



**TESTIMONY OF THE
PENNSYLVANIA SCHOOL BOARDS ASSOCIATION
BEFORE THE SENATE EDUCATION COMMITTEE
ON
EDUCATION INNOVATION and REFORM**

Thomas L. Seidenberger Ed D
Retired Superintendent of the East Penn School District
PSBA Advocacy Ambassador

Introduction

Good morning Chairman Martin, Chairwoman Williams and other distinguished attendees. Thank you for inviting the Pennsylvania School Boards Association (PSBA) to present testimony today regarding education reform. My name is Thomas Seidenberger and I am a PSBA Advocacy Ambassador working with fifty-one school districts in Berks, Bucks, Carbon, Lehigh and Northampton Counties. I served in public education for forty-four years, twenty-six of which were in Superintendent of Schools positions. For the last six years I have been working for a variety of professional organizations as an advocate for public education. That service combined with my school district has permitted me to spend a half century in service of helping children receive a quality educational experience.

I have served as a Vice-President of the Middle States Association of Schools and Colleges and I am still actively involved with the Lehigh University School Study Council as a member of the Advisory Council. In my advocacy role, I maintain contact with superintendents, board of education members and IU personnel to stay abreast of issues that are of concern to those in the fifty-one school districts I serve.

First, I would like to express my gratitude for holding multiple hearings on education innovation and reform during this difficult time. In a normal year, issues of education reform, cost savings and opportunities for increased efficiency in public schools are important topics that PSBA and our membership from across the state are happy to see highlighted and advanced in the General

Assembly, but this is especially true now as public schools struggle under the impacts of COVID-19.

Since the beginning of the pandemic school boards, administrators, teachers, and staff have been confronted with a set of unparalleled challenges in terms of planning and implementing educational programming which continues to provide robust and quality learning opportunities while protecting the health and safety of students and staff. I had a front row seat in this scenario this summer while serving as the Acting Superintendent of the Centennial School District.

The COVID-19 pandemic highlighted the critical role schools play in our communities, and I believe our schools and students have risen to the challenge during this crisis. I can attest that school district personnel performed in a serious and professional manner in response to the unique challenges associated with the Covid 19.

Not only did I see an incredible response from the Centennial Staff but that effort extended to our partner districts in Bucks County. I can also attest that I was in contact with friends from Lehigh Valley school districts and their help and ideas helped to frame a comprehensive strategy to starting a new school year in August of 2020.

We have seen more innovation than ever before, due in great part to the pandemic, and I believe we will continue to change as we move into the end of this school year and look to the next. Innovations in the delivery of curriculum is an area that we expect to see the most significant developments as we now can host online, asynchronous and in-person learning that can be tailored to students' needs.

Please recall that each school district in Pennsylvania had to submit waivers to alter their delivery of instruction if it departed from the traditional 180 days and mandatory clock hours. Each school district had to evaluate its ability to deliver education in a safe yet meaningful manner. It is truly reflective of the talents and the expertise of professional staff members to create programs that reflected local conditions and circumstances.

Most school districts prepared for more than one option for educating its students. In a normal year it is still a challenge to prepare for the start of a school year but this past year necessitated planning well beyond the norm. I don't think the Legislature is aware of the many staffing issues that school districts faced as well. It was extremely difficult in dealing with leave requests and finding capable substitute staff members. Districts also had to deal with delivery issues for needed supplies and equipment.

There is ample evidence that IUs helped their member school districts and certain governmental agencies were appreciated partners in acquiring protective health supplies and materials. That cooperation could be a solid model for developing future shared services and resources.

