

# EDUCATION LEGISLATION BRIEF



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## **SPECIAL COVID-19 Update**

### **Governor Imposes Stay at Home Order for Six Counties and Extends School Closures Through April 6, Possibly Later**

Gov. Tom Wolf on Monday afternoon, March 23, announced six more counties, starting at 8 p.m., will be under a state-imposed "stay at home" order - meaning no leaving one's home unless it's for a "life sustaining" reason - while Pennsylvania's schools will be closed at least until April 6 as efforts continue to slow the spread of the COVID-19 virus. The closure order could be extended beyond April 6 if necessary to save lives and stop the spread of COVID-19.

Allegheny, Bucks, Chester, Delaware, Monroe and Montgomery counties - where the outbreak is currently the worst within the state - join Philadelphia for the next two weeks, with Wolf saying he's trying to be measured in his



application of this mitigation effort in the hopes of slowing virus spread.

Under the new timeline, school buildings would reopen on April 7 for two days to allow school administrators, teachers, and other staff time to prepare classrooms, set up cafeterias, schedule transportation and arrange other business operations. Students would return to school on April 9, unless extending the closure is needed in response to the situation with the virus at that time. To assist schools during the extended closure, the state's 29 intermediate units are ready to provide technical assistance to help develop continuity of education plans for all students beginning Tuesday, March 24.

Under Governor Wolf's order, personnel at our educational entities in all 67 counties who are providing life-sustaining services, including, but not limited to: administration, food preparation and distribution, housing, security, information technology, building maintenance, and operations (e.g., payroll) can continue to be deemed essential and are permitted to continue their work, provided they adhere to social distancing guidelines.

#### **Senate Resolution 318 - Corman, J. (R)**

A Resolution adopting temporary emergency Rules of the Senate relating to roll call votes, to voting meetings of committee, to consideration of bills, to third consideration and final passage bills, to electronic mass communications. Adopted March 18, 2020.

#### **House Resolution 834 -Cutler, B. (R)**

A Resolution adopting temporary Rules of the House of Representatives relating to roll call votes, to voting meetings of committees, to consideration of bills, to third consideration and final passage bills, to conference committee reports and to electronic mass communication. Adopted March 16, 2020.

### **PENDING EMERGENCY SCHOOL CODE LEGISLATION**

#### **Amendment to SB 751: Educator Evaluation Reform**

On March 24, the House will vote on an amendment to Senate Bill 751 to add emergency school code provisions regarding the Pandemic of 2020. The legislation includes the following:

- The 180 day school year requirement will be waived immediately
- Allow the secretary of PDE to keep schools closed until the health threat of COVID-19 has ended
- Allow the secretary to increase the amount of Flexible Instruction Days (FID) and waive the application deadline for the 2019-2020 school year.
- Waive the minimum required hours for career and technical education (CTE) programs.
- Waive the required performance data for employees in their annual performance rating.
- Waive the minimum required Pre-k days.

- Waive the 12-week student teacher requirement for education courses and programs.
- Waive the NOCTI exams and NIMS assessment.
- Existing professional development credits for employees will be extended by one year.
- The secretary will apply for a waiver of federal ESSA exams.
- The 180 day school year waiver, minimum instruction time, exam requirements, and ability to close school entities apply to nonpublic schools as well.

The legislation also addresses employee pay and asserts that no employee shall receive less pay than they were entitled to had they completed a traditional school year. The same applies to their PSERS benefit. Facilities staff must be provided with proper cleaning products and materials necessary to maintain a healthy facility as directed by the CDC.

Additionally, schools must send the parents or guardians of students with an IEP a letter detailing their rights under IDEA. All school entities must work toward ensuring accessibility to learning in their communities and work with PDE to provide the services and resources necessary to their students. School entities, including IUs, will not receive less in subsidies, reimbursements, and tuitions as a result of this amendment. This provision includes charter schools and nonpublic schools. Schools will have the ability to file a waiver with PDE regarding any provisions of this act and the secretary will be responsible of responding to that waiver request within 30 days.

Lastly, school districts will have the ability to renegotiate contracts with school bus transportation services to adjust for costs and work affected by the school closures.

The House Appropriations Committee approved the emergency school code language unanimously. The House vote is now planned for March 25, and Senate will vote on March 25 as well.

### **HCO3353: Clarifying the Existing 180 School-Day Law**

On March 19, Representative Ryan Bizarro published a [co-sponsorship memo](#) that proposes legislation that would allow school districts to apply for a 180 school day waiver individually and in expedited time.

### **HCO 3370: Flexible Instruction Days for Schools - COVID-19**

On March 19, Rep. Adam Ravenstahl released a [co-sponsorship memo](#) that proposes legislation allowing the Pennsylvania Department of Education to approve Flexible Instruction Days (FID) at any time and increase the allowable number of FIDs.

### **SCO 1465: Education Issues to Address Concerns of the COVID-19 Pandemic of 2020**

On March 19, Senator Wayne Langerholc published a [co-sponsorship memo](#) that plans to address the many concerns schools face during the COVID-19 outbreak. The bill would waive the required 180 school days including required career and technical education hours, increase flexible instruction days, and waive certain professional and educator credit requirements.

