



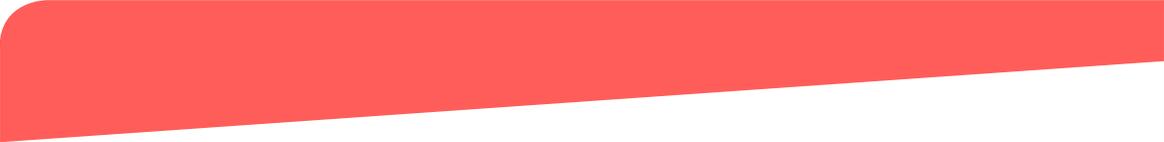
PSBA 2020 Legislative Platform

Adopted by the Delegate Assembly on October 18, 2019

Table of Contents

Legislative Priority Issues for the 2019-20 Session	2
Core Legislative Principles and Supporting Concepts	4
Core Legislative Principle 1	4
Core Legislative Principle 2	7
Core Legislative Principle 3	12
Core Legislative Principle 4	15





Legislative Priority Issues for the 2019-20 Session

PSBA has identified the following issues as legislative priorities for the 2019-20 session of the General Assembly and will work to bring focus to leverage change in these areas that will improve our system of public education. Founded in 1895, PSBA is the voice for public education and the work of strong local school boards in the halls of the Capitol. We are committed to supporting an effective child-centered public education that is adequately and equitably funded. Pennsylvania public schools are the driving force behind our state's economy.

Provide for Safe and Secure Schools

PSBA believes that the state must prioritize the protection of students and school employees from acts of violence by providing schools with continued and long-term funding, assistance and flexible options that best meet the needs of their communities to provide safe and secure school environments. This includes the ability of schools to conduct threat assessments and crisis planning, provide improvements to school safety infrastructure, increase security personnel, and provide training, mental and behavioral health supports, and other measures designed to protect students and school employees.

Enact Meaningful Charter School Reforms

PSBA believes that the state must enact comprehensive and meaningful reforms to the Charter School Law to level the playing field between charters and traditional public schools. These reforms should address areas of charter school operations, funding and accountability. Charter schools and educational management organizations (EMOs) should be subject to the same laws and regulations that all public schools must follow, including the same financial, academic and ethical accountability standards as school districts. In addition, the special education funding formula established under Act 126 of 2014 should apply equally to charter schools just as it does to school districts. The current flawed special education tuition calculation requires school districts to pay charter schools regardless of the costs of services provided and results in the overpayment of district funds to charter schools for special education students.

Address Pennsylvania's Pension Funding Crisis

Between the 2002 and 2017 fiscal years, total employer pension costs have increased more than 3500%. As a result, school districts have made reductions to programs, services and staffing levels to mitigate the impact on taxpayers. Despite those efforts, school districts have been forced to raise property taxes significantly to meet their mandatory pension obligations.

PSBA believes that the continued underfunding of public school employee pensions, notably the Public School Employees' Retirement System (PSERS), is undermining the solvency of school districts and the Commonwealth, as well as leading to the underfunding of agencies that both, directly and indirectly, impact the ability of school districts to provide a quality education. Pennsylvania must begin to fund the pension liability at a rate which both exceeds the increase in the annual liability, and which reduces the annual cost to school districts.



2020 Core Legislative Principles and Supporting Concepts

The Pennsylvania School Boards Association holds these overarching core legislative principles regarding the mission and success of public education, and the responsibilities of local school boards to ensure that a high-quality education is provided to each student:

Core Legislative Principle 1 Support an Effective Child-Centered Public Education

PSBA supports the establishment and maintenance of child-centered public education as a local, state and national priority. The association supports reform for the betterment of public education that prepares students to be productive citizens and promotes the achievements of public schools, students and local school boards.

PSBA believes that public schools exist for the purpose of providing the best possible education for children, youth and adults. It believes that our schools should develop responsible citizens, self-reliant and independent persons equipped with essential knowledge and skills. PSBA urges each local school board to exercise its legal responsibilities, prerogatives, and discretion in the fullest measure to design, initiate, and operate educational programs which will best serve the needs of its students and communities.

