



Parkland School District

1210 Springhouse Road · Allentown, PA · 18104
(610) 351-5503 · Fax (610) 351-5509

Senate Education Committee: Mandate Relief Hearing (11/28/2023)

Welcome

On behalf of the Parkland School District, I am honored to testify today in support of public schools and public education. Thank you Chairman Argall and Chairwoman Williams as well as the members of the Senate Education Committee. Parkland is honored to host this important hearing. We welcome this opportunity to share written and oral testimony in a collective effort to review mandates impacting public schools across the commonwealth.

The committee decision to hold this hearing and the subsequent selection of Parkland School District as host in my view holds a certain level of significance. First, I believe you are demonstrating a true desire to help school districts through analysis and conversations of funding mechanisms and operational processes across school districts. This committee has a unique opportunity and obligation to take measurable steps to that end. Secondly, my predecessors here in Parkland School District also testified in 2013 and 2019 (Dr. Donahue and Mr. Sniscak, respectively) related to school funding reform and on the special education funding formula. Parkland shares in a collective belief that working together with educators, elected officials, and the community can help solve long standing challenges. Yet, here we are again, discussing some of the same topics and challenges from years past. We have seen these hearings and conversations result in real reform measures.

Public Education is the backbone and lifeblood of America. The foundation provided by public education in Pennsylvania has served to make this country what it is today. Our education system is stronger than ever, but we face challenges in many areas that can be solved through collaborative approaches such as this hearing.

Context of Parkland School District

The Parkland School District is located in the semi metropolitan region known as the Lehigh Valley. The Lehigh Valley region of eastern Pennsylvania is made up of Lehigh and Northampton counties and is home to the three cities of Allentown, Bethlehem, and Easton, as well as numerous townships and boroughs. With more than 500,000 residents, it is the third largest metropolitan region in the state of Pennsylvania. The Lehigh Valley maintains a strong commitment to educational excellence with six major institutions of higher learning - Cedar Crest College, DeSales University, Lafayette College, Lehigh University, Moravian University, and Muhlenberg College. The community holds high expectations for students and programs, and strongly supports educational endeavors.

The 72 square miles of the Parkland School District encompass three townships with a total population of approximately 60,000. The District's wide socioeconomic range is a result of its location, which borders the city of Allentown on the southeast and extends to farmland at the western and northern extremities. The Parkland School District is one of the largest in the state and consists of nine elementary schools, two middle schools, and one high school.

We serve just under 10,000 students with a 2023-24 annual budget of \$230M with 74% from local revenue sources, 19% from state funding, 3% from federal sources, and 4% from fund balance appropriation* (See Appendix 2). For the 2022-23 school year, 32% of Parkland students were eligible for free or reduced lunch. That is a 4% increase over the previous year. We have approximately 332 students requiring English as a Second Language services and 39 languages spoken district-wide. 17% of our students receive Special Education Services and 5% receive Gifted Education Services. The diversity of our student body is 60% White, 18% Hispanic, 13% Asian/Indian, 5% African American and 4% Multi-racial. We have seen a significant increase in our students who are identified as homeless. Currently, 83 students are deemed homeless as compared to 44 students the prior year. Our Cyber Charter and Brick and Mortar Charter enrollment remained level for the 2022-2023 school year overall. In 22-23, we had a total of 409 students enrolled in outside charter while in 21-22, we had 408 students total. However, as will be discussed in detail, the cost being allocated to the charter schools continues to rise outpacing the funding assistance from the state. Our high school offers 30 Advanced Placement

(AP) courses as part of a very diverse curriculum, more than any other Lehigh Valley school district.

Background

The term “mandate” continues to generate mixed feelings for educators and education leaders. Mandates can be broken down into two main categories: Unfunded and Underfunded. By way of background, I will not explore the difference between them and associated impacts for all possible mandates. Additionally, my written and oral testimony should not be viewed as a way to eliminate mandates. My testimony is meant to clearly articulate the need for a more comprehensive approach for schools to account for mandates on a funding level as well as operationally.