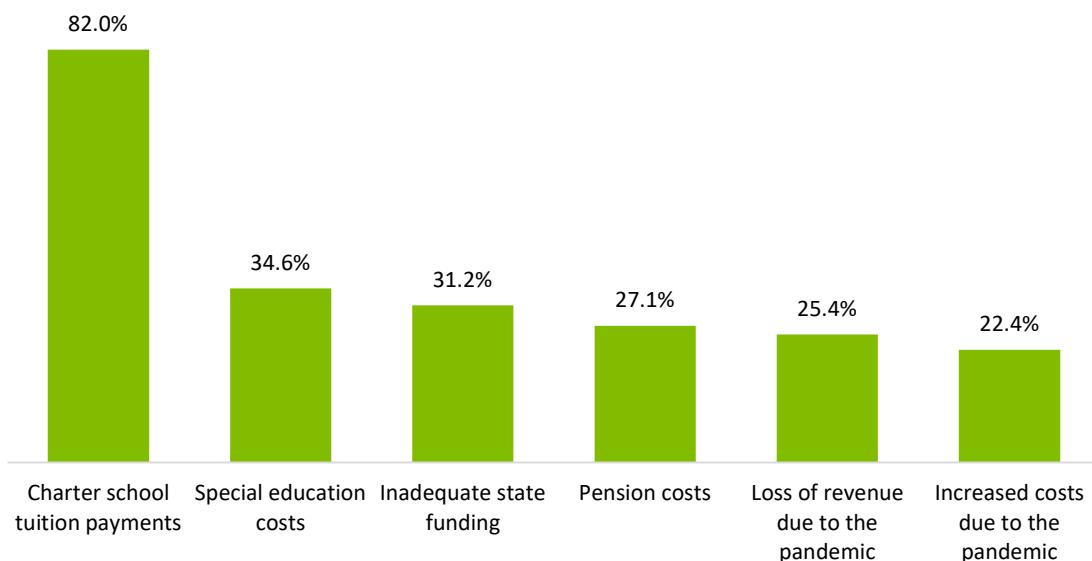
Further innovation will take place as we deal with learning losses that may have occurred over the past year. Schools have plans to implement diagnostic testing, tutoring, virtual meetings or phone calls with parents and students to determine needs related to learning loss. They will provide expanded summer education and tutoring programs, increase assistance from teachers

and paraprofessionals, and increase training and supports for teachers, and much more. Over the long-term, schools are looking toward other curriculum and academic changes to ensure our students' learning is on track.

Systemic Budget Pressures – Driving District Budgets

PSBA has released its annual State of Education report, which for 2021 focuses entirely on the pandemic's impacts on public education and includes information collected through a survey sent to all 500 school districts, as well as data available from sources such as the Pennsylvania Department of Education. Each year, the State of Education survey includes a question concerning the top budget pressures facing school districts in order to gain insight into the areas causing the most financial pressure on their budgets. Although the top four budget pressures have been the same in each of the five annual surveys, it is of note that an overwhelming number of school districts identified mandatory charter school tuition payments as one of their biggest sources of budget pressure this year.