Supporting Concepts for Core Legislative Principle 1

Insofar as it is the responsibility of school boards to establish curriculum, instructional policy and graduation requirements, and to determine what will be denoted on student records, the state should not impose any requirement for a mandatory statewide curriculum. PSBA supports efforts that encourage shared responsibility in developing instructional requirements, extended learning opportunities and assessment systems for students that employ various measurements to gauge the progress of students and the quality of public schools. PSBA also supports initiatives that recognize and promote the best practices in local assessment strategies.

1.1 Curriculum and Instructional Policy

The state should provide funding that will enable school districts to create high-quality and comprehensive education programs intended to advance the achievement of all students.

School boards call on the state to:

- (a) Enable school districts to voluntarily provide high-quality early childhood education programs in a flexible manner that meets the needs of children.
- (b) Support initiatives that allow school districts to implement effective educational programs and practices that improve student achievement by enhancing and sustaining the increased use of technology and equipment necessary for programs and the latest developments in teaching and learning.
- (c) Assist schools in strengthening their school nutrition and physical activity programs without mandating specific hour requirements for daily physical activity and/or physical education.
- (d) Support interventions for students identified at risk of failing.

1.2 Student Assessment

Student assessment should be approached as an evaluation of strengths and areas needing improvement used in order to enhance student success. Student assessment should be used primarily to shape learning and instruction.

Student assessment systems must:

- (a) Recognize student diversity and disabilities;
- (b) Properly reflect the diversity of individual school entities' instructional goals and enhance local control of curriculum;
- (c) Be based on sound and consistent testing practices;
- (d) Be used only to promote improvement in local instruction;
- (e) Minimize the loss of instruction time;
- (f) Limit the total number of state-mandated tests administered to the students at any given grade level in a single academic year.
- (g) Maintain the ability to opt out of state-mandated tests.

Duplication of testing in one subject area should be eliminated. School districts should be permitted to use other rigorous standardized exams as a substitute for the required state testing. The state should not impose or expand state-developed high school exit exams for all students.

Additionally, the state should not require the use of any single or inappropriate measure of student achievement for any high-stakes reason, such as the distribution of funds, or consequences or rewards to students, schools and school districts.

For purposes of state accountability, the state should allow schools to use a locally-selected and scheduled computer-adaptive assessment system that provides student performance information regarding current grade academic standards.



1.3 Graduation Requirements

School districts must retain the authority to establish graduation requirements, and the state should eliminate state-developed high school exit exams for all students. Further, school districts must be able to use the results of rigorous local assessment systems that include a variety of state and local testing strategies, aligned with the academic standards, to determine student proficiency and readiness to graduate. Efforts to foster competency-based learning should be permitted, so that students could meet graduation requirements by demonstrating subject area competencies as opposed to meeting specific seat time requirements.

1.4 Special Education

School districts support educational programs for students with special needs. The federal and state governments combined should provide for the total cost of special education, reflecting actual students served and costs incurred. The state should not reduce any funding for approved private schools or special needs students. School districts support the need to protect the rights of eligible students but also believe the state should reduce the regulatory burden of special education, and specifically those state mandates concerning special education services that exceed federal requirements. Further, the state should not engage in efforts that would reverse a U.S. Supreme Court decision that places the burden of persuasion on the party initiating a special education due-process hearing.

1.5 Career & Technical Education

Career and technical education provides academic and occupational skills training that prepares students for careers and/or postsecondary education and ensures access for secondary students to such programs. The state should increase the amount of Basic Education Subsidy for every student that is enrolled in a career and technical education course or program. Further, the state should provide a level of funding of at least 50% or greater for acquiring or updating equipment for career and technical learning and should award tax credits to businesses that make fiscal, goods or service donations to these public school districts and CTE schools.

1.6 Strategies for Struggling Schools

School districts are accountable for providing programs of educational excellence and are dedicated to reaching the goal of every child achieving his or her highest potential. When needs are identified and/or student achievement standards are not met, PSBA supports a strategy requiring the state to provide school boards with enhanced authority and the financial resources necessary to help all students and schools achieve their academic goals.

Core Legislative Principle 2

Strengthen the Work of Local School Boards

The creation of local school boards is established by law and they are charged with the responsibility for governing local school systems. Local school boards accept a leadership role in establishing an educational environment which will provide all children full access to the educational opportunities, irrespective of social, ethnic, language or economic background, gender or special needs.

PSBA values the contributions that school boards make to public education and is committed to preserving and strengthening the authority of school boards to prioritize educational policy, administration, and curriculum in order to best balance local educational practices, available resources, public input and accountability. PSBA supports efforts to increase the involvement of school directors in the establishment of state policy and the governance of public schools.

