In Budget & Finance News…

**Injunction on CARES Funding Distribution** – A federal judge has ruled against U.S. Department of Education in a lawsuit over how much coronavirus aid public schools must set aside for private school students. Public school groups and officials argued that the interim final rule from the department unfairly deprives their schools and disadvantaged students of crucial funding during the pandemic. In a preliminary injunction halting enforcement and implementation of the rule while she considers the case pitting Washington state against the Education Department, U.S. District Court Judge Barbara J. Rothstein harshly and repeatedly rejected the department's arguments. She said that the agency subverted the intent of Congress and hurt students most affected by the pandemic, and that Secretary of Education Betsy DeVos did not have the authority to issue the rule in the first place. Read the rest of the story: “Judge Issues Blistering Injunction Against Betsy DeVos' Coronavirus Aid Rule” (from Education Week, 8/22/20).

**Funding for Special Education** – Governor Tom Wolf announced last week that he is dedicating approximately $20 million to help 678 local education agencies, including school districts, to provide education services for students with disabilities who may have been negatively impacted by COVID-19 mitigation efforts and may face additional challenges through the new academic year. The funding includes $15 million from Governor's Emergency Education Relief (GEER) Fund and $5 million from the Department of Education's (PDE) federal funding through the Individuals with Disabilities Education Act (IDEA).

The Special Education COVID-19 Impact Mitigation Grant (SECIM) will provide $15 million in financial support ($10M GEER; $5M IDEA) to local education agencies (LEA) to:
* Provide enhanced synchronous (real-time) instruction to bolster remote services and supports for students with complex needs; and
* Provide services and supports to students with disabilities who experienced a loss in skills and behavior and/or a lack of progress due to the mandatory school closures

An additional $5 million in GEER grant funding will be available to Preschool Early Intervention programs to provide compensatory educational services.

**Coronavirus Resources & Guidance…**

**Web Resources** – PASA’s web page concerning the Coronavirus and Pandemic Preparation includes links to information about issues such as school athletics and return-to-school, along with updated guidance from the PDE, CDC and USDE, and other important updates from the state and federal levels.

**Return-to-School Issues…**

**PIAA Decision on Fall Sports** – The PIAA Board met on Friday, August 21 and voted to allow school districts to begin their interscholastic sports seasons effective today (Monday, August 24). See the press release here. Any school district or league that does not want to start their athletic season today must notify their PIAA District Representative by today and request an alternative option. Contact your PIAA District Representative for more information and details.

**Guidance on Wearing Masks in Schools** – Last week the PA Department of Health released updated requirements for students wearing masks in schools. The order requires students to wear masks at all times, even when 6 feet of social distancing can be achieved, but allows schools to let students remove face coverings when students are:
* eating or drinking when spaced at least 6 feet apart; or
* when wearing a face covering creates an unsafe condition in which to operate equipment or execute a task; or
* at least 6 feet apart during “face-covering breaks” to last no longer than 10 minutes.
Removed from the allowable exceptions for mask-wearing were times during which students were seated at desks or assigned workspaces at least 6 feet apart. The PDE and DOH also have stated that this mask order must be followed during both indoor and outdoor activities, including recess, and have stated that teachers and staff are required to wear a face covering at all times with the exception of the above three circumstances, even if they are 6 feet removed from the students.

In addition, for cases in which a child enters school without wearing a mask, the PDE has stated that school districts are permitted to require parents/guardians to provide documentation that they have a medical reason to do so.

**Title 23 Requirements** – Last week Attorney General Josh Shapiro alerted school districts that they are required to maintain criminal history background checks from the statewide child abuse database after a recent investigation revealed local districts may not be following Pennsylvania law. “Regardless of education, training or background, any employee or volunteer who serves in those capacities within Pennsylvania’s schools must submit the appropriate clearances to the schools and those schools must maintain all required clearances as mandated by law,” Shapiro said in his letter to school officials. “There are no exceptions. Additionally, any timeframe for former exceptions for grandfathered personnel has expired.”

**Pandemic Impact on Principals** – The physical and emotional strain of the coronavirus pandemic is taking a steep toll on America’s principals, with a large share saying they are speeding up plans to retire or otherwise leave the profession. Forty-five percent of principals said that pandemic conditions are prompting them to leave the job sooner than they had previously planned, according to a new survey from the National Association of Secondary School Principals. A slightly larger share—46 percent—said the pandemic has not changed their plans to stay in or leave the profession. The prospect of a sudden and widespread turnover in school leadership would deal a tough blow to an education system already in upheaval because of the pandemic. It would also exacerbate an already high level of churn in the profession. Read the rest of the story: “The Pandemic May Drive Principals to Quit” (from Education Week, 8/21/20).

