall be
3 conducted either in convention or by mail ballot, whichever
4 procedure the majority of all school directors select. The title
5 to any real estate, acquired for the purpose of establishing any
6 such joint school or department, shall be held in the name of
7 one or more of the district establishing the same, as they may
8 agree.

9 Section 5. Section 1905 of the act, amended September 12,
10 1961 (P.L.1263, No.554), is amended to read:

11 Section 1905. Certificate or Diploma.--All school credits
12 derived from any curricular course of study in the standard
13 evening high school of any district shall be accepted by the
14 school authorities of that district toward fulfillment of the
15 requirements for graduation from any curriculum of any day
16 school of corresponding grade in that district. Upon the
17 satisfactory completion in the standard evening high school of
18 the curricular courses of study required for graduation from any
19 curriculum of any school district by any person, such person
20 shall be awarded the appropriate school certificate or diploma
21 at the close of the then current school term. Whenever a person
22 satisfactorily completes the requirements on the high school
23 level Tests of General Educational Development, the school
24 district which the person last attended shall grant to the
25 person, upon application, the appropriate school diploma.

26 Section 6. The provisions of this act are severable. If any
27 provision of this act or its application to any person or
28 circumstances is held invalid, the invalidity shall not affect
29 other provisions or applications of this act which can be given
30 effect without the invalid provision or application.

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1 Section 7. This act shall take effect immediately, except
2 section 1511, which shall take effect beginning the ~~1984-1985~~ <
3 1985-1986 school year.

F3L24SG/19830H1181B3165

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 1176****Session of
1983**

INTRODUCED BY RHOADES, HESS, REIBMAN, BRIGHTBILL, JUBELIRER,
KELLEY, STAUFFER AND SHAFFER, DECEMBER 8, 1983

AS AMENDED ON SECOND CONSIDERATION, FEBRUARY 14, 1984

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," establishing a remediation program
6 for certain individuals.

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 1547. Remediation Program.--(a) In order to help
13 students to attain a higher level of individual achievement, a
14 program of testing and remediation is hereby mandated. NONPUBLIC <--
15 SCHOOL STUDENTS MAY PARTICIPATE IN THE PROGRAM.
16 (b) A competency (skills) test in at least reading and <--
17 mathematics shall be given to students in grades 3, 5 and 8.
18 This shall be a A criterion-referenced skills test IN AT LEAST <--
19 READING AND MATH, determined by the department, SHALL BE GIVEN <--

1 TO STUDENTS IN THE THIRD, FIFTH AND EIGHTH GRADES. Its purpose
2 is to identify individual students who are not performing at the
3 appropriate skill level in order to provide remediation.
4 (c) Remediation is to be provided to certain students who
5 fall below a given score which score is to be determined by the
6 department. Funds appropriated for remediation will be
7 distributed to school districts related to, BASED ON the number <--
8 of students identified for remediation, TO SCHOOL DISTRICTS AND, <--
9 FOR NONPUBLIC SCHOOL STUDENTS, TO INTERMEDIATE UNITS, FOR USE
10 PURSUANT TO SECTION 922.1-A. The department shall assist
11 districts SCHOOL DISTRICTS AND INTERMEDIATE UNITS in developing <--
12 appropriate remediation programs.
13 (d) The State Board of Education shall develop regulations
14 to implement the testing and remediation program which shall
15 include the authorization for the Secretary of Education to
16 grant exceptions to the program requirements for certain
17 categories of students, including certain exceptional children.
18 Section 2. This act shall take effect in 60 days.

HOUSE AMENDED

PRIOR PRINTER'S NOS. 1127, 1999, 2028

Printer's No. 2040

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 928

Session of
1983

INTRODUCED BY RHOADES, BRIGHTBILL, O'PAKE, REIBMAN, ROCKS AND
SINGEL, JULY 13, 1983

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 30, 1984

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 a means to resolve
6 ~~compensation matters affecting school administrators through~~ <—
7 ~~good faith negotiation sessions between school employers and~~
8 ~~school administrators.~~ COMPENSATION PLANS FOR SCHOOL <—
9 ADMINISTRATORS; AND PROVIDING FOR COLLECTIVE BARGAINING IN <—
10 CASES OF PROFESSIONAL EMPLOYEE TERMINATION; AND FURTHER
11 PROVIDING TRANSPORTATION FOR CERTAIN EXTRACURRICULAR
12 ACTIVITIES.
- 13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:
- 15 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
16 as the Public School Code of 1949, is amended by adding a <—
17 ~~section~~ SECTIONS to read: <—
- 18 SECTION 1133. COLLECTIVE BARGAINING FOR PUBLIC EMPLOYEES.-- <—
19 NOTHING CONTAINED IN SECTIONS 1121 THROUGH 1132 SHALL BE
20 CONSTRUED TO SUPERSEDE OR PREEMPT ANY PROVISION OF A COLLECTIVE
21 BARGAINING AGREEMENT IN EFFECT ON JULY 23, 1970, OR ON ANY DATE

1 SUBSEQUENT THERETO, NEGOTIATED BY A SCHOOL ENTITY AND AN
2 EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN ACCORDANCE WITH THE
3 ACT OF JULY 23, 1970 (P.L. 563, NO. 195), KNOWN AS THE "PUBLIC
4 EMPLOYE RELATIONS ACT," WHICH PROVIDES FOR THE RIGHT OF THE
5 EXCLUSIVE REPRESENTATIVE TO GRIEVE AND ARBITRATE THE VALIDITY OF
6 A PROFESSIONAL EMPLOYEE'S TERMINATION FOR THE CAUSES SET FORTH IN
7 SECTION 1122 OF THIS ACT; HOWEVER, NO AGREEMENT SHALL PROHIBIT
8 THE RIGHT OF A PROFESSIONAL EMPLOYEE FROM EXERCISING HIS OR HER
9 RIGHTS UNDER THE PROVISIONS OF THIS ACT. HOWEVER, IF WITHIN TEN
10 (10) DAYS AFTER THE RECEIPT OF THE DETAILED WRITTEN STATEMENT
11 AND NOTICE AS REQUIRED BY SECTION 1127 OF THIS ACT, THE
12 PROFESSIONAL EMPLOYEE CHOOSES TO EXERCISE HIS OR HER RIGHT TO A
13 HEARING, ANY PROVISION OF THE COLLECTIVE BARGAINING AGREEMENT
14 RELATIVE TO THE RIGHT OF THE EXCLUSIVE REPRESENTATIVE TO GRIEVE
15 OR ARBITRATE THE TERMINATION OF SUCH PROFESSIONAL EMPLOYEE SHALL
16 BE VOID. -

17 Section 1164. ~~Salary Agreements~~ COMPENSATION PLANS for <-
18 School Administrators.--(a) As used in this section, the
19 following words will have the following meanings:

20 "Administrative compensation" shall mean administrator
21 salaries and fringe benefits. ~~Related issues~~ AND SHALL include <-
22 any board decision that directly affects administrator
23 compensation such as administrative evaluation, AND early <-
24 retirement programs. ~~and the like.~~ <-

