

# Legislative Report – Mr. Mahler

## July 2014

### Federal Legislation/Issues:

**Federal E-Rate Program Changes** – Last Friday the Federal Communications Commission (FCC) adopted an E-rate Modernization Order that will expand Wi-Fi networks in schools and libraries across the country. The new rules are the next step in a comprehensive modernization of E-rate, the first such effort since the program's creation 18 years ago. The program increases focus on the largest and most urgent need – closing the WiFi gap – while transitioning support away from legacy technologies to 21st Century broadband connectivity, ensuring E-rate money is spent smartly, and improving program administration. According to the FCC, the reform will expand Wi-Fi to more than 10 million students in 2015 alone.

### Pennsylvania Legislation/Issues:

**Final Budget** – Last week Tuesday the Senate returned to the Capitol for a one-day session to give final approval of the House-amended **HB 278**, the Fiscal Code bill that provides the mechanisms for distributing funds outlined in the budget. On Thursday, Gov. Corbett signed that bill and the \$29.1 billion budget plan (**HB 2328**) into law. The budget provides a spending increase of about \$651 million, or about 2.3 percent. It also adds another \$220 million to cover expenses from the 2013-14 fiscal year's, but the spending plan calls for NO significant increase in taxes or recurring revenues. Education and welfare spending comprised most of the increased spending in the budget plan. Other than increased state spending for pension costs, the budget provides the following increases:

**Special Education:** \$20 million increase for special education, with new funding distributed based on categories of support for students with disabilities. That distribution formula, however, does NOT apply to charter schools. According to Sen. Pat Browne, who, along with Rep. Bernie O'Neil, chaired the Special Education Funding Commission and developed subsequent legislation that would establish a new distribution formula, special education funding for charter schools would need to be addressed in separate legislation. In response to an outcry last month from charter school advocates, who insisted that the plan would bankrupt charter schools (despite evidence to the contrary), the Senate amended Sen. Browne's charter school bill by removing provisions that would have reformed the reimbursement system for supporting special needs students in charter schools.

**State Assessments:** \$5 million increase for assessment

**Early Childhood:** \$10 million increase for Pre-K Counts

**Ready to Learn Block Grants:** provides \$100 million for the competitive grants (with \$92 million for school districts and \$8 million targeted to charter schools) and moves the \$100 million Accountability Block Grant line item into the line-item. Each district would receive an amount equal to its 2013-14 ABG allocation. Each district and charter school will receive a "student-Focused Funding Supplement" based on a per-student factor, ELL factor and poverty factor. The grants could be used for a wide variety of programs, services and initiatives, in addition to those already available with ABGs. School districts would be able to deduct the block grant increase from their calculation for payment of charter school tuition.

**PlanCon:** \$10 million increase

**Early Intervention:** \$9.5 million increase

**Community Colleges:** \$3.5 million increase

***Other Line-Items –***

**Basic Education:** The budget provides no increase in the basic subsidy and does not provide for any changes in the distribution formula. The General Assembly last month passed legislation that will convene a Basic Education Funding Commission, similar to the Special Education Funding Commission, with the goal of developing recommendations for a new distribution formula.

**Career/Technical Equipment Grants:** restores \$3 million in funding cuts proposed by the governor

**Higher Education:** flat funding for state-related and state system institutions

**Line Item Vetoes –** In a press conference on July 10, the Governor noted that he “blue-lined” (vetoed) about \$72 million in both the budget bill and the Fiscal Code bill, including \$65 million for General Assembly operating appropriations, \$7.2 million from various state departments for projects designated by the Legislature, and \$20 million in transfers of various funds to the General Fund to fill-in the budget. The changes do not affect the total spending outlined in the bill and have no impact on the education appropriations.

**Legislative Response to the Line-Item Vetoes –** In response to the governor’s line-item veto and comments on the General Assembly, Republican leaders in the Senate issued a statement. “The state budget process is not a game to be played and vital government programs should never be placed in jeopardy,” they said. “We are not aware of, and the Governor has not explained the link between the elimination of funding for these programs, along with the legislature and achieving our mutual goal of public pension reform. While we share the desire to enact statewide pension reform, linking pension reform to punitive program cuts is not a successful strategy. During a press conference at the Capitol, House Majority Leader Mike Turzai (R-Allegheny) said, “The governor’s actions today seem to us to be about politics and not about the hard work of governing.... You can’t lead from behind. You’ve got to lead out front.”

**Pension Reform –** Concerning pension reform, the governor in his press conference stated, "The General Assembly is a full-time legislature and left here last month with unfinished business." In answering questions from the media following the press conference, the governor said he continues to look at “options” to get pension reform done. One of his options is to call legislators into Special Session to address the issue. Other than the one-day House session next month, neither chamber is scheduled to return to the Capitol until mid-September.

**Philadelphia School Funding –** Last week the Senate re-amended **HB 1177**, a Municipal Code bill that includes a provision allowing the city of Philadelphia to impose an additional \$2 per pack cigarette tax, with those revenues (estimated at \$83 million) going to the Philadelphia SD. Because the Senate changed the bill to sunset the tax after five years, House leaders have scheduled a session day on August 4 to consider the bill as amended.

