



Pennsylvania School Boards Association

# legislative report

April 8, 2016

*The General Assembly was in session this week and will reconvene on Monday, April 11.*



## **PSBA Advocacy Forum brings public school officials to the Capitol**

This week dozens of school directors from across Pennsylvania gathered at the Capitol for PSBA's annual Advocacy Forum to meet with legislators and discuss key issues. They told legislators there are immediate challenges ahead on the 2016-17 budget, which must be passed by June 30 to ensure that schools can enter into the next academic year with confidence. In addition to passing an on-time state budget, there is need for substantial pension reform, the enactment of the basic education funding formula developed last year, and the enactment of state reimbursement for school construction projects and restructuring of the PlanCon approval process. School officials are also calling on the legislature and the governor to reimburse districts for interest payments due as a result of borrowing money during the budget impasse.

During a news conference in the East Wing Rotunda, PSBA Executive Director **Nathan Mains** applauded school officials as the real heroes of the last nine months as policymakers battled over a state budget. [Click here to read PSBA's news release](#), which includes statements from Mains, **Mike Faccinnetto**, PSBA vice president and board president of Bethlehem Area School District (Northampton Co.); **Dr. David Reeder**, superintendent at Camp Hill School District (Cumberland Co.); **Stacey Thompson**, PSBA Region 1 director and board treasurer at Keystone School District (Clarion Co.); and **Kathy Swope**, PSBA president and board president of Lewisburg Area School District (Union Co.).

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## **Restoration formula used to distribute school funding amid concerns**



This week Gov. Tom Wolf announced he would again use a "restoration formula" to allocate basic education funding to school districts for the remainder of the 2015-16, with many districts receiving smaller increases than they would have under the new funding formula recommended by the Basic Education Funding Commission. Applying the restoration formula, the state began to distribute an additional \$50 million to districts. Of that amount, \$25 million was used to restore the charter school reimbursement program, \$20 million to continue to restore cuts made in 2011-12, and \$5 million allocated through the new basic education fair funding formula.

[Click here for PDE's district subsidy chart.](#) Click on the tabs at the bottom of the spreadsheet for additional information.

[Click here for PSBA's chart showing the differences in distribution amounts under the governor's formula and the Basic Education Funding Commission formula.](#) See page 12 of the chart for a listing of school district winners and losers under the restoration formula with dollar differences noted.

Meanwhile, this week the Senate and House of Representatives moved separate bills to address the distribution of certain funds contained in the 2015-16 state budget that were included in [House Bill 1327](#), the Fiscal Code vetoed by the governor.

The Senate Appropriations Committee amended [Senate Bill 910](#) (Sen. Smucker, R-Lancaster) to provide for the implementation of the Basic Education Funding Commission's recommended funding formula beginning with the 2014-15 school year.

The House passed [House Bill 1589](#) (Rep. Causer, R-McKean) amends the Fiscal Code to provide for fiscal year 2015-16 budget implementation and removes the five objections noted by the governor in his veto message: the basic education funding formula, the bond to provide for PlanCon reimbursements, the Ready to Learn block grants, provisions relating to the Clean Power Plan, and Chapter 78 and Chapter 78a oil and gas regulations. [Click here for details](#) under House Bill 1589. Provisions for the education appear on pages 4 & 5.



#### **PSBA, PA Dept. of Health jointly release information on Narcan**

This week PSBA issued a sample policy in conjunction with the release of information from the PA Department of Health (DOH) regarding its application process for public high schools to obtain free doses of the intranasal drug Narcan (Naloxone), which can reverse the effects of an opioid overdose.

Under the DOH process to be eligible for the free doses of Narcan, a school must provide a Board adopted Policy with specific reference to the drug. PSBA's sample medication administration policy is accessible via the association's Policy News Network (PNN) or by contacting **Davelyn S. Smeltzer**, Director of Policy Services at [davelyn.smeltzer@psba.org](mailto:davelyn.smeltzer@psba.org) or (800) 932-0588, extension 3357, or **Katherine M. Fitz-Patrick**, Deputy General Counsel at [katherine.fitzpatrick@psba.org](mailto:katherine.fitzpatrick@psba.org) or (800) 932-0588, extension 3414.

[Click here for the grant application packet from DOH.](#) The packet references the use of PSBA's sample policy, and outlines other requirements of the application process.

