

Legislative Report
Submitted by Linda Bishop
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While the legislative session in Harrisburg does not expire until Nov. 30, leadership announced earlier this fall that they would not hold any post-election votes. Republicans maintained majority control in both the House and Senate, and Mike Turzai was re-elected Majority leader. The Democrats picked up three seats in the Senate, narrowing the Republican edge to 4 seats (27-23). In the House, Republicans hold 111 of the 203 seats.

On Monday, PA Budget Secretary Charles Zogby released a report on the pension crisis, which concludes that if the problem remains unaddressed, the "state's general fund budget is on very predictable path that will force a choice between either fully funding pension obligations or making cuts to the core functions of government." The report says the Corbett administration will prioritize pension reform based on certain principles: no tax increases, no loss to retirees, no change to benefits already earned by current employees. But the report no such promise about the future earnings of current employees, emphasizing that reducing benefits only for future employees would have a very minimal effect on the unfunded liability. Mike Crossey, president of the PSEA, said suggesting a future reduction in benefits of current employees sets up false expectations, since Pennsylvania courts have consistently held that pension benefits of public employees cannot be reduced. The Trib Review reported yesterday that while the report offers a framework for discussion, state legislators seek more concrete proposals from the Governor's office. Today, however, it was reported that the governor will not issue specific recommendations, instead leaving it to the legislature and other stakeholders to develop concrete ways to address the pension issue. "It's not just a hot potato, it's a monster hot potato," said political analyst Terry Madonna of Franklin & Marshall College.

In August, I reported that Joe Watkins, former head of the pro-voucher, pro-charter schools Student First PA PAC, was appointed by PA Education Secretary Ron Tomalis as the recovery officer for the financially distressed Chester Upland School District. This week, the Chester Upland school board voted 5-4 to reject the recovery plan put forth by Mr. Watkins. Approval of the plan was needed for the Board to have a role in implementing it. The vote was along party lines, with the Republicans on the Board voting against the plan and Democrats in favor of it. By rejecting the plan, the Board paved the way for state Education Secretary Ron Tomalis to place Chester Upland under receivership and total state control.

Last week the PA Department of Education announced that the US DOE rejected PA Secretary Tomalis' decision this fall to ease the reporting rules only for charter schools to make their student achievement rates look better. Mr. Tomalis had changed the methodology for calculating AYP for charter schools without first getting federal approval, announcing that 59% of charter schools made Adequate Yearly Progress on the PSSAs, up from 37% last year, and comparing favorably to traditional public schools at 50%. The federal government has now ordered Pennsylvania to re-evaluate the charter schools using the same rules applied to other public schools, saying that "Pennsylvania is obligated to make AYP decisions for all schools and hold all schools to the same standards."

Hearings are being conducted in Harrisburg this week on applications for 8 new cyber charter schools. Pennsylvania already has 16 cyber charter schools, more than any other state in the country, including 4 approved this past summer. Only one of those schools made AYP this year. The Education Law Center will testify at the hearings this week, calling for a moratorium on the approval of any new cyber charter

schools. “Cyber charter schools in Pennsylvania have longstanding problems with poor academic outcomes for students, and the Department (DOE) does not appear to have the current capacity to handle its legally mandated and critical oversight and accountability functions for these taxpayer-funded schools,” according to Ed. Law Center's Executive Director.

As I reported last month, the PA House of Representatives failed to take action on SB 1115, a charter school “reform” bill that would have vastly benefited charter schools at the expense of public school districts by failing to provide critical funding reforms and accountability measures for charter schools. While the failure of this bill is good news for us, the charter school provisions had been tacked onto the original bill, whose purpose was to change the special education funding formula for PA public schools. According to the sponsor of the House version of the bill, Rep. Bernie O'Neill, the result of the bill's failure is that “six years of work went down the drain.” O'Neill, a former special education teacher, plans to introduce the original bill again in January when the new session starts. The idea is to develop a two-tiered approach to funding special education, whereby districts would receive more funding for students with greater need.

President Obama has three serious education issues to address as he begins his second term:

1. **The fiscal cliff:** The impact of an 8.2% cut to programs such as Title I grants for disadvantaged students would mean a cut of more than \$1 billion, affecting nearly 2 million students. Special education grants would be reduced by more than \$900 million, impacting nearly 500,000 children with disabilities. These budget cuts would take place during the 2013-14 school year.
2. **No Child Left Behind:** Congressional action is long overdue on NCLB, which calls for all students to test proficient in reading and math on the PSSAs by 2014. In September 2011, the Obama administration made available to the states an option to request a waiver from the provisions of NCLB. So far, all but three states have applied for a waiver. Pennsylvania was one of the last holdouts. Last week, PA Education Secretary Ron Tomalis said his department will seek a waiver this year. Tomalis previously resisted, saying he was waiting to see if Congressional action on the reauthorization of NCLB would be forthcoming.
3. **Race to the Top:** President Obama's signature program, which requires participating states to evaluate teachers based on student test scores, has come under fire from many educators. Some have called for the ouster of Education Secretary Arne Duncan, which is unlikely to happen. The Administration is being called upon to re-evaluate and revise this program