



Pennsylvania Association of School Administrators  
*Proud Leadership for Pennsylvania Schools*

## Education Update October 9, 2017

### In State Budget News...

**State Budget Update** – Pennsylvania remains without a final state budget... with no end in sight.

Over the preceding weekend (Sept. 29-30), House Republican leaders put together yet another revenue plan, with the intention of bringing it before their caucus for discussion on Monday. While details were a bit scarce, it appeared that the plan relied primarily on borrowing, a hotel tax and one-time fund transfers, with possibly a gaming component as well. What was not in this plan was either a shale tax or gross receipts tax/increase.

Those caucus discussions did not go well. Plus, House Democrats indicated they would not put up any votes for the plan since it did not include a shale tax. As a result, House Republican leaders did not even bring up the plan for a floor vote.

House Democrats then pushed for a floor vote on a discharge resolution concerning a bill that could be a vehicle for a shale tax. A discharge resolution is a procedural move to get around the committee process and bring a bill to the floor for a vote. That bill remains bottled up in committee, with the Republican chairman refusing to bring it up for consideration. After much discussion and some fireworks, the vote on the discharge resolution failed, 83-115.

Following that drama, Governor Wolf gave a brief press conference indicating his disappointment in the House Republican caucus and their failure to get the votes on the revenue plan they put on the table. He indicated that, until there is a viable revenue package, he would be managing the commonwealth's finances. He also indicated that this would include securitizing \$1.25 billion in state liquor assets. He indicated that he would work to protect education, seniors and hospitals going forward until this revenue issue is ironed out.

With the House's inability to pass a revenue package (and because the House is holding ALL the components of the budget at this point), the Senate then left town and will remain on call until the pathway forward becomes clear. The Senate is not scheduled to return to Harrisburg until October 16.

The House stayed in town long enough to pass a couple of the components of the budget, including the Human Services Code (concurring on the Senate's amendments to HB 59), and then they left town. They are not scheduled to return to Harrisburg until October 16.

#### **What does this mean for education?**

Because the governor has indicated his intent to manage the state's finances and prioritize education funding in the process, there are unlikely to be any delays in payments to school districts in the short term. **HOWEVER**, with no clear indication of where this revenue discussion is going and no specific timeline of when we're going to get there, **everything is up in the air**.

In addition to the budget debacle, we are hearing lots of confusion with the School Code bill – what's in, what's not. At this point, we aren't even sure if the EITC/OSTC increase is in or out. While we haven't heard of any other policy additions, there always is a big concern about what ultimately will find its way into a School Code bill – when lawmakers actually get a final budget plan completed.

So the waiting game goes on. We shall have to see what happens the week of October 16. Stay tuned....

**Holding Up EITC Letters** – The majority of Republican House members signed a letter last week urging Gov. Tom Wolf to prioritize issuing approval letters for a tax credit program that helps fund private schools. The letters should have been sent out last month, according to state law, but the administration

has stated it won't issue the tax credits until the budget — already more than three months late — is finalized. *Read the rest of the story:* [“House GOP: Wolf Breaking Law by Stalling Educational Tax Credits”](#) (from *The York Dispatch*, 10/5/17).

**State Revenues** – The Independent Fiscal Office (IFO) recently reported that, through the first three months of FY 2017-18, total General Fund revenues were \$25.3 million (0.4 percent) above the IFO's official estimate. Total tax revenues were \$9.4 million (0.1 percent) above estimate and non-tax revenues were \$15.8 million (34.5 percent) above estimate. Although PIT and sales-and-use tax came in below estimate, those underperformances were more than offset by strong corporate net income tax revenues and non-tax revenues.

## In Legislative News...

**Session Schedule** – Both the House and Senate stand in recess until October 16, when they are scheduled to return to Harrisburg.

## In State News...

**Administrative Salaries in Charter Schools, School Districts** – As the CEO of Commonwealth Charter Academy, Maurice Flurie received a 2016-17 salary of \$225,500 for overseeing a statewide cyber school with an enrollment of 9,035 students, a budget of \$116 million, staff of 500 and 11 family centers across the state. In that same school year, Pittsburgh Public Schools Superintendent Anthony Hamlet drew a \$210,000 salary for managing a district of about 24,000 students, a budget of about \$570 million, staff of 4,300 and 70 buildings. If you're looking for logic or consistency in the salaries of charter school leaders in comparison with their traditional school district counterparts, it might be hard to find. Even among the charter schools — both brick-and-mortar and cyber — there's a wide range of compensation that, in some cases, doesn't appear to always be tied to academic achievement or school size. *Read the rest of the story:* [“Some Charter School Heads Earn Big Paychecks Compared to Other Public School Leaders. What's the Rationale?”](#) (from *publicsource.org*, 9/28/17).

