



## **PAGE Legislative Updates May, June, and July 2022**

**Note:** The content and links in this PAGE Legislative Update are for informational purposes only.

### **Update - PA Education Funding Lawsuit**

Legislative leaders and Governor Tom Wolf reached an agreement on a 2022-23 state budget with significant increases in public education funding. It includes:

- \$525 million increase in state funding for basic education,
- \$225 million for a Level Up supplement to the 100 most deeply underfunded school districts,
- a \$100 million increase in special education funding,
- an additional \$79 million for preschool programs,
- a \$19 million increase for early intervention funding,
- and \$100 million each in grants to school districts for mental health and for school safety.

The Education Law Center (ELC) remains focused on a bigger goal that they feel this budget did not achieve, which is to implement a funding system in Pennsylvania that ensures students in every community receive the high-quality education they're entitled to under the state Constitution. They continue to work toward that fundamental goal on multiple fronts, including in Commonwealth Court (see the [law centers' statement](#) on the budget).

This year's budget increases were the fruit of years of work by ELC and their partners, encouraging Governor Wolf to champion education funding as a budget priority and building a broad statewide coalition that advocated hard for these increased investments.

The trial in the ongoing school funding lawsuit, which is [back in court on July 26](#) certainly highlighted the urgent need. The powerful testimony from witnesses has increased awareness that Pennsylvania has a huge problem with crumbling, understaffed, under-resourced schools in the state's low-wealth communities, where most of the state's Black and Brown students live.

According to ELC, Pennsylvania has an average gap of \$4,800 per pupil in how much is spent in high-wealth vs. low-wealth school districts. When factoring in the state's weighting system to reflect student need, the gap is more than \$7,800 per student. It's an upside-down system – ELC feels that most spending should be in districts with greater need.

The road ahead is steep. With inflation currently surging at 8.6% annually, schools will be confronting rising labor costs. Mandated costs for pension obligations and charter schools continue to rise as well. According to ELC, legislature failed to take needed action to address



charter school funding reform. But for once, they are hopeful that the budgeted increases are significant enough to help ensure that school districts do not lose ground in the coming school year.

The school funding lawsuit and advocacy work to fix the funding system will continue until there is a provision of adequate and equitable funding to all students in every community. The state must make substantial, recurring multiyear investments in the schools as part of a long-term solution.

Finally, ELC celebrates the important gains in this budget, while keeping in the forefront the disparities and deprivation faced by students in low-wealth communities. They will look for change through the courts and through continued advocacy, reminding legislators that they do not have to wait for court orders to do what is necessary and what the constitution requires: to ensure a high-quality education for all children.

**Source:** [News — FundOurSchoolsPA.org](https://www.fundourschools.org/news)

**Source:** [Court Sets July 26 Date for Oral Argument on Legal Issues in School Funding Case — FundOurSchoolsPA.org](https://www.fundourschools.org/court-sets-july-26-date-for-oral-argument-on-legal-issues-in-school-funding-case)

### **Update - Senate Bill 506**

Pointing to a rise in anxiety disorders and depression in school children, Pennsylvania lawmakers have proposed legislation that would allow K-12 students two mental health days per semester. The change is needed now more than ever, some officials argue, in the wake of the pandemic and all its attendant disruptions. State Senator Judith L. Schwank (D-Berks County) wrote in a co-sponsorship memorandum that stated, "This urgently requires further examination and immediate intervention." The bill is currently with the Education Committee, where it was referred to on April 9, 2021. No new movement to date.

**Source:** [Bill Information - Senate Bill 506; Regular Session 2021-2022 - PA General Assembly \(state.pa.us\)](https://www.state.pa.us/bills/2021/regular-session/senate-bills/sb-506)

### **Update - PA House Bill 1893**

A bill that would make more state reporting on COVID-19 and other diseases available to the public was passed by the Pennsylvania House of Representatives in a party-line vote on October 4, 2021.

The [Republican-backed bill](#), sponsored by Bucks County's Rep. Craig Staats, would amend the 1950s-era Disease Prevention and Control Act to allow the public access to all state reports on diseases and any records of actions taken in response to those reports. This bill was referred to the House and Human Services Committee on October 25, 2021. No new movement to date.



**Source:** [Bill Information - House Bill 1893; Regular Session 2021-2022 - PA General Assembly \(state.pa.us\)](#)

### **Act 55 of 2022**

On July 8, 2022, the Pennsylvania House of Representatives, approved the Omnibus Education Bill, HB1642, which includes language that extends an additional year of education due to the COVID-19 pandemic provided under Act 66 to special education students who turned 21 during the 2021-2022 school year.

More specifically, Section 1383 of the bill provides that a student with a disability who reached the age of 21 during the 2021-2022 school year, or between the end of the 2021-2022 school year and the beginning of the 2022-2023 school year, is entitled to attend school for the 2022-2023 school year, so long as the student's parent or guardian elect **to enroll the student by August 1, 2022.** The bill also directs the PA Department of Education to develop a form for families to elect to enroll the eligible child for an additional year. HB 1642 also makes it clear that those eligible special education students who enroll by August 1<sup>st</sup> and have an active IEP, shall remain eligible for special education under the IDEA for the entirety of the 2022-2023 school year.

**Sample PDE form:** [Act 55 Student Grade Level Retainment Notification Form-fillable.pdf](#)

### **PA House Bill 972**

This Act provided for sport activities in public institutions of higher education and public-school entities to be expressly designated male, female, or coed; and creating causes of action for harms suffered by designation.

Pennsylvania Governor Tom Wolf on July 8, 2022, rejected three bills passed by the Republican majority Legislature, vetoing measures regarding transgender athletes in school sports and poll watchers. He also struck down the Human Services Code, blowing a hole in the state budget as lawmakers were trying to finish the annual flurry of votes that accompany the annual spending plan.

