

CCSBLC Meeting Summary

Wednesday, October 27, 2021

6:30 to 8:00 p.m.

Members in attendance:

1. Blake Emmanuel, CCSBLC Co-Chair, School Director, Phoenixville Area School District
2. Bill Wood, School Director, Avon Grove School District
3. Mary Garrett Itin, School Director, Tredyffrin-Easttown School District
4. Kate Shaw, West Chester Area School District
5. Dave Kronenberg, Kennett Consolidated School District
6. Joyce Houghton, Downingtown Area School District
7. Wendy Litzke, Great Valley School District

Absent: Melissa Booth, CCSBLC Co-Chair, School Director, Owen J. Roberts School District; Erin Talbert, Unionville-Chadds Ford School District; Eric W. Owens, School Director, Oxford Area School District; Dr. Will Stout, Superintendent, Owen J. Roberts School District; Lisa Yelovich, School Director, Octorara Area School District; Rachel Gibson, School Director, Downingtown Area School District; Dr. George F. Fiore, Executive Director, CCIU; Mary Jeanne Curley, Director of Communications and Learning Solutions

CCIU Staff in Attendance: Melissa Smith, Assistant Director of Communications and Learning Solutions; Tonia Farnum, Communications Manager; and Haley Taylor, Communications Specialist

1. Melissa Smith, Assistant Director of Communications and Learning Solutions started the meeting at 6:32 p.m. Blake Emmanuel welcomed everyone, and members introduced themselves.
2. Melissa Smith, Assistant Director of Communications and Learning Solutions provided an update on the transportation issue due to staffing shortages. Several legislative options were discussed including extending PennDOT's operational hours for CDL licensing, PennDOT identifying 375,000 people who have an existing CDL to apply for bussing positions and reminding school districts that they can allocate the use of ESSER dollars to offset costs of parents transporting their students. Local initiatives were also discussed such as identifying those individuals who live in Chester County with a current CDL license who have expressed interest in becoming a bus driver. That information was shared with each Chester County School District's business office.
3. Melissa Smith, Assistant Director of Communications and Learning Solutions, discussed current legislative topics.
 - a. PSBA notice regarding leaving NSBA, Transportation Update and the COVID Booster Clinic.
 - i. HB 1332 – Posting School Curriculum
 1. The bill amends the School Code to require public school districts to publish on their websites all curriculum that will be taught for each grade and for each subject area, so parents can review the lessons and textbooks in advance of the school year.
 - a. The bill was amended in the House.
 - i. academic standards to be achieved,
 - ii. instructional materials,
 - iii. assessment techniques and
 - iv. course syllabus for each

- instructional course
 - b. Require posting of all curriculum information no later than 30 days after a new or revised curriculum has been approved, and
 - c. Make the chief school administrator or his/her designee responsible for compliance with the requirements.
 - 2. The bill was passed in the House along party lines, with all Democrats opposed.
 - 3. The bill was referred to Senate Education Committee where it was reported as amended.
 - a. The amendment limited the scope of bill to require only the posting of textbooks, syllabus or written summary of each instructional course and state academic standards.
 - 4. If the bill passes the Senate, it will need to go back to the House for a concurrence vote.
 - 5. The Governor previously indicated that he would veto if it came to him, but now uncertain.
 - b. Voucher Bills and Charter Schools
 - i. **SB 733 - Education Opportunity for All**
Provides vouchers to just about all special education students currently enrolled in a public school, and then in subsequent years to all special education students currently enrolled in a public school, and any students who have already received a voucher. It provides no funding mechanism other than the money will be deducted from the district's state money. Eligible students include students with IEPs, GIEPs, 504 plans, students in foster care, students who parents are active in the armed forces, students who have been adopted in the past year, and students with other eligible medical conditions.
 - ii. **HB 1 – Learning Pods and Charters**
 - 1. Learning pods shall be exempt from provisions related to staff ratios, regulatory provisions of the Department of Human Services, and certain building or fire codes.
 - 2. Provides for agreements between institutions of higher education and charter schools.
 - 3. Establishes the requirements of charter school entities and duties and restrictions related to the entities' administrators.
 - 4. Provides for restrictions related to charter school board of trustees' members and for an independent audit committee.
 - 5. Establishes that a charter school entity shall have the right of first refusal to purchase or lease a public-school building and provides criteria for a charter school operating at more than one location.
 - 6. Provides for funding allocations to charter school entities and limitations on tax credits.
 - 7. Establishes the Education Opportunity Account Act and the Education Opportunity Account Program and eligibility requirements.
 - c. Proposed Rulemaking – Charter School Reform
 - i. The proposed regulation #6-349 concerns ethics law compliance, resolution of unpaid bills, application process, and transparency (audits, financial operations). It does NOT address the funding issue.
 - ii. Official notice of the Governor's proposed regulations on charter schools was published on Friday, September 17 in the [*Pennsylvania Bulletin*](#), with a 30-day public comment period ending October 18.
 - iii. <http://www.irrc.state.pa.us/regulations/RegSrchRsIts.cfm?ID=3326>

