



PENNSYLVANIA  
CATHOLIC  
CONFERENCE

Good afternoon Chairman Sonney and members of the House Education Committee.

Thank you for the opportunity to share a few needs that all Catholic and nonpublic schools will face this fall in re-opening their school year. My name is Sean McAleer, I am the Director of Education for the Pennsylvania Catholic Conference and the Co-State Director for PACAPE, which represents over 90% of all private schools in Pennsylvania. Catholic schools provide faith-based education to 140,000 of the 260,000 non-public school students in Pennsylvania. The COVID-19 pandemic has changed the landscape of education and will continue to shape that landscape in our Commonwealth more dramatically than any other event either man-made or natural.

As we wrap up the 2019-2020 school year in the distance learning world and plan ahead for the 2020-2021 school year, I would like to share the Catholic and nonpublic school needs with the re-opening of our schools in a live, blended learning or distance learning platform. Catholic and nonpublic schools have two legislative and two administrative needs, as outlined below:

**Legislative Fixes (Two Requests):**

**Nursing:** All school reopening plans (public and nonpublic) for the Coronavirus pandemic must start with a school nurse on site. A nurse needs to review the plans to make sure a school is compliant with all CDC, PA DOH and local guidelines. A school nurse will also need to monitor anyone that enters the building and have protocols in place if the nurse suspects someone of potentially having Coronavirus. The nurse will also have to implement mitigation protocols to both identify and stop the spread of the Coronavirus. It is readily apparent that the nurse is the most vital person to have present in the school building during the Coronavirus pandemic. That is why Catholic and nonpublic schools are requesting the following nursing legislation:

ARTICLE XIV.  
SCHOOL HEALTH SERVICES.

Section 1401. Definitions. (Two Requests)-

Add: (8.1) "School nurse services" means a mandated school health service provided by a school district or joint school board to all children of school age who attend either a public or private school within the Commonwealth on an equitable basis.

Such services shall include the development of appropriate plans of care, medication administration, first aid and emergency care, as well as the other duties and responsibilities prescribed by regulation for school nurses by the Department of Health in 28 PA Code Chapter 23, or as prescribed under any additional standards issued by the Department of Health with respect to those regulations.

Add: (17) "Nonpublic school" means a nonprofit school, other than a public school within this Commonwealth, wherein a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meets the applicable requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

#### Section 1402. Health Services. (Two Requests)-

Add: (a.1) In addition to the services specifically enumerated in this section, every child of school age shall be provided with school nurse services in the school which the child attends by the school district where the school is situated: Provided, however, That the number of pupils under the care of each school nurse shall not exceed one thousand five hundred (1,500). After timely and meaningful consultation between school district officials and appropriate nonpublic school officials, children who attend nonpublic schools shall be furnished school nurse services by the school district in which their nonpublic school is located, on an equitable basis, individually or in combination as requested by the nonpublic school officials to best meet the needs of such children, and as compared to the services provided to public school children of the district.

Add: (g) In addition to any other remedies that may be available by law or regulation, any violation of this section regarding the furnishing of services to children attending nonpublic schools may be remedied by means of the issuance of injunctive relief, upon an application for such relief filed on behalf of any such student in the court of common pleas in the county in which the school district providing services is located.

#### Section 1410.1. Employment of Additional School Health Personnel.(Five Requests)-

Add: (a) Notwithstanding any other provision of law, a nonpublic school may employ a registered nurse or a licensed practical nurse who is not certificated by the Department of Education as a school nurse to provide first aid services and emergency care for ill or injured children. Registered nurses and licensed practical nurses shall only perform acts as permitted by the Professional Nursing Law(63 P.S. § 211 *et seq.*), the Practical Nurse Law (63 P.S. § 651 *et seq.*), and the Department of State regulations (49 Pa. Code Chapter 21).

(b) A registered nurse or licensed practical nurse employed by a nonpublic school shall supplement the school nurse services required to be provided by the school district or joint school board to nonpublic school children, and shall not relieve the school district or joint school board from providing school nurse services as set forth in this Article or the Department of Health regulations.

(c) When appropriate, school nurse services that are provided by a school district or joint school board to nonpublic school children may be furnished by a registered nurse or licensed practical nurse who is employed by a school district or joint school board and who is acting under the supervision of a school nurse employed by a school district or joint school board.

(d) Nothing in this section shall be construed to do any of the following:

(1) Create, establish or expand any obligations on the part of any nonpublic school to comply with section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794).

(2) Create, establish, result in or expand any contractual obligations on the part of any nonpublic school.

(e) No nonpublic school employe or nonpublic school shall be liable for civil damages as a result of the provision of first aid services or emergency care for ill or injured children, except that an employe may be liable for willful misconduct.

**Liability Waivers:** Public and nonpublic schools will all be seeking general Coronavirus pandemic liability waivers. Public schools already enjoy immunity protections, so they will not face the same types of potential legal challenges Catholic and nonpublic schools could face, but since there are still many unknowns out there, all schools would need a Coronavirus pandemic liability waiver.

#### **Administrative Fixes-PDE Guidance (Two Requests):**

**Transportation Q & A's-(Two Requests):** PDE offers transportation Q & A's, but they haven't been specifically updated for the Coronavirus Pandemic. Catholic and Nonpublic schools need to have two Coronavirus Pandemic questions added:

Question: Do School Districts have to provide transportation to both public and nonpublic students during the Coronavirus Pandemic?

Answer: Yes, A school district is required by law to provide transportation, regardless of whether the public school students are receiving in person or virtual education. The school district still must provide transportation to all its nonpublic school students.

Question: Do School Districts have to furnish transportation that follows a nonpublic school schedule during the Coronavirus Pandemic?

Answer: Yes.

**Act 89 Services to Nonpublic Schools-(One Request):** PDE issues guidelines on Act 89 Services to Nonpublic School. Catholic and Nonpublic schools would need to have one Coronavirus Pandemic guideline added:

If an LEA or IU cannot provide in person Act 89 instruction services during the Coronavirus Pandemic, a nonpublic school may seek a third party vendor to provide the Act 89 in person instruction services.

Respectfully submitted by,  
Sean P. McAleer, MGR  
Director of Education  
Pennsylvania Catholic Conference