



**TESTIMONY OF THE**

**PENNSYLVANIA SCHOOL BOARDS ASSOCIATION**

**BEFORE THE HOUSE LOCAL GOVERNMENT COMMITTEE**

**REGARDING**

**HOUSE BILL 955**

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Good morning Chairman Knowles, Chairman Freeman, and members of the House Local Government Committee. Thank you for inviting the Pennsylvania School Boards Association (PSBA) to present testimony today regarding House Bill 955 which provides much needed flexibility for school districts and local governments in how public notices must be advertised. My name is Jennifer Pesanka, and I am the Business Manager for the Brentwood Borough School District. I have been working in school district business for 19 years, 10 of which have been with Brentwood Borough School District.

Public school officials fully support the need to keep their communities informed of district events and operations. They know that public engagement is necessary to have an effective system of open government. The challenge for school officials is to use methods of communication most likely to reach as many of their constituents as quickly as possible.

Current law requires school districts to publish notice of various school board and committee meetings, bidding activity related to certain purchases and contracts, legal notices and official advertisements in printed newspapers of general circulation. This mandate was created long before the Internet changed the ways that people receive information, and over time it has

become a more difficult, more expensive, and less effective mandate with which school districts must comply.

The most frequent types of notices published by school districts are related to district budgets, school board meeting dates and times, and information related to bids, quotes and other proposals. Each of these are important enough to ensure that the public is aware. However, the difficulties school districts are experiencing in complying with the mandate lead us to believe that the time has come to update how the public is informed of school district business. Providing additional flexibility in the methods which school districts can use to provide public notice would allow school officials to interact with greater numbers of the community in a more timely and cost-effective manner.

### **House Bill 955**

House Bill 955 (Rep. Ortity – Allegheny and Washington Counties) would provide flexibility in how public notices must be advertised in a way that will improve efficiency, increase readership and reduce costs. The proposal allows districts to advertise public notices either electronically or in printed format by choosing from a menu of options. The menu of options under the bill includes publishing notices:

- In a newspaper of general circulation (like the current requirement in law);
- In a newspaper printed in the local government unit;
- In a newspaper circulating generally in the local government unit;
- In a legal newspaper;
- On the local government unit's website;
- On a newspaper website; and
- In a locally circulated printed publication at least four pages long, issued on a weekly basis, and distributed by audited carriers to all addresses in the local government unit.

By providing these options the proposal allows school districts the flexibility to identify one or more methods of advertising which work best for the community and are likely to reach more of their constituents. In some parts of Pennsylvania, local newspapers, or printed publications may reach more residents within a given jurisdiction than the newspapers of general circulation. Additionally, with the broad reach and convenience of technology, more people access news through computers, smartphones, tablets and laptops. Every Pennsylvania school district has a publicly accessible website, and many also supplement their website communications by using Facebook, Twitter and YouTube to communicate with the public. Although social media channels are not a permitted method of providing public notice under the bill, these methods of communication were a great supplement to school district websites which were invaluable to school districts during the pandemic as districts needed to share timely news and updates with their students and parents. Allowing public notices to be posted electronically will not only boost visibility due to increased access to and usage of the Internet, but public notices would also be searchable and available to a broader community base.

The bill also provides for significant public transparency in the process by which school districts may use one or more of the options listed in the legislation by requiring four distinct actions. First, a school district would need to adopt a resolution declaring their intention to use one or

more of the allowable methods, and if they want to revise this decision at a later point, they would need to adopt a new resolution identifying all methods to be used. Not only does adoption of a resolution provide clear transparency for the community by stating publicly where notices will be posted, but prior to voting on the resolution community members would have the opportunity to provide public comment and express any opinions on the matter directly to their elected officials. Second, following the adoption of any such resolution a school district would need to publish a notice in a newspaper of general circulation within the jurisdiction of the school district announcing the alternative methods that will be used to provide public notices going forward. Third, a copy of each public notice must be prominently posted at the principal office of the school district or in the building in which it meets. Fourth, the school district must retain a copy of each public notice for no less than 3 years, or longer if other sections of law require a longer retention period.

### **Concerns with Current Law**

While the cost of complying with advertising requirements is not one of the greatest categories of expense in school district budgets, school leaders are always interested in finding opportunities to save taxpayer dollars which could be invested back into the classroom and other student programs rather than antiquated mandates. Additionally, it is important to note that costs for advertising in newspapers continue to rise. School districts have reported that advertising rates among newspapers have steadily increased over the past several years.

