



CHESTER COUNTY LEGISLATIVE UPDATE

September 22, 2021

CCSBLC

Meeting Agenda

1. Welcome and Introductions
2. Legislative Issues
 1. Fall Session Outlook
 2. HB 1660 – Emergency Orders and Masking
 3. Charter School Reform
 1. Proposed Regulations
 2. Proposed Legislation
3. Legislative Update
 1. Education Committee Updates
 2. Tracked Legislation Updates
4. Roundtable Discussion
 1. Transportation
 2. Level Up Resolution
 3. CCSBLC Chair
 4. CCSBLC Survey
 5. Upcoming Meetings



Political Outlook - Fall 2021

Redistricting – Emergency Orders – Elections – Vaccinations





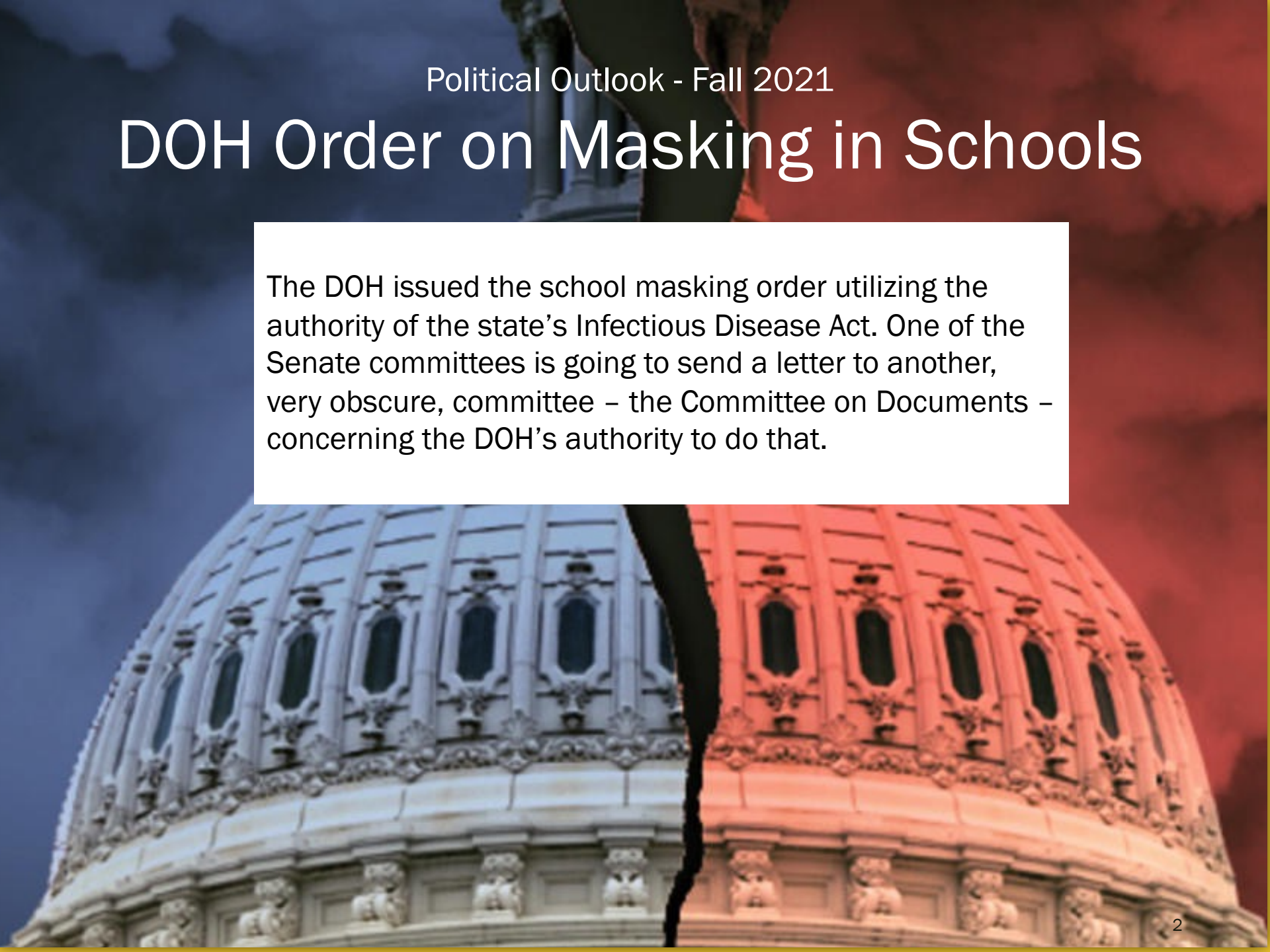
Political Outlook - Fall 2021

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. Effective in 60 days.

