



Pennsylvania Association of School Administrators
Proud Leadership for Pennsylvania Schools

Education Update
September 14, 2020

In Budget & Finance News...

Flawed CARES Act Funding Rule Withdrawn – (from AASA) Last week, after the flawed DeVos guidance (and interim rule) concerning equitable services and CARES Act funding distribution were gutted by multiple court decisions, and USED itself announced that the interim final rule is **no longer in effect**.

As background, through the spring and early summer, AASA was engaged in an effort to oppose a flawed interpretation of the equitable services provision within the CARES Act. On July 1 Sec. DeVos had doubled down on her flawed interpretation of the equitable services guidance from April and released a final interim rule that would codify the guidance with the strength of law. Essentially, DeVos used the long-standing equitable services mechanism as a money grab to bolster private school coffers, when historically, the equitable services provisions have been focused on ensuring Title I eligible students in private schools are served.

In late summer, a trio of combo punch of court decisions out of Washington, California and Washington D.C. took significant momentum out of the flawed rule: A federal judge in Washington state blocked the DeVos rule, a move that prevented it from being implemented in schools in Washington state. Three days later, a judge in California issued a similar injunction, preventing DeVos from implementing or enforcing her rule in at least eight states and some of the nation's largest public school districts. The California decision prevents DeVos from carrying out her policy in Michigan, California, Hawaii, Maine, Maryland, New Mexico, Pennsylvania, Wisconsin, the District of Columbia as well as for public school districts in New York City, Chicago, Cleveland and San Francisco. Then a Washington DC decision resulted in an opinion and order that vacated the interim final rule. Consequently, the rule is no longer in effect.

Collectively, these decisions are a win for equity and for common sense policy and implementation of a statute as intended. Moving forward, state and local education agencies are free to implement equitable services as they always have, and as Congress intended in the CARES Act. The Trump administration may consider an appeal, but that is irrelevant for now, and schools can and should move forward with the implementation of CARES as written in law.

Funds for Broadband – Gov. Wolf announced last week that he is dedicating \$15 million for schools to secure broadband, mobile hot spots, and other platforms that increase equitable access to remote learning through the Governor's Emergency Education Relief (GEER) Funds. Specifically, the funding will be used to:

- * Enable public libraries to coordinate work with the Internet Disaster Recovery Center to expand Internet connectivity in targeted county-wide geographic service areas identified as most in need. Expand the inventory of Wi-Fi hot spots and lendable technology through public libraries and addressing the technology deficit among libraries (estimated \$1.4 million).
- * Strengthen and expand the existing 24/7 online homework help through the POWER Library Chat with a Librarian service and additional electronic resources (estimated \$100,000).
- * Create and deploy Open Educational Resources (OER) for students and educators (estimated \$500,000). OERs give students access to a wider range of instructional materials, including textbooks, videos and research, free of charge.
- * Establish a statewide **datacasting** initiative with Pennsylvania PBS to connect students to learning content who don't have access to the Internet (estimated \$8 million). Datacasting uses over-the-air TV signals to deliver educational content that can be used on computers without having to access the Internet. Using a datacasting antenna, students can download lesson plans, videos, and worksheets from their schools.
- * Distribute devices to be used in conjunction with datacasting technology for households without a connection to the Internet (e.g. datacasting antenna, laptops), and provide the technical supports and professional development to connect students to learning (estimated \$3 million).
- * Distribute accessible/assistive technology, including but not limited to software, tablets, tablet mounts, screens, smart pens, hotspots, devices, for K-12 students with exceptionalities in collaboration with the PaTTAN system (estimated \$2 million).

Guidance and Resources...

What To Know about Managing Liability – As school begins in earnest, districts are struggling to get their arms around an elusive but potentially costly challenge: risk management in the age of coronavirus. Most if not all districts buy general liability insurance, either self-insurance through a traditional insurance company, or through a pooled plan open-managed by representatives of participating districts. Even before COVID-19, some of these liability policies excluded communicable diseases from coverages. In other cases, insurers have notified districts just in the past few months that they will not cover claims stemming from the pandemic—sometimes because they too could not secure reinsurance to cover potential claims. That means that many districts are potentially on their own to cover legal costs and damages stemming from a civil lawsuit from a parent or student alleging that they contracted COVID-19, due to a district's failure to protect them against exposure to infection. Despite the uncertainties, there are some key insights emerging about school districts' liability in the pandemic and how to protect themselves. *Education Week* lists seven things to know. *Read the rest of the story:* [“Schools May Get Sued Over COVID-19. 7 Things to Know About Managing That Risk”](#) (9/8/20).

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](#).

School Safety, Health & Instruction...

Social-Emotional Skills – Ensuring that students continue to develop critical social-emotional skills in a socially distanced world will require administrators and teachers to not just rethink existing approaches to social learning but also teach children to navigate the new social skills that are needed for life during the pandemic. “So much of typical [social-emotional learning] programs and practices have included a lot of face-to-face interaction between students and between students and adults,” said Justina Schlund, director of field learning for the Collaborative for Academic, Social, and Emotional Learning, or CASEL. “It's being able to work together closely to solve a problem or to talk about their emotions and their experiences. So I think it's going to require a lot of creativity on the part of our schools and educators to think about how they're communicating SEL during this time.” *Education Week* offers some key recommendations for school and district leaders when planning in-person social learning during the pandemic. *Read the rest of the story:* [“Teaching the 'New' COVID-19 Social-Emotional Skills”](#) (from *Education Week*, 9/2/20).

