



December 3, 2015

STATE BUDGET

Budget Update: Senate, House will convene this weekend

As budget negotiations continue, the Senate and House of Representatives are expected to be in Harrisburg this weekend with the tentative plans of finalizing a package sometime next week. The House will be in session Friday and Saturday, and the Senate is scheduled to be in session Friday, Saturday and Sunday.

PSBA is a continuing presence on the Hill and is working with legislators to secure passage of issues of priority interest to public school officials.

While no details on a budget compromise have been released, it has been suggested that the plan is likely to include a \$350 million increase for the basic subsidy using a new distribution formula. The formula is likely to be the one suggested by the Basic Education Funding Commission or some variation of it. An additional \$50 million increase may be provided for special education, or directed to early childhood. The budget may also include reimbursement to school districts with school construction or reconstruction projects that have not yet received reimbursements from the state under the PlanCon program. Language under Senate Bill 880 to delay the implementation of the Keystone Exams as a graduation requirement could be included on an omnibus School Code bill if not passed separately.

Other issues that may be part of a final budget package include pension reform, charter school reform, and a pilot program for academically struggling schools. Issues that appear to be off the table are any plans to eliminate property taxes or mandate referendum for any and all school district tax increases.

PSBA will continue to provide updates as more details emerge.

Auditor General to check PDE's process regarding charter payment appeals

As a result of the recent confusion surrounding payments to charter schools during Pennsylvania's budget impasse, Auditor General Eugene DePasquale announced his office is auditing the PA Department of Education's handling of charter school tuition disbursement appeals.



"The ongoing state budget impasse brought to light potential failures in the process the Department of Education uses to handle school districts' appeals of payments to charter schools," DePasquale said. "With more than \$1.1 billion of state education funding going toward charter school tuition payments, it is important to make sure all education funding is handled accurately and appropriately." [Read more...](#)



U.S. House passes ESEA reauthorization

This week the U.S. House of Representatives passed legislation to reauthorize The Elementary and Secondary Education Act (ESEA) - last reauthorized more than a decade ago as No Child Left Behind (NCLB). The U.S. Senate is expected to pass the bill and the White House is supportive of the measure. The new legislation, called the Every Student Succeeds Act (ESSA), is also being supported by the National School Boards Association and other education groups.

The ESSA retains the requirement for annual testing in reading and math in grades 3-8 and once in high school, as well as testing in science three times between grades 3 and 12. The requirement to meet Adequate Yearly Progress is repealed. Instead, states would submit a plan outlining their accountability systems to the Secretary of Education, who is only authorized to ensure that the plan is consistent with the law. States can use other indicators of student achievement and school quality, including student engagement, access to and completion of advanced coursework, and school climate and safety. Additionally, states are required to improve student learning in the state's lowest-performing 5% of schools. The transition for the new law will occur over the next several years and cover Fiscal Years 2017-2020, essentially a four-year authorization.

Click on these links for detailed information on the ESSA:

[Final Bill Text: Every Student Succeeds Act](#)

[ESEA Conference Report Summary](#)

[NSBA's Transition Timetable and Frequently Asked Questions](#)



State Truancy Advisory Committee calls for legislative, policy changes

The Joint State Government Commission's Truancy Advisory Committee recently released its final report on truancy and school dropout prevention, which includes a series of recommended changes addressing several areas to improve practices for schools, courts, and children and youth agencies in order to promote educational success.

PSBA is actively involved as a member of the Truancy Advisory Committee, and also as a member of the Educational Success and Truancy Prevention Workgroup, created by the Pennsylvania Supreme Court, that provided input into the report. Representing PSBA on both panels is Deputy General Counsel Sean Fields.

The report's recommendations are divided into two categories: statutory reforms and public policy suggestions. The recommendations address several areas in particular: creating more uniformity in the definitions and procedures schools must use to implement compulsory school attendance, improving flexibility in the disposition of truant children by both schools and courts, taking into consideration their individual needs and the appropriateness of particular sanctions, and improving data collection to help identify at-risk students and provide schools, courts, and children and youth agencies with early intervention and prevention opportunities to promote educational success. [Read more...](#)

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Passed by the House of Representatives

Keystone Exam bill returns to the Senate for concurrence

Delay in Graduation Requirements (Keystone Exams) --The House recently passed [Senate Bill 880](#), legislation that amends the School Code to delay the implementation of the Keystone Exams as a graduation requirement or a benchmark for the need to participation in a project-based assessment (PBA) until the 2018-19 school year. The bill now returns to the Senate for concurrence on changes to the bill that were made by the House Appropriations Committee. If the Senate concurs, the bill will be presented to the governor for his signature.