In addition to cost, another major challenge school districts face with current public notice requirements includes the reduced frequency of printed newspaper publication and the advanced notice that must be given to print a notice. As many newspapers decrease printed publication, school districts and other entities looking to publish a public notice must either plan well in advance, or schedule meetings at the mercy of their local newspaper's publishing schedule. For example, the state Sunshine Law requires at least 24 hours' notice prior to holding a special meeting. If the need to hold a special meeting arises on Monday, but the local newspaper in which the school district publishes their meeting notices will not print until Saturday, the school board would not be able to hold their special meeting until the following Monday at the earliest. Many newspapers are also requiring notice well in advance to print a notification – up to 4 or more days in some cases to meet print publication deadlines. The necessity to provide such advanced notice could limit, delay, or even prevent a school board from taking necessary action on items such as urgent employee decisions, construction change orders (which if unaddressed may result in additional cost to taxpayers), and other items requiring a prompt response from the school board.

A further concern with the current requirement is the very real worry that not enough people are being reached by their printed newspapers. Whether it is due to financial constraints or simply a preferred method of receiving news, the majority of people no longer subscribe to newspapers; they use electronic means of seeking information. School district websites have become the source most residents use for checking school board meeting dates and other public notices.

## **A Local Perspective**

I would like to present a local perspective on this issue. Brentwood has typically advertised in three newspapers in the area, The Post-Gazette, The Tribune Review and the South Hills Record. The Post-Gazette is now an all-digital paper except Sundays, there is no longer a print version of the Tribune Review in our area and the South Hills Record only prints once a week. Even local grocery stores no longer carry the Sunday printed version of the Post-Gazette in their store due to the public not purchasing them. The South Hills Record, which is a local paper delivered by mail once a week to paid subscribers has scaled back in its size and has fewer and fewer pages over the past year. It is only a matter of time before this paper ceases to exist.

Lead time for advertising in any of these three papers has increased greatly. Due to the lead time, it is difficult to meet advertising mandates if a special meeting is needed to be called. Plus, advertising for special meetings and other items in local papers that are totally digital does not satisfy the method currently required under the law to notify our community members of changes to our meeting schedules and other important items here at the district.

With the change in format from a print version to a digital version, the cost to advertise has increased. We are paying over 240% more in advertising since 2017-2018.

The advertisements that we do run have even changed with the internet becoming more prominent over the years. In the past our advertisements were much longer and contained more detail. Today the advertisements will point the reader back to the district's website for more information. Since people are more apt to look at our website more information is being added there on a daily basis to keep the community up to date.

## **Responses from Public School Officials**

In preparing for this testimony, PSBA inquired with all school districts across the Commonwealth about the impact that current public notice requirements have on their operations, and about how the flexibilities in House Bill 955 could be useful. The following quotes are but a few responses from public school administrators which will provide a general consensus of every responding school district:

- “It has become increasingly difficult to advertise through print. With the number of newspapers closing and most running on a limited day print cycle. Providing notification is handled more efficiently through websites and online postings due to the current environment and the unfortunate decrease in dependency on actual physical, print forms of media.”
- “Most of our ads are placed in the weekly paper since a majority of our residents no longer subscribe to the daily paper. We have issues with timing if we need to schedule a special board meeting.”
- “Since the creation of smartphones in the late 2000s, it is clear more and more people consume information from electronic sources as opposed to print media. Our local

newspaper is not what it used to be due to the few people that still subscribe to the paper.”

- “As a result of the COVID pandemic, the local newspaper that our district used for print advertising of public notices shut down. To comply with the mandate, the district now advertises in a regional newspaper as the closest paper of general circulation. This change came with an increased cost and we have no guarantee that the print medium is truly reaching our community.”
- “We find that as time goes on, fewer individuals obtain notice information from print media. In addition, our local newspaper has significantly increased advertising costs over the years to make up for lost subscription revenue. The result is that we pay more to advertise in a media that very few people look at.”
- “Subscription numbers have dropped significantly, and our information is reaching far fewer community members than it has in the past. Bottom line is that the costs are increasing while the impact is decreasing.”

## **Conclusion**

Public school officials value transparency and want to ensure that notices are public and accessible to all residents. Offering districts more options for advertising is one way we can ensure that school officials are able to interact with greater numbers of the community in a more timely and cost-effective manner. With the general public shifting away from standard newspapers to other options such as the Internet as their major source of information it is a natural progression to allow more flexibility in how school districts publish public notices. This flexibility would also allow school boards to be more nimble in responding to urgent matters, and would ultimately save taxpayers money. Allowing this new flexibility does not diminish the overall intent of government transparency; instead, such flexibility serves to grant the public even greater access to the information to which they are entitled. It is past time to modernize the antiquated public notice requirements in current law. PSBA thanks Representative Ortity for his leadership on this issue, and we urge you to support House Bill 955.

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.