



Pennsylvania Association of School Administrators
Proud Leadership for Pennsylvania Schools

Education Update August 9, 2021

Budget, Revenue & Finance News...

Maintenance of Equity Update – (from AASA) On August 6, the U.S. Department of Education announced revisions to its guidance on Maintenance of Equity, clarifying that for the 2021-22 school year, the provision applies only to schools that are experiencing a net decrease in state and local funding. This represents a critical course correction and will provide a much-needed common sense flexibility for the 2021-22 school year.

In June, USED released its initial guidance on Maintenance of Equity (MoEq) and included an interpretation that the provision would apply to all schools enrolling more than 1,000 students, which ran counter to the intention of the underlying statute, the general impression in the field and among policy experts, and something that would prove problematic to the field. AASA worked with other key partners collaboratively to highlight the problems inherent to USED's overly expansive interpretation of the law. Those conversations had an impact, and for the 21-22 school year, the more narrow application will apply.

What you need to know...

- * Letter from Secretary of Education Cardona to state chiefs and school superintendents [is here](#).
- * The updated guidance itself is available [here](#). The critical update is that with this new guidance, "an LEA... may demonstrate that it is excepted from the maintenance of equity requirements for FY 2022 by certifying to the Department that it did not and will not implement an aggregate reduction in combined State and local per-pupil funding in FY 2022 (i.e., is not facing overall budget reductions)." In layman's terms, this means the MoEquity provision only applies to LEAs experiencing a net decrease in state/local dollars. Any LEA that can certify they will not have a new reduction in combined state and local funding for 2021-22 school year will be excepted from this provision. LEAs seeking the exception will need to submit a certification affirming they will not have a net decrease; [that form is available](#) in Appendix B (page 24) of the August 6 revised guidance.
- * **AASA Webinar:** AASA will host a technical webinar on the provision, the new guidance and what it means for schools **THIS FRIDAY, August 13 at 12 noon**. The webinar is **free** and open to all superintendents and interested people. [Sign up today!](#)

July Revenue – According to the PA Department of Revenue, Pennsylvania collected \$2.7 billion in General Fund revenue in July, the first month of the 2021-22 fiscal year. July collection data does not include a comparison against anticipated amounts because revenue estimates for each month are not yet finalized.

Ready to Learn Block Grant (RTL) Application – The PDE has released the 2021-22 Ready to Learn (RTL) application in eGrants and all eligible school entities (school districts, eligible charter schools, and eligible cyber charter schools) may apply. The submission deadline is November 30, 2021. The 2021-22 RTL Block Grant appropriation is \$268 million, equivalent to the amount appropriated for the 2020-21 school year. RTL grants are to assist students enrolled in the commonwealth's school districts and charter schools with attaining or maintaining academic performance targets. School entities should file an application on PDE's eGrants system for RTL funding. The application is accessible under the heading Ready to Learn. If a school entity RTL contact does not have an eGrants user ID and password, the school entity's federal programs coordinator or person who has completed federal grants on the PDE site has the ability as a user/administrator to add the RTL contact as a user. [Click here](#) for details.

Approval of PA Plan for ARP Funds – The PDE announced last week that Pennsylvania will receive \$1.6 billion in one-time pandemic relief to support the safe and sustained return to in-person learning after the U.S. Department of Education (USDE) approved [Pennsylvania's American Rescue Plan Elementary and Secondary School Emergency Relief \(ARP ESSER\) plan](#). With the additional \$1.6 billion, the state will have received a total of \$5 billion in ARP ESSER funds to help Pre-K to 12 schools and equitably expand opportunity for students who need it most, particularly those most impacted by the COVID-19 pandemic. The plan prioritizes developing student and educator and staff mental health supports; strengthening access and equity of remote learning, which has led to instructional and learning inequities; and addressing staffing shortages and other staffing challenges.

The ARP Act of 2021 directed 90 percent of the state’s total allocation—about \$4.5 billion—to school districts and charter schools. Under the ARP Act and Act 24 of 2021, PDE must use the remaining \$500 million of ESSER funding to implement interventions that address learning loss, support summer enrichment and comprehensive afterschool programs, and assist school entities that do not receive direct ESSER allocation such as career and technical schools and intermediate units. Local Education Agencies (LEAs) will have to describe how they intend to implement an equitable and inclusive return to in-person instruction. PDE’s [ARP ESSER Guidebook](#) includes detailed guidance on centering equity in LEA plans to address learning loss and explains the state’s rationale for focusing such efforts on acceleration rather than remediation. Increasing opportunity and access to programs that address learning loss and providing accelerated learning in an equitable way will enable schools to meet the needs of students disproportionately impacted by the pandemic.

Equitable Rating – Although the U.S. is considered one of the most educated countries in the world, the quality of education it provides varies among school districts, and often depends on the amount of funding a district spends per student. [WalletHub](#), a personal finance website, has found that in many states “more affluent school districts receive a greater amount of funding per student than poorer districts.” But states that provide “equitable funding to all school districts” can help prevent this disparity between the rich and poor. WalletHub has released its findings in a [study](#) ranking the most to least equitable school districts in Pennsylvania. *Read the rest of the story: [“Four Central Pa. School Districts Made the Top-10 List As ‘Most Equitable’ in the State, Study Finds”](#)* (from *The Patriot-News*, 8/4/21).

