Guidance and Resources...

Stay Granted on Event Capacity Ruling – Last Thursday the Third U.S. Circuit Court of Appeals issued a stay on the recent lower federal court ruling that found the Wolf Administration’s order limiting public gatherings to 25 people inside and 250 people outside was unconstitutional. After U.S. District Judge William Stickman IV issued that ruling, Gov. Wolf appealed the decision and asked the judge for a stay pending appeal. Judge Stickman denied that request. Gov. Wolf then appealed for a stay from the Third U.S. Circuit Court, which granted it today. In effect, the stay order reinstates the Governor's public gathering restrictions until the appeal is heard.

At this point, the governor has not made a definitive statement about whether he will provide any modification in the order. However, speaking with The Patriot-News last week, Wolf seemed to let the door open to possibly making a modification. “We’ve got to make sure that we’re being reasonable and realistic about how we do things,” he said. “I’m doing everything I can listening to folks, and continue to change as I did with restaurants, and we’ll continue to look and make sure that the guidelines we have in place are reasonable. Right now, we’re back to the 250, but as I say, I’m working right now with school districts and others to do what we can to recognize the contexts that are different in every community. Stay tuned, we’re working on it as we speak.”

The governor’s spokesperson on Friday indicated that “additional details on indoor and outdoor gatherings will be released next week.”

However, until any changes are made, school activities such as athletic events and extra-curricular programs that have public audiences are limited to 25 people inside and 250 people outside, including all student participants and school staff. These are the same limitations that were in place for schools prior to the U.S. Western Court ruling that the limitations were unconstitutional. PASA continues to encourage all school leaders to discuss this matter with your school solicitor and insurance provider.

Coronavirus 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.

Racism and Equity Resources – PASA has compiled and posted a list of resources to assist school leaders and educators to facilitate conversations and initiatives addressing racism and inequity in schools and communities. Click here for the list.

Resources from PASA 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.

Budget, Finance & Funding News...

General Fund Revenues – According to the PA Department of Revenue, Pennsylvania collected $3.3 billion in General Fund revenue in September, which was $248.7 million, or 8.3 percent, more than anticipated. Fiscal year-to-date General Fund collections total $9.9 billion, which is $459 million, or 4.9 percent, above estimate. Revenue collections are ahead of estimate to this point due to better than expected economic activity through the first quarter of the fiscal year.

Federal Update from AASA –
* Proposal for COVID Aid: House Democrats have introduced a revised version of their COVID relief bill. The new price tag is $2.2 trillion, down from $3.4 trillion in the May version of the HEROES Act. The bill sees cuts in some places and increases in others. In addition, there are some new inclusions. The primary cuts came largely from state and local government aid, to the tune of nearly half a trillion in cuts. The slimmed bill includes $436 billion in state and local aid, compared to over $900 billion in May. For comparison, the Republican HEALS Act, which failed to advance in the Senate, had no funding for states and municipalities. The revised HEROES act would also cut rental assistance by $50 billion compared to the May version of the bill. The latest proposal includes reductions to the stimulus payments for children down to the original $500 level in the first round of payments in the CARES act. If passed, adults would again receive $1200 stimulus check. However, other areas saw increases. For example, education funding was increased to $225 billion in the revised HEROES Act. This includes up to $185 billion in support for K-12 education, up from less than half of that in the original HEROES Act. The bill also includes an increase of $12 billion in funding for the E-rate program to help school districts close the digital divide, and $5 billion for emergency repairs for public school facilities. The Democrats included no liability protections for schools, a sticking point for Republicans. Liability protections prevent the filing of COVID-related lawsuits against businesses. This has long been a demand of Republicans, while Democrats have stated an unwillingness to budge.