School boards should assume a leadership role in improving the professional status of the teaching profession and should encourage continual upgrading of the quality of teacher efforts. School boards should employ qualified personnel who are competent in their roles and who have personal qualifications that command respect.

PSBA supports and works in conjunction with the efforts of the National School Boards Association to advocate at the federal level for the role of school boards to provide leadership for academic success in public schools.

Supporting Concepts for Core Legislative Principle 2

The responsibility for control and support of public schools is delegated to local school boards who strive to improve the educational opportunities of children; to use state and local tax dollars efficiently; and to distribute burdens of school support equitably. PSBA supports efforts to enhance continuity in school governance and supports and actively encourages voluntary in-service education for school directors. The state should allow for flexibility in various areas of decision-making regarding personnel, operations, school construction, safety and discipline, and mandates.



2.1 Personnel Issues

2.1.1 Staffing and Evaluation

School boards must be provided with the greatest possible flexibility in their ability to attract, evaluate and maintain qualified teachers and other staff, including the authority to manage their personnel, and to provide a positive working environment. The state should continue to refine its efforts to create a reliable, fair and effective professional staff evaluation system that incorporates extensive input from experienced educational professionals and uses multiple measures to assess their effectiveness in order to enhance student learning and raise student achievement. Further, the state must enact reforms of staffing mandates such as tenure, furloughs, employee benefits, sabbatical leaves and any other requirement that restricts entities' authority to manage, support and compensate its employees.

PSBA opposes the use of any teacher evaluation system for high-stakes purposes (such as furloughs, tenure or compensation) that has not been demonstrated to be statistically valid and reliable for that purpose. PSBA opposes any legislation or regulation that ties an individual teacher's "proficiency" rating to aggregate school data.

2.1.2.1 Collective Bargaining

School boards must maintain local control of collective bargaining and call on the state to:

- (a) Require a strike authorization vote to be approved by a majority of the entire bargaining unit in a secret ballot no more than 72 hours prior to the work stoppage.
- (b) Impose financial penalties on teachers and the collective bargaining unit for each day that a strike interrupts the delivery of scheduled educational services.
- (c) Prohibit court-ordered mandatory participation in collective bargaining between a school entity and an employee organization.
- (d) Remove the requirement that substitutes hired during the period of a strike must have been employed by the school district during the prior year.
- (e) Prohibit grievance arbitration of teacher dismissals.

2.1.2.2 Collective Bargaining

The state should not enact changes that would:

- (a) Create a statewide teachers' contract.
- (b) Allow collective bargaining for school administrators.
- (c) Require compulsory binding arbitration during contract negotiations.
- (d) Require dues check-off for the collective bargaining unit.
- (e) Require school districts to provide advance public notice and post terms of collective bargaining contracts prior to board action.

2.1.3 Pension Funding

PSBA believes that the continued underfunding of public school employee pensions is undermining the solvency of school districts and the Commonwealth, as well as leading to underfunding of agencies that both directly and indirectly impact the ability of school districts to provide a quality education. Pennsylvania must begin to fund the pension liability at a rate which both exceeds the increase in the annual liability, and which reduces the annual cost to school districts.

2.2.1 School Board Operations

School boards call on the state to:

- (a) Give school districts the option to move to a calendar fiscal year.
- (b) Allow school districts to implement alternative healthcare services and programs, and to have flexibility in staff certification and personnel options.

2.2.2 School Board Operations

The state should not enact changes that would:

- (a) Require school districts to merge or consolidate but would provide support for voluntary mergers.
- (b) Restrict the authority of school boards to adopt and enforce a school calendar.
- (c) Prohibit school directors from fulfilling the duties of their office during any portion of the term they were elected to serve or preventing board action with a financial implication in the final months of years when primary elections for school board directors are held.
- (d) Restrict a school district's right to adopt policies regarding the use of educational facilities and resources by students not enrolled in public schools.
- (e) Mandate state government oversight, regulation or control of the governance and operation of interscholastic athletics in the commonwealth.
- (f) Prohibit the ability for school board candidates to cross-file on the ballot, infusing party politics and priorities to the school board.



