



**TESTIMONY OF THE
PENNSYLVANIA SCHOOL BOARDS ASSOCIATION
BEFORE THE HOUSE EDUCATION COMMITTEE
ON
LEGISLATIVE SUPPORT NEEDED FOR PUBLIC SCHOOLS DURING
THE PANDEMIC**

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Good morning Chairmen Sonney, Roebuck, and members of the House Education Committee. Thank you for inviting the Pennsylvania School Boards Association (PSBA) to present testimony today regarding the legislative support that is needed to have a successful school year and reopening of public school buildings in the context of the COVID-19 pandemic. My name is John Callahan, and I am the Chief Advocacy Officer for PSBA.

As school boards, administrators, teachers and staff have been preparing for the start of the 2020-2021 school year, and the eventual reopening of public school buildings, they are being confronted with a set of unparalleled challenges in terms of educational, operational, as well as health and safety planning.

Public school leaders' primary concern with starting the new school year and reopening school buildings is doing so in a manner that protects the health and safety of students, staff, and visitors. The need to plan appropriately for health and safety issues relating to the pandemic is affecting everything, including putting in place new health protocols, school building and vehicle cleaning, transportation and in-person class scheduling which maintains social distancing, educational program offerings, extracurricular offerings, continuation of full virtual and hybrid

learning opportunities, acquisition of remote learning devices, internet access, and technologies for students and staff, purchase of personal protective equipment, and much, much more. And, all of this is being done by educational professionals trying to follow an ever-expanding universe of guidance from both the federal and state levels, which often convey best practices while acknowledging that such best practices may be unachievable, and leaving significant health and safety decisions to non-health experts who are responsible for running our public schools.

The bottom line is that this pandemic has turned the already complex job of providing public education for all children in the Commonwealth into an impossible scenario requiring complicated planning and preparation with few explicit answers, many health risks, and looming financial disasters for many school district due to significantly increased costs and unprecedented revenue losses. In fact, traditional public schools across the state are expecting revenue shortfalls as much as \$1 billion this fiscal year while also seeing a sharp increase in costs related to the pandemic. Public school leaders are grateful for, and applaud, the Legislature's action to level fund most education line items in the recent five-month state budget, as well as the additional health and safety grant funding. However, such assistance will not outweigh the revenue losses and increased costs which traditional public schools are facing.

PSBA believes there are many ways in which the General Assembly can continue to support public schools during this crisis, but today we will focus on the following six areas where we believe the most beneficial impacts could be made:

1. **Permanent Mandate Waivers** – As public schools and the General Assembly are faced with the significant economic impacts of COVID-19, which will both devastate revenues and require increased spending, Pennsylvania needs solutions which do not require increased appropriations from the state and yet still provide savings and flexibility. One specific solution that PSBA's members are asking for is broad, long-term relief from mandates that consume much of their budgets.

School districts are required to comply with hundreds of individual mandates imposed by state law and regulations. Considered separately, many mandates can be defended as implementing important policy objectives or as necessary to enhance the quality of education, health, safety, accountability, and transparency. However, the combined effect of mandates can become a costly and time-consuming burden, allow little to no flexibility for innovation, and may require compliance with archaic and unnecessary processes and measures that make it difficult to operate a system of education that is truly thorough, efficient, and logical.

Public school leaders fully supported including the temporary mandate waiver program as part of the emergency pandemic legislation in Act 13 of 2020 which received

unanimous support in the Legislature. However, the waiver provisions in Act 13 were only available for April, May, and June of 2020, which is the same time during which school districts had their hands full dealing with the educational, operational, and financial impacts of COVID-19. Public school leaders need a permanent solution that will continue in future years. Therefore, PSBA urges the Legislature to permanently reinstate a mandate waiver program like the highly popular and successful one which operated in Pennsylvania from 2000 to 2010.

2. **Charter School Funding Reform** – Prior to the pandemic, charter school tuition costs were rated as the biggest source of budget pressure for school districts according to PSBA’s annual State of Education survey. That is due largely to the inequitable and flawed charter school funding system which results in tuition costs increasing at a much faster rate than charter school enrollments and school district overpayments. Since 2007-2008, charter school tuition costs have grown by more than \$1.4 billion, or approximately 230% while charter school enrollments have only increased approximately 113%.

In 2018-19, total charter school tuition payments (cyber and brick-and-mortar) were more than \$2.0 billion. Nearly \$606 million of that total was tuition to cyber charter schools. And, without any changes in law, the cost of charter school tuition for school districts continues to grow.

As school districts look to the upcoming school year, they are fearful of the likely exodus of many families choosing to enroll their children in cyber charter schools out of concern over the health risks associated with possibly contracting COVID-19 by returning to in-person instruction, and the current advertising blitz being carried out by cyber charter schools. School districts will be woefully unprepared for such an exodus to cyber charter schools and have little, if any, potential solutions to the budget impacts this would have. The amount paid specifically to cyber charter schools was already projected to increase by approximately \$200 million over the 2019-2020 fiscal year costs, and that is before factoring-in potentially significant enrollment increases due to the pandemic.

With this potentially catastrophic financial outcome on the horizon, the pandemic has only heightened the need for charter reform in Pennsylvania. Knowing this, PSBA once again urges the Legislature to work to provide savings by adopting charter school funding reforms that are predictable, accurate and reflect the actual costs to educate students in regular and special education programs.