* House Passes Continuing Resolution on Spending: Last Thursday the Senate, in a bipartisan 84-10 vote, extended about $1.4 trillion in government funding until Dec. 11. While Trump missed the official midnight deadline to sign the measure because he had an evening campaign rally in Minnesota, he put pen to paper around 1 a.m. after returning to the White House. Importantly, the bipartisan continuing resolution includes nearly $8 billion to extend the Department of Agriculture’s school nutrition waivers that provide the flexibility necessary for districts to safely serve meals to all students until September 2021. Moreover, this funding will also be used for the purpose of expanding and supporting the pandemic EBT program, which provides aid to SNAP eligible families. Looking ahead, government funding will continue until Congress reconvenes in a lame-duck session after the election. What happens then depends on whether Senate and White House control will shift to Democrats next year.

**Push for Funds to Break the Digital Divide** – Some members of the U.S. Senate are pushing for $4 billion in the next coronavirus relief package to help students in rural and low-income areas gain access to high speed internet. A digital divide that emerged as a major problem when schools shut down amid the pandemic last spring has persisted into the new academic year, and advocates for funding say help is urgently needed for kids whose schools remain partly or entirely online. For many students, it's not clear when schools will fully open again for in-person learning, with warnings of new outbreaks as flu season arrives. “As the COVID-19 pandemic continues to threaten the health and safety of our children and our families, we must ensure students have the ability to learn from home,” Sen. Chris Van Hollen (D-Md.), who’s been pushing for additional funds and an expanded federal access program, said in a statement to Maryland Matters. “But far too many children lack the equipment or the internet access they need — worsening the already present ‘homework gap’ into a full-blown ‘learning gap.’” Read the rest of the story: “Months into the Pandemic, Digital Divide Still Leaves Poor Kids at a Disadvantage” (from The Penn-Capital Star, 9/29/20).

In Legislative News...

**Session Schedule** – The Senate is scheduled to be in voting session two days this week. The House went into recess a day early last week, meeting only Tuesday and Wednesday, and will remain in recess until October 19, following the positive COVID diagnosis of Rep. Paul Schemel (R-Franklin), who was in Harrisburg last Tuesday when the House was in session.

**Last Week’s Legislative Action** –

* **HB 1342**: Vision Screening; amended and approved by the House Education Committee. The bill creates prekindergarten vision screenings, and also modifies the current school vision screening schedule. As amended, the bill changes the applicability to school years beginning after the regulations are promulgated and requires a school entity to provide resources to aid parents if they have not been able to get their annual eye exam after a failed screening.

* **HB 2696**: Education Scholarship Accounts; pulled from last Thursday’s House Education Committee agenda. The bill creates Back on Track Education Scholarship Accounts for students whose education was disrupted by the Coronavirus pandemic. Parents with school age children (K to 12) would receive funding in an account to offset educational costs. $500 million in CARES funding would be put into the program. Back on Track
ESAs could only be used by families for students’ education-related needs like tutoring, online classes, curriculum, tuition, counseling, and services for students with special needs. After significant pushback from school leaders across the commonwealth, Chairman Curt Sonney of the House Education Committee pulled HB 2696 from the committee agenda. Although House Republicans were attempting to develop an amendment to the bill to secure needed votes from within the committee and the entire Republican caucus, those efforts apparently continued to meet with opposition. As a result, the bill was pulled – for now. It is possible that some version of this idea may come back for consideration. In fact, today (Oct. 5) the Senate Education Committee is scheduled to hold a public hearing on an identical Senate bill. (See below.) PASA remains opposed to any attempt to put into statute the foundation for a voucher program.

* **SB 530**: Sexual Assault in Schools; approved by the House Education Committee. The bill would require a student who is convicted or adjudicated delinquent of sexual assault to be expelled, transferred to another building or transferred to another program apart from the victim if they are enrolled in the same K-12 school district. Parents or guardians who register their student in a school district would be required to confirm whether the student previous or currently is expelled for this offense and provide information relative to the name of the school and term of expulsion. The bill also requires the Safe Schools Advocate in the Philadelphia SD to monitor district compliance with the bill’s provisions. As amended in the Senate, the bill would prohibit including the student within a pool of school applicants for admission to the school (applies to charter schools).

* **SB 835**: Funding for Broadband Expansion; approved by the House Consumer Affairs Committee. The bill would dedicate state funding to address unserved rural areas of the Commonwealth by establishing a grant program to extend deployment of facilities already providing broadband service, limiting funding to entities who have demonstrated the ability to construct and administer, requiring it to be used in unserved areas only, and necessitating 20-percent of project costs come from their own funds.