Wolf had previously warned he would strike down the [bill](#) to prohibit [transgender athletes](#) from playing sports that align with their gender identity. In his [veto message](#), he said the bill would have “a devastating impact on a vulnerable population already at greater risk of bullying and depression.”

**Source:** [Bill Information - House Bill 972; Regular Session 2021-2022 - PA General Assembly \(state.pa.us\)](#)



## PA Senate Bill 224

As local school districts scramble to find teachers and substitute teachers, a bill that would make it easier for out-of-state educators to work in Pennsylvania has received unanimous support from lawmakers thus far.

State Sen. Camera Bartolotta, R-Washington, is co-sponsoring the bill, which now awaits House and gubernatorial approval.

“This is not a partisan issue,” Bartolotta said. “This is not an Eastern Pennsylvania vs. Western Pennsylvania issue. This is statewide. Every single legislator has been hearing from their school districts the same sad song.”

The legislation would:

- Give in-state certification eligibility to out-of-state candidates who have completed a Pennsylvania-approved educator preparation program
- Grant certification to those who hold a certificate issued by the National Board for Professional Teaching Standards
- Require the Pennsylvania Department of Education to recognize and accept out-of-state candidates' qualifying scores on equivalent content tests toward PDE's testing and certification requirements.

**Source:** [PA teacher shortage: Legislation might make certification easier \(poconorecord.com\)](https://poconorecord.com)

**Source:** <https://edernet.org/2022/05/30/pennsylvania-out-of-state-teachers-will-be-able-to-teach-in-schools-bill-signed-to-address-teacher-shortage/>

## PA Senate Bill 1277

[Senate Bill 1277](#) would require districts to identify sexually explicit content in school curriculum and materials and notify parents that their child's coursework includes such content.

The Act amends the act of March 10, 1949 (P.L.30, No.14), known as the Public-School Code of 1949, in terms and courses of study, providing for parental notification relating to instructional materials and books containing sexually explicit content. This bill was referred to the House Education Committee on June 30, 2022.

## PA Senate Bill 1278

[Senate Bill 1278](#) would prohibit classroom instruction on gender identity and sexual orientation for pre-kindergarten through fifth-grade students, consistent with the timeline for when the existing academic standards on general sex education begins in sixth grade.



This Act amends the act of March 10, 1949 (P.L.30, No.14), known as the Public-School Code of 1949, providing for student well-being. This bill was referred to the House Education Committee on June 30, 2022.

**Note:** The above two bills Limit Exposure of Sexually Explicit Content in PA Schools Passed by Senate.

### **SLB 336 - Student Discipline Under Section 504**

The [Office for Civil Rights](#) has issued [guidance](#) as to how Section 504 of the Rehabilitation Act of 1973 applies to the use of student discipline. Its focus is the balancing that schools must do when considering providing for a student's disability-based behaviors on the one hand and maintaining an appropriate and safe learning environment for all students on the other.

Section 504 is a Civil Rights Statute that prohibits discrimination based on disability and applies both to Protected Handicapped Students under that statute and to eligible students with a disability under the IDEA.

**Source:** [Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973 \(PDF\)](#)

### **Fiscal Year 2022-23 State Budget**

The House approved a \$42.8 billion Fiscal Year 2022-23 state budget on July 7, 2022. This year's budget is filled with policy and government initiatives, especially for the current economic times and a most dramatic period following the pandemic.

This budget spending is limited to below the rate of inflation. There is a \$5 billion Rainy Day Fund to protect taxpayers, paid down debts, increased education funding by \$750 million and added \$100 million to mental health funding in the schools, as well as \$100 million for adult mental health.

The budget will help businesses that were shut down during the pandemic by giving term deductions and incentives, as well as reduce the second highest corporate net income tax in the country from 9.99% to 4.99% over the next several years.

**Source:** [pahousegop.com/statebudget](http://pahousegop.com/statebudget)

**Source:** [Governor Wolf Cements Legacy with Historic \\$3.7 Billion in Education Funding \(pa.gov\)](http://governor.wolf.pa.gov)



**Additional Articles and Resources:**

**Article:** [Biden's Tutoring Initiative: What Will It Mean for Learning Recovery? \(edweek.org\)](#)

**Article:** [https://www.k12dive.com/news/majority-of-adults-say-too-little-priority-given-to-k-12-during-covid/626948/?utm\\_source=Sailthru&utm\\_medium=email&utm\\_campaign=Issue:%202022-07-11%20K-12%20Dive%20%5Bissue:430](https://www.k12dive.com/news/majority-of-adults-say-too-little-priority-given-to-k-12-during-covid/626948/?utm_source=Sailthru&utm_medium=email&utm_campaign=Issue:%202022-07-11%20K-12%20Dive%20%5Bissue:430)

**Article:** <https://www.edsurge.com/news/2022-05-20-panic-over-sel-is-unfounded-here-s-why>

**Article:** [Restraint and Seclusion, and Disability Rights: Ed. Department Has Work to Do, Audit Finds \(edweek.org\)](#)

**Article:** [Federal Initiative Leverages COVID Aid to Expand After-School, Summer Learning \(edweek.org\)](#)

**Article:** [U.S. Department of Education Answers President Biden's Call to Action to Spur Academic Recovery | U.S. Department of Education](#)

**Resource:** [2022 Determination Letters on State Implementation of IDEA \(PDF\) \(ed.gov\)](#)

**Resource:** [Fact Sheet: Biden-Harris Administration Announces Two New Actions to Address Youth Mental Health Crisis | U.S. Department of Education](#)

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