



Pennsylvania School Boards Association

legislative report

April 15, 2016

The General Assembly was in session this week. The House will reconvene on Monday, May 2, and the Senate will return on Monday, May 9.

Funding Reform

Fiscal Code bill with BEF formula, PlanCon funding goes to the governor

PSBA is pleased to report that this week the General Assembly passed and sent to Gov. Tom Wolf a revised version of [House Bill 1589](#) (Rep. Causer, R-McKean) that amends the Fiscal Code to implement the bi-partisan Basic Education Funding Commission's recommended funding formula for 2015-16 and to provide reimbursement to districts for school construction projects. These issues were part of another Fiscal Code bill that the governor vetoed in March. The bill was passed by the Senate with a [vote of 37-11](#), and by the House with a [vote of 149-45](#). PSBA strongly supports the passage of House Bill 1589, and applauds the General Assembly for taking action. It is unknown at this time what action the governor will take on the bill. PSBA urges school officials to contact the [governor](#) and ask him to sign the bill.

The association believes that the BEF Commission's formula is fair and reliable, and will benefit school districts by using factors reflecting student and community differences such as poverty, local tax effort and capacity, enrollment growth and other important factors.

Regarding PlanCon funding, the bill authorizes a \$2.5 billion bond to provide for approved reimbursements to districts for school construction costs. The enactment of the PlanCon provisions is estimated to result in finance costs of approximately \$1.5 billion over 20 years for the bonds authorized assuming an interest rate of 5% on the bonds. The Commonwealth General Fund budget included a \$306 million appropriation for state reimbursements to school districts for approved construction costs in 2014-15. House Bill 1589 also establishes a Public School Building Construction and Reconstruction Advisory Committee to review and make recommendations related to the PlanCon program.

[Click here for details](#) under House Bill 1589. Provisions for education appear on page 5.

[Click here to read PSBA's letter of support for House Bill 1589.](#)

Meanwhile, the House started the 2016-17 state budget process by approving [House Bill 1999](#) (Rep. Adolph, R-Delaware) out of the Appropriations Committee. The bill in its current form is similar to the budget bill signed by the governor and is moving now solely for the purpose of being a vehicle for the actual budget provisions once they are negotiated.



Truancy reforms move forward in House and Senate

Legislation recommended by PSBA that provides significant reforms to the truancy system in Pennsylvania is moving in the House and Senate.

On the House floor for final consideration is [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.

Among its provisions, the bill 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. Charter and cyber charter schools must establish an attendance policy that addresses unexcused absences and must report unexcused absences directly to the PA Department of Education annually.

Similar but not identical legislation is moving in the Senate under [Senate Bill 359](#) (Sen. Greenleaf, R - Montgomery). The bill was amended on the Senate floor this week to clarify the process further, and align the law to reflect how things are done across the state.

Click here to read [PSBA's letter of support for House Bill 1907](#).

Click here to read [PSBA's letter of support for Senate Bill 359](#).

Click here to read [PSBA's Closer Look report on truancy released in February 2016](#).



PSBA supports Senate bill to provide school funding in the absence of a state budget

This week the Senate Education Committee reported out legislation supported by PSBA that would require the timely release of school funding of each year even if a state budget is not passed. The goal of the legislation is essentially the same as a [lawsuit](#) filed by the association in January 2016.

[Senate Bill 807](#) (Sen. Aument, R- Lancaster) establishes the Emergency Basic Education Subsidy Fund that would provide for payments to school districts when the state appropriation is not enacted by Aug. 15 of any fiscal year. Funding would be allocated on the payment schedule provided in the Public School Code at the previous year's amount until such time when an appropriation is enacted. If revenue estimates for the current year are less than the actual revenue from the previous year, the funding would be reduced on a pro rata basis.

The committee amended the bill to clarify that the emergency basic education funding shall only be utilized if a General Appropriation act providing for basic education funding is not enacted and clarifies that if the governor fails to certify revenues prior to the date on which a basic education funding payment is due, the Secretary of Revenue shall certify each time a transfer is needed.

[Click here to read PSBA's statement of support for Senate Bill 807.](#)

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House Floor Action

Mandatory Training for School Directors

The House amended [House Bill 1906](#) (Rep. Saylor, R-York) and re-referred the bill to the Appropriations Committee. The bill mandates initial and continuing training for school directors.

As originally introduced, the bill required the training programs to be offered by the PA Department of Education (PDE). The bill was amended on the House floor this week to gut the original language and insert provisions requiring PDE to

contract with PSBA to prepare and offer at no cost eight hours of mandated training for new school directors within the first year of their term, and four hours of mandated training within the first year of the term of each reelection. In preparing the programs, PSBA must consult with the Pennsylvania Association of School Business Officials. The bill does not preclude PSBA from offering other programs at an additional cost.