- iv. The reform is with the House and Senate Education committees where they will have 10 days to review. IRRC comments are due by November 17. Once the IRRC process has begun it is hard to stop, so the regulations will most likely go through.

d. Proposed Regulations

- i. **Charter school applications requirement:** Establishes requirements for applications to open a charter school, allowing school districts authorizing brick and mortar charter schools and the Pennsylvania Department of Education (PDE) authorizing cyber charter schools to hold the schools to high academic, fiscal and administrative standards, ensures charter schools will equitably serve all students; and provides consistent application expectations.
- ii. **Non-discriminatory enrollment policies:** Requires charter schools to post their non-discrimination enrollment policy on their website and in the student application so families and taxpayers know how admission preferences are considered and weighted.
- iii. **Boards of Trustees ethics standards:** Clarifies that charter school trustees are subject to the state's Public Official and Employee Ethics Act, addresses conflicts of interest, and sets penalties for violations. The same requirements already apply to school districts.
- iv. **Financial and auditing standards:** Requires charter schools to use common accounting principles and auditing standards as school districts already do. This will make reviewing annual reporters and financial records easier for school districts and PDE.
- v. **Redirection process clarification:** Outlines the process to reconcile disputes over school district payments to charter schools for student tuition.
- vi. **Charter school employee health care benefits parity:** Ensures charter school staff have adequate health care. The charter school law requires charter schools provide the same health care benefits as the authorizing school district. The regulation clarifies that when a charter school serves more than one school district, the school district in which the charter school's administrative office is located is the district of comparison.

4. Legislative update presented by Melissa Smith, Assistant Director of Communications and Learning Solutions.

a. Senate Education Committee

i. **SB 786– Open Campus**

The bill would amend Article 15-G of the Public-School Code to include charter schools, regional charter schools, and cyber charter schools as school entities permitted to participate within the Open Campus Initiative. By authorizing charter schools to participate, school districts would have the ability to partner with a charter/cyber charter schools to offer courses and curricula that they may not currently offer without the need for students to enroll in the charter/cyber charter school. A cost would be incurred only if participating schools choose to have a charter/cyber charter teacher oversee and manage the course. The program would be voluntary. An amendment to the bill defines school entity and further clarifies that a participating cyber charter school may provide digital course content free of charge but must share information on a negotiated fee if a negotiated fee is established to provide staff, technology, digital course content, curriculum materials and other services requested by a participating school entity for cyber courses. *Passed Senate 29/20 and Referred to House Education.*

ii. **It's on Us Bill Package**

On October 18, Gov. Wolf announced a bill package to reduce sexual violence

on college campuses. It includes the following bills and is part of the It's on Us campaign started in 2016. *Introduced and referred to Senate & House Education committees.*

1. Gov. Wolf highlighted legislation that would further the “It’s on Us” mission:
 - a. SB 730 and HB 1489, the “Yes Means Yes” bills (higher ed);
 - b. HB 1699 extend protections for victims of sexual assault;
 - c. SB 785 and HB 1490 require schools to give preventative sexual violence education to students (Grades 6-12); and
 - d. SR 122 and HR 108 create a task force studying sexual assault, dating violence, domestic violence and stalking (grades 6-12 and postsecondary institutions).
- iii. **SB 603– Lyme Disease**

