

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE
BUDGET HEARING

STATE CAPITOL
HARRISBURG, PA

MAIN CAPITOL BUILDING
140 MAJORITY CAUCUS ROOM

MONDAY, MARCH 2, 2020
10:00 A.M.

PRESENTATION ON
PA DEPARTMENT OF EDUCATION

BEFORE:

HONORABLE STANLEY SAYLOR, MAJORITY CHAIRMAN
HONORABLE ROSEMARY M. BROWN
HONORABLE LYNDA SCHLEGEL CULVER
HONORABLE SHERYL M. DELOZIER
HONORABLE GEORGE DUNBAR
HONORABLE JONATHAN FRITZ
HONORABLE MATT GABLER
HONORABLE KEITH J. GREINER
HONORABLE SETH M. GROVE
HONORABLE MARCIA M. HAHN
HONORABLE DOYLE HEFFLEY
HONORABLE R. LEE JAMES
HONORABLE JOHN A. LAWRENCE
HONORABLE JASON ORTITAY
HONORABLE CLINT OWLETT
HONORABLE CHRISTOPHER B. QUINN
HONORABLE GREG ROTHMAN
HONORABLE JAMES B. STRUZZI II
HONORABLE JESSE TOPPER

* * * * *

Debra B. Miller
dbmreporting@msn.com

BEFORE (continued):

HONORABLE RYAN WARNER
HONORABLE JEFF C. WHEELAND
HONORABLE MARTINA A. WHITE
HONORABLE MATTHEW D. BRADFORD, DEMOCRATIC CHAIRMAN
HONORABLE DONNA BULLOCK
HONORABLE CAROLYN T. COMITTA
HONORABLE ELIZABETH FIEDLER
HONORABLE MARTY FLYNN
HONORABLE ED GAINNEY
HONORABLE PATTY KIM
HONORABLE STEPHEN KINSEY
HONORABLE LEANNE KRUEGER
HONORABLE STEPHEN McCARTER
HONORABLE BENJAMIN V. SANCHEZ
HONORABLE PETER SCHWEYER

ALSO IN ATTENDANCE:

HONORABLE MARK M. GILLEN
HONORABLE BARBARA GLEIM
HONORABLE CAROL HILL-EVANS
HONORABLE MARYLOUISE ISAACSON
HONORABLE MICHAEL PEIFER
HONORABLE CURTIS G. SONNEY
HONORABLE MIKE TURZAI, SPEAKER OF THE HOUSE

COMMITTEE STAFF PRESENT:

DAVID DONLEY
MAJORITY EXECUTIVE DIRECTOR
RITCHIE LaFAVER
MAJORITY DEPUTY EXECUTIVE DIRECTOR

ANNE BALOGA
DEMOCRATIC EXECUTIVE DIRECTOR
TARA TREES
DEMOCRATIC CHIEF COUNSEL

I N D E X

TESTIFIERS

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SUBMITTED WRITTEN TESTIMONY

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P R O C E E D I N G S

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MAJORITY CHAIRMAN SAYLOR: I call the
Appropriations Committee to order.

And we'll start off the day with the Pledge of
Allegiance.

(The Pledge of Allegiance was recited.)

MAJORITY CHAIRMAN SAYLOR: With that, we'll also
do an introduction of Members.

Representative Bradford.

MINORITY CHAIRMAN BRADFORD: Thank you, Chairman
Saylor.

Matt Bradford, central Montgomery County.

REPRESENTATIVE KINSEY: Good morning.

Stephen Kinsey, Philadelphia County.

REPRESENTATIVE SANCHEZ: Good morning.

Ben Sanchez from eastern Montgomery County.

REPRESENTATIVE SCHWEYER: Good morning.

Peter Schweyer, the Allentown School District.

REPRESENTATIVE McCARTER: Steve McCarter, the
154th District, eastern Montgomery County.

REPRESENTATIVE FLYNN: State Representative
Marty Flynn, the 113th District, Lackawanna County.

1 REPRESENTATIVE BULLOCK: Representative Bullock,
2 the 195th District in Philadelphia, the north and west
3 parts.

4 REPRESENTATIVE FIEDLER: Representative
5 Elizabeth Fiedler, South Philadelphia.

6 REPRESENTATIVE KIM: Good morning.

7 Patty Kim, the city of Harrisburg.

8 REPRESENTATIVE LAWRENCE: John Lawrence,
9 southwestern Chester County and a part of Lancaster County.

10 REPRESENTATIVE GABLER: Good morning.

11 Matt Gabler, the 75th District, Elk and Clearfield
12 Counties.

13 REPRESENTATIVE WHEELAND: Jeff Wheeland, Lycoming
14 County -- Williamsport, the home of Little League Baseball.

15 REPRESENTATIVE BROWN: Good morning.

16 Rosemary Brown, the 189th District, Monroe and
17 Pike Counties.

18 REPRESENTATIVE HAHN: Good morning.

19 Marcia Hahn, the 138th District, Northampton
20 County.

21 REPRESENTATIVE CULVER: Good morning.

22 Lynda Culver, the 108th District, Northumberland
23 and Snyder Counties.

24 REPRESENTATIVE OWLETT: Representative Owlett,
25 the 68th District, Tioga, Bradford, and Potter Counties.

1 REPRESENTATIVE ROTHMAN: Good morning.

2 Representative Rothman, the 87th District,
3 Cumberland County.

4 REPRESENTATIVE WHITE: Good morning.

5 Martina White, Philadelphia County.

6 REPRESENTATIVE GREINER: Good morning.

7 Keith Greiner, the 43rd District, eastern
8 Lancaster County.

9 REPRESENTATIVE STRUZZI: Jim Struzzi, the
10 62nd District, Indiana County.

11 REPRESENTATIVE TOPPER: Jesse Topper, the
12 78th District, Bedford, Fulton, and Franklin Counties.

13 REPRESENTATIVE DUNBAR: George Dunbar,
14 Westmoreland County, western Westmoreland County, the
15 56th District, since we're doing directional parts of our
16 counties.

17 REPRESENTATIVE ORTITAY: Jason Ortitay, the
18 46th District, Allegheny and Washington Counties.

19 REPRESENTATIVE HEFFLEY: Doyle Heffley, the
20 122nd District, Carbon County.

21 REPRESENTATIVE GROVE: Seth Grove, the 196th, York
22 County.

23 REPRESENTATIVE FRITZ: Good morning, friends.

24 Jonathan Fritz, the 111th Legislative District,
25 comprising Wayne and Susquehanna Counties.

1 REPRESENTATIVE JAMES: Good morning.

2 Lee James from Butler and Venango Counties in the
3 great northwest.

4 MAJORITY CHAIRMAN SAYLOR: Very good.

5 I'm Chairman Stan Saylor from York County, the
6 94th District.

7 With that, Mr. Secretary, would you and your
8 staff who are going to testify please rise and raise your
9 right hand:

10 Do you swear and affirm that the testimony you
11 are about to give is true to the best of your knowledge,
12 information, and belief? If so, say "I do."

13

14 (Testifiers responded "I do.")

15

16 MAJORITY CHAIRMAN SAYLOR: Very good. Thank you.

17 Thank you for being here today, Mr. Secretary,
18 and we'll start off with our first questioner, which is
19 Representative Ortitay.

20 REPRESENTATIVE ORTITAY: Thank you, Mr. Chairman.

21 Good morning, Mr. Secretary.

22 Before the meeting started, I handed you a sheet
23 with lapsed funds, Act 146 waivers, and budgetary reserves.
24 Some go back to 2014. What I'm trying to find out, and I
25 got this all from the Budget Book that you guys have

1 provided us, is what's accounted for, what is unencumbered,
2 and what's available to be used? Because there are
3 10 different line items in the Governor's budget where he
4 is asking for additional funds on top of last year where
5 there are still remaining funds left over.

6 SECRETARY RIVERA: Thank you for your question,
7 Representative.

8 What we can do is we can give you a much more
9 detailed accounting. However, as we look through this
10 list, the vast majority of the line items are already
11 encumbered funds.

12 With the funding that we pushed through the
13 Department of Ed, there are a number of ways we administer
14 funds through the Budget Book. One of the more traditional
15 ways, school districts, intermediate units, institutions
16 apply, go through application for those funds. So although
17 we'll see a carryover, it could be because it's part of,
18 you know, part and parcel of the process. So, you know, a
19 school district may have requested a proportionate share of
20 those funds or a non-private intermediate unit, and then
21 through that process, we allocate the funds.

22 In some cases, some institutions, although there
23 is a specific dollar amount that is carried over, we parcel
24 those funds on a monthly or quarterly basis. So the vast
25 majority of the funds that we're looking at on this list

1 are already encumbered, just have to go through an
2 allocation process.

3 REPRESENTATIVE ORTITAY: Okay. So to make it
4 easier for you guys to get back to us, can you give us a
5 list of the funds that are not encumbered on the list that
6 I have provided you?

7 SECRETARY RIVERA: Absolutely; absolutely.

8 REPRESENTATIVE ORTITAY: All right. Perfect.

9 Now, there are a couple lines specifically I want
10 to ask about. Why do we keep so much in budgetary reserves
11 for the State-related universities? I noticed that line
12 itself is much larger than the rest. Because, I mean,
13 overall, we're looking at about \$560 million from the
14 Budget Book, and out of these, these make up about \$200 to
15 \$250 million.

