



CHESTER COUNTY LEGISLATIVE UPDATE

November 2021

CCSBLC

Meeting Agenda

1. Welcome - Co-Chairs Blake Emmanuel and Melissa Booth
2. CCSBLC Member Recognition – Dr. George Fiore
3. CCSBLC Chair Election - Co-Chairs Blake Emmanuel and Melissa Booth
4. Non-Partisan School Board Legislation – Bill Wood
5. Judicial Update – Mary Curley
 1. Masking Orders
6. Legislative Update – Mary Curley
7. Legislative Issues Survey – Mary Curley
8. Upcoming Events & Meetings:
 - a. School Governance Webinar, December 15
 - b. CCSBLC Meeting, December 22
 - c. Act 55 School Board Training
 - a. Monday, January 31
 - b. Saturday, February 5
9. Round Robin



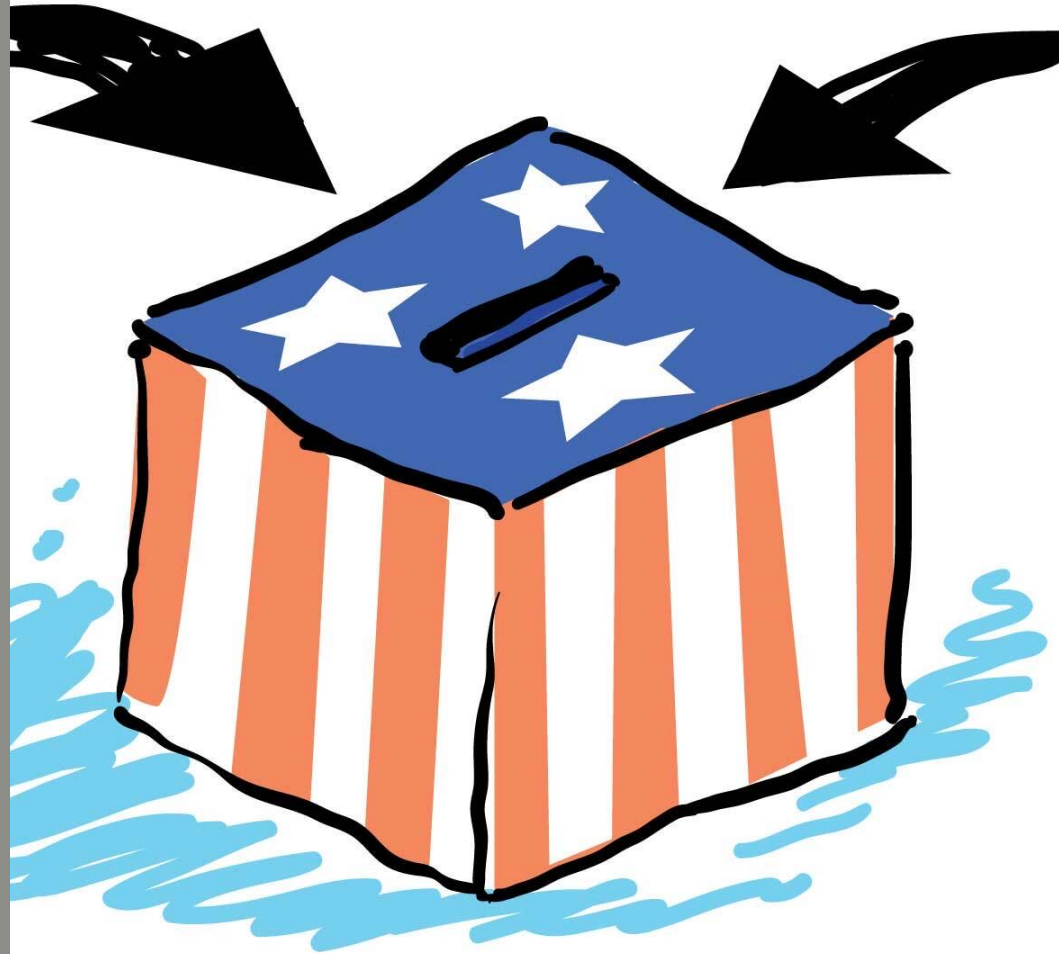
BLAKE, ERIC, MELISSA
& MARY GARRETT

Thank You

CCSBLC Election

Nominees for
Council Chair:

William Wood
Avon Grove



Judicial Update

School Masking Orders:
On again, off again, on again

Pennsylvania Supreme Court
December 8



November Legislative Activity

- **Act 84 of 2021 (formerly HB 416) First Aid Training**
The act amends the School Code to require school nurses to complete a Department of Health approved online course of instruction or in-person training for school nurses regarding management of a student with seizures that includes information about seizure recognition, a seizure action plan and related first aid. The act also requires the Department of Health to make available to school staff training via an approved course in seizure recognition for continuing education credit. Effective the 2022-23 school year.
- **HB 1041: Homeschool Students:** passed by the House, 136-41. The bill requires a school district to develop policies and procedures to permit a child who is enrolled in a home education program to participate, on the same basis as other students enrolled in the school district, in any cocurricular activity that merges extra-curricular activities with a required academic class, including, but not limited to, band or orchestra, must permit a child who is enrolled in a home education program to take up to four academic courses at a time, and must allow a home schooled student to participate in a career and technical education program on the same basis as other students enrolled in the school district, provided they meet requirements.

The bill was amended in the House as follows: allows for homeschooler enrollment “pursuant to the policies and procedures of the school district of residence,” as would be applied to other students enrolled in the district; requires the student to comply with all policies, rules and regulations or their equivalent of the district of residence; requires the student to be included in the ADM of the district calculated by counting the time the student spends in the school program on a pro rata basis; provides that, for enrollment in CTs, districts can consider enrollment consistent with seat allocation agreements between districts or consistent with policies and procedures in a district operated CT program.

November Legislative Activity

- **HB 2069:** Approval of Regulations: Approved by the House State Government Committee, with all Democrats voting in opposition. The bill is a joint resolution proposing an amendment to section 9, Article III of the Constitution of Pennsylvania exempting the disapproval of a regulation by the General Assembly from the presentment requirement for the Governor's approval or disapproval. The bill prohibits the Independent Regulatory Review Commission from approving a proposed regulation if the General Assembly opposes it. Constitutional amendments require approval in two consecutive legislative sessions and then approval by the voters through a referendum.
- **HB 2070:** Executive Orders: Approved by the House State Government Committee, with all Democrats voting in opposition. The bill is a joint resolution that would amend the PA Constitution by adding a new section stating that any executive order or proclamation issued by the Governor, which purports to have the force of law, may not be in effect for more than 21 days, unless extended by concurrent resolution of the General Assembly. Constitutional amendments require approval in two consecutive legislative sessions and then approval by the voters through a referendum.
- **HB 1660:** School Board Authority: amended and approved by the Senate Education Committee, with all Democrats voting in opposition. The bill amends the School Code to curtail the authority of the school board concerning temporary emergency provisions. Beginning with the 2021-2022 school year and each school year thereafter, the bill would allow a school board of directors to put into operation temporary emergency provisions for 60 days when an emergency results in five consecutive days of being unable to provide in-person instruction. If an extension is necessary, after 60 days, the bill would require another two-thirds vote by the school board directors and a public hearing.

November Legislative Activity

- **HB 2013:** Refusal of Medical Procedures: Approved by the House Health Committee, with all Democrats voting in opposition. The bill is a joint resolution proposing a constitutional amendment that adds the following “Right to medical freedom. The right of an individual to refuse any medical procedure, treatment, injection, vaccine or prophylactic shall not be questioned or interfered with in any manner. Equality of rights under the law shall not be denied or abridged to any person in this Commonwealth because of the exercise of the right under this section.” Constitutional amendments require approval in two consecutive legislative sessions and then approval by the voters through a referendum.
- **HB 2077:** Vaccine Exemptions: Approved by the House Health Committee, with all Democrats voting in opposition. The bill provides exemptions to the COVID-19 vaccine mandate if certain conditions are met.
- **SB 937:** COVID Vaccines: approved by the Senate Education Committee, with all Democrats voting in opposition. The bill would prohibit COVID-19 vaccine mandates for children and as a condition for entry into K-12 schools.
- **SB 471:** COVID Vaccines: Approved by the Senate Health & Human Services Committee, with all Democrats voting in opposition. The bill would prohibit the Commonwealth or any political subdivision from mandating that an individual receive a COVID vaccination; enacting any rule, ordinance or order that would require a vaccine forbid the Commonwealth or any political subdivision from taking an action which would result in an individual being required to submit to a vaccination, including as a condition of employment, access to education, the ability to travel, entry to a public place or contracting with a State agency or political subdivision. In addition, a vaccination offered by the Commonwealth as part of a mass vaccination effort may only be provided to individuals who consent to receiving the vaccination, without coercion, after receiving full information of all known ingredients, risks and benefits prior to the vaccination.

