



January 29, 2016

### House declares January School Director Recognition Month

This week the House of Representatives welcomed a group of school directors as the chamber unanimously adopted [House Resolution 647](#) (Rep. Phillips-Hill, R-York), which declares January 2016 as School Director Recognition Month. The resolution notes that school directors must be knowledgeable about many complex educational and social issues. The resolution describes school board service as "a pure form of grass-roots democratic involvement upon which our republic was founded" and describes school directors as "dedicated, educated and responsible citizens who carry out volunteer public service, a classic example of representative government in our democracy."



School directors who attended the House session included, from left: Matthew Jansen, Spring Grove Area SD (York Co.); James Roberts, South Eastern SD (York Co.); Rep. Phillips-Hill, House Speaker Mike Turzai; PSBA President-Elect Mark B. Miller; and PSBA President Kathy Swope

### PSBA opposes bill to require posting of tentative collective bargaining agreements



The House of Representatives is poised to vote on [Senate Bill 645](#) (Sen. Stefano, R - Fayette), legislation opposed by PSBA that would greatly interfere in a school district's negotiations process by requiring school districts to post notice of a proposed collective bargaining agreement at least two weeks prior to board action. Any collective bargaining agreement executed without providing the required notice would be void and unenforceable. [Click here](#) to see PSBA's position statement opposing Senate Bill 645 that was sent to the House this week.

While the bill's intent is to ensure public transparency is worthy, the fact is that the requirement hinders the bargaining process by removing flexibility and may actually result in more complicated negotiations. Setting a rigid minimum two-week timeframe for posting a proposed settlement raises questions and concerns - it slows the process by mandating that no vote can occur for two weeks, leaving the district, employees and community waiting for a final resolution. Additionally, once a tentative agreement has been reached, no further discussions or changes to the proposal, even a minor one, can be made without the need to re-set the two-week clock.

PSBA's **2016 Legislative Platform**, as adopted by the Delegate Assembly last October, contains language emphasizing the need for school boards to maintain local control of collective bargaining and opposing any requirement from the state for school districts to post terms of collective bargaining contracts prior to board action.

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#### **PSBA budget impasse survey responses due Feb. 4**

PSBA recently emailed all superintendents a brief 10-question survey regarding the impact of the budget impasse and costs incurred, looking over the past several months and ahead into the remainder of the current school year. These costs include lost interest due to the accelerated use of local revenues as well as costs for interest and other expenses related to borrowing that was necessitated by the absence of state funding.

One of PSBA's most important goals is to ensure that any final settlement includes provisions to reimburse school districts for any costs related to the funding impasse. Reimbursement of these costs may be on the table for discussion, and it is imperative for PSBA to have accurate numbers regarding the impact of the budget impasse on districts. Without accurate numbers, it is very possible that districts will end up being short-changed, leaving you with unpaid expenses. Discussions are ongoing, but we need your help to give legislators an accurate account of the impact of the budget impasse on school districts.

**Please make sure your district is included in the survey results; responses are due to PSBA by Thursday, Feb. 4. Thank you!**

## **Latest News**

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### **House Committee Action**

- [Passed by the House State Government Committee](#)

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- [IFO releases revised revenue estimates and updated fiscal outlook](#)

### **ESSA Update**

## **U.S. Department of Education releases new information on transition to ESSA**

This week the U.S. Department of Education (USDE) issued a "Dear Colleague" letter regarding transition to the Every Student Succeeds Act (ESSA). The letter provides details about "flexibilities available...in the 2016-17 school year. [Click here to read the Dear Colleague letter.](#)

Specifically, the letter addresses the use of formula grant funding for the 2016-17 school year, stating that "formula grant recipients will continue to operate...under the plans, procedures and requirements that are in place for the 2015-16 school year. However, the guidance does detail certain exceptions that address the use of funds for school district "interventions and supports; interventions to English learners, and additional information regarding orderly transition from NCLB (No Child Left Behind) provisions that are not in the ESSA."

The letter also notes that each state with ESEA flexibility should inform the department regarding designations for schools in need of improvement and the applicable interventions by Friday, Jan. 29, 2016. States not operating under ESEA flexibility can choose not to require districts to provide supplemental services and choice for schools/districts identified for improvement for the 2016-17 school year.