Without detailing all the past and present research and arguments (for and against) mandates, I offer two excellent resources for the committee. Carbon Lehigh Intermediate Unit (CLIU) *State Mandates: Carbon and Lehigh County School Districts* compiled a listing of State Mandates, with corresponding statutes, action items, timing, and details. This summary provides an index of state and federal requirements for school districts. Additionally, in 2020, the Pennsylvania School Boards Association (PSBA) published a special report: *School District Mandates: Their Impact on Public Education*. This report defines in detail many of the pressing educational mandates with associated impacts and potential solutions.

Ultimately, unfunded and underfunded mandates significantly diminish the ability of school districts to provide the necessary resources to create sustainable instructional opportunities for all students. According to the Pennsylvania Association of School Business Officials (PASBO) *Education Deficit Worksheet (2021)* the cumulative effect of unfunded and underfunded mandates leaves over a \$3.7 billion deficit from 2010-2021 statewide (*See Appendix 1*). In Parkland, there is an over \$20 million deficit over that 10 year period. Local school districts like Parkland are therefore left with the difficult decision of property tax increases and/or reduction of valuable programming for kids.

Resources dedicated to unfunded mandates detract from other district needs. Specifically, in small districts the ability to update and replace critical infrastructure

is severely hamstrung. These are some of the concerns that we have currently based on funding that does not exist in at least some part due to the unfunded mandates that plague education.

Cost of services to students with special needs with underfunding of IDEA and Chapter 14. The cost rests squarely on the shoulders of our local property owners. All students, not only those with disabilities, require increased mental health support to engage in their education such as child find, SAP, Act 71, Act 55, and Threat Assessment Teams. All of this requires additional training and staffing. Other challenges include the cost associated with the current funding formula for charter and cyber charter schools as prescribed on the PDE 363 Form. All of the required state reporting is not codified in law such as PIMS reporting, FRCPP reporting, and various other state reports. This has grown to the extent that most districts have to add additional staff just to keep up with these requirements. This cost could be redirected towards instructional staff, social workers, school counselors, school psychologists, or other necessary positions which have direct interaction with our students. Finally, school districts are required to pass their annual budget by June 30th of each year. The state is also required to do the same, but more frequently does not, which makes our school district budgeting process very difficult due to the unknown and often delayed funding from the state level.

If there are mandates directing schools to increase their responsibility/scope within their respective communities, direct proportional funding to cover the cost of such directives. The recent fair funding case illustrates the fact that public schools are currently underfunded. Common sense would dictate that in order to require those same districts to dedicate more resources to specific mandates some form of funding would have to follow.

The following comments are broken down into three categories: Educational Mandates, Operational Mandates, and Funding Mandates. To bring some of the information closer to home, there will be Parkland School District specific examples. This list is not exhaustive, but represents thoughts within the Parkland School District as well as many of my Superintendent colleagues.

Educational Mandate Relief

Instructional Time- Thank you for the support of this committee on House Bill 1507 regarding updating the hours/day requirements for school districts. This bill will help schools in providing the flexibility needed to ensure student instructional needs are met instead of compliance driving seat time requirements. This is a significant example of a mandate that is outdated and will provide immediate instructional/operational relief for schools. Again, thank you for your support.

Teacher Shortage- It is no secret that we are facing a critical shortage of educational professionals across the commonwealth amongst all areas. According to the Pennsylvania Department of Education (PDE), there were a little over 21,000 teacher certifications issued in the 2010-2011 school year. However, there were just under 7,000 issued for the 2019-2020 school year. From regular education teachers, paraprofessionals, to special educators, and school psychologists, providing flexibility with certification for educators would be a boost to school districts for our diverse learners. We have a pool of individuals with industry credentials who are ready and willing to enter into the education profession, but are bogged down by certification requirements. Individuals with the knowledgebase, skillset, and desire to teach.

Secondary science certification is broken down into several categories including Biology, Chemistry, Physics, etc. Many schools are faced with making decisions for course offerings based on certifications of staff instead of the needs of their kids. This is one example of post-secondary institutions developing pathways to partner with PDE to create flexible certification options that would provide schools much needed relief in finding highly qualified teachers.

