



HOUSE COMMITTEE ON APPROPRIATIONS

2009-10 Legislative Session

FISCAL NOTE

HOUSE BILL: 101

PRINTER'S NO: 4389

PRIME SPONSOR: Longietti

FISCAL IMPACT SUMMARY	FY 2010/11	FY 2011/12
General Fund	See analysis	See analysis

OVERVIEW:

House Bill 101 is an omnibus bill that makes the following changes to the Public School Code of 1949:

Section 218, 921-A, 2552.1: Reports to Department of Education (PDE)

Includes revisions for annual financial reports for school districts, charter schools, cyber charter school, area vocation-technical school and intermediate units, including streamlining of current requirements. By December 31st of each year, the school entity's chief administrator and board secretary must certify that the financial reports have been properly audited and that the information in the reports was materially consistent with the audited financial statements. Failure of the school entity to submit its annual financial report will result in a fine of \$300 per day for the first violation and \$500 per day for the second or subsequent violation.

Cost: Minimal adverse impact to Commonwealth

Section 221: Value-Added Assessment

PDE is required to publish specific value-added assessment system data (statistical analysis of test results) on its website for both the school district and individual school levels, along with instruction to assist the public in understanding and interpreting the data.

Cost: PDE currently collects and reports this data. Posting the data to its website will result in minimal cost.

Section 222: Drop-Out Data Collection

This section requires PDE to publish drop-out and graduation rate data on its website by December 1st of each year and to provide the report to the legislative Education Committees. Minimum requirements for the report include drop-out and graduation rates for specific classifications, such as special education and low income students. School entities must report this data annually to PDE.

Cost: PDE currently collects and reports most of this data. Minimal Commonwealth cost is expected to comply with the requirements of this section.

Article XI-B: Certification of Teachers by the National School Board for Professional Teaching Standards

This section provides for the payment of fees associated with certification by the National Board for Professional Teaching Standards (NBPTS). To the extent that funds are available, the bill provides for Commonwealth payment of fees associated with eligible teachers obtaining NBPTS certification. This includes payment for exams and reimbursement to school districts for the cost of substitute teachers hired while an eligible teacher is obtaining the NBPTS certification. Priority is given to eligible teachers in schools that are in school improvement or corrective action status. Second priority is given to eligible teachers who teach certain subjects, such as early childhood or special education. Teachers failing to complete the program or teach for three years after certification must repay fees associated with the program.

Cost: PDE currently has a program in place to assist teachers in becoming NBPTS certified and costs for the program are funded through the Teacher Professional Development line item. No adverse impact on Commonwealth funds.

Section 1209 & 1418(D): Disqualifications & Medical Examinations of Teachers

Expands the list of individuals qualified to certify mental and physical fitness of a teacher to include licensed or certified physicians' assistants and certified registered nurse practitioners. Precludes granting of a teacher's certification for individuals who fail to submit a certificate, do not have good moral character, or engage in illegal use of controlled substances or alcoholic beverages.

Cost: Adoption of this section will have no adverse impact on Commonwealth funds.

Section 1302: Residence and Right to Free School

Provides that a child living outside of Pennsylvania due to a parent being called to active military duty shall remain a resident of the home school district as long as the parent maintains a residence in that home district.

Cost: No adverse impact on Commonwealth funds.

Section 1377.2: Emergency Permits

Allows Approved Private Schools and Chartered Schools for the Deaf and Blind to apply for emergency permits to fill teacher vacancies in the same manner as public schools.

Cost: Minimal impact on Commonwealth funds.

Section 1301-A, 1302-A, 1302.1A, 1303-A: School Safety

Requires PDE's Office for Safe School to: direct all school entities to submit annual violence statistics and reports by July 31 of each year, verify corrective action plans, develop and update forms to be used by schools and police departments, verify that each school entity and local law enforcement agency has a memorandum of understanding (MOU), publish to PDE's internet a school safety annual report outlining all listed incidences of violence, make targeted grants to fund programs addressing school violence, implement an internet-based system for management of student discipline, and assist with staff training.

The State Board of Education shall convene and consult with a statewide advisory committee and promulgate regulations that include: a model MOU, protocol for policy notification and response when an incidence of violence occurs, and protocols for the response and handling violence reporting involving students with a disability.

The chief school administrator of each school entity is required to file a report by July 31st of each year that lists the details of the violence incidents reported, including date and time of incident, race of student, and whether the student has an individualized education plan (IEP). The types of incidences that must be reported include, but are not limited to: aggravated assault, stalking kidnapping, unlawful restraint, sexual assault, indecent assault, simple assault, reckless endangerment, harassment, sale and use of tobacco, and violations related to alcoholic beverages and controlled substances.

