



Pennsylvania Association of School Administrators
Proud Leadership for Pennsylvania Schools

Education Update

June 13, 2022

In Health, Safety, Equity & Learning News...

The Homework Gap and Access to Technology – Nearly a third of U.S. teenagers report facing at least one academic challenge related to lack of access to technology at home, the so-called “homework gap,” according to new survey from the Pew Research Center. And that is the case even though nearly all K-12 students were back to in-person learning this school year, according to the [Pew Research Center survey](#), conducted April 14 to May 4. The survey examines teens’ and parents’ views on virtual learning and the pandemic’s impact on academic achievement. “More than two years after the COVID-19 outbreak forced school officials to shift classes and assignments online, teens continue to navigate the pandemic’s impact on their education and relationships, even while they experience glimpses of normalcy as they return to the classroom,” the report’s authors noted. *Read the rest of the story:* [“The ‘Homework Gap’ Persists. Tech Equity Is One Big Reason Why”](#) (from *Education Week*, 6/7/22).

Toolkit Regarding Drop in Child, Teen Vaccinations – (from AASA) The COVID-19 pandemic has led to sharp declines in the number of children, particularly adolescents, who are receiving recommended vaccinations. If not addressed, the drop in routinely recommended vaccinations could expose students and staff to vaccine-preventable outbreaks that lead to physical and mental health issues for students.

In response to this escalating issue, AASA, in partnership with the Merck Foundation, has issued a new toolkit designed to help educational leaders ease the plummeting vaccination rates that have decreased by 14% during the pandemic and related school closures.

[Addressing the Decline of Vaccination Rates of U.S. Students: A Toolkit for Educational Leaders](#) provides resources to support administrators and includes direction about how schools, districts and families can solve this national problem. This actionable toolkit includes six modules to increase the understanding of the vaccination crisis and implement the rich range of resources as part of ongoing professional learning for parents, families and community outreach.

In Budget, Finance & Revenue News...

Charter School Funding Reform – Frustrated by mounting payments their districts have been making to send students to charter schools, suburban Philadelphia superintendents last Monday called on legislative leaders to back changes that would curb their costs and keep more money in traditional public schools. At a news conference outside Evergreen Elementary School in Collegeville, superintendents from the Perkiomen Valley, Upper Dublin, Norristown, and Quakertown School Districts joined lawmakers and advocates who have been pressing for charter funding changes for years. “This is not an attack on the parents’ right to choose the best educational setting for their child,” said Christopher Dormer, the Norristown superintendent. “But today is an attack on a law that is broken,” with “skewed formulas that have resulted in drastic overpayments” to charters, with “little or no oversight on how those tax dollars are being spent.” *Read the rest of the story:* [“Suburban Superintendents Call for Curbing Payments to Charters: ‘Today Is an Attack on a Law That Is Broken’](#) (from *Philadelphia Inquirer*, 6/6/22).

Op-Ed: Charter School Costs & Accountability – As the superintendent of the Wattsburg Area School District, I often get asked why school property taxes go up every year. One of the primary reasons is growing cyber charter school costs. The state’s charter school law funds privately-operated cyber charter schools by involuntarily taking taxpayer money from school district budgets. For example, in the 2015-2016 school year our district paid a mandated \$561,996 in tuition to cyber charters for 49 students. Fast forward to 2020-2021 when our residents paid \$866,661 to cyber charters for 57 students. This year to date, we have already paid \$711,740 to cyber charters to educate just 49 students. *Read the rest of the op-ed from* **Kenneth A. Berlin**, *district superintendent:* [“Pennsylvania’s Cyber Charter Schools Cost Taxpayers and Businesses”](#) (from GoErie.com,

6/3/22).

In Legislative News...

Session Update – Both the House and Senate are in session this week for three days. Next week both chambers will be in session all five days and at least four days the week of June 27. There continues to be talk about an “early budget,” but that remains to be seen. The budget deadline is June 30.

