



June 11, 2015

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PSBA Legislative Report

The General Assembly was in session this week, and will return to session on Monday, June 15.

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Top Stories

PSBA testifies on truancy issues

This week PSBA presented testimony to the Senate Education Committee regarding school truancy penalties and enforcement. Representing the association was East Stroudsburg Area SD Superintendent Sharon Laverdure and PSBA Deputy General Counsel Sean Fields. [Click here to read the testimony.](#) PSBA has been an active participant in curbing student truancy through representation on various workgroups and task forces related to the issue. The main points to be highlighted through the testimony of Fields and Laverdure include the following:

- * A “one size fits all” approach to truancy does not work. The needs and demographics all must be considered when developing an effective truancy policy or program.
- * Schools must develop partnerships with district justices, children-and-youth professionals and probation officers.
- * School-based solutions for early intervention should be developed by districts to help identify patterns of excessive absenteeism.
- * Schools should meet with parents or guardians through attendance conferences and create attendance improvement plans before a truancy citation is filed against the student or the student’s parents or guardian.

* Definitions related to truancy in the School Code should be clarified to help relieve any ambiguity districts may encounter.

BEF Commission report delayed

The Basic Education Funding Commission has extended the original June 10 deadline for the release of the commission's final report on a new formula for distributing basic education funding to Pennsylvania schools. This allows members of the commission the necessary time to continue to build on the positive and productive conversations taking place based on information gathered during the year-long hearings to reach a final consensus on a product that generates a fair distribution formula before making a recommendation to the General Assembly.

The 15-member commission has undertaken a comprehensive study of a number of factors and listened to a wide-range of testimony from experts and advocates in the education field over the past 11 months and 15 hearings throughout the state before arriving ultimately at a new formula. The Basic Education Funding Commission was established through Act 51 of 2014. The recommendations of the commission will not go into effect, however, without legislation approved by the General Assembly and signed by the governor.

PSBA looks forward to the recommendations of the BEF Commission and believes proper time should be allowed to create a funding formula that will be adequate, equitable and fair for all school entities. Pennsylvania has been without a funding formula for far too long. The process should not be rushed as the commission works daily toward a unified decision.

Senate Education Committee approves school takeover plan

This week the Senate Education Committee reported out [Senate Bill 6](#) (Sen. Smucker, R-Lancaster), legislation that establishes a state process designed to take over academically struggling schools by removing them from the governance of the local school board and transferring them to a new state entity that must take various recovery steps that largely include conversion to, or creation of, privately-operated charter schools. It was amended to establish a six-member community advisory committee that would provide recommendations to the school board and the ASD executive director regarding actions to be taken to the struggling school. The bill was approved with a vote of [8-2](#) and has moved to the Senate floor.

PSBA strongly opposes Senate Bill 6. Not only does it entirely remove the elected school board from operational decisions of a district school, but it requires the district to pay the bill for charter tuition costs for resident students that are transferred to new privately-operated charter schools converted or created by the ASD.

Bill moves to delay Keystone Exams as graduation requirement

The Senate Education Committee approved [Senate Bill 880](#), legislation that amends the School Code to delay the implementation of the Keystone Exams as a graduation requirement or a benchmark for the need to participation in a project-based assessment until the 2018-19 school year. Under new requirements, students in the class of 2017 must pass the Keystone Exams in algebra, literature, and biology, or an extensive project-based assessment, in order to graduate.

PSBA applauds the committee for moving this bill and believes it is appropriate to take a step back as a new funding system may be put into place. Two additional years would allow time to implement new funding changes as well as consider different approaches to assess the college and career readiness of students. It is the right time to more fully examine school funding inequities and how that impacts graduation requirements and what schools need in order to best prepare their students.

Latest News

Governor waives fees for volunteers seeking background checks; General Assembly continues talks on legislative changes

This week Gov. Wolf announced that fees for child abuse clearances and criminal background checks required by the Child Protective Services Law (CPSL) will be waived for volunteers working with children. These changes will take effect July 25, 2015.

Beginning July 1, 2015, volunteers are required to obtain background checks, including the Child Abuse History Clearance, issued by the DHS, and the Criminal History Record Check, issued by the PSP. Persons seeking employment for work with children and others required under the law will still be assessed fees for the clearances, but at a reduced cost of \$8 each. FBI clearances are also required for all employees and for volunteers who have not been a continuous resident of the commonwealth for the last 10 years, but because these are administered by the federal government current costs will continue to apply. More information about clearances required under the Child Protective Services Law can be found at www.keepkidssafe.pa.gov. Individuals seeking clearances can go directly to www.compass.state.pa.us/cwis to create an individual account and apply for their child abuse clearance electronically.

In making the announcement of the fee waiver, the governor credited the General Assembly for its ongoing bipartisan efforts with the Administration in an effort to develop needed clarifications to the Child Protective Services Law.

