

# Legislative Report – Mr. Mahler

## March 2014

### **Federal Legislation/Issues:**

**Testing and Common Core:** Nationwide, there is much discussion about standardized testing and the Common Core standards behind much of that testing. In fact, Indiana recently opted out of Common Core, though its new standards are likely to be very similar, so this move appears to be more political than substantive. More generally, there are numerous articles about schools working to mitigate the stress and impact of testing on students and instruction, while a larger debate goes on at the national level about whether there are good reasons to change the way testing is done in our schools.

Diane Ravitch's group, The Network for Public Education (NPE), recently sent out a call for members of Congress to hold public hearings on standardized testing. At least one Congressman, so far, is supportive – but it remains to be seen whether any hearings are held.

**H.R. 1386:** Fourteen lawmakers from the U.S. House of Representatives have joined the 24 existing co-sponsors on the Local School Board Governance and Flexibility Act (H.R. 1386), since Feb. 2014. The bi-partisan bill recognizes the benefits of local school district governance and ensures that maximum local flexibility and decision-making are not eroded through U.S. Department of Education (ED) actions.

### **Pennsylvania Legislation/Issues:**

#### ***Current Issues:***

**Charter School Legislation:** This issue continues to be a point of discussion. The North Hills School Board recently approved a resolution in opposition of Senate Bill 1085 citing the proposed bill's potential negative impact on the district as it relates to charter and cyber charter school funding and approval processes. PSBA and several other school boards also have formally opposed the bill.

**School funding** continues to be a part of the budget discussions taking place at the state level.

**Employee Furloughs:** PSBA, the Pennsylvania Association of School Business Officials (PASBO), and the Pennsylvania Association of School Administrators (PASA) sent a joint letter to the House of Representatives urging members to adopt legislation to provide school districts with the flexibility to furlough employees for economic reasons. The associations note that while school leaders are expected to operate their districts more efficiently, current law does not give school districts the appropriate tools to effectively manage their workforce. The groups believe that Pennsylvania's new teacher evaluation system provides a mechanism to provide objective criteria for furloughing staff while maintaining educational quality in each school.

**PlanCon:** On March 31, the House Education Committee will hold a public hearing on the issue of streamlining the current PlanCon system and providing relief to those districts both trapped inside the PlanCon pipeline and those prevented from entering the process due to the continuing moratorium. PASA will offer testimony at the hearing concerning **HB 2124**, introduced by Rep. Seth Grove (R-York). In a memo to members of the House concerning his proposal, Grove notes that the PlanCon process "is overly cumbersome for school districts, requiring PA Department of Education approval at 11 separate stages" and "full of antiquated requirements." He also reminds lawmakers that the PDE currently is unable to meet its financial obligations to school districts under PlanCon and would need approximately \$1.2 billion to completely reimburse all 354 projects currently in the system. HB 2124 would make changes to the PlanCon process that include setting a ceiling for an appropriation of an additional \$100 billion for school construction reimbursement and establishing a simplified process for school districts to apply for construction reimbursement.

**Pennsylvania Core Standards:** The State Board of Education’s revisions to its Chapter 4 regulations for academic standards and assessment will be final and effective on Saturday, March 1, when they are published in the Pennsylvania Bulletin. The regulations require the implementation of the Pennsylvania Core Standards for English language arts and mathematics. They also establish new graduation requirements beginning with the Class of that include provisions for Keystone Exams and project-based assessments. In addition, the new Chapter 4 eliminates the requirement for school districts to complete the state-prescribed strategic planning process but still requires completion of certain specific plans as mandated under other regulations.

***Pending Legislation:***

**HB 198:** re-referred to Senate Appropriations Committee. The bill amends the Public School Code to establish a three-year Dyslexia and Early Literacy Intervention Pilot Program in at least three school districts that have between 3,000 and 15,000 students and offer full day kindergarten. PDE, through the pilot program, will evaluate the effectiveness of evidence-based early reading assistance programs, with the goal of reducing future special education costs.

**HB 434:** The bill was passed by the Senate Aging and Youth Committee. It would apply the same standards for reporting suspected child abuse to school employees as those that exist for other employees of other workplaces. So, when a school employee suspects another school employee of abusing a student, the standard for substantiating abuse, the reporting requirements and procedures, and the investigative response is the same as it is elsewhere.