16 SECRETARY RIVERA: Danielle can answer that
17 specific question.

18 DIRECTOR MARIANO: So, there's actually a
19 pass-through that happens from, there's a large amount of
20 those funds that go to DHS for a program that they
21 administer. So it's really, it's in our budget, but they
22 go to DHS. And, you know, depending, again, as the
23 Secretary noted, on the process, you know, we have to move
24 them over to the other agency. But we can also provide
25 more detail on that particular line, if that's helpful.

1 REPRESENTATIVE ORTITAY: Yeah. And do you know
2 who sets what that funding has to be, each line, to get
3 that pass-through or the Federal match or whatever dollars
4 we're trying to get there?

5 DIRECTOR MARIANO: Who decides where it goes,
6 or---

7 REPRESENTATIVE ORTITAY: Well, who decides how
8 much money sits in that budgetary reserve? Because, I
9 mean, there's one that's 110 million, and in the following
10 year, let's see, 2019, the reserves are 152 million. How
11 do you determine how much money actually sits there year
12 over year before it gets doled out?

13 DIRECTOR MARIANO: I believe it is attached to
14 the program, which is a Federal program through DHS. So
15 again, we're just kind of the -- we pass the funds on. But
16 I can give you more detail around the specific program and
17 what the requirements are.

18 REPRESENTATIVE ORTITAY: Okay. Thank you.

19 The next thing I want to talk about is the
20 Northern PA Regional College. In last year's budget, we
21 had \$7 million appropriated for that line item, and it
22 still, according to your book, hasn't been spent. It's
23 still sitting there. And in this year's budget, there's a
24 request for another \$7 million. Is that \$7 million needed
25 in this year's budget? What is it being spent on? Or is

1 there a possibility of we skip a year until they're up and
2 running and ready to go and then fund it next year?

3 SECRETARY RIVERA: Historically, that allocation
4 had been a legislative appropriation, and that funding as
5 well goes through based on their accounting as they submit
6 to the State.

7 REPRESENTATIVE ORTITAY: So they haven't started
8 spending any of the money yet, right? And you haven't
9 allocated -- I mean, you've allocated the money, but
10 nothing has been spent.

11 SECRETARY RIVERA: Yeah. So they have it in
12 their budget processing. They just have not completed the
13 process yet.

14 REPRESENTATIVE ORTITAY: And do you have a time
15 frame on that?

16 SECRETARY RIVERA: That lands on the board of
17 that institution, so we have been working with them to
18 facilitate through the process. It's really around how
19 quickly they can do their due diligence.

20 REPRESENTATIVE ORTITAY: Are you optimistic that
21 they're going to be able to start using and drawing down
22 that money in this next budget cycle?

23 SECRETARY RIVERA: I am. I think some of the
24 conversations we're having globally around the need for
25 higher ed, I think the General Assembly and the

1 Administration are incentivizing them to draw down those
2 dollars just to show that there's access to that northern
3 tier.

4 REPRESENTATIVE ORTITAY: Okay.

5 Thank you, Mr. Secretary, and thank you,
6 Mr. Chairman.

7 SECRETARY RIVERA: Thank you.

8 MAJORITY CHAIRMAN SAYLOR: Next is Representative
9 Fiedler.

10 REPRESENTATIVE FIEDLER: Good morning. Thank you
11 for being here.

12 The Governor has made a bold \$1 billion proposal
13 to remediate lead and asbestos in our schools. Clearly, we
14 face both a very challenging financial situation and, in my
15 belief, also an emerging public health emergency.

16 I want to ask you about something about this
17 issue which I hear about from my constituents a lot;
18 specifically, educators and staff across this State who are
19 asking themselves, asking their friends and family, asking
20 their districts, if the medical struggles that they are
21 facing are connected with the decades that they have spent
22 in our public school buildings in Pennsylvania.

23 Just real briefly, there's a Philadelphia public
24 school teacher named Lea DiRusso who spent 28 years as a
25 teacher, and she recently went public with her mesothelioma

1 diagnosis. Both my parents were public school teachers,
2 and so this description she had of her routine, she said,
3 "When I come into a room on a Monday morning, and
4 you're..." setting up, "and you see dust across your desk,
5 or dust on the ground, or a ceiling tile fell, as a
6 teacher, this is your pride and joy, it's your room.
7 You...scoop it up, you clean it up, and you move on." And
8 again, this is a public school teacher in Pennsylvania for
9 28 years who now is struggling with mesothelioma.

10 Could you tell us what your message is to
11 educators and staff across this State about the state of
12 our public school buildings and talk about the State's
13 financial commitment to keeping our students and educators
14 safe while they are in our schools.

15 SECRETARY RIVERA: Mm-hmm.

16 Representative, first, I think it's incumbent for
17 me to share, I know the feeling specifically. I taught and
18 was an administrator in many of those same buildings that
19 we're hearing about today. I spent almost all of my career
20 in North Philadelphia, 100-plus-year-old buildings, and
21 have experienced some of the conditions that many of our
22 teachers and administrators and principals are sharing in
23 Philadelphia today, which is why when the Governor brought
24 up the opportunity to look at the \$1 billion in RACP just
25 to make funding available as quickly as possible, to work

1 with the General Assembly, you know, to form some system of
2 remediation for schools, I fully support that plan.

3 I also fully supported the amazing work we have
4 done through the Planning Commission, you know, the
5 committee with the General Assembly, and having passed
6 that, you know, in a bipartisan and bicameral manner,
7 moving forward and allowing for small project remediation,
8 as well as, some of the larger project PlanCon
9 reimbursement is something that absolutely was needed at
10 the time and continues to be needed.

11 But I do think as we look at this specific issue,
12 the need to act and have a dollar amount set aside, you
13 know, as quickly as possible is extremely, is extremely
14 important. And, you know, which is why I absolutely
15 applaud the work that, you know, the Governor and the
16 General Assembly are doing around the RACP funds.

17 I do think as we get into the deeper
18 conversation, one, let's get the funding out there quickly.
19 But this is going to drive other conversations. This is
20 going to drive conversation around, you know, physical
21 plant remediation, around the needs of educators, you know,
22 across the Commonwealth, and I'm going to and my team is
23 going to stand ready to facilitate those calls as needed.

24 REPRESENTATIVE FIEDLER: Thank you.

25 And I think obviously as we're looking at the

1 conditions that we are attempting to remediate -- right? --
2 asbestos, lead, from a health perspective and even an
3 educational one, we know the toll that these things take on
4 the human body -- right? -- on children's ability to learn
5 and as far as the other diagnoses that as a State we're
6 going to be faced with as well.

7 SECRETARY RIVERA: And if you will allow me just
8 to share, you know, some other realities in this case.

9 I think this is an extremely difficult situation
10 to describe, because we think when we go into these sacred,
11 toxic buildings that you can see it, and having lived it,
12 it's something as simple as a crack in a chalkboard, or a
13 tile on the floor that has been broken and then, you know,
14 if there's asbestos in the glue or, you know, in what has
15 been used to prepare it, then it could be airborne.

16 And so, you know, I always caution, this isn't
17 something you walk into a building and say, this is a
18 building that's in need of remediation. This is something
19 that's actually going to take some real thoughtful due
20 diligence.

21 REPRESENTATIVE FIEDLER: Thank you.

22 MAJORITY CHAIRMAN SAYLOR: Our next questioner is
23 Representative White.

24 REPRESENTATIVE WHITE: Hello, Secretary. Thank
25 you for being here with us today.

1 I would also like to discuss the lead and
2 asbestos remediation program.

3 I'm sure you're aware that the Governor, as you
4 previously mentioned the RACP program, makes the projects
5 eligible up to a billion dollars in the Capital Budget
6 Itemization Act to include grant availability for lead and
7 asbestos remediation projects. Do you know how the
8 Administration arrived at that billion-dollar figure?

9 SECRETARY RIVERA: I think, you know, in
10 conversation with my colleague in the Budget Office, this
11 is a dollar amount to start to provide for remediation. I
12 think the process is really, you know, what we have been
13 thoughtful about, by having this as a stand-alone line item
14 that would allow school districts to apply for those funds
15 as an RACP item. But a stand-alone RACP item would really
16 do a number of things: one, make the funding available, but
17 also help us to better track along with the need.

18 REPRESENTATIVE WHITE: Yeah, but did you guys
19 evaluate the number of schools across the Commonwealth that
20 need the remediation?

21 SECRETARY RIVERA: The first-level evaluation has
22 been more informal. We know that with something like this,
23 because of the dire need, the Governor and the
24 Administration have done it quickly.

25 REPRESENTATIVE WHITE: How do you know -- well, I

1 think we all understand that there is a dire need, but I
2 think it's a real question as to the dollars that we need
3 to put behind this need. And I think, you know, as it
4 pertains to lead and asbestos, these are very, you know,
5 these are problems that have been ignored for the past
6 50 years.

7 SECRETARY RIVERA: Mm-hmm.

8 REPRESENTATIVE WHITE: And now it's 2020, and
9 we're trying to figure out, you know, is this billion
10 dollars the real number or is it more? Is it less? And
11 you're telling us that you don't have an exact figure yet,
12 but you're going to be working on that?

