



February 26, 2015

PSBA Legislative Report

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*The Senate and House of Representatives were in session this week and will return on Monday, March 2.*

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### Top Stories

#### **Gov. Wolf Presents State Budget Plan Next Week - **JOIN US for a webcast!****

Next Tuesday, March 3, Gov. Wolf will unveil his first state budget proposal before a joint meeting of the Senate and House of Representatives. **PSBA will be providing members with complete coverage of the governor's 2015-16 spending plan, including a special Legislative Report on March 3, and a webcast briefing on March 4 by Acting Education Secretary Pedro Rivera.** [Click here to register to attend the live event or to join by webconference.](#) Following the governor's budget address, the Senate and House Appropriations Committees will convene hearings on specific components of the proposal. The Department of Education will meet with the House Appropriations Committee on Monday, March 16, and with the Senate Appropriations Committee on Monday, March 30. The Senate and House Appropriations Committees will conduct separate hearings on March 23 with the Public School Employees Retirement System to discuss the governor's budget proposal.

#### **PlanCon Bill Moves Toward Final Passage**

This week the House of Representatives moved PlanCon reform legislation under [House Bill 210](#) (Rep.

Grove, R-York), setting the stage for final passage of the measure in the chamber.

House Bill 210 is the re-introduction of PlanCon reform legislation from the previous session. The bill would reform 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. The changes under House Bill 210 will address the backlog for current construction projects and future construction projects awaiting reimbursement.

House Bill 210 was amended on the House floor to include criminal and terrorist attacks under the definition of emergency reasons for a construction project. House Bill 210 was then re-referred to the Appropriations Committee for further consideration before heading back to the House floor for a final vote. PSBA applauds Rep. Grove for his continued work to assist school districts waiting for reimbursement and to get the needed reforms enacted.

### **House Education Committee Approves Charter Reform Bill**

This week the House Education Committee approved [House Bill 530](#) (Rep. Reese, R-Westmoreland), a charter school reform measure that contains provisions similar to legislation that was considered by the General Assembly in the previous legislative session. The bill was passed with no amendments with a vote of 15-10, with Republicans supporting the measure, and Democrats opposed. PSBA will be working with staff as the bill moves forward. [Click here to see PSBA's detailed description of House Bill 530.](#)

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## **Latest News**

### **Senate Action This Week**

**State Board of Education Appointments** – The Senate approved the re-appointment of James Agras to the State Board of Education, and the new appointment of Nicole M. Carnicella Novitsky, D.M.D. to the board.

### **The Senate Finance Committee approved:**

**Purely Public Charities/Tax Exempt Status -- [Senate Resolution 28](#)** (Sen. Scavello, R-Monroe) creates a Select Committee on Institutions of Purely Public Charity to study and work with various stakeholders to determine whether additional legislation is needed regarding the determination of purely public charities that receive property tax exemptions. The committee would have one year from its creation to report its findings. Sen. Scavello introduced a similar measure as [Senate Bill 446](#). The Senate Finance Committee's action follows last week's Senate passage of [Senate Bill 4](#) (Sen. Aument, R-Lancaster) which 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.

### **The Senate State Government Committee passed:**

**Collection of Union Dues (“Paycheck Protection”)** – The Senate State Government Committee approved [Senate Bill 500](#) (Sen. Wagner, R-York), which is a joint resolution to amend the Pennsylvania Constitution to prohibit the Executive Department and school districts from making payroll collections of dues, fees and political contributions. A provision in a collective bargaining agreement which authorizes collection in violation of prohibition would be voided. The bill is now in the Appropriations Committee. The committee also approved [Senate Bill 501](#) (Sen. Eichelberger, R-Blair), which repeals certain provisions of the Administrative Code and the Public Employee Fair Share Fee Law to prohibit a public employer from deducting political contributions, fair share fees or membership dues from the wages of a public employee, except as required by a valid collective bargaining agreement between a public employer and its employees prior to the effective date of the act.

**The Senate Public Health and Welfare Committee approved:**

**Youth Vaccinations** – [Senate Resolution 27](#) (Sen. Kitchen, D-Philadelphia) directs the Advisory Committee on Public Health Law of the Joint State Government Commission to study the issue of youth vaccinations to determine whether any amendments should be made to state law. The committee's recommendations would be due in 12 months.