25 "School administrator" shall mean any employe of the school
26 entity below the rank of district superintendent, executive
27 director, DIRECTOR OF VOCATIONAL-TECHNICAL SCHOOL, assistant <-
28 district superintendent or assistant executive director, but
29 including the rank of first level supervisor, who by virtue of
30 assigned duties is not in a bargaining unit of public employes

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1 as created under the act of July 23, 1970 (P.L. 563, No.195),
2 known as the "Public Employe Relations Act." HOWEVER, THIS <--
3 DEFINITION SHALL NOT APPLY TO ANYONE WHO HAS THE DUTIES AND
4 RESPONSIBILITIES OF THE POSITION OF BUSINESS MANAGER OR
5 PERSONNEL DIRECTOR, BUT NOT TO INCLUDE PRINCIPALS.
6 "School employer" shall mean a board of school directors, the
7 area vocational technical school board of directors or the
8 intermediate unit board of school directors as defined in this
9 act.
10 (b) The purpose of this section is to provide a means by
11 which compensation matters affecting school administrators can
12 be resolved within the framework of a management team
13 philosophy.
14 (c) School employers, upon the written request of a majority
15 of the school administrators in the district, shall be required
16 to meet and discuss in good faith with appropriate <--
17 representatives of the school administrators on administrator
18 compensation and related issues PRIOR TO ADOPTION OF THE <--
19 COMPENSATION PLAN.
20 ~~(d) Decisions made on administrator compensation and related~~ <--
21 ~~issues shall be described in a written agreement, and the~~
22 ~~agreement shall be signed and dated by representatives of the~~
23 ~~school administrators and the school employers. Such signed~~
24 ~~agreement shall be approved by the board and shall continue in~~
25 ~~effect until a time specified in the terms of the agreement,~~
26 ~~such time not to be less than one school year.~~
27 (D) SCHOOL EMPLOYERS SHALL BE REQUIRED TO ADOPT WRITTEN <--
28 ADMINISTRATOR COMPENSATION PLANS, WHICH SHALL APPLY TO ALL
29 ELIGIBLE SCHOOL ADMINISTRATORS AS PROVIDED IN THIS SECTION, AND
30 WHICH SHALL CONTINUE IN EFFECT UNTIL A TIME SPECIFIED IN THE

1 COMPENSATION PLAN, BUT IN NO EVENT FOR LESS THAN ONE SCHOOL
2 YEAR.

3 ~~(e) The signed agreement~~ AN ADMINISTRATOR COMPENSATION PLAN <-
4 ADOPTED PURSUANT TO THIS SECTION shall include, but not be
5 limited to, the following items:

6 (1) A description of the program for determining
7 administrative salaries.

8 (2) Salary amounts or a salary schedule.

9 (3) A listing of fringe benefits.

10 ~~(f) School employers, if requested, shall be required to~~ <-
11 ~~execute a written agreement as described in this section within~~
12 ~~one year of the effective date of this act.~~

13 ~~Section 2. This act shall take effect immediately.~~

14 (F) SCHOOL EMPLOYERS AND SCHOOL ADMINISTRATORS SHALL <-
15 CONTINUE TO BE SUBJECT TO THE ACT OF JUNE 30, 1947 (P.L. 1183,
16 NO. 492), REFERRED TO AS THE PUBLIC EMPLOYE ANTI-STRIKE LAW.

17 SECTION 2. SECTION 1361(1) OF THE ACT, AMENDED MAY 11, 1979
18 (P.L. 26, NO. 7), IS AMENDED TO READ:

19 SECTION 1361. WHEN PROVIDED.--(1) THE BOARD OF SCHOOL
20 DIRECTORS IN ANY SCHOOL DISTRICT MAY, OUT OF THE FUNDS OF THE
21 DISTRICT, PROVIDE FOR THE FREE TRANSPORTATION OF ANY RESIDENT
22 PUPIL TO AND FROM THE KINDERGARTEN, ELEMENTARY SCHOOL, OR
23 SECONDARY SCHOOL IN WHICH HE IS LAWFULLY ENROLLED, PROVIDED THAT
24 SUCH SCHOOL IS NOT OPERATED FOR PROFIT AND IS LOCATED WITHIN THE
25 DISTRICT BOUNDARIES OR OUTSIDE THE DISTRICT BOUNDARIES AT A
26 DISTANCE NOT EXCEEDING TEN MILES BY THE NEAREST PUBLIC HIGHWAY,
27 EXCEPT THAT SUCH TEN-MILE LIMIT SHALL NOT APPLY TO AREA
28 VOCATIONAL TECHNICAL SCHOOLS WHICH REGULARLY SERVE ELIGIBLE
29 DISTRICT PUPILS OR TO SPECIAL SCHOOLS AND CLASSES APPROVED BY
30 THE DEPARTMENT OF EDUCATION, AND TO AND FROM ANY POINTS WITHIN

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1 OR WITHOUT THE COMMONWEALTH IN ORDER TO PROVIDE FIELD TRIPS FOR
2 ANY PURPOSE CONNECTED WITH THE EDUCATIONAL PURSUITS OF THE
3 PUPILS. WHEN PROVISION IS MADE BY A BOARD OF SCHOOL DIRECTORS
4 FOR THE TRANSPORTATION OF PUBLIC SCHOOL PUPILS TO AND FROM SUCH
5 SCHOOLS OR FOR EXTRACURRICULAR ACTIVITIES INCLUDING PRACTICE
6 SESSIONS FOR INTERSCHOLASTIC ATHLETICS OR TO AND FROM ANY POINTS
7 WITHIN OR WITHOUT THE COMMONWEALTH IN ORDER TO PROVIDE FIELD
8 TRIPS AS HEREIN PROVIDED, THE BOARD OF SCHOOL DIRECTORS SHALL
9 ALSO MAKE IDENTICAL PROVISION FOR THE FREE TRANSPORTATION OF
10 PUPILS WHO REGULARLY ATTEND NONPUBLIC KINDERGARTEN, ELEMENTARY
11 AND HIGH SCHOOLS NOT OPERATED FOR PROFIT TO AND FROM SUCH
12 SCHOOLS OR FOR EXTRACURRICULAR ACTIVITIES INCLUDING PRACTICE
13 SESSIONS FOR INTERSCHOLASTIC ATHLETICS OR TO AND FROM ANY POINTS
14 WITHIN OR WITHOUT THE COMMONWEALTH IN ORDER TO PROVIDE FIELD
15 TRIPS AS HEREIN PROVIDED. SUCH TRANSPORTATION OF PUPILS
16 ATTENDING NONPUBLIC SCHOOLS SHALL BE PROVIDED DURING REGULAR
17 SCHOOL HOURS, WHICH SHALL INCLUDE TIME FOR EXTRACURRICULAR
18 ACTIVITIES INCLUDING PRACTICE SESSIONS FOR INTERSCHOLASTIC
19 ATHLETICS, ON SUCH DATES AND PERIODS THAT THE NONPUBLIC SCHOOL
20 NOT OPERATED FOR PROFIT IS IN REGULAR SESSION, ACCORDING TO THE
21 SCHOOL CALENDAR OFFICIALLY ADOPTED BY THE DIRECTORS OF THE SAME
22 IN ACCORDANCE WITH PROVISIONS OF LAW. NO COSTS MAY BE INCURRED <-
23 TO TRANSPORT STUDENTS FOR EXTRACURRICULAR ACTIVITIES WHICH ARE <-
24 RELIGIOUS IN NATURE. THE BOARD OF SCHOOL DIRECTORS SHALL PROVIDE
25 SUCH TRANSPORTATION WHENEVER SO REQUIRED BY ANY OF THE
26 PROVISIONS OF THIS ACT OR OF ANY OTHER ACT OF ASSEMBLY.
27 * * *
28 SECTION 2 3. (A) THE AMENDMENT AFFECTING SECTION 1164 OF <-
29 THE ACT SHALL TAKE EFFECT IN 150 DAYS.
30 (B) THE REMAINING PROVISIONS OF THIS ACT SHALL TAKE EFFECT

