



DELAWARE COUNTY INTERMEDIATE UNIT LEGISLATIVE UPDATE June 1, 2022

Session Information

At 3:02 p.m. on Wednesday, May 25, 2022, the House stands adjourned until Tuesday, June 7, 2022, at 12:00 p.m., unless sooner recalled by the Speaker.

At 12:44 p.m. on Wednesday, May 25, 2022, the Senate stands in recess until Monday, June 6, 2022, at 1:00 p.m. unless sooner recalled by the President Pro Tempore.

Upcoming Session Days

House

June 7-9, 13-15, 20-24, 27-30, Sep. 12-14, 19-21, Oct. 24-26, Nov. 14-16

Senate

June 6-8, 13-15, 20-24, 27-30, Sep. 19-21, Oct. 17-19, 24-26, Nov. 15

Upcoming Meetings/Hearing

Senate Democratic Policy Committee June 3, 2022 - 10:00 a.m., Norristown Area HS, 1900 Eagle Dr., Norristown- Public hearing with Senators Kearney, Muth, and Cappelletti on student voices in education

News and Updates

Final-Form Regulations: Academic Standards. The Independent Regulatory Review Commission (IRRC) last Thursday unanimously approved final-form regulations ([Appendix A](#) and [Appendix B](#)) that amend Chapter 4 to update existing science standards, clarify expectations for high school graduation, and align the regulation with statutory changes. Specifically, the rulemaking replaces the Commonwealth’s current Academic Standards for Science and Technology (2002) and Academic Standards for Environment and Ecology (2002) with the Pennsylvania Integrated Standards for Science, Environment, Ecology, Technology and Engineering (Grades K—5), Pennsylvania Integrated Standards/b; Science, Environment and Ecology (Grades 6—12), and Pennsylvania Technology and Engineering Academic Standards (Grades 6-12). The new academic standards, presented in Appendix B-I, will take effect on July 1, 2025. The final-form regulation also makes technical revisions to conform certain provisions of the regulation with statutory changes enacted by the General Assembly to high school graduation requirements, compulsory school age, and terminology replacing references to “vocational-technical education” with “Career and Technical Education.”

‘School Choice’ Money and Political Campaigns. – Pennsylvania Republican governor candidate Bill McSwain raised more than \$6 million in April, easily surpassing his primary opponents, but most of it came from a single political-action committee championing school choice. McSwain’s eye-popping haul reported in the campaign finance filing for the period covering March 29 to May 2 was boosted by \$4.9 million in contributions from the Commonwealth Children’s Choice Fund. The fund’s website says it “supports candidates for state and local office in Pennsylvania who are passionate about expanding educational opportunity for children throughout the commonwealth.” Filings show the Fund gave McSwain \$200,000 on April 1 and 8 and then \$4.5 million on April 25. (from pennlive.com, 5/11/22) The Fund has connections to Jeffrey Yass and the Commonwealth Foundation. Yass is the co-founder and managing director of Montgomery County-based Susquehanna International Group. But, as the 6th richest person in the country, he’s more ubiquitously known as a sugar daddy and sole funder for many elected officials and political front groups throughout Pennsylvania (as reported in Pennsylvania Capital-Star, 1/27/22). In addition, previous reporting by *Pennsylvania Spotlight* (6/4/19) shows how the Commonwealth Foundation and their donors regularly exploit EITC tax credits. The Commonwealth Foundation, an outspoken critic of public school districts and promoter of charter schools and vouchers, established a pass-through entity called “Commonwealth Kids LLC” in 2017 which received close to \$3 million from the EITC and OSTC programs in tax credits. Additional records show a second pass-through entity named the Joshua Kids LLC also has connections to the Commonwealth Foundation. Pennsylvania is beginning to see how Yass and the political network associated with the Commonwealth Foundation are beginning to spend the millions they are sitting on. A day before Governor Wolf’s budget address, leaders from the Commonwealth Foundation held their annual “Budget Briefing” in front of Pennsylvania