**HB 845:** passed by the House. The bill amends the Vehicle Code by creating a “Bullying Awareness & Prevention” registration plate for \$35, with funds from the purchase of the plate to go to the Office for Safe Schools in the PDE.

**HB 974:** approved by the Senate Education Committee. The bill originally required school boards to hold a hearing on whether or not to install AEDs in school buildings. As amended in committee, the bill requires the PDE to purchase AEDs and supplies, on a biennial basis, for distribution to schools at a discounted rate. The bill also requires school entities to report to the department annually, beginning June 30, 2014, the number, age, condition and location of AEDs in each school building.

**HB 1013:** The bill, currently in committee, would eliminate the requirement for the home education program documentation required in the School Code to be submitted to the superintendent of the school district where the student resides.

**HB 1671:** In committee. Would limit the reasons for school boards and local government to talk behind closed doors and make it easier for citizens to challenge what they believe are unlawful executive sessions. Would require any executive session called to discuss personnel would have to be about a specific prospective, current or former employee. Everything else would have to be done in public.

**HB 1930:** approved by the House Education Committee. The bill requires the Department of Education to establish a testing program by which individuals who have not completed all GED tests may use their past scores to obtain their Commonwealth secondary school diploma and allows test takers an additional eighteen months to obtain their credential with their scores from the 2002 Series GED test.

**HB 1931:** amended and approved by the House Education Committee. The bill requires the PDE to select and offer two testing programs (one paper, one computer-based) for those seeking to complete the GED process and demonstrate high school equivalency

**HB 2005:** approved by the House Education Committee. The bill amends the Public School Code to include municipal authorities in the list of entities to which a school district can convey unused and unnecessary lands and buildings.

**HB 2063:** approved by the House Education Committee. The bill amends the Public School Code to add a new section 111.1 requiring school entities and independent contractors of school entities to complete comprehensive and extensive

employment history reviews of applicants for positions involving direct contact with students. This bill generally mirrors Senate Bill 46, known as the “Pass the Trash” legislation.

**HB 2074:** passed by the House Education Committee. The bill permanently reestablishes the Governor’s Schools of Excellence Program by requiring PDE to establish 3 Governor’s Schools in science, agricultural sciences and engineering and technology at institutions of higher education in Pennsylvania. This bill implements the governor’s 2014-15 budget proposal which allocated \$350,000 to the program.

**SB 267:** amended and approved by the House Education Committee. The bill amends the Public School Code to allow a school district to excuse a student from attendance to participate in a non school-sponsored educational tour or trip. As expected, SB 267 was amended to remove provisions dealing with automatic external defibrillators (AEDs).

**SB 874:** passed by the Senate, 46-0. The bill amends the Public School Code to require that the governing body of a community college that has enrollment in excess of 20,000 students, consists of more than 4 campuses, and is approved by PDE and the Middle States Association of Colleges and Schools, negotiate with local sponsors for its annual operating costs and capital expenses. The amount negotiated must not exceed an amount equal to the community college’s operating expenses minus student tuition, the state’s share, and 50% of the annual capital expenses of the college. (The bill affects the Harrisburg Area Community College.)

**SB 31:** Approved by the House Appropriations Committee. The bill provides for a consistent manner of investigation for every child abuse report, including cases of suspected child abuse in which the alleged perpetrator is a school employee.

**SB 267:** Adds educational trips as a valid excuse for school absence. The bill was amended to remove language requiring a program to establish a program to assist school entities in purchasing automatic external defibrillators (AEDs) for every school building.

**SB 1000:** amended and passed by the Senate, 42-4. The bill amends the Public School Code to establish a regional rural community college program in a multicounty area that is currently underserved by community college opportunities.

**SB 1281:** passed by the Senate, 46-0. The bill amends the Public School Code to allow school districts to use the exception created for the 1995-96 school year for the 2013-14 school year, allowing them to reschedule instructional days on Saturdays, but no more than one Saturday a month, to make up for days lost due to weather-related school closures. The bill maintains the 180 day requirement, but for purposes of calculating instructional time, PDE shall calculate instructional days or time prior to calculating lost instructional time due to weather-related closures. Districts currently can seek a waiver of that rule from the state Department of Education, but the decision is up to the department, which has said such waivers will only be granted as a measure of last resort. The PDE has already sent letters to school districts advising them about how they can request using the school-hours option.