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1 IN 60 DAYS.

P24L24JAN/19830S092882040

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**Report of the Committee of Conference
on House Bill No. 690**

To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 690, entitled:
"An act amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," ~~further providing for certain construction and repairs and the letting of certain contracts.~~ FURTHER PROVIDING FOR BIDS FOR PURCHASES; FURTHER PROVIDING FOR EXCEPTIONAL CHILDREN, ~~AND~~, FOR REIMBURSEMENTS FOR CERTAIN SPECIAL EDUCATION SERVICES AND FOR THE PERFORMANCE OF MAINTENANCE,"

respectfully submit the following bill as our report:

JAMES J. A. GALLAGHER

STEPHEN E. LEVIN

SAMUEL E. HAYES, JR.

(Committee on the part of the House of Representatives.)

JOHN STAUFFER

RALPH W. HESS

JEANETTE F. REIBMAN

(Committee on the part of the Senate.)

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," further providing for certain
6 construction and repairs and the letting of certain
7 contracts; further providing for contracts with certain
8 private institutions; providing for the interpretation and
9 construction of certain collective bargaining agreements;
10 providing a compensation plan for school administrators;
11 further providing for the assignment of pupils to schools;
12 providing for remedial education programs; further defining
13 "Factor for Educational Expense"; further providing for
14 payments on account of instruction; limiting certain
15 payments; and making editorial changes.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Section 511(e) of the act of March 10, 1949
19 (P.L.30, No.14), known as the Public School Code of 1949,
20 amended April 14, 1949 (P.L.460, No.85), is amended to read:

21 Section 511. School Athletics, Publications, and
22 Organizations.--

23 * * *

24 (e) All purchases of materials or supplies made by any
25 organization, club, society, or group, or by any school or
26 class, in excess of [three hundred] one thousand dollars, shall
27 be made upon solicitation of quotations or bids from three or
28 more responsible manufacturers or dealers in such materials
29 or supplies. All such purchases shall be made from the lowest
30 responsible bidder on the basis of price, quality and service.

31 * * *

32 Section 2. Section 751(b) of the act, amended February 4,
33 1982 (P.L.1, No.1), is amended to read:

34 Section 751. Work to be Done Under Contract Let on Bids;
35 Exception.--* * *

1 (b) The board of school directors in any school district
2 [either] may perform any construction, reconstruction, repairs,
3 or work of any nature, where the entire cost or value, including
4 labor and material, is less than five thousand dollars (\$5000),
5 by its own maintenance personnel[, or] . The board may have any
6 such construction, reconstruction, repairs, or work up to ten
7 thousand dollars (\$10,000) performed by contract after
8 soliciting bids from at least three responsible bidders:
9 Provided, That the board of school directors in any school
10 district may authorize the secretary of the board or other
11 executive to award contracts for construction, reconstruction,
12 repairs, or work of any nature, where the entire cost or value,
13 including labor and material, is four thousand dollars (\$4,000)
14 or less, without soliciting competitive bids.

15 * * *

16 Section 3. Section 914.1-A(c) of the act, amended December
17 17, 1982 (P.L.1379, No.316), is amended to read:

18 Section 914.1-A. Contracts with Private Residential
19 Rehabilitative Institutions.--* * *

20 (c) For the purpose of this section, a "private residential
21 rehabilitative institution" means a facility, other than one
22 operated by a public agency, which as of December 31, 1977
23 provided to juveniles legally committed thereto or legally
24 committed to a day treatment program of that institution
25 pursuant to a proceeding under the act of December 6, 1972
26 (P.L.1464, No.333), known as the "Juvenile Act," educational
27 services as part of a total rehabilitative package, funded, at
28 least in part, through contractual agreements with the county of
29 which each child is a resident, whereby the institution received
30 from the county an amount per diem for each child legally

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1 committed thereto or legally committed to a day treatment
2 program thereof. For the purpose of this section, educational
3 services shall be defined as direct expenditures for instruction
4 and the administration of the instructional program. Any
5 expenditures not pertaining directly to instruction and the
6 administration of the instructional program of the students
7 shall be considered a cost of child welfare services as provided
8 for in sections 704.1 and 704.2, act of June 13, 1967 (P.L.31,
9 No.21), known as the "Public Welfare Code," and as a social
10 service as defined in the regulations promulgated pursuant to
11 that act. Under no circumstances shall a school district or the
12 Department of Education be required to provide funding for
13 programs operated [other than during the regular school term or
14 for more than] in excess of one hundred eighty (180) days of
15 instruction or nine hundred (900) hours of instruction at the
16 elementary level or nine hundred ninety (990) hours of
17 instruction at the secondary level during any one school year.
18 However, nothing in this section shall be construed to alter or
19 limit the educational rights of exceptional children.

20 * * *

21 Section 4. The act is amended by adding sections to read:
22 Section 1133. Collective Bargaining for Public Employees.--
23 Nothing contained in sections 1121 through 1132 shall be
24 construed to supersede or preempt a provision of a collective
25 bargaining agreement in effect on July 23, 1970, or on any date
26 subsequent thereto, negotiated by a school entity and an
27 exclusive representative of the employees in accordance with the
28 act of July 23, 1970 (P.L.563, No.195), known as the "Public
29 Employee Relations Act," which agreement provides for the right
30 of the exclusive representative to grieve and arbitrate the