Republican legislators and leaders. Pennsylvania Spotlight obtained notes from the meeting that highlights their budget priorities for the 2022-2023 budget. The meeting was led by Commonwealth Foundation Senior Vice President Nathan Benefield and documents show that the organization wants to use a portion of the remaining money from the American Rescue Plan to expand scholarship tax credits for privatized education that double as tax write-offs. In addition, the Commonwealth Foundation is targeting state legislators with mailers discussing additional legislation geared at defunding public schools. Read the rest of the story: “Jeffrey Yass and the Commonwealth Foundation Target Some Democrats, Support Others” (from Pennsylvania Spotlight, 4/11/22)

Legislative Actions

SB 224 Bartolotta, C. (R)

Teacher Certification Reciprocity. The bill would simplify the process for out-of-state teachers to obtain certification in Pennsylvania by allowing an out-of-state candidate who has completed any state-approved educator preparation program (which includes field placement/student teaching) from an accredited institution of higher education to be eligible for a comparable in-state instructional certification. The bill also would require PDE to recognize and accept out-of-state candidates’ qualifying scores on equivalent content tests toward PDE’s testing and certification requirements. Further, the legislation would grant Pennsylvania certification to any candidate who holds a valid certificate issued by the National Board for Professional Teaching Standards. SB 224 passed the Senate 48-0 in October 2021. **Reported as amended from House Education, May 23, 2022.**

SB 932 Martin, S. (R)

Educational Tax Credits. 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. **Reported as committed from House Education May 23, 2022.**

SB 1196 Martin, S. (R)

Cosmetology and Barber Training Programs. Amends the Barbers' License Law providing a career and technical education (CTE) barber school student may earn up to 350 hours of education through participation in out-of-school programs. Provides a CTE barber student must be supervised by a licensed barber, barber manager or barber teacher who has at least five years' experience. Provides the program educator may use information obtained from the out-of-school program in gauging and grading the student's skill level. Provides out-of-school programs shall notify each client upon whom the CTE barber student performs a service that the service is being performed by a CTE barber student. A CTE barber student may receive compensation for services rendered in the out-of-school program and may not earn less than 250 hours through in-person instruction. Effective immediately. **Re-referred to Senate Appropriations May 23, 2022.**

SB 1197 Martin, S. (R)

Cosmetology and Barber Training Programs. Amends the Cosmetology Law providing a career and technical education (CTE) cosmetology school student may earn up to 350 hours of education through participation in out-of-school programs. Provides a CTE cosmetology student must be supervised by a licensed cosmetologist or cosmetology teacher who has at least five years' experience. Provides the program educator may use information obtained from the out-of-school program in gauging and grading the student's skill level. Provides out-of-school programs shall notify each client upon whom the CTE cosmetology student performs a service that the service is being performed by a CTE cosmetology student. A CTE cosmetology student may receive compensation for services rendered in the out-of-school program and may not earn less than 250 hours through in-person instruction. Effective immediately. **Re-referred to Senate Appropriations May 23, 2022.**

SB 1244 Martin, S. (R)

Temporary Graduation Pathway for Students Impacted by COVID Testing Waivers. This legislation will create a new, temporary two-score composite pathway for students impacted by the waivers issued under Act 136. Students using this graduation pathway will be required to take two out of the three Keystone exams and earn one score of at least a “Proficient” and one score of at least “Basic” on those two exams. The composite score would be

calculated by the Department of Education and ratified by the State Board of Education as was done for the three-score composite pathway. **Reported as committed from Senate Education May 24, 2022. Re-referred to Appropriations May 25, 2022.**

HB 972 Gleim, B. (R)

