

Chester County School Board's Legislative Council

Meeting Notes – August 26, 2020

Members in attendance:

1. Blake Emmanuel, Co-chair, Phoenixville Area School District
2. Bonnie Wolff, Avon Grove Area School District
3. Stacy Stone, Tredyffrin-Easttown School District;
4. Dave Kronenberg, Kennett Consolidated School District
5. Erin Talbert, Unionville-Chadds Ford School District
6. Dr. Eric Owens, Oxford Area School District
7. Rachel Gibson, Downingtown Area School District
8. Brian Fox, Octorara Area School District

Absent: Melissa Booth, Co-chair, Owen J. Roberts School District; Joyce Houghton, Downingtown Area School District; Lisa Bowman, Octorara Area School District; Wendy Litzke, Great Valley School District; Kate Shaw, West Chester

CCIU Staff in Attendance: Mary Jeanne Curley, Melissa Smith, Dr. Danielle Schoeninger, Maureen Linahan, Tonia Farnum and Anthony Saraceno

1. Blake Emmanuel, Co-chair, called the meeting to order.
2. Dr. Danielle Schoeninger and Maureen Linahan, gave an update on the Presentation: Families First Coronavirus Response Act (FFRCA)
 - a. Paid Leave Type
 - i. Effective April 1, 2020; expires December 31, 2020.
 - ii. The Families First Coronavirus Response Act (FFCRA) requires employers to provide two forms of paid leave to assist employees impacted by COVID-19.
 1. Emergency Paid Sick Leave (EPSL)
 2. Emergency Family and Medical Leave (EFMLA)
 - b. Access to FFCRA
 - i. FFCRA leave which includes EPSL and EFMLA is accessible when:
 1. An employee is unable to perform their assigned duties due to specific qualifying COVID-19-related reasons
 - ii. Provides up to two weeks paid sick leave for employees who are unable to work AND who meet one of the qualifying reasons related to COVID-19.
 - iii. If an employee is less than full time, they are allowed up to two weeks of FFCRA COVID days off based on their FTE.
 1. .6FTE will have available 6 days
 2. .42 will have available 4.2 days, etc.
 - c. Qualifying Reasons
 - i. Employee is subject to a governmental quarantine or isolation order.

- ii. Employee has been advised by a health-care provider to self-quarantine.
 - iii. Employee is experiencing symptoms of COVID-19 and seeking medical diagnosis.
 - iv. Employee is caring for any individual who is subject to government or self-quarantine.
 - v. Employee is caring for their own son or daughter because the child's school or childcare provider is closed.
- d. Emergency Paid Sick Leave Act (EPSL)
- i. Leave is paid at:
 - 1. 100% for qualifying reason 1, 2, or 3 (listed below); up to \$511/day and \$5,110 total.
 - a. Employee is subject to a governmental quarantine or isolation order.
 - b. Employee has been advised by a health-care provider to self-quarantine.
 - c. Employee is experiencing symptoms of COVID-19 and seeking medical diagnosis.
 - ii. Leave is paid at:
 - 1. Two-thirds of an employee's regular pay for qualifying reason 4, and 5 (listed below); up to \$200/day and \$2,000 total.
 - a. Employee is caring for any individual who is subject to government or self-quarantine.
 - b. Employee is caring for their own son or daughter because the child's school or childcare provider is closed.
- e. Emergency Family Medical Leave (EFMLA)
- i. Care for the employee's own child under 18 years if school or place of care has been closed, or the childcare provider is unavailable due to COVID-19.
 - ii. Available to employees who have been employed for at least 30 days (they do not have to meet the FMLA test of 1250 hours).
 - iii. If an employee has been on leave in the last 12 months cannot exceed a total of 12 weeks in a 12-month period.
 - iv. Employers must provide the employee with leave under the EFMLA: the first 10 days unpaid and up to an additional 10 weeks paid leave.
 - 1. Employee may use 10 FFCRA paid days for first two weeks
- f. If an Employee Doesn't Qualify
- i. Employees who do not qualify under FFCRA or EFMLA can request:
 - 1. Regular FMLA for their serious health condition or to care for a family members serious health condition.
 - 2. Regular FMLA requires employed for at least one year and worked at least 1250 hours in previous 12 months and worked.