2.3 School Construction

School districts have the responsibility and authority to provide and maintain environmentally sound facilities for the health and safety of their students and employees. The state should establish and periodically adjust reasonable levels of state aid for the construction, renovation or purchase of school buildings including career and technical centers and intermediate units. Further, the state should ensure that it does not impose any requirements that inflate construction costs. Additionally, the state must meet its obligation to fully reimburse approved school construction and renovation projects.

School boards call on the state to:

- (a) Provide reimbursement for professional service providers such as construction managers.
- (b) Exempt school districts from designing, constructing and financing road improvements as a condition for approval of a school construction or renovation project.
- (c) Provide school districts with the same options for school construction and/or renovation projects that are available to the private sector, including but not limited to, relief from the Davis-Bacon Act, Prevailing Wage Act and Separations Act, and the opportunity for school districts to contract with a single firm, after competitive bidding, to design and build school facilities.

2.4 Safety, Discipline Issues

School districts must provide safe and supportive school environments for their students. The state should provide schools with annual funding, assistance and flexible options that make the most sense for their communities in order to provide safe school environments. The state should not restrict the authority of school boards in establishing and enforcing student disciplinary policies.

School boards call on the state to:

- (a) Increase state reimbursement to school districts for construction, equipment and training costs related to school safety, and provide prospective and retroactive funding for the remediation of environmental hazards.
- (b) Clarify the authority of school boards to discipline students for distribution, possession, or use of drugs and/or alcohol or other misconduct, at any time, on school property or at any school-sponsored activity.
- (c) Give school boards the authority to honor and enforce or to modify the expulsion of a student who has transferred from another public or private school.
- (d) Provide sustained resources for local school programs that are critical to enhancing school safety such as school counseling, mental health services, emergency preparedness and response training.

2.5 Education-Related Mandates

The state should be required to provide full and timely funding of all state-imposed mandates for school districts, intermediate units and career and technical schools, especially when they exceed federal requirements. In addition, the state should require a periodic and systemic review of state mandates affecting school districts, intermediate units and career and technical schools, sunsetting those mandates that are unproven to enhance administrative or academic operations and providing for full funding of mandates that are continued. The state should permit school districts, intermediate units and career and technical schools, to suspend or waive implementation of state laws and regulations to allow flexible, effective, efficient operations and improvements in instructional programming to maximize student achievement.

2.6 Mental and Emotional Health of Students

Students' mental and emotional health impact their ability to learn, the safety and security of our schools, the classroom environment for all students, and the work environment for teachers and staff. School boards call on the state to recognize, support and adequately fund efforts to promote the mental and emotional health of students by:

- (a) Supporting initiatives that promote students' mental and emotional health.
- (b) Recognizing the mental and emotional impact of state-mandated testing on all students.
- (c) Providing research and guidance regarding the appropriate number and type of mental health providers to adequately serve students' needs including but not limited to social workers, counselors and psychologists.
- (d) Allocating sustained substantial resources for students' mental and emotional health.
- (e) Providing mechanisms to support positive school climate and culture.



Core Legislative Principle 3

Support for Increased Equity and Accountability

PSBA believes that a well-aligned public education system requires consistent standards of accountability and performance in order to raise student achievement. Within that system, all public school entities should be expected to raise student achievement and close achievement gaps. They should be able to demonstrate how their programs meet the needs of all of their students.

PSBA supports high-quality educational choice options within the public school system. PSBA believes that all schools or educational management organizations (EMOs) receiving public funds must meet the same financial, academic-and ethical accountability standards. PSBA also believes that state funding for traditional public schools must not be diminished or reduced by funding mechanisms for school choice programs.

Charter schools operate under separate rules, creating disparity and inequity within the system. The state must enact comprehensive and meaningful reforms to the law to address areas of charter school operations, funding, transparency and accountability. The state should ensure that all legislative and Pennsylvania Department of Education directives and mandates apply to all local education agencies, including but not limited to public school districts, charter schools and cyber charter schools.

The state supports the repeal of Act 85 of 2012. If repeal is not possible, in the interest of fairness and equity, Act 85 must apply to all publicly-funded schools and be amended to use growth measures and other school performance measures as currently under development with the new Future Ready PA Index.