13 SECRETARY RIVERA: Yeah. So what I can share
14 with you, having been someone who walked, who visited
15 schools with the PlanCon Commission and some of the schools
16 we walked through, having been a Secretary who has visited
17 almost 200 schools across the Commonwealth---

18 REPRESENTATIVE WHITE: Mm-hmm.

19 SECRETARY RIVERA: ---I can absolutely say with
20 confidence that \$1 billion is a start to remediation in
21 what we've seen in some of our schools.

22 You know, there will probably be an opportunity
23 to come back to the table. But, Representative, if you
24 walked through some of the buildings we did when we were
25 doing PlanCon---

1 REPRESENTATIVE WHITE: I most definitely have
2 been in a variety of public schools in Philadelphia, and I
3 know that there are deep, deep needs. However, these needs
4 have been ignored for the past 50 years, and my concern is
5 that in Philadelphia, our Mayor has spent over a billion
6 dollars over the past 4 years.

7 SECRETARY RIVERA: Mm-hmm.

8 REPRESENTATIVE WHITE: And the allocation of
9 dollars is a big concern, seeing as there is such a big
10 need.

11 Now, I'm wondering if you plan to or the
12 Administration plans on spending this billion dollars over,
13 how many years, would you say?

14 SECRETARY RIVERA: I would say we want to make
15 this billion dollars available to schools as quickly as
16 possible.

17 I also do want to just correct the record.

18 REPRESENTATIVE WHITE: Yeah, but when it comes
19 to---

20 SECRETARY RIVERA: This is not only Philadelphia.

21 REPRESENTATIVE WHITE: I know that.

22 SECRETARY RIVERA: I mean, this is Scranton,
23 Erie. These are schools in York, Lancaster.

24 REPRESENTATIVE WHITE: No correction to the
25 record necessary. It's all across the Commonwealth.

1 SECRETARY RIVERA: Okay.

2 REPRESENTATIVE WHITE: But when we talk about
3 this billion dollars, you're telling us that you're going
4 to spend a billion dollars, and you haven't told us how
5 many years you're going to spend it over the course of.

6 SECRETARY RIVERA: What I shared is, we're going
7 to make a billion dollars available to schools and school
8 districts through RACP to remediate lead and asbestos.

9 REPRESENTATIVE WHITE: And are there going to be
10 any criteria for the school districts or the municipalities
11 that are going to be receiving this money in order to
12 acquire it?

13 SECRETARY RIVERA: Sure. So it's going to
14 be---

15 REPRESENTATIVE WHITE: Do you have a list of---

16 SECRETARY RIVERA: It's going to be an
17 application process through RACP, a stand-alone RACP
18 process.

19 REPRESENTATIVE WHITE: Okay. And then are the
20 school districts that are already remediated, that they
21 have already gone through the lead and asbestos remediation
22 process, are they going to be eligible for money as a
23 reimbursement?

24 SECRETARY RIVERA: That, right now, has not been
25 one of the discussions in the plan, no.

1 REPRESENTATIVE WHITE: And who is going to decide
2 the people that are awarded the money?

3 SECRETARY RIVERA: So that's the Office of Budget
4 process. However, that, as always, is influenced by the
5 relationship between the General Assembly and the
6 Administration.

7 REPRESENTATIVE WHITE: Since the RACP requires a
8 project to be listed in the capital itemization bill, will
9 each project be listed individually?

10 SECRETARY RIVERA: As I understand it now, this
11 project, this process through the RACP project, would be
12 treated just like an RACP project, just a stand-alone
13 billion dollars for toxic remediation.

14 REPRESENTATIVE WHITE: Okay. So that would mean,
15 I think for the next question that I have, the current RACP
16 program requires a 50-percent match to receive an award.
17 So would that be treated just the same for those dollars?

18 SECRETARY RIVERA: So the 50-percent match, so a
19 match will still be expected. Now, you know, the
20 definition of the match is something that's up to
21 interpretation with the Administration and the General
22 Assembly.

23 REPRESENTATIVE WHITE: I think it's clearly
24 written in the law, but if you feel that it's negotiable,
25 that's interesting.

1 SECRETARY RIVERA: Well, a match is a match.

2 REPRESENTATIVE WHITE: Right.

3 SECRETARY RIVERA: Do we see it as a fiduciary
4 match? Is it an in-kind? Is that in terms of the process?
5 So that can be defined.

6 REPRESENTATIVE WHITE: The other question I have
7 regarding, the current RACP program has a debt limit. How
8 would this proposal impact that debt limit?

9 SECRETARY RIVERA: So when looking at this
10 specific proposal, the Governor wants to make sure that he
11 works with you to make the capital available as soon as
12 possible to schools. So as you look at the specific debt
13 limit, you know, that will be something that is subject to
14 a conversation with the General Assembly.

15 REPRESENTATIVE WHITE: That -- I'm sorry. I
16 didn't understand the answer to that question.

17 SECRETARY RIVERA: All right. So as with all of
18 our proposals, this is a proposed budget. The Governor is
19 proposing \$1 billion to go through RACP for remediation of
20 lead and toxic material in schools. As with all of our
21 proposals that we put on the table and justify, there comes
22 a process after this where the Governor and his team, the
23 General Assembly and their team, come and look at the
24 specific detail as part of the process.

25 There are some nuances in there, I mean the match

1 and the application process that would come up in
2 conversation.

3 REPRESENTATIVE WHITE: Right.

4 SECRETARY RIVERA: So that would be done at that
5 level.

6 REPRESENTATIVE WHITE: Okay.

7 Thank you, Chairman.

8 MAJORITY CHAIRMAN SAYLOR: Next is Representative
9 Bradford.

10 MINORITY CHAIRMAN BRADFORD: Thank you, Chairman
11 Saylor.

12 I just want to clear up a couple of things.

13 I was very heartened to hear the gentlelady talk
14 about the dire need for this spending and realizing that
15 Philadelphia County is one of the districts that finds
16 itself in most need of this remediation. So let me just
17 walk through a couple of things, because I think that a
18 little bit of clarity is required.

19 The billion-dollar proposal that the Governor has
20 put out there, he is not requiring a billion dollars be
21 spent. My understanding is that there is a request for a
22 billion dollars of authorized borrowing. That doesn't mean
23 that we're going to spend even one dollar of that billion.
24 Is that correct?

25 SECRETARY RIVERA: That is correct.

1 MINORITY CHAIRMAN BRADFORD: Okay.

2 Now, if we find out that we have \$10 billion of
3 projects that need to be done throughout the Commonwealth,
4 the Governor, unfortunately, would have to come back to
5 this Legislature and ask for additional borrowing power.
6 But what we're really looking for here is to get the ball
7 rolling and have some level of borrowing to allow you to
8 start handling these projects on a per-project basis. Is
9 that a fair assessment?

10 SECRETARY RIVERA: Very much so.

11 MINORITY CHAIRMAN BRADFORD: Okay.

12 So, we know we have schools in Philadelphia
13 County where we have had teachers with mesothelioma, and it
14 is believed that the cause of that is the asbestos in those
15 buildings. Now again, there's obviously a legal causation
16 that needs to be established. But we know that our kids
17 are going into schools that we believe, that have been
18 closed down, in fact, not just believe, these schools have
19 been affirmatively closed because of lead and asbestos and
20 mold. Is that correct?

21 SECRETARY RIVERA: Schools have been closed as a
22 result of lead, asbestos, and mold, yes.

23 MINORITY CHAIRMAN BRADFORD: So while we can
24 quibble about whether the first authorization should be for
25 a billion dollars or \$100 million or, frankly, \$10 billion,

1 we need to get the ball rolling to give you authorization
2 for some level of borrowing in order to remediate these
3 schools. Is that what you're saying, Secretary?

4 SECRETARY RIVERA: What we're saying is, this
5 funding is absolutely important to start the process to
6 help remediate schools.

7 MINORITY CHAIRMAN BRADFORD: Okay.

8 My concern is, and sometimes in this building
9 it's easy to talk about things that are in current law,
10 like the match, and that is a real concern in traditional
11 RACP; the debt limit, which, again, is in law and is a
12 concern under the traditional RACP, but these are laws that
13 this body set, and if we are going to show some commitment
14 to deal with 6 schools in Philadelphia County, but frankly
15 in all 67 of our counties, we're going to have to change
16 the law. That's within the power of this body to do that.
17 So I think we should be careful or wise to realize, we made
18 those laws, and with the debt limit specifically, we're the
19 one who put that in place. We're going to have to
20 reevaluate that.

21 I would say this, too: One of the projects in
22 the past that has been used to deal with school
23 construction was PlanCon. Can you tell me why PlanCon is
24 no longer a viable option to deal with the 6-school issue
25 that we're dealing with in Philadelphia and frankly in all

1 67 counties in Pennsylvania?

2 SECRETARY RIVERA: PlanCon, first, is a long-term
3 reimbursement, so that funding would not be available to
4 schools right away. It would require them to put the
5 funding up front first and then ask for reimbursement, you
6 know, over the course of many years.

7 Secondly, we did, the General Assembly did pass
8 the PlanCon law. The process has been updated, which we
9 will be facilitating this summer, but the funding to go
10 along with the new law has not yet been appropriated.