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1 validity of a professional employee's termination for just cause
2 or for the causes set forth in section 1122 of this act;
3 however, no agreement shall prohibit the right of a professional
4 employee from exercising his or her rights under the provisions
5 of this act except as herein provided. However, if within ten
6 (10) days after the receipt of the detailed written statement
7 and notice as required by section 1127, the professional employee
8 chooses to exercise his or her right to a hearing, any provision
9 of the collective bargaining agreement relative to the right of
10 the exclusive representative to grieve or arbitrate the
11 termination of such professional employee shall be void.
12 Professional employees shall have the right to file a grievance
13 under the collective bargaining agreement or request a hearing
14 pursuant to sections 1121 through 1132, but not both.
15 Section 1164. Compensation Plans for School
16 Administrators.-- (a) As used in this section, the following
17 words will have the following meanings:
18 "Administrative compensation" shall mean administrator
19 salaries and fringe benefits and shall include any board
20 decision that directly affects administrator compensation such
21 as administrative evaluation and early retirement programs.
22 "School administrator" shall mean any employee of the school
23 entity below the rank of district superintendent, executive
24 director, director of vocational-technical school, assistant
25 district superintendent or assistant executive director, but
26 including the rank of first level supervisor, who by virtue of
27 assigned duties is not in a bargaining unit of public employees
28 as created under the act of July 23, 1970 (P.L. 563, No. 195),
29 known as the "Public Employee Relations Act." However, this
30 definition shall not apply to anyone who has the duties and

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1 responsibilities of the position of business manager or
2 personnel director, but not to include principals.
3 "School employer" shall mean a board of school directors, the
4 area vocational-technical school board of directors or the
5 intermediate unit board of school directors as defined in this
6 act.
7 (b) The purpose of this section is to provide a means by
8 which compensation matters affecting school administrators can
9 be resolved within the framework of a management team
10 philosophy.
11 (c) School employers, upon the written request of a majority
12 of the school administrators in the district, shall be required
13 to meet and discuss in good faith with the school administrators
14 on administrator compensation prior to adoption of the
15 compensation plan.
16 (d) School employers shall be required to adopt written
17 administrator compensation plans which shall apply to all
18 eligible school administrators, as provided in this section, and
19 which shall continue in effect until a time specified in the
20 compensation plan, but in no event for less than one school
21 year.
22 (e) An administrator compensation plan adopted pursuant to
23 this section shall include, but not be limited to, the following
24 items:
25 (1) A description of the program determining administrative
26 salaries.
27 (2) Salary amounts or a salary schedule.
28 (3) A listing of fringe benefits.
29 (f) School employers and school administrators shall
30 continue to be subject to the act of June 30, 1947 (P.L.1183,

1 No.492), referred to as the Public Employee Anti-Strike Law.

2 Section 5. Section 1310(d) of the act, amended December 17,
3 1982 (P.L.1378, No.316), is amended to read:

4 Section 1310. Assignment of Pupils to Schools.--* * *

5 (d) For the purpose of this section, educational services
6 shall be defined as direct expenditures for instruction and the
7 administration of the instructional program. Any expenditure not
8 pertaining directly to instruction and the administration of the
9 instructional program of the students shall be considered a cost
10 of child welfare services as provided for in sections 704.1 and
11 704.2, act of June 13, 1967 (P.L.31, No.21), known as the
12 "Public Welfare Code," and as a social service as defined in the
13 regulations promulgated pursuant to that act. Under no
14 circumstances shall a school district or the Department of
15 Education be required to provide funding for programs operated
16 [other than during the regular school term or for more than] in
17 excess of one hundred eighty (180) days of instruction or nine
18 hundred (900) hours of instruction at the elementary level or
19 nine hundred ninety (990) hours of instruction at the secondary
20 level during any one school year.

21 Section 6. The act is amended by adding a section to read:

22 Section 1511.1. Remedial Programs.--(a) Approved programs
23 in reading and in mathematics shall be established by each
24 school district for its public school students and by each
25 intermediate unit for nonpublic school students to serve those
26 students identified as requiring assistance as a result of
27 falling below an acceptable level of performance on tests
28 developed and administered pursuant to regulations adopted by
29 the State Board of Education. Annually, each school district and
30 intermediate unit shall submit an application to the department

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1 for approval of a program of remediation services to be funded
2 through funds distributed pursuant to subsection (b). Upon
3 approval of the program, each school district and intermediate
4 unit shall be eligible for State funds made available for such
5 programs, as provided in subsection (b).

6 (b) Funds appropriated for remediation services and not
7 distributed through sections 2501(19), 2502(d) and 2502.5 shall
8 be distributed by the Department of Education to school
9 districts based on the number of public school students
10 identified for remediation and to intermediate units on behalf
11 of nonpublic school students for remediation. Funds distributed
12 to intermediate units shall be for services that are in addition
13 to any services provided in accordance with the provisions of
14 section 922.1 and such funds shall be in addition to those
15 distributed in accordance with the provisions of section
16 922.1(d).

17 (c) It is the intent of the General Assembly that school
18 districts utilize revenue for similar programs from the Federal
19 Government to supplement State funds provided for in this act.
20 Further, the General Assembly directs the department to
21 guarantee, in its distribution of funds authorized by this act,
22 that the combined resources of State and Federal programs exceed
23 the resources which would be available from State sources if
24 Federal revenues for similar purposes were not available.

25 Section 7. Section 2501(19) of the act, added December 20,
26 1983 (P.L.267, No.73), is amended to read:
27 Section 2501. Definitions.--For the purposes of this article
28 the following terms shall have the following meanings:

29 * * *

30 (19) "Factor for Educational Expense." For the school year

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1 1982-1983 and each school year thereafter, the factor for
2 educational expense used to compute school district entitlements
3 to payments on account of instruction, as provided for in
4 subsection (d) of section 2502, shall be one thousand six
5 hundred fifty-six dollars (\$1,656) unless later changed by
6 statute. For the school year 1983-1984 and each school year
7 thereafter, the Factor for Educational Expense shall be one
8 thousand seven hundred twenty-five dollars (\$1,725), unless
9 later changed by statute, for those school districts
10 participating, during the 1984-1985 school year and each school
11 year thereafter, in a Statewide program for testing and
12 remediation which is designed to identify and provide
13 remediation services to individual students pursuant to section
14 1511.1.

15 Section 8. Sections 2502(d) and 2502.5 of the act, amended
16 December 20, 1983 (P.L.267, No.73), are amended to read:

17 Section 2502. Payments on Account of Instruction.--* * *

18 (d) For the school year 1976 and 1977 through the 1980-1981
19 school year, each school district shall be paid by the
20 Commonwealth on account of instruction of the district's pupils
21 an amount to be determined by multiplying the market
22 value/income aid ratio times the actual instruction expense per
23 weighted average daily membership or by the base earned for
24 reimbursement, whichever is less, and by the weighted average
25 daily membership for the district. For the school year 1976-1977
26 any school district which, as a result of the impact on payments
27 under subsections (d), (e) and (f) and under section 2592 by
28 reason of the market value/income aid ratio or the application
29 of equalized millage to the base earned for reimbursement, shall
30 suffer a reduction in subsidy entitlement, shall be held

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1 harmless from this impact and shall receive an amount which is
2 no less than that received for 1976-1977 under such subsections
3 and under section 2592. For the 1982-1983 school year and each
4 school year thereafter, each school district shall be paid by
5 the Commonwealth on account of instruction of the district's
6 pupils an amount to be determined by multiplying the district's
7 market value/income aid ratio by the factor for educational
8 expense, one thousand six hundred fifty-six dollars (\$1,656),
9 and by the weighted average daily membership of the district.
10 For the 1983-1984 school year and each school year thereafter,
11 each school district participating, during the 1984-1985 school
12 year and each school year thereafter, in a Statewide program for
13 testing and remediation which is designed to identify and
14 provide remediation services to individual students pursuant to
15 section 1511.1, shall be paid by the Commonwealth on account of
16 instruction of the district's pupils an amount to be determined
17 by multiplying the district's market value/income aid ratio by
18 the factor for educational expense, one thousand seven hundred
19 twenty-five dollars (\$1,725), and by the weighted average daily
20 membership of the district. This subsidy may be used for
21 strengthening curriculum, increasing standards, improving
22 student achievement and providing remedial programs.