Supporting Concepts for Core Legislative Principle 3

All public school entities should be equally accountable for meeting statutory and regulatory requirements in order to ensure equal and equitable opportunity for students and accountability to taxpayers. PSBA supports financially viable parental options within the public school system, and believes that constitutional restraints must be upheld and that choice programs should not impose financial hardships on taxpayers. Commonwealth funding should be provided to support the costs of public school choice initiatives, only after the state fulfills its commitment to adequately and equitably fund public schools.

The state should not provide direct financial aid, tuition tax credits or vouchers to benefit students enrolled in nonpublic schools or that would divert or condition funding from existing federal and state programs. Any institution, or educational management organization (EMO) that receives public funds, tax credits or vouchers, including the Educational Improvement Tax Credit program, should be subject to the same state fiscal and academic accountability requirements as public school entities. Any student that receives public funds for educational purposes should be required to take the PSSA and/or other state assessments. These requirements include audits and the collection of data on the use of funds for administrative and program expenditures, student achievement and socioeconomic characteristics of scholarship students.

3.1.1 Charter School Reform

The state must amend the law to: allow school boards to operate charter schools; ensure that transportation of charter school students is governed by local school board policy; require that any proposed charter school with significant enrollment from more than one district be organized as a regional charter school; and ensure access to all charter school records by any district with children enrolled in the school. A school district's per-student payment to charter schools should not exceed the district of residence's instructional cost per student enrolled in the district.

PSBA supports the calculation of a standard tuition rate for each charter school that aligns to statewide or regional cost norms by category. This process may use the same tuition calculation prepared for all public schools for non-resident tuition and shall not exceed the actual cost of educational services provided to each child. Any surplus remaining in any fiscal year shall be returned to sending school districts.

The state should:

- (a) Require charter schools and educational management organizations (EMOs) to be subject to the same laws and regulations that all public schools must follow, including the same financial, academic and ethical accountability standards as school districts.

Section 3.1.1 continued on page 14



- (b) Reduce or eliminate the financial burden of charter school costs on local school districts, including proposals that reform regular and special education funding, considering the actual per student educational expenditures of the charter school. Charter schools should be permitted to return excess funds to sending school districts.
- (c) Extend the timeframe for school districts to appropriately determine and challenge a student's residency.
- (d) Require high standards of charter authorizer performance and accountability, prevent applicants from forum shopping, ensure funding for quality oversight by authorizers, and require rigorous application, monitoring, renewal and revocation processes that examine the management, operations, enrollment, and academic performance of charter school entities.
- (e) Require authorizers to revoke or deny renewal for failing charters.
- (f) Prevent any person or enterprise from sitting on more than one governing or managing body of a charter school.
- (g) Ensure that district-offered online learning in any specific grade level of its curriculum receives priority and that students of that district who enroll in any cyber charter school other than the local district's would do so at the parents' expense.
- (h) Require more rigorous enforcement and penalties to all public entities including charter schools, cyber charter schools, owners, operators and managers/EMOs that fail to comply with the Commonwealth of Pennsylvania's Open Records Law.
- (i) Allow school boards to set enrollment caps on charter schools.
- (j) Adopt a funding structure for cyber charter schools. A set fee should be established for both regular education and special education students regardless of the student's home district.

3.1.2 Charter School Reform

The state should not:

- (a) Require school districts to make payments to a charter school for early childhood and kindergarten programs that a student's district of residence does not offer.
- (b) Expand the list of charter school authorizers beyond local school boards.
- (c) Impose a direct pay system on school districts to charter schools.

Core Legislative Principle 4

Secure Adequate and Equitable Funding

The responsibility for control and support of public schools is legally vested in the General Assembly but in a large measure the operation is delegated to local school boards who should strive to improve the educational opportunities of children, youth and adults; to use school tax dollars efficiently; and to distribute burdens of school support equitably. Financial support from the commonwealth to its local school districts should be designed to equalize educational opportunities and to sustain a steadily improving foundation of education.

Supporting Concepts for Core Legislative Principle 4

The students of the Commonwealth are best served by a public education system that is adequately and equitably funded.

4.1 Funding Formula

Pennsylvania must support a significant and continued financial investment for school districts that is distributed using the fair and predictable and equitable funding formula established under Act 35 of 2016 that provides districts with the greatest flexibility to use their resources.

4.2 Use of Local Taxes

School districts must have the greatest flexibility in providing their local financial contribution to this effort, including a variety of local taxes and the development of available funding bases that are suitable to each school district's economic capabilities and conditions that exist locally. The state must continue to enable the utilization of a proper mix of local taxes for public education, as determined appropriate by each school district.