11 MINORITY CHAIRMAN BRADFORD: One of the things I
12 mentioned in the context of the RACP proposal is that the
13 Legislature has put laws in place that then prohibit us
14 from dealing with it. My understanding is, there's a
15 PlanCon moratorium. Is that a fair assessment as to what
16 the culpability of this body, this General Assembly has, in
17 terms of the ability to use PlanCon as a possible approach
18 to deal with school construction issues?

19 SECRETARY RIVERA: There is currently a
20 moratorium on the old PlanCon process. But yes, PlanCon is
21 currently in a moratorium.

22 MINORITY CHAIRMAN BRADFORD: Right.

23 And my understanding is, we used to use PlanCon
24 as kind of a cash flow. We did it on an annual basis in an
25 appropriation. We failed to do that for so many years that

1 we actually had to issue debt. And what we used to use
2 PlanCon for on an annual basis to do that year project now
3 is really a debt service payment to deal with the backlog
4 of PlanCon projects that we didn't fund for many years. Is
5 that a fair assessment?

6 SECRETARY RIVERA: That is. We currently have a
7 bond to meet all of our past PlanCon obligations while
8 putting a moratorium on new projects.

9 MINORITY CHAIRMAN BRADFORD: Okay.

10 Let me just wrap up now. And I know that the
11 Chairman stepped away, and I don't want to over take my
12 time, so I am cognizant.

13 I think we need to be cognizant not playing this
14 kind of whack-a-mole where we kind of hide the fact there
15 is a real challenge. We all recognize it. The gentlelady,
16 to her credit, recognized it is very problematic in her
17 county.

18 We shouldnot find ways not to do this. We need
19 to find ways as a General Assembly to do this. And
20 unfortunately, because we have been unable to deal with
21 revenue in this body, borrowing may have to be a part of
22 that equation. In fact, when you're dealing with a
23 potential billion-dollar problem, maybe a \$10 billion
24 problem, frankly, in light of our financial situation, even
25 if it's a \$100 million problem, short of borrowing, I don't

1 know how this body is going to respond to a problem with
2 this far of a reach.

3 And I think it is, it is frankly necessary for
4 this Legislature to get real with the challenge. We are
5 sending kids into schools that we know have asbestos in
6 them, have lead in them, and have the ability to make them
7 sick. So to play this game like we have all these
8 legislative reasons why we can't do it, we are the creator
9 of those very legislative hindrances.

10 We have a moral obligation to our children to get
11 about the business of removing these hindrances and get a
12 plan in place. Whether it's the billion-dollar RACP
13 proposal or whatever it's going to be, we have that
14 obligation. We have that power. In fact, we have been
15 given that responsibility by the people of Pennsylvania,
16 and I think it's about time we get about doing it.

17 Thank you, Secretary.

18 SECRETARY RIVERA: Thank you, sir.

19 REPRESENTATIVE DUNBAR: Thank you, Mr. Chairman.

20 And as you said, the Chairman did have to step
21 out, so I'm going to have to step in.

22 I don't think any games are being played here. I
23 think what we're trying to get is answers. This is not
24 about whether to do something or not to do something. It's
25 not about sending kids to schools with asbestos and lead.

1 Nobody wants to do that. Let's all be honest about this.

2 But there are rules in place, and there always
3 have been rules in place, and for me, I don't understand,
4 first off, why we're even going through RACP, because RACP
5 has very specific rules about projects having to be
6 delineated and specified.

7 I believe you had said to Representative White
8 about a stand-alone line item. Is that how you referred to
9 it, Secretary? Can you expound on that a little bit?

10 SECRETARY RIVERA: So it would be a billion
11 dollars in RACP that would not be distributed through the
12 traditional RACP, you know, line item. So we would be
13 using the RACP funds---

14 REPRESENTATIVE DUNBAR: So why are we even using
15 RACP? Why are we even using RACP? I mean, because it does
16 create legislative problems that we would have to change
17 the rules of RACP, and if we're changing the rules for
18 RACP, those rules are in RACP for a specific reason, I'm
19 sure over years that they were established. Why can't we
20 just, you know, talk legislatively about some other debt
21 issuance if that's what we're referring to? Why are we
22 using RACP?

23 SECRETARY RIVERA: It's the pathway the Governor
24 deemed could get the funding out to schools as quickly as
25 possible.

1 REPRESENTATIVE DUNBAR: And I will say that there
2 are other alternatives, not that anybody is opposed and no
3 games are being played.

4 MINORITY CHAIRMAN BRADFORD: No. And I don't
5 mean to imply there is games being played. I want to hear
6 what those alternatives are. Let's get about doing this
7 and addressing these schools.

8 REPRESENTATIVE DUNBAR: Because I know that even
9 in this Committee, this has come up and the legislation
10 came up and it was tried to amend into a bill, and I argued
11 against the amendment, flat out saying that that's not what
12 RACP is designed for. RACP was not designed for schools,
13 and it's very specific as far as what it's to be for.

14 I'm not arguing for or against, you know. Nobody
15 wants to send kids to schools with asbestos and lead.
16 Let's not kid ourselves. We need to find a proper way of
17 doing it, though.

18 SECRETARY RIVERA: And from my perspective,
19 Representative, as I see the issue across the State and the
20 Governor, you know, presents a proposal that we have the
21 opportunity to come here and discuss with the General
22 Assembly, for me, if it's a proven methodology to put
23 funding in the hands of schools as quickly as possible, I'm
24 all for it. If the General Assembly, as always, wants me
25 to make myself available to discuss other avenues to

1 remediate toxicity in schools, I'm for it.

2 I saw this, you know, the Governor making this
3 proposal and looking at a specific billion dollars to go
4 out to schools where we know, as mentioned earlier, schools
5 across the Commonwealth are considering or have already
6 closed as a result of lead or asbestos, and that concerns
7 me. So, you know, RACP is one of the means by which the
8 Governor is looking at, you know, allocating and putting
9 those funds out in a thoughtful manner, and I support the
10 recommendation fully.

11 But at the same time, as with always, every year
12 for the past 5 years, we'll come to the table and make the
13 ask and make recommendations, and if we find a better
14 pathway together to provide the funding for schools to
15 remediate, you know, their physical plan and meet the needs
16 of students, I will make myself available.

17 REPRESENTATIVE DUNBAR: That sounds good.

18 And we will move on to Representative Struzzi.

19 REPRESENTATIVE STRUZZI: Good morning.

20 SECRETARY RIVERA: Good morning.

21 REPRESENTATIVE STRUZZI: Last week, after we
22 finished up the Appropriations hearings, I had the
23 opportunity to attend an event sponsored by the Indiana
24 County Chamber of Commerce, and it was a great event, an
25 after-hours event, where they had educators, teachers,

1 you know, superintendents, principals, come in and meet
2 with the business community and talk about career pathways,
3 internships, and things like that. So I give, I want to
4 take a minute to give some kudos to the Chamber of Commerce
5 and to our local educators in Indiana County.

6 But I also had the opportunity during that
7 after-hours session to speak with some of the educators and
8 superintendents, knowing that I was going to have this
9 opportunity to speak with you this morning. And I asked
10 them, you know, what are your top concerns, you know, what
11 should we be concerned with and what should we talk about
12 today, and their first was charter school funding. And I'm
13 not going to talk about that, because I know some of my
14 colleagues are going to ask those questions later on.

15 But their second concern was school security, and
16 I know it's not part of your budget, but the Governor has
17 proposed cutting the safety grants from 60 million down to
18 15 million, a \$45 million cut, and those funds were just
19 distributed last week. And Indiana County's school
20 districts got a very small portion of that money, and it
21 concerns me when we're proposing to cut it by 45 million
22 that they're going to get even less money. And when
23 they're telling me that that's a top concern of theirs, I'm
24 wondering if it's a top concern of yours.

25 We see so many mental health needs in our schools

1 right now. You know, students are stressed, teachers are
2 stressed, because of these security needs. So I have to
3 wonder and question why the Governor would cut \$45 million
4 out of those funds, and I would like to know your thoughts
5 on that.

6 SECRETARY RIVERA: Representative Struzzi, last
7 week I tried to speculate on this and paid the price of
8 speculation on this funding.

9 I have no idea. You know, PCCD and the
10 Administration have conversations around their budget. I
11 am not involved in those conversations, so I can't speak to
12 the proposal going to PCCD.

13 As it relates to school, you know, safety and
14 security, there are a number of initiatives that we are
15 engaging in that is not included in anyone else's budget or
16 portfolio. But, you know, I can share with you that, you
17 know, some of what we're addressing is really working with
18 schools to provide more mental health supports, to look at
19 bringing in service providers into our buildings, to look
20 at professional development and smaller grant opportunities
21 to, you know, to provide those equipment or systems of
22 safety and support in schools.

23 I didn't ask, and, you know, probably by design,
24 I didn't want to call them at the end of Friday night and
25 ask, well, you know, how are you engaged in this to PCCD.

1 But I don't know how those conversations went.

2 REPRESENTATIVE STRUZZI: You would advocate for
3 those funds to stay in the grant program? Because, I mean,
4 they seem so essential to me.

