



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 751

PRINTERS NO. 1599

PRIME SPONSOR: Aument

COST / (SAVINGS)

FUND	FY 2019/20	FY 2020/21
General Fund	See Fiscal Impact	

SUMMARY:

Senate Bill 751 amends the Public School Code concerning a revised rating system and the pandemic of 2020. It would take effect immediately.

ANALYSIS:

Senate Bill 751 revises the educator evaluation system in the Public School Code. Each professional employee and temporary professional employee must be rated through the use of the rating tool to be approved by the Department of Education in consultation with education experts, parents of school-age children enrolled in a public school, teachers and administrators, including research and collaboration conducted by the Department. Use of the new rating tool will begin in the 2021-2022 school year for the evaluation of teachers, temporary professional employees and non-teaching professional employees, which includes principals. The new rating tool must adjust the relative weight of classroom observation and practice models and student performance within the new system as provided for in the legislation.

This legislation provides that no later than March 31, 2021, the department must develop and submit to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin a rating tool for professional employees and temporary professional employees service as classroom teachers. The rating tool shall take effect beginning with the 2021-2022 school year, and any changes shall be made by the State Board of Education.

All professional employees and temporary professional employees serving as classroom teachers, principals and nonteaching professional employees may be evaluated using a rating tool developed by an individual school district, intermediate unit or area career and technical school if it is approved by the department.

Senate Bill 751 provides that each rating tool developed shall group the employees as one of the following, ranked from highest to lowest: distinguished, proficient, needs improvement, and failing. An overall performance rating of "distinguished" or "proficient" shall be considered satisfactory while an overall performance rating of "needs improvement" shall be considered satisfactory, except a subsequent "needs improvement" within 4 years by the same employer shall

be considered unsatisfactory. An overall performance rating of “failing” shall be considered unsatisfactory.

Each school district, intermediate unit and area career and technical school must provide aggregate results of all evaluations to the Department.

The State Board of Education may develop regulations consistent with this legislation.

A collective bargaining agreement negotiated by a school district may not provide for a rating system other than the one to be established under this legislation. In addition, an employee’s individual rating form will not be subject to the Right-to-Know Law.

The Department must review the revised rating system within five (5) years of implementation and submit a report of its findings to the Education Committees of the House and the Senate.

Senate Bill 751 also adds a new section to the Public School Code concerning the pandemic of 2020, applicable only to the 2019-2020 school year. It allows the Secretary of Education to order the closure of all school entities until the threat to health and safety caused by the pandemic of 2020 has ended and waive the requirement that school entities be open for at least 180 days of instruction. This waiver of the 180 instructional day requirement would also apply to home education programs and nonpublic schools if their governing bodies decide to close them. The Secretary may also increase the allowable number of flexible instructional days and waive the timeline to apply for flexible instructional days. The Secretary is also given the power to waive career and technical education program hours, the use of performance data in professional employee evaluation systems, prekindergarten instruction hours, and the 12-week student teacher preparation program requirement.

An employee of a school entity employed as of March 13, 2020 may not receive more or less compensation than the employee would otherwise have been entitled to receive from the school entity had the pandemic of 2020 not occurred or had the Secretary not taken action under this section. If employees were already furloughed, the school entity would need to bring those employees back and keep paying them. If the employee already applied for unemployment, it would be considered a no-fault overpayment and unemployment benefits would stop. In addition, school entity employees will experience no loss of retirement benefits due to the pandemic of 2020 or due to action taken by the Secretary under this section.

School entities must provide cleaning staff with appropriate cleaning materials and protective clothing and gear as recommended by the Centers for Disease Control and Prevention.

Concerning special education, notice must be given to all parents of special education students of a school entity’s plan for ensuring a free and appropriate public education.

School entities must make a good faith effort to develop a plan to offer continuity of education using alternative means during the closure period, submit that plan to the Department of

Education, and post it on their website. The Department will provide guidance and Intermediate Units can provide technical assistance.

This legislation also ensures that no school entity will see any loss in school subsidies or reimbursements from the Commonwealth as a result of actions taken by the Secretary pursuant to this section. In addition, charter schools will not receive more or less per-student tuition payments than they otherwise would have been entitled to had the pandemic related school closures not occurred. Tuition payments will be based upon the students enrolled as of the initial date of the closure.

School entities will be required to keep paying intermediate units and career and technical centers as well as approved private schools and private residential rehabilitative institutions where public schools have placed students.

Each school entity may renegotiate a contract for school bus transportation services to ensure contracted personnel and fixed costs, including administration and equipment, are maintained during the period of school closure, and will be eligible to receive reimbursement from the state as if the pandemic of 2020 had not occurred.

The Secretary of Education must apply to the United States Department of Education for testing waivers to permit cancellation of assessments for the 2019-20 school year.

Standardized testing for home education students is cancelled, as are evaluations of home education programs.

A school entity may apply to the Secretary for a waiver, in a form and manner prescribed by the Secretary, of any provision of the School Code, regulation of the State Board of Education or standards of the Department directly related to the school entity's staffing needs or impacts the school entity's instructional program or operations as a result of the pandemic of 2020. The Secretary will have 30 days to approve or disapprove the request and the Secretary's determination shall not be appealable.

Each active professional educator's current continuing professional education compliance period is extended by one year.

As used in this section, a school entity is any school district, intermediate unit, area career and technical school, charter school, cyber charter school or regional charter school a child attends in order to fulfill the compulsory attendance requirements of the Public School Code.

FISCAL IMPACT:

The Department of Education estimates it would incur additional costs to implement the new educator evaluation system and provide oversight and training related to the new system provided for in this legislation. The Department estimates it would need to hire two employees within the Division of Curriculum and Instruction to oversee the new system, including forms, data collection, training, informing regulations, and reports at a total annual cost for salary and

benefits for fiscal year 2020-21 of \$115,000. The Department also estimates that it will need to contract for additional support to implement the new system and provide associated training for all school districts at a cost of \$300,000 in fiscal year 2020-21 and fiscal year 2021-22.

The implementation of the new section concerning the pandemic of 2020 should have no adverse impact on Commonwealth funds. The requirement that school entities provide cleaning staff with appropriate cleaning materials and protective clothing and gear as recommended by the Centers for Disease Control and Prevention may have a fiscal impact on school entities, but this impact would vary according to the individual circumstances of each entity and cannot be reliably estimated at this time.

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House Appropriations Committee (R)

DATE: March 24, 2020

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