



Pennsylvania Association of School Administrators
Proud Leadership for Pennsylvania Schools

Education Update

April 17, 2017

In State Budget News...

Discussions surrounding the state's financial situation continue to take center stage as we move towards June. The House and Senate continue to examine many of the components of Governor Wolf's proposed budget, including the consolidation of state government agencies and even the proposed lease of the PA Farm Show Complex. Additionally, there are likely to be many upcoming discussions about the proposed expansion of liquor privatization—something that the House Republican budget proposal relied on heavily for additional revenue.

In School Funding News...

School Property Tax Elimination Update – According to an analysis released last week by the Independent Fiscal Office (IFO), a school property tax elimination plan under discussion would require nearly \$12 billion in FY 2018-19 to make up for lost local revenue, growing by about \$800 to \$900 million annually – and by FY 2021-22 revenue needed would be more than \$14 billion. The proposal is predicated on utilizing \$530 million of annual revenue generated for property tax relief by slots revenue (for homestead property tax relief), as well as allowing school districts to retain a portion of the property tax to pay principal and interest on debt issued before January 1, 2018. [Click here](#) to read the IFO analysis.

In Legislative News...

Legislative Schedule – After a brief recess, both the House and the Senate will be back in Harrisburg this week for two days of session. Even though this week will be a short session week, there is likely to be plenty of activity, everything from behind-the-scenes budget activity to consideration of a charter school reform bill in the House Education Committee.

THIS WEEK – Committee Schedule

Charter School Bill: Among the bills scheduled for consideration by the House Education Committee tomorrow (April 18) is [HB 97](#), which provides comprehensive changes to the charter school law. The bill provides for many changes, including creating a funding commission to review charter school funding (among other things), changing the cyber charter tuition calculation to save school districts approximately \$27 million, implementing transparency and accountability provisions for charter school administrators and trustees, permitting charter schools to form multiple charter organizations with school district and PDE approval, creating a process for amendments to a charter agreement, expanding the Charter Appeal Board, instituting caps on unassigned fund balances for charter schools, requiring the development of an academic performance matrix to inform renewal and revocation decisions, extending the term of the renewal of a charter to 10 years if the performance matrix benchmarks are achieved (with a safety valve at year six), and requiring an annual independent audit process for charter schools.

The bill creates a separate evaluation system for charter school teachers and principals that is different from the system used for traditional public school professionals. A new Performance Matrix will be created to exclusively compare charter school entities to one another for purposes of school district review of charters and parent review even though the SPP score will remain in place.

The bill has some positive features that are of value, including the review of charter school funding and some potential savings of charter school tuition calculations. However, several concerns remain, such as the professional evaluation system for charter school employees, a separate charter school performance evaluation system, and the potential makeup of the Charter Appeal Board. *PASA will continue working with legislative leaders on these issues.*

Other Bills on the House Education Committee Schedule (April 18):

***PSBA and PSERS:** [HB 205](#). The bill removes employees of the PA School Boards Association from PSERS.

***Teacher Prep and Praxis:** [HB 399](#). The bill prohibits teacher preparation programs from requiring passage of the Praxis exam for graduation or from including a student's Praxis exam score as a component of the student's grade.

***AP Scores and College Credit:** [HB 1022](#). The bill requires Pennsylvania institutions of higher education to provide uniformity in credit available to incoming freshmen who have scored at least a 3 on an AP exam or have passed another relevant exam.

Senate Education Committee – Wednesday, April 19:

***Censorship of Historical Documents:** [SB 88](#). The bill prohibits content-based censorship on historical U.S. or Pennsylvania documents and ensures that no teacher or administrator is prohibited from using, reading from or posting in a public school excerpts from historical documents, including the U.S. Constitution, the Mayflower Compact, the national anthem and the Declaration of Independence, during the course of educational instruction. *According to the bill's sponsor, Sen. Stewart Greenleaf (R-Bucks/Montgomery), "the purpose of the bill is to prohibit action against educators who would post religious references in those documents during the course of instruction. The measure is promoted by the Pennsylvania Family Institute. At least seven states (i.e., West Virginia, North Carolina, Kentucky, Tennessee, Mississippi, Louisiana and Minnesota) have enacted similar laws."*

***Homeschoolers and Vo-Tech Access:** [SB 93](#). The bill permits students who are homeschooled to access additional programs, such as vocational or technical education programs, established by a school district.