3. **Transportation Funding Support** – One of the most significant concerns public school leaders share as they look to reopen school buildings for instruction this fall is how to

apply proper health and safety measures to student transportation, and what this will mean in terms of scheduling, cost, and state reimbursements.

Adhering to federal and state level guidance will result in significant changes to student transportation practices. Schools will have to increase the cleaning and sanitizing of school vehicles, reduce ridership to allow for social distancing, change routes due to lower ridership, change or stagger schedules to accommodate different departure and arrival times, use more vehicles and drivers, and perhaps rely more on parents and public transportation to transport their children to school where the parents choose not to let their students ride the bus.

Not only will all these changes and vehicle cleanings make transportation more expensive, the need to maintain social distancing on busses will mean that school districts will actually lose out on state reimbursement because the transportation reimbursement formula is based on filling as many seats on a bus as possible to maximize reimbursement. However, recent evaluations have estimated that out of a 78 seat capacity bus, only 14 riders would be possible in order to maintain six feet of distance between each rider. With bus capacity reduced so significantly to ensure proper social distancing, public schools are sure to lose significant reimbursement while at the same time incurring additional transportation costs. PSBA urges the Legislature to address this reimbursement issue and make sure that public schools continue to receive at least the amount of reimbursement that they would otherwise be entitled to receive had the pandemic not occurred.

4. **Liability Protection** – Despite all of the planning and preparing being done by public schools for the start of the school year in accordance with state and federal guidance, there is no guarantee that schools can prevent any and all potential exposure to COVID-19 in schools. School leaders are desperate for enhanced liability protections in order to shield taxpayers from frivolous or opportunistic lawsuits over perceived or unintentional exposure to COVID-19. Such lawsuits could increase local taxes and lead to further school budget cuts which would have a severely negative impact on the opportunities and education that students will receive.

Even unsuccessful lawsuits require a significant amount of taxpayer dollars to defend. Public schools should not have to fear COVID exposure litigation while they are attempting to do their best to protect the students and staff in their care. The failure to provide liability protections to public schools to cover potential COVID exposure will have the additional negative effect of increasing liability insurance costs, which may be impossible to finance for some public schools with already limited resources.

This pandemic has required rapid decision-making at times, and now continues to require local public school leaders to make health-related decisions based on sometimes conflicting and vague guidance that may impact students and employees. Recognizing that this type of liability protection should be carefully balanced, we assure you that we are not looking to protect willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the safety of individuals.

Pennsylvania public schools need protection from lawsuits alleging exposure to COVID-19 so that they can effectively reopen school buildings without worrying about being financially crippled as long as they do their best to implement the guidelines laid out for them. PSBA urges the Legislature to work as quickly as possible to pass liability protections for our public schools.

5. **State Graduation Requirement Delay** – The COVID-19 pandemic has negatively impacted the current plan to implement a new state graduation mandate starting with the class of 2022 due to the necessary termination of all standardized assessment offerings in the 2019-2020 school year. Under current law, the new state graduation mandate requires students to either achieve success on all three Keystone Exams, or pivot to successfully meet the requirements of an alternative graduation pathway if their standardized assessment scores were not sufficient. Freshmen and sophomore high school students in the 2019-2020 school year were already working to meet the new graduation requirements, but school building closures and canceled Keystone Exams has meant that these students have lost precious time and must deal with uncertainty in how they will meet the new requirements.

In order to address cancelled testing and missed career planning and other graduation activities that may be necessary for students, PSBA urges the Legislature to extend the effective date for the new state graduation requirements by an additional year, from the 2021-2022 school year to the 2022-2023 school year.

6. **Advertising/Public Notice Reform** – Another helpful solution that our members are asking for is to address the archaic law which only allows advertising/public notices requirements to be fulfilled by publishing in printed newspapers. A popular solution would be to provide local governments with a flexible menu of options to use in complying with advertisement/public notice requirements. Such a solution would not only modernize our advertising requirements, but also provide much needed savings to local governments who are seeing sharp declines in future revenues due economic disruptions caused by COVID-19.

In recent years, newspapers have been sharply reducing or eliminating regular publishing and increasing advertising costs. As a result, local governments are finding it difficult and expensive to comply with the antiquated advertising requirements in current law. PSBA and its members fully support the goal of this requirement – keeping the public informed and ensuring transparency. However, this mandate is expensive and inefficient and was created before the Internet changed the ways that people receive information. Providing flexibility to meet advertising requirements would not only improve efficiency, increase readership, and reduce costs but also increase transparency by making notices searchable and available to a broader readership.

PSBA urges the Legislature to pass advertising/public notice reform which allows local governments to be more responsible with taxpayer dollars and reach broader audiences in a manner that fits the current times. To accomplish this goal, House Bill 2743 has been introduced by Representative Ortity and SB 1222 has been introduced by Senator DiSanto, and both bills are being supported by PSBA and numerous local government groups.

The COVID-19 pandemic has changed all of our lives, and will likely change the ways schools operate moving forward for some time to come. And, while the outlook for public education seems fraught with tremendous obstacles, we are confident that with strong, continued support from the General Assembly, as well as the Governor and state agencies, we can overcome the unparalleled challenges our schools and communities are facing.

On behalf of PSBA, I want to thank you for your attention to, and support for, our public schools, and for this opportunity to provide input. I will be happy to take any questions.