Fairness in Women's Sports Act. The Fairness in Women's Sports Act provides that interscholastic, intercollegiate, intramural or club athletic teams or sports that are sponsored by a public primary or high school, a public institution of higher education or any school or institution where students or teams compete against a public school or institution of higher education must be expressly designated as male, men or boys; female, women or girls; or coed or mixed. Prohibits male students from participating in athletic teams or sports designated for females, women or girls and creates causes of action for harms suffered by designation of athletic teams. If a part of this act is found invalid, all valid parts that are severable from the invalid part shall remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications. Effective in 60 days. Effective in 60 days. **Passed the House 115-84, April 12, 2022 with most Republicans voting yes, and most Democrats opposed. Reported as committed from Senate Education May 24, 2022 (7-4).**

HB 1041 Topper, J. (R)

Homeschool Hybrid Educational Access Act. The bill requires a school district to develop policies and procedures to permit a child who is enrolled in a home education program to participate, on the same basis as other students enrolled in the school district, in any cocurricular activity that merges extra-curricular activities with a required academic class, including, but not limited to, band or orchestra, must permit a child who is enrolled in a home education program to take up to four academic courses at a time, and must allow a home schooled student to participate in a career and technical education program on the same basis as other students enrolled in the school district, provided they meet requirements. The bill was amended in the House as follows: allows for homeschooler enrollment "pursuant to the policies and procedures of the school district of residence," as would be applied to other students enrolled in the district; requires the student to comply with all policies, rules and regulations or their equivalent of the district of residence; requires the student to be included in the ADM of the district calculated by counting the time the student spends in the school program on a pro rata basis; provides that, for enrollment in CTs, districts can consider enrollment consistent with seat allocation agreements between districts or consistent with policies and procedures in a district operated CT program; requires the student to comply with all policies, rules and regulations of the district of residence and CT center; requires any CT grades to be provided to the home education program supervisor for the student's portfolio records; clarifies that those students may utilize district transportation to and from a CT center but dependent on available space; calculates and counts student enrollment in a CT center regarding ADM the same as such enrollment in the district's classes and programs. **HB 1041** passed the House in November 136-41. **Reported as amended from Senate Education May 24, 2022.**

HB 2063 Brooks, B. (R)

Mandatory Free-Play Recess and Lunch Periods. The bill would require schools to provide at least thirty minutes of recess and thirty minutes of lunch for all students. Additionally, schools would be prohibited from replacing a student's lunch or recess time with assessments, additional coursework or instruction, unless requested by the student. The bill does allow an exception for medical reasons or IEP purposes. **HB 2063 was scheduled for the House Education Committee agenda on May 23, 2022 but was pulled from the agenda.**

HB 2169 Owlett, C. (R)

Lifeline Scholarship. Amends the Public School Code, establishing the Lifeline Scholarship Program within the Treasury Department. Provides guidelines for application forms, the review, approval, and repeal of an application, the agreement between the school and applicant, the terms of the agreement to be valid for one school year, and ways the applicant can be terminated and automatically terminated from participation in the program. Provides a lifeline scholarship account shall be established for each eligible student, that money shall be deposited into the account for the upcoming school year, that collaboration with the Department of Education will help determine an installment plan for the account, and that account funds left over after the school year may be carried over to next school year or for another institution during a two-year period following graduation from the school. Provides a list of ways fund accounts may be utilized. The Treasury Department, auditor general, participating entities, and resident school districts are provided certain duties for promulgating the act and legal proceedings in state courts regarding the scholarship are detailed. Effective immediately. **Third consideration and final passage in the House (104-98) (all**

Democrats and 10 Republicans voted in opposition) April 27, 2022. Waiting for consideration in the Senate Education Comm.

HB 2428 Knowles, J. (R)

Sunshine Law and Public Meetings. Amends the Sunshine Act to facilitate the creation of local rules allowing meetings to be broadcast online and allow public comment via authorized telecommunications devices. A political subdivision or municipal authority offering internet broadcast or remote public comment with those options would need to include information regarding the broadcast or public comment to in its existing public notices and meeting minutes. **Re-reported as committed from House Appropriations May 24, 2022.**