***Sanctuary Campuses:** [SB 273](#). The bill prohibits state funding to "sanctuary campuses" that refuse to share information regarding the immigration status of students with the federal government.

***Employee Gun Possession in Schools:** [SB 383](#). The bill permits school boards to adopt policies allowing school personnel to have access to firearms on the grounds of a public school. *According to the memo from the bill's sponsor Sen. Donald White (R-Armstrong/Butler/Indiana/Westmoreland), the bill "would allow school personnel to have access to firearms in school safety zones if they receive authorization from the school board of directors, are licensed to carry a concealed firearm and have met certain training requirements in the use and handling of firearms (as outlined in my proposal). This legislation will not mandate a school's participation, but will give school boards the ability to establish policy and put in place protocols needed to enable personnel to exercise their ability to access a firearm on designated school property."*

***Advance Notice of Superintendent Hiring and Terms:** [SB 592](#). The bill requires offers of employment made to a prospective superintendent, assistant superintendent, associate superintendent and principal to be posted on the school district's website for two weeks before the board takes official action. The bill also provides the same for offers of employment made to prospective executive directors or assistant executive directors of an intermediate unit. The posting would need to include the details of the final offer, including salary and the length of the employment contract. *According to the bill's sponsor, Sen. Patrick Stefano (R-Fayette/Somerset/Westmoreland), who based the legislation on a situation in one school district, "This legislation will give taxpayers an opportunity to examine the terms of employment contracts that the local school board extends to key district employees and provide their feedback, concerns or support to their elected officials. In a time of tight budgets, and taxpayer concern over rising property taxes, it's imperative that the hiring process be as open as possible."*

THIS WEEK – Floor Schedule

On the House Floor Calendar:

* **Response to Audit:** [HB 453](#). The bill requires public entities (including school districts) to respond to an Auditor General's audit within 120 days or face withholding of state funding.

On the Senate Floor Calendar: The following bills remain on the calendar for possible consideration...

* **Graduation Requirements for CT Students:** [HB 202](#). The bill amends the School Code to eliminate the requirement that the PDE develop additional Keystone Exams in English composition, Algebra II, geometry, U.S. history, chemistry, civics and government and world history. The bill also creates an alternative pathway for CTE students who do not reach proficiency on a Keystone. Specifically, the bill would require a CTE student to complete grade-based requirements for the associated academic content area for any Keystone Exam on which a CTE student has not obtained proficiency in order to meet graduation requirements. CTE students utilizing this option also would be required to either obtain an industry-based competency certification related to the CTE student's program of study or demonstrate a high likelihood of success on an approved industry-based competency assessment, such as NOCTI or NIMS exam, or readiness to continue in the CTE student's chosen program of study, as demonstrated through benchmark assessments, course grades, and other factors consistent with the CTE student's career plans.

* **Epi-Pen Administration:** [HB 224](#). The bill, which amends the School Code, provides immunity to school bus drivers and crossing guards who administer an epi-pen to students in a manner that complies with the policies of the school district or the independent contractor that employs them and who complete a Department of Health training program.

* **Employee Leave Policies:** [SB 128](#). The bill prohibits municipalities from mandating that all employers within that municipality comply with certain employee leave policies. This legislation would impact school districts as employers.

* **Paycheck Protection:** [SB 167](#). The bill seeks to amend the PA Constitution by prohibiting school districts from using their payroll systems to collect membership dues, non-membership fees and political contributions from public employee paychecks.

* **Employment Renewal Notification Timeline:** [SB 227](#). The bill changes the date of the required board action (notification) concerning a superintendent or assistant superintendent's employment renewal from 150 days prior to expiration to 90 days prior to expiration. The bill also extends the existing contract by one year for failure to take this required action.

* **Mandated Leave:** [SB 229](#). The bill removes several provisions from the School Code, including the provision requiring a minimum of 10 days of sick leave, the requirement to provide up to 25 days of accumulated sick leave (with the exception of when schools consolidate) to employees switching employers, the requirement to provide bereavement leave, the requirement to provide alternative payment plans and the requirement to provide sabbatical leave.

* **Penalties for Child Abuse:** [SB 363](#). The bill provide penalties against any employee of a school, contractor and educational agency who provides assistance, other than routine transmission of personnel files, in gaining employment at other educational institutions when they know or should know that the applicant has engaged in sexual misconduct as defined under the law.