5 SECRETARY RIVERA: I don't know what the
6 rationale is. I know for us, for example, there are times
7 where we're going to see a reduction in certain line items
8 over the course of the past 5 years, and so I have come to
9 the General Assembly and have said, I understand why, you
10 know, we need to see a reduction, but if you give me more
11 flexibility in another area, I can make up for that. So I
12 don't even know if those conversations are taking place.

13 REPRESENTATIVE STRUZZI: Okay.

14 And another big gap that's not really addressed
15 in the budget that I saw or in your testimony, and I see
16 this as a serious impediment for our rural schools, and
17 that's the lack of broadband access in the students' homes.

18 I know, you know, a lot of our, or all the school
19 districts in Indiana County have a hub within the school
20 district; yet, these kids go home and they can't do their
21 homework assignments because everything today is based
22 online. And I know they can go to the library or maybe to
23 McDonald's or something like that, but that's really not
24 conducive to a good education. So can you talk a little
25 bit about any initiatives that you have to extend that

1 service from the schools to the homes?

2 SECRETARY RIVERA: Sure.

3 So the Governor has a group working on broadband
4 initiatives, and our Deputy Secretary of Libraries sits on
5 that committee. And by design, you know, I chose a team
6 that identified our public libraries, because they are the
7 space that probably know better than anyone else the need,
8 the need for broadband and that type of access in our rural
9 communities. And so we have been making some really strong
10 recommendations around how to improve access to those
11 communities, so we are at the table.

12 Secondly, this is one of the things that we have
13 seen as a kind of intended/unintended consequence of our
14 PAsmart grants and some of our other technology grants. We
15 have seen intermediate units and local school districts
16 looking to expand access by everything from providing
17 hotspots to mobile apps that provide students that
18 technology when they're home, and not only after school and
19 on weekends, but we're even seeing some of that expand over
20 the summer as well.

21 So every chance we get, we're looking at tackling
22 the individual divide, and we're a part of the task force
23 for the Governor that is looking at that wholesale.

24 REPRESENTATIVE STRUZZI: Well, thank you for
25 that.

1 And I also want to thank you for the funding for
2 our public libraries. I know that's very important. But I
3 do see an impediment there as well. Because of the way, I
4 guess, the laws are structured, our Indiana Free Library
5 can only provide services to those living in Indiana or
6 White Township, and again, it doesn't help those rural
7 communities. But it's something to keep in mind, so all
8 right.

9 SECRETARY RIVERA: A great conversation to have.

10 REPRESENTATIVE STRUZZI: All right. Thank you.

11 SECRETARY RIVERA: Thank you, sir.

12 REPRESENTATIVE DUNBAR: Thank you,
13 Representative.

14 Next will be Representative Bullock.

15 REPRESENTATIVE BULLOCK: Thank you, Mr. Chairman.
16 Good morning, Mr. Secretary. How are you doing
17 today?

18 SECRETARY RIVERA: I'm great. How are you?

19 REPRESENTATIVE BULLOCK: Great.

20 I have about two sets of questions that I'll ask
21 upfront and then allow you to answer as you feel.

22 The first set of questions is actually a part A
23 and part B, and I'll ask that you actually send in part A
24 so that we can focus on the other parts.

25 Part A would be in reference to your own

1 Department's diversity and your workforce and the efforts
2 you have made to improve diversity throughout all entry
3 levels, through management and executive levels of your
4 Department.

5 And the second part of that question is about the
6 diversity of our teacher workforce. There was a report
7 released in 2018 by the Research for Action that states
8 that of the 155,000-plus public school teachers here in
9 Pennsylvania, only 5.6 percent of our teachers are persons
10 of color, and if you look at men of color, it is a little
11 more than 1 percent. And this is concerning, as we know
12 that many of our students, more than 30 percent of our
13 students, are students of color, and that is probably a
14 percentage that has been increasing since then. And the
15 ratio of students to teachers of color remains one of the
16 largest in our country, the disparate ratio there.

17 And so I would like to know, I have been working
18 with a school called Relay that has been educating a lot of
19 teachers, particularly teachers of color, to work in our
20 schools. What efforts is your Department doing to recruit
21 and retain teachers of color, and what are the things that
22 we can do, like increasing the minimum teacher's salary and
23 other things, to bring those teachers of color to the
24 classroom, as I think it is very important that our
25 students see someone who looks like them but also students

1 who may not be a person of color have interaction with
2 teachers and leaders of color in the classroom as well.

3 My second question, as you know, I'm a big
4 proponent of school nutrition, fought to prohibit and stop
5 school lunch shaming in the Commonwealth. Unfortunately,
6 last year we took some steps back by allowing alternate
7 meals. I have promoted school breakfasts and School
8 Breakfast Week, which I believe is this week, and have
9 worked with you and your Department around other efforts to
10 make sure students are receiving proper nutrition in
11 school. I know that I cannot do 1 + 1 or read anything if
12 my stomach is growling, and many of our students are really
13 experiencing, unfortunately, food insecurity.

14 One of the things that I know is that there are
15 several districts that qualify for the USDA Community
16 Eligibility program. This is a program that allows those
17 districts that reach a certain percentage of students who
18 would be eligible for free or reduced lunch to then apply
19 to the USDA for a district-wide free lunch program for
20 every student and the school district will be reimbursed.

21 Do you know the number of school districts that
22 remain in the Commonwealth -- I know that your Department
23 has been working closely with districts to encourage them
24 to apply. How many districts remain out of the program
25 that do qualify, and if you can tell or quantify, what

1 amount of dollars are we leaving on the table by not
2 applying for this program and providing those free lunches
3 to our students throughout the Commonwealth?

4 SECRETARY RIVERA: So I'll start off with the
5 diversity question and then move on.

6 First, I have to take a moment and commend you.
7 So we have had the conversation on staff diversity for a
8 number of years, and I'll forward you the specific numbers.
9 But we have been discussing this for 5 years in the
10 Department. However, because of your questions, you have
11 made it as a full page in our budget binder, you know, to
12 address it. So you have put it on paper, right?

13 REPRESENTATIVE BULLOCK: I will find it in the
14 budget binder.

15 SECRETARY RIVERA: You can find it in the budget
16 binder.

17 REPRESENTATIVE BULLOCK: Yes.

18 SECRETARY RIVERA: But I'm going to send you our
19 specific numbers as the results. That's improving, but we
20 still have a long way to go.

21 Teacher diversity. You're right; across the
22 Commonwealth, not only are we struggling with our educator
23 diversity percentages and numbers, but we're struggling
24 with the number and the percentage of teachers getting
25 certified, and we have a significant teacher shortage.

1 And, you know, you can't really look to address one without
2 the other as you're looking at our evolving, the evolving
3 need in the workforce.

4 So specifically, we have tackled a number of
5 initiatives over the course of the past year and introduced
6 to our communities, last year I shared that we were
7 tracking, along with the Brashear Academy in Pittsburgh, in
8 looking at their, really tracking along with their success
9 in taking high school students and partnering with the
10 community college and Pitt, you know, to enrich and
11 diversify the teacher pipeline.

12 This year, we introduced in Philadelphia
13 Aspiring to Educate, A2E, which is a program we introduced
14 that allows or that has identified high school students to
15 work through the Community College of Philadelphia and a
16 number of identified 4-year institutions in Philly to
17 become fully certified teachers, and then they're
18 guaranteed jobs in Philadelphia. So this has been 1 year
19 of that program.

20 Now, what's great about the program, one, is
21 we're working to diversify the teacher pipeline. But more
22 importantly, we have a third party that's going to be
23 documenting the process, and using that information, we're
24 going to create a blueprint for any other community in the
25 Commonwealth that wants to replicate, you know, this A2E,

1 or 2+2+2, you know, credit, or, you know, support a
2 remediation program in their own communities. And
3 superintendents and higher ed communities are really
4 excited about this, because once we create this framework,
5 we'll better know how to invest moving forward.

6 We also work with the Woodrow Wilson Foundation,
7 and, you know, through a grant from them, we are creating
8 pathways for educators of color to be certified and find
9 jobs in STEM and computer science areas. So we're seeing
10 an infusion of those candidates going into, being educated
11 and going into schools.

12 But we also realize, programs and funding is half
13 the battle. We're also changing our professional
14 development. We know when we spoke to teachers around,
15 you know, why don't they stay, why are they not choosing
16 prospective teachers, why are they not going in the
17 classroom, salary is number one. And I'm sure this will
18 come up, you know, later on in conversation, which is why
19 when you look at the social service sector, you know,
20 increasing the return on investment for going into these
21 areas is extremely important, and we do that by bringing
22 down, you know, the cost of higher ed.

23 Secondly, the environment that educators are
24 working in. So if you see our teacher professional
25 development, or TPD, line item, this is where we fund

1 professional development for superintendents, which is
2 through our Superintendent Academy, to be better leaders
3 and better coaches in their buildings, principals through
4 the Pennsylvania Inspired Leadership Program, and we have
5 infused cultural competency and inclusion practices in our
6 framework so that we can be better leaders in that space,
7 which will ultimately help to recruit and retain, you know,
8 high quality teachers, but specifically our candidates of
9 color. So it's not only about recruiting them, but it's
10 keeping them in those positions, because they're also
11 leaving at an alarming rate.

