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Cc: Stuart Knade
Subject: PSBA Legislative Report for December 9, 2011

This is a legislative report for the Pennsylvania School Boards Association filed on December 9, 2011.

The Senate and House of Representatives were in session this week. The remaining voting session days scheduled for both the Senate and House in this calendar year are Dec. 12, 13, 14. In addition, the House has scheduled session on Dec. 15, 19 20.

This week:

- **Auditor General urges General Assembly to fix flawed charter school funding formula**
- **PSBA testifies on uniform school opening bill**
- **In House action this week**
- **In Senate action this week**
- **Legislators not returning in January 2012**
- **Legislators not seeking reelection in 2012**
- **On the Hill: Upcoming meetings**

Auditor General urges General Assembly to fix flawed charter school funding formula

This week Auditor General **Jack Wagner** held a news conference, urging the General Assembly to fix the state's flawed charter school funding formula, which, he said, is costing taxpayers hundreds of millions of dollars.

"Money is being spent without a clear idea of what it actually costs to educate a child, resulting in a system that is unfair to school districts, charter and cyber charter schools, and most importantly, taxpayers," Wagner said. "The charter school funding formula must be fixed before the General Assembly considers spending more money on alternative forms of education."

In a report issued in 2010, Wagner found that taxpayers spent \$936 million on 116 charter and 11 cyber charter schools with an enrollment of 73,054 students during the 2008-09 school year. In that school year, just over \$700 million was spent on charter and cyber charter schools and about \$225 million in reimbursements went to school districts, without knowing what it actually costs to educate a child in a charter or cyber charter school. Consequently, taxpayers paid an additional premium payment of \$3,122 per child to school districts for students who transferred to a charter or cyber-charter school.

The report found that based on state law, school districts paid *different* tuition rates for students attending the *same* charter/cyber charter school, resulting in some school districts subsidizing others. Tuition varied from \$6,000 per student to \$16,000 per student depending on the actual cost of educating the child at the sending school district, not the true cost of educating the child. The report also found that cyber charter schools educate students at a lower cost than brick-and-mortar charters, but the funding formula is the same. Consequently, cyber charters could potentially be attaining additional revenue surpluses, while their brick-and-mortar counterparts operate with much smaller margins.

"Now is the time to fix the formula for funding charter schools," Wagner said. "With Pennsylvania still mired in its greatest economic downturn since the Great Depression, we can't afford to be wasting precious financial

resources on schools whose costs currently have absolutely no basis whatsoever on what is actually needed to educate our children.”

PSBA testifies on uniform school opening bill

This week PSBA presented testimony to the House Tourism and Recreational Development Committee regarding **HB 137** that would prohibit school districts from starting the school term for students until after Labor Day. Representing PSBA was **Harry Mathias**, superintendent of the Central Columbia School District, who spoke in opposition to the bill.

Mathias said that that in this current school year, 84% of school districts (421 out of 500) started their school year before Labor Day for varying reasons. He emphasized that locally elected school directors are in the best position to understand the critical factors that drive their calendars, such as the amount of classroom time over the mandated 180 days that is necessary and appropriate to prepare students to compete and live successfully in a global community, the number of parent-teacher conference days, in-service days, and mandated testing days needed each year, the possibility of adverse weather conditions, and local and community events and traditions.

He said that his school district and many other districts in Columbia County, begin the term before Labor Day in order to allow time off in September every year so that students, staff, and their families can attend and participate in the Bloomsburg Fair. The fair is the number one tourist event in Columbia and Montour Counties, employing hundreds of residents, including hundreds of high school students, and generating millions of dollars in direct revenue in their community. If his school district, and surrounding districts, were not permitted to begin school until after Labor Day each year, it would be difficult to schedule time to close during the fair. As a result, *HB 137 could actually harm the number one tourist event in this region.*

Mathias said that many districts start classes before Labor Day to permit long weekends during the winter months as a means of saving energy or allow districts to incorporate snow days into the calendar to account for adverse weather conditions that make school transportation dangerous. Most importantly, with increasing pressure put on school districts to reach student achievement targets and to make Adequate Yearly Progress each year, many districts seek to ensure that their students have as much classroom instructional time before the PSSA tests are given in the spring to help guarantee that students are adequately prepared. This is also the case with Advanced Placement examinations, which are given to students in the spring on a timeline set by the College Board. Starting classes before Labor Day gives students more instructional time and ensures that they have the best opportunity to succeed on these vital assessments.