* **Restrictions on Raising Property Taxes:** [SB 406](#). The bill requires a 2/3 majority school board vote to increase property taxes from the prior year.

* **Union Leave:** [SB 494](#). The bill prohibits a collective bargaining agreement from permitting full-time union leave.

Failures and Limitations of the EITC Program – The Pennsylvania Budget and Policy Center recently released a report noting problems with proposed expansion to Pennsylvania's EITC program – both financially and educationally. "Despite Pennsylvania's structural deficit and Governor Wolf's proposal to cut tax credits by \$100 million in 2017-18, lawmakers are currently considering expanding by 44%, or \$55 million, two programs that already provide \$125 million in taxpayer-funded vouchers to attend religious or

other private schools,” PBPC states in the executive summary of the report. “As well as diverting additional revenues from the General Fund without a revenue source in sight, this expansion is problematic because of a complete lack of financial and educational accountability within the Opportunity Scholarship Tax Credit (OSTC) program and the part of the Educational Improvement Tax Credit (EITC) program that funds taxpayer-funded vouchers. Two of many issues with these voucher programs, revealed in this report, are the extent to which curricula at schools attended by taxpayer-subsidized scholarships teach creationism and present the bible as literal truth in history and other subjects; and the extent to which tax-credit dollars, while marketed as serving low-income students in low-performing school districts, subsidize exclusive private schools catering mostly to the very affluent.” The report notes that most of the EITC funding serves primarily large urban areas, while 40 counties have no Opportunity Scholarship Tax Credit (OSTC) organizations and 30 counties have no Educational Improvement Tax Credit (EITC) organizations. In addition, neither the EITC or OSTC program requires meaningful educational or financial accountability.” See the PBPC website to read more and to read the report [“Still No Accountability with Taxpayer-Funded Vouchers for Private and Religious School Tuition.”](#)

In State News...

Teaching Science in Today’s World – Teaching science has never been a totally apolitical task — just ask anyone who has ever taught the theory of evolution. But today, experts say, it’s especially tough. In essence, said Charles “Andy” Anderson, a science education professor at Michigan State University, science teachers find themselves squeezed into the same box as journalists and judges. All are cast as objective arbiters of information — an increasingly untenable position in a world flooded with “fake news” and “alternative facts.” “Everybody who is supposed to exert authority in some way is dealing with this kind of decay of our institutions for establishing and maintaining a sort of moral authority and intellectual authority,” said Anderson. This poses a particular challenge to those who are training the next generation of science teachers, folks like Susan Yoon, a professor at the University of Pennsylvania’s Graduate School of Education. *Read the rest of the story:* [“Changing Climate and Flattening Earth: Teaching Science in a ‘Fake News’ World”](#) (from WHYY, 4/11/17).

Across the State...

Principal Reinstated – Commonwealth Court last Thursday ruled that the Philadelphia School District wrongfully fired a principal in connection with the statewide cheating scandal in 2014 and ordered that the district reinstate her. The three-judge panel agreed with an arbitrator that Michelle Burns, who had been principal of Tilden Middle School in Southwest Philadelphia, had failed to uncover cheating and prevent it, but had not engaged in cheating. *Read the rest of the story:* [“Court Orders Reinstatement of Philly Principal Fired for Cheating at Her School”](#) (from *philly.com*, 4/13/17).

In National News...

Vouchers and Special Needs Students – For many parents with disabled children in public school systems, the lure of the private school voucher is strong. Vouchers for special needs students have been endorsed by the Trump administration, and they are often heavily promoted by state education departments and by private schools, which rely on them for tuition dollars. So for families that feel as if they are sinking amid academic struggles and behavioral meltdowns, they may seem like a life raft. And often they are. But there’s a catch. By accepting the vouchers, families may be unknowingly giving up their rights to the very help they were hoping to gain. The government is still footing the bill, but when students use vouchers to get into private school, they lose most of the protections of the federal Individuals with Disabilities Education Act. *Read the rest of the story:* [“Special Ed School Vouchers May Come with Hidden Costs”](#) (from *The New York Times*, 4/11/17).