**House Action This Week**

**The House passed:**

**Cyberbullying** – PSBA supported [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.

**Property Tax Reduction** -- [House Bill 147](#) (Rep. Maloney, R-Berks) would allow for the elimination of residential school property taxes via the homestead exclusion. The bill proposes to amend the state Constitution by modifying the Uniformity of Taxation Clause and changing the ability of a taxing authority to move the exemption from 50% of the median assessed value to 100% of the assessed value of each homestead property within a local taxing jurisdiction. The state Constitution does not exempt property from real estate taxation; however, it does permit the General Assembly to grant exemptions within specific guidelines. An amendment to the Constitution approved by the voters in November 1997 added the exemption from the uniformity clause allowing an exclusion level of 50% of the median assessed value.

**Truancy Penalties** -- PSBA supported [House Bill 141](#) (Rep. Killion, R-Delaware), which would give judges more flexibility in penalizing parents convicted in school truancy cases. Current law allows the parent or guardian of a truant child to be sentenced to pay a fine of \$300 and court costs or attend parental education classes. Failure to meet those penalties results in being sentenced to a county jail for a period of up to five days. House Bill 141 adds community service as an alternative to the current requirement to complete a parenting education program. Jail time may be considered, but not required, if fines are unpaid, or programs or community service are not completed. The definition of habitually truant is clarified to mean more than three consecutive days following the first notice of truancy given within a 12-month period.

**Emergency Day Flexibility**-- PSBA supported [House Bill 158](#) (Rep. Peifer, R-Pike) allows the secretary of education to issue weather, safety or health related emergency declarations under which school entities can be given additional flexibility to satisfy the 180 instructional days per school year requirement. The options under the bill would allow a school board to approve a school year with a minimum of 900 hours of instruction at the elementary level and 990 hours of instruction at the secondary level in lieu of 180 days, or to schedule additional instructional days on not more than one Saturday per month to complete the minimum hour or day requirements. Nothing in the bill would supersede any provisions of a local collective bargaining agreement.

**The House Education Committee approved these bills:**

**College Credit for AP Scores** -- [House Bill 512](#) (Rep. Roebuck, D-Philadelphia) 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.

**Study of Career Training Programs** -- PSBA supported [House Resolution 102](#) (Rep. Saylor, R-York) authorizes the creation of a subcommittee on Technical Education and Career Readiness to study and make recommendations concerning career training programs. The committee will investigate existing science,

technical, engineering and mathematics (STEM) schools and vocational-technical programs and develop proposals to promote career pathways to meet existing employment needs. Rep. Seth Grove (R-York) will be the chairman of the new subcommittee that will make its report by November 2016.

### **New Report Shows Budget Problems Worsening for School Districts**

This week the Pennsylvania Association of School Administrators (PASA) and Pennsylvania Association of School Business Officials (PASBO) released an update to their annual budget survey, which shows that challenging situations are getting worse in schools statewide. According to the report, school districts overwhelmingly implemented last spring's projected budget cuts, staff reductions, and tax hikes in their final spending plans for fiscal year 2014-15. Ninety-nine percent of respondents project more of the same or worsening fiscal conditions in 2015-16. Survey results include statistics on mandated costs, local property tax increases, staff and programmatic reductions, academic programs, class sizes, extracurricular activities, and delayed progress in other services. The report calls on the General Assembly to commit to enacting an adequate, predictable and research-based school funding system [Click here to read the report.](#)

### **Commonwealth Court to Hear Arguments in School Funding Lawsuit**

On Wednesday, March 11, the Commonwealth Court of Pennsylvania will hear oral arguments in a school funding lawsuit which challenges the legislature's failure to adequately support and maintain Pennsylvania's public school system. The suit was filed on Nov. 10, 2014 by the Education Law Center of Pennsylvania and the Public Interest Law Center of Philadelphia on behalf of six school districts, seven parents, and two statewide associations against legislative leaders, state education officials, and the governor for failing to uphold the General Assembly's constitutional obligation to provide a "thorough and efficient" system of public education. [Click here for more information.](#)

### **On the Hill: Upcoming Meetings**

*Upcoming events currently scheduled include:*

#### **Tuesday, March 3**

\* 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.*