

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 101

PRINTER'S NO. 4389

AMOUNT

No Adverse Fiscal Impact

FUND

General

DATE INTRODUCED

January 28, 2009

PRIME SPONSOR

Representative Longietti

HISTORY OF BILL

Referred to EDUCATION, Jan. 28, 2009

Reported as amended, Feb. 4, 2009

First consideration, Feb. 4, 2009

Laid on the table, Feb. 4, 2009

Removed from table, Feb. 5, 2009

Re-committed to APPROPRIATIONS, Feb. 5, 2009

Re-reported as amended, Jan. 25, 2010

Second consideration, Feb. 8, 2010

(Remarks see House Journal Page 111), Feb. 8, 2010

Third consideration and final passage, March 8, 2010 (194-0)

In the Senate

Referred to EDUCATION, March 9, 2010

Reported as amended, Sept. 21, 2010

First consideration, Sept. 21, 2010

Second consideration, Sept. 22, 2010

Re-referred to APPROPRIATIONS, Sept. 22, 2010

Re-reported as amended, Sept. 28, 2010

DESCRIPTION AND PURPOSE OF BILL

House Bill 101 amends the act of March 14, 1949 (P.L. 30, No. 14), known as the Public School Code of 1949 by making the following changes:

Financial Reports to the Department (Sections 218, 921-A and 2552.1) – Changes made to these sections streamline the annual financial reporting requirements for school districts, charter schools, cyber-charter schools, intermediate units and area vocational technical schools. Require a school entity's chief school administrator to verify the report is consistent with its audited financial statement and provides the administrator with an opportunity to submit a revised report not later than December 31, if the information initially submitted is not consistent with the school entity's audited financial statement. Provides for a school entity to be penalized for failing to timely file the report. The penalty is established as \$300 per day for the first violation and \$500 per day for any second or subsequent violation. The

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Department of Education believes that streamlining the reporting process will have no adverse fiscal impact on Commonwealth funds.

Value Added Assessment System (Section 221) – Requires the Department of Education to publish statistical performance data from the Pennsylvania Value Added Assessment System (PAAVS) for school districts and individuals schools and instructions to assist the public in understanding and interpreting the data on its Internet website. Limits disclosure of data to information allowed under the Federal Family Educational Rights and Privacy Act. The department is already providing PVAAS data to school districts and schools and has indicated the administrative costs related to posting the information on its Internet website will be minimal and can be absorbed in its current operating budget.

Dropout Rate Reporting (Section 222) – Requires the Department of Education to collect and report statewide dropout information and provide a detailed report annually beginning in 2011-12 to the Education Committees in the Senate and House of Representatives. The department currently maintains much of the data required by this measure and has indicated the administrative costs will be minimal and can be accomplished within its existing operating budget.

National Board of Professional Teaching Standards Certification (Article XI-B) – Requires the Commonwealth, to the extent that funds are available, pay all or a portion of the cost of National Board for Professional Teaching Standards certification and assessment fees on behalf of a teacher to become certified or recertified and reimburses school districts for up to three days of substitute teacher expenses for each teacher preparing for certification. Priority is given to payment of fees for teachers' working in schools in school improvement or corrective action. Teachers must complete the program and make a three year commitment to teach or repay the costs associated with the program. The Department of Education is currently operating the program with funding from the Teacher Professional Development appropriation and does not anticipate additional expenses.

Teacher Health and Fitness (Sections 1209 and 1418) – Adds nurse practitioners and physician assistants to the list of health care professionals that may certify an applicant seeking teacher certification is neither mentally or physically disqualified from performing the duties of a teacher and may provide physical examinations. Disqualifies an applicant from receiving teacher certification who has engaged in illegal use of controlled substances or alcoholic beverages, unless the applicant is reviewed by the department and determined to be of good moral character. The adoption of this provision should have no adverse fiscal impact on Commonwealth funds. The Department of Education already has the administrative infrastructure in place to process teacher certification applications.

