



Pennsylvania School Boards Association

legislative report

March 10, 2016

Join PSBA and school officials for the third annual Advocacy Forum on April 4, 2016, at the State Capitol in Harrisburg. The focus of this year's event will be the state budget impasse that will include a legislative update and time to visit your legislators. [Click here for more details and to register.](#)



PSBA takes court action to force the release of funds owed to schools

This week PSBA filed an [Application for Special Relief](#) in Commonwealth Court of Pennsylvania asking the Court to order the Secretary of Education, the Treasurer and the Pennsylvania Department of Education to pay school districts immediately all subsidies that were due to be paid on February 25, 2016. PSBA also is asking the Court to order that all payments to school districts be made on a timely basis in accordance with the School Code into the future at levels no less than the levels paid in the 2014-

15 school year.

The underlying [lawsuit](#), filed in January 2016 by PSBA, is still making its way through the legal system. It seeks continued timely release of federal and state funds owed to school districts across the commonwealth. The lawsuit also asks the court to award damages to school districts to compensate them for all interest and expenses incurred as a result of schools borrowing nearly \$1 billion since the start of the budget impasse. Due to the exploding fiscal emergency for schools, the application filed this week asks the court to direct that relief immediately, rather than wait until the underlying case is fully tried and decided on the merits.

Budget Impasse Survival Toolkit

PSBA offers budget impasse survival toolkit

PSBA now has available a series of resources to help school boards advocate effectively for a state budget and bring greater perspective to the community on the impact of the budget impasse on their district.

The toolkit includes talking points, draft op-ed statements and resolutions that can be customized for your district's use, access to free LEARN modules, and other items.

[Click here](#) for more information. We will be adding to the toolkit over the next few

weeks.

Currently the toolkit contains:

[Sample talking points](#)

[Sample resolution](#)

[Sample message to the community](#)

[Sample editorial](#)

[Sample letter for schools to give to the public to send to legislators](#)

Latest News

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PDE News: Change in Graduation Requirements

PDE issues guidance on use of Keystone Exams and Project-Based Assessments

This week the PA Department of Education issued a memo and Frequently Asked Questions (FAQ) to public school entities with guidance on Act 1 of 2016 (Senate Bill 880) that creates a two-year delay in the implementation of the Keystone Exams as a graduation requirement or a benchmark for the need to participate in a project-based assessment (PBA) until the 2018-19 school year.

The FAQ clarifies that passage of Keystone Exams is not a graduation requirement for students graduating prior to 2019, but schools must continue to administer these tests to comply with federal accountability mandates. Graduation requirements for the classes of 2018 and 2019 are now as follows: 1) course completion and grades; 2) demonstration of proficiency as determined by the school district, charter school or AVTS in all of the state academic standards, including English Language Arts, math and science.

Students who are not proficient on Keystone Exams are not required to retest, but may retest if they wish. Schools must continue to offer supplemental instruction to students not proficient, but students are not required to participate. A school may continue to use the PBAs as supplemental instruction or for students, but are not required to do so. If a student uses the PBAs, the project will be evaluation only by the tutor at the local level; no outside evaluation will occur.

If a student who is graduating in 2017 or 2018 opts out of the Keystone Exams, he or she is not required to complete a PBA. Beginning in the 2016-17 school year, Keystone Exam performance levels will still be required to be included on student transcripts.

[Click here to read the entire guidance document.](#)

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PSBA News

PSBA responds to PSERS call for districts to pay total contribution amounts due in March and June

This week PSBA issued an update on lawful cash-flow management measures in response to the March 2 announcement sent out by the Public School Employees' Retirement System (PSERS) to school districts calling for payments of the total employer contribution that will be due in March and June.

According to the PSERS notice, the March 2016 and June 2016 retirement subsidy payments to public school employers are scheduled to be paid on March 16, 2016 and June 16, 2016 from the PA Department of Education (PDE). These payments will be made because the PSERS line item was fully funded in the state budget that was signed into law last December. Public school employers have up to five business days after receipt of the state share of the employer contributions to provide the total employer contribution payment to PSERS.

PSBA's update reminds districts of its legal opinion issued last August regarding the delay of PSERS employer contribution and charter school tuition payments during the budget impasse. The association notes that there is express statutory authority for school employers to delay making payments to PSERS when the state has not paid the reimbursements due to schools. However, the first two quarterly reimbursement payments for the school year presumably were paid to school entities after the governor partially approved the appropriations bill passed in December. Looking ahead, if the last two reimbursements in the 2015-16 fiscal year are paid as scheduled in March and June 2016, school entities will again have five days after those payments within which to pay the amount of employer contributions due to PSERS. There would be no statutory authority to delay payment longer than that.

PSBA also notes that what is unknown at this time is whether PDE will attempt to pay claimed charter school tuition payments that districts have delayed since that time by deducting them from the scheduled PSERS employer contribution reimbursements to be paid in March and June. Should that occur, it could further jeopardize the ability of school districts to pay what they owe to PSERS.

[Click here to read PSBA's update.](#)

[Click here to read the PSERS notice.](#)

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PlanCon funding unlikely in face of budget problems

As Pennsylvania is now much closer to the time when the 2016-17 budget is due than when the 2015-16 budget should have passed, the question of the future of state reimbursement to school districts for construction/renovation projects approved under the PlanCon process must be addressed. During the budget negotiations leading up to June of 2015, PSBA along with other education groups, architects, and school construction parties devised a comprehensive plan to address a sharp shortfall in funding for school construction reimbursements from the state under PlanCon.

However, as a result of the wide-reaching domino effect of the budget impasse, the education budget and related education legislation crumbled, and the PlanCon borrowing legislation fell victim with the consequence of having zero dollars at all allocated toward school district reimbursements for this fiscal year. Unfortunately in the current environment, the prospect of school districts receiving PlanCon reimbursement funds for the current school year is unlikely as there is neither approved borrowing legislation nor an appropriation in place. [Read more...](#)

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Pennsylvania School Boards Association

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