3. FMLA provides job protection and benefits same as active employees.
or
 4. Unpaid leave of absence.
 5. Unpaid leave of absence does not provide job protection and requires employees to continue health insurance at their own cost under COBRA.
3. Mary Jeanne Curley, gave an update on the USDA Waiver
 - a. Extended to September 30, 2020 or the first day of school.
 - b. Allows schools to:
 - i. Provide food at non-district sites;
 - ii. Provide food on weekends; and
 - iii. Provide food without the child showing up in person and provide a PIN.
 - c. A CCIU will go from providing food to 750 to 1,000 + children a week to 300 a week.
 - d. Request the waiver be extended until at least in-person classes resume.
 - e. Blake Emmanuel, Co-chair, informed the CCSBLC that she has crafted a letter asking for an extension to the USDA Waiver and is asking that member districts who are interested in signing-on to the letter please consider doing so.
 4. Mary Jeanne Curley gave a legislative update
 - a. **Limited Liability for Pennsylvania Schools.**
 - i. Request the Governor issue a proclamation of limited liability protection for public school districts prior for the 2020-21 school year for perceived or unintentional exposure to COVID-19.
 - ii. Similar to what was given to the medical community.
 - iii. Schools are not asking for protection of willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the safety of individuals.
 - iv. Schools are seeking limited liability coverage that will ensure that as school leaders who work within the guidance issued by the Departments of Health and Education, the CDC, PDE and the Governor's office are protected from increasing liability insurance costs and litigation during a time when school resources are already limited.
 - v. Although school entities do have governmental immunity, schools do have concerns that litigation will be brought in one of the eight exemptions areas.
 5. Mary Jeanne Curley continued the legislative update
 - a. **HB 2807 - Cyber Charter Enrollments:** Caps cyber charter school enrollment during the current public health crisis and limits cyber charter enrollment to students who were enrolled in cyber charter school as of July 1.

- b. **HB 2787: Sports in 2020-21:** Amends the School Code by adding a new section providing the governing authority of a school entity or nonpublic school to have the exclusive authority to determine whether to hold school sports activities, including competitions, intramural play and scrimmages and other in-person extracurricular activities during the 2020-21 school year. The bill also requires a school entity to develop an athletic, health and safety plan addressing school sports and other in-person extracurricular activities and provides for the content of the plans.
- c. **HB 2788: Option for Additional Year:** Amends the School Code to allow a parent for the 2021-22 school year to elect to have a child repeat a grade level to make up any lost educational opportunities during the 2019-20 and 2020-21 school years, regardless of whether the child met the requirements to be promoted to the next grade level. The bill extends that option to include participation in all academic or extracurricular activities. Schools will be required to create a process for a parent to make the election and to post the process on its publicly accessible website. The bill also provides a twelve-month extension of secondary school attendance, free of charge, for a student aged 20 to 21 before the governor's disaster emergency proclamation or renewal.
- d. **SB 1216: Certification Flexibility:** Provides temporary certification flexibility for up to one year (expiring June 30, 2021) as follows:
 - i. Allow the Pennsylvania Department of Education (PDE) to issue a temporary certificate to individuals that have completed all of their teacher preparation requirements except their final assessment (i.e. praxis).
 - ii. Allow PDE to issue an exceptional case permit for current educators who are unable to take their assessment to move from an Instructional I certificate to an Instructional II certificate.
 - iii. Allow PDE to issue a temporary certificate under limited circumstances for individuals who were seeking to add on a certification (physical education/health, cooperative education and special education are exempted). Individuals will have to provide proof to PDE that their assessment was cancelled.
 - iv. Waive requirement for undergraduate sophomores to take the basic skills exam. This test is required for teacher preparation programs.
 - v. Extends the deadline for paraprofessionals to satisfy staff development requirements.
 - vi. Creates a transition period for the Special Education-PK-8 and Special Education-7-12 certifications.
- e. **HB 364: Stopping for School Buses; signed into law as Act 38 of 2020.** The act establishes a civil violation and fines for the enforcement of failure to stop for a school bus with flashing red lights, with some of each fine going to the school district; and, in other required equipment, adding that school vehicles may be equipped with a permanently affixed or removable yellow flashing or revolving light, as determined by regulation, and provides for the use of stop-arm cameras. The bill also provides limitations of photographs and recorded video images used for

