



CHESTER COUNTY LEGISLATIVE UPDATE

August 2020

CCSBLC Meeting Agenda

1. Welcome
2. Presentation: Families
First Coronavirus
Response Act (FFRCA)
3. USDA Waiver
4. Legislative Update
5. Virtual Equity Summit –
September 30
6. Virtual Legislator/Board
Director Discussion Panel
7. 2020-21 Legislative
Priorities Survey



USDA Waiver Extended to Sept. 30

Allows schools to:

1. Provide food at non-district sites;
2. Provide food on weekends; and
3. Provide food without the child showing up in person and provide a PIN.

CCIU will go from providing food to 750 to 1,000 + children a week to 300 a week.

Request the waiver be extended until at least in-person classes resume.



Legislative Update

1. Limited Liability for Pennsylvania Schools.

1. 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.
2. Similar to what was given to the medical community.
3. 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.
4. 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.
5. Although school entities do have governmental immunity, schools do have concerns that litigation will be brought in one of the eight exemptions areas.

Legislative Update

1. **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.
2. **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.
3. **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.

Legislative Update

1. **SB 1216: Certification Flexibility:** Provides temporary certification flexibility for up to one year (expiring June 30, 2021) as follows:
 - a. 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).
 - b. 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.
 - c. 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.
 - d. Waive requirement for undergraduate sophomores to take the basic skills exam. This test is required for teacher preparation programs.
 - e. Extends the deadline for paraprofessionals to satisfy staff development requirements.
 - f. Creates a transition period for the Special Education-PK-8 and Special Education-7-12 certifications.

Legislative Update

1. **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.
2. **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 inservice training concerning the requirement.
3. **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.

Legislative Update

1. **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.
2. **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.
3. **HB 360: Employee Clearances; signed into law as Act 18 of 2020.** The bill extends the deadline for fingerprinting recertification to December 31, 2020.

Legislative Update

1. PDE Guidance on the Keystone Exams:

1. 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.
2. 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.
3. 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.
4. 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).
5. 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.

COVID 19 Families First Response Act

PAID SICK LEAVE

1. All public employers
 - a. Must provide PSL for qualifying reasons (QR) related to COVID-19 outbreak
 - b. Can't require employees to use other paid leave prior to using PSL, as long as a QR is present
 - c. Can't require employee to find coverage for their work hours as a condition of using PSL
 - d. After first workday using PSL, may require employees to use reasonable notice to continue using
2. Qualifying Reasons (QR) – unable to work or telework because
 - a. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19 or is caring for an individual subject to such a quarantine order.
 - b. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19 or is caring for an individual who has been so advised (doesn't specify family member or live-in).
 - c. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
 - d. The employee is caring for a child whose school or place of care has been closed, or whose child care provider is unavailable, due to COVID-19 precautions.
 - e. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretaries of the Treasury and Labor.

COVID 19 Families First Response Act

3. PSL Allotment

- a. 80 hours of paid PSL to FT employees
- b. PT employees entitled to PSL equal to the average number of hours the employees work over 2 week period
- c. Guidelines for calculation coming by April 2

4. Generally Paid at the highest of:

- a. Regular rate
- b. Federal or state minimum wage
- c. Paid a maximum of \$511 per day/ \$5,110 in the aggregate
- d. PSL to care for a child or sick family member, or “substantially similar”
- e. Paid at 2/3 of their regular rate
- f. To a maximum of \$200 per day/ \$2,000 aggregate

COVID 19 Families First Response Act

3. TAX CREDITS for PSL

- a. *Refundable payroll credit equal to 100% of qualified sick leave paid for each calendar quarter*
- b. *Tax credit is allowed against the employer portion of Social Security and Medicare taxes*

4. Caps

- a. *PSL with respect to employees who must self-isolate, obtain a diagnosis, or comply with self-isolation requirement capped at \$511 per day*
- b. *PSL for caring for others, capped at \$200 per day*
- c. *Aggregate number of days taken into account per employee may not exceed 10 for all preceding quarters*
- d. *Credits in effect starting with a date TBD by US Treasury and ending 12/31/2020*

5. Unemployment Comp Benefits - \$1Bill Aid to states, as long as they

- a. *Waive waiting period*
- b. *Waive work search directly impacted by COVID-19 on account of an illness in the workplace or direction from a public health official to isolate or self-quarantine*
- c. *Do not charge employer accounts for COVID-19 related benefits*
- d. *At time of separation from employment employers now will be required to provide notification of the availability of unemployment compensation utilizing a model notice to be developed by DOL.*

UPDATES

1. Equity Summit, September 30

1. 6 to 8 p.m.