In Legislative News...

Session Schedule – The House will be in voting session three days this week (Tuesday – Thursday) while the Senate stands in recess for a week. The schedule switches next week, with the Senate in voting session next Monday through Wednesday and the House stands in recess.

Last Week's Legislative Action –

* **HB 2348: Broadband Expansion Grants; approved by the Senate Communications & Technology Committee.** The bill would repeal the Mobile Telecommunications Broadband Investment Tax Credit for mobile telecommunication providers to invest in broadband equipment in Pennsylvania and establish the Unserved High-Speed Broadband Funding Program, a competitive grant that would target the unserved and underserved areas of

our commonwealth, with the Commonwealth Financing Authority administering the grants.

* **[HB 2536](#): Tax Anticipation Notes; amended and approved by the Senate Local Government Committee and referred to the Senate Appropriations Committee.** The bill amends the Local Government Unit Debt Act to authorize special short-term debt to help local government units manage cash flow during the Covid-19 emergency. Under the provisions of this proposal, a local government unit is authorized to obtain tax anticipation notes with a date of maturity at the conclusion of the next fiscal year which ends between 15 and 26 months from the effective date of this proposal. The amendment added to the bill clarifies the original intent for the maturity date of tax notification to be no later than the last day of the fiscal year in 2022.

* **[HB 2787](#): Sports in 2020-21; passed by the Senate, 39-11.** 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. As amended, the bill requires the exclusion of students or staff from school buildings or activities if they test positive for coronavirus and adds nonpublic schools to the list of school entities required to develop a health and safety plan for activities and athletics. In the House, several amendments were defeated, including one that would have allowed the DOH, local health departments or the school entity to restrict audience or spectator attendance at school events if health officials determine that there is a significant risk to public safety related to COVID-19. ***Gov. Wolf has indicated he will veto the bill. What remains to be seen is whether both the House and Senate will be able to override his veto.***

* **[SB 530](#): Sexual Assault in Schools; amended and passed by the Senate, 50-0.** 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, 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; passed by the Senate, 50-0.** 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 passed by the Senate, 50-0.** 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. 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.

Committee Schedule – Several of the committee hearings this week will focus on the impacts of the COVID-19 pandemic and the state shutdown. At this time, no House or Senate education committee meetings have been scheduled.

Wednesday, September 16 **House Finance Committee**

9:30 a.m. – Room G50, Irvis Office Building

Informational meeting on Department of Revenue to discuss the state's current and projected tax revenue collections.

In State News...

Proposed Science Education Standards – The State Board of Education last week approved an [update to](#)

[Pennsylvania's science education standards](#). The two current science standards, Science and Technology and Environment and Ecology, were enacted in 2002. The standards are the basis for science education in schools. The state Board initiated a review last year to revise the standards and align them with current research and best practices, including a review of Next Generation Science Standards. The Board is proposing three new standards: Pennsylvania Integrated Standards for Science, Environment, Ecology, Technology, and Engineering (Grades K-5); Pennsylvania Integrated Standards for Science, Environment and Ecology (Grades 6-12); and Pennsylvania Technology and Engineering Standards (Grades 6-12). The proposed standards will now be opened for a public comment period under the state's regulatory review process.

In National News...

[Public Schools and Growing Inequality from COVID-19](#) – Anecdotal evidence suggests that an increasing number of affluent parents are giving up on public schools in the COVID-19 era, sending their kids to private schools in pursuit of in-person learning. The aim, as with the advent of "learning pods," is to insulate their children from the downsides of remote schooling and the confusion around hybrid school. Many also want to get back to a normal workday. The flight of wealthy families away from public schools is just one more way the coronavirus is widening existing inequalities in the U.S., and a sign of how well-off Americans can buy their way out of at least some of the side effects of this pandemic. What this means for the public education system is worrying. Richer families pulling out of schools could worsen the disparities between well-resourced children and their less advantaged peers. *Read the rest of the story: "[Affluent Parents Are Pulling Their Kids Out Of Public Schools](#)"* (from *The Huffington Post*, 9/4/20)

[Coronavirus Relief Package and School Choice](#) – Senate Majority Leader Mitch McConnell last week unveiled a [slimmed down coronavirus relief proposal](#) that continues a GOP push to include school choice measures in the latest round of federal pandemic aid. The Kentucky Republican pledged to hold a vote soon on the bill, which lacks the bipartisan support necessary to win full approval. It's the latest volley in frequently stalled discussions between both parties and the White House over the next COVID-19 aid package. While the bill provides limited liability protections for schools, it would also authorize "emergency education freedom grants," state-administered scholarships families could use for private school tuition or other services if their children's education is interrupted by the pandemic. And it would allow families to use funds from tax-advantaged 529 savings plans, typically used to cover college or private school tuition, to pay for home-schooling expenses. The proposal also would provide federal tax credits for contributions to scholarships families could use during the next two years to send their children to private schools or to purchase educational materials and services. (from *Education Week*, 9/8/20)

On the PASA Calendar...

Sept. 15.....Professional Development Committee meeting (virtual)
Sept. 16.....Webinar: Combating Hatred
Sept. 21.....Sponsor Webinar – EduPlanet21
Sept. 22-23...New Superintendents' Academy
Sept. 28.....Webinar: Building Culture from the Inside Out