Each chief school administrator and police department having jurisdiction over the respective school, shall review the school's violence report for accuracy by comparing data regarding the criminal offenses and notification of police. Both shall attempt to resolve any discrepancies. Failure of the police department to note the accuracy of the report, in writing, and attempt to resolve differences shall be noted in the chief school administrator's report.

Chief school administrators who fail to submit a violence report, enter into an MOU with the local police department, report an incidence of violence, or intentionally falsify a violence report may receive disciplinary action from PDE under the "Professional Educator Discipline Act" and receive civil penalties of \$2,500 (first offense), \$3,500 (second offense) or \$5,000 (third and subsequent offenses).

Cost: PDE has indicated an annual cost of \$331,000 for additional staff necessary to comply with the requirements of this section. While some school entities have only one law enforcement agency with jurisdiction, other have two or more (due to location of school buildings) and an MOU would be required with each. Therefore, local school entities and their respective police departments may experience increased costs; however quantifiable data is not available.

Section 1414.1: Use of Asthma Inhalers and Epinephrine Auto-Injectors

Provides for the possession and use of Epinephrine Auto-Injectors (epi-pens) by students within school entities. The bill requires each school entity to amend its written policy on allergy medication to include both asthma inhaler and epi-pen usage. The school policy must comply with existing federal regulations and school entities must develop a method for students to demonstrate competence in self-administering the epi-pen. The Department of Health (DOH) and PDE are required to provide technical assistance to school entities and to publish information on DOH's website regarding the administration of medication for allergies.

Cost: No adverse impact on Commonwealth funds.

Section 1422.1, 1422.3: Local Wellness Policy & Duties of PDE

Expands requirements for local wellness policies to include food allergy. Additionally, the bill mandates that the Department of Education (PDE) provide notification and assistance to school districts to apply for federal and state funds related to child health, nutrition and food allergy management. PDE is also required to collaborate with advisory health councils to develop guidelines for managing life-threatening food allergies in schools. These guidelines must be published on PDE's website no later than January 31, 2011.

Cost: No adverse impact on Commonwealth funds.

Section 1551: Economic Education and Personal Finance Literacy Programs

Requires PDE to establish and maintain a clearinghouse of information on economic education and personal financial literacy materials, identify and recognize exemplary programs, and to provide these materials to schools through the Department of Education's website. The bill also requires PDE to convene a task force to assess economic education trends and needs, consider expenditure of funds, and make recommendations. PDE is authorized to apply for federal, state and other funds for this program. PDE may also use unencumbered funds for grants to school entities.

Cost: Minimal impact on Commonwealth funds. The Department of Education currently conducts many of the activities outlined in this bill, including maintaining a website, providing financial and other educational materials, and consulting with outside organizations on a variety of issues. As such, it is anticipated that any cost associated with the enactment of this bill can be absorbed within the agency's current budget.

Section 1552: State Standards for Business, Computer and Information Technology Courses

This section requires the Secretary of Education to establish state standards for business, computer and information technology courses within 18 months.

Cost: PDE has indicated that cost for development of new standards is estimated between \$225,000 and \$500,000 over 18 months. Because the development of standards is a function of PDE and model standards in this area are available from other states, this cost might normally be assumed to be absorbable within PDE's operating budget. However, because PDE's operating budget has been reduced each year since 2007, and a number of other sections of this bill have been designated as having some minimal cost to the agency, it is anticipated that the cost of this section is \$75,000 for fiscal year 2010-11 and \$150,000 for fiscal year 2011-12.

Section 1553, 2023: Dating Violence Education

The bill requires the Department of Education (PDE) to develop a model dating violence policy to assist districts in developing their own policy for reporting of dating violence reporting. School districts are authorized to establish a policy to address incidents of dating violence. This policy shall include topics such as dating violence reporting procedures, discipline procedures, and a statement that dating violence will not be tolerated. For schools that establish a policy, the policy must be available on the school's internet website. Additionally, school districts are authorized to provide training to school personnel. School districts may incorporate age-appropriate dating violence education into the health curriculum for students in grades nine through twelve. The State Board of Education shall conduct a study of the benefits and detriments of mandatory dating violence education and shall submit a legislative report within three years.

Cost: Minimal impact on Commonwealth funds. PDE is required to develop a model dating violence policy; however, because such policies are available in other states, and one of the functions of PDE is to provide guidance and support to local educators, it is anticipated that any nominal cost incurred can be absorbed within the agency's budget.