The bill would establish a standard protocol when a tick is found on a child during the school day. The bill would require school officials to notify parents about the tick removal and the symptoms of Lyme disease. An amendment added to the bill would require schools to preserve the tick for the parent or guardian to send to the Tick Research Lab of PA for testing or, upon request, send it directly to the lab and share results with the parents or guardian. *Passed Senate 48/1. Referred to House Education.*
- b. House Education Committee
 - i. **HB 1660 – Emergency Powers**

Amends the Public School Code, in duties and powers of boards of school directors, limiting a school district's temporary emergency powers from four years to 60 days beginning with the 2021-22 school year and each school year thereafter when an emergency results in five consecutive days of being unable to provide in-person instruction. Requires a majority vote by the school board directors and a public hearing if an extension is necessary. An amendment has been filed to the bill that would reduce the votes needed to approve temporary emergency provisions from a 2/3 vote to a simple majority. Another part of the amendment would reduce the actual emergency provision from 60 days to just 21 days, and the amendment language (still unclear) may restrict that to only one extension. *The bill passed in House 114/82 on September 22; Sent to Senate Education Committee (SEC). The bill was passed over in SEC.*
 - ii. **DOH Order on Masking in Schools**

The DOH issued the school masking order utilizing the authority of the state’s Infectious Disease Act. The Senate sent a letter to another, very obscure, committee – the Committee on Documents – concerning the DOH’s authority. The Committee on Documents upheld the DOH’s ability to enact emergency orders. *House Health Committee will be appealing the decision to Commonwealth.*
 - iii. **HB 272 (Rep. Ciresi) and SB 27 (Sen. Williams) – Fixing Pennsylvania’s Charter School Law to Protect Kids and Taxpayers:**
 1. Mirrors the Governor’s proposed reforms.
 2. Establishes performance standards that hold charter schools accountable for the educational outcomes of students and a moratorium on new cyber charter schools.

3. Caps student enrollment in low performing cyber charter schools until outcomes improve.
 4. Requires charter management companies be subject to the Right to Know Act, State Ethics Act, and post employee salaries on PDE's website, similar to requirements already in place for public school districts.
 5. Creates fair, predictable, and equitable funding for school districts, including in the areas of special education funding and cyber charter tuition payments.
- iv. **HB 1685 (Rep. Topper): Charter School Accountability and Modernization Act:** The legislation will address several provisions in the Charter School law, but not funding, and reduces oversight. Provisions include:
1. Outlines ethical requirements for charter schools.
 2. Allows charter school entities to administer their standardized tests
 3. **Reinstates the Charter School Reimbursement line-item in the 2021-22 state budget to offset the financial impact that school districts have felt with nearly 170,000 students now enrolled in public charter schools.**
 4. Encourages collaboration between school districts, charter schools, career and technical centers, intermediate units and post-secondary institutions by removing structural barriers in the law that stifle the sharing of innovative practices, cost-saving initiatives and professional development/diversification strategies.
 5. Standardizes the process for the creation of new charter schools, renewing charter agreements and amending charter agreements. This includes standard applications and timelines to ensure equity and predictability for school districts and public charter schools.
 6. Clarifies the enrollment process and procedures.
 7. Provides public charter schools with greater autonomy to determine where their students are educated and the configuration of their school buildings.
 8. Allows school districts, brick-and-mortar charter school and regional charter school to offer virtual instruction without being required to establish a cyber charter school. *Discussed during recent Senate Education Committee hearing on October 20. Set on the Tabled Calendar for today.*
- c. Tracked Legislative Updates: the following legislation is being followed:
- i. **SB 603: Lyme Disease Education & Parent Notification**
The bill would establish a standard protocol when a tick is found on a child during the school day. The bill would require school officials to notify parents about the tick removal and the symptoms of Lyme disease. An amendment added to the bill would require schools to preserve the tick for the parent or guardian to send to the Tick Research Lab of PA for testing or, upon request, send it directly to the lab and share results with the parents or guardian. The bill is not scheduled for consideration in the House Education Committee this week, but they could still meet off the floor to move the bill forward. *Passed the Senate, 48-1.*
 - ii. **SB 224: Teacher Certification Reciprocity**
The bill would simplify the process for out-of-state teachers to obtain certification in Pennsylvania by allowing an out-of-state candidate who has completed any state-approved educator preparation program (which includes field placement/student teaching) from an accredited institution of higher education to be eligible for a comparable in-state instructional certification. The

