



## The Education Policy and Leadership Center

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# EPLC EDUCATION NOTEBOOK

Tuesday, November 26, 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 POLICYMAKERS**

The Pennsylvania **Senate** will reconvene in voting session on **Tuesday, December 3** at 1:00 PM. The Pennsylvania **House of Representatives** will reconvene in voting session on **Monday, December 9** at 1:00 PM.

### **House of Representatives**

- During the week of November 18 the **House of Representatives** adopted the following **resolutions**:

[House Resolution 385](#) (Rep. Harry Readshaw, D-36) recognized the week of November 18, 2013 as “**American Education Week**” in Pennsylvania. American Education Week is a national celebration of our nation’s public schools. It was first observed in December of 1921. The National Education Association, one of the creators and original sponsors of American Education Week, shares the historical context of the original resolution and the purpose of a reoccurring designation at [nea.org](http://nea.org). HR 385 passed unanimously on the uncontested calendar.

[House Resolution 416](#) (Rep. Mark Painter, D-146) congratulates the **Pennsylvania Interscholastic Athletic Association** (PIAA) on the **100<sup>th</sup> anniversary** of its formation. PIAA was formed in 1913 when a group of principals sought to establish a formal structure for interscholastic athletics, with a philosophy that emphasized a proper balance between sports and academics. HR 416 passed unanimously on the uncontested calendar.

[House Resolution 108](#) (Rep. Rosemary Brown, R-189) directs the **Legislative Budget and Finance Committee** (LBFC) to **study the establishment and implementation of character education programs** in schools pursuant to section [1502-E](#) of the Pennsylvania School Code. The LBFC would be charged with reviewing the number of school districts that offer such a program, the nature of the program, and the actions of the Department pursuant to section [1503-E](#) of the School Code. The LBFC must **report its findings and recommendations** to the House of Representatives **no later than 6 months after the adoption of the resolution**. The due date was changed on the floor from “December 31, 2013” to “6 months after the adoption” to reflect an **amendment** offered by Representative Brown. HR 108 was adopted by a vote of [195-2](#).

➤ The **House Education Committee** on November 19 **reported the following legislation**:

[House Bill 1741](#) (Rep. Fred Keller, R-85) would amend the Public School Code to require a **school board to publicly post a notice prior to voting** upon any proposed **collective bargaining agreement**. The legislation provides for place and duration for which the notice must be published. HB 1741 was **reported as amended** by a vote of [15-9](#).

The adopted **amendment** (Rep. Seth Grove, R-196) replaces the two-week notice requirement with a **48-hour notice requirement**, and requires the district to keep the notice posted for an **additional 30 days following the meeting**.

[House Bill 803](#) (Rep. Richard Stevenson, R-8) would establish a new section in the Public School Code to permit a school entity or nonpublic school to authorize a trained school employee to administer an **epinephrine auto-injector** to any student believed to be having an anaphylactic reaction, and to maintain a supply of epinephrine auto-injectors prescribed by a physician in the name of the school entity. The bill provides for storage of the injectors, designation and training of responsible individuals, and notification of parents. HB 803 was **unanimously reported as amended**.

The two **amendments adopted**:

- (Rep. Paul Clymer, R-145) makes technical changes; requires the **Department of Health to conduct the training**; requires **911 be called after administration** of the epinephrine pen; and allows **parents to opt out**.
- (Rep. Kathy Rapp, R-65) amends the bill to **align it with Chapter 15 service agreements**.

[Senate Bill 193](#) (Sen. Patricia Vance, R-31) would amend the Public School Code to require **school nurses be CPR-certified** by a Department of Health approved certifying agency. School nurses who are not CPR-certified by July 1, 2013 have until June 30, 2014 to complete the training. Nurses hired after July 1, 2013 must be CPR-certified or complete the training within one year of the hire date. SB 193 was **unanimously reported as committed**.

[Senate Bill 437](#) (Sen. Mike Folmer, R-48) 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. SB 437 was **unanimously reported as committed**.