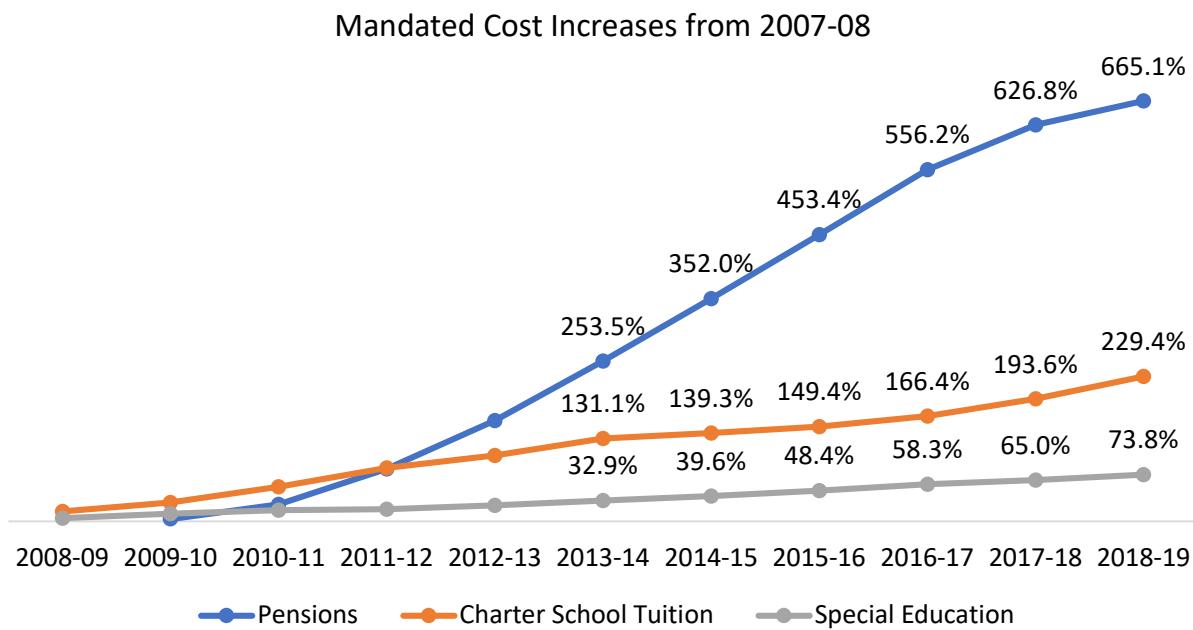
Top Budget Pressures



While always a significant issue for school districts, the pandemic-induced mass exodus of students to cyber charter schools has further elevated the issue of charter school funding. At the start of the 2019-20 school year, 38,600 students were enrolled in a cyber charter school. However, by the start of the 2020-21 school year, that number had grown to 60,900 – a 58% increase. That increase in enrollments will conservatively lead to an estimated \$335.5 million increase in charter school tuition payments for school districts on top of the typically expected increase of at least \$125 million this year. In Centennial alone, we were looking at a possible unanticipated expense of over a million dollars due to students leaving for cyber charter schools.

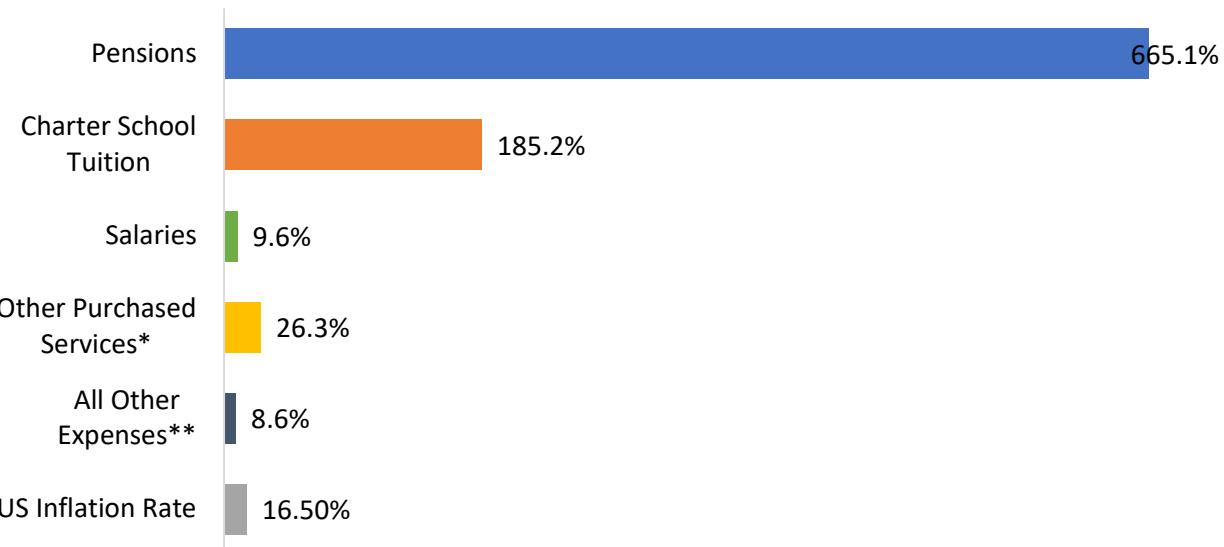
Public school leaders are grateful for, and applaud, the significant federal stimulus funding being provided to public education in response to the pandemic as it will help school districts deal

directly with the costs of the pandemic and reduce the catastrophic budget shortfalls that were anticipated. However, school districts also realize that this is one-time funding and that it will not resolve systemic funding concerns such as payments to charter schools and increases in mandated costs. Systemic budget pressures come primarily from increases in mandated costs which are beyond school districts' control, especially pensions, special education and charter school tuition. Since the 2007-08 school year those three specific mandated costs have increased by a combined \$6.8 billion.



Aside from increases in those mandated costs, school districts have been doing an admirable job of controlling their expenses.

