

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 27

PRINTER NO. 2004

AMOUNT

\$315,000

FUND

General Fund

DATE INTRODUCED

March 7, 2023

PRIME SPONSOR

Representative Struzzi

DESCRIPTION

House Bill 27 amends the Public School Code of 1949 to make permanent or extend provisions that provide flexibility for filling substitute teacher positions initially enacted in Act 91 of 2021. It also makes changes to provisions in Article XIII-A (Safe Schools) and Article XIII-B (School Safety and Security) related to school safety and security and school mental health programs and policies.

Student Teacher Flexibility

The legislation makes permanent provisions contained in Section 129 (Special Provisions Applicable to Limited School Years) to allow a school entity to hire an annuitant to fill a substitute teacher position without having to attempt to secure nonretired teachers.

The legislation extends provisions contained in Section 1201.1 (Substitute Teaching Permit of Perspective teachers) to allow a prospective teacher to serve as a substitute for an unlimited number of days, while providing that a student teacher may serve as a substitute for no more than 10 days through the 2025-2026 school year.

The legislation makes permanent provisions contained in Section 1215 (Locally Issued Temporary Certification for Substitute Teachers) to allow a substitute teacher with a locally issued temporary certificate to serve for more than 20 consecutive days.

The legislation reauthorizes Section 1218 (Permit for Classroom Monitors) to allow a school entity to issue classroom monitor permits to individuals to deliver preplanned assignments to students through the 2025-2026 school year. It also requires a school entity to report classroom monitor information and day-to-day substitute teacher compensation rates to the Department of Education (department) and for the department to report and make recommendations on the effectiveness and continuation of the classroom monitor permit in 2026.

School Safety

The legislation eliminates the Office of Safe Schools (office) in the department and transfers duties and responsibilities related to school safety and security to the School Safety and Security Committee (committee) under the Pennsylvania Commission on Crime and Delinquency (PCCD). The office's remaining duties are transferred to the department.

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The legislation provides for the committee to promulgate final-omit regulations, in consultation with the department, no later than three years after the effective date of the legislation on a model memorandum of understanding between school entities and local law enforcement and protocols for notification of law enforcement. Currently, the law provides the State Board of Education with the duty to develop these regulations.

The legislation moves provisions related to the Safe Schools Advocate in School Districts of the First Class from Article XIII-A (Safe Schools) of the Public School Code to Article XIII-B (School Safety and Security).

The legislation adds the Homeland Security Director as a nonvoting member of the committee. It establishes an Executive Committee of the committee, which is required to meet, at a minimum, every two months to identify and review current and emerging school safety issues. It requires the Executive Committee to include, at a minimum: the chair of the committee, the Attorney General, Commissioner of the Pennsylvania State Police, Director of the Pennsylvania Emergency Management Agency or their designees, and the four legislative members of the committee. It also provides for the Attorney General to serve as chairperson of the Executive Committee and that the executive committee may add other members of the committee as necessary.

The legislation requires the committee to commit funds related to school safety and security grants and mental health to school entities for Fiscal Year 2023-24 no later than March 31, 2024, and for Fiscal Year 2024-25 and each year thereafter, no later than December 31. It expands the allowable grant uses for mental health and safety and security to include school-based diversion programs, intervention programs and education practices to assist students with persistent and disruptive and violent behavior and includes the hiring of qualified professional staff members to provide assistance and services to these programs. It also requires grant applicants to comply with state and local procurement rules when expending grant funds.

The legislation moves the Safe Schools Targeted Grants Program to the committee and renames it the Targeted School Safety Grants for Nonpublic Schools and School Entities Program. It provides for \$20,700,000 appropriated to the department for the Safe Schools Initiative to be transferred to PCCD for distribution of grants under the program. It also requires that for the 2023-24 fiscal year and each year thereafter, the combined amount of grants awarded to intermediate units on behalf of nonpublic schools and for costs associated with a nonpublic school obtaining the services of school security personnel to be no less than \$14,551,000.

The legislation transfers \$100,000,000 appropriated for COVID – Relief – ARPA – School Mental Health Grants to the School Safety and Security Fund (fund). The legislation provides for \$90,000,000 in the fund to be distributed to school entities for school mental health grants for the 2023-2024 school year. It provides for each school district to receive a base grant of \$100,000 and a pro rata share of \$20,740,000 based on school districts adjusted average daily membership. It also provides for each intermediate unit, area career and technical school, charter school, regional charter school or cyber charter school to receive \$70,000.

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The legislation provides for \$5,000,000 in the fund to be transferred to the department for training school-based mental health professionals and to establish pathways to certification for school based mental health professionals.

The legislation provides for \$5,000,000 from the fund to be transferred to the Pennsylvania Higher Education Assistance Agency (PHEAA) for the School-Based Mental Health Internship Grant Program.

The legislation provides that a county or multi-counties may establish a safe schools' collaborative to promote and develop best practices for emergency responses involving school safety and security through an emergency preparedness planning approach. It provides for the collaborative to provide assistance to school districts and emergency responders and to meet at least quarterly to develop safe and secure schools and recommend best practices as part of implementation of a countywide or multi-county safe schools' plan. It requires the Pennsylvania Emergency Management Agency (PEMA), the State Police and the Office of Homeland Security to provide technical assistance to establish a safe schools' collaborative and report to the School Safety and Security Committee the number of requests for assistance. It provides that reports to the committee are not subject to the Right-To-Know Law, which is consistent with other data relating to school safety and security collected by the committee.

This legislation is scheduled to take effect immediately.

FISCAL IMPACT

The Department of Education has indicated that it does not anticipate incurring additional costs related to the provisions contained in the legislation which provide flexibility for filling substitute teacher positions.

The Pennsylvania Commission on Crime and Delinquency estimates that the administrative responsibilities transferred to it from the Office of Safe Schools will cost \$315,000 annually. This amount includes salary and benefits for three additional staff and operating costs.

The cost for PEMA, the State Police and the Office of Homeland Security to provide safe schools' collaboratives with technical assistance will be minimal to the state agencies and can be accomplished within their existing operating budgets as it is routine to their expertise.

The provisions directing funds for Targeted School Safety Grants for Nonpublic Schools and School Entities, School Mental Health Grants, training for school based mental health professionals, the establishment of pathways to certification for school based mental health professionals and PHEAA's School-Based Mental Health Internship Grant Program will have no fiscal impact as the funds were already appropriated in the General Appropriation Act of 2023 for these purposes.