

Legislative Report – Mr. Mahler February 2014

Federal Legislation/Issues:

First lady Michelle Obama will unveil a proposal that would ban marketing junk food and sodas in schools. Schools would no longer be able to house vending machines that sport images of their flagship sodas, have posters promoting unhealthy food and drinks or use cups in cafeterias that market high-calorie beverages, among other forms of promotion, according to administration officials. The proposal — part of an updated school wellness policy crafted by the Department of Agriculture — would require marketing of all food and drinks to fall in line with the same healthier standards that are expected to be required of foods sold during the 2014-15 school year. Both sets of measures, which go beyond the new school lunch and breakfast requirements, stem from the 2010 Healthy Hunger-Free Kids Act.

Pennsylvania Legislation/Issues:

Current Issues:

Safe Schools Targeted Grants: Acting Secretary of Education Carolyn Dumesq announced that \$2.6 million in competitive grants have been awarded to 110 public schools through the Safe Schools Targeted Grant to establish and implement programs to prevent and reduce incidents of violence. **North Allegheny was granted the maximum amount, \$25,000.**

Snow Days: School districts have been offered guidance about what they can do about making up time lost to snow days. Acting Education Secretary Carolyn Dumesq said she hopes that shortening the school year to make up for this year's snow days is only considered as a last resort. Instructional time is too important. The letter will advise district officials that they have the option of making a request to the department to have their school days counted in hours, rather than days, Acting Education Secretary Carolyn Dumesq told the House Appropriations Committee on Tuesday.

Due to the amount of school days missed with recent snowstorms, the state Department of Education is giving school districts an additional week in which to administer PSSA tests this spring. The window for PSSA Math/Reading testing had been March 17-28, and is being changed to March 17-April 4. The makeup period will be April 7-11. The PSSA Writing testing period had been March 31-April 4, and is being changed to March 31-April 11. The make-up period will be April 14-25.

Discussions and hearings about **charter school legislation** and **school funding** and **funding formulas** continue, but no new legislation has been proposed and there has been no significant movement on existing bills.

The Governor's budget proposal calls for more funding for special education and early childhood education, scholarships for higher education, and grants to higher performing schools – but flat funding for basic education grants.

School Funding: “In conjunction with the discussions surrounding the adoption of the 2014-15 state budget, PSBA along with other key education groups, is calling for legislation to create a statewide public school funding formula. The organizations are urging the General Assembly to take action to establish a formula that is predictable and addresses adequacy and equity for all school districts.”

Over the next several weeks, Auditor General Eugene DePasquale will be conducting a series of public hearings to discuss **charter school reform** issues, including ways to improve accountability, effectiveness and transparency of charter schools.

PSBA will be offering recommendations to address these issues during the March 7 hearing in Bucks County, with testimony to be given by Larry Feinberg, PSBA Region 15 director and vice chairman of the Regional Directors Coordinating Council.

The hearing in Allegheny County will be: Tuesday, Feb. 25, 1-3 p.m., Commissioners Hearing Room, Ross Township Municipal Center, 1000 Ross Municipal Rd., Pittsburgh.

Pension Funding: Governor Corbett has called for temporarily reducing the “collars” that set the pension contribution rates for the state and its 500 school districts. The governor says his plan would save school districts \$131 million, and free up \$170 million for the state’s general fund. Those “savings” wouldn’t erase pension debt, but rather push back the payments. Pension fund officials told lawmakers at state House and Senate budget hearings last week that Corbett’s proposal to defer \$300 million in scheduled payments would rack up \$4.7 billion in new pension debt over four to five years, and could amount to \$9 billion in debt in future years. The House Democratic Appropriations Committee, using different assumptions, estimated it could create much as \$13 billion in new debt.

School districts, to be sure, would welcome a reduction in pension payments to help stave off tax hikes and program cuts. But school business managers are wary of lower payments now resulting in even higher bills later. Indeed, the primary driver behind Pennsylvania’s bloated pension debt was the General Assembly underfunding the state’s two public employee pension systems for years. The retirement funds are supplied by three sources: employee contributions, employer contributions — school districts and the state — and investment returns.

Actuaries express concerns when pension funding levels drop below 80 percent. Pennsylvania’s two systems combined are now funded at about 62 percent, and aren’t predicted to reach that 80-percent level until 2031 or beyond. These pressures have led some lawmakers to put forward proposals for changing the current pension system benefits for public employees.

Pending Legislation:

SB 1085/HB 618 – Charter School Reform: Mrs. Groscheider is part of a group working with PSBA that has met with Senator Smucker about SB 1085 and is closely monitoring the situation.