For school employees, their compensation will remain the same as if they had completed a traditional school year, and PSERS contributions will remain the same. Public schools must also provide employees cleaning supplies and necessary materials to comply with health standards.

School districts will receive their full subsidies and reimbursements for the 2019-2020 school year, regardless of how the remainder of the year is completed. Parents of students with an IEP will receive a notice from the school detailing the requirements under IDEA. Provisions related to nonpublic and charter schools will be in the bill as well.

### **PSSA and Keystone Exams Cancelled**

The Pennsylvania Department of Education made the decision on Thursday, March 19 to [cancel the state PSSA and Keystone exams](#) scheduled for later this spring.

Additionally, standardized testing for students in career and technical education (CTE) programs for the 2019-20 school year are also canceled. These include exams from the National Occupational Competency Testing Institute (NOCTI) and National Institute of Metalworking Skills (NIMS). Secretary Rivera made the decision in light of the uncertainty surrounding the remainder of the school year. Senator Dinniman and Senator Scott Martin published a co-sponsorship memo ([SCO 1451](#)) requesting that the state cancel the exams; however, the legislation never came to fruition as PDE made the determination prior to a bill being drafted.

### **SCO 1450: Coronavirus Disease and Schools: Allowing for Online Instruction**

Senator Dinniman recently published a [co-sponsorship memo](#) that proposes legislation that would allow school districts to complete the 2019-2020 school year through cyber instruction. For those districts without the capabilities of fully enacting this, PDE would have two weeks to provide guidance in developing a plan that works for that school district

## **Rep. Sonney Plans to Introduce Emergency School Code Provision**

On March 19, Rep. Sonney sent a co-sponsorship [memo](#) to members of the House detailing provisions to be made to the Emergency School Code. The legislation will include:

- Eliminates the 180-day requirement for all public and nonpublic schools and home education programs.
- Allows the Secretary of Education to increase the number of allowable flexible instruction days to permit additional educational opportunities for our students while at home.
- The Secretary may also waive:
  - Career and technical education program hours
  - Using performance data in the teacher evaluation system
  - Pre-K counts hours
  - 12-week student teacher requirement
  - NIMS assessment/NOCTI exam
- *School employees* - there are several provisions to protect school employees from circumstances outside their control. The legislation provides that:
  - No school employee shall receive more or less compensation because of school closures or shortened school year.
  - No loss in PSERS credit or change in PSERS contributions.
  - School cleaning staff must be provided appropriate cleaning materials and protective clothing/gear as recommended by the CDC.
  - Extends continuing education credit compliance period by one year.
- *Special education* - the US Dept. of Education released guidance on federal requirements related to special education during school closures. Each school needs to make sure it has planned accordingly to ensure students are receiving the special education services they are entitled to under federal law. These plans should be communicated to parents. Therefore, the legislation provides that notice must be given to all parents of special education students a plan for ensuring students are receiving FAPE.
- *Payments to school entities* - no loss in any school subsidies or reimbursements. Charter schools will continue to receive tuition payments.
- *Assessments*: the U.S. Department of Education issued guidance on the potential impact of school closure on PSSAs and Keystone exams, including that they would consider a request to waive assessment requirements for this school year. This legislation would require the Secretary of Education to apply to the U.S. Department of Education for testing waivers to permit cancellation of assessments for the 2019-20 school year.

The House is expected to vote this week on the legislation.

### **PSBA Legislative Alert**

On Wednesday, March 18 PSBA, PAIU and several other Pennsylvania education organizations sent the House and Senate a [joint letter](#) requesting a series of legislative actions aimed at providing relief and guidance to school districts during the coronavirus outbreak. Specifically, the letter asks the General Assembly to waive the required 180 instruction days, expand use of flexible instruction days, waive or extend professional development and teacher requirements, and waive testing including PSSA, Keystone, NOCTI, and NIMS exams.

There are several ways to take action and urge your legislators to pass immediate legislation. You are encouraged to send an [email](#), make a call to your legislator, and post on social media urging lawmakers to act quickly. With the uncertainty surrounding the coronavirus outbreak, it is critical that our schools have guidance and direction during this time.

### **Families First Coronavirus Response Act**

President Trump signed the [Families First Coronavirus Response Act](#) into law on Wednesday providing the first steps toward stability for families during the coronavirus outbreak. The legislation allows for more lenient procedures for providing students with school meals and SNAP benefits, as well as some job protections for school employees.

Congress continues to work on legislation to provide further support for Americans in response to COVID-19.

### **Coronavirus Aid, Relief, and Economic Security (CARES) Act**

Congress is still negotiating the Coronavirus Aid, Relief, and Economic Security Act. Democrats are seeking more security for workers as unemployment insurance and paid sick leave remain negotiating points. Stimulus checks of \$1200 per person or \$2400 per couple also remain on the table. In the Executive branch, the Department of Homeland Security outlined industries where employees are considered critical, including law enforcement, public health, defense, and more. A summary of the legislation can be found [here](#).