New Legislation**SB 1211 Schwank, J. (D)**

\$45k Minimum Teacher Salary. Amends the Public School Code, in professional employees, repealing provisions relating to minimum salaries for teachers, providing minimum salaries for professional staff members, repealing provisions relating to special payments on account of minimum salary increases, and providing for special payments on account of minimum salary increases for professional staff members. Allows the board of school directors to employ qualified persons for non-teaching positions in professional positions that require a nationally recognized or state license, or other credential but do not require certification under Article XII for public school employment. Sets the minimum salary for professional staff members for the 2019-2020 school year and thereafter to \$45 thousand. Provides special payments on account of minimum salary increases for professional staff members, allowing public school entities to receive a special payment from the Pennsylvania Department of Education (PDE) to reimburse the public school entity for implementation. Effective immediately. **Introduced and referred to Senate Education May 3, 2022.**

SB 1223 Kearney, T. (D)

Level Up School Funding Supplement. Amends the Public School Code, in reimbursement by commonwealth and between school districts, providing for level-up supplemental basic education funding for the 2021-22 school year. Provides for determination of qualifying schools based on an amount less than or equal to the amount that represents the 20th percentile for all school districts based on the sum of the number of student weights, current expenditures divided by the sum calculated for the school district, and an average of the quotients. Allocates a sum of money based on the aforementioned qualifiers. Effective in 60 days. **Introduced and referred to Senate Education May 9, 2022.**

SB 1224 Kearney, T. (D)

Restarting PlanCon. Amends the Public School Code, in construction and renovation of buildings by school entities, providing for maintenance programs. Prevents grant awards for maintenance programs exceeding \$3 million. Allocates funding from a set aside equal to 25 percent of the appropriation for school building projects. Requires that amounts appropriated in the fiscal years of 2022-23, 2023-24, and 2024-25 for school building projects be used exclusively for the program. Effective immediately. **Introduced and referred to Senate Education May 9, 2022.**

SB 1243 Gebhard, C. (F)(R)

Personal Financial Literacy for Highschool Students. Amends the Public School Code, in terms and courses of study, establishing an economics and personal finance course as a graduation requirement; and abrogating regulations. Further provides for the areas of study related to the economics and personal finance course. Effective July 1, 2023. **Introduced and referred to Senate Education May 23, 2022.**

SB 1252 Aument, R. (R)

Pennsylvania Commission on Education and Economic Competitiveness. Amends the Public School Code, in preliminary provisions, establishing the Commission on Education and Economic Competitiveness. Outlines membership in the commission. Establishes the Subcommittee on Education Planning within the commission to consult with the commission for advisement on the long-term education goals of the commonwealth. Outlines membership in the subcommittee. Provides the commission may add additional members to the subcommittee and create subgroups. Provides members may not receive compensation for their services, except for travel expenses and other necessary costs. The commission shall hold its first meeting by February 17, 2023, and the subcommittee by

March 6, 2023. Nonprofit entities may be utilized for their experience in the creation of long term education planning efforts. Provides the subcommittee shall hold monthly meetings to make recommendations for early childhood education and necessary supports, an aligned instructional system with special attention to curriculum, assessment, pedagogical approach and standards that span early childhood through higher education, education environments that are conducive for each student to learn, equitable access to education and educational resources, a holistic approach to education that include a focus on development of well-rounded individuals through research-based competencies and dispositions, professional work environments for education staff, the creation of a leadership development system for kindergarten through grade 12 schools, recruitment and attainment of high-performing educators, meeting the employment needs of the state, community partnerships in the education system, a system that effectively re-tools displaced workers, addressing the impact of the state's changing demographics, and effective governance and accountability; the subcommittee shall hold hearings to receive feedback on these areas. Provides definitions for commission and subcommittee. Effective immediately. **Introduced and referred to Senate Education May 24, 2022.**

HB 2576 Thomas, W. (R)

Preparing Pennsylvania for the United States Semiquincentennial. Amends the Public School Code, in certification of teachers, providing for a "What is your Pennsylvania Story" continuing professional development course; further providing for Holocaust, genocide and human rights instruction. This curriculum will encourage students to share their unique Pennsylvania and U.S. experiences. Students from all counties will connect with each other and create relationships that will begin now and continue through 2026 and beyond. **Introduced and referred to House Education May 6, 2022.**