Last Week's Bill Action – Although not many education-related bills saw committee or floor action last week, a number of bills were moved to second or third consideration (vouchers, mental health grants, homeschooled students, public meetings, school board authority, EITC increase, pathways to graduation, charter school “reform”) and therefore are in place for action when House or Senate legislative leaders are ready to move them. **STAY TUNED!** Bills that did see specific action last week include:

* **SB 932: Educational Tax Credits; re-referred to the Senate Appropriations Committee.** The bill would revise the current definition of household income to explicitly state that payments received from any governmental agency as a result of the pandemic cannot be included in calculating one's household income when determining eligibility. In addition, the bill would revise the current definition of “school-related fees” under the context of the EITC and OSTC programs to allow for the use of program dollars for dual enrollment courses. The bill passed the Senate in December 2021 by a vote of 33-16. **PASA opposes any bill that diverts to private and sectarian schools with no taxpayer accountability or transparency revenues that should go to the General Fund and the support of state obligations, including funding for public education.**

* **SB 1191: Transgender Students and Sports; passed by the Senate, 30-20.** Senate version of HB 972. The bill would require sport activities in public institutions of higher education and public school entities to be expressly designated male, female or coed and would create causes of action for harm suffered by designation. In addition, the bill, which defines sex as the biological distinction between male and female based on reproductive biology and genetic make-up, clarifies that the requirements would not restrict the eligibility of a student to participate in an interscholastic, intercollegiate, intramural or club athletic team or sport designed for the student's sex or designated coed or mixed. Finally, the bill would prohibit a government entity, licensing or accrediting organization, or an athletic association or organization from filing a complaint, opening an investigation, or taking any other action against a school or institution of higher education for maintaining separate interscholastic, intercollegiate, intramural or club athletic teams or sports for students of the female sex.

This Week's Committee Schedule – The Senate Education Committee on Sunday scheduled a voting meeting for Tuesday, although it was not yet listed on the General Assembly website as of early today. A rundown of education-related bills slated for committee consideration this week follows.

Monday, June 13

House Education Committee

10:00 a.m., Room 523, Irvis Office Building

To consider:

* **HB 2646: CTE Teacher Reciprocity.** The bill amends the School Code to provide more flexibility for out-of-state applicants to teach in CTE schools. Specifically, HB 2646 would allow teachers holding a current career and technical instructional certificate issued by another state, along with four years wage-earning experience in the occupation to be taught and two years of teaching experience, to be issued an equivalent Pennsylvania career and technical instructional certificate. **PASA supports the bill.**

Tuesday, June 14

Senate Education Committee

(time and location not yet posted on the General Assembly website)

To consider:

* **SB 766: Adult Education & Workforce Recovery Fund Grant Program.** This bill creates grants for educational

entities to implement adult education programs. This bill could benefit our CTE's and districts that provide adult education programs. *This is an initiative the PDE has been working on for a while. **PASA supports this bill.***

* **SB 1243: Personal Financial Literacy for High School Students.** This bill requires districts to implement a financial literacy course as a graduation requirement. *While PASA can support financial literacy as beneficial to students, this should be optional for districts. For that reason, **PASA opposes this bill.***

* **SB 1277: Parental Control over Curriculum and Books.** The bill, introduced late Friday, would require schools to identify sexually explicit content in school curriculum, materials, and books and notify parents that their child's coursework includes such content or that a book their child wishes to view in the school library contains explicit content. Parents would then have the opportunity to review the materials and the power to opt their children out of that coursework or prevent their child from viewing that particular book from the library. If the parent decides to opt their child out of coursework, the child must be provided with a non-explicit alternative.

In his memo regarding the bill, **Sen. Ryan Aument (R-Lancaster)**, the bill's sponsor, states that, "Though this issue is certainly not unique to Pennsylvania, recent media attention to the books, curriculum, and content in schools in other states have spurred many local parents to ask more questions about their children's education. In examples right here in Pennsylvania, parents have identified books and assignments provided to their children that contain sexually explicit content that adults would be prohibited from viewing while at work. Parents, understandably, are outraged. And when voicing their concerns to school administrators, many have felt like their concerns were dismissed or trivialized. This is unacceptable. Parents must be confident that their children are receiving a quality education in our schools without being exposed to inappropriate, sexually explicit content. In this day and age, when it seems increasingly unlikely that a community will reach consensus about what is appropriate educational content for children, we must empower parents to individually make that decision."