23 * * *

24 Section 2502.5. Limitation on Certain Payments.--(a)
25 Notwithstanding any other provision of law, for the school year
26 1970-1971 through the school year 1980-1981, no school district
27 shall be paid under subsections (d) and (e) of section 2502 or
28 section 2592, whichever is applicable, and subsection (f) of
29 section 2502, and section 2502.3 and section 2502.4 of this act
30 an amount in excess of one hundred percent (100%) of the total

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1 approved reimbursable instructional expenditures of such school
2 district. The provisions of this subsection shall not apply to
3 any school district receiving any payment under subsection (g)
4 of section 2502 of this act.

5 (b) Notwithstanding any other provisions of law, for the
6 school year 1982-1983 and each school year thereafter, no school
7 district shall be paid under subsections (d) and (e) of section
8 2502 and section 2502.11 an amount in excess of one hundred
9 percent (100%) of the total reimbursable instructional
10 expenditures of the school district. For the 1982-1983 school
11 year, all school districts qualifying for payments under
12 subsections (d) and (e) of section 2502 and section 2502.11
13 shall be limited to an increase payment on account of those
14 sections which shall not exceed nine percent (9%) over the sums
15 received on account of section 2502.9 for the 1981-1982 school
16 year, nor shall any school district receive an increase of less
17 than two percent (2%) of the 1982-1983 school year payments on
18 account of the 1981-1982 school year.

19 (c) For the 1983-1984 school year and each school year
20 thereafter, all school districts qualifying for payments under
21 subsections (d) and (e) of section 2502 and section 2502.11 and
22 which are not providing appropriate remedial programs as defined
23 in section 1511.1 shall be limited to an increase payment on
24 account of those sections which shall not exceed seven and
25 forty-five one hundredths percent (7.45%) over the sums received
26 on account of those sections for the 1982-1983 school year, nor
27 shall any such school district receive an increase of less than
28 two percent (2%) of the equalized subsidy for basic education
29 payments received for the 1982-1983 school year.

30 (d) For the 1983-1984 school year and each school year

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1 thereafter, all school districts qualifying for payments under
2 subsections (d) and (e) of section 2502 and section 2502.11 and
3 which are providing appropriate remedial programs as defined in
4 section 1511.1, during the 1984-1985 school year and each school
5 year thereafter, shall be limited to an increase payment on
6 account of those sections which shall not exceed eight percent
7 (8%) over the sums received on account of those sections for the
8 1982-1983 school year, nor shall any such school district
9 receive an increase of less than three percent (3%) of the
10 equalized subsidy for basic education payments received for the
11 1982-1983 school year.

12 (e) For the school year 1983-1984 and each school year
13 thereafter, no school district shall be paid under subsections
14 (d) and (e) of section 2502 and under section 2502.11 less than
15 eighty percent (80%) of the total amount to which it is entitled
16 under said sections, notwithstanding any limitations on
17 increases in such payments enacted by the General Assembly to
18 the contrary. For the school year 1983-1984, payments under this
19 subsection shall be computed using a Factor for Educational
20 Expense of one thousand six hundred fifty-six dollars (\$1,656)
21 and a maximum payment increase of seven and forty-five one
22 hundredths percent (7.45%) and a minimum payment increase of two
23 percent (2%). No school district shall, as a result of this
24 subsection, be paid an amount in excess of one hundred percent
25 (100%) of the total reimbursable instructional expenditures of
26 the school district.

27 Section 9. Section 2502.11(c) of the act, added December 20,
28 1983 (P.L.267, No.73), is amended to read:

29 Section 2502.11. Economic Supplement.--* * *

30 (c) For the school year 1982-1983 and each school year

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1 thereafter, any district which levies and collects local taxes
2 for school purposes equal to or above the median equalized
3 millage, as defined in section 2501(9.3), in the year for which
4 reimbursement is determined shall qualify for and receive a
5 payment based upon local tax effort and population per square
6 mile in accordance with the following table, except for
7 qualifying districts which include a central city of a Standard
8 Metropolitan Statistical Area and have a district population of
9 less than four thousand (4,000) persons per square mile, which
10 districts shall receive three percent (3%) of their
11 instructional expenditures:

| 12 | Population Per Square Mile | Payment as Percent of |
|----|----------------------------|---------------------------|
| 13 | of the Qualifying District | Instructional Expenditure |
| 14 | 5,950 and over | 5 |
| 15 | 4,000 - 5,949 | 3 |
| 16 | less than 4,000 | 1 |

17 Notwithstanding the provisions of this [table, qualifying]
18 subsection, districts having a general population of five
19 thousand nine hundred fifty (5,950) or more persons per square
20 mile and at least thirty-five thousand (35,000) WADMs shall be
21 paid nineteen percent (19%) of their instructional expenditures.

22 Section 10. (a) Section 4 of this act, insofar as it
23 relates to section 1133, shall be retroactive to January 1,
24 1983.

25 (b) Sections 3 and 5 of this act relating to sections 914.1-
26 A and 1310(2) shall be retroactive to July 1, 1983.

27 Section 11. (a) Section 4 of this act, insofar as it
28 relates to section 1164, shall take effect in 150 days.

29 (b) The remainder of this act shall take effect immediately.