As amended in the House, the bill also requires the PA Department of Education to investigate alternatives to the use of the Keystone Exam as a requirement for graduation and issue a report to the House and Senate Education Committees of its findings and recommendations, including proposed legislation. The report must contain a plan to: 1) implement alternative methods to demonstrate proficiency for graduation in addition to the Keystone Exams and PBAs; 2) improve and expedite the evaluation of PBAs; and 3) ensure that no student is prohibited from participating in vocational-technical education or elective courses as a result of taking required supplemental instruction. The report is due within six months of the effective date of the bill.

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School Funding Lawsuit

Districts, parents ask PA Supreme Court to hear appeal in school funding lawsuit

This week school districts and parents challenging Pennsylvania's school funding system filed a brief with the Pennsylvania Supreme Court asking it to consider the case and reject the state's plea to toss it because of its complexity and difficulty. [In a reply brief filed Monday](#) the petitioners defended their position that the courts can and must examine claims that the state is failing its constitutional obligations to adequately fund public education.

The brief was submitted as part of the appeal to the court in *William Penn School District vs. Pennsylvania Dept. of Education*. The lawsuit was brought in November 2014 by seven parents, the Pennsylvania Association of Rural and Small Schools (PARSS), the NAACP Pennsylvania State Conference, and six school districts from urban, rural, and suburban communities. The lawsuit challenges the state's public education funding system as inadequate to satisfy the state constitutional mandate for the General Assembly to provide a "thorough and efficient" system of public education. In April, the Commonwealth Court dismissed the lawsuit, ruling that although the state constitution imposes a duty on the legislature to provide a thorough and efficient system of public education, the question of whether any particular funding level is an education policy determination solely the province of the General Assembly.

Last month, separate briefs were filed by the Wolf Administration and General Assembly that agree with the Commonwealth Court's reasoning, contending that the constitution sets the obligation of the legislative branch of government to establish a funding system. Lawyers for the districts and parents expect the high court will hear oral argument in early 2016.

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PDE News

PDE reminds districts of new NORA to be used for gifted students

The PA Department of Education is reminding districts that PDE's revised Notice of Recommended Assignment (NORA) for services for gifted students must be used beginning Jan. 4, 2016. [Click here to see the NORA.](#) The revised NORA directs districts to give clarification to the services provided for a gifted student and why the recommendations were the most appropriate. There are three sections on the new form that require more detail. They are:

1. Educational placement for a gifted student falls into one of three categories: enrichment, acceleration, or a combination of the two. Districts will identify the type(s) of service and the content area/grade level that the support will supplement.
2. When making a recommendation, the district needs to provide a rationale explaining why that support was recommended and the data used by the district to support it.
3. The district must provide a rationale explaining why the team rejected the other option and the data used by the district to reject it.

Questions regarding this information should be directed to Dr. Shirley Curl, BSE Special Education Adviser, at scurl@pa.gov or 717.786.6361.

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PDE reminds districts of USDE guidance on dyslexia

PDE is reminding districts of the "Dear Colleague: Dyslexia Guidance" letter that was issued by the U.S. Department of Education in October. In ensuring the provision of a free, appropriate public education, the guidance emphasizes the responsibility and importance of addressing the unique educational needs of children with specific learning disabilities resulting from dyslexia, dyscalculia, and dysgraphia during IEP Team meetings and other meetings with parents under the federal Individuals with Disabilities Education Act.

Local educational agencies (LEAs) are encouraged to consider situations where it would be appropriate to use the terms dyslexia, dyscalculia, or dysgraphia to describe and address a child's unique, identified needs through evaluation, eligibility, and IEP documents. Questions can be directed to PDE by contacting Lynn Dell, Assistant Director, at (717) 783-2311 or lydell@pa.gov.

Click here to read the [Dear Colleague](#) letter.

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