2. *Heather Bennett, PSBA*

2. Legislative Briefing, October 2020

1. *Wednesday, October 28 or Thursday, October 29*

2. *Time?*

A photograph showing the hands and forearms of several people of various ethnicities raised in the air against a plain white background. The hands are open, palms facing forward, suggesting a gesture of agreement, participation, or celebration. The skin tones range from light to dark brown. A semi-transparent dark grey rectangular box is overlaid on the right side of the image, containing the text 'CLOSING COMMENTS' in white, bold, sans-serif capital letters.

CLOSING COMMENTS

Property Tax Legislation

1. The Property Tax Freeze Amendment to HB 974 was pulled from the bill on Monday
2. Senate Bill 841 was signed by the Governor giving municipal taxing entities the option to create a discount period for property taxes to August 31 and extend the payment to December 31. School Districts were not included in this language.
3. Legislative Memo to extend Property Tax Discount Period by 30 days and Face Amount by 60 days with no penalty. Property Owners would have until December 31 to pay their taxes.
(Stephens/Brown/Malagari)
4. Information that the GOP will introduce a stand-alone property tax freeze bill in the near future.



2020-21 Proposed State Budget

\$36.056 billion proposal: 4.22% (\$1.46 billion) increase

- BEF: \$114.6 million increase
 - \$100 million BEF
 - \$14.6 million Social Security
- SEF: \$25 million increase
- CTE: \$0 increase
- Transportation: \$0
- Charter School Reform: \$280 million in Savings

Potential \$405 million increase for public education



Charter School Reform

Governor Wolf proposed comprehensive charter school reform as part of the 2020-21 budget

- *House Bill 2261 (Ciresi)*
- *Senate Bill 1024 (Williams and Brewster)*

Reforms the charter school law by increasing transparency, accountability and establishing a more reasonable funding formula.

Charter School Funding Reform

- Prioritizes charter school reform as part of the budget proposal
- Proposes **\$280 million** in savings to school districts as a result of changes to the tuition calculation:
 - ***\$147 million** from savings in brick and mortar CS tuition*
 - ***\$133 million** from savings in cyber CS tuition*

Charter School Funding Reform

Brick and mortar Charter School savings derived from:

- *Moving from budgeted to actual total expenditures*
- *Excluding charter school tuition and CS ADMs from the tuition calculation*
- *Applying the SE category weights to the regular education tuition rate to target SE tuition to SE costs*
 - Category 1: 1.51 multiplier
 - Category 2: 3.77 multiplier
 - Category 3: 7.46 multiplier

\$147 million in SAVINGS (based on 2017-18 data)

- 326 school districts SAVE \$s
- 102 school districts no impact
- **71 school districts LOSE \$s (\$631k)**



Charter School Funding Reform

Cyber Charter School savings derived from:

- *Setting a flat \$9,500 rate for regular education (calculated annually based on CS costs)*
- *Applying the SE category weights to the regular education tuition rate to target SE tuition to SE costs*
 - Category 1: 1.51 multiplier
 - Category 2: 3.77 multiplier
 - Category 3: 7.46 multiplier

\$133 million in SAVINGS (based on 2017-18 data)

- 478 school districts SAVE \$s
- 2 school districts no impact
- 20 school districts LOSE \$s (\$875k)

Governor Actions

1. Extended the stay-at-home order to May 8.
2. Signed into law SB 841, now Act 15 of 2020
 1. Tax Payment Discount
 2. Educational Tax Credits
 3. Third-Party School Contractors
3. Vetoed SB 613: Required the governor to provide a timeline to mitigate business shutdowns in the commonwealth.