Growth in Expenses 2008-09 to 2018-19

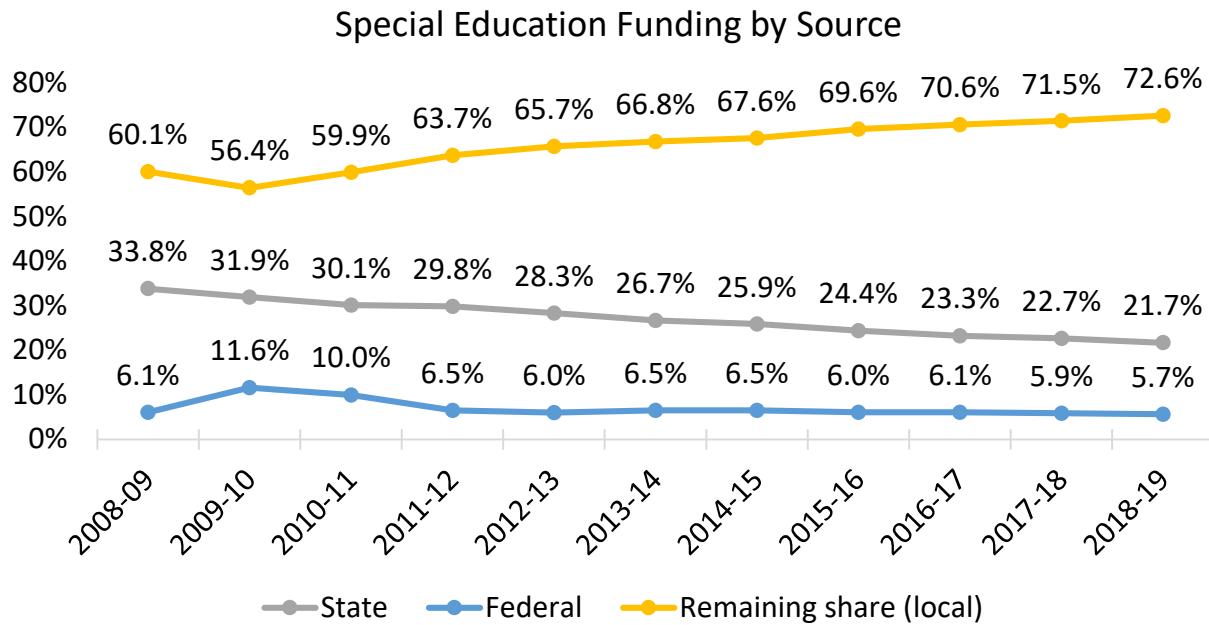


* These include outside educational services, transportation, food services, liability insurance, and other tuition payments

** These exclude fund transfers and debt service payments

State funding to assist with paying for these mandates has failed to keep pace. Although the state is statutorily required to contribute roughly half of school district pension contributions, the state's share of special education and charter school costs have declined. Ten years ago, state funding for special education represented one-third of school district expenditures for special education. But by 2018-19, that share had shrunk to less than 22%.

Districts faced a plethora of issues in trying to prepare for special education services this past summer. Many school districts had to engage additional staff to help support autistic and life skills programs. In addition, school districts had to customize school spaces to make safe accommodations for students and staff. These changes were costly and special education budgets were stressed almost immediately as the new fiscal year started.



The state also no longer provides any reimbursement to help school districts pay for charter school tuition – the program was defunded in 2011-12.

As mandated costs rise, school districts are forced to rely on local sources of funding, such as property taxes, to make up the difference. But in areas where property values and income levels are low or other challenges exist, this presents exceptional difficulties. Where additional local revenues are not an option or are insufficient, school districts are forced to look at cuts in order to balance their budgets, which has a direct impact on students.

Recommendations

PSBA believes there are many ways in which the General Assembly can continue to support public schools during this crisis and into the future. While not all are the subject matter of this committee, we mention them because they will assist schools in operating more efficiently and allow them to be more innovative, thus saving taxpayer resources and strengthening educational opportunities:

Permanent Mandate Waiver Program – As public schools and the General Assembly are faced with the significant economic impacts of COVID-19 we need solutions which provide savings and flexibility without the need for new or additional state appropriations. One specific reform that PSBA’s members are asking for is broad, permanent relief from mandates that consume much of their budgets and can stifle innovation.

Public school leaders fully supported including the temporary mandate waiver program as part of the emergency pandemic legislation in Act 13 of 2020 which received unanimous support in the Legislature. However, the waiver provisions in Act 13 were only available for April, May, and June of 2020, and school leaders need a permanent solution that will continue in future years.