PASA opposes this bill. *This bill places considerable responsibility on school staff and officials to determine sexually explicit content in school curriculum and materials. It will be easy for school personnel to miss something that a parent may consider sexually explicit, as there are no definitions in the bill and therefore no clarification or criteria for this decision-making process. Also, parents currently have the right to review their child's curriculum and instructional materials as stated in the School Code.*

* **SB 1278: Parent Authority in Curriculum Decisions.** As was SB 1277, this bill, titled "Empowering Families in Education," was introduced late Friday. SB 1278 would:

- Prohibit classroom instruction on gender identity and sexual orientation for pre-kindergarten through fifth grade students, consistent with the timeline for when the existing academic standards on general sex education begins in sixth grade.
- Require adherence to existing state standards of age-appropriate content for any discussions of gender identity and sexual orientation that occur in grades 6-12.
- Prohibit a school from withholding information from parents in accordance with existing state and federal laws.
- Increase transparency by requiring public schools to develop a policy for notifying parents when there is a change to a student's services or monitoring.
- Protect students in the LGBTQ community by providing critical exemptions if it can be reasonably demonstrated that parental notification would result in abuse or abandonment of a minor.

This legislation also provides that in the event a student is personally facing issues related to sexual orientation or gender identity and wishes to discuss it with school personnel, they are not barred from having that conversation or offering support services to the student. However, a parent would not be barred from being part of this kind of conversation with their child and a school would not be allowed to withhold that information from a parent.

In his memo describing the bill, **Sen. Scott Martin (R-Lancaster)**, the bill's sponsor, said, "Parents have a fundamental right to decide the educational, moral, ideological, and religious upbringing of their children without unreasonable government interference in the classroom undermining that right. Considering that it's unlikely all parents in a single school district would be able to reach a consensus on how and when to have these pivotal discussions with their young children, we must work to find solutions that empower parents to educate their own children on these sensitive topics at their own pace without having their hand forced by the public school system."

PASA opposes this bill as written. On their webpage, the senators identify several situations that would have been prevented by their bill. On one hand, this bill may help districts who are struggling with how and when to include instruction or discussions on these topics, especially in the early grades. On the other hand, the bill usurps the local school board's authority to approve curriculum and programs for their students. It is also very ambiguous about the parental notification piece, which places an undue burden on teachers and school officials to notify parents as to when a student's service or monitoring changes, although there is no definition of that. This opens the floodgates for parents to complain about what is being taught and, ultimately, litigation. This is part of the effort to denigrate public school districts and is a backdoor way to require posting of curriculum and materials.

* **HB 2169: Tuition Vouchers.** The bill, passed by the House with all Democrats voting in opposition, establishes the "Lifeline Scholarship" to give parents of any student in grades 1-12 residing within the attendance areas of the lowest-achieving public schools (15%) with vouchers to pay for tuition in an "alternative academic setting." Eligible students must have attended a public school in the preceding school year, received funds from the program in the preceding school year, would be attending first grade for the first time in the next school year, are in foster care, were recently adopted, or whose parent is full-time military. Both special needs and regular ed students meeting that criteria would be eligible. The bill calculates the voucher by taking all state revenue (minus transportation) provided to a school district, including property tax relief money and pension reimbursement, and dividing by a school district's average daily membership (ADM) to calculate the base voucher amount. For students with disabilities, the base voucher amount would then be multiplied by the appropriate weights in the special education funding formula – depending on the severity of a student's disability. Based on this formula, some districts would have exceptionally large amounts of their subsidies dedicated to vouchers. In addition, the only accountability in the program would be requiring the Auditor General to conduct random audits of the scholarship program each year. There would be no requirement for annual audits or reporting by all recipients or receiving entities.

Chair Martin is offering an amendment to extend implementation timelines. Sen. Brooks is offering multiple amendments, including changing the audit requirements, requiring payments to be made directly to programs not parents, and requiring computers to be purchased from the resident school district. **We expect the bill to move from committee. Please contact your legislators!**

PASA opposes any bill that unconstitutionally diverts public funds from public schools to private/parochial schools. In addition, PASA strongly opposes HB 2169 for many other reasons:

- It allows parents in low performing schools (bottom 15%) or special education students, including 504 students and gifted students, to apply for the scholarship.
- Non-public schools are not governed by the Individuals with Disabilities in Education Act (IDEA), which guarantees students with disabilities and their parents with significant protections and rights related to the student's education.
- There is no guarantee that House Bill 2169 will help or prioritize children from economically disadvantaged families as there are no income limits for families to receive the voucher, which means the voucher can subsidize a wealthier family's private school tuition.
- The money used for the scholarships are deducted from the school districts state allocations with only transportation subsidies being excluded.
- The formula for the state subsidy deduction is simply dividing the entire allocation of state revenues given to all school districts by the total number of public school students. Some district will have exceptionally large amounts dedicated from their subsidies based in this formula.
- The only accountability piece requires the Auditor General to conduct random audits of the scholarship program each year. There is no requirement for annual audits or reporting by all recipients or receiving entities.
- We need to stay consistent in our ongoing opposition to any type of voucher scheme that takes money out of our public schools and gives it to non-public schools with no accountability.
- **Estimated cost to districts is approximately \$144 million annually!**