**Approval Ratings for the Nation’s Public Schools** – Amid the coronavirus pandemic that has pushed many K-12 classes online, parental backing for having their children take some high school classes virtually has hit 73 percent in an annual education survey’s latest poll results—17 percentage points higher than it was just over a decade ago. In addition, the poll by the policy journal Education Next released last Tuesday indicates that overall support for the nation’s schools has grown significantly in the last half-dozen years, even as those the survey called political populists are much more skeptical of them. In the 2020 survey, 30 percent of respondents gave the nation’s public schools a grade of A or B, up from 19 percent in 2014. That’s the highest approval level EdNext has ever recorded and a six-point jump from last year, although most of the general public still gives the nation’s public schools a grade of C, D, or F. And it remains to be seen how public perceptions change as schools reopen amid the unprecedented challenges created by the pandemic. Read the rest of the story: “Survey Finds Rising Approval for Nation’s Schools, Online High School Classes” (from Education Week, 8/18/20).

**For Your Parents** – The Center for the Promotion of Social & Emotional Learning is offering a FREE online panel discussion for parents on Monday, August 24 from 3:00 – 4:30 p.m. Focus will be on “Parents Providing Support: Helping Our Children Return to School” and is intended to help parents with students returning or who have just returned to school – whether virtually, hybrid or live. Through the lens of social and emotional learning, the panelists will share thoughts, strategies and practices for helping our students returning to school during this challenging time in history. Educators, school staff and administrators looking for ways to support parents are also welcome. Click here for the link.

Racial Injustice & Inequality...

**The Role of SROs** – As some school districts come under community pressure to cut ties with police amid a national reckoning over policing and race, organizations that support school resource officers are calling for more nuance to the debate. While acknowledging that Black students and students with disabilities are disproportionately affected when untrained SROs are deployed in schools, the organizations say decisions about school safety and use of SROs should be made locally with input from principals, parents, students, and the community. In addition to the National Association of School Resource Officers, the groups arguing for keeping SROs include: The National
Association of Secondary School Principals, the National Association of School Psychologists, the American School Counselor Association, and the National PTA. The group called for a distinction to be made between general law enforcement officers and school resource officers, who are trained to work with children, should be carefully selected, and who should not be involved in school discipline. Read the rest of the story: “The Police in Schools Debate Needs More Nuance, Ed Groups Say” (from Education Week, 8/17/20).

**Resources: Conversations about Racial Inequality** – In light of recent events in Pennsylvania and across the country, PASA has compiled and posted a list of resources to assist school leaders and educators to facilitate conversations and initiatives addressing racial inequality in schools and communities. Click here for the list.

**In the PA Legislature…**

**Session Schedule** – Both the House and Senate remain in recess. The Senate continues to be scheduled for a return to the Capital on September 8, but the House has amended their session schedule and will return for a non-voting day on August 31 followed by two voting session days on September 1 and 2.

**Legislation on Cyber Charter Enrollments** – Last week Rep. Steve McCarter (D-Montgomery) introduced legislation (HB 2807) designed to stabilize public school district budgets by capping cyber charter school enrollment during the current public health crisis and limiting cyber charter enrollment to students who were enrolled in cyber charter school as of July 1. “As our public school districts plan to reopen in safe and orderly manners, we need to ensure that cost for cyber charter school tuition does not become overwhelming in the process,” McCarter said. “Cyber charters do not face the same financial needs that public school districts face to commence in-person learning in an era of the novel coronavirus.” Other House representatives who have signed on as co-sponsors of the bill include Hanbidge, Pashinski, Ullman, Madden, Dellos, Howard, Shusterman, A. Davis, Webster and Roebuck.

**Last Week’s Legislative Action** – Late last Monday afternoon the House Education Committee scheduled a voting meeting for August 20. The committee approved the following bills:

* **HB 2787**: Sports in 2020-21; approved, 17-8. The bill 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.

* **HB 2788**: Option for Additional Year; amended and approved, 18-7. Amends the School Code to add a new section allowing a parent for the 2021-22 school year to elect to have a child in a school entity 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. In addition, the bill requires school entities to create a process for a parent to make the election and 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. (Note: Testifying before the House and Senate Education Committees last week, Secretary of Education Pedro Rivera stated that there are regulatory and legal prohibitions to providing education services to special need students beyond age 21.)