Article XV-F: Science Technology Partnerships

Codifies the existing “Science in Motion” program. PDE is authorized to administer a grant program to higher education institutions that establish partnerships with schools or school districts to provide for the lease or purchase of scientific or technical equipment for use in science classrooms. The Secretary of Education must submit a biennial report, beginning June 30 2012, describing various aspects of the partnerships and the dollar amount of grants awarded.

Cost: No adverse impact on Commonwealth funds. In prior years, funding associated with this bill was provided through the “Mobile Science Education Program” line item within PDE’s budget for the Science in Motion program. Grants are only awarded as funds are available.

Section 1611: Academic Degrees

Allows a school board of directors to establish a program for granting a high school diploma to any honorably discharged veteran who served in the Vietnam War and who, except for entry into military service, would have graduated between 1961 and 1975. The school board of directors is also authorized to award a posthumous diploma to any eligible veteran who meets the same criteria.

Cost: No adverse impact on Commonwealth funds

Section 1722-A: Facilities

Exempts all school property owned by a charter school, cyber charter, or an associated nonprofit foundation, or owned by a nonprofit corporation or foundation and leased to a charter or cyber charter school or associated nonprofit from real estate taxes. Makes null and void any agreement entered into by these entities and the local taxing authority for payments in lieu of taxes prior to December 31, 2009. Applies retroactively to all charter schools, cyber charter schools and associated nonprofit foundations that filed an appeal from assessment prior to the effective date of this section.

Cost: Minimal cost to the Commonwealth. PDE has indicated that there is potential administrative cost to the Department of Revenue to determine refunds and that there is potential revenue loss related to sales tax and property tax revenue to school districts and local government. However, quantifiable data is not available on these costs.

Article XX-E: Older Pennsylvanian Higher Education Program

This section provides institutions of higher education the option of developing a program to permit older adults to enroll in courses free of tuition charge. Each institution that develops such program is required to promulgate specific guidelines regarding procedures and administration of the program.

Cost: No adverse impact on Commonwealth funds.

Article XX-F: Course Materials at Institutions of Higher Education

Provides for college textbook affordability requirements for institutions of higher education, including the 14 State System universities, the four state-related universities, members of the Commission of Community Colleges, and independent or private schools/universities that receive Institutional Assistance Grants through PHEAA.

Publisher requirements: When providing information to a faculty member or entity authorized to select course materials, the publisher must indicate the price of the materials (including customized items), copyright dates of the three previous editions of the materials and the substantial revisions made, and whether the materials are available in other formats. Publisher must also make “bundled” materials available for purchase individually, and by January 1, 2020, make materials available in electronic format to the extent possible.

Faculty members and academic departments: Must consider the least costly practices when assigning textbooks, extending the use of materials for a longer period of time, disclosing costs to students, promoting and publicizing “buy-back” programs, and encouraging student rental of materials. Disciplinary action is possible when a faculty member or academic department receives an outlined “inducement” for requiring students to purchase specific materials.

Institutions of Higher Education: Required to post specific information regarding course materials to the institutions internet website and provide outlined information to the campus bookstore. May establish a materials rental program and may convene a task force to determine policies and procedures such program.

State Board of Education: Required to establish an advisory committee on college textbook policies to convene within 60 days of the effective date and provide a report no later than 18 months after such date.

Cost: Minimal cost to Commonwealth associated with administrative duties required to staff the advisory committee. Institutions of higher education may experience some increased costs associated with the requirements of this legislation.

Article XX-G: Sexual Violence Education at Institutions of Higher Education

This section requires institutions of higher education and private licensed schools to establish a sexual violence awareness education program for attending students. Specific guidelines are required, including a follow-up program for the duration of the school year for new students and a report to PDE on the implementation of this program by the institution.

Cost: No adverse impact on Commonwealth funds.

Effective dates

Immediately: Sections 218, 221, 222, and 921-A, Article XI-B, Sections 1209, 1302, 1418(D), 1551 and 1552, Articles XV-F, XX-E, and XX-F and Section 2552.1(A.1)

90 days: Sections 1301-A, 1302-A, 1302.1-A and 1414.1

120 days: Article XX-G

60 day: All other sections of this bill

ANALYSIS:

Estimated cost to the Commonwealth for enactment of this legislation is approximately \$400,000 for fiscal year 2010-11 and \$480,000 for 2011-12.

As noted in the Overview Section of this fiscal note, there may be potential for increased costs to:

Local school districts to implement *School Safety* and local school districts/taxing authorities to implement *Facilities* sections.

Local law enforcement to implement *School Safety* section.

Institutions of Higher Education to implement *Course Materials at Institutions of Higher Education* section

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DATE: October 4, 2010

General Note and Disclaimer: *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*