Therefore, PSBA urges the Legislature to permanently reinstate a mandate waiver program like the highly popular and successful one which operated in Pennsylvania from 2000 to 2010 - such as the proposal introduced in Senate Bill 73 by Senator Wayne Langerholc.

Charter School Reform – The current charter school funding formula was established in 1997 under the state's Charter School Law and has not been changed in the 24 years since it was first created. Because the tuition rate calculations are based on the school district's expenses and not the charter's, they create wide discrepancies in the amount of tuition paid by different districts for the same charter school education. This results in drastic overpayments to charter schools, especially when it comes to special education and cyber charter tuition payments. PSBA once again urges the Legislature to help save taxpayer dollars by adopting charter school funding reforms that are predictable, accurate and reflect the actual costs to educate students in regular and special education programs, and in cyber charter schools. We specifically recommend:

- Applying a tiered special education funding system for charter school students that more accurately reflects the actual costs of providing special education.
- Applying a statewide tuition rate of no more than \$9,500 for all students enrolled in a cyber charter school.
- Formalizing and expanding deductions school districts use when calculating their charter school tuition rates in recognition of the revenues and expenditures which should not be part of the tuition rate calculation. Specifically, school districts should be able to deduct:
 - Expenditures for charter school tuition from the prior year with a corresponding deduction from the school district's average daily membership used to calculate charter tuition rates.
 - Expenditures for tax assessment and collection.
 - Grants, gifts, and donations made specifically to the district.
- Addressing the charter school law dealing with payments sent to charters and ensuring that the charter school student accounting requirements are enhanced. A direct and efficient process needs to be established to evaluate payments, confirm that they are correct and quickly settle disputes.

We respectfully ask the Legislature to remember that local school districts have embraced virtual learning. School districts were cognizant that efforts in this area needed improvement after the mass closure of schools in March of 2020. School districts invested heavily in staff development and the acquisition of staff, student and family equipment to make virtual education a reality in September of 2020.

Additionally, PSBA recommends that the Legislature enact policy reforms which ensure that charters schools are subject to the same accountability, transparency and ethical standards as traditional public school districts.

Advertising/Public Notice Reform - Another helpful reform which would provide the cost savings and efficiencies that our members are asking for is to address the antiquated law which only allows advertising/public notice requirements to be fulfilled by publishing in printed newspapers of general circulation. A popular innovative solution would be to provide local governments, including school districts, with a flexible menu of print and online options to use in

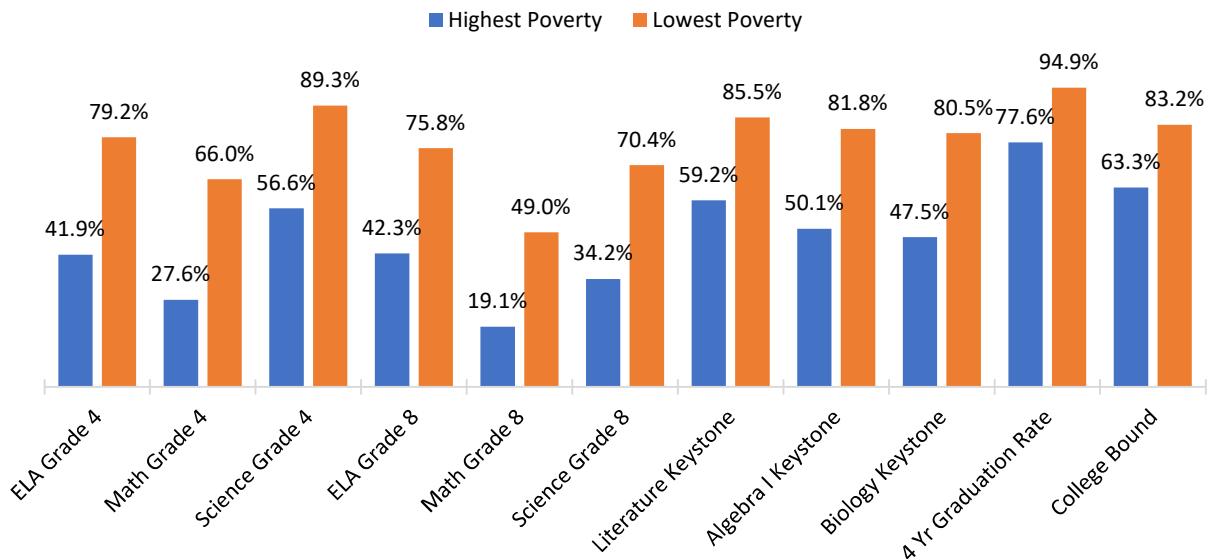
complying with advertising/public notice requirements. Such a solution would not only modernize our advertising requirements, but also provide much needed savings to local governments and school districts.

PSBA and its members fully support the goal of advertising requirements – keeping the public informed and ensuring transparency. However, the current mandate in law is expensive and inefficient and was created long before the internet changed the ways that people receive information. Additionally, as more newspapers reduce their print publications or move to phase them out altogether, it is becoming very difficult to comply with this mandate. Providing flexibility to meet advertising requirements would not only improve efficiency, increase readership, and reduce costs but also increase transparency by making notices searchable and available to a broader readership online. PSBA has worked with Senator DiSanto to introduce SB 252 and Representative Ortitay to introduce House Bill 955.

Community/Innovation Schools - PSBA commends Senator Langerholc and Senator Browne for their support of the community engaged school model and their willingness to sponsor legislation that would begin to foster this concept in Pennsylvania via Senate Bill 351. This innovation is supported by PSBA as an evidence-based solution to improving student performance in struggling schools. It is supported by many providers and groups that implement community school programs across Pennsylvania. We are excited to see that many of our school districts have already begun reaching out to use the community school approach. The metrics we have seen concerning this type of approach are very encouraging, unlike other approaches such as vouchers or education savings accounts for which many studies show lackluster results at best.

Poverty impacts student performance and contributes to barriers that impact students' daily lives as seen in the State of Education report graph below. Lower student performance on standardized tests and other academic measures is clearly shown to be related to high poverty rates in these school communities. The barriers in these communities include a limited access to technology at home, lack of access to medical and mental health care, a lack of permanent housing and food insecurity.

Achievement Gap - Highest vs. Lowest Poverty School Districts



(2018 State of Education report – PSBA)

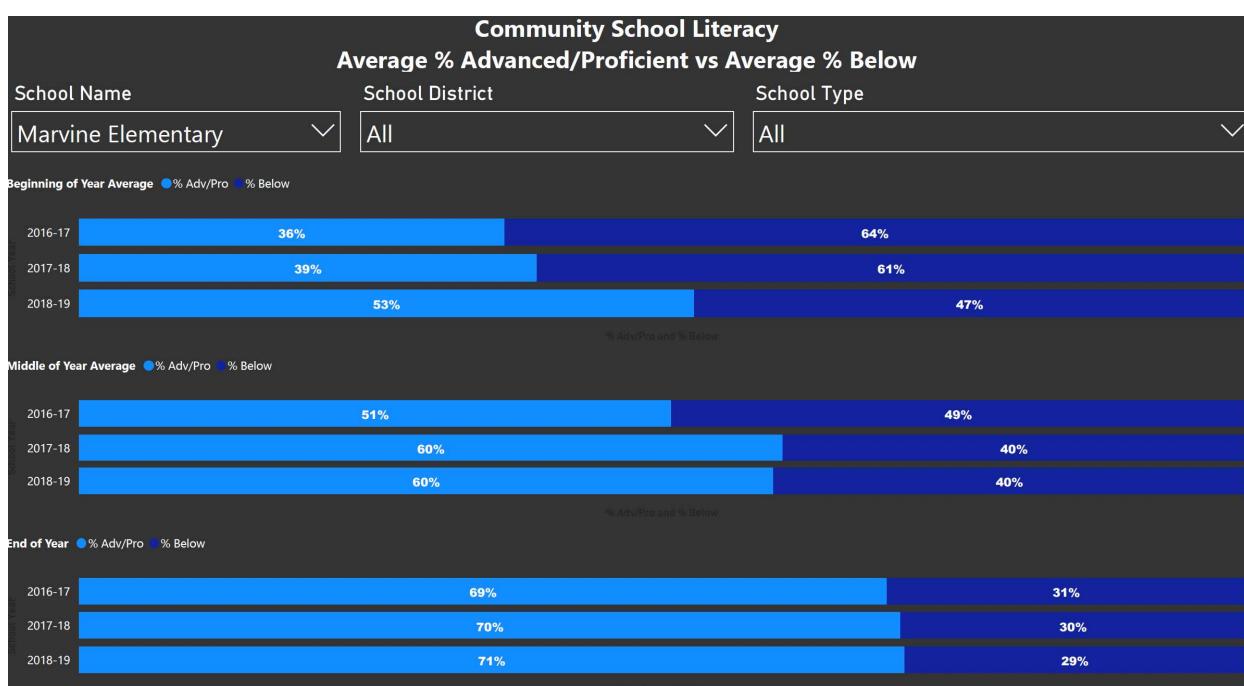
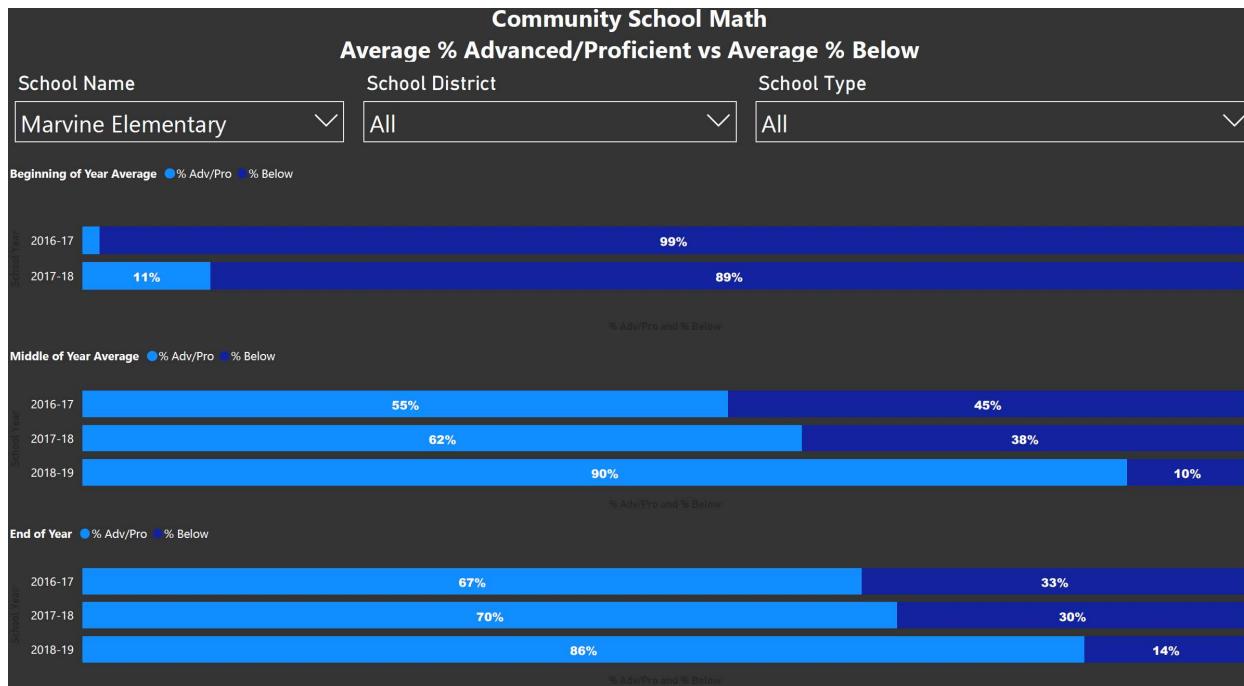
Community schools, or innovation schools, focus on developing full-service schools that are community hubs targeted at addressing these barriers head on. These schools concentrate on partnering with the community to address their challenges by becoming the center that provides the resources the community needs to make education once again a priority. Regional United Way organizations, local governments, businesses and especially families who have a stake in the public school community develop the approach in concert with school administration and invest together to address student needs.

Community/innovation schools place students at the center of all this planning and begin to address the barriers to their learning through a results-oriented plan. These schools may deploy services for students that include consistent tutoring, in-school healthcare services that cover families, counseling for students and families, employment assistance for students and families, mentor program for students and families as well as college and career prep. Linking students and their families to medical and mental health care and supporting families via parent education, counseling, food banks and employment begins to address the obstruction to learning that poverty creates.

While these services go beyond the typical scope of our public schools and contain additional costs, they are desperately needed in our struggling school districts. This approach does not base its results on the feelings of participants but is designed to focus on metrics that align with research on the factors that promote education success. In Marvin Elementary, a Bethlehem School District community school, we have seen measurable improvement in Math and Literacy scores.

We also ask the Legislature to look at the overall comprehensive community-based program being offered at Broughal Middle School in the Bethlehem Area School District. The school

district engages with community groups, a university, and a major hospital to offer an outstanding array of services such as medical referrals, parent employment assistance, language assistance, clothing closets, food pantries, mental health therapists and many other need-based initiatives to make certain that the needs of students are being addressed.



School Construction Funding - School districts have an obligation to provide facilities that are constructed and maintained to meet the educational and safety needs of their students and staff.

In turn, the state has a responsibility to help districts pay for needed construction and renovation projects. However, for years school districts have faced a two-fold obstacle in meeting their obligation — inadequate or nonexistent state funding, and an overly complicated state approval process for school construction projects, known as PlanCon.

As a result of the work of many stakeholders, [Act 70 of 2019](#) was enacted to modernize and simplify the PlanCon process. It also creates a project building maintenance and repair grant program to be used for smaller maintenance and modernization projects as well as health and safety upgrades, emergencies, and other approved projects. Unfortunately, the new PlanCon program remains unused and unfunded. A moratorium that began in 2016 and continues today on accepting school projects for reimbursement has left districts and taxpayers left to carry the full financial burden.

Many schools across the state are struggling with a variety of facility maintenance, upgrades and construction needs. Some are dealing with lead and asbestos removal, while others are dealing with leaking roofs, failing mechanical and electrical systems, and crumbling infrastructure. Many growing school districts also need to address overcrowded classrooms and school security issues. However, without state reimbursement for construction and renovation projects, most of these projects will go unfulfilled due to funding limitations. The 2019 State of Education report finds that 50% of responding school districts postponed a school construction or renovation project due to the lack of state reimbursement.

Liability Protection – Despite all of the planning and preparation by public schools to educate students during a public health crisis in accordance with state and federal guidance, there is no guarantee that schools can prevent any and all potential exposure to COVID-19 in schools. School leaders need limited liability protections in order to shield taxpayers from frivolous or opportunistic lawsuits alleging exposure to COVID-19. Such lawsuits could increase local taxes and lead to further school budget cuts which would have a severely negative impact on the opportunities and education that students will receive.

School districts are not asking for broad tort reform or a permanent change to the state's sovereign immunity law. What they need is a temporary grant of immunity for actual or potential COVID-19 exposure in the school setting, unless such exposure is the result of gross negligence or willful misconduct on the part of public schools or school officials.

With the prospect of costly litigation hanging over every decision made by school boards and administrators in reopening and operating schools and school programs, we need a law that will provide limited protections so that our schools are not worrying about being financially crippled or shut down as long as schools do their best to implement the state and federal guidance.

PSBA is encouraged the House Bill 605 was passed by the House and is moving to the Senate for consideration, and that Senator Baker has introduced Senate Bill 273.

Conclusion

PSBA has developed two meaningful programs this year. The first is the Success Starts Here Program in which school districts submit their examples of local success stories. There are over eighty pages of wonderful stories from school districts that reflect ideas that have improve the lives of students. Readers can learn about novel ways school districts are using technology-oriented activities to expand learning opportunities for students. Readers will also find that school districts are more connected to their local community agencies in providing services and promoting activities to improve local circumstances. Finally, one can learn about how school districts are involved in novel ways to improve educational experiences for students at all grade levels.

PSBA has also conducted student forums and town hall meetings with state elected officials this year. I have conducted six of these myself and I think that the legislators would agree that the students posed thoughtful and topical questions that were reflective issues of importance to them. I would believe that that legislators would agree that the students were well versed in public policy matters and demonstrated that our youth is active and responsive to issues that matter to them.

Public school districts are creative and when given the opportunity will utilize cost saving measures that benefit our students and taxpayers. Providing opportunities for cost savings and increased efficiencies in public schools is vital, especially as they struggle during a pandemic to ensure that Pennsylvania students are provided with a world class education despite the significant financial and logistical barriers that school districts face. Conversations like the one we are engaged in today are important in advancing much needed new legislative policy initiatives and reforms which will provide financial relief and flexibility to public schools. PSBA would like to offer our support and assistance in continuing these efforts.

On behalf of PSBA, I want to thank you for your attention to, and support for, our public schools, and for this opportunity to provide input. I will be happy to take any questions.