Another example can be found with non-teachers as well. PDE recently required that Licensed Social Workers (LSW) and Licensed Clinical Social Workers (LCSW) must have an educational certification to work in public schools. (See CSPG 87 *School Social Worker, Educational Specialist Certificate PK-12*). Individuals currently employed outside the school setting with these credentials are, as a result, no longer eligible to work in schools. Those pursuing the LSW, which is a graduate degree, must take extra coursework at a cost of both time and money, to achieve the certification. The new regulation creates a significant barrier to entry to public

schools for individuals who are in extremely high demand. If you are a LSW you can work in a hospital setting, in private agencies, in prisons, in law enforcement, in private schools, in private practice, but not in your local public elementary school.

Curriculum and Academic Standards- Instruction, curriculum, academic standards, and corresponding expectations are at the core of what occurs within school districts across the commonwealth. Developing curriculum, curriculum maps, and instructional strategies/expectations will be created through a process that includes alignment to academic standards. Academic Standards across the K-12 spectrum continue to be fragmented with each legislative revision. Chapter 4 outlines academic standards. When new or revised standards are created, careful consideration for vertical alignment and implementation need to be analyzed. Academic standards should be developed holistically, not as ad-hoc add-ons. For example, career education is a critical component of a comprehensive student experience. Under Chapter 339, schools are required to have K-12 Guidance Plans to accompany Career and Technical education and awareness. These standards and expectations are fragmented for implementation and compliance as schools take valuable time and resources to see where they best fit.

Professional Development- Teacher professional development is a critical component for all school districts. As students change, instructional pedagogy changes as well. Schools are in constant need to work with educators on instructional strategies, curriculum writing, social and emotional learning, professional growth, etc. However, schools are squeezed on the amount of non-instructional time dedicated to staff development due to current mandated training (See Appendix 3). We are not advocating to reduce or eliminate this mandatory training, but there is a need to streamline the number of hours, system in which the hours are completed, and the cost associated with this additional training. Schools need time dedicated to safety and security training, mandated reporter trainings, sexual harassment, but we need time dedicated to instruction, data analysis, and curriculum writing. Adding required professional development training to teachers reduces or eliminates the instructional professional development. Most collective bargaining agreements outline a specific number of days/hours for professional development outside of the instructional days for students. Adding days/hours is valuable, however there is an additional cost associated for school districts. If there are additional hours mandated for

educators, there should be corresponding funding from the state to pay our professionals for their time. This does not even account for all the additional time, resources, and costs associated with running training sessions, collecting and analyzing the data.

State Assessments and Accountability- We fully understand and support the idea of accountability measures. We also understand the state provided specific directions for the United States Department of Education (USDOE) and the Every Student Succeeds Act (ESSA) requirements. Nevertheless, we believe there are specific areas in which this process can be improved through legislative relief. First, reduce or eliminate the use of these measures to evaluate teacher effectiveness. This is an outdated, cumbersome, and complicated inadequate measure of teacher effectiveness and performance. Secondly, the same can be said for school evaluation or effectiveness. One test simply does not address the complex nature of a learner and their development over the course of a year. Finally, the cost associated with these tests, the loss of instructional time, and the divisive use of the data highlights the need for immediate action. Trust PDE and local school districts to implement and evaluate a system for student learning and accountability.

Operational Mandate Relief

Transportation- School Districts that transport students to and from school are also required to transport non-public school and charter school students within the district and within a 10-mile radius of the school district border.

Transportation must take place in accordance with the non-public or charter school schedule regardless of if the home district is in session. There is a significant additional cost for Parkland. Parkland consists of 72 square miles boarding several municipalities and counties. Parkland transports 44 non-public or charter schools within the 10 mile radius (*see Appendix 4*). Only 3 of those schools actually reside in the Parkland School District. In 2022-2023, Parkland spent roughly \$7.7million for transportation services for 9,911 students, or about \$780 per student. For those non-public and charter school students (618 students), Parkland spent roughly \$2,600 per student for those within 5 miles of the school district border and about \$7,500 per student within 5-10 miles of the school district border. In essence, eliminating this mandate would save Parkland School District about \$2.2 million annually (*see Appendix 5*). If the requirement was reduced to 5 miles, Parkland School District would save about \$886,000 annually. We are not

advocating to remove the requirement, however a full reimbursement for the school district would have a significant impact on the Parkland School District budget and Parkland residents.