12 Food security. I can definitely get to you the
13 number, the specific if you're interested. But about
14 78 percent of districts who qualify are a part of the
15 Community Eligibility program. This is also an opportunity
16 for me to kind of drop a plug for the work that my
17 colleague, Secretary Miller, has been doing in DHS.

18 SNAP is a big aspect and a big supporter in our
19 Community Eligibility program in feeding students in some
20 of our most vulnerable programs. That could impact
21 ultimately how many kids we're able to feed using our
22 Federal funds and how we identify those students. And,
23 you know, unless there are some changes that take place,
24 how it was originally introduced has us concerned.

25 REPRESENTATIVE BULLOCK: Thank you,

1 Mr. Secretary. I look forward to working with you and your
2 Department further on some school nutrition issues, and I
3 appreciate also the work you have been doing around teacher
4 diversity.

5 SECRETARY RIVERA: Thank you.

6 REPRESENTATIVE BULLOCK: Thank you, Mr. Chairman.

7 REPRESENTATIVE DUNBAR: Thank you,
8 Representative.

9 Next will be Representative Culver.

10 REPRESENTATIVE CULVER: Over here.

11 SECRETARY RIVERA: Good morning.

12 REPRESENTATIVE CULVER: Good morning, Secretary
13 Rivera. Thank you, Mr. Chairman.

14 I'm a big supporter and strong advocate for early
15 education programs in the Commonwealth, and today I just
16 want to talk a little bit about Early Intervention. Back
17 home, we are experiencing some issues providing the program
18 to kids and finding a shortfall with funding.

19 So in the Governor's budget proposal, there's a
20 total proposal of 325.5 million for Early Intervention, an
21 increase of about \$11 million or 3.5 percent.

22 I know in recent years, Early Intervention
23 programs run by intermediate units have experienced growing
24 numbers of children requiring multiple services. So the
25 question comes, is this what's accounting for the increase

1 for the line item in this program?

2 SECRETARY RIVERA: No. The increase in our line
3 item will provide, will provide services for 2,000
4 additional children and families. So this is for an actual
5 increase in the number of families served.

6 REPRESENTATIVE CULVER: And how did the
7 Department determine the need for the 11 million for the
8 additional 2,000?

9 SECRETARY RIVERA: Yeah. So the recommended
10 additional opportunities is based on a surveying or
11 accounting of what we believe the need is.

12 REPRESENTATIVE CULVER: So in the past, you have
13 shared with the Committee that there is efforts underway to
14 determine a new formula for allocating State Early
15 Intervention funds to intermediate units, school districts,
16 and other regional providers. Can you share an update on
17 that effort and how it's going?

18 SECRETARY RIVERA: The committee continues to
19 meet, intermediate unit directors as well as other
20 advocates and members of our team, and it's expected that
21 later this year, towards, you know, into the summer, we
22 should have some recommendations on the table.

23 REPRESENTATIVE CULVER: So I guess I'm going to
24 ask for a statement and for you to agree or disagree with
25 this statement.

1 So intermediate units, from my understanding, are
2 simply the contractors, but the Department of Education is
3 ultimately responsible for providing these services to
4 children, Early Intervention.

5 SECRETARY RIVERA: That's an interesting
6 question. So I'm processing the wording of the question.

7 So when we look at---

8 REPRESENTATIVE CULVER: So it's the Department of
9 Education's responsibility to make sure that these services
10 are out there, and the IU units are merely contractors to
11 the Department.

12 SECRETARY RIVERA: You can take it that way.
13 Ultimately, the Department of Education is ultimately
14 responsible for providing FAPE to students who are in
15 special needs. So that could ring true for a number of
16 programs, yes.

17 REPRESENTATIVE CULVER: So with that said, can
18 you tell me what the Department is doing to help the IUs
19 work through the funding challenges for providing
20 Early Intervention?

21 SECRETARY RIVERA: So I think, first, with the
22 task force that is working on the per pupil, you know, the
23 costs associated with providing those educational services.

24 Secondly, we have been working with some
25 intermediate units who feel that the scale of economy in

1 terms of their caseload and others might not necessarily be
2 aligned and have worked with them on their recommendations
3 to kind of right-size programs where and how needed.

4 And then, also support their relationship, the
5 partnerships between local school districts, local
6 providers, and intermediate units, to provide a more
7 holistic set of supports. So if the intermediate unit is
8 not offering a program or a service but there's a district
9 that does or a third-party provider, we work with the
10 intermediate units, if it's an official or unofficial
11 contract, around how to solicit those services.

12 REPRESENTATIVE CULVER: Okay.

13 I mean, I would encourage as we go forward to
14 continue working with the IU units. School districts rely
15 heavily on them for the Early Intervention piece of this,
16 and we are identifying children earlier and identifying,
17 you know, multiple needs, hopefully to abate them as they
18 grow older. They wouldn't need the services in the public
19 school system as they age, that we're catching them early
20 and we're making those corrections for the children and
21 building that strong foundation. So I would encourage you
22 to work with them.

23 Thank you.

24 SECRETARY RIVERA: Absolutely. Thank you for the
25 questions.

1 REPRESENTATIVE DUNBAR: Thank you,
2 Representative.

3 I wanted to note that we have been joined by a
4 couple Members that are not on the Appropriations
5 Committee. Representative Gillen and Representative Gleim
6 are both here.

7 Our next questions will come from Representative
8 Kinsey.

9 REPRESENTATIVE KINSEY: Thank you, Mr. Chairman.
10 Good morning again, Secretary, Deputy
11 Secretaries, and Director.

12 Mr. Secretary, I want to go back and focus on
13 school safety. I know that you talked a little bit about
14 it a little bit earlier with regards to my colleagues
15 bringing up questions.

16 I, too, am concerned about the \$45 million that
17 is being reapportioned, or repurposed, I should say. But
18 if you don't mind, I know that the district has, the
19 Department has a Safe2Say program that we have been
20 operating I think for the past year or two. Safe2Say? I
21 think it comes out of your---

22 SECRETARY RIVERA: Safe2Say, that's the Auditor
23 General's program. Yep.

24 REPRESENTATIVE KINSEY: Do you work with the
25 Auditor General on that?

1 SECRETARY RIVERA: We do work with the Auditor
2 General on the identified cases---

3 REPRESENTATIVE KINSEY: Attorney General. I'm
4 sorry.

5 SECRETARY RIVERA: Attorney General. Attorney
6 General.

7 REPRESENTATIVE KINSEY: Right; right. Thanks.

8 SECRETARY RIVERA: Excuse me. Yes, Attorney
9 General, for the record.

10 REPRESENTATIVE KINSEY: Right.

11 SECRETARY RIVERA: ---as cases come up.

12 REPRESENTATIVE KINSEY: Sure.

13 SECRETARY RIVERA: You know, we might, but not at
14 an organic wholesale level.

15 REPRESENTATIVE KINSEY: So, Mr. Secretary, let me
16 ask this, though: Since we're talking about school safety,
17 and even though it comes under the Auditor General's
18 purview, do you receive data from the Auditor General? Are
19 you able to review data from the Auditor General, and if
20 so, can you say a little bit about what we're seeing with
21 the Safe2Say program?

22 SECRETARY RIVERA: So, yes, we have received data
23 on the number of, on the number of calls and remediation of
24 the program. And I have to keep saying Attorney General,
25 Attorney General, Attorney General.

1 REPRESENTATIVE KINSEY: Right.

2 SECRETARY RIVERA: But one of the lessons learned
3 in that space and that we're currently working on with the
4 members of his team is the definition of, you know, the
5 occurrences.

6 You know, one of the things that, well, one of
7 the findings, the hotline, the hotline was created to
8 address issues of safety and violence. But again, as with
9 many of the other lessons we learned, many of those calls
10 are coming in around the need for mental health support, so
11 how do we react and respond to the mental health needs of
12 our students and the families who are involved.

13 Secondly, and I hate to get into the nuance of,
14 you know, bullying versus harassment versus, you know, the
15 different safety, but why are we working on those
16 definitions? Because it will allow us to steer resources
17 and response much more accurately.

18 So, you know, one of the things that our team has
19 been doing in that space, and with other stakeholders, is
20 just coming together and creating common language---

21 REPRESENTATIVE KINSEY: Right.

22 SECRETARY RIVERA: ---around the findings and the
23 service, but we do share and collect data.

24 REPRESENTATIVE KINSEY: I appreciate you sharing
25 that.

1 Mr. Secretary, one of the things we have talked
2 about in the past, in fact, I know many of us in this room
3 on both sides of the aisle have legislation as it relates
4 to bullying, and what we're seeing is that, we're seeing an
5 increase of incidents of bullying. And again, I know the
6 legislation that we have, it's not up to you, it's up to us
7 as a General Assembly to hopefully act upon it, especially
8 since it's bipartisan legislation.

9 So as we sort of, I don't want to say as we sit,
10 but as we continue to try to move forward to try to address
11 that, in your opinion, in your professional opinion, are
12 there enough resources that you have that we are giving you
13 to actually address and combat bullying?

14 SECRETARY RIVERA: Yeah. You know, and being
15 honest, Representative Kinsey, not only do we not have the
16 amount of resources needed and, you know, kind of
17 appropriate those instances to the right places, but
18 there's a need in schools as well. Even when we call a
19 school because there's a report and we work through the
20 iterations of how to better provide that system of support
21 to families and to that student, it's creating a real need
22 at the school level.