* **SB 1216**: Certification Flexibility; amended and approved, 25-0. The bill would provide temporary certification flexibility for up to one year (expiring June 30, 2021) as follows:
  - 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).
  - 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.
  - 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.
  - Waive requirement for undergraduate sophomores to take the basic skills exam. This test is required for teacher
preparation programs.
- Extends the deadline for paraprofessionals to satisfy staff development requirements.
- Creates a transition period for the Special Education-PK-8 and Special Education-7-12 certifications.

**Committee Schedule** – The House and Senate continue committee meetings and hearings this summer, most of them coronavirus-related, and some meetings have been scheduled unexpectedly. For example, two education committee meetings were added to last week’s committee schedule late on Monday, August 17, one noted above (a voting meeting) and one a joint House and Senate Education Committee hearing on start-of-school, during which Secretary of Education Rivera and Secretary of Health Levine testified and answered legislator questions about guidance and decision-making.

In addition, the PA Athletic Oversight Committee met to hear testimony from PIAA officials, the Catholic Conference and several public school representatives, including football coaches and Lee Ann Wentzel, superintendent of the Ridley SD and PASA representative to the PIAA Board. The hearing was scheduled in response to the governor’s recent recommendation that high school and recreational sports be postponed until January 1. While most who testified spoke in favor of sports moving forward this fall, Wentzel noted that protocols for maintaining safety in athletics haven’t always been followed by parents and students. She also noted that, based on a recent survey, superintendents are split on whether to move forward this fall.

Committee meetings scheduled for this week include:

**Tuesday, August 25**
**House Democratic Policy Committee**
2:00 p.m., Room G-50, Irvis Office Building
*Public hearing on instructing students during COVID-19*

**In State News…**

**Federal Waivers on School Meals** –

* **Action from the USDA:** Last Friday the U.S. Department of Agriculture (USDA) announced they would extend the following waivers for summer food service through September 30, 2020. They were originally planned to sunset on August 31st.
  * COVID–19: Child Nutrition Response #44 -- Nationwide Waiver to Allow Non-congregate Feeding in the Summer Food Service Program – EXTENSION 3
  * COVID–19: Child Nutrition Response #45 -- Nationwide Waiver to Allow Meal Pattern Flexibility in the Summer Food Service Program – EXTENSION 6
  * COVID–19: Child Nutrition Response #46 -- Nationwide Waiver to Extend Area Eligibility Waivers – EXTENSION
  * COVID–19: Child Nutrition Response #47 -- Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals.

Specifically, USDA’s extensions will allow schools that have not begun yet to keep operating Seamless Summer Option and Summer Food Service Programs until Sept 30. This means that the Summer Food Service Program meal service must end when the school year starts, regardless of whether instruction is in-person or remote. This action is likely to create more confusion around the procedures for operating the federal school meals programs.

At this point, it is clear that USDA has no plans to extend COVID-19 Summer Food Service waivers into the 2020-21 school year. As such, it seems more than likely that Congress will need to act to get a permanent fix to this issue.

* **Pennsylvania Call for Waiver Extension:** Last week the Wolf Administration officials called for the federal government to extend waivers that have allowed Pennsylvania to provide 24 million meals to school children. Without extended waivers beyond September 30, access to breakfast, lunch and afternoon snacks for school-age children and their younger siblings will end even if schools operate remotely or utilize a hybrid model.

Because the expiration of national waivers will risk pushing hundreds of thousands of Pennsylvania children into food insecurity, the Wolf Administration is urging the following actions:
* Allow the Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) to be used to feed children during the 2020-21 school year. Permitting both schools and nonprofits to continue use of this waiver would significantly reduce administrative burdens, limit confusion of where meals can be accessed, allow meals to be provided at locations most convenient for families, and help to limit overt identification of children from low-income households.

* Expand the non-congregate and other approved waivers for the National School Lunch Program to the SFSP and SSO to allow these programs to be used to feed children when they are not physically in school. Extending these waivers will allow community-based nonprofit organizations to assist schools in meeting the needs of children at locations that work best for families, particularly on days when children are engaging in remote, virtual learning.

* Extend the Area Eligibility waiver for SFSP and SSO through the 2020-21 school year. Allowing feeding sites to provide meals in communities that do not meet the 50 percent free or reduced-price threshold for area eligibility has been essential to providing necessary food to children despite the uncertainty and stress that has come with the COVID-19 pandemic.

* Waive the Afterschool Activity Requirement for the Afterschool Meal and Snack Programs available through the Child and Adult Care Food Program (CACFP) through the 2020-21 school year. This waiver is critical for CACFP sites to be able to provide access to meals and snacks when providing the activity component isn’t otherwise safe or feasible.