**Student Enrollments from Puerto Rico** – The Allentown School District has 30 new students from Puerto Rico, although Superintendent Thomas Parker couldn't say for sure whether they all came directly from the island in the aftermath of the storm. “We are getting lots of calls, however, and expect a large number moving forward,” he said. Much of Puerto Rico is still without power and food is difficult to come by. Officials estimate it could be months before a semblance of order is restored. Alan Jennings, executive director of the Community Action Committee of the Lehigh Valley, said thousands could seek refuge here because of the estimated 64,000 people of Puerto Rican heritage in the Valley. Bethlehem Area Superintendent Joseph Roy said the district will monitor the number of newly registered students to determine staffing needs. District officials also are considering running a clothing drive, he said, based on the number and needs of families coming to Bethlehem. *Read the rest of the story:* [“Lehigh Schools Begin Enrolling First Students from Hurricane-Ravaged Puerto Rico”](#) (from *The Morning Call*, 10/5/17). **See below for PDE guidance on enrollment of displaced students.**

**Ruling on Student Speech Off-Campus** – A federal judge last Thursday at least temporarily stopped Mahanoy Area High School from disciplining a student for her use of foul language in an off-campus internet post. Senior U.S. District Judge A. Richard Caputo issued a temporary restraining order barring the school from removing the 15-year-old girl, identified only as B.L., from the junior varsity cheerleading squad due to the Snapchat post in which she used profanities. In issuing the order, Caputo, who held a hearing on Monday in his Wilkes-Barre courtroom, ruled the girl is likely to succeed in her claim that the school violated her First Amendment rights in attempting to punish her for off-campus speech. *Read the rest of the story:* [“Judge Bars Mahanoy Area from Restricting Off-Campus Speech”](#) (from *The Republican Herald*, 10/6/17).

## In National News...

**Supreme Court Declining To Hear Education Cases** – The U.S. Supreme Court last Monday declined to take up cases on special education, violent speech aimed at schools, alleged teacher misconduct, and alleged retaliation against parents as it formally opened its new term. The justices turned down hundreds

of appeals that had piled up over the summer, just a few days after they had granted review of nine of those appeals, including a major case about whether public-sector unions, including teachers' unions, may continue to charge fees to nonmembers for representing them in collective bargaining. But the first Monday of October usually brings an orders list denying most of the rest, and Oct. 2 was no different. Among the more prominent education cases denied by the court was one dealing with the "stay-put" provision of the Individuals with Disabilities Education Act. *Read the rest of the story: ["U.S. Supreme Court Denies Review in Special Education, Other School Cases"](#)* (from *Education Week*, 10/2/17).

**Arts Education and Academic Success** – It is hard to ignore the growing body of research that correlates arts experiences with multiple domains of learning, including academic achievement, motivation, and thinking skills. Moreover, using art forms as a pedagogical tool in teaching other subjects—known as arts integration—is showing promise for enabling students to learn and retain academic content, according to a thorough literature review by Gail Burnaford and other researchers published for the Arts Education Partnership. Students in schools that offer arts-integrated learning are more likely to show better academic outcomes, transfer knowledge from arts to nonarts domains, and demonstrate greater motivation and engagement in learning. *Read the rest of the story: ["The Arts Need to Be a Central Part of Schooling: Arts Education May Deliver an Academic Boost"](#)* (from *Education Week*, 10/2/17).

## Across the Nation...

**Kansas: School Funding Ruling** – Kansas' State Supreme Court last Monday described as unconstitutional the legislature's attempt this year to overhaul the state's school funding formula. The court said in a much-anticipated ruling that the state's \$293 million spending increase after an earlier ruling failed to provide its students with an "adequate" public education. The state's legislature now has until July 2018 to come up with a new funding formula, according to the ruling. The state is spending close to \$4.3 billion on K-12 in the current fiscal year. The legislature, already dealing with a series of spending cuts after a years-long revenue shortfall, will now have to figure out how to raise more money to spend on its public schools. Legislators have been reluctant to raise taxes, though a growing chorus of teachers and parents in the state have pushed for more spending on schools. *Read the rest of the story: ["Kansas Supreme Court Strikes Down State's Latest K-12 Funding Formula"](#)* (from *Education Week*, 10/2/17).

