



**Pennsylvania House of Representatives  
Education Committee Members  
Testimony on Reopening of Pre-K to 12 Schools in Pennsylvania**

**presented by**

**The Pennsylvania Association of School Administrators  
August 5, 2020**

Good morning, Chairman Sonney, Chairman Roebuck, and distinguished members of the House Education Committee. My name is Dr. Shane Hotchkiss, Superintendent of the Bermudian Springs School District and Legislative Chair of the Pennsylvania Association of School Administrators (PASA) and Executive Board Member of the American Association of School Administrators (AASA). I am here today representing PASA, whose members include school district superintendents, assistant superintendents, executive directors and other public-school system leaders from across Pennsylvania. I appreciate the opportunity to provide comments regarding the reopening of school this coming fall and how the legislature can assist school districts through policy development.

As time grows short before schools are expected to open for the 2020-2021 school year, there are many concerns that remain as obstacles to school districts for safely bringing students and staff members back to school campuses. The summer of 2020 has been extremely challenging for school leaders across the Commonwealth as they developed health and safety plans to reopen their schools this fall. Amid constant updates to federal and state communications, superintendents and school board members have been scrambling to develop reopening plans since early June. The situation has been extremely fluid – and frustrating.

PASA and school leaders are appreciative of the efforts by the CDC, PDE, DOH and other agencies to provide guidance to help plan for the new year. However, most of what has been issued are suggestions without specificity, leaving difficult decisions for school leaders who are not public health experts. The sand has been constantly shifting beneath the feet of school officials as information about and guidance concerning the Coronavirus continues to change. As

a result, the public health situation could look much different in late August than it does now, with districts suddenly having to shift their reopening plans, creating tremendous disruption to communities and families.

While school leaders have been given the unprecedented responsibility to open their schools safely during a pandemic, it has been extremely difficult to make those plans when the public health information about the virus changes on a regular basis and guidance continues to evolve. Everyone wants to see schools open and get back to a sense of normalcy that will provide stability to students and their families. The question is who should be making decisions about safely operating our schools during a health pandemic?

Based on our communications with several agencies, it appears the answer to the question is that school operational decisions regarding public health are going to be placed in the hands of local school superintendents and school board members who lack the background, education and knowledge to make definitive decisions on these matters. Because we strongly believe that such decisions should be made based on more detailed recommendations and specifications from medical and public health officials, we respectfully ask that the General Assembly, in conjunction with the Governor, provide additional limited liability coverage for school districts during the remainder of the pandemic.

We fully understand that school districts are governmental entities and are provided general governmental immunity under Section 8541 of the Political Subdivision Torts Claim Act. However, there are exceptions to the Tort Claims Act that may allow individuals to sue public school districts in Pennsylvania if a student has suffered an injury while under its care. We are concerned that if students and/or staff members become ill with COVID-19, they may be able to file suit against the school district under the exceptions to 8541. In particular, if local school officials are making health-related decisions based merely on suggestions from public health professionals, school districts may be at risk for causing injury to students and staff. For this reason, PASA strongly recommends that limited liability protection be provided to public schools during the pandemic.

Please notice that we are requesting “limited liability coverage.” School superintendents are not asking that you protect willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the safety of individuals. What we are asking for is limited liability coverage that will ensure that school leaders who work within the general

guidance issued by the Departments of Health and Education, the CDC, and the Governor's orders are protected from increasing liability insurance costs during a time when our resources are already limited.

PASA also continues to be very concerned about the unknowns related to school staffing in the coming year. For those districts that are opening with in-person instruction, there is deep concern that staff shortages may exist due to a virus outbreak and/or staff member not being able to come to work due to a health-related issue. As many of you are aware, Pennsylvania and the nation already have been faced with a teacher shortage, and substitute teachers were difficult to find before the pandemic arrived. PASA encourages the legislature to provide temporary assistance to school districts in the coming year by creating an easier path for individuals to become certified teachers in Pennsylvania.

We support Senator Langerholc's Senate Bill 1216, that would help expand the potential pool of certified teachers available for the 2020-21 school year by providing some temporary flexibility to certifying teachers. We ask the House to move this legislation forward. We also suggest that Pennsylvania immediately re-evaluate its process to accept teaching certifications from outside of Pennsylvania. While we appreciate the rigor of a Pennsylvania Teaching Certificate and the desire to be sure that out-of-state certificates meet the same rigor, we believe the process to attain a teaching certificate in Pennsylvania by a professional certified in another state should be less difficult. And while draft regulatory changes that would make some changes in teacher reciprocity is now moving into the regulatory review process, more immediate action is needed to ensure that Pennsylvania has access to those individuals now.

Another item that needs immediate attention is lack of connectivity in our state for all our students. The sudden school closure in March shed light on the tremendous inequity that exists among our students and their families in regard to internet access. Some remote parts of the state do not have access to the internet even if they can afford to pay for it, as it is not profitable for providers to provide service to sparsely populated areas and broadband infrastructure is limited. Furthermore, we learned that even in densely populated areas, many students lacked connectivity because their families cannot afford the service. What the pandemic shutdown has made clear is that internet connectivity is a basic need for providing education to the children of the Commonwealth. For that reason, internet connectivity must become a mandatory and basic service for every student in the state. Those who are unable to afford such access must be provided this

availability. Because an internet connection and electronic device to use the internet has replaced the textbook as a necessary resource for the education of every child in the Commonwealth, whether during a pandemic or a normal school year, PASA implores the General Assembly and the Governor to ensure that every school-aged child has internet capability in their home and an electronic device to learn through online means. We understand this may incur a significant cost, we know that students who did not have internet access during the statewide shutdown had to incur significant loss of academic instruction. We can't allow that tragedy to be repeated.

As stated earlier, one of the most frustrating issues that superintendents and school leaders had to endure this summer is the lack of clarity and specificity about significant issues related to opening school this fall. One of those issues is how to account for 180 days of instruction required by the School Code, along with the 990 hours of instruction required at the secondary level and 900 hours of instruction required at the elementary level. A few weeks ago, school districts were stunned to learn that in the coming year they may not have the authority to count instructional hours for students participating in online or remote learning through the school district because of certain interpretations of the School Code. Even though cyber charter schools have been providing remote instruction for more than 20 years, and many school districts and intermediate units have been providing their own version of full-time, on-line learning for over a decade, school leaders were suddenly being told that they may not have the authority to count these hours toward the 180 days, 990/900 hours.

This issue added unnecessary confusion and frustration to school leaders who were planning to open their school districts with a hybrid solution or full-time online learning this fall. Fortunately, the Department of Education provided an opinion based on section 520.1 of the School Code, clarifying that school boards have this authority to conduct remote learning during an emergency to meet the instructional day and hours requirement. Online learning has become a major component of every school district's academic program. In addition, many districts have implemented their own full-time online learning program or have joined a consortium to provide this option to their students. If the School Code must be changed to allow for this new reality in Pre-K through 12 instruction, we ask that the General Assembly develop legislation that will update the School Code to allow school districts to fully account for instructional hours accumulated through remote learning.

Student transportation is another major concern for school leaders, especially those who plan to open with in-person instruction. While we are still seeking clarification as to how many students can safely be placed on a school bus during a transportation run, we know that seating will be limited due to social distancing requirements. Consequently, many districts may have to increase the number of runs and/or add buses to their transportation service. We are concerned as to how districts will be reimbursed for these added expenses and if the current subsidy formula will provide an adequate accounting of these new expenses. PASA urges the General Assembly and the Governor to ensure that student transportation expenses in the 2020-21 school year do not create a financial loss for school districts.

PASA is also concerned about several other issues regarding the opening of school, including social distancing specifications, mandatory mask-wearing requirements, reporting of COVID-19 cases to DOH, criteria to quarantine individuals or close schools due to COVID-19 outbreaks, the safe operation of school athletics and extracurricular activities, and many other issues pertinent to operating a school district during a pandemic. We ask that our policymakers and all school stakeholders support our school leaders during this unprecedented time as the next few weeks unfold in a time of great uncertainty and anxiety.

Thank you for the opportunity to share some of our concerns with you. I will be happy to answer any questions.