bill also would require PDE to recognize and accept out-of-state candidates' qualifying scores on equivalent content tests toward PDE's testing and certification requirements. Further, the legislation would grant Pennsylvania certification to any candidate who holds a valid certificate issued by the National Board for Professional Teaching Standards. We expect the bill to fly through the process in the House. *Passed the Senate, 48-0.*

iii. **SB 859: School Bus Safety**

The bill extends regulations regarding the school bus stop arm camera enforcement program for two additional years. The additional two years will give Gov. Wolf additional time to propose permanent regulations for the program. *Signed into law as Act 80 of 2021.*

iv. **HB 1013: High School Transcripts**

The bill requires the inclusion of Career Technical Education (CTE) certifications on a student's high school transcript beginning in the 2020-21 school year. Reported as amended. Passed unanimously in the House (201/0); first and second consideration in the Senate. *Laid on the Table pursuant to Senate Rule 9.*

d. Tracked Legislative – No Activity:

i. **SB 1 – Excellence in Education for All**

Provides no charter/cyber charter school funding reform, creates a highly partisan charter school commission; removes language that charter schools are not permitted to teach religious instruction with language that states charter schools are not permitted to teach religious instruction in their facilities; increases the EITC from \$185,000,000 to \$300,000,000 in 2021-22 and then provides an automatic 25% increase every year thereafter whenever 90% or more of available tax credits in a year are used. *Set on Senate Calendar October 27.*

ii. **SB 73: School Mandate Waiver Program**

Reinstitute the mandate waiver program similar to the program which operated from 2000 to 2010. The program would allow public schools to apply to the Department of Education for a waiver of many state-imposed mandates. PDE can approve a waiver if the public school can prove that its instructional program will improve or the school will operate in a more effective, efficient, or economical manner. The application would require supporting data showing the benefits to the waiver. *Referred to Senate Appropriations.*

iii. **SB 733 Education Opportunity for All**

Provides vouchers to just about all special education students currently enrolled in a public school, and then in subsequent years to all special education students currently enrolled in a public school, and any students who have already received a voucher. It provides no funding mechanism other than the money will be deducted from the district's state money. Eligible students include students with IEPs, GIEPs, 504 plans, students in foster care, students whose parents are active in the armed forces, students who have been adopted in the past year, and students with other eligible medical conditions.

iv. **SB 552 (Sen. Dush, R-Jefferson) – Vexatious requestor**

Creates a new process by which agencies may petition the Office of Open Records (OOR) for relief from a vexatious requester. Vexatious requesters are individuals who use the RTKL with malicious intent to intimidate, harass, or punish an agency, which results in bogging down the agency and wasting taxpayer resources. *Reported from committee on April 27; Passed the Senate on 9/22/21 (34/15); Sent to House State Government.*

v. **SB 312 (Sen. Brooks, R-Mercer) Fees for commercial requests**

Permits agencies such as school districts and local governments to charge

reasonable fees which can be assessed for the search, review, and compilation of records which are requested for commercial purposes. Currently, the law only allows to charge for duplication and mailing costs. Introduced and referred to Senate State Government Committee. *Reported from committee on April 27; First consideration; set on Senate Calendar for May 26. Laid on the table pursuant to Senate Rule 9.*

vi. **HB 404: Children’s Mental Health Ombudsman**

The bill establishes a statewide children’s mental health ombudsman. This ombudsman will have the authority to:

1. advocate on behalf of children with mental health disorders;
2. identify barriers to effective mental health treatment;
3. monitor compliance with laws pertaining to children’s behavioral health services; and
4. receive, investigate and attempt to resolve complaints regarding violations by regulated entities and government agencies that may have an adverse effect upon the health, safety, welfare or rights of children.