The bill passed 114/82 on September 22; now goes to the Senate.



Political Outlook - Fall 2021

DOH Order on Masking in Schools

The DOH issued the school masking order utilizing the authority of the state's Infectious Disease Act. One of the Senate committees is going to send a letter to another, very obscure, committee – the Committee on Documents – concerning the DOH's authority to do that.

Proposed Rulemaking – Charter School Reform

The proposed regulations concern ethics law compliance, resolution of unpaid bills, application process, and transparency (audits, financial operations). It does NOT address the funding issue.

Official notice of the Governor's proposed regulations on charter schools was published on Friday, September 17 in the [*Pennsylvania Bulletin*](#), and the PDE is now accepting public comment for 30 days (due October 18). Interested persons are invited to submit written comments, questions, suggestions, commendations, concerns or objections regarding this proposed rulemaking to the Division of Charter Schools at <mailto:RA-EDCharterRegs@pa.gov>

<http://www.irrc.state.pa.us/regulations/RegSrchRsIts.cfm?ID=3326>

Proposed Rule Making

The proposed regulations clarify six areas of Pennsylvania's Charter School Law:

- 1. 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.
- 2. 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.
- 3. 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.
- 4. 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.
- 5. Redirection process clarification:** Outlines the process to reconcile disputes over school district payments to charter schools for student tuition.
- 6. 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.

Competing Charter School Reform Bills

HB 272 (Rep. Ciresi) and SB 27 (Sen. Williams) – Fixing Pennsylvania’s Charter School Law to Protect Kids and Taxpayers:

1. Establishes performance standards that hold charter schools accountable for the educational outcomes of students and a moratorium on new cyber charter schools.
2. Caps student enrollment in low performing cyber charter schools until outcomes improve.
3. 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.
4. Creates fair, predictable, and equitable funding for school districts, including in the areas of special education funding and cyber charter tuition payments.

HB 1685 (Rep. Topper): Charter School Accountability and Modernization Act

The legislation will address several provisions in the Charter School law, including:

1. *Strengthens the ethical requirements for charter schools.*
2. *Allows charter school entities to administer their standardized tests*
3. ***Reinstating 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.*

Enacted Legislation

- **Act 26 of 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.
- **Act 65 of 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.
- **Act 66 of 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
- **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. **Passed in Omnibus Education Bill.**
- **HB 412: Substitute Teacher Flexibility; amended and approved.** The bill amends the School Code to provide school entities with day-to-day substitute teachers 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 in Omnibus Education Bill.**

Tracked Legislation

- **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 for September 27.*

- **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.*

- **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. Referred to Senate Appropriations.*

- **Senate Bill 552 – 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); now moves to the House.*

- **Senate Bill 312 – 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 September 27.*

Tracked Legislation

- **HB 404: Children's Mental Health Ombudsman.** *The bill establishes a statewide children's mental health ombudsman. This ombudsman will have the authority to:*
 - *advocate on behalf of children with mental health disorders;*
 - *identify barriers to effective mental health treatment;*
 - *monitor compliance with laws pertaining to children's behavioral health services; and*
 - *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.***
- **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, referred to Senate Health and Human Services.***
- **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, set on Senate Calendar 9/27/21.*

CCSBLC Discussion Topics

1. Transportation Issues and Legislative Solutions
2. Level Up Resolution
3. CCSBLC Chair
4. CCSBLC Survey
5. Upcoming Meetings

Calendar

1. Scheduled Session Days

– **Senate:**

- *September: 27, 28, 29*
- *October: 18, 19, 20, 25, 26, 27*
- *November: 15, 16, 17*
- *December: 13, 14, 15*

– **House:**

- *September: 27, 28, 29*
- *October: 4, 5, 6, 25, 26, 27*
- *November: 8, 9, 10, 15, 16, 17*
- *December: 13, 14, 15*

2. Next CCSBLC Meeting: October 27, 6:30 – 8 p.m. via Zoom at CCIU Educational Service Center in Downingtown