SENATE AMENDED

PRIOR PRINTER'S NOS. 1530, 2469, 3055

Printer's No. 3166

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1293

Session of
1983

INTRODUCED BY TRELLO, FREIND, PITTS, SEVENTY, CLYMER, KOSINSKI,
MORRIS, BOYES, MERRY, JOHNSON, SERAFINI, CIMINI, WASS,
ALDERETTE, STAIRS, PHILLIPS, HERSHEY, VROON, NOYE, CAWLEY,
O'BRIEN, GAMBLE, MRKONIC, POTT, MAIALE, WOGAN, SIRIANNI,
PEZZEL, ARMSTRONG, A. C. FOSTER, JR., FLICK, GRIECO,
DOBROWSKI AND E. Z. TAYLOR, JUNE 29, 1983

SENATOR HESS, EDUCATION, IN SENATE, AS AMENDED, JUNE 12, 1984

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," further providing FOR THE
6 ESTABLISHMENT AND MAINTENANCE OF KINDERGARTENS AND FOR
7 requirements for attendance at religious schools; prohibiting
8 certain acts; providing for mandatory testing; and making
9 editorial changes. <---

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 ~~Section 1. Section 1327 of the act of March 10, 1949~~ <---
13 ~~(P.L.30, No.14), known as the Public School Code of 1949,~~
14 ~~amended January 14, 1970 (1969 P.L.468, No.192), is amended to~~
15 ~~read:~~

16 SECTION 1. SECTION 502 OF THE ACT OF MARCH 10, 1949 (P.L.30, <---
17 NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, AMENDED MAY 9,
18 1949 (P.L.939, NO.263), IS AMENDED TO READ:

19 SECTION 502. ADDITIONAL SCHOOLS AND DEPARTMENTS.--(A) IN

1 ADDITION TO THE ELEMENTARY PUBLIC SCHOOLS, THE BOARD OF SCHOOL
2 DIRECTORS IN ANY SCHOOL DISTRICT MAY ESTABLISH, EQUIP, FURNISH,
3 AND MAINTAIN THE FOLLOWING ADDITIONAL SCHOOLS OR DEPARTMENTS FOR
4 THE EDUCATION AND RECREATION OF PERSONS RESIDING IN SAID
5 DISTRICT, AND FOR THE PROPER OPERATION OF ITS SCHOOLS, NAMELY:--
6 HIGH SCHOOLS,
7 TRADE SCHOOLS,
8 VOCATIONAL SCHOOLS,
9 TECHNICAL SCHOOLS,
10 CAFETERIAS,
11 AGRICULTURAL SCHOOLS,
12 EVENING SCHOOLS,
13 [KINDERGARTENS,]
14 LIBRARIES,
15 MUSEUMS,
16 READING-ROOMS,
17 GYMNASIUMS,
18 PLAYGROUNDS,
19 SCHOOLS FOR PHYSICALLY AND MENTALLY HANDICAPPED,
20 TRUANT SCHOOLS,
21 PARENTAL SCHOOLS,
22 SCHOOLS FOR ADULTS,
23 PUBLIC LECTURES,
24 (B) SUCH OTHER SCHOOLS OR EDUCATIONAL DEPARTMENTS AS THE
25 DIRECTORS, IN THEIR WISDOM, MAY SEE PROPER TO ESTABLISH.
26 (C) SAID ADDITIONAL SCHOOLS OR DEPARTMENTS, WHEN
27 ESTABLISHED, SHALL BE AN INTEGRAL PART OF THE PUBLIC SCHOOL
28 SYSTEM IN SUCH SCHOOL DISTRICT AND SHALL BE SO ADMINISTERED.
29 (D) NO PUPIL SHALL BE REFUSED ADMISSION TO THE COURSES IN
30 THESE ADDITIONAL SCHOOLS OR DEPARTMENTS, BY REASON OF THE FACT

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1 THAT HIS ELEMENTARY OR ACADEMIC EDUCATION IS BEING OR HAS BEEN
2 RECEIVED IN A SCHOOL OTHER THAN A PUBLIC SCHOOL.

3 SECTION 2. SECTION 503 OF THE ACT, AMENDED SEPTEMBER 21,
4 1959 (P.L.925, NO.373) AND OCTOBER 21, 1965 (P.L.601, NO.312),
5 IS AMENDED TO READ:

6 SECTION 503. KINDERGARTENS.--(A) THE BOARD OF SCHOOL
7 DIRECTORS [IN ANY SCHOOL DISTRICT MAY] SHALL ESTABLISH AND
8 MAINTAIN KINDERGARTENS FOR CHILDREN [BETWEEN THE AGES OF FOUR
9 AND SIX YEARS] FIVE YEARS OF AGE AND MAY ESTABLISH AND MAINTAIN
10 KINDERGARTENS FOR CHILDREN FOUR YEARS OF AGE. WHEN ESTABLISHED,
11 THE KINDERGARTENS SHALL BE AN INTEGRAL PART OF THE ELEMENTARY
12 SCHOOL SYSTEM OF THE DISTRICT, AND BE KEPT OPEN FOR NOT LESS
13 THAN TWO AND ONE-HALF HOURS EACH DAY FOR THE FULL SCHOOL TERM AS
14 PROVIDED IN SECTION 1501.

15 (B) THE NUMBER OF KINDERGARTENS IN ANY ONE DISTRICT SHALL BE
16 FIXED BY THE BOARD OF SCHOOL DIRECTORS, AND SHALL BE OPEN DURING
17 THE SCHOOL YEAR.

18 IF THE AVERAGE ATTENDANCE IN ANY ONE KINDERGARTEN IN ANY
19 DISTRICT IS TEN OR LESS FOR THE SCHOOL YEAR, THE SCHOOL
20 DIRECTORS SHALL, AT THE CLOSE OF THE SCHOOL YEAR, DISCONTINUE
21 THE SAME.

22 (C) THE BOARD OF SCHOOL DIRECTORS SHALL APPOINT AND ASSIGN A
23 SUFFICIENT NUMBER OF TEACHERS TO SUCH KINDERGARTENS, WHO SHALL
24 BE CERTIFIED IN ACCORDANCE WITH THE RULES AND REGULATIONS
25 PRESCRIBED BY THE COUNCIL OF BASIC EDUCATION.

26 SECTION 3. SECTION 1301 OF THE ACT IS AMENDED TO READ:

27 SECTION 1301. AGE LIMITS; TEMPORARY RESIDENCE.--EVERY CHILD,
28 BEING A RESIDENT OF ANY SCHOOL DISTRICT, BETWEEN THE AGES OF
29 [SIX (6)] FIVE (5) AND TWENTY-ONE (21) YEARS, MAY ATTEND THE
30 PUBLIC SCHOOLS IN HIS DISTRICT, SUBJECT TO THE PROVISIONS OF

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1 THIS ACT. THE BOARD OF SCHOOL DIRECTORS OF ANY SCHOOL DISTRICT
2 MAY ADMIT TO THE SCHOOLS OF THE DISTRICT, WITH OR WITHOUT THE
3 PAYMENT OF TUITION, ANY NON-RESIDENT CHILD TEMPORARILY RESIDING
4 IN THE DISTRICT, AND MAY REQUIRE THE ATTENDANCE OF SUCH NON-
5 RESIDENT CHILD IN THE SAME MANNER AND ON THE SAME CONDITIONS AS
6 IT REQUIRES THE ATTENDANCE OF A RESIDENT CHILD.