HB 2583 Farry, F. (R)

Emergency Preparedness Grant Program for Schools (Prior HB 1072). Amends Title 35 (Health and Safety), providing for school emergency medical training and establishing the School Emergency Medical Training Program and the School Emergency Medical Training Fund. **Introduced and referred to House Veterans Affairs and Emergency Preparedness, May 6, 2022.**

HB 2609 Zabel, M. (D)

Subcontracting Protections for Education Support Professionals and Schools. Amends the Public School Code, in duties and powers of boards of school directors, providing no later 60 days prior to the adoption of a final budget, school employers shall adopt a resolution of intent to enter into a contract for third-party services in the following fiscal year and shall specify the total cost savings from the contract, a comparison of projected expenditures of the school employer for the following fiscal year with and without the proposed contract, the number of noninstructional employees to be suspended as a result of the contract, and that the contract shall guarantee that the school employer may terminate the contract if expenditures exceed projections. Provides employment preference to a school employee who held the same, or a substantially similar, position with satisfactory performance and is terminated due to the third-party contract before hiring any new employees to fill any vacancy for a position that provides non-instructional services to a school employer. Provides contracts entered into or renewed under this section are subject Right-to-Know law requests. Effective in 60 days. **Introduced and referred to House Education May 23, 2022.**

Cosponsor Memos

HCO2964 DeLuca, Anthony(D) (Allegheny) Prohibits cell phone use by students in schools.

HCO2962 Williams, Dan(D) (Chester) Requires colleges to implement a sexual assault policy following certain guidelines, to investigate reports timely, and to provide protections for victims and witnesses.

SCO1612 Brewster, Jim(D) (Allegheny) Updates the Athlete Agents Act by introducing changes provided by the Uniform Law Commission.

HCO2968 Borowicz, Stephanie(R) (Clinton) Prohibits school instruction on sexual orientation and gender identity in k-5, requires instruction to be age appropriate, and requires notification of a change in services.

SCO1617 Scavello, Mario(R) (Monroe) Implements the bipartisan 2013 Special Education Funding Commission's recommendation for applying the same special education funding principles used to distribute state special education funding to school districts. S

CO1619 Mastriano, Doug(R) (Franklin) Implements term limits for all school board members to three "four year" terms. Requires any board subcommittees or executive sessions to follow the same agenda notification requirements as a regular meeting of the school board.

SCO1621 Comitta, Carolyn (F)(D) (Chester) Establishes a "Grow Our Own Educators" program in Pennsylvania to provide financial assistance to community members involved with a school district in support of the member becoming a teacher.

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National and Federal News and Updates

District ARP Timeline: From AASA – AASA has been sounding the alarm for months with federal officials that district leaders are concerned about the timeline for spending ARP funding for school facility upgrades and HVAC updates by September 2024. Last week the U.S. Department of Education sent a letter back to AASA clarifying that they will allow states and districts an additional 18 months to liquidate ARP funding for school facility upgrades/HVAC work. This means that if the contract for these projects is signed by the district by September 2024, then the project does not need to be liquidated and the ARP funds completely spent through March 2026. Further, the letter alludes to the ability of districts to potentially receive an extension of up to five years if there are extenuating circumstances. Districts do not need to individually apply for this flexibility, but states do have to apply on behalf of districts. Based on our conversations with CCSSO and other state groups, we feel confident that SEAs will not hesitate to apply for this additional spending runway, and the process for them to do so is a familiar and straightforward one. The Department will not release a waiver application for states until closer to 2024, but rest assured that it will be available, and superintendents should feel confident that you have more time to complete and draw down funding for these projects. Of note, the letter does allude to the ability of districts to potentially receive an extension beyond 18 months if there are extenuating circumstances. However, this extension does not change the obligation for districts to obligate (i.e. sign contracts) by September 2024, which is only something Congress can change.