* **House Concurrent Regulatory Review Resolution 1 (HCRRR 1): Disapproval of Charter Schools and Charter Cyber Schools Regulation #6-349.** This resolution disapproves the new Charter School Regulations approved by the State Board of Education. The House approved this resolution, with all Democrats voting in

opposition. **PASA opposes this concurrent resolution. PASA supported the regulation as a first step in meaningful charter school law reform.** The regulation:

- provides clear application requirements for entities seeking to open a charter school, regional charter school, and cyber charter school;
- ensures that all Pennsylvania students are able to access charter schools;
- clarifies the ethics requirements for charter and cyber charter school trustees;
- requires school districts and charter schools to follow the same fiscal management and auditing standards;
- streamlines the process for charter schools to request tuition payments from school districts and the state; and
- provides a consistent, common-sense method for charter schools to meet the employee health care requirements in state law.

Senate Local Government Committee

12:30 p.m. – Room 8E East Wing

To consider:

* **HB 2148: Public Notice Requirements.** The bill allows a political subdivision that pays to advertise a public notice in a newspaper to also advertise that notice on the Internet and, in the event that the newspaper fails to publish the advertisement in a timely manner, provides that the Internet advertisement (a “redundant” advertisement) is considered timely published provided the political subdivision can show proof that it purchased the newspaper advertisement in a timely manner. (The bill initially pertained only to municipalities.) HB 2148 passed the House unanimously.

Wednesday, June 15

House State Government Committee

9:00 a.m. – Room G50 Irvis Office Building

To consider:

* **HB 2649: Regulatory Review Changes.** The bill would change the number of commissioners on the Independent Regulatory Review Commission from five to seven. Currently, the commission consists of one appointee each from the Governor, House and Senate majority leaders and House and Senate minority leaders. The legislation would add two appointees from the House and Senate majorities, thus giving the dominant party in the General Assembly control of every regulation that comes before the commission. In addition, the bill would bar a state agency (including the PDE) from promulgating a final-form or final-omitted regulation that is disapproved. *In effect, this bill would place all authority over regulations with the majority party in the legislature. It would remove a governor’s authority to promulgate and move regulations through an independent regulatory review process which subjects them to extensive public comment and analysis and instead would make decision-making on proposed regulations purely political.*

In National News...

USED’s Final Notice of Requirements – (from AASA) Last week, USED sent a letter to grantees announcing the Notice of Final Requirements regarding the LEA-level maintenance of equity provisions under section 2004(C) of the American Rescue Plan. The NFR establishes requirements for SEAs to publish LEA-level maintenance of equity data to demonstrate that LEAs are maintaining both fiscal and staffing equity in fiscal years 2022 and 2023. [Click here](#) to read the letter.

Charter School Federal Aid Rules – The Biden administration’s push to tighten the use of federal charter school aid continues to draw heat, with the U.S. Department of Education combing through more than 26,000 public comments on rules it proposed in March. The changes would add restrictions on schools applying for the federal Charter School Program, which provides grant money to charters in their first three years of operation. The Biden administration’s intent is to put a tighter leash on the use of the federal money by private entities and prevent premature closure of charters. The administration also hopes to maximize community support and assure charters don’t interfere with school desegregation efforts. But for some in the charter community, the proposals are an attack on the education model itself. Since they were released, charter school advocates including Colorado Gov. Jared Polis, a group of 18 Republican congressional lawmakers, and the National Alliance for Public Charter Schools,

have spoken out against them. Here are some of the most controversial elements, what supporters and opponents say about them, and where the process stands. *Read the rest of the story: [“What’s Behind the Fight Over the Biden Administration’s Stance on Charter School Funding”](#)* (from *Education Week*, 6/6/22).

On the PASA Calendar...

June 20.....Legislative Committee Zoom meeting (8 a.m.)
June 21.....Superintendent of the Year reception (Lehigh Univ.)
June 27.....Legislative Committee Zoom meeting (8 a.m.)
July 4.....*PASA office closed*