



Pennsylvania School Boards Association

legislative report

November 11, 2016

State election results bring 26 new legislators to the General Assembly



The 2016 general election was held this week, marking the end of a long campaign season. In the Pennsylvania General Assembly, all 203 seats in the House of Representatives were up for election and in Senate, one-half of the 50 seats were up for election (the odd-numbered seats). The upcoming 2017-18 legislative session will begin in January with 26 changes in membership, including 6 in the Senate and 20 in the House of Representatives.

In the state Senate, the Republicans were able to pick up three seats creating a veto-proof majority for a total of 34 Republicans and 16 Democrats from the current breakdown of 31 Republicans and 19 Democrats. The 6 new senators who will take office include 3 who beat incumbents and 3 who won open seats.

In the Pennsylvania House there was not much of a shakeup for incumbents. Only 3 incumbents were defeated in their bid for re-election while 11 open seats were filled and 6 newcomers who won their primary were unopposed in the general election. The House Republicans made gains and now sit at a 122-81 majority; prior to the election they held 119 seats to the Democrats 84 seats.

Congratulations to the state legislators who were supported by PSBA's EdPAC action committee; all will be returning to Harrisburg in January. [Click here](#) for a list of those legislators.

[Click here](#) for access for complete election results from the PA Department of State; go to the links under the "Offices" tab at the top of the page

PSBA releases recommendations for PlanCon improvements



This week PSBA released a new report containing the recommendations of its Workgroup for PlanCon Improvements that addresses concerns and needs of school districts regarding the state process for approval of school construction and renovation projects. The report of the workgroup, which included school directors, superintendents, architects and solicitors, is being shared with legislators, school officials and other stakeholders. In addition, the report will be shared with the state Public School Building Construction and Reconstruction Advisory Committee that is charged with recommending changes to the PlanCon process by May 15, 2017. PSBA has a seat on the advisory committee.

PSBA's workgroup report includes six recommendations that include the

following:

- The state must continue to play a role in providing reimbursements for school construction.
- PlanCon process should be reconstructed and consolidated.
- Schools should have more flexibility and local control in making project decisions.
- The state must increase its support for the review and response to school district applications.
- The state should simplify the reimbursement formula and update the factors used to drive the funds to schools.
- Moving forward, the state should be required to review (and modernize, when necessary) the process and rules for reimbursement on a regular timeframe.

Click here to read the [Recommendations of the PSBA Workgroup for PlanCon Improvements.](#)

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PSBA News

Caution to members receiving transgender information

Earlier this month, PSBA released an objective, unbiased update on recent developments in the courts relating to transgender issues, along with a collection of resources relating to the cases and other information. At about the same time, school board members around the state received an email message from an outside organization that advocates for policies prohibiting transgender persons from using sex-designated restrooms and other facilities consistent with their gender identity, and requiring them to use instead only unisex facilities or facilities consistent with their biological or birth gender. That email and the two documents attached to it purported to advise districts about their legal obligations.

PSBA urges great caution when reading statements from partisan organizations purporting to advise districts about their legal obligations or the status of the litigation over transgender issues. Boards also may receive similar letters from organizations advocating the opposite position, and should regard them with the same wariness.

The state of the law on this subject is unsettled and evolving rapidly, and it is not possible at this time to predict where it will end up, or which side will prevail. PSBA does not take sides on such matters, and focuses instead on providing districts with timely and objective assessments of where things stand, and the best way to avoid getting your school district sued while compassionately

addressing individual situations on a case by case basis. Do not let communications from organizations such as these fool you into thinking there is a clear path at this time for you to take action in the direction they favor. There is no such clear path at this time. You can assume that if you adopt a policy contrary to the May guidance from the U.S. Departments of Education and Justice you are inviting private Title IX and Equal Protection lawsuits: Several organizations stand ready to provide representation to transgender plaintiffs. If you have further questions, you and your solicitor are encouraged to contact the PSBA Legal Services Team for assistance.

The [Education Law Focus page on the PSBA website](#) is your best source of current, objective information on this topic.

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