**The following bills were signed into law:**

**Speech-Language/Hearing Licensure: SB 137: now Act 106 of 2014.** The act updates various provisions in the Speech-Language and Hearing Licensure Act and removes teachers of the hearing impaired from the act’s licensing requirements.

**School Nurse CPR Training: SB 193: now Act 107 of 2014.** The act amends the Public School Code to create a new section to provide a timeline for CPR certification by school nurses. The bill requires school nurses to be

CPR-certified by a Department of Health certifying agency by July 1, 2014 and creates a timeline for recertification. The bill requires Senate concurrence in the amendment.

**Community College Funding - SB 874: now Act 108 of 2014.** The act amends the Public School Code to require that the governing body of a community college that has enrollment in excess of 20,000 students, consists of more than 4 campuses, and is approved by PDE and the Middle States Association of Colleges and Schools, negotiate with local sponsors for its annual operating costs and capital expenses. The amount negotiated must not exceed an amount equal to the community college's operating expenses minus student tuition, the state's share, and 50% of the annual capital expenses of the college. The bill affects the Harrisburg Area Community College.

**Local Security Agreements - SB 1194: now Act 122 of 2014.** The act amends the Public School Code to allow school districts that do not have a municipal police department to enter into cooperative police service agreements with an adjacent municipality that has full-time police coverage.

**Holocaust Instruction - HB 1424. Signed into law as Act 70 of 2014.** The bill amends the Public School Code to require school entities provide age appropriate instruction beginning in the 2015-16 school year on the Holocaust, genocide and human rights violations as part of the social studies, language arts and other applicable areas of study.

**Suicide Awareness Training - HB 1559. Signed into law as Act 71 of 2014.** The bill amends the Public School Code to create a suicide awareness and prevention training program for professional educators of students in grades 6-12. The bill as amended requires school districts to adopt policy concerning youth suicide and awareness, requires the district professional development plan to include four hours of training in youth suicide awareness and prevention, requires the PDE to provide online a model policy and associated resources, and gives each school entity the option of developing an age-appropriate child exploitation awareness education program for use within the existing curriculum for students in grades K-8.

**School Board Vacancies - HB 2013. Signed into law as Act 74 of 2014.** The bill amends the Public School Code to state that a temporary vacancy on a school board shall be declared and filled as appropriate when an elected school board member is called to active duty in the military or naval forces.

#### **Other legislative action:**

**Homeschool Supervision and Diplomas: HB 1013. Passed by the House.** The bill amends the Public School Code to do the following: removes all direct oversight by the district superintendent or their designee of home education students or review of the work of their evaluators; in place of submitting a portfolio of student work, including results of standardized test scores administered at designated grade levels, allows parents to submit the evaluator's certification stating that an appropriate education is occurring for the school year by June 30 of each year; provides authority to a superintendent that has a reasonable belief, that at any time during the school year, that appropriate education may not be occurring in the home education program, to ask the evaluator to review the home education program; and provides full rights and privileges by the Commonwealth to a parent-issued home school diploma as granted to a diploma issued by a public school. One amendment offered to the bill would have removed the diploma language; another would have replaced the bill's language with substitute language requiring a superintendent to review a student portfolio and report approval or disapproval within 30 days of receipt. Both amendments failed.

**School Nurse CPR Training: SB 193. Passed by the House as amended.** The bill amends the Public School Code to create a new section to provide a timeline for CPR certification by school nurses. The bill requires school nurses to be

CPR-certified by a Department of Health certifying agency by July 1, 2014 and creates a timeline for recertification. The bill requires Senate concurrence in the amendment.

**Right-to-Know Records - SB 444: amended and approved by the Senate Appropriations Committee.** The bill provides changes to the Right-to-Know Law, including adding a new fee structure for commercial requests (allowing agencies to charge more for such requests), clarifying that, if a public record exists in a certain format, the agency must provide the record in that format upon request. The bill also allows agencies to require pre-payment if record duplication costs are expected to exceed \$50, and gives agencies 10 days to respond to a request from the date of postmark if the request was sent by mail.

**School Bus Length: SB 1312. Passed by the House as amended.** The bill amends Title 75 to allow school entities to use school buses that are up to 45 feet in length. Current law prohibits the use of buses over 40 feet in length. (Amendments added to the bill do not affect the school bus provisions.)

**Keystone Exams: SB 1450 – approved by the Senate Education Committee on June 27.** The bill, sponsored by Sen. Mike Folmer, chairman of the committee, gives school districts the option of deciding the role the Keystone Exams will have in measuring student progress, including options for using the exam results an end-of-course grades, as an indication of the need for remediation or as a graduation requirement.

**University Authorizers: SR 414 – approved by the Senate Education Committee.** The resolution would require the Legislative Budget and Finance Committee to study the possible use of alternative authorizers for charter schools in Pennsylvania (i.e. universities). Language that would have allowed for university authorizers was removed from SB 1085.

Mrs. Fisher also shared that she had the opportunity to hear Governor Corbett speak locally this past week. He commented that he hopes for a 'grass roots' movement to motivate legislative action relative to pension reform. He encouraged citizens to write their representatives and write letters to the editors of local newspapers expressing their thoughts on the issue.