➤ On November 20 the **House Select Committee for School Safety** **voted to submit the Committee’s final report to the House of Representatives**. The Select Committee was established in March by [House Resolution 53](#) (Rep. Gary Day, R-187) for the purpose of examining current school security policies and procedures and current state laws and regulations. The report offers, for consideration through the normal legislative process, recommendations regarding state agencies and organizations; school facilities and security technology; school district planning; law

enforcement engagement and responsibility; mental health; bullying; and funding for the Office for Safe Schools and Office of Safe Schools Advocate. [Click here](#) to read the final report.

- On November 20 the **House of Representatives adopted** on the floor **an amendment to [Senate Bill 34](#) (Sen. Lloyd Smucker, R-13)** – legislation which would make extensive substantive and editorial changes to the **Professional Educator Discipline Act**. SB 34 would expand jurisdiction and grounds for discipline; make changes regarding reporting, confidentiality, and discipline requirements; and establish the Professional Educator Discipline Account.

The **amendment (Rep. James Roebuck, D-188) removes** all “**indicated**” language relating to founded or indicated reports of child abuse. The amendment was adopted by a vote of [192-7](#). SB 34 has been rereferred to the House Appropriations Committee.

## Senate

- During the week of November 18 the **Senate unanimously passed the following legislation:**

[Senate Bill 1115](#) (Sen. Robert Robbins, R-50) would amend Title 51 (Military Affairs) by making changes to the Pennsylvania National Guard’s **Educational Assistance Program (AEP)**. SB 1115 clarifies that the Pennsylvania Higher Education Assistance Agency (PHEAA) may award a grant to an eligible member under the EAP **only after the Federal tuition assistance programs have been considered**. An EAP grant would then be awarded to the eligible member if the member requires additional financial aid to cover the remaining documented costs of pursuing an approved program of education. Documented costs provided for in SB 1115 would be tuition and fees, room and board, and textbooks. Excess grants shall be refunded by the higher education institution to PHEAA.

[Senate Bill 267](#) (Sen. Stewart Greenleaf, R-12) would amend the Public School Code to codify that a school district may **excuse a student from school for a nondistrict sponsored educational trip** in addition to mental, physical and other urgent reasons which are already permitted.

Prior to consideration by the full Senate, SB 267 was unanimously reported from the **Senate Appropriations Committee** with an **amendment (Sen. Jake Corman, R-34)** that would amend the school health and services section of the Public School Code to provide for a **program to assist schools in making automatic external defibrillators available** in all school buildings.

- On November 19 the **Senate Appropriations Committee reported as amended [Senate Bill 1085](#) (Sen. Lloyd Smucker, R-13)** by a vote of [15-11](#). SB 1085 would provide for **comprehensive charter school reform**. The Committee adopted an **omnibus amendment** offered by Senator Smucker. As amended, SB 1085 would:

- Address the **pension double-dip** so that savings from eliminating the “double dip” are realized half by the State and half by the school districts. The bill would do this by **excluding 30% of the employer’s share of retirement contributions** from the calculation of charter school entity funding, and **reducing the State’s contributions** on behalf of the charter school employees enrolled in the Public School Employees’ Retirement System **by 50%**. According to the [Senate Appropriations Fiscal Note](#), this is estimated to save the Commonwealth \$43,990,823 in FY 2014-15 and the school districts \$43,917,907 in the same fiscal year.
- Provide **charter authorizing power to universities**. A higher education institution would be permitted to authorize a charter school in the region it is located or anywhere in the state, depending on what type of degree its college of education offers. Institutions which do not grant a bachelor’s or doctoral degree in education would be permitted to authorize a charter

school in the school district in which the institution is located. The higher education institution must be primarily located in Pennsylvania.

- Allow **two or more charter schools to consolidate** and transfer their oversight to the Department of Education (PDE).
- Allow charter schools and vocational technical schools to offer **dual enrollment with an institution of higher education**.
- Establish an 18-member **Funding Advisory Commission** to examine the financing of charter schools and report its findings and recommendations **no later than August 31, 2014**.
- Require charter schools be held accountable to **open records and ethics acts** and **increased reporting requirements**.
- Require unassigned charter school **fund balances** exceeding the **limits established** in this bill to be refunded to school districts.
- Require PDE to create a **standard application** for charter school applicants and for charter school renewals.
- Require PDE to also create a **school performance matrix** to which charter entities would be held accountable.
- Increase the **initial term of a charter** from three years **to five years**, and allow a charter school to be granted a **ten year renewal**, rather than a five year renewal, subject to meeting benchmarks established in the performance matrix.
- **Prohibit caps** on charter school **enrollment**.
- **Reduce cyber charter school funding by 5%**. This is estimated to save school districts approximately \$18.7 million.
- **Remove the provision** that requires charter school applications to be **evaluated based on** the extent to which the school may serve as a **model for other public schools**.