Those efforts include [House Bill 1276](#) (Rep. Watson, R-Bucks), which makes various clarifying changes to the CPSL to clarify law that was adopted in 2014 with respect to individuals required to obtain background checks and definitions, including “direct contact with children,” “independent contractor,” “person responsible for a child’s welfare,” and “school employee” and adds a definition for “routine interaction.” The bill was amended on the House floor this week to also include provisions that would waive the fees that volunteers must pay for background checks. The House is expected to continue discussion and consider final passage of the bill next week.

Last week, the Senate Education Committee approved [Senate Bill 862](#) (Sen. Lloyd Smucker, R-Lancaster), amends the Public School Code to align the requirements and timeframes for school employees submission of state and federal criminal history record checks and child abuse history clearances with the recent amendments to the Child Protective Services Law (CPSL). The bill is now in the Appropriations Committee.

PSBA supports all of these efforts and has been working with legislators and staff in both chambers to seek changes that clarify the intent of the CPSL and provide consistency for schools and their employees.

Other Senate and House action:

Local Tax Enabling Act -- The **House Finance Committee** approved [House Bill 1256](#) (Rep. Masser, R-Northumberland), which amends the Local Tax Enabling Act to update the calculation of the maximum Earned Income Tax (EIT) rate that may be utilized when a school district or municipality eliminates its occupation tax.. Currently, if a school district or municipality converts their occupation tax to an earned income tax, they are only permitted to generate the amount of revenue collected by the occupation tax in calendar year 2008 for municipalities and fiscal year ending in 2009 for school districts. This restriction is a disincentive for a school district or municipality to eliminate their occupation

tax. House Bill 1256 eliminates the need for the General Assembly to constantly update the Local Tax Enabling Act with respect to eliminating an occupation tax.

Work Experience for High School Students with Disabilities – The **Senate Labor and Industry Committee** approved [House Bill 400](#) (Rep. Gingrich, R-Lebanon), which requires the Office of Vocational Rehabilitation in the Department of Labor and Industry to provide pre-employment transition services to youth with disabilities and 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 requires the provisions of this act to take effect upon an initial appropriation that sufficiently covers the costs of the program. When that appropriation is enacted, the Office of Vocational Rehabilitation will publish notice in the Pennsylvania Bulletin. According to the Department of Labor and Industry, this legislation would cost approximately \$8.5 million annually.

June 30 is deadline for PSBA Platform submissions

The June 30 deadline is fast approaching for school boards to submit proposals to be considered for the association's 2016 Legislative Platform. All proposals will be reviewed by the PSBA Platform Committee on Saturday, Aug. 8 and receive final consideration by the PSBA Delegate Assembly on Tuesday, Oct. 13 in conjunction with the School Leadership Conference in Hershey. [Click here for guidelines on how to submit a platform item.](#) [Click here to read PSBA's 2015 Legislative Platform.](#)

On the Hill: Upcoming Meetings

Upcoming events currently scheduled include:

Monday, June 15

* **Rep. Seth Grove** (R- York) and **Sen. John Eichelberger** (R-Blair) will conduct a news conference calling for support for [House Bill 210](#) and [Senate Bill 694](#), PlanCon reform legislation that would revise the current approval process through the PA Department of Education (PDE) for state reimbursement for school construction projects under a new five-step process known as the Accountability and Reducing Costs in Construction Process, or ARCCon. *PSBA will be participating in the event.*

* The **House Education Committee** will consider [House Bill 1119](#) (Rep. Phillips-Hill, R-York), which establishes a mandate waiver program and allows public schools to satisfy many of their legal notice requirements by publishing notices on the public school's website; and [House Bill 1112](#) (Rep. Brown, R-Monroe), which requires The PA Department of Education to identify and suspend all unnecessary reporting mandates on public schools. PSBA supports these bills.

* The **House Appropriations Committee** will consider [House Bill 954](#) (Rep. Rapp, R-Warren), which prohibits the sale of e-cigarettes and related products to minors and prohibits the possession or use of nicotine products or e-cigarettes in school buildings, school buses or school property.

Tuesday, June 16

* The **Senate Judiciary Committee** will consider [House Bill 229](#) (Rep. Marsico, R-Dauphin), which amends the Crimes Code to create the offense of cyber harassment of a child. A person commits the crime of cyber harassment of a child if, with intent to harass, annoy or alarm, the person engages in a continuing course of conduct that involves communicating directly to a child by electronic means such as e-mail or by publication through an electronic social media service. This communication must include seriously disparaging statements or opinions about the child's physical characteristics, sexuality, sexual activity, or mental or physical health or condition; or threats to inflict harm.

Wednesday, June 17

* The **Public Employee Retirement Commission** will meet. Included on the agenda is a review of **House Bill 727** (Rep. Kampf, R-Chester) which would create a mandatory Defined Contribution (“DC”) plan for all future school employees. The new DC plans would include a 4% employer match and a mandatory employee contribution. House Bill 727 does not make any changes for current employees; and **House Bill 900** (Rep. McGinnis, R-Blair), which amortizes the current unfunded accrued liabilities and any new unfunded liabilities of the state and public school retirement systems over 29 years with level dollar funding.

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