4.3 Property Tax Issues

School boards call on the state to:

- (a) Expand eligibility for special state funding for school districts adversely affected by a substantial reduction in assessed valuation, market value or loss of revenue through bankruptcy, federal land ownership or reassessment, providing those districts' current millage rates meet or exceeds the state average equivalent millage rate.
- (b) Require emergency state funding to be available for districts that experience a loss of local real estate tax revenue equal to, or more than, 3%.
- (c) Provide state funds to school districts that have realized a loss in property tax revenue as a result of the preferential assessment of certain farm and forest lands defined under Act 319 of 1974 ("Clean and Green Act").
- (d) Require the state to provide replacement revenue to school districts in the full amount of property taxes not received as a result of any tax exemption granted by state law.
- (e) Permit state payments in lieu of taxes for natural resources taken from state forests.
- (f) Require payments to local jurisdictions for all state-owned lands that are leased to private interests or are no longer actively utilized for governmental purposes.

4.4.1 Taxing Authority

School boards call on the state to:

- (a) Oppose legislation that would expand charitable exemptions.
- (b) Amend county assessment laws to overturn the 2002 Pennsylvania Supreme Court decision in *Independent Oil and Gas Association vs. Fayette County* so that political subdivisions will be permitted to tax the extraction of natural gas, oil and other mineral interests.
- (c) Establish and require counties to: 1) maintain a uniform statewide ratio of assessed value to market value; 2) require uniform assessment and appeal practices; and 3) regularly reassess real estate at no cost to school districts.
- (d) Abolish the requirement for school districts to use elected property tax collectors, permit centralized collection for property taxes levied and allow regional tax collection with districts having a voice in the appointing and management of the tax collector.
- (e) Protect a school district's right to utilize the services of entities other than the local county tax claims office for collection of delinquent real estate taxes and eliminate the need for school districts to pay any commission or fee to the County Tax Claim Bureau.
- (f) Authorize school districts to levy impact fees or taxes on the development of residential property to offset incremental costs.
- (g) Restore and expand the exceptions to the back-end referendum requirements of Act 25 of 2011.

4.4.2 Taxing Authority

The state should not enact changes that would:

- (a) Reduce the ability of a school district to collect revenue from any tax it currently levies without providing a replacement source of revenue.
- (b) Require school districts to offer tax exemptions, deductions, abatements or credits to residents or businesses located within a designated area.
- (c) Diminish or eliminate the right of school districts to appeal the value of real estate property.

4.5 Transportation Funding Issues

School boards call on the state to:

- (a) Provide periodic increases in reimbursement for transportation costs and vehicle depreciation, and reimbursement of costs incurred in the modification of school vehicles and mandatory drivers' requirements to comply with state and federal regulations. Reimbursement should occur at the same rate as for subcontracted services. The state should also provide funding in the pupil transportation subsidy for transportation of special needs students requiring adapted vehicles, equipment and personnel, sustaining an additional supplemental formula in the same manner as the non-public and charter school subsidy.
- (b) Restrict the requirements for existing charter and nonpublic school transportation services (including a reduction in the 10-mile rule for transporting students to nonpublic and charter schools located beyond a district's border or across state lines) and provide relief from such transportation requirements unless all the actual costs involved are adequately funded.
- (c) Require that the nonpublic transportation 10-mile radius be calculated from the student's attendance area rather than the 10 miles outside the district boundaries by the nearest public highway.
- (d) Reduce the distance from a pupil's residence to the school for reimbursement purposes from the current 1-1/2 miles or more for elementary students and 2 miles or more for secondary students.
- (e) Provide reimbursement to school districts for their portion of the costs of providing traffic control personnel at dangerous intersections.
- (f) Change transportation requirements relating to nonpublic and charter schools so that school districts are not required to transport students on days the districts are not in session.
- (g) Re-evaluate and revise the state transportation reimbursement formula.
- (h) Change transportation requirements relating to nonpublic schools so that school districts are not required for transporting students to nonpublic schools.



Section 4.6 Federal Funding Issues

PSBA will oppose any action to reduce federal funding, including Medicaid funding to schools that provide mandated medical services to students currently reimbursed through the School-Based Access Program.





400 Bent Creek Blvd.
Mechanicsburg, PA 17050-1873
www.psba.org