Federal Budget Bill – (from AASA) Last week, the U.S. House completed its voting on amendments to the FY2022 LHHHS-Education appropriations bill. That bill is part of a seven-bill FY22 omnibus package that was ultimately passed by the house. To date, the House has passed 9 of the 12 appropriations bills. USED saw an overall increase of \$29.3 billion, compared to the CDC increase of \$2.7 billion. The House LHHHS includes a \$20 billion increase for Title I, following the lead of the Biden administration, funds which would move through a new Equity Grant Program. The bill also includes a \$5 million increase for REAP, an \$85 million increase for Title IV-A, and a \$2.6 billion increase for IDEA Grants to states. AASA will watch to see how the Senate drafts their appropriations bills and monitor FY22 funding conversations as they continue to evolve.

In Health & Safety News...

Clarification on School Buses, Masks & Enforcement – (from AASA) This summer the Transportation Security Administration (TSA) issued an order requiring wearing of masks in all public conveyances and transportation hubs. In its order, the TSA referenced school buses and the importance of keeping students and teachers safe. Also, in its FAQ on the order, the TSA references a CDC order issued last January (and still in effect) that masks on school buses are required.

Since the TSA released these documents, AASA has further reviewed them and is providing the following information concerning the requirement and enforcement:

“Many superintendents have expressed confusion about different federal orders requiring masks on school buses, and we are writing to provide some clarity for you and your administrative teams on this issue.

“But, first some context: In June, CDC reiterated its order from January that school bus masking is required. At the same time, several states acted in the spring and summer to prohibit local school districts from requiring masks for students generally.

“Superintendents have wondered what the consequence of following state law (no mask mandates) and flaunting federal CDC orders would be and the answer is as follows: **CDC has no way of enforcing its school bus mask mandate.** While they have the power to issue orders, their enforcement capacity is essentially non-existent. Superintendents should weigh the consequences of what would occur if they do not follow the state mandate on masks and following the CDC order and vice versa.

“In addition to masking, there are multiple effective mitigation strategies for districts to employ to reduce the risks associated with student transportation as demonstrated in this document published by the U.S. Department of Education. Regardless of what practices your district employs, the U.S. Department of Education has reiterated that social distancing practices on school buses should not deter districts from offering full-time, in-person instruction.

“With regards to the TSA order for buses that have associated fines for noncompliance, please know that school buses are not part of the order. There is no financial penalty associated with noncompliance with the TSA or CDC orders.”

Education This Fall – U.S. Education Secretary Miguel Cardona has a message for schools across the country ahead of the new school year: Students need to be in classrooms. "That's where students learn best," Cardona told NPR's A Martínez. "Schools are more than just places where students learn how to read and write — they're communities. They're like second families to our students." Last week the U.S. Education Department released [a roadmap for the return to school](#), encouraging districts to invest in social and emotional support for students and outlining ways to "accelerate academic achievement." The roadmap also recommends that school systems follow the Centers for Disease Control and Prevention's masking guidance for K-12 schools, which the agency revised last week, [recommending](#) "universal indoor masking for all teachers, staff, students, and visitors to schools, regardless of vaccination status." *Read the rest of the story:* [“Students Need To Be In Classrooms, With Masks, This Fall, Education Secretary Says”](#) (from NPR, 8/4/21).

More Updated Guidance from the CDC – (from AASA, August 5) The Centers for Disease Control and Prevention (CDC) updated the *Guidance for COVID-19 Prevention in K-12 Schools* to align with CDC's existing [guidance for fully vaccinated people](#) and assist K-12 schools in opening for in-person instruction and remaining open. Additionally, the [Considerations for Case Investigation and Contact Tracing in K-12 Schools and Institutions of Higher Education \(IHEs\)](#) has been updated to align with new CDC guidance.

[CDC's Guidance for COVID-19 Prevention in K-12 Schools](#) includes recommendations for

- * Promoting vaccination among teachers, staff, families, and eligible students.
- * Universal indoor masking for all teachers, staff, students, and visitors to K-12 schools, regardless of vaccination status.
- * Implementation of layered prevention strategies to reduce the spread of COVID-19 in schools, including maintaining at least 3 feet of distance between students within classrooms in combination with universal masking; screening testing to promptly identify cases, clusters, and outbreaks; handwashing and respiratory etiquette; cleaning and disinfection; and contact tracing in combination with isolation and quarantine.

[CDC's Considerations for Case Investigation and Contact Tracing in K-12 Schools and Institutions of Higher Education \(IHEs\)](#) highlights

- * How case investigation and contact tracing--in combination with testing, isolation, and quarantine--are effective strategies to help prevent transmission of COVID-19 in K–12 schools.
- * How collaboration between schools and STLT health departments on reporting COVID-19 cases can facilitate timely case investigation and contact tracing in school settings.
- * Recommendations for students, staff, and educators, regardless of vaccination status, who have come into close contact with a person diagnosed with COVID-19.

