



CHESTER COUNTY LEGISLATIVE UPDATE

June 2021

CCSBLC

Meeting Agenda

1. Welcome and Introductions
2. Level Up Resolution - District Updates
3. Legislative Update
 1. Budget Update
 2. Education Committee Updates
 3. Tracked Legislation Updates
4. Roundtable Discussion
5. Next Meeting – In Person:



Budget Update: What We are Hearing

- Getting Close and Sharing Numbers
 - 6% overall increase of the State Budget
 - BEF \$300 million increase
 - BEF level funded in 20-21
 - \$600 million increase in unfunded mandates for 20-21
 - Estimated \$400 million increase in unfunded mandates for 21-22
 - No dollar figure on SEF
 - Senate has scheduled Saturday as a voting day
- Bills are well positioned to finalize the budget over the weekend or early next week.

School Code Bill: What We are Hearing

- SB 1 – (Excellence in Education for All) has stalled
 - *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. or early next week.*
- SB 733 (Education Opportunity for All) has stalled
 - *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.*
- What might be included:
 - **SB 351: Community Engaged Schools.** *The bill would create a pilot program in which schools can be designated as a Community Engaged School by the Secretary of Education. The school will then appoint a program manager to implement a community engagement plan and to serve as the point of contact to facilitate the relationship between the school and community. Passed the Senate June 8.*
 - **HB 1533: ARP ESSR Funding:** *The bill amends the School Code to require public school entities to develop a systemic, multi-year strategy to deliver accelerated learning opportunities that support students' academic, social, and emotional needs, at no cost to families. The bill further requires that accelerated learning programs are provided via in-person instruction (except for cyber charter schools). HB 1533 in its current form would dictate how public schools must spend their ESSER 20% set aside for learning loss and control who district's hire for these services, which PASA believes is a violation of federal law, usurps local control, and is another overreach by the legislature. PASA believes that those funds are an agreement between school officials and the federal govern.*

Senate Education Committee

1. Approved nomination of Noa Ortega as Secretary of Education. Nomination now moves to the full Senate.
2. SB 729 Ward, Judy (F) - (PN 831) Amends the Nurse Aide Resident Abuse Prevention Training Act, providing that curriculum content for an approved nurse aide training program may be delivered in class, in person, online or via asynchronous, virtual reality or other digital delivery mechanism, or in a blended format. Establishes that clinical requirements must be completed in an approved clinical setting. Provide for reporting requirements for the department. Effective in 60 days. - The bill was unanimously reported as committed.
3. SR 144 Aument, Ryan - (PN 926) Concurrent Resolution establishing the 2030 Commission on Education and Economic Competitiveness. - The resolution was unanimously reported as committed. The resolution would create a bicameral, 18-month commission on education and economic competitiveness that would study the challenges of the Pennsylvania system, learn from approaches to systematic redesign across the globe, and create innovative policy recommendations for the commonwealth. HB 1013 Gleim, Barbara - (PN 1052) Amends the Public School Code, in preliminary provisions, further providing for Keystone Exams and graduation requirements. Provides that by no later than the beginning of the 2021-22 school year, an industry-recognized credential attained by a student shall be included on the student's transcript. Also provides a definition of "industry-recognized credential." Effective in 60 days. - The bill was unanimously reported as committed.

House Education Committee

1. **HB 1446: Extra Year of Education.** The bill amends the School Code to allow students who are aging out of special education the ability to opt-in to an additional year of educational support and services. The bill also would allow school districts to utilize state and federal dollars to cover the cost of the additional year rather than local funds. HB 1446 is similar to SB 664, which was amended and approved by the House Education Committee on May 26 but has not yet come up for a vote on the House floor. The difference is that HB 1446 is limited to students aging out rather than all students with IEPs. (Note: During testimony in the House last year before the House and Senate Education Committees last year, then Secretary of Education Pedro Rivera stated that there are regulatory and legal prohibitions to providing education services to special need students beyond age 21.) Unanimously approved as reported.
2. **HB 1533: Mandating & Restricting the Use of Federal Aid.** The bill amends the School Code to require public school entities to develop a systemic, multi-year strategy to deliver accelerated learning opportunities that support students' academic, social, and emotional needs, at no cost to families. The bill further requires that accelerated learning programs are provided via in-person instruction (except for cyber charter schools). HB 1533 in its current form would dictate how public schools must spend their federal ESSER funds and set aside 20% for learning loss, and would control who district's hire for these services, which may be a violation of federal law, usurps local control, and is another overreach by the legislature as those funds are an agreement between school officials and the federal government. An Amendment was added in committee that changes the program start date to the 2021-2022 school year, clarifies that the program of accelerated learning shall be established according to PDE guidelines, permits schools to contract with intermediate units to provide services and clarifies reporting requirements.
3. **HB 1660: Temporary School Emergencies.** 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. The school board would have 60 days after the initial vote to implement their temporary emergency powers and would need to provide a written plan to the public with an explanation of why the temporary emergency provisions are necessary and how long they will be in effect. If an extension is necessary, after 60 days, it would require another vote by the school board director's and a public hearing.

