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## **EPLC EDUCATION NOTEBOOK**

### **Tuesday, June 18, 2013**

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**The EPLC Education Notebook (current and past editions) also is available by visiting the EPLC website at <http://www.eplc.org/category/education-notebook/>.**

### **PENNSYLVANIA STATE BUDGET UPDATE**

On June 12, the **House of Representatives passed** the budget bill ([House Bill 1437](#)) by a party-line vote of [108-92](#). After hours of floor debate the House sent to the Senate the Republican-sponsored bill containing only a few minor changes from when it was originally introduced, none of which change the education-related line items or affect the total proposed spending figure of \$23.8 billion.

According to House rules, any amendment to the budget bill must be revenue-neutral; therefore many of the amendments proposed by the House Democrats that would increase funding for education were ruled out of order and never considered during the debate.

HB 1437 as approved by the House would increase the Basic Education subsidy by \$100 million over the current fiscal year. To view what the budget would mean for the other education items compared to the current fiscal year and the Governor's proposal, [click here](#). In addition, the House Republicans recently released a [spreadsheet](#) outlining the **funding data by school district** under HB 1437.

The Senate has begun consideration of the House-approved budget this week. We will report the activity in the Senate in our next edition.

### **PENNSYLVANIA POLICYMAKERS**

The Pennsylvania **House of Representatives** and **Senate are scheduled for voting sessions this week through Thursday, June 20.**

For the remainder of the month, the House currently has voting session days listed as June 24, 25, 26, 27 and 28.

The Senate has voting session days listed as June 24, 25, 26, 27, 28, 29 and 30.

## [House of Representatives](#)

- On June 6, at Slippery Rock University, the **House Select Committee on School Safety and Security** conducted its **third in a series of public hearings** pursuant to [House Resolution 53](#) (Rep. Gary Day, R-187).

**Slippery Rock University Police Chief Michael Simmons** and Pennsylvania State System of Higher Education (**PASSHE**) **Interim Chancellor Peter Garland** were among those to provide testimony to the Committee, adding to the discussion the safety and security issues of higher education and its unique setting of an open campus environment.

The Select Committee also heard from local superintendents; school board members; and representatives from the National Association of School Psychologists, Pennsylvania Catholic Conference, and The Clery Center for Security on Campus, among others.

According to Representative Day's press release, the themes of the presentations were similar to the previous hearings: testifiers recommended additional **mental health services, training and communication** to respond to active shooter situations, and **collaboration** between school staff and local law enforcement. There was general agreement that while **flexibility** for schools to adjust best practices to fit each individual setting should be retained, there should be established **minimum standards for building safety**. School officials at this hearing also stressed the need to be able to have **security conversations with their school boards in special executive sessions** so that the precise security protocols would not be revealed publicly.

The Select Committee is charged with developing and examining policies that enhance safety in Pennsylvania schools. A fourth and final hearing is expected to be scheduled in Harrisburg for July. The Committee must report its findings and recommendations to the House of Representatives no later than September 30, 2013.

- The **House Appropriations Committee** on June 10 **unanimously reported as amended** [House Bill 1278](#) (Rep. William Adolph, R-165) which would appropriate \$41.365 million from the **Public School Employees' Retirement Fund to the Public School Employees' Retirement Board** for the payment of all salaries, wages, travel and other expenses of the Board. This appropriation is for the administrative operations of the Board only, and is unrelated to issues of contributions and benefits.

The **amendment** (Rep. William Adolph) which was **adopted** by the Committee increases the appropriation from \$41.365 million to **\$41.689 million**.

- The **House of Representatives** on June 11 **unanimously approved** the following legislation:
  - [House Bill 1141](#) (Rep. Stan Saylor, R-94) would amend the Public School Code to allow for a 30 day period **following the enactment of the State budget** wherein a school district may **reopen its annual budget** to reflect actual Federal and State allocations. The House Rules and House Appropriations Committees reported the bill as committed on June 10 and 11 prior to its approval by the full House. HB 1141 now awaits further action in the Senate.

- [Senate Bill 470](#) (**Sen. Pat Browne**, R-16), as amended in the House, would **provide two additional months** for the **Special Education Funding Commission** pursuant to [House Bill 2](#) (Act 3 of 2013) to complete its work. The Commission would have until **November 30, 2013** to issue a report of its findings and recommendations. In its original form, SB 470 included very similar language to HB 2 which was enacted. In its amended form, SB 470 deals only with the extension of the reporting deadline. After the approval by the House, SB 470 was sent back to the Senate for concurrence in amendments.

