



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

SENATE BILL NO. 1216

PRINTERS NO. 2126 PRIME SPONSOR: Langerholc

### COST / (SAVINGS)

| FUND         | FY 2020/21 | FY 2021/22 |
|--------------|------------|------------|
| General Fund | \$0        | \$0        |

#### SUMMARY:

Senate Bill 1216 amends the Public School Code concerning educator certification, graduation requirements, transportation, and special provisions applicable to the 2020-2021 school year. Effective dates vary by provision.

#### ANALYSIS:

Senate Bill 1216 amends the Public School Code educator certification, graduation requirements, transportation, and special provisions applicable to the 2020-2021 school year. The changes are summarized by section below.

**Section 121. Keystone Exams and Graduation Requirements.** - The change to this section pushes back the use of the Keystone Exams as a graduation requirement or as a benchmark for the need for participation in a project-based assessment until the 2022-2023 school year.

**Section 121.1. Special Provisions Applicable to the Keystone Exams, Graduation Requirements and Alternative Competency Assessments.** - This new section provides that, for the 2019-2020 school year and any subsequent school year in which the Federal government has waived the testing and accountability requirements of the Elementary and Secondary Education Act, any student who completed a course in an academic content area associated with a Keystone Exam will not be required to take the Exam related to that course and will be deemed proficient for purposes of high school graduation requirements, provided that the student demonstrates successful completion of locally established, grade-based requirements for the academic content areas associated with each Keystone Exam.

**Section 122. Special Education Funding Commission.** - This section is amended to change the due date of the commission's report from September 30, 2020 to June 30, 2021.

**Section 1202.1. Instructional Certificate Grade Spans and Age Levels and Duties of Department.** -- Changes to this section allow the Department of Education (PDE) to continue to issue the special education pre-kindergarten through grade 8 certification or the special education grades 7 through 12 certification to any individual enrolled in a certification program at an institution of higher education or approved alternative education program prior to December 31, 2021.

**Section 1207.4. Special Provisions Applicable to 2020-2021 School Year.** – This new section allows the Secretary of Education to temporarily waive certain test requirements for individuals entering student teacher programs or who have completed teacher preparation programs and were not able to take the tests because they were not offered. The Secretary can also allow current educators who want to increase their instructional certification from I to II or add a special certification to temporarily do so for one year without assessment. In addition, the deadline for paraprofessionals to satisfy staff development requirements is extended to June 30, 2021.

The Secretary may also extend an emergency permit issued during the 2020-2021 school year at the request of a school entity that employs an emergency permit holder when the employee is unable to complete the requirements associated with the permit because the program credits or assessment could not be completed. The extended emergency permit expires one year from the date of extension.

It allows the Secretary of Education to waive the National Institute for Metalworking Skills assessment and the National Occupational Competency Testing Institute exam on a school-wide basis and based on the recommendations of directors of career and technical education programs.

The Secretary may also waive the requirement to include performance data otherwise required in a professional employee's performance rating.

This bill allows the Secretary of Education to apply to the United States Department of Education for a waiver of the testing and accountability requirements of the Elementary and Secondary Education Act of 1965, if the US Department of Education provides an opportunity to apply for such a waiver for the 2020-2021 school year.

**Section 1361.1. Nonpublic School Transportation for 2020-2021 School Year.** -- This new section concerns nonpublic school transportation for the 2020-2021 school year during the COVID-19 disaster emergency issued by the Governor on March 6, 2020. It states that, if transportation was provided during the 2019-2020 school year for pupils of nonpublic schools, the board of school directors must provide transportation to the nonpublic schools for the 2020-2021 school year as well. This transportation must be provided during the regular school hours of the nonpublic school on the dates and periods that the nonpublic school is in session according to the school calendar officially

adopted by the nonpublic school whether or not transportation is provided on those dates and periods to students attending schools of the district.

**Section 1501.8. Pandemic of 2020.** – This section is amended to add provisions concerning pupil transportation services for the 2020-2021 school year. A school entity will receive a transportation subsidy payment equal to the amount calculated for 2020-2021 or the amount received for 2019-2020, whichever is greater.

If a school entity receives a transportation subsidy payment equal to the amount received in 2019-2020, a school entity that contracts for school bus transportation services must pay the contractor an amount the contractor would have received had transportation services not been affected by the COVID-19 disaster emergency minus the amount of any variable costs, provided the contractor certifies the variable costs to the school district. The Department of Education must develop and publish guidelines on variable costs in consultation with the PA Association of School Business Officials, the PA School Boards Association and the PA School Bus Association within 30 days of the effective date of this legislation. Variable costs are the difference between costs for labor, fuel, tolls, maintenance, and other expenses as determined by the PDE during normal operations of school bus transportation and those same costs during the COVID-19 disaster emergency.

**Section 2006-B. Limitations.** – Changes to this section allow tax credits awarded to a business firm during the 2020-2021 or 2021-2022 fiscal year that cannot be used by the firm during the fiscal year in which it was awarded may be carried forward and used during the two taxable years following the taxable year in which the tax credit was awarded.

**FISCAL IMPACT:**

Enactment of this legislation will have no adverse impact on Commonwealth funds.

**PREPARED BY:** Jeff Miller  
House Appropriations Committee (R)

**DATE:** November 19, 2020

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*