Mathias urged the legislators not to approve HB 137 and to continue to allow school districts the flexibility to make these decisions based on what is right for their district.

In House action:

The **House Education Committee** approved the following bills of interest: **HB 1823** and **SB 743**, which permits a person who does not hold a professional educator certification, but who is qualified as a teacher or director in a private driver education training school, to teach driver education in a public school classroom. The committee amended the bill to clarify that such a person could be hired provided that the employing school district has posted the vacant position for a minimum of 10 days and that there was no qualified candidate to fill the position.

The committee passed over two bills that originally were on the agenda: **SB 328**, which authorizes the restoration of driving privileges to suspended students prior to the expiration of a suspension period if the student has completed high school, obtained a GED or is 21 years old; and **HB 1971**, which requires school districts to take into consideration the location of households and residences of sex offenders when determining whether a route is safe to walk to school.

The **House Property Assessment Task Force**, established under **HR 343**, met this week to continue discussions. The focus of this week's meeting, attended by task force members from the Pennsylvania Department of Revenue, State Tax Equalization Board, Assessors Association of Pennsylvania, County Commissioners Association of Pennsylvania, PSBA and legislators appointed by the House Local Government and Finance committees, was what remedies may be available to help fix the system and how to make it more uniform for all of Pennsylvania's 67 counties. The findings will be presented in a report in early 2012, but some of the recommendations could be enacted and made available to counties sooner in the form of best practices without formal legislative action. The task force will continue to meet regularly and is expected to hold regional public hearings in early 2012 to solicit additional testimony and facts in conjunction with the release of the final reassessment report.

In Senate action:

The **Senate Education Committee** met to consider the governor's nominee to the Philadelphia School Reform Commission, Feather O'Connor Houstoun. The committee also discussed but did not take action on **SB 1303** which adds language to the School Code providing for the adoption of a budget by the School Reform Commission for any year for which the body with the responsibility for making property assessments in Philadelphia certifies that the total assessed value of all real property in the city is more than two times the total assessed value for the previous year and for each year thereafter. In addition, the committee received an update on the new teacher evaluation system being created by the Department of Education.

Legislators not returning in January 2012

A number of current members of the House of Representatives won elections in the November 2011 election and will be leaving the House before the 2012 election. They include **Representatives Kenyatta Johnson** (D-Philadelphia), **Dennis O'Brien** (R-Philadelphia), **Jewell Williams** (D-Philadelphia), **Josh Shapiro** (D-Montgomery), **Doug Reichley** (R-Lehigh), and **Chelsa Wagner** (D-Allegheny).

Legislators not seeking reelection in 2012

The following members have announced they will be retiring and not be seeking reelection in 2012:

Senator Jeff Piccola (R-Dauphin); and **Representatives Scott Boyd** (R-Lancaster); **Ron Buxton** (D-Dauphin); **Tom Creighton** (R-Lancaster); **John Evans** (R-Erie); **Jennifer Mann** (D-Lehigh); **Curt Schroder** (R-Chester); and **Edward Staback** (D-Lackawanna).

On the Hill: Upcoming meetings

While additional meetings may be quickly scheduled next week, here are the upcoming meetings announced at this time:

Monday, Dec. 12:

- The **House Property Assessment Task Force**, established under **HR 343**, will meet.

Thursday, Dec. 15:

- The **House Urban Affairs Committee** will consider **HB 1682**, which provides for the creation of land banks for the conversion of vacant or tax-delinquent properties into productive use.

For more information, please contact Cynthia Eckerd at the Pennsylvania School Boards Association's Governmental and Member Relations office at 1-800-932-0588.

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