23 You know, I mentioned that at one point in time,
24 but it's a real, it's a real reality we're living in now.
25 When I meet with industry partners, they're upset because

1 our counselors aren't spending enough time on job training.
2 When I meet with health professionals, they're upset with
3 us because our counselors aren't spending enough time on
4 health and wellness. When we meet with mental health
5 service providers, they're upset because our counselors are
6 not spending enough time on mental health issues, and that
7 doesn't even get into core selection and the real, you
8 know, kind of vocation of what counselors used to do.

9 And so as we're engaging with schools and
10 communities around the need to address some of these
11 issues, and I know when we look at Safe2Say, for example,
12 you know, 40,000 referrals, 40,000 hits. And as we work
13 with them and schools call us, like, what do we do in
14 response, we don't have personnel that engage specifically
15 in that area. We provide professional development.

16 REPRESENTATIVE KINSEY: Sure.

17 SECRETARY RIVERA: But schools don't have the
18 personnel sometimes to, you know, engage in all of those
19 instances and those cases.

20 Now, the Governor is proposing and we're working
21 with our partners and stakeholders to create a certificate
22 for school social workers to try to get, you know, social
23 workers that are trained and school supports in place, but
24 that's just, you know, one, you know, one remediation, one
25 instance of what we have to do.

1 REPRESENTATIVE KINSEY: Sure.

2 I appreciate that, Mr. Secretary. My time is up,
3 but I just hope that what you shared is echoing throughout
4 the Chambers, that as we see bullying incidents, bullying
5 increase and that, we really take an action, a serious
6 action, to work with you and try to address it.

7 Thank you, Mr. Secretary. Thank you, Mr. Chair.

8 SECRETARY RIVERA: Thank you, sir.

9 REPRESENTATIVE DUNBAR: Thank you,
10 Representative.

11 Next will be Representative Greiner.

12 REPRESENTATIVE GREINER: Thank you, Mr. Chairman.

13 Good morning, Secretary Rivera---

14 SECRETARY RIVERA: Good morning.

15 REPRESENTATIVE GREINER: ---and the other
16 Secretaries, Deputy Secretaries.

17 I have the privilege of being in a school in a
18 district where I have a school district, Lampeter-Strasburg
19 School District, that has an outstanding ag education
20 program. And we have a couple of those in Lancaster
21 County, but I will tell you that when I visited their
22 program to learn about what the kids are learning in
23 agriculture, it's pretty impressive.

24 And it kind of segues, we talk about job creation
25 and good-paying jobs. It leads me to, the recent changes

1 to the Public School Code created the Commission for
2 Agricultural Education Excellence and the Commission under
3 the concurrent authority of Agriculture and, of course,
4 Education. And it requires both Departments to provide
5 staff to assist the Commission with its duties, and just a
6 couple questions.

7 What is the status of this commission and the
8 efforts to enhance agriculture education -- I will tell
9 you, I probably should have consulted with LS first, but
10 they should come down and look at their program. It's
11 amazing. Even I was blown away by how impressive it is.
12 But to enhance agriculture education across the
13 Commonwealth. And as I said, especially given the
14 Department's focus, current focus, on workforce development
15 and the next generation of farmers, I mean, the number-one
16 industry in the State, what can we do? Where are we at
17 with that?

18 SECRETARY RIVERA: Sure.

19 So I have been to LS, and every time I see their
20 superintendent, which is often, being, you know, still
21 living in Lancaster County, he reminds me of a few things
22 that I need to consider as we move forward.

23 We have a full person assigned to the work on
24 this commission. But Matt, if I can't make a commission
25 meeting, Deputy Secretary Matt Stem attends practically all

1 the commissions. So I'm not going to steal his thunder on
2 this one. There has been a lot of really positive changes.
3 I'm going to ask him just to kind of share an update.

4 DEPUTY SECRETARY STEM: Sure. And I'll be brief
5 to honor your time.

6 So it has been a pleasure to be a part of the
7 Commission on Agricultural Education Excellence. A couple
8 of things to note.

9 One is, we have actually, there are more approved
10 ag ed programs in the Commonwealth now than there were just
11 a few years ago. Our team has approved all ag ed programs,
12 you know, that have come our way.

13 The second thing to acknowledge is that we have
14 been able, through the Commission, to get some early wins.
15 So one of the things the Commission asked the Department to
16 look into, and it was myself and actually Deputy Secretary
17 Ortega's team, we looked at ways to take some barriers out
18 of the way for certification requirements for teachers that
19 want to teach in ag programs, and that was directly as a
20 result of the Commission pushing the Department to look at
21 our own policies.

22 And then third, I would just say that we have had
23 programs like LS and Penn Manor and others come to
24 commission meetings, share what they are doing, and one of
25 the things we have learned is that agriculture education is

1 a lot more than farming, and the students that are coming
2 through our programs are learning other schools like
3 ag business schools, marketing, and it really is a pathway
4 beyond what folks think of in terms of ag education.

5 So the Commission is running strong. We have
6 committed resources, and we'll continue to partner closely
7 with PDA and those on the Commission.

8 REPRESENTATIVE GREINER: Yeah. You know, and
9 it's funny you talk about that. Penn Manor is not in my
10 district, but I know they have a great program.

11 And what's interesting, at the Farm Show, we even
12 talked about the school that was in North Philly, if I'm
13 not mistaken, it was North Philly, and how the children,
14 the kids, are really -- it has actually helped them in
15 their learning when they end up getting an ag focus. And
16 as you said, it's just not farming. There's small engine
17 repair. There's horticulture. It's just amazing and very
18 impressive.

19 As far as the Commission, do we have an
20 accounting, though, of what staff positions have been
21 funded and filled to date and also what the requirements
22 are of this particular act?

23 DEPUTY SECRETARY STEM: Sure. And we'd be happy
24 to get back to you with some additional details.

25 Right now, we did have a transition with the

1 Executive Director position, so there's an Acting Executive
2 Director that just filled the position of the former
3 Executive Director who had, you know, who had moved on, and
4 a clerical position as well. But PDA does have funding set
5 aside that they run back through the Department, and then
6 we as the Department engage in the hiring.

7 So those are the two positions right now. We
8 recognize that there are other positions that are listed in
9 the statute pending available appropriations. So, you
10 know, we are open to exploring those additional positions,
11 but right now we're working with the funding that PDA makes
12 available through our MOU.

13 REPRESENTATIVE GREINER: Well, I appreciate
14 that. I appreciate you being here today. I do think it's
15 an area where we could get a lot of bang for our buck. I
16 really firmly believe that, so.

17 Thank you, Mr. Chairman.

18 REPRESENTATIVE DUNBAR: Thank you,
19 Representative.

20 I want to note that we have been joined by the
21 Speaker of the House, Mike Turzai.

22 Next will be Representative Sanchez.

23 REPRESENTATIVE SANCHEZ: Thank you, Mr. Chairman.

24 Mr. Secretary, welcome. Welcome to the Deputy
25 Secretaries and team. Thank you for being here.

1 I wanted to circle back just a little bit on the
2 lead issue in the school districts. You probably saw at
3 the end of November -- I'm sure you saw it -- testing
4 revealed excess lead concentrations in more than
5 100 buildings in over 30 Pennsylvania school districts --
6 vocational, technical, and charter schools and other public
7 education buildings. I respectfully submit, this probably
8 also includes, at least down in my area, the PFAS chemical,
9 you know, in eastern Montgomery County. We know there's
10 problems with asbestos and mold as well.

11 I know we talked about the funding for some of
12 this remediation earlier, but I would like to know on a
13 different point, does the Department of Education mandate
14 or track the results of this testing? And as a corollary
15 to that, are steps being taken to make sure that people
16 understand their exposure level to the risk, you know,
17 specifically maybe parents that didn't catch the news
18 articles or, you know, teachers obviously working in the
19 buildings, as you touched on?

20 SECRETARY RIVERA: It is mandated by law to test
21 for lead in the water and, if schools do test, to make that
22 information available on our website. If they don't test,
23 at least a record in the board minutes that they have not
24 tested and an explanation as to why. That's as far as it's
25 pushed by legislation. But I know we're meeting later in

1 the week with some Members of the General Assembly who are
2 interested in having a deeper conversation around what it
3 would take to go a little deeper.

4 I will also share with you that not specific to
5 toxic remediation, but one of the conversations around the
6 PlanCon process was providing feasibility updates around,
7 you know, the infrastructure of school districts and
8 providing the process to do that. Historically, I mean,
9 that is costly.

10 REPRESENTATIVE SANCHEZ: Mm-hmm.

11 SECRETARY RIVERA: So unless you're going to
12 engage in a process, you know, most school districts don't,
13 you know, won't do it. They'll try to tie that in as part
14 of the package and get the service for free. But one of
15 the conversations that we had through the PlanCon
16 Commission and that could be an opportunity is providing
17 feasibility studies through, you know, through the projects
18 as we move forward.

19 So in full transparency, we worked around the
20 periphery of what we can do legally and tried to maximize
21 that. But, you know, just based on the general consensus
22 we're hearing of many Members of the General Assembly, now
23 is the time to have a deeper conversation around
24 formalizing that.