Legal Advertising- School Districts are required to publicly advertise for meetings, bidding for equipment and supplies over a specific amount in a printed newspaper. For each school district, this may be a small annual amount, but as an example these mandates add up quickly for districts. For example, in Parkland School District, we spent about \$1,200 on newspaper advertising for public meetings, \$3,089.97 for miscellaneous requirements, and roughly \$20,000 to comply with bidding requirements for a total of about \$25,000. With the use of technology, automation, and the delivery of information, the requirement to utilize print newspapers can easily be eliminated to save districts time and money. Senate Bill 569 would provide relief in this area and reinstate the mandate waiver program.

School Construction- The Pennsylvania School Code outlines requirements for school construction in addition to local, state, and federal building codes. The state outlines a mandated process including public hearings, additional cost breakdown, project justifications, and PDE submittals known as the PlanCon Process. However, the state does not offer reimbursement to districts for school construction projects. The process itself is redundant as districts already hold public meetings to review, discuss, analyze, and allow for public comment. Without reimbursement, this mandate creates additional time and ancillary costs in documentation and professional fees. Across the commonwealth, there is a desperate need for school construction funding. Aging facilities, increased student population, and the need to upgrade air quality within our schools is pushing districts to look at the avenues to fund these projects. Without state assistance, the districts will need to add additional burden on taxpayers. In Parkland, we are planning for close to \$200 million dollars in construction projects to handle increased enrollment, upgrading HVAC systems, and other safety improvements. Our current debt service will increase over the next few years to account for these needed projects. Reinstating PlanCon would significantly assist Parkland and many other school districts.

Right to Know- The state's open records law requires school districts to consider all records to be public unless specific exceptions apply. There are no limitations for the individual seeking the information, nor is there a financial impact on individuals who seek the information electronically. These requests require time and costs that are not reimbursed by the state. This is another example of an additional burdensome mandate without any funding mechanism for districts to comply with the law. We are not advocating for this requirement to be removed; however the district is required to undertake all personnel, supplies, and legal fees associated with requests. Since 2020-2021, the district has responded to 86 Right to Know Requests, which required approximately 307 hours of administrative time at a cost of approximately \$36,000.

Funding Mandate Relief

Cyber Charter- By far the largest mandate impacting school districts across the commonwealth are charter schools, specifically cyber charter schools. School districts are required to make tuition payments to charter and cyber charter schools for each of their resident students enrolled. The current formula requires school districts to pay a tuition rate calculated based on the home school costs, not for that of the Charter. There is little accountability or transparency in regard to the funding mechanism.

In Parkland, during the ten year period from 2013-14 through 2022-23, Cyber Charter School enrollment increased by 221 students, or 124%. During that same period, the total Cyber Charter Tuition increased by \$4.9M, or 241% as a result of more students enrolled in Cyber Charter schools and the Cyber Charter Tuition rates increasing during the period 2013-14 to 2022-23. Cyber Charter Tuition costs represented 1.5% of the District's total expenditures in 2013-14 and 3.2% of 2022-23 budgeted expenditures (*See Appendix 6*).

From the period 2013-14 to 2022-23, Special Education Cyber Charter School enrollment increased by 50 students, or 152%. During that same period, the Total Special Education Cyber Charter Tuition increased by \$2M, or 314% as a result of more students enrolled in Charter schools and the Special Education Cyber Charter Tuition rates increasing during the period 2013-14 to 2022-23. The District's total Special Education Costs increased \$13.2M, or 71% during the period 2013-14 to

2022-23. The increase in Special Education Cyber Charter Tuition represented 15% of the overall increase in District Special Education costs. During that same period, State Special Education Subsidy increased by \$581K, or 17%. The increased mandated Charter Tuition costs are increasing at a high rate, putting more reliance on the local funding to pay for the increased costs for Charter Students (See *Appendix 7*).