7 SECTION 4. SECTION 1327 OF THE ACT, AMENDED JANUARY 14, 1970
8 (1969 P.L.468, NO.192), IS AMENDED TO READ:

9 Section 1327. Compulsory School Attendance.--[Every] (A) <
10 Except as hereinafter provided, every child of compulsory school
11 age having a legal residence in this Commonwealth, as provided
12 in this article, and every migratory child of compulsory school
13 age, is required to attend a day school in which the subjects
14 and activities prescribed by the standards of the State Board of
15 Education are taught in the English language. In lieu of such
16 school attendance, any child fifteen years of age with the
17 approval of the district superintendent and the approval of the
18 [Superintendent of Public Instruction] Secretary of Education,
19 and any child sixteen years of age with the approval of the
20 district superintendent of schools, may enroll as a day student
21 in a private trade school or in a private business school
22 licensed by the Department of [Public Instruction] Education, or
23 in a trade or business school, or department operated by a local
24 school district or districts. Such modified program offered in a
25 public school must meet the standards prescribed by the State
26 Board of Education or the State Board for Vocational Education.
27 [Every] Except as hereinafter provided, every parent, guardian,
28 or other person having control or charge of any child or
29 children of compulsory school age is required to send such child
30 or children to a day school in which the subjects and activities

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1 prescribed by the standards of the State Board of Education are
2 taught in the English language. Such parent, guardian, or other
3 person having control or charge of any child or children,
4 fifteen or sixteen years of age, in accordance with the
5 provisions of this act, may send such child or children to a
6 private trade school or private business school licensed by the
7 Department of [Public Instruction] Education, or to a trade or
8 business school, or department operated by a local school
9 district or districts. Such modified program offered in a public
10 school must meet the standards prescribed by the State Board of
11 Education or the State Board for Vocational Education. Such
12 child or children shall attend such school continuously through
13 the entire term, during which the public schools in their
14 respective districts shall be in session, or in cases of
15 children of migrant laborers during the time the schools are in
16 session in the districts in which such children are temporarily
17 domiciled. The financial responsibility for the education of
18 such children of migrant laborers shall remain with the school
19 district in which such children of migrant laborers are
20 temporarily domiciled; except in the case of special schools or
21 classes conducted by an intermediate unit and approved by the
22 Department of [Public Instruction] Education or conducted by the
23 Department of [Public Instruction] Education. A child enrolled
24 in a DAY school which is operated by a bona fide church or other <
25 religious body, and the parent, guardian or other person having
26 control or charge of any such child or children of compulsory
27 school age shall be deemed to have met the requirements of this
28 section if that school provides a minimum of one hundred eighty
29 (180) days of instruction or nine hundred (900) hours of
30 instruction per year at the elementary level, or nine hundred

1 ninety (90) hours per year of instruction at the secondary
2 level. and offers the following subjects:
3 (1) At the elementary school level THE FOLLOWING COURSES
4 SHALL BE TAUGHT: English, to include spelling, reading and
5 writing; arithmetic; science; geography; history of the United
6 States and Pennsylvania; civics; safety education, including
7 regular and continuous instruction in the dangers prevention of
8 fires; health and physiology; physical education; music and art.
9 (2) At the secondary school level THE FOLLOWING COURSES
10 SHALL BE OFFERED: English, to include language, literature,
11 speech and composition; science, to include biology and
12 chemistry; geography; social studies, to include civics,
13 economics, world history, United States history and Pennsylvania
14 history; a foreign language; mathematics, to include general
15 mathematics and statistics, algebra and geometry; art; music;
16 physical education; health and physiology; and safety education,
17 including regular and continuous instruction in the dangers and
18 prevention of fires. The requirements contained in sections 1511
19 and 1605 of this act shall not apply to such schools. The
20 notarized statement of the principal of any such school, filed
21 with the Department of Education and setting forth that such
22 subjects are offered in the English language in such school
23 whether it is a nonprofit organization, and that such school is
24 otherwise in compliance with the provisions of this act, shall
25 be satisfactory and sufficient evidence thereof. A NOTARIZED
26 AFFIDAVIT SHALL BE FILED WITH THE DEPARTMENT OF EDUCATION BY THE
27 PRINCIPAL OF ANY SUCH SCHOOL STATING THAT THE REQUIRED SUBJECTS
28 ARE OFFERED, IDENTIFYING WHETHER THE SCHOOL IS A NONPROFIT
29 ORGANIZATION AND THAT THE SCHOOL IS OTHERWISE IN COMPLIANCE WITH
30 THE PROVISIONS OF THIS ACT. The certificate of any principal or

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1 teacher of [a] any other private school, or of any other
2 institution for the education of children, in which the subjects
3 and activities prescribed by the standards of the State Board of
4 Education are taught in the English language, setting forth that
5 the work of said school is in compliance with the provisions of
6 this act, shall be sufficient and satisfactory evidence thereof.
7 Regular daily instruction in the English language, for the time
8 herein required, by a properly qualified private tutor, shall be
9 considered as complying with the provisions of this section, if
10 such instruction is satisfactory to the proper district
11 superintendent of schools. It is the policy of the Commonwealth
12 to preserve the primary right and the obligation of the parent
13 or parents, or person or persons in loco parentis to a child, to
14 choose the education and training for such child. Nothing
15 contained in this act shall empower the Commonwealth, any of its
16 officers, agencies or subdivisions to approve the course
17 content, faculty, staff or disciplinary requirements of any
18 religious school referred to in this section without the consent
19 of said school.

20 (3) The following minimum courses in grades nine through 12
21 are established as a requirement for high school graduation IN <—
22 SCHOOLS OPERATED BY A BONA FIDE CHURCH OR OTHER RELIGIOUS BODY:

- 23 (i) Four years of English.
24 (ii) Three years of mathematics.
25 (iii) Three years of science.
26 (iv) Three years of social studies.
27 (v) TWO YEARS OF ARTS AND HUMANITIES. <—

28 (B) THIS SECTION SHALL NOT APPLY TO ANY NONPUBLIC SCHOOL
29 ACCREDITED BY A NATIONAL OR REGIONAL ACCREDITING AGENCY APPROVED
30 BY THE UNITED STATES DEPARTMENT OF EDUCATION.