In the News

[Senators urge Devos not to seriously relax special-education law - The Washington](#)

[Posthttps://www.washingtonpost.com/education/2020/04/21/two-senators-democrat-republican-urge-betsy-devos-not-gut-special-education-law-provide-narrow-flexibility-school-districts/](https://www.washingtonpost.com/education/2020/04/21/two-senators-democrat-republican-urge-betsy-devos-not-gut-special-education-law-provide-narrow-flexibility-school-districts/)

Act 13 of 2020

The emergency legislation would apply only to the 2019-20 school year as a result of the global pandemic and:

1. **Waives 180 Day Requirement:** Immediately waive the requirement that school entities be kept open for at least 180 instructional days.
2. **Authority to the Secretary:** Allows the Secretary to do any of the following:
 - a. Order the closure of all school entities until the threat caused by the pandemic has ended;
 - b. Waive the application deadline to participate in the Flexible Instructional Day (FID) program and increase the number of FIDs;
 - c. Waive the minimum total number of hours required for CTE programs;
 - d. Waive the requirement to include student performance data as part of a professional employee's annual rating;
 - e. Waive the minimum number of days of pre-k instruction;
 - f. Waive the 12-week student teacher requirement in educator preparation programs; and,
 - g. Waive the NIMS assessment and NOCTI exams.

Act 13 of 2020

3. **Payment to School Employees:** Require school employees (employed as of March 13, 2020) to receive no more or less compensation they would have been entitled to had the 2020 pandemic not occurred, had the Secretary not closed schools or the minimum instructional day requirement not been waived.
4. **PSERS Credit:** Require school employees (employed as of March 13, 2020) to receive no more or less PSERS credit nor contribute more or less than they would have contributed had 2020 pandemic not occurred, had the Secretary not closed schools or the minimum instructional day requirement not been waived.
5. **Cleaning Supplies/Protective Gear:** Require school entities to provide employees who are responsible for cleaning school facilities with appropriate cleaning materials and protective clothing/gear as recommended by the CDC.
6. **FAPE Communication to Parents:** Require school entities to provide written notice to parents/guardians of each student with an IEP of the school entity's plans for ensuring the student receives FAPE as required under IDEA.
7. **Continuity of Education:** Ensures schools make a good faith effort to plan to offer continuity of education using alternative means during the period of school closures. Plans have to be submitted to PDE and posted on LEA websites. PDE will provide guidance.

Act 13 of 2020

8. **Subsidy and Other Payments:** Ensure school entities may not receive less subsidy payments, reimbursements, allocations, tuition or other payments from PDE or another school entity than they would have been entitled for the 2019-20 school year to had the 2020 pandemic not occurred or had the Secretary not taken action to close schools or had the 180 day requirement not been waived. This includes payments by school districts to IUs, charter schools and CTCs. The language also includes clarification that payments to charter schools during the closure shall be based on the number of students enrolled in the charter school as of March 13, 2020
9. **Federal Testing Waiver:** Require the Secretary to apply to the U.S. Department of Education for a waiver of the testing and accountability requirements under ESSA to allow the cancellation of testing for the 2019-20 school year.
10. **Waiver Program for LEAs:** Allow the governing body of a school entity to apply to the Secretary for a waiver (in a manner determined by PDE) of any provision of the School Code, regulation or standards (excluding sections 1124, 1125.1 and 528) if the waiver is directly related to the school entity's staffing needs or impacts the school entity's instructional program or operations as a result of the pandemic of 2020. The Secretary shall have 30 days from receipt of the school entity's application to approve or disapprove the request.

Act 13 of 2020

- 11. School Bus Contractors:** Allows school entities to renegotiate contracts for school bus transportation services to ensure contracted personnel and fixed costs are maintained during the period of the closure. During the period of closure a school bus contractor must submit weekly documentation that its complement levels remain at least what they were on March 13, 2020. A school entity that continues to pay its school bus contractors during the closure (or operates its own transportation program) will receive transportation subsidy for 20-21 at the same rate that they would have received it had the pandemic not occurred, had the Secretary not closed schools or the minimum instructional day requirement not been waived.
- 12. Continuing Education Time Period:** Ensure a professional educator's current continuing professional education compliance period is extended by one year.
- 13. Streamline Federal Waiver Process:** Ensure that any waiver of federal requirements sought by PDE due to the pandemic of 2020 would be streamlined and the requirements in section 126 of the Public School Code would not be applicable.
- 14. Nonpublic School Waivers:** Allow nonpublic schools to close due to the threat caused by the pandemic of 2020 and makes the minimal instructional time requirements in section 1327(b) of the Public School Code inapplicable. Also waives the requirement of nonpublic schools to administer a standardized or statewide assessment test for 2019-20.

Act 13 of 2020

15. Nonpublic School Payments: Requires a nonpublic school closed during the pandemic to receive the payment from school entities it would have received had the pandemic not occurred for any student placed in the nonpublic school and enrolled as of March 13, 2020 as long as the nonpublic school is offering continuity of education during the period of the closure.