Because ESSA eliminates the provisions for annual measurable achievement objectives (AMAOs) under Title III (English Language Acquisition), states must "freeze district accountability under Title III based on the most recent AMAO calculations, and continue to provide those schools with the corresponding supports and interventions in the remaining months of the 2015-16 school year and the 2016-17 school year." [For more information, see the department's earlier guidance.](#)

Since ESSA eliminates "highly qualified teacher (HQT)" provisions for teachers of core academic subjects, such requirements will not apply in the 2016-17 school year. However, the exception to this applies to State Plans to Ensure Equitable Access to Excellent Educators that were submitted to the USDE last year "to ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers."

The letter also states that the department will provide details about the School Improvement Grants (SIG) program for fiscal years 2015 and 2016 in the coming weeks. Additional details are available at [www.ed.gov/essa](http://www.ed.gov/essa). *(This information was obtained from the National School Boards Association.)*

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## **House Floor Action**

### **House concurs in emergency flexibility, criminal history report bill**

This week the House concurred in Senate amendments to [House Bill 158](#) (Rep. Peifer, R-Pike), legislation that addresses two issues that have been raised by PSBA. The bill will now go to the governor for his signature.

House Bill 158 amends the School Code to allow the secretary of education to issue weather, safety or health related emergency declarations under which school entities can be given additional flexibility to satisfy the 180 instructional days per school year requirement. The bill allows a school board to approve a school year with a minimum of 900 hours of instruction at the elementary level and 990 hours of instruction at the secondary level in lieu of 180 days, or to schedule additional instructional days of not more than one Saturday per month to complete the minimum hour or day requirements.

In addition, House Bill 158 aligns provisions in the School Code regarding background checks with changes to the Child Protective Services Law under Act 15 of 2015. Despite the new portability and five-year renewal provisions in Act 15, Section 111 of the School Code still requires that state and federal criminal history reports submitted by prospective employees be no more than one year old. House Bill 158 amends Section 111 to contain the same five-year provisions.

PSBA was seeking passage of both of the issues addressed in House Bill 158. The emergency declaration provisions give districts the ongoing ability to make the necessary schedule adjustments to meet instructional requirements in the event of unforeseen closures. Last year, PSBA was actively involved in the development of the changes to the Child Protective Services Law because school employees are covered by both that act and the School Code. The association had continued to point out the issue of nonalignment between Act 15 and the School Code, and is pleased to see it addressed.

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## House Committee Action

### Passed by the House State Government Committee

**Collection of Union Dues ("Paycheck Protection")** - The committee amended and passed [Senate Bill 501](#) (Sen. Eichelberger, R-Blair), which prohibits a public employer from deducting money or funds from the wages of a public employee to be used for political contributions, except as required by a valid collective bargaining agreement between a public employer and its employees prior to the effective date of the act. No individual or organization may seek to have political contributions deducted for the wages of a public employee. Public employers include the state, school districts and local governments. The bill was amended to remove language stating that the provisions of Senate Bill 501 do not prohibit employers from deducting wages for a charitable contribution authorized by an employee, or "fair share" fees. The bill was passed with a **16-9 vote**, with Democrats opposed.

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## Other News

### **Sign up now: Budget webinar with Education Secretary Rivera on Feb. 12**

On Feb. 12 at noon, PSBA members are invited to an exclusive webinar with state Education Secretary Pedro Rivera and PSBA Assistant Executive Director of Public

Policy John Callahan as they discuss the proposed 2016-17 state budget that will be unveiled by Gov. Wolf on Feb. 9. Participants will also learn about issues impacting public education related to the budget impasse and the recent release of emergency funding to school districts during this live, complimentary members-only webinar. **Click here for more details and to register [online](#)**

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### **IFO releases revised revenue estimates and updated fiscal outlook**

This week the Independent Fiscal Office (IFO) released an update to its five-year economic and budget outlook, which was previously released on Dec. 9, 2015. The revised document includes new revenue estimates and updated expenditure estimates based on the recently enacted General Appropriations Act of 2015.

**[Click here to see the full report](#)**

**[Click here to see the presentation of the report](#)** that includes updated FY 2015-16 revenue estimates and an advance FY 2016-17 projection.

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