In addition to the impact of Cyber Charter School costs, districts are required to pay tuition for what we call Brick and Mortar (B&M) Charter Schools. While we can discuss the merits and success of Cyber Charter, we are not arguing the viable choice B&M Charter may afford for students. However, the funding mechanism and accountability measures need to be improved. In Parkland, we have budgeted just over \$8 million for total Charter School tuition for the 2023-2024 school year (See *Appendix 8*). Although we would advocate for the state to fully take over the cost, funding, and accountability of Cyber Charter schools, a viable solution to help provide some immediate relief for school districts can be found in House Bill 1422, or with a similar funding proposal. This bill would create a flat amount for the tuition of Cyber Charter students across the commonwealth. It is clear the cost to educate cyber students is vastly different than those education full-time in a physical building. It only makes sense to create a lower funding formula for those students. Under House Bill 1422, Parkland School District would have saved over \$1.3 million in the 2022-2023 school year and an estimated \$1.1 million for the 2023-2024 school year (See *Appendix 9*). Again, this is a significant savings for school districts that will help offset the local tax revenue needed to fund this mandate. Ultimately, this may not be the final iteration of the bill, however you can see the substantial difference a change makes for just one district.

Special Education Costs- The Individuals with Disabilities Education Act (IDEA) has made significant impacts on how school districts best serve students with disabilities. In Pennsylvania, we should be proud of the manner in which students are educated and the way in which needs are met. There is still more to be done in this area. IDEA drives the cost related to special education services. In Pennsylvania, regulations for gifted students as well as students with disabilities and the unique needs of the students in each school district fall under IDEA. It has been well noted, the federal government does not come close to its requirement of funding 40 percent of the costs for IDEA. Even with the special education funding

formula changes enacted in 2013, the local taxpayers continue to bear the burden of escalating costs associated with providing special education services.

The Parkland School District has a total student population of approximately 10,000 students. In 2022-2023, we had approximately 1,635 special education students K-12, representing about 17% of the total student population. The state average for special education is about 19%. (See Appendix 10.)

The total state revenue for special education received by Parkland in 2022-2023 was approximately \$3.9 million (See Appendix 11). The difference between Special Education Expenditures and Special Education Funding in the Parkland School District continues to increase year after year. Appendix 11 clearly illustrates the increasing local effort needed on an annual basis to meet the rising cost of services for children with disabilities in our school district. The Commonwealth's share of funding has actually decreased over the past seven years. In 2016-2017, Parkland School District contributed 75.2% of the cost associated with special education expenses compared to 82% in 2022-2023. In dollars, local taxpayers funded \$28 million of the total \$34.7 million mandated costs for all special education expenditures in 2022-2023.

We fully believe in our special education programming and services provided to our students. However, with the increased needs and cost associated with these services, there are increased costs. Without the additional support for mandated services, local districts are left closing the gap with additional tax increases.

Summary

Mandates force school districts to determine how to best deal with the costs associated with compliance. School Districts are then left to make difficult choices between funding required mandates, cutting important programs within the schools, increasing class size, less frequent curriculum updates, elimination of instructional professional development, or raising local taxes.

Like most school districts across the commonwealth, Parkland School District has been faced with these decisions. Ultimately, school districts need to raise local taxes to keep pace with on-going expenditures for students. Many of the mandates

that will be discussed here today are good for kids, good for schools. However, they still cost money. The burden should not fall solely on the shoulders of school districts and tax payers. School Boards are left with the choice of cutting programs or raising taxes. While that result is a direct investment back into the community, it is an unsustainable model. Now is the time for the state to make the right decisions for fair funding and to remove/modify the mandates that have little impact on student achievement or safety.

Once again, on behalf of the Parkland School District and Superintendents from across the commonwealth, thank you for your time and consideration.