1 SECTION 5. SECTION 1504(A) OF THE ACT, AMENDED JULY 1, 1978
2 (P.L.575, NO.105), IS AMENDED TO READ:
3 SECTION 1504. DATES AND TIMES OF SCHOOL TERMS AND SESSIONS;
4 COMMENCEMENT.--(A) THE BOARD OF SCHOOL DIRECTORS OF EACH SCHOOL
5 DISTRICT SHALL FIX THE DATE OF THE BEGINNING OF THE SCHOOL TERM.
6 UNLESS OTHERWISE DETERMINED BY THE BOARD, THE DAILY SESSION OF
7 SCHOOL SHALL OPEN AT NINE ANTE-MERIDIAN AND CLOSE AT FOUR POST-
8 MERIDIAN, WITH AN INTERMISSION OF ONE HOUR AT NOON, AND AN
9 INTERMISSION OF FIFTEEN MINUTES IN THE FORENOON AND IN THE
10 AFTERNOON. UPON REQUEST OF A BOARD OF SCHOOL DIRECTORS FOR AN
11 EXCEPTION TO THE AFORESAID DAILY SCHEDULE, THE SECRETARY OF
12 EDUCATION MAY, WHEN IN HIS OPINION A MERITORIOUS EDUCATIONAL
13 PROGRAM WARRANTS, APPROVE A SCHOOL WEEK CONTAINING A MINIMUM OF
14 TWENTY SEVEN AND ONE-HALF HOURS OF INSTRUCTION AS THE EQUIVALENT
15 OF FIVE (5) SCHOOL DAYS, OR A SCHOOL YEAP CONTAINING A MINIMUM
16 OF NINE HUNDRED NINETY HOURS OF INSTRUCTION AT THE SECONDARY
17 LEVEL OR NINE HUNDRED (900) HOURS OF INSTRUCTION AT THE
18 ELEMENTARY LEVEL OR FOUR HUNDRED FIFTY (450) HOURS OF
19 INSTRUCTION AT THE KINDERGARTEN LEVEL AS THE EQUIVALENT OF ONE
20 HUNDRED EIGHTY (180) SCHOOL DAYS. PROFESSIONAL AND TEMPORARY
21 PROFESSIONAL EMPLOYES SHALL BE ALLOWED A LUNCH PERIOD FREE OF
22 SUPERVISORY OR OTHER DUTIES OF AT LEAST THIRTY MINUTES. THE
23 PROVISIONS OF THIS SUBSECTION SHALL NOT BE CONSTRUED TO REPEAL
24 ANY RULE OR REGULATION OF ANY BOARD OF SCHOOL DIRECTORS NOW IN
25 EFFECT WHICH PROVIDES FOR A LUNCH PERIOD LONGER THAN THE MINIMUM
26 PRESCRIBED HEREIN OR TO REPEAL ANY ACTION OF ANY BOARD OF SCHOOL
27 DIRECTORS TAKEN IN COMPLIANCE WITH SECTION 7 OF THE ACT OF JULY
28 25, 1913 (P.L.1024, NO.466), ENTITLED "AN ACT TO PROTECT THE
29 PUBLIC HEALTH AND WELFARE, BY REGULATING THE EMPLOYMENT OF
30 FEMALES IN CERTAIN ESTABLISHMENTS, WITH RESPECT TO THEIR HOURS

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1 OF LABOR AND THE CONDITIONS OF THEIR EMPLOYMENT; BY ESTABLISHING
2 CERTAIN SANITARY REGULATIONS IN THE ESTABLISHMENTS IN WHICH THEY
3 WORK; BY REQUIRING CERTAIN ABSTRACTS AND NOTICES TO BE POSTED;
4 BY PROVIDING FOR THE ENFORCEMENT OF THIS ACT BY THE COMMISSIONER
5 OF LABOR AND INDUSTRY AND OTHERS; BY PRESCRIBING PENALTIES FOR
6 VIOLATIONS THEREOF; BY DEFINING THE PROCEDURE IN PROSECUTIONS;
7 AND BY REPEALING ALL ACTS AND PARTS OF ACTS INCONSISTENT WITH
8 THE PROVISIONS THEREOF," AS AMENDED.

9 * * *

10 Section 2 6. The act is amended by adding sections to read: <—

11 Section 1521. Limitation on Refusal to Enroll Student.--No
12 public or private school shall refuse to enroll any student
13 because of race or color.

14 Section 1522. Prohibition Against Advocacy of Terrorism or
15 of Forcible Overthrow of Government.--(a) No agent or employe
16 of any public or nonpublic elementary or secondary school shall:

17 (i) advocate the use of political terrorism or the
18 techniques of terrorism to any of the students enrolled therein;
19 or

20 (ii) advocate the forcible overthrow of the Government of
21 the United States or of the Commonwealth to any of the students
22 enrolled therein.

23 (b) Violation of this section constitutes a misdemeanor of
24 the third degree.

25 Section 1523. Mandatory Testing.--Whenever State law or
26 State regulation requires, as a condition for graduation from a
27 public high school, that a school district administer a
28 commercially developed education assessment test to public
29 school children in grade eleven, no private or parochial school
30 may issue a high school diploma to any student who has enrolled

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1 therein after having taken said test while enrolled in grade
2 eleven in public school and having failed to achieve a passing
3 grade thereon, until said student achieves a passing grade on an
4 education assessment test approved by the department and
5 administered by the school district. It shall be the duty of
6 each public school from which a student transfers during or
7 after grade eleven to notify any private or parochial school to
8 which that student transfers whether that student has taken and
9 failed an education assessment test mandated by law in grade
10 eleven. It shall also be the duty of each public school to
11 notify any such transferring student, and his or her parents or
12 guardian, of his or her responsibility to achieve a passing
13 score on an education assessment test prior to receipt of a
14 diploma. If the department determines, in an administrative
15 proceeding, that any private or parochial school has issued a
16 diploma in violation of this section, it shall order said
17 diploma to be withdrawn, and may petition the Commonwealth Court
18 to enforce any such order should the school fail to comply
19 therewith. The complaint may be initiated by the department on
20 its own motion or upon receipt of a written complaint from any
21 person including the board of any school district or any public
22 school official.

23 SECTION 7. SECTIONS 1, 2, 3 AND 5 OF THIS ACT SHALL APPLY TO <-
24 THE SCHOOL YEAR 1984-1985 AND EACH SCHOOL YEAR THEREAFTER.
25 Section 3 8. This act shall take effect immediately. <-

Vita

VITA

The author was born on September 10, 1943 in Rush Township, PA. He began his basic education in the one-room school and was graduated from Tamaqua Area High School in 1961.

He joined the U.S. Navy, attended the Naval Academy Preparatory School at Bainbridge, MD, and in 1966 earned a B.S. in marine engineering from the U.S. Naval Academy. He went to sea as gunnery assistant and antisubmarine warfare officer aboard the destroyer U.S.S. Huntington (DD781) where he qualified as a fleet officer of the deck. In 1968, he was ordered to Vietnam where he served as psychological operations/civic action officer on the staff of Commander U.S. Naval Forces, Vietnam. From 1970 to 1972, he was a Navy instructor of oceanography, hydroacoustics, and antisubmarine warfare in San Diego, CA. While in San Diego, he coached Pop Warner Junior League football and studied political science at San Diego State University.

In 1972, he left active Naval service and returned to his home state of Pennsylvania. He earned his teaching credential through the intern teaching program at Lehigh University. For seven years he taught physical science in the Lehigh Area School District where he coached the

freshman and junior varsity football teams. While at Lehigh, he earned an M.A. in education from Lehigh and was certified as a secondary school principal.

He was hired as a social science teacher and head football coach by the Tamaqua Area School District in 1979. While teaching at Tamaqua H.S., he earned a letter of eligibility as assistant superintendent of schools.

In 1984 and 1985, he coached on the Lehigh University football team as a graduate assistant. During this period, he completed his residency and doctoral dissertation.

Throughout his career as an educator, he maintained his commission in the Naval Reserve and attained the rank of Captain. In 1986, he returned to active Naval service when he was appointed by the Chief of Naval Operations (CNO) to serve on the CNO Commission on Personal Excellence and National Security in Washington, D.C.

He is married to the former Judith Pierson. They have a daughter, Tracy, and a son, Dale. Their home is in West Penn Township, PA.