25 REPRESENTATIVE SANCHEZ: And, you know, I speak

1 from a couple of school districts in my area that are
2 undergoing renovations in many of the schools, you know,
3 independent of PlanCon, which is obviously, you know, not
4 funded or underfunded.

5 SECRETARY RIVERA: Yeah.

6 REPRESENTATIVE SANCHEZ: So it would be prudent,
7 you know, if the awareness level was there so that they
8 could build that into the plans of remediation. I mean,
9 there are ambitious plans for water bottle refilling
10 stations, all those kind of good, sustainable stuff.

11 SECRETARY RIVERA: Mm-hmm.

12 REPRESENTATIVE SANCHEZ: But if the water coming
13 out of there, you know, if it would have made sense to put
14 a filter on it before the walls are enclosed and those
15 types of things, it's, you know, a whole different animal.

16 So I would encourage you to keep, you know,
17 within the bounds of the law and pushing for further things
18 for that, for that level of awareness, because I think with
19 the public pressure, even if it's back, you know, on the
20 taxpayers in the district, people might choose clean water
21 above all else, so.

22 Thank you.

23 SECRETARY RIVERA: Thank you, sir.

24 MAJORITY CHAIRMAN SAYLOR: I want to also
25 recognize we have been joined by a non-Member of the

1 Appropriations Committee here to observe today.

2 Carol Hill-Evans is also with us.

3 I also wanted to recognize, I didn't recognize
4 them earlier, but the members of the FFA are here. The
5 students are here. Welcome, and I hope you don't get too
6 bored by our hearings and our questions. But welcome
7 anyway.

8 We'll move on to Representative Wheeland.

9 REPRESENTATIVE WHEELAND: Thank you,
10 Mr. Chairman.

11 And, Mr. Secretary, thank you very much for your
12 time today.

13 In the Governor's budget proposal, he proposed an
14 unfunded mandate on school districts for universal free
15 full-day kindergarten. Now, last year the Governor
16 proposed a study on this subject. Was the study ever
17 commissioned on this unfunded mandate?

18 SECRETARY RIVERA: Yes. The funding was
19 commissioned, and the draft of the report, we have received
20 it.

21 REPRESENTATIVE WHEELAND: And who conducted this
22 study?

23 SECRETARY RIVERA: AIR, the American Institutes
24 for Research.

25 REPRESENTATIVE WHEELAND: Okay. When -- or you

1 say it's in draft form currently right now?

2 SECRETARY RIVERA: It's in progress and being
3 finalized right now. Mm-hmm.

4 REPRESENTATIVE WHEELAND: Any idea on completion,
5 when it will be---

6 SECRETARY RIVERA: Summer. Definitely by the end
7 of this school year---

8 REPRESENTATIVE WHEELAND: Good.

9 SECRETARY RIVERA: ---the final report will be
10 available.

11 REPRESENTATIVE WHEELAND: And it will be
12 available. It will be released to the public?

13 SECRETARY RIVERA: Our intention is to release it
14 to the public, yes.

15 REPRESENTATIVE WHEELAND: Okay. And if that's
16 the case, hopefully we get a copy also?

17 SECRETARY RIVERA: I'll send you over a copy. I
18 promise.

19 REPRESENTATIVE WHEELAND: I would appreciate it
20 very, very much.

21 Do you know if this report or this study that was
22 commissioned, did it allow or does it take into account
23 school districts that don't have the physical plant to
24 expand full day?

25 SECRETARY RIVERA: It was one of the

1 parameters---

2 REPRESENTATIVE WHEELAND: That was part of the
3 report also.

4 SECRETARY RIVERA: It was one of the parameters
5 we included to be -- to be included, yes.

6 REPRESENTATIVE WHEELAND: Do you know if there's
7 going to be any recommendations on how school districts are
8 going to be able to fund this?

9 SECRETARY RIVERA: And when we look at -- when we
10 looked at the Governor's recommendation, the proposal, to
11 mandate full-day K across the Commonwealth, there are a
12 number -- so what he has done, what he's doing, and we'll
13 continue to have the conversation with the General
14 Assembly, is a window. So not a hard set in terms of when
15 it's expected to start, but to provide an opportunity for
16 hardship clauses. So space, accounting, changing
17 populations, all of those can be used as a hardship to not,
18 you know, not have to institute right away. So there will
19 be a window to address all of those issues as part of the
20 Governor's proposal.

21 REPRESENTATIVE WHEELAND: Okay. Thank you very
22 much, Mr. Secretary. I look forward to that report.

23 SECRETARY RIVERA: Absolutely. Thank you, sir.

24 MAJORITY CHAIRMAN SAYLOR: Our next questioner is
25 Representative Schweyer.

1 REPRESENTATIVE SCHWEYER: Thank you,
2 Mr. Chairman.

3 Mr. Secretary, hello. We are no strangers to
4 each other. You spend a tremendous amount of time in the
5 Allentown School District, for which I am very grateful.
6 You have done incredible stuff to try to help our
7 financially strapped school district.

8 In the 5 minutes that we have, I could touch upon
9 a whole host of things. If people want to hear me talk
10 about the building that about a thousand middle school kids
11 go to school in every day that was built in 1871, we can do
12 that. I could talk about the schools in my district and
13 throughout the Allentown School District that have lead
14 paint and asbestos. We can certainly do that. We have no
15 shortage of concerns addressing the third largest school
16 district in the Commonwealth of Pennsylvania, 17,000 kids,
17 roughly 90 percent of whom are children of color, and of
18 those 17,000 kids, most importantly, two of them are mine.

19 But I'm going to take a slightly different tack
20 and talk a little bit and ask some questions about the
21 proposed charter school reform.

22 As you know, the Allentown School District has
23 some of the highest charter school penetration in the
24 entire Commonwealth of Pennsylvania, and of our
25 \$330 million annual budget, over \$60 million of which is

1 sent out to charter schools in terms of tuition and
2 support. Is there any wonder that we're constantly facing
3 a double-digit annual deficit.

4 However, the Administration has proposed some
5 pretty interesting reforms. I would like you to talk about
6 them. But specifically, Mr. Secretary, if you and your
7 staff can address the fact that there's an understanding
8 that charter schools do not impact all 500 school districts
9 equally. There are some school districts, like mine, that
10 have significant charter school presence and others that
11 don't. How would your Administration's proposals address
12 those districts that are higher impacted by charter
13 schools?

14 SECRETARY RIVERA: Thank you for the question.

15 Over the course of the past 5 years, we have had
16 many conversations around charter schools and charter
17 school reform. And, you know, I think it's always
18 important to start off the conversation with, you know, a
19 reminder that public charter schools are public schools
20 and, you know, fall within the confines of School Code and,
21 you know, the expectations we have set.

22 And there was a need and there continues to be a
23 space for charter public schools. However, many of the
24 recommendations we are making are a result of a really
25 outdated and old charter school law. So it's really

1 looking to right-size and learn from the lessons that we
2 have learned over the course of the past few years.

3 And so there absolutely is a larger proportionate
4 share to some school districts of charter costs than
5 others. Specifically, if you have more kids or more
6 children with special needs attending a charter school,
7 you're going to pay a higher proportionate share than
8 schools or school districts that have a lower percentage.

9 First, you know, one of the biggest
10 recommendations we're making, and probably getting, you
11 know, the most attention, is looking specifically at the
12 special education formula for charter schools. A number of
13 years ago, you know, over 3 years ago, the General Assembly
14 passed the special education formula for all traditional
15 public schools, and we allocate special ed funds based on
16 the level of need per student.

17 At that time, we did not, the General Assembly
18 and the Administration did not institute that same formula
19 for charter schools. So as a result, when you look at, you
20 know, specifically when you look at, you know, a charter
21 school that might be serving a Level 1 student, so a
22 student may be receiving 45 minutes a day, you know, of
23 service a year, and, you know, they're being reimbursed on
24 the average or the same rate of a Level 1 or a Level 3
25 student, which could be \$100,000-plus a year. And the

1 payment from the traditional public school is just that
2 average proportionate share of that, whereas when we
3 reimburse school districts, we look at, with new special
4 education funding, we look at the level of funding, the
5 level of need for that student before we provide that
6 special education reimbursement.

7 The Governor is also proposing a single fee for
8 cyber charter school students. So, you know, currently if
9 you're, you know, a cyber charter school student in, you
10 know, one district that has a lower per-pupil cost, you
11 could be reimbursed for upwards of \$11,000 per child, and
12 in the same cyber charter school, you know, for the same
13 program in another district, you could be reimbursed for
14 \$20,000 per child.

15 And so when we look at specifically some of the
16 recommendations that, you know, the Governor is making
17 there, they have just been recommendations that have not
18 been taken into consideration as we have learned and
19 adapted and adopted new policy for public schools.

20 And, you know, there are some other, you know,
21 proposals that I have asked for; so, for example, the
22 redirect fee to change the system for redirection. Often
23 we find, the Department finds itself in the middle of
24 having to remediate between the billing, the invoices of a
25 charter school and the sending school, and there are cases

1 where we have to put a team in place to review accounting
2 for under a dollar and sometimes it's thousands of dollars.
3 In my opinion, we should set conditions that the charter
4 school and the public