## **INDEPENDENT REGULATORY REVIEW COMMISSION**

On November 21 the **Independent Regulatory Review Commission (IRRC)** **approved** the State Board of Education's **Final-Form Chapter 4 regulations** (academic standards and assessment) by a vote of 3-2. The Attorney General must approve the regulation before it becomes effective as law upon publication in the Pennsylvania Bulletin.

The revisions made to Chapter 4 by the State Board of Education would **replace the current Common Core Standards**, which were approved in 2010, **with the new PA Core Standards**. The revisions also make changes to the Keystone Exam and graduation requirements. The regulations would **eliminate the culminating graduation project requirement; reduce the number of Keystone Exams from 10 to five**; and eliminate the requirement that the Exams are factored as one-third of a student's course grade, instead requiring the keystones to act as a **stand-alone graduation requirement**.

The regulations would **delay the date upon which the Exams would begin to act as graduation requirements** from the Class of 2015 to the Class of 2017. The **Class of 2017** would be required to pass three Keystone Exams – Algebra I, Biology, and Literature (or comparable assessments) – to graduate. The **Class of 2019** would be required to pass those three as well as a fourth – a Composition Keystone Exam. The **Class of 2020** and beyond would be required to also pass a fifth Exam – the Civics and Government Keystone Exam. The Composition and Civics and Government Exams would only be implemented based on available state funding. Five additional Exams may in the future be made available to schools for voluntary use.

## **REPORTS**

- On November 14 the **Independent Fiscal Office** (IFO) released its five-year fiscal forecast, *Pennsylvania's Economic and Budget Outlook: FY 2013-14 to FY 2018-19*. The purpose of the report is to assess the fiscal condition of the Commonwealth, facilitate multiyear budgeting, and alert policymakers to structural deficits or surpluses.

IFO Director **Matthew Knittel** explained that the findings of the report show a **structural deficit**. Expenditures are projected to grow at an average annual rate of 4.1% while revenues are projected to grow at an average annual rate of 3.1%. Projections based on current laws and policies indicate that there will be an \$839 million deficit in FY 2014-15, which will grow to \$2.1 billion by FY 2018-19. Knittel stated that the balance carryforward from FY 2010-11 that was used to support the past three budgets will be exhausted by the end of FY 2013-14.

The report analyzes **demographic trends** focusing particularly on the 25-34 age cohort, which is described as the key driver of economic growth due to individuals this age typically undertaking significant life events that affect spending patterns. Significant life events could include getting married, beginning a family, buying a home and expensive home related items, or purchasing a car. Data suggest there is a trend of young people delaying or postponing these events; there is significant decline in marriage rate and homeownership for this cohort. Related is the observation that as educational attainment has increased over a ten-year period, so too has total student loan debt, increasing from \$15 billion in 2003 to approximately \$49 billion in 2013 and likely to continue over the next five years. The report explains that while it is possible that pursuit of higher education and increased student loan debt may have contributed to delays in marriage and homeownership, it is not possible to establish a causal relationship to the trends. However, if these trends were to accelerate it would have negative implications on future economic growth.

In the report are analyses and **expenditure projections** for the four government agencies that comprise 89% of the General Fund appropriations for FY 2013-14: Education (39.6%), Public Welfare (38.6%), Corrections (6.8%) and Treasury (3.9%). Total expenditures for education are forecasted to grow from \$11.2 billion this fiscal year to \$13.4 billion in FY 2018-19. Expenditures on K-12 students – which include the basic education subsidy, special education, pupil transportation, non-public and charter transportation, and services to non-public schools – represent the largest expenditure within the Department of Education (PDE).

Mandatory **pension contributions** are expected to increase by approximately \$2 billion between FY 2013-14 and FY 2018-19. The report notes that the unfunded liabilities are the reason for the increasing contribution rates the State and public school employers will pay over the next several years. The unfunded liabilities of the State Employees' Retirement System (SERS) and the Public School Employees' Retirement System (PSERS) are estimated to grow from nearly \$47 billion in 2012 to nearly \$64 billion by 2019.