Audiotaping on School Vehicles –The Governor signed Senate Bill 57 (Rep. Alloway, R-Franklin), now Act 9 of 2014, amends the Wiretap and Electronic Surveillance Act to permit audio recording on school buses and school vehicles. As amended by the House, the bill extends the use of audio/video recording by police officers. Audiotaping on school buses and vehicles may be used for disciplinary or security purposes if: 1.) The school board has adopted a policy permitting the interception; 2.) The school board must annually notify students and parents of the use of audio surveillance; and 3.) The school board posts a clearly visible notice on each school bus or vehicle that students may be audiotaped. The use of audiotaping is prohibited if the school bus or school vehicle is utilized for purposes that are not school related. PSBA extends thanks to Rep. Bryan Cutler (R-Lancaster) for making remarks on the House floor noting that the legislation serves to clarify the legal authority that school districts have had in regards to audio recording for such purposes and that the permissions under Senate Bill 57 are not new.

JROTC Instruction – The Governor signed Senate Bill 437 (Sen. Folmer, R-Lebanon), now Act 10 of 2014, allows an individual holding a military science certificate to teach military science courses (JROTC) without meeting any further requirements of the PA Department of Education (PDE) for teacher certification. Individuals must have a minimum of 20 years military experience; the certification qualifies them to only teach JROTC courses. The bill, which was passed by the Senate last June, is now with the governor for his signature.

The House passed House Bill 1718 (Rep. Aument, R-Lancaster), regarding the establishment of online learning courses. The bill requires the PA Department of Education (PDE) to establish a clearinghouse of online courses by the 2015-16 school year, and gives public schools the option to offer online courses to students. Schools that choose to do so are encouraged to make courses available to students in grades 9 to 12 beginning in 2016-17, and for students in grades 6 to 12 beginning in 2019-20. House Bill 1718 contains many detailed, specific provisions for how the clearinghouse would function, approval and purchase of courses. PDE must offer free courses for content areas assessed by Keystone Exams. PSBA applauds the House for inserting provisions that allow the use of the clearinghouse to be optional.

Approved by the Senate Education Committee:

Police Service Agreements –Senate Bill 1194 (Sen. White, R-Indiana) allows school districts to enter into police service agreements with local law enforcement outside the municipality. As amended by the committee, a district may enter into an agreement when one of its buildings is located in a municipality without its own local law enforcement. The district may only enter into an agreement with a municipality that has full-time police coverage and is located adjacent to the school. The district must provide the municipality where the school is located with written notice at least 30 days prior to execution of the agreement. The State Police that provides police services to the municipality where the school is located must receive a copy of the executed agreement. The scope of services to be provided under an agreement would be limited to actions on school property and would not affect the jurisdiction of the Pennsylvania State Police. PSBA supports Senate Bill 1194 and worked extensively with committee staff and other associations to clarify language in the measure.

Consolidated School Employee Health Plans --Senate Resolution 250 (Sen. Argall, R-Schuylkill) directs the Legislative Budget and Finance Committee to conduct a study relating to the feasibility and cost-effectiveness of merging public school district health care plans. The committee would study 11 factors, including: current health benefits provided by school entities; current benefit costs for the next five years; costs for the current school employee contribution or average per employee; the impact to PSERS and SERS; comparison of taxpayer coverage within the region; regionalization versus one health care plan; realized cost savings with consortiums; various costs associated with mergers; comparison of school employees versus Commonwealth employees; cost of least used benefits by school employees; and the cost impact of the Patient Protection and Affordable Care Act. Health benefits would include medical, dental, vision and prescription drug programs. The committee would seek input from PDE, State Board of Education, PSBA, PA Association of School Business Officials, PA State Education Association, PA Federation of Teachers and group insurance providers.

Dyslexia and Early Literacy Intervention Pilot Program – House Bill 198 (Rep. Neilson, D-Philadelphia), as amended by the committee, establishes a Dyslexia Screening Pilot Program within the PA Department of Education (PDE). Under the bill, PDE would select three school districts who wish to be considered for participation. PDE will apply for federal, private or other non-state funds for a three-year pilot program. The screening would be given to kindergarten students. If a student is suspected of having dyslexia issues, the school district would notify parents that the student is eligible to receive reading intervention services through the pilot program.

Suicide Awareness Policies and Training -- The Senate passed House Bill 1559 (Rep. Farina, D-Lackawanna), which requires schools to address youth suicide awareness and prevention. PSBA successfully negotiated an amendment that addressed local control concerns and implementation. School entities must adopt a youth suicide awareness and prevention policy by 2015-16 that is established in conjunction with a youth suicide prevention organization. The chief school administrator is responsible for implementing specific procedures that identify methods of prevention, intervention, postvention and reporting. Schools must incorporate age-appropriate education into the curriculum that is based on the local policy. Schools also must provide four hours of professional development training every five years for teachers in buildings with students in grades 6-12. The PDE must maintain on its website a list of approved resources, training materials, and age-appropriate education that schools may use. PSBA's position is neutral on this bill.

Mrs. Grosheider also announced two items:

1. The AIU will be sponsoring a Legislative Meeting on Thursday, March 6 at 7 PM to discuss pending laws in a public forum. Fourteen legislators are scheduled to attend.
2. The PSBA expects that pension reform will occur soon and quickly. She requested that any board member who has input would provide it to her so she can funnel it into PSBA efforts.