The ombudsman would receive complaints, and annually provide to the governor and legislature an analysis of patterns in the complaints and make recommendations for legislation, policy or programmatic changes related to the protection of the rights of children with mental health disorders. This bill has been around for several sessions, and interest in both this bill and in HB 409 is likely sparked by the widespread discussion about the impact of the pandemic on students’ mental health. *Set on the Tabled Calendar.*

vii. **HB 409: Mental Health Clearinghouse**

The bill would establish a mental health care services clearinghouse to serve as a publicly accessible registry of mental health care resources available across the Commonwealth and to assist school personnel in connecting families to community mental health resources. It also would allow school personnel to learn about and take advantage of existing programs and resources for their schools. We understand that the introduction of this bill was precipitated by local concerns about the availability of information regarding mental health services and programs. It would place that information in a centralized, accessible place. *Passed the House unanimously, referred to Senate Health and Human Services.*

e. Enacted Legislation: the following legislation was enacted during the month of September.

i. **Act 26 of 2021 (June 2021) formerly SB 381: Substitute Teacher Program.**

The bill would make permanent the provisions of Act 86 of 2016, created an opportunity for prospective educators to serve as substitute teachers for a limited time by allowing schools, intermediate units and area career and technical schools with the option to utilize individuals training to be teachers to serve as a substitute teacher, provided the individual has valid clearances and at least 60 credit hours. The temporary program was set to expire on June 30.

ii. **Act 65 of 2021 (June 2021) formerly SB: 554 Sunshine Act**

Requires that agencies make their meeting agendas available to the public. Once the agenda has been finalized and posted for the public, the agency may not take any official action on any item that is not listed on the notice, except in emergency situations or to consider matters that are de minimis in nature. *Passed the Senate; First consideration in the House; set on the House Calendar.*

iii. **Act 66 of 2021 (June 2021) formerly SB 664: Optional Year of Education**

The bill would allow parents the option to have their child repeat a grade level during the 2021-2022 school year due to COVID-19. The bill also would extend that option to parents of special education students, specifically allowing

students, who may have reached 21 years of age on or after the issuance of the proclamation of disaster emergency, to continue to be enrolled in school for the remainder of 2021-2022 school year. SB 664 was passed by the Senate, 48-0. *It passed out of the House Education Committee; passed the House as Amended.*

iv. **HB 365: School Code Edits; approved**

The bill amends the School Code to update outdated terminology regarding students with disabilities to conform with modern usage. This bill was introduced last session. Passed the House (200 to 1); referred to Senate Education Committee. First and Second Consideration; rereferred to Senate Appropriations Committee. *Passed in Omnibus Education Bill.*

v. **HB 412: Substitute Teacher Flexibility; amended and approved**

The bill amends the School Code to provide school entities with day-to-day substitute teacher by providing that an individual holding a day-to-day substitute permit issued by the Department of Education or by a chief school administrator may serve as a day-to-day substitute in any certificate area for a period not exceeding 20 days of substituting for a professional employee and require a long-term substitute permit issued by the PDE or chief school administrator. The bill also allows an individual holding a day-to-day substitute permit to serve as a day-to-day substitute for more than one professional employee within a school year, even if the individual serves as a substitute for more than 20 cumulative days and eliminates the sunset date for prospective teachers to substitute teach. As amended in committee, the bill extends the inactive certification to be valid for 180 days. Passed the House (201 to 0); referred to Senate Education Committee. Reported from SEC; First and Second Consideration; rereferred to Senate Appropriations Committee. *Passed in Omnibus Education Bill.*

5. Roundtable Discussion

a. Reviewed the top priorities from the 2018-19 CCSBLC Survey

i. Discussed verbiage concerns for newly elected and re-elected officials.

1. A copy of the survey should be sent to current CCSBLC members to review and revise the content for November's meeting.
2. A November – January timeline for the new survey was agreed upon. This will give current members the opportunity to provide their feedback while also giving newly elected members the privilege to provide their feedback.

b. Scheduled Sessions:

i. Senate:

1. **November: 15, 16, 17**
2. **December: 13, 14, 15**

ii. House:

1. **November: 8, 9, 10, 15, 16, 17**
2. **December: 13, 14, 15**

iii. Upcoming meetings

6. Upcoming meeting: November 24, 2021 (Thanksgiving Eve)

7. The meeting was adjourned at approximately 7:25 p.m.