Children of Active Duty Military Personnel Free School Privileges (Section 1302) – Allows a child who resides outside of the Commonwealth, as a result of one or both parents being called to active military duty, to remain a resident of the school district that was the child's resident school district prior to the parents call to active military duty, provided the parent maintains the residence. The adoption of this provision will have no adverse fiscal impact on Commonwealth funds.

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Emergency Permits for Approved Private Schools (Section 1377.2) – Grants approved private schools and chartered schools for the deaf and blind the authority to apply to the Department of Education for emergency permits to fill teaching vacancies in the same manner as public schools. This measure will have no adverse fiscal impact on Commonwealth funds. The department already has the administrative infrastructure in place to process applications for emergency permits.

School Safety (Sections 1301-A through 1303-A) – Requires the Office of Safe Schools within the Department of Education to direct all school entities to submit school violence reports no later than July 31 of each year, verify the existence of corrective action plans to reduce school violence, develop forms for school entities and police departments to report incidents of violence and review the forms on a biennial basis, verify each school entity has an updated memorandum of understanding (MOU) with local law enforcement and publish and post an annual school safety report outlining all incidents required to be reported on its Internet website. Provides for a program to distribute targeted anti-violence grant funding to school entities on a competitive basis and includes a process to annually evaluate the use of grant awards. Requires the State Board of Education to develop a model MOU, establish protocol for notification of local law enforcement when offenses occur and establish procedures for the response and handling of students with disabilities. Adds several specific offenses to the list of offenses required to be reported. Requires local law enforcement to verify the accuracy of school violence reports. Requires chief school administrators to establish an advisory committee to assist in the development of MOUs with local law enforcement and provides penalties for failing to file an accurate report in a timely manner. The department estimates the additional administrative responsibilities included in the measure would require it hire four additional staff at a cost of \$331,000 annually. Assuming the department utilizes a portion of the \$2.6 million fund balance reserve accumulated from prior years in the Safe and Alternative Schools appropriation, the adoption of this measure will have no adverse fiscal impact on Commonwealth funds. School districts and local law enforcement agencies may experience a minimal increase in administrative costs related to the expanded reporting requirements and the review process.

Epinephrine Pens and Food Allergies (Sections 1414.1 and 1422.1) – Requires school districts to establish a written policy to allow for the use of epinephrine auto-injectors. Requires the policy to be made available to students and posted on the school entity's Internet website. Requires the Department of Health, in coordination with the Department of Education, to provide technical assistance and resources regarding the administration of medication for food allergies by persons employed by a school entity. Requires a school entity to include provisions regarding food allergy management in its local wellness policy. Administrative responsibilities placed upon the Departments of Health and Education and school districts are routine and should be accomplished within their existing operating budgets.

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Economic Education (Section 1551) -- Requires the Department of Education to develop and disseminate economic and financial education materials to schools in the Commonwealth. Requires the department to convene a special task force to make recommendations on how to improve economic and financial education. Requires the Secretary of Education and the Secretary of Banking, in conjunction with the task force, to make a biennial report to the General Assembly on the status of economic and financial education programs. The Department of Banking's Office of Financial Education, in consultation with the Department of Education, has already developed model curriculum, model standards, model courses and other resources for educators, which would be utilized by the Department of Education to provide the required financial education materials and expertise to schools at no additional cost. Costs related to the task force are estimated to be minimal and can be accomplished within the department's existing budget.

Standards for Business, Computer and Technology Education (Section 1552) – Requires the Secretary of Education to establish state standards for business, computer and technology education courses. The adoption of this measure should have no adverse fiscal impact on Commonwealth funds. Model standards related to these subject areas are already available. Also, the development of academic standards is a routine function of the department and should be accomplished within its existing operating budget.

Model Dating Violence Policy (Section 1553) -- Requires the Department of Education's Office of Safe Schools, in consultation with the State Board of Education, to develop a model dating violence policy. Requires the department to provide grade appropriate dating violence materials to schools districts. Requires the State Board of Education to conduct a study of the benefits and detriments of dating violence education and report its findings to the Education Committee chairman in the Senate and House of Representatives within three years of the effective date of this legislation. Authorizes school districts to establish dating violence policies and provide training to personnel. Requires those school districts which establish model dating violence policies to publish the policies in their student handbooks, make them available on the Internet and provide copies to students. The department anticipates the cost to implement this measure will be minimal because it will be able to utilize existing model violence dating resources on the subject.

