



February 19, 2015
PSA Legislative Report

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The Senate was in session this week, and both the Senate and the House of Representatives will return to session on Monday, February 23.

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Top Stories

U.S. House Committee Passes ESEA Reauthorization Bill

(As reported by the National School Boards Association)

The House Education and the Workforce Committee recently considered legislation to reauthorize the Elementary and Secondary Education Act (ESEA). The committee passed an amended version of the Student Success Act (H.R. 5) after more than eight hours of debate. The bill was passed by a [party-line vote](#). The bill would revamp the 13-year-old No Child Left Behind Act, which has imposed unintended consequences on students and schools, rather than advance achievement in a comprehensive manner.

Section 6528 of H.R. 5 includes the provision advanced by NSBA that affirms local school board governance. This section states that the U.S. Secretary of Education “shall not (1) impose any requirements or exercise any governance or authority over school administration, including the development and expenditure of school budgets, unless explicitly authorized under [the] Act; (2) issue any regulation or non-regulatory guidance without first consulting with local stakeholders and fairly addressing their concerns; or (3) deny any local educational agency the right to object to any administrative requirement, including actions that place additional burdens or cost on the local educational agency.”

The [list of motions and amendments](#) (including the full text of amendments and roll call votes) is available. Below are a few highlights for amendments that are of interest to school boards:

Title I Portability: The Title I portability provision in Section 1128 of H.R. 5, “Title I Funds Follow the Low-Income Child State Option,” is included in the measure to allow public school choice. NSBA is concerned with this provision because it could impact resources between Title I schools and non-Title I schools. An amendment offered by Rep. Marcia Fudge (D-OH) during the markup to strike the Title I portability language, restore maintenance of effort requirements, and address comparability in resources to schools, was defeated by a party-line vote.

Voucher Amendment: Rep. Luke Messer (R-IN) introduced an amendment on private school choice. After the committee debated the issue, the amendment was withdrawn.

Adoption of the Amendment to Add Military Connected Students as a Subgroup: Rep. Joe Heck (R-NV) offered an amendment that would require state education agencies (SEAs) and local education agencies (LEAs) to report on achievement of military dependent students. This amendment was passed with bipartisan support. Ranking Member Robert Scott (D-VA) supported the amendment but expressed concern that additional funds are not provided for educating military dependent students. The amendment passed by a voice vote.

English Learners: Rep. Rubén Hinojosa (D-TX) raised an amendment that would increase the authorized funding levels for the English Language Acquisition (Title III) program. The amendment was not approved. Rep. Carlos Curbelo (R-FL) introduced an amendment that would exempt English language learners from being included in the accountability system for two years for math and three years for reading. This measure was passed by the committee with bipartisan support.

Title I Funding: Another amendment raised by Rep. Fudge to provide mandatory funding for Title I and the Individuals with Disabilities Education Act (IDEA) through the year 2021 was not approved. (The measure approved by the committee would authorize \$16.2 billion for Title I, Part A grants for each of Fiscal Years 2016 through 2021. Title I grants support student achievement efforts at roughly 90% of the 14,000 school districts across the nation.)

View [NSBA’s letter](#) prior to the mark-up.

Senate Passes Tax Exempt Status Bill Although Debate Continues

While acknowledging that debate on the issue continues, this week the Senate passed and sent to the House legislation that would allow the General Assembly to determine which properties qualify for tax exempt status. The bill passed with a [30-19](#) vote, with Republicans supporting the measure and Democrats opposed.

[Senate Bill 4](#) (Sen. Aument, R-Lancaster) is a joint resolution to amend the Pennsylvania Constitution to specify that the General Assembly, not the judiciary, has the exclusive right to set the parameters for an organization to qualify as a purely public charity and exempt from paying local property taxes. The bill would impact a 2012 Pennsylvania Supreme Court decision stating that the General Assembly does not have the sole authority to create standards to define purely public charities. That decision effectively negated provisions under Act 55 of 1997 that created standards for determining tax exempt status. Because Senate Bill 4 would amend the state Constitution, the proposal must pass in two consecutive legislative sessions before being decided by the voters via referendum. The proposal was already approved once by the General Assembly during the 2013-14 session. If it is passed by the House before the end of the summer, the provisions could be included on the ballot in the November election.

While moving the bill forward, the Senate Finance Committee also recently held a hearing to receive public input, and this week Sen. Scavella (R-Monroe) introduced [Senate Bill 446](#) that would establish a special legislative committee to study and make recommendations to address the definition and treatment of “purely

public charities” in Pennsylvania.

Auditor General Eugene DePasquale has urged careful consideration of the impact of the bill, noting that In December 2014 his office released a [special report](#) on the potential impacts that properties with tax exempt status have on the counties, municipalities, and school districts. The report found that more than \$1.5 billion in property tax revenue is potentially lost in the 10-county sample that was examined.

PSBA is working with Senate staff on these concerns and an evaluation of Act 55, and will continue to report on this issue.

Latest News

On the Hill: Upcoming Meetings

Upcoming events currently scheduled include:

Wednesday, February 25

* The **House Education Committee** will meet to consider these bills: [House Bill 530](#) (Rep. Reese, R-Westmoreland), **which would revise the funding formula for cyber charter schools and make other charter school reforms**; [House Bill 512](#) (Rep. Roebuck, D-Philadelphia), which would expand the Transfer and Articulation Program to include credits for matriculating freshmen who have taken Advanced Placement (AP) exams in high school with scores that qualify them for college course credits; and [House Resolution 102](#) (Rep. Saylor, R-York), which authorizes the establishment of a select subcommittee on Technical Education and Career Readiness to study and make recommendations by Nov. 2016 concerning career training programs.

Tuesday, March 3

* Gov. Wolf will present his 2015-16 state budget proposal to the General Assembly. PSBA will be providing members with complete coverage of the spending plan, including a **complimentary webcast briefing on March 4 from noon – 1:30 p.m.** by Acting Education Secretary Pedro Rivera. [Click here to register to attend the live event or to join by webconference.](#)

* The **House Finance Committee** will conduct an informational meeting to discuss priorities and issues of counties, municipalities and school districts. PSBA will be presenting testimony at the meeting.

Budget Hearings

- * **Monday, March 16** -- The House Appropriations Committee will meet with the Department of Education.
- * **Monday, March 23** -- The Senate and House Appropriations Committees will conduct separate hearings with the Public School Employees Retirement System.
- * **Monday, March 30** -- The Senate Appropriations Committee will meet with the Department of Education.

Register Now for PSBA Advocacy Forum, April 19-20

Plan to attend PSBA’s Advocacy Forum, April 19-20. Day One of the event includes sessions at PSBA offices in Mechanicsburg with legislators, Acting Education Secretary Pedro Rivera, staff from the National School Boards Association and special guest (via Skype) Diane Ravitch. Day Two is at the Capitol in Harrisburg. [Click here to see the agenda and speakers, and to register.](#)