House Bill 1906 also gives PSBA the authority to approve alternative training programs that fulfill the requirements of the bill may be offered by school districts, intermediate units, postsecondary institutions and other statewide educational organizations.

In addition, charter school trustees are required to complete initial and advanced training programs prepared by PDE in consultation with statewide organizations representing charter school entities.

PSBA worked to modify and slow down the legislation and is still taking precautionary actions to deal with the creation of this mandate.

[Click here to read PSBA's letter to the committee.](#)

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Tax Rebate for Senior Citizens

The House passed [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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Approved by the House Education Committee

Committee Membership Changes

Rep. Mike Carroll (D-Luzerne) resigned as a member of the House Education Committee. Rep. Mike Schlossberg (D-Lehigh) resigned as a member of the House State Government Committee and was elected as a member of the House Education Committee.

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Recovery High School

The House Education Committee approved [House Bill 1827](#) (Rep. Taylor, R-Philadelphia) establishes a four-year recovery high school pilot program in Philadelphia for up to 20 students in grades 9-12 in recovery from substance abuse. The program would be housed in a licensed private academic school with experience in providing recovery services and follows the standards of the [Association of Recovery Schools](#). Funding for the students participating in the program would be shared between the school district of residence and the state. Beginning in the 2016-17 school year, the per-student regular education tuition

would be \$20,000 with annual adjustments. Students would be required to take state assessments (Keystone Exams), with the scores attributed to the school district for purposes of compliance with federal law.

The bill was amended to require the resident school district to issue a written notice to a parent or guardian approving or disapproving a request for a student to be enrolled in the recovery high school under the program within 30 days after a written request has been submitted.

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In God We Trust

The House Education Committee approved [House Bill 1640](#) (Rep. Dush, R-Jefferson) allows school districts to display the motto "In God We Trust" in each building. It may take the form of a plaque or may include artwork from a student contest.

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Senate and House Education Committees

Joint hearing on ESSA

The Senate and House Education Committee held a joint hearing with Education Secretary Pedro Rivera to discuss state implementation of the federal Every Student Succeeds Act (ESSA). The secretary provided an overview of the law and highlighted four main issues: assessments, accountability, educator certification, and educator evaluation. Sec. Rivera explained that the department must submit a state plan to the federal Department of Education detailing Pennsylvania's implementation strategy and emphasized that PDE will be engaged with the General Assembly and all stakeholders to craft the state plan. He said workgroups will be formed to address the four main areas of ESSA and affirmed that over the next six months PDE will keep the General Assembly and stakeholders updated on the development of the plan. Rivera said that legislators will be involved in the process but noted that federal law does not require the state plan to be approved by the General Assembly.

[Click here to see Sec. Rivera's testimony.](#)

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Approved by the House Finance Committee

Tax Collection Clarifications

The House Finance Committee approved [House Bill 245](#) (Rep. Dunbar, R-Westmoreland) amends the Local Tax Enabling Act (Act 5 11 of 1965) to clarify certain provisions related to the consolidated collection of local income taxes and delinquent taxes. The stated intent of the bill is to provide clarification that taxpayers with no income will not be required to file a local return, to insert clear and concise safe harbor language for estimated taxes, provide oversight of the local Tax Collection Committee, clarify tax withholdings for temporary job assignments, provide W2 reporting requirements, define non-resident, and provide that audits of taxes received and disbursed shall be on a calendar year basis only.

[Click here to see a detailed summary of the House Bill 245.](#)

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Passed by the Senate

Work Experience for High School Students with Disabilities

[House Bill 400](#) (Rep. Gingrich, R-Lebanon) requires the Office of Vocational Rehabilitation in the Department of Labor and Industry to facilitate the process of job and career development between school districts and employers to ensure the successful transition of high school students with disabilities into competitive integrated employment. The bill will return to the House for concurrence.

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PSBA News

PSBA now accepting proposals for the 2017 Legislative Platform

PSBA is now inviting your school board to submit proposals to be considered for the association's 2017 Legislative Platform. The platform is PSBA's official record of positions on legislative issues and is the guide for the association's advocacy efforts. It is reviewed and adopted annually by school directors.

The deadline for school boards to submit items for consideration is Thursday, June 30. It is not too early to bring this issue up for discussion at your next board meeting so that your items can be drafted, approved and submitted to PSBA by the deadline. School boards should focus on the section of the PSBA Platform containing the Core Legislative Principles and Supporting Concepts.

In addition, this year school directors will be invited to participate in a separate process to select PSBA's Legislative Priorities for the upcoming 2017-18 session of the General Assembly. More information on that process, which occurs every two years to coincide with the legislative session, will be available very soon.

[Click here for details and submission forms.](#)

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Pennsylvania School Boards Association

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