➤ The **House Education Committee** on June 11 **unanimously reported as committed** the following legislation:

- [House Bill 1342](#) (**Rep. Patrick Harkins**, D-1) would amend the Public School Code to **include “grandchild” under the definition of “near relative”** for whom a professional employee may be granted bereavement leave with **no deduction in salary occurring for absence** on the day of the funeral.
- [Senate Bill 34](#) (**Sen. Lloyd Smucker**, R-13) would make extensive changes to the **Professional Educator Discipline Act**. It would shorten the title to “Educator Discipline Act”; expand jurisdiction and grounds for discipline; make changes regarding reporting, confidentiality, and discipline requirements; and provide for cyber charter schools.

*During the meeting:* Senator Smucker highlighted specific components of the bill that would eliminate the statute of limitations for reporting misconduct, extend jurisdiction of the Professional Standards and Practice Commission, define grooming behaviors as basis for discipline, and clarify mandatory reporting. **Representative Bernie O’Neill** (R-29) noted this legislation is a part of a package recommended by the Pennsylvania Task Force on Child Protection.

## [Senate](#)

➤ On June 11 the **Senate Education Committee** reported the following legislation:

- [Senate Bill 78](#) (**Sen. Stewart Greenleaf**, R-12) would amend the Higher Education Scholarship Law to allow for the Pennsylvania Higher Education Assistance Agency (PHEAA) to **make grant money available to students who use online distance education**, specifically making eligible those students who take over fifty percent of their credit or clock hours through distance education. SB 78 was **unanimously reported as amended**.

The **amendment** which was **adopted** by the Committee:

- (**Sen. Andrew Dinniman**, D-19) Creates within PHEAA the **Distance Education Program** to approve distance education programs and provide grants to students who enroll in the approved programs. An institution of higher education may apply to PHEAA for approval to participate in the Distance Education Program. The amendment defines the criteria an institution of higher education must meet to be deemed an approved distance education program. It also provides that PHEAA shall administer and establish guidelines for the Program, decide the amount of money to allocate towards the Program, and prescribe the process and forms for institutions seeking approval and for students in the approved programs seeking grants.
- [Senate Bill 606](#) (**Sen. Andrew Dinniman**, D-19), in its original form, would amend the Public School Code to require each school entity to provide for and maintain an **automatic external defibrillator** (AED) in each instructional school building. The bill also provides for an AED Program which shall be administered by the Pennsylvania Department of Education (PDE) to

assist school entities in acquiring AEDs. School participation would be voluntary but school entities that choose to participate must meet certain criteria prescribed in the legislation. Cost to school entities for purchasing AEDs may be reduced through \$3 million appropriated from the Tobacco Settlement Fund. SB 606 was **unanimously reported as amended**.

The **amendments** (Sen. Andrew Dinniman) which were **adopted** by the Committee:

- **Removes the requirement that each school building have an AED, and replaces the AED Program with the AED Grant Program.** PDE shall establish the Grant Program to assist all school entities in acquiring AEDs. Funds may come from the **Tobacco Settlement Fund** but no specific appropriation to the Department would be allocated. The **distribution of funding shall prioritize school entities with the highest aid ratio.**
  - Names the legislation “**Aiden’s Law.**”
- [Senate Bill 31](#) (Sen. Wayne Fontana, D-42) amends the **Child Protective Services Law** to require a school employee to report to an administrator, law enforcement officials, and the county agency any kind of suspected child abuse committed by a school employee against a student. The bill provides for definitions of school employee, founded report, indicated report, and child with a disability. SB 31 was **unanimously reported as amended**.

The **amendment** which was **adopted** by the Committee:

- (Sen. Andrew Dinniman, D-19) Makes a technical change and **further expands the definitions** of founded report, indicated report, and school.

*During the meeting:* Minority Chairman Andrew Dinniman noted this legislation is a part of a package recommended by the Pennsylvania Task Force on Child Protection and the amendment ensures that all the language in the bill package is compatible.

- The **Senate Appropriations Committee** on June 17 **reported as amended** [Senate Bill 437](#) (Sen. Mike Folmer, R-48) which would allow the Department of Education to issue **military science teaching certificates** to individuals who have a valid military science certificate or endorsement issued by a branch of the United States Armed Forces. The certificate would allow an individual to teach military science and Junior Reserve Officer Training Corps (JROTC) courses only. The provisions would apply to military science teaching certificates only; they would not modify requirements for an instructional certificate endorsed in another subject area, as clarified in the **amendment** (Sen. Jake Corman, R-34) **adopted** by the Committee.

### **[Special Education Funding Commission](#)**

On June 13 the **Special Education Funding Commission** formed by [Act 3 of 2013](#) conducted its **first public hearing**. The Commission is charged with developing a funding formula for the distribution of any future increase in special education funding and issuing a report no later than September 30, 2013 (*will be changed to November 30 if SB 470 is enacted*). Any formula changes would not go into effect until approved by the General Assembly.

The co-chairmen of the Commission are **Representative Bernie O’Neill** (R-26) and **Senator Pat Browne** (R-16). Other members of the House of Representatives serving on the Commission include **Representatives Paul Clymer** (R-145), **James Roebuck** (D-188), **Mark Longietti** (D-7), **Michael Peifer** (R-139), and **Mike Sturla** (D-96). Other members of the Senate serving on the Commission include **Senators Mike Folmer** (R-48), **Andrew Dinniman** (D-19), **James Brewster** (D-45), **Edwin Erickson** (R-26), and **Judith Schwank** (D-11). Representing the Corbett Administration is the **Acting Secretary of Education William Harner**, **Secretary of the Budget Charles Zogby**, and the **Deputy Secretary for Elementary and Secondary Education Carolyn Dumaresq**.

To inform the recommendations the Committee is conducting hearings to hear from experts in the special education field in Pennsylvania and other states.

During the first hearing, the Commission was briefed by **Malcolm Conner** from the Bureau of Special Education within the Department of Education (PDE) on the history of special education court cases. As a result of the court cases, students with special needs were afforded and provided a fair and free public education, which ultimately became the federal Individuals with Disabilities Education Act (IDEA). Conner also outlined the process of determining eligibility of special education.

Representative Sturla requested data regarding the different level of services students are receiving, and if available, the specific breakdown of the percent of students with disabilities considered moderate versus the percent of those considered severe.

**Jennifer King**, Inclusion Consultant, highlighted the problem of the current formula: the biggest predictor of whether a student is receiving adequate special education services is where they live. She described her experience of trying to secure full inclusion for her son with intellectual disabilities as a difficult process requiring litigation through due process.

Conner described to the Commission the process of dispute resolution and who funds the process. If through mediation both parties are able to reach agreement, there is no cost to the district. The next step would be the more formal due process where testimony is taken, attorneys on behalf of the district and perhaps the parents are present, and a hearing officer determines who is correct. Pocono Mountain School District **Assistant Superintendent Mary Beth Gustafson** noted the mandated resolution process allows parents to voice their concerns in a resolution session in efforts to resolve the dispute, making unnecessary the due process which can cost the district significantly more.

**David Ramsey**, the Coordinator of Student Services for Parkland School District, questioned in his testimony the time and expense it requires to test for special education eligibility. Gustafson also discussed the difficulties with the evaluation timeline. **Betsey Somerville**, Director of Special Education at the Canon-McMillian School District, said later that while evaluation time is taken into account in their budget costs, if districts must acquire additional school psychologists to finish the evaluations on time as mandated by the State, it would further impact the budget.

Representative Longietti asked about the reevaluation process. In response, **Louise Fick**, Parkland School District's Supervisor of Special Education, said reevaluations must occur every three years unless the child is labeled as intellectually disabled, in which case the reevaluation must occur every two years.

Somerville noted additional expenses districts incur related to special education, such as hiring consultants to train faculty, supporting parasupport specialists who allow students to have full inclusion, and special transportation needs. Chairman Browne noted that he is interested in an "all inclusive" new formula that takes into account training and transportation.

Fick recommended mental health services be considered as well, stating it is costly for districts when students are placed in private facilities; therefore it would be more cost effective if the district can provide services. However, schools like Parkland are being turned down when they apply for a license to provide mental health services.

Regarding budget planning, both Ramsey and Fick talked about the difficulty and need to transfer money due to the unanticipated significant costs of a student entering a district. Fick shared a story of a student entering Parkland entitled to services requiring \$300,000 per year. While the state has a limited contingency fund from which districts may receive extra state funding for students with extraordinary needs, some of the testifiers noted its inconsistency. For example, the Pocono Mountain School District received \$35,000 in contingency funding one year and nothing in another year when the district was responsible for educating five students who cost over \$75,000.

Acting Secretary Harner concluded the hearing with saying that this is the first step to fixing the problem, noting that a solution is needed to enable districts to do the right thing for students.

The following is a list of professionals who provided testimony to the Commission. View online the **written testimony**, if provided:

- [Malcolm Conner](#), Special Education Advisor, Bureau of Special Education, Pennsylvania Department of Education
- [Dennis McAndrews](#), McAndrews Law Office
- [David Ramsey](#), Coordinator of Student Services, Parkland School District
- [Jennifer King](#), Inclusion Consultant, Include Me From the Start
- [Betsey Somerville](#), Director of Special Education, Cannon-McMillian School District
- [Louise Fick](#), Supervisor of Special Education, Parkland School District
- [Mary Beth Gustafson](#), Assistant Superintendent for Special Education, Pocono Mountain School District

The Commission is scheduled to meet on July 10, July 25, August 7, August 22, and September 19. Locations have not yet been announced.

## **[EPLC NEWS](#)**

- The June episode of “Focus on Education” on PCN covered the School Dropout Crisis and Dropout Prevention. **“Focus on Education” will not be broadcast in July and August, but will return this fall in September and be broadcast monthly through December.** Available online are the past episodes addressing [school violence](#), [student testing](#), [the work of school boards](#), and [how public education is funded in Pennsylvania](#). To learn more and to view the latest episode as soon as it is made available, visit <http://pcntv.com/new-series-focus-on-education/>. Information about sponsorships available for the show can be obtained by contacting Ron Cowell at 717-260-9900 or at [cowell@eplc.org](mailto:cowell@eplc.org).
- **Congratulations to the newly graduated 2012-2013 class of EPLC's Pennsylvania Education Policy Fellowship Program!** On June 13, the 30 education professionals celebrated their hard work in this ten-month program in education policy and leadership development. The Fellows hail from all parts of the education field. They participated in a two-day opening retreat, a two-day leadership forum at Gettysburg Battlefield and Carlisle U.S. Army War College with Fellows from other states, nine full-day seminars in Harrisburg, and a four-day program in Washington, DC. They also worked in teams to draft education policy proposals which they presented to state policymakers.

The new class will begin their program this September. **Applications are being accepted now.** With nearly 400 graduates in its first fourteen years, this Program is a premier professional development opportunity for educators, state and local policymakers, advocates, and community leaders. State Board of Accountancy (SBA) credits are available to certified public accountants.

Past participants include state policymakers, district superintendents and principals, school business officers, school board members, education deans/chairs, statewide association leaders, parent leaders, education advocates, and other education and community leaders. Fellows are typically sponsored by their employer or another organization.

To read about the Education Policy Fellowship Program, including the 2013-2014 schedule, [click here](#).

If you would like to discuss any aspect of the Fellowship Program and its requirements, please contact Program coordinators Mattie Robinson at 717-260-9900 or [robinson@eplc.org](mailto:robinson@eplc.org), or Ron Cowell at 412-298-4796 or [cowell@eplc.org](mailto:cowell@eplc.org).

## **DATEBOOK**

- The **Senate Education Committee** will meet on **Wednesday, June 19** at 9:00 AM to consider the following bills: [SB 871](#) (Diabetes care and management in schools); [SB 1030](#) (religious educational facilities); [HB 1141](#) (school district budget revision).
- The **House State Government Committee** will hold a public hearing on pension reform proposals on **Wednesday, June 19** at 9:00 AM in Harrisburg. Discussion will include the following bills: [HB 1350](#) (comprehensive pension reform); [HB 1352](#) (defined contribution for future state and school employees); [HB 1353](#) (defined contribution for future state and school employees); [HB 1471](#) (annual financial reports of SERS & PSERS).
- The **Senate Finance Committee** will meet on **Wednesday, June 19** at 9:30 AM to consider four bills, including [SB 922](#) (comprehensive pension reform, identical to [HB 1350](#)).
- The Council of Chief State School Officers (**CCSSO**) **National Conference on Student Assessment** will be held **June 19 – 22** in National Harbor, MD. To view the program and to register, [click here](#).
- The **Philadelphia Federation of Teachers** has organized for **Tuesday, June 25** in Harrisburg a **rally for public education**. Join the estimated 16 busloads of students, parents, teachers, and activists from across the state who will be meeting with elected leaders beginning at 10:00 AM and participating in the rally for full and fair funding in the Capitol at 1:00 PM. For more information, [click here](#).
- The **39th Annual Pennsylvania Career and Technical Education Conference** will be held **June 26 – 28** at the Seven Springs Mountain Resort near Pittsburgh. This conference will include technology workshops and professional development sessions for secondary and postsecondary CTE instructors, administrators, supervisors, coordinators, education specialists, counselors, paraprofessionals and teachers of any discipline. To register, [click here](#).
- The **National Alliance for Public Charter Schools Conference** will be held **June 30 – July 3** in Washington, DC. To see the schedule and to register, [click here](#).
- The **International Center for Leadership in Education** will hold its **21<sup>st</sup> Annual Model Schools Conference** from **June 30 – July 3** in National Harbor, MD. For more information, [click here](#).

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