House Health & Human Services Bills

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.**

House Education Bills

HB 358: Dual Enrollment. The bill allows charter schools, regional charter schools, cyber charter schools and career/technical schools to offer dual enrollment programs to their students as do school districts under current law. Reported as amended. Passed the House (182 to 19)/Referred to Senate Education.

HB 602: CTE Investment. The bill creates the Career and Technical Education Investment Incentive Program that would provide tax credits to businesses that contribute to career and technical partnership organizations. Business contributions could be used to provide career and technical education scholarships or the purchasing of industry standard equipment. Reported as amended. First and 2nd Consideration; referred to House Appropriations Committee.

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); Referred to Senate Education Committee/reported as committed from Senate Education Committee.

HB 1041: Homeschool Students and CTEs. The bill requires a school district to permit a home school student to participate in the district's co-curriculum activities and in area career and technical education programs. Reported as amended. First and second consideration; rereferred to House Appropriations.

House Education Bills

HB 232: Changing a District Name; *amended and approved*. The School Code bill permits a school district to change its name. HB 232 was amended to require a 2/3 vote by a school board to approve a name change. First consideration; Set on the House Calendar.

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.*

HB 416: First Aid Training; *approved*. The bill 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, beginning with the 2021-22 school year. The bill also requires the Department of Health to make available to school staff training via an approved course in seizure recognition for continuing education credit. *Passed the House (201 to 0); Reported from Senate Education Committee; first consideration; set on Senate Calendar.*

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.*

Senate Finance Bills

SB 73: School Mandate Waiver Program. The bill would 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.

Senate Education Bills

March 23, 2021

[SB 83 - \(PN 61\)](#) Fire Education Training Pilot; amended and approved. Amends the Public School Code, in terms and courses of study, establishing the Secondary Education Fire Training Pilot Program to provide high school students with instruction through a partnership between institutions of higher education and school districts or area career and technical schools, or both, to increase the number of individuals capable of becoming volunteer firefighters. Provides for the responsibilities of the state fire commissioner and requirements on selected institutions of higher education related to the pilot program. Establishes a non-lapsing account within the state treasury as the Fire Training fund and provides \$150,000 for each selected institution offering the pilot program.

Provides that the Legislative Budget and Finance Committee shall conduct a survey of volunteer fire companies in the municipalities surrounding the school districts and area career and technical schools that participate in the pilot program to determine whether the pilot program is increasing the number of volunteer firefighters and any additional recommendations. Effective immediately. - The bill was unanimously reported as amended. A00476 by Brooks, strikes out 2021 as mentioned in the bill and inserts 2022. The amendment was unanimously adopted.

Passed the Senate; referred to House Education Committee and reported as amended; first and second consideration; referred to House Appropriations..

[SB 224](#) Bartolotta, Camera - (PN 194) Amends the Public School Code, in certification of teachers, repealing certificates issued by other states and providing for out of state applicants for certifications. Provides that candidates from other states seeking Pennsylvania certification must hold a valid and current instructional certification issued by another state or hold a valid certificate issued by the National Board for Professional Teaching Standards. Effective in 60 days. - The bill was unanimously reported as committed. On the Senate Calendar for May 10

First and Second Consideration; rereferred to Senate Appropriations Committee.

Senate Education Bills

March 23, 2021

SB 247: Religious Garb in Schools. The bill would repeal Section 1112 of the Public School Code of 1949, 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. Passed unanimously in the Senate; referred to House Education Committee.

SB 351: Community Engaged Schools. The bill would create a pilot program in which schools can be designated as a Community Engaged School by the Secretary of Education. The school will then appoint a program manager to implement a community engagement plan and to serve as the point of contact to facilitate the relationship between the school and community. *Passed the Senate June 8.*

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 is set to expire on June 30.

Passed the Senate; referred to House Education Committee, approved as reported; first and second consideration; referred to House Appropriations.

Senate State Government

Senate Bill 552 (Sen. Dush, R-Jefferson) – Vexatious requestor: would create 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; *First and Second Consideration; rereferred to Senate Appropriations Committee.*

Senate Bill 312 (Sen. Brooks, R-Mercer) Fees for commercial requests: Would permit 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.

SB 554 (Sen. Stefano, R- Fayette, Somerset and Westmoreland) Sunshine Act: Would require 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.*

SB 664 (Corman): 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.

Calendar

1. Scheduled Session Days

- ***Senate:***

- ***June:*** 7, 8, 9, 14, 15, 16, 21, 22, 23, 26, 28, 29, 30

- ***House:***

- ***June:*** 7, 8, 9, 14, 15, 16, 21, 22, 23, 24, 25, 28, 29, 30

2. Next CCSBLC Meeting: September 22, 6:30 – 8 p.m. in person at CCIU Educational Service Center in Downingtown

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Closing Comments