* Allow those providing meals through the SFSP or SSO to also serve through the Afterschool Meal and Snack Programs. While children receiving meals through SFSP or SSO are only able to receive two meals per day, USDA allowed a third meal to be provided under guidance issued through the unanticipated school closure waiver. This waiver was critical over the past six months in providing three meals a day to children in need of food assistance and will be critical to continue in order for community-based nonprofit organizations to replicate the meal options being provided by schools.

In National News…

**Call To Extend Census Deadlines** – Last week, AASA and a group of community organizations sent a letter to Senate leadership requesting language that mandates the U.S. Census Bureau to extend the reporting deadlines for the 2020 Census by four months, be included, as part of the next COVID-19 Relief Package. At issue here is the White House’s recent decision to require the Bureau to complete critical operations – like Non-Response Follow Up (NRFU) in which census officials visit more than 30 percent of households that have not responded on their own to collect information in person – by the statutorily required deadline of December 31, 2020.

Earlier this year, the pandemic forced the U.S. Census Bureau to delay operations that ensure an accurate count. Currently, only approximately 63 percent of households have responded to the survey, the Census Bureau reports. Moreover, significant portions of the nation are behind their 2010 response rates, according to data from the Center for Urban Research at the City University of New York.

AASA firmly maintains that ensuring an accurate count on the 2020 Census is imperative for accurately allocating billions of dollars for critical federal school funding programs like Title I, IDEA, and the school nutrition programs. As such, AASA joined this allied effort to hold Congress accountable for ensuring that the decennial enumeration of the U.S. Census is conducted responsibly and delivers reliable data about our nation’s changing socioeconomic and demographic characteristics. Check out more details about this issue clicking this article by Education Week.

**Court Decision on Sports and Transgender Athlete** – A federal district judge on Monday issued an injunction blocking an Idaho law that bars transgender females from participating on girls’ or women’s school athletic teams, ruling that the law likely violates the U.S. Constitution’s equal-protection clause. "The court recognizes that this decision is likely to be controversial," U.S. District Judge David C. Nye wrote. "While the citizens of Idaho are likely to either vehemently oppose, or fervently support, the [Fairness in Women's Sports] Act, the Constitution must always prevail." Nye said the Idaho statute, signed into law by Gov. Bradley Little in March, discriminates on the basis of transgender status. He said the case must go to trial on the challengers’ claims that the law violates equal protection as well as Title IX of the Education Amendments of 1972, which bars sex-based discrimination in federally funded educational programs. Read the rest of the story: "Judge Blocks Idaho Law Limiting Sports Participation by Transgender Females" (from Education Week, 8/17/20).

**2020 Election and Democratic Party Platform on Education** – The Democratic Party supports tripling federal aid to disadvantaged students to close funding gaps between nonwhite students and their white peers, "more stringent
guardrails” for charter schools, and the idea that education is a public good and not a commodity, according to its new 2020 platform. The party’s platform, which Democrats officially adopted on Tuesday, pledges to use federal programs to promote school integration through magnet schools and transportation initiatives. The platform also calls for a more-diverse teaching workforce that relies on stronger partnerships with historically black colleges and universities and minority-serving institutions. (from Education Week, 8/20/20)

Settlement in Flint, Michigan – As part of a legal settlement in a class action lawsuit, the state of Michigan plans to establish a $9 million special education fund to improve education for children affected by the Flint water crisis. The money, part of a $600 million settlement announced Thursday by the state, will be used to strengthen services and supports for Flint children who were harmed by lead poisoning and fund improvements for special education services to all students with disabilities in public schools in Flint and Genesee County. Education Week reported last August that the percentage of special education students in the Flint schools has more than doubled since the water crisis began—and explored why the percentage of special education students could continue to rise as more children born during the water crisis begin to enroll in the city’s schools. Currently, one in four students in the Flint schools is eligible for special education services. (from Education Week, 8/20/20)

Resources from our Sponsors…

PASA is grateful for the ongoing support of our Sponsors at all levels. Although PASA does not promote or endorse any product or service offered by our sponsors, we are pleased to share information they offer that may be helpful to school leaders, particularly concerning return-to-school issues. Several of our sponsors have offered free webinars and other unique opportunities and resources to assist PASA members in planning for the school year. A recording of several of these webinars and a list of additional FREE resources and information is available on the PASA website.

On the PASA Calendar…

Sept. 7........PASA office closed
Sept.10........Board of Governors meeting
Sept. 15......Professional Development Committee meeting
Sept. 16......PASA Webinar: Combating Hatred