Changes in Student Loan Protections – President Trump’s Education Secretary Betsy DeVos undercut student loan protections on April 11 that were put in place by the administration of former President Barack Obama. The Obama policy memorandums withdrawn by DeVos required that the government’s Federal Student Aid office do more to help borrowers manage or discharge their debt, Bloomberg reports. DeVos said in a press memo that she was rescinding the previous administration’s list of demands to “demonstrate sound fiscal stewardship of public dollar” and limit the cost to taxpayers. The move came after a letter from industry lobbying National Council of Higher Education Resources asking Congress to

alter or delay the Education Department's changes. Then-President Obama issued the guidance after a wave of student loan defaults and allegations that lenders were providing false information, charging unexpected fees and cheating borrowers out of repayment rights. The guidelines also aimed to reduce awarding contracts to firms who mistreated or misled borrowers. The current contracts are set to expire in 2019. (as published on *Fortune.com*, 4/11/17)

Changes in the Teacher Workforce – Over the past 25 years, the U.S. teacher workforce has grown larger, less experienced, and more diverse. But according to a new report, these changes have not affected all types of teachers and schools equally. Among the findings: the number of teachers employed in high-poverty schools has increased, while the number in low-poverty schools has decreased. However, the level of teaching experience in the high-poverty schools has decreased. *Read the rest of the story:* [“Today's Teaching Force Is Larger, Less Experienced, More Diverse Than Ever”](#) (from *Education Week*, 4/13/17).

New Staff at the U.S. Department of Education – Proponents of charter schools, vouchers and for-profit universities recently were named to key posts in the U.S. Department of Education. *Read the rest of the story:* [“U.S. Department of Education Announces Key Hires”](#) (from *Education Week*, 4/12/17).

Across the Nation...

California: Impact of Curtailing Vaccination Opt-Outs – California schools saw an increase in fully vaccinated incoming students after the state passed a law restricting so-called philosophical opt-outs from immunization mandates, new data show. According to the California Department of Public Health: "Compared to the 2015-2016 school year, the proportion of students attending kindergarten in 2016-2017 reported to have received all required vaccines rose from 92.8% to 95.6%, a 2.8 percentage point increase over one year and a 5.2 percentage point increase over the two years since 2014-2015. The 2016-2017 rate of 95.6% is the highest reported for the current set of immunization requirements for kindergarten, which began in the 2001-2002 school year." The agency also reported increases in rates of students who'd received individual vaccines. *Read the rest of the story:* [“More California Students Vaccinated After Change in Law, Data Show”](#) (from *Education Week*, 4/13/17).

Connecticut: Test Scores and Teacher Evaluation – Connecticut's State Board of Education voted last week to prohibit the consideration of students' standardized test scores in evaluating a teacher's job performance. The decision comes after five years of union opposition to Gov. Dannel P. Malloy's proposed policy linking student test scores to teacher quality, reports *The Connecticut Mirror*. On the state's teacher evaluations, classroom observations count for 40 percent of the score, while feedback from parents and students account for 15 percent. Student growth, measured by teacher-created tests, portfolios, and other assessments counts for 45 percent. Starting this spring, Malloy's policy would have made half of that—22.5 percent—dependent on students' scores from the Smarter Balanced assessment. *Read the rest of the story:* [“Conn. Scraps Use of State Test Scores in Teacher Evaluations”](#) (from *Education Week*, 4/10/17).

Texas: Disagreeing on School Choice – The Texas House took a strong stand against school vouchers earlier this month, voting 103-44 for a budget amendment that would prohibit using state funds for school choice programs. “The House stands in support of our neighborhood schools,” said Rep. Abel Herrero, D-Corpus Christi, who offered the amendment to the House's proposed budget for the next two-year budget period. “We do not support the siphoning of public funds to be used for any sort of voucher scheme.” The vote highlighted another sharp division between the House and the Senate in a session that has been full of them, from the budget to proposed bathroom restrictions affecting transgender people. *Read the rest of the story:* [“Texas House Strongly Opposes Vouchers for Private Schools”](#) (from *The San Antonio Express-News*, 4/6/17).

On the Calendar...

April 20 – Resolutions Committee meeting (PASA office)
April 20-21 – Board of Governors' meetings (PASA office)
April 27 – Webcast: Education Technology Case-Law Update
April 30 – May 2 – Women's Caucus Annual Conference (Hershey)

May 2 – Leadership for Learning Module 3 (I.U. 4)
May 5 – Leadership for Learning Module 3 (I.U. 13)
May 29 – PASA office closed