Science in Motion (Section 1502-F) – This provisions statutorily establishes the Science in Motion Program. Requires the Department of Education to administer a grant program that awards grants to qualified higher education institutions that are members of science technology partnerships. Establishes criteria to provide funding for science technology partnerships and provides that grants shall be awarded for the purchase or lease of scientific or technical equipment or for the development of programs of instruction for partnership members. It also prescribes the establishment and contents of partnership agreements between institutions of higher education and school districts. Language is included that provides for grant awards to be made to the extent that funds are appropriated. This measure will have no adverse fiscal impact on Commonwealth funds. Funding will be dependent on appropriations made in the General Appropriations Act.

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Operation Recognition (Section 1611) – Allows school districts to establish a program, known as “Operation Recognition,” to award diplomas to honorably discharged veterans of the Vietnam War who did not graduate due to entry into the military. The adoption of this measure will have no adverse fiscal impact on Commonwealth funds.

Charter School and Cyber Charter School Real Estate Tax Exemption (1722-A) – Provides for a real estate tax exemption for property either owned by a charter school or its associated nonprofit foundation, or owned by a nonprofit corporation or nonprofit foundation and leased to a charter school at or below market value for school or recreation purposes. Provides that any agreement made by a charter school or associated nonprofit foundation with the Commonwealth or a taxing authority for payments in lieu of taxes prior to December 31, 2009 is null and void. Provides for this provision to apply retroactively to a charter school or associated nonprofit foundation that filed an assessment appeal prior to the effective date of this provision. This provision will have no adverse fiscal impact on Commonwealth funds. Some local taxing jurisdictions may see a reduction in real state tax revenue to the extent they collect or have collected taxes from these entities.

Older Pennsylvanian Higher Education Program (Article XX-E) – Allows Pennsylvania’s colleges and universities to establish a program whereby residents 60 years of age and older may take college courses tuition free. The adoption of this measure will have no adverse fiscal impact on Commonwealth funds.

College Textbooks (Article XX-F) – Requires textbook publishers to disclose to faculty textbook pricing, content revisions made between current and previous editions and whether a textbook is available in another format. Requires bundled textbooks to be sold as separate items. Requires institutions of higher education to provide students at registration textbook prices and the International Standard Book Numbers (ISBN) of textbooks. Requires institutions to provide bookstores with course schedules for the upcoming semester, the number of students enrolled in each course and the textbook used for each course. Authorizes institutions to establish textbook rental programs. Requires publishers, to the extent practicable, make textbooks available in electronic format by 2020. Establishes the College Textbook Advisory Committee as a standing committee of the State Board of Education to make recommendations on the access and affordability of textbooks to the General Assembly. This measure will have no adverse fiscal impact on Commonwealth funds. The administrative responsibilities to staff the Textbook Advisory Committee placed on the Department of Education can be accomplished within its existing operating budget. Colleges and universities may experience minimal administrative costs relative to complying with the provisions contained in the legislation.

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BSexual Violence Education (Article XX-G) – Requires institutions of higher education and private licensed schools to develop sexual violence awareness programs for students. The adoption of this measure will have no adverse fiscal impact on Commonwealth funds. Most colleges and universities, including the State-Owned and State-Related Universities, already provide sexual violence education programs to students or have information ready accessible.

Effective Dates

The provisions related to the following subjects will take effect immediately: financial reports to the department; the value added assessment system; dropout rate reporting; National Board of Professional Teaching Standards; teacher health and fitness; children of active duty military personnel receiving free school privileges; economic education; standards for business , commuter and technology education; Science in Motion; Older Pennsylvanians Higher Education Program; and, college textbooks. The provisions related to school safety, epinephrine pens and food allergies will take effect in 90 days. The provisions related to sexual violence education will take effect in 120 days. The remainder of the provisions will take effect in 60 days.

FISCAL IMPACT:

The enactment of House Bill 101 will have no adverse fiscal impact on Commonwealth funds.