CDC has also updated the exception to the [close contact definition](#) for students in K-12 indoor classroom settings. If using the 3-foot distancing in indoor classroom settings, it is important that schools implement layered prevention strategies to ensure a safe environment and prevent transmission of COVID-19. However, implementation of these strategies will no longer be considered in the determination of close contact.

California: Students and Masks – As California begins to return to fully reopened campuses this month for in-person learning, the state's mandatory mask rule will continue to be part of the new normal for all K-12 schools, which join a growing list of counties and public places that require indoor masking amid the COVID-19 surge fueled by the highly transmissible Delta variant. If past months and the first days of the new year are any indication of how students are dealing with the latest coronavirus school rule, many say they are largely over it. They have adjusted to the discomfort and would much rather be in school with their friends than at home on a computer. "It's become like second nature in a sense," said Deven Allen, 17, an incoming senior at Lawndale High School. "You kind of can't leave the house without a mask. You kind of feel naked without it." *Read the rest of the story:* [“California Students Unfazed by Mask Rule. It's ‘Second Nature’ Now”](#) (from *Education Week*, 8/3/21).

In Legislative News...

Session Update – The General Assembly is in summer recess until late September.

Legislative Action Last Week – The **House Education Committee** last week reported [HB 1705 \(Property Tax Pension Disclosure\)](#) with a request to re-refer the bill to the House State Government Committee. The bill would require the governing body of each school district to calculate the amount of unfunded pension and other postemployment benefit obligations per \$100,000 of assessed residential property within the school district. The results of the calculation must be published as follows: on the publicly accessible Internet website of the school district as a separate item from other information on the website; as a footnote in the financial disclosures of the annual audited report of the school district; and in the notice of taxes required by the Local Tax Collection Law. In addition, the bill would require a seller who intends to transfer an interest in real property to disclose the results of the calculation as an item on the property disclosure form.

Upcoming Meetings –

Wednesday, August 11

House Democratic Policy Committee

1:00 p.m., Ballroom Independence Visitor Center, 599 Market St., Philadelphia

Public hearing on reopening of Philadelphia schools post-COVID

Wednesday, August 18

House Children & Youth Committee

10:00 a.m., Montgomery Township Rec. & Community Center, 1030 Horsham Rd., Montgomeryville

Public hearing on respecting confidentiality while preserving accountability: protecting students & staff in our schools

Monday, August 30

House Republican Policy Committee

1:00 p.m., Lebanon Valley Exposition Center, North Hall, 80 Rocherty Rd., Lebanon

Public hearing on property tax reform

In State News...

Renewal of Opioid Disaster Emergency Declaration – On August 4, Governor Tom Wolf signed the 15th renewal of his January 2018 opioid disaster declaration to help the state fight the opioid and heroin epidemic. In a letter sent on July 30 to Senate and House leadership, Wolf said he planned to renew the declaration for the 15th time and asked lawmakers to reconvene by Aug. 26 to extend the emergency declaration with its recently expanded powers. The request comes months after voters opted to restrict the governor's emergency response powers by amending the state constitution to limit declarations to 21 days and allow for an extension with approval from the Legislature. The most recent order expired on August 5. Senate President Pro Tempore Jake Corman (R-Centre) and House Speaker Bryan Cutler (R-Lancaster) on Thursday sent a letter to Gov. Wolf to inform him that they will not extend the order, which means it will expire after 21 days.

In National News...

Teaching American History – Tennessee is [one of 11 states](#) this year that have drastically curtailed the ways that districts can fight systemic and individual acts of racism, homophobia, and sexism in the classroom and how teachers can talk to students about the ways America's government has historically discriminated against minorities. Another 16 states have similar bills that are set to be considered during next year's legislative session. Advocates of the bills argue that public school districts are indoctrinating students with teachers' political agendas and, through their equity initiatives, giving students of color an unfair advantage over white students. Opponents of the bills argue that school districts can no longer ignore longstanding academic disparities between white students and students of color and are obligated to teach all students a more complete and nuanced version of America's racist past. Tennessee's Department of Education is the second in the country to release additional guidance on how its censorship law will be enforced, following Oklahoma's state department, which released guidance in mid-July. Oklahoma educators could have their teaching licenses suspended or revoked and schools could lose accreditation if an investigation finds evidence that they taught about racism and sexism in ways that violated the law. Oklahoma will also allow parents the right to inspect curriculum, instructional materials, classroom assignments, and lesson plans to "ensure compliance." *Read the rest of the story: ["A \\$5 Million Fine for Classroom Discussions on Race? In Tennessee, This Is the New Reality"](#)* (from *Education Week*, 8/3/21).

On the PASA Calendar...

Aug. 14.....Superintendent Licensure Exam Prep Session (Harrisburg)

Aug. 18.....Leading in a Culture of Change Session 3 (virtual)

Sept. 6.....PASA office closed

Sept. 9.....Annual Meeting/Awards Luncheon/Board of Governors meeting (Harrisburg)