## Latest News

### Signed by the Governor

- [School District Investments](#)

### Senate Floor Action

- [Economic furlough bill amended on Senate floor](#)

## House Floor Action

- [Passed by the House](#)
- [Recommended truancy changes move](#)

## House Committee Action

- [Passed by the House Appropriations Committee](#)
- [Passed by the House Education Committee](#)

## Signed by the Governor

### School District Investments

Gov. Wolf signed into law [House Bill 1296](#) (Rep. Harper, R-Montgomery), now **Act 10 of 2016**. The act expands the types of investments in which school districts and municipal authorities may invest their funds by allowing them to invest in seven types of financial products in addition to those in which they may already invest. The seven types of products are specified in the bill. Investments must be secure, (debt obligations of institutions in which a municipality may invest must be at least "A" rated, short-term investments must only be with entities rated in the top short-term category, and other provisions designed to ensure that investments of taxpayer funds are secure).

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## Senate Floor Action

### Economic furlough bill amended on Senate floor

**Economic Furlough** -- This week the Senate amended [House Bill 805](#) (Rep. Bloom, R- Cumberland), legislation that makes reforms to current practices for furlough and tenure of professional employees. The bill ends the practice of "last in, first out" regarding furloughs by allowing districts to use performance evaluations to determine the order that employees are furloughed in times of economic need. The bill was amended to change the effective date from June 30, 2016 to June 30, 2018.

**PSBA is supporting the bill because it allows school districts to make furlough decisions without being restricted by seniority rules. [Click here to read PSBA's letter of support that was sent this week.](#)**

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## House Floor Action

### Passed by the House

**Recreational Use of Land - [House Bill 544](#)** (Rep. Moul, R- Adams) amends the state's recreational use of land liability law in order to expand its protections for landowners, including school districts, and ensure that legal fees are covered for property owners who are found not liable for injuries to recreational users. The bill would expand current law to include various property improvements and cover all recreational activities undertaken for exercise, education and pleasure, including snowmobiling and ATV and motorcycle riding. The bill also requires courts to award attorney fees and legal costs to landowners found not to be liable for an injury pursuant to this law.

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### Recommended truancy changes move

**Truancy Reforms - [House Bill 1907](#)** (Rep. Benninghoff, R-Centre) was passed by the House Education Committee this week, amended on the House floor and is awaiting a final vote. It establishes various reforms that reflect the recommendations of the Truancy Advisory Committee of the Joint State Government Commission and the Educational Success and Truancy Prevention Workgroup. The group consists of PSBA, judges, magisterial district justices, probation officers, and children and youth services professionals.

The bill was amended on the House floor to require charter and cyber charter schools to establish an attendance policy that addresses unexcused absences. It also requires charter and cyber charter schools to report unexcused absences directly to the PA Department of Education annually. This effectively removes school districts from the responsibility of having to enforce compulsory attendance laws with regards to charter school students and gives it to the charter schools.

Similar but not identical legislation is moving in the Senate under [Senate Bill 359](#) (Sen. Greenleaf, R -Montgomery).

Click here to read [PSBA's letter of support](#) for House Bill 1907.  
Click here to read PSBA's *Closer Look* report on truancy released in February 2016.

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## House Committee Action

### Passed by the House Appropriations Committee

**Tax Rebate for Senior Citizens -- [House Bill 791](#)** (Rep. Hennessy, R-Chester) provides for the Senior Tax Reduction Incentive Volunteer Exchange (STRIVE) program which would expressly authorize school districts to implement tax rebate programs for senior citizens in exchange for volunteer service in the school district. [Click here to read PSBA's letter of support for the bill.](#)

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## Passed by the House Education Committee

**Mandatory School Director Training - [House Bill 1906](#)** (Rep. Saylor, R-York) mandates initial and ongoing training developed by the PA Department of Education for new and current school directors. The bill was passed with a vote of [15-10](#), with Rep. Seth Grove (R-York) joining Democrats voting in the negative and Rep. Dan Miller (D-Allegheny) joining Republicans in support of the bill.

**PSBA is opposed to the mandate under House Bill 1906.** In [a letter](#) sent to the committee, PSBA voiced its strong support for voluntary in-service education, noting that the association offers a variety of well-attended training programs on a wide range of governance, personnel, legal, finance and other topics. The association raised concerns with school directors being singled out from other elected officials for the requirement, and said "instituting a training mandate will be a further tax on the time of individuals who volunteer countless hours to public service."

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### Pennsylvania School Boards Association

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