identification, provides for the affidavit and prosecution process, and provides for the duties of school districts and police departments.

- f. **SB 869: Moment of Silence:** reported by the Senate Appropriations Committee. The bill would require school districts to conduct a moment of silence in Pennsylvania schools annually coinciding with the anniversary of 9-11 and would provide for voluntary in-service training concerning the requirement.
- g. **SB 1125: Delayed Tax Payments: signed into law as Act 75 of 2020.** The bill would allow individual school districts the option to extend their property tax discount periods and their base periods, as well as remove penalties for payments through June 30, 2021. School boards would need to adopt a resolution for this purpose.
- h. **HB 703: School Board Emails:** passed by the House, 200-2. The bill requires email addresses of local school board members to be posted on their district's website. The bill was amended to require similar publication for members of the board of trustees of charter schools.
- i. **SB 836: EKG Testing: signed into law as Act 73 of 2020.** The bill amends and codifies into the School Code Act 59 of 2012, the Sudden Cardiac Arrest Prevention Act, to require information be provided to student athletes regarding electrocardiogram testing and require that students and parents be notified of the option to request the administration of an electrocardiogram in addition to the standard physical examination. The Act requires a parent/guardian the option to request from the family's medical provider the administration of an EKG, in addition to the comprehensive initial pre-participation physical examination, but at a cost to be incurred by the parent or guardian.
- j. **HB 360: Employee Clearances: signed into law as Act 18 of 2020.** The bill extends the deadline for fingerprinting recertification to December 31, 2020.
- k. **PDE Guidance on the Keystone Exams:**
 - i. The Federal government is not requiring any student enrolled in a Keystone Exam trigger course (Algebra I, Biology, English Literature) during the spring of the 2019-20 school year, regardless of their current grade level or expected graduation date, to take the associated Keystone Exam(s) once schools reopen and federal assessment requirements resume.
 - ii. Because Keystone Exams scores are "banked" for accountability purposes and applied in grade 11, this waiver will affect students enrolled in grades other than grades 11 and 12, including as low as grade 6.
 - iii. Students who took the Keystone Exams during the 2019-20 school year prior to the pandemic (i.e., summer 2019 or winter 2020) may use those results to satisfy their individual Act 158 requirements and for any local purposes.
 - iv. However, because 2019-20 school year cohort results will not be comparable with prior or future years results, these results will not

be factored into future accountability determinations such as cyclical Comprehensive Support and Improvement (CSI).

- v. In accordance with Act 158, statewide graduation requirements take effect with the class of 2022. Act 158 provides five options for meeting graduation requirements: (1) Keystone Proficiency Pathway, (2) Keystone Composite Pathway, (3) Alternate Assessment Pathway, (4) Evidence-Based Pathway, and (5) Career and Technical Education Pathway.

6. CCSBLC Updates & Questions

a. **CCSBLC Meetings**

- i. Wednesday, September 23, 2020
- ii. Wednesday, October 28, 2020
- iii. Wednesday, November 25, 2020
- iv. Wednesday, December 23, 2020

b. **Equity Summit**, September 30, 2020

- i. 6:00 – 8:00 p.m.
- ii. Heather Bennett, PSBA
- iii. CCSBLC members in attendance were in favor of proceeding with this event.

c. **Legislative Briefing**, January 2021

- i. CCSBLC members voted to pursue a January 2021 date.

7. Blake Emmanuel, Co-chair, adjourned the meeting at approximately 7:45 p.m.