Knittel said that the gloomy fiscal assessment is an indication of the difficult choices policymakers will encounter as they balance future budgets. Lackluster growth will continue in the short term but is anticipated to approach historical norms by the end of the five-year period. However, the forecast does not include a recession, "which would greatly exacerbate the future fiscal challenges."

Visit [www.ifo.state.pa.us](http://www.ifo.state.pa.us) to download the full report, press release, and Matthew Knittel's presentation.

- On November 14 the **American Civil Liberties Union of Pennsylvania** (ACLU) released a report on discipline and policing in Pennsylvania public schools. *Beyond Zero Tolerance* explains the history of the **zero tolerance policy** and speaks to the consequences of excluding students from school through suspension, expulsion, reassignment to a discipline school, or intervention by law enforcement.

“Part of the problem is that under zero tolerance, a wide range of behaviors, from dress code violations to talking back, are now being punished as disorderly conduct, disruption, and defiant behavior,” noted Harold Jordan, the author of the report.

The report focuses on data and analysis of exclusion through **out-of-school suspensions** and **removal from school by police**. For each, the ACLU of Pennsylvania offers data from multiple sources and recommendations. Recommendations include conducting school- and district-level reviews of out-of-school suspensions and legal referral practices; removing students from school only when there is a real and immediate safety threat to the school community; minimizing the use of law enforcement in school discipline matters; adopting evidence-based strategies that have been demonstrated to improve school climate; and reviewing misconduct and incident patterns in schools with police officers.

The report examines the racial disparity among students receiving suspension, and found similar disparities exist for students with disabilities in comparison to non-disabled students. According to the report:

- Black students make up 13.6 percent of Pennsylvania’s students but received almost half of the out-of-school suspensions.
- Seventeen percent of black students were suspended at least once, a rate 5 times that of white students.
- One out of every 10 Latino students was suspended at least once, one of the highest Latino suspension rates in the country.
- Students with disabilities were almost twice as likely as other students to receive out-of-school suspensions.

*Beyond Zero Tolerance* also examines school safety, and the different ways police may be involved in student discipline. In this section of the report the ACLU of Pennsylvania voices concerns about placing police in schools, which they conclude has little evidence of improving school safety and may even have negative impacts.

To read the full report, [click here](#). To read the press release, [click here](#).

## **EPLC NEWS**

- The November “**Focus on Education**” episode discussed **Special Education: Student Rights and Services**. [Click here](#) to watch the episode. **The hour long program produced by EPLC and PCN is broadcast on PCN at 9:00 p.m. on the 2<sup>nd</sup> Wednesday of every month.** PCN also typically repeats the episode at later times each month.

EPLC welcomes comments about past shows and suggestions for topics for future shows. Send comments and suggestions to Ron Cowell at [cowell@eplc.org](mailto:cowell@eplc.org).

Previous episodes can be viewed online [here](#). In addition to special education, other topics covered in 2013 are school violence, student testing, the work of school boards, how schools are funded, the dropout crisis, parents as advocates, and arts education.

To learn more, visit [PCN's "Focus on Education" web page](#). 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).

- COMING SOON. Early in 2014 EPLC will again conduct a series of **regional workshops on education issues for Legislative Candidates and other interested citizens**. Look for more information in future editions of the Notebook.

## **DATEBOOK**

- The **House Education Committee** will hold a hearing on **Tuesday, December 3** at 10:00 AM in Harrisburg. The hearing will discuss [HB 1722](#) (teacher tenure and furlough); [HB 1735](#) (economic furlough); and [HB 779](#) (economic furlough).
- The **State Board of Education Ad Hoc Committee on Dating Violence Education** will hold a public meeting on **Thursday, December 12** at 2:30 PM at Villanova University.
- The **Joint Legislative Budget & Finance Committee** will hold a meeting to release a report on the status of special education for gifted students in the Commonwealth on **Tuesday, December 10** at 9:30 AM in Harrisburg.
- The **Senate Republican and Democratic Policy Committees** will hold a joint policy roundtable discussion about property tax relief on **Tuesday, December 10** at 9:30 AM in Harrisburg.

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