Employers would be prohibited from taking any adverse employment action against an individual who declines a vaccination, including, but not limited to, termination, suspension, involuntary reassignment, unpaid leave, demotion, harassment or coercion. If an employer violates the provisions of this paragraph, an aggrieved employee shall have the right apply for and receive unemployment benefits. Further, an individual may not be discriminated against, denied entrance, service, the ability to purchase goods or receive medical care or to participate for refusal to accept a vaccination, and a citizen may not be forced or coerced to sign a vaccination declination waiver that is condemning, self-incriminating or does not properly express the citizen's beliefs.

November Legislative Activity

- **HR 152: School Bus Drivers:** Adopted by the House, 152-48. The resolution urges the Congress of the United States, the United States Department of Transportation and the Governor of the Commonwealth of Pennsylvania to take action on the nationwide school bus driver shortage.
- **SB 247: Religious Garb in Schools:** Approved by the House Education Committee unanimously. The bill would repeal Section 1112 of the School Code, which prohibits a teacher from wearing any garb, mark, emblem or insignia that would indicate he or she is a member of or adherent to any religious order or sect while in the performance of their duties as a teacher. A teacher who violates this ban must be suspended from teaching for a term of one year, or permanently disqualified from teaching after multiple offenses. Furthermore, under current statute, a public school director can be held criminally liable for failing to enforce this prohibition. The bill passed the Senate in March, 48-0.
- **SB 324: Foster Children & Graduation:** Approved by the House Education Committee unanimously. The bill requires a receiving school entity to designate a point person for the homeless and foster students. The receiving school entity would be required to make accommodations for homeless and foster students, including but not limited to providing alternative or modified courses for those students if the school entity chooses not to waive a course required for graduation. Should the student not be able to meet criteria for graduating from that school entity despite exhaustive and multiple alternatives but the student has been determined to meet basic graduation requirements as provided in the School Code, the PDE may issue to the student a statewide secondary school diploma, known the Keystone Diploma. Passed the Senate June 50-0.

November Legislative Activity

- **SB 786: Open Campus Program Expansion:** Approved by the House Education Committee, with all Democrats voting in opposition. 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. The bill passed the Senate in October, 29-20, mostly along party lines

November Legislative Activity

- **HB 1642: Tuition Payments:** Passed the House and reported out of the Senate Appropriations Committee (no floor action). The bill amends the School Code to increase the number of schools/students eligible to participate in the Economically Disadvantaged School program. The bill provides an extensive expansion of tuition scholarships under EITC and OSTC
 - *Recipients who are enrolled in an Economically Disadvantaged School eligible for supplemental tax credit scholarships provided to students enrolled in schools that have been deemed economically disadvantaged under the EITC law*
 - *Lowers the threshold for a school to be considered an Economically Disadvantaged School from 75% or more of its students who must be EITC or OSTC recipients to 51%, thus expanding those eligible*
 - *Allows eligible elementary and middle school students to receive up to \$2,000, and eligible high school students to receive up to \$4,000, thus expanding the current amount of \$1,000*
 - *Creates a funding formula to ensure that all students eligible to receive funding in the Economically Disadvantaged Schools program will be able to receive the full scholarship amount for which they are eligible.*
- **SB 527: EITC Increase;** on the House Education Committee schedule but passed over. The bill would automatically increase the Educational Improvement Tax Credit (EITC) and Opportunity Scholarship Tax Credit (OSTC) caps by 25% each Fiscal Year when at least 90% of the respective available tax credits are claimed in the previous Fiscal Year. PASA opposes any bill that diverts to private and sectarian schools with no taxpayer accountability or transparency revenues that should go to the General Fund and the support of state obligations, including funding for public education.

November Legislative Activity

- **SB 931:** Educational Tax Credits: approved by the Senate Education Committee, with all Democrats voting in opposition. The bill would revise the current definition of household income for the EITC and OSTC programs to explicitly state that payments received from any governmental agency as a result of the pandemic cannot be included in calculating one's household income when determining eligibility. In addition, the bill would revise the current definition of "school-related fees" under the context of the EITC and OSTC programs to allow for the use of program dollars for dual enrollment courses. PASA opposes any bill that diverts to private and sectarian schools with no taxpayer accountability or transparency revenues that should go to the General Fund and the support of state obligations, including funding for public education.
- **SB 932:** Educational Tax Credits: approved by the Senate Education Committee, with all Democrats voting in opposition. The bill would revise the current definition of household income to explicitly state that payments received from any governmental agency as a result of the pandemic cannot be included in calculating one's household income when determining eligibility. In addition, the bill would revise the current definition of "school-related fees" under the context of the EITC and OSTC programs to allow for the use of program dollars for dual enrollment courses. PASA opposes any bill that diverts to private and sectarian schools with no taxpayer accountability or transparency revenues that should go to the General Fund and the support of state obligations, including funding for public education.

November Legislative Activity

- **SB 934:** School Posting: Approved by the Senate Education Committee, with all Democrats voting in opposition. The bill would require the posting of the preamble to the Pennsylvania Constitution in the entrance of every school building where state funding is provided to the district or institution of higher education.
- **SB 935:** School Posting: Approved by the Senate Education Committee, with all Democrats voting in opposition. The bill would require the posting of the preamble to the United States Constitution in the entrance of every educational facility that accepts Commonwealth tax dollars.
- **HB 1829:** Work Permits for Minors: Approved by the Senate Labor & Industry Committee unanimously. The bill amends the Child Labor Act to permanently suspend the requirement for minors seeking a work permit to sign the permit in the presence of issuing officer. This legislation allows the issuing officer to conduct the examination via video conferencing software.

Non-Education Related

- **SB 565:** Concealed Carry: passed by the House 107-92, with all Democrats voting in opposition. The bill repeals provisions relating to permits required for carrying a concealed weapon and instead provides citizens the ability to obtain an optional License to Carry a Firearm (LTCF) permit that is valid throughout Pennsylvania and would provide for carrying firearms in other states. On the Governor's Desk. He has until 12/2/21 to veto or sign.
- **HB 846:** Daylight Savings Time: approved by the House State Government Committee, 15-9. The bill would permanently place Pennsylvania on Eastern Standard Time.

Tracked Legislation – No Recent Activity

- **SB 603: Lyme Disease Education & Parent Notification; passed the Senate, 48-1.**
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
- **SB 224: Teacher Certification Reciprocity; passed the Senate, 48-0.**
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.
- **SB 859: School Bus Safety; signed into law as Act 80 of 2021.**
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.
- **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.

Tracked Legislation – No Recent Activity

■ 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 26.

■ 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.

■ Senate Bill 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.

■ Senate Bill 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.

Tracked Legislation – No Recent Activity

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.**

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.**

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. *Passed the Senate; First consideration in the House; set on the House Calendar.*
- **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. SB 664 was passed by the Senate, 48-0. It passed out of the House Education Committee; passed the House as Amended.
- **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*
- **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*

Calendar

School Board Training

- *School Board Governance, December 15*
- *Act 55 Training, January 31 and February 5*

CCSBLC Upcoming Meetings:

- *December 22*



Calendar Session Days

An aerial photograph of the U.S. Capitol building in Washington, D.C. The image shows the iconic white dome and the surrounding grounds, including the reflecting pool, the grounds of the Supreme Court, and the grounds of the Library of Congress. The Capitol building is the central focus, with its white marble facade and the large dome. The surrounding area is green with trees and lawns, and there are some roads and parking areas visible. The image is taken from a high angle, looking down on the building and the surrounding area.

Senate:

January 4, 18, 19, 24, 25, 26
February 7, 8, 9
March 28, 29, 30
April 4, 5, 6, 11, 12, 13
May 23, 24, 25
June 6, 7, 8, 13, 14, 15, 20, 21,
22, 23, 24, 27, 28, 29, 30

House:

January 10, 11, 12, 24, 25, 26
February 7, 8, 9
March 21, 22, 23, 28, 29, 30
April 11, 12, 13, 25, 26, 27
May 23, 24, 25
June 7, 8, 9, 13, 14, 15, 20, 21,
22, 23, 24, 27, 28, 29, 30
September 12, 13, 14, 19, 20, 21
October 24, 25, 26
November 14, 15, 16