## From the PDE...

**Displaced Students** – In light of the impact of recent natural disasters, including Hurricanes Harvey, Irma, and Maria, the PA Department of Education (PDE) has received a number of inquiries regarding displaced students and how school districts should prepare for and support arriving students. PDE has determined that, in many circumstances, incoming students would be most appropriately classified as "homeless children and youth," as defined by the federal McKinney-Vento Act. Federal law defines "homeless children and youth" as individuals who lack a fixed, regular, and adequate nighttime residence.

*Homeless children and youth include (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; (iv) "migratory children" who qualify as homeless under federal law because the children are living in circumstances described in clauses (i) through (iii) above. The term "migratory children" means children who are (or whose parent(s) or spouse(s) are) migratory agricultural workers, including migratory dairy workers or migratory fishermen, and who have moved from one school district to another in the preceding 36 months, in order to obtain (or accompany such parents or spouses in order to obtain) temporary or seasonal employment in agricultural or fishing work; and, (v) "Unaccompanied homeless youth" including any child who is "not in the physical custody of a parent or guardian."*

Under McKinney-Vento, students who are classified as “homeless children and youth” must be registered expeditiously by the receiving school district and enrolled immediately, and are exempted from Pennsylvania’s school immunization requirements. PDE encourages school districts to coordinate with their local health system to ensure access to necessary immunizations if a student lacks necessary immunizations or immunization or medical records, per requirements under federal law. Schools should work with the McKinney-Vento Act homeless regional/site coordinator and district/building homeless liaison to ensure that barriers have been removed for enrollment purposes.

PDE recommends that school districts review and consult guidance under the [McKinney-Vento Act Basic Education Circular](#) and related guidance from the recently released [School Immunization Requirements BEC](#). In addition, arriving students who are identified as needing English language instruction and/or special education services should be provided those supports; more information regarding these requirements is available in the Department’s [Educating English Learners \(ELs\) BEC](#), as well as on the Bureau of Special Education’s [webpage](#). Districts with additional questions should contact the Division of Student Services at PDE: (717) 783-6466.

**Soliciting Comments on ‘Significant Disproportionality’** – The December 2016 amendments to the Individuals with Disabilities Education Act (IDEA) require each state to develop a standard methodology to identify local education agencies with significant disproportionality and ensure that children with disabilities are properly identified for services, receive necessary services in the least restrictive environment, and are not disproportionately removed from their educational placements by disciplinary removals. The PDE held three statewide stakeholder forums August 29-31 to gather verbal input that will assist in the development of the parameters used within the methodology for significant disproportionality.

In addition to gathering significant verbal input from stakeholders, PDE also intends to gather written comments pertaining to significant disproportionality. An [online webinar](#) titled *Significant Disproportionality Overview: The Big Picture* has been developed that provides federal regulation, essential information, and examples to assist with an understanding of significant disproportionality.

Persons wishing to participate in providing written comments can access the following e-mail account at [ra-edsd@pa.gov](mailto:ra-edsd@pa.gov) to submit written comment feedback. The comments provided will be read and will be used toward developing the parameters for the mandated standard methodology. The comment period began on October 2, 2017 and will end **November 15, 2017**.

If you have any questions regarding this information, please contact or John Gombocz by e-mail at [jgombocz@pa.gov](mailto:jgombocz@pa.gov) or by phone at (717) 772-374, or Patty Todd by e-mail at [patodd@pa.gov](mailto:patodd@pa.gov) or by phone at (717) 772-3260.

**Green Ribbon Schools** – The PDE is soliciting applications for the 2017-18 U.S. Department of Education’s Green Ribbon School Award. The program recognizes schools that save energy, reduce operating costs, create environmentally-friendly learning spaces to promote student health, and provide environmental education to incorporate sustainability into the curriculum. The PDE will select one school and one school district from among those applying for the award. Applications must be completed online by close of business December 4, 2017. For information about applying, [CLICK HERE](#).

## On the Calendar...

Oct. 18-20 – PASA/PSBA School Leadership Conference (Hershey)  
Oct. 25 – PASA Webinar: Supt./Asst. Supt. Contracts  
Oct. 30 – Southeast Women’s Caucus dinner/meeting (King of Prussia)  
Nov. 1-2 – Aspiring to Leadership Workshops (Westmoreland I.U. 7)