* **SB 869**: Moment of Silence; amended and approved by the House Education 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, beginning with the 2021-22 school year. Amendments added to the bill require PDE to develop model curriculum for voluntary instruction in the events and significance of Sept. 11 and adds a requirement for a moment of silence for the attack on Pearl Harbor on Dec. 7.

* **SB 1216**: Certification Flexibility; passed by the House without further amendment, 202-0. As introduced, the bill would amend the School Code to 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. SB 1216 previous was amended on the House floor to:
    - delay until 2022-23 the use of the Keystone Exams as a graduation requirement or as a benchmark for the need to participate in a project-based assessment;
    - allow the Secretary to waive the NIMS assessment and the NOCTI exam school-wide or for a specific CT program based on the recommendations of directors of CT education programs;
    - allow the Secretary to waive the requirement to include performance data otherwise required in a professional employee's performance rating;
    - require the Secretary to apply to the USDE for a waiver from testing and accountability requirements under ESSA if the USDE provides an opportunity to apply for such a waiver;
    - exempt students who satisfactorily complete Keystone Exam-tested courses from taking the Keystone for that course should the USDE provide a waiver from testing in 2020-21, and would consider that student to be proficient for purposes of graduation;
- grant to parents the option of opting their children out of the Keystones or PSSA without any specific reason and requires the school entity to inform parents that they would have that option;
- require school districts to provide transportation to private school students, regardless of whether the public school is operating in-person instruction; and
- require the DOH to notify a school entity of any positive case of COVID-19 involving a student or staff member, and require that school entity to inform that information to any parents, staff, volunteers or contractors in that building or on the same school property as the positive case, and require the school to provide affected students with educational support.

Committee Schedule –

Monday, October 5
Senate Education Committee
11:00 a.m. – Hearing Room 1, North Office Building
Public hearing on SB 1230: Back on Track Education Scholarship Program. The bill is identical to HB 2696.
PASA has shared opposition to the bill with the committee, noting the following:
* While school closures caused a serious disruption to student learning last spring, and many students will need assistance to close learning gaps, giving parents funds to seek out their own assistance is an ineffective strategy at best.
* Senate Bill 1230 provides no accountability for the scholarship funds provided to the parents.
* As is HB 2696, the bill is clearly designed to send money to non-public schools, which the majority of American and Pennsylvanian taxpayers oppose.
* The $500 million identified for the ESA Program in Senate Bill 1230 would do more good for more children if it was allocated to our public school districts.

In State News…

COVID Alert PA App – Last week Governor Tom Wolf announced that more than 165,000 Pennsylvanians have downloaded the COVID Alert PA exposure notification mobile app in the first week since the app was released to the Apple and Google app stores. “Thank you to all of the Pennsylvanians who have already downloaded the COVID Alert PA app and added their phone to the fight against COVID-19,” Gov. Wolf said. “This is a simple, secure way that each and every one of us can help protect our communities from COVID-19, and I encourage every Pennsylvanian to download the app today. When we unite to stop COVID-19, we accomplish much more than we ever could alone.” COVID Alert PA is a free, voluntary mobile app developed by the Pennsylvania Department of Health in partnership with NearForm, UPenn and MIT Lincoln Laboratory using the Apple and Google Exposure Notification System. The app’s features include an interactive COVID-19 symptom checker, alerts of potential exposures to the virus, updates on the latest public health data about COVID-19 in PA and public health guidance for what to do if you have a potential exposure to COVID-19. Find more information on the COVID Alert PA app here. (from a press release)

On the PASA Calendar…

Oct. 7……….Professional Development Committee meeting (virtual)
Oct. 12-13….National Superintendent Certification Program (virtual)
Oct. 14……….Women’s Caucus Board meeting (virtual)
Oct. 19……….Women’s Caucus Virtual Networking Session
Oct. 21……….PASA Webinar: Leading Students in Poverty to Success