

Legislation Update Affecting Schools

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The General Assembly and Governor Wolfe recently enacted various legislation affecting school entities. The following is a brief summary of those developments.

- Act 55 of 2017 establishes requirements for school directors to complete four (4) hours of instruction regarding academic programs, personnel, fiscal management, operations, governance, ethics and open meetings within the first year of their initial election or appointment. Within one year after each reelection, school directors are required to complete an advanced training program consisting of a minimum of two hours of instruction, including information on changes to federal and state statutes and regulations, fiscal management and other topics deemed relevant by the Department of Education. The act is effective for persons appointed or elected beginning July 1, 2018.
- Act 35 of 2018 requires that school entities administer at least once to students during grades seven through twelve a locally developed assessment of United States history, government and civics that includes the nature, purpose, principles and structure of United States constitutional democracy, the principles, operations and documents of United States government and the rights and responsibilities of citizenship.
- Act 39 of 2018 enacted omnibus amendments to the Public School Code, including:

The Act added a provision to the Public School Code allowing school districts to convene executive sessions to plan, review or discuss matters related to school safety, if the disclosure of such information would (1) be reasonably likely to impair the effectiveness of such measures; or (2) create a reasonable likelihood of jeopardizing the safety or security of an individual or a school, including a building, public utility, resource, infrastructure, facility or information storage system.

The legislation establishes procedural requirements for the subcontracting of non-instructional services previously performed by school employees covered by a collective bargaining agreement. (For example, this provision could apply to the subcontracting of food service programs, transportation services, etc.). In particular, a school district must solicit applications from third parties that disclose a three-year cost projection, information concerning any violations of federal or state laws or regulations, criminal and disciplinary records of current employees and any traffic violations. The school district must conduct a public hearing prior to a regularly scheduled board meeting, following at least 30 days' prior notice, to present the selected proposal to the public and solicit public comment. The statute requires that any school employee whose employment is terminated due to the subcontracting must be given consideration for employment by the vendor.

The Act provides that school districts "may" conduct testing of lead levels in drinking water at a school facility. If that testing shows lead levels in excess of standards set by the United States Environmental Protection Agency, the school district must immediately implement a remedial plan. If a school entity chooses not to test lead levels in its drinking water, the school must discuss the topic of lead contaminants in school facilities at a public meeting.

The statute reinstates previously eliminated realignment rights in relation to teacher furloughs. Prior to 2017, Section 1125.1 of the School Code required a school district implementing furloughs to realign its professional staff to ensure that more senior employees were provided the opportunity to fill positions for which they were certificated and held by less senior employees. Act 55 of 2017 eliminated the realignment requirement and established an order of furlough based upon employee performance ratings. Thus, for example a math teacher with both math and physics certification subject to furlough could not bump into a physics position held by a less

senior teacher. Now, as revised by Act 39 of 2018, the School Code again would allow that math teacher to realign into the physics position, resulting in the furlough of the physics instructor.

- Act 44 of 2018 also amended various provisions of the Public School Code, including:

The statute requires each school entity's chief school administrator to appoint a school administrator as the school safety and security coordinator for the school entity not later than August 31, 2018. The school safety and security coordinator's responsibilities are:

- (1) Review the school's policies and procedures relative to school safety and security and compliance with federal and state laws regarding school safety and security;
- (2) Coordinate training and resources for students and school staff in matters relating to school safety;
- (3) Coordinate school safety and security assessments as necessary;
- (4) Serve as the school entity liaison with law enforcement and other organizations on matters of school safety and security;
- (5) Make an annual report no later than June 30 of each year to the board of school directors, presented in executive session, on current safety and security practices that identify strategies to improve school safety and security. (The statute specifically exempts the report from disclosure under the Right-to-Know Law); and
- (6) Coordinate a tour of the school entity's buildings and grounds biennially or when a building is first occupied or reconfigured with the law enforcement agencies and first responders.

The Act also requires that school districts provide staff training of at least three hours every five years on the subjects of situational awareness, trauma-informed education awareness, behavioral health awareness, suicide and bullying awareness, substance abuse awareness and emergency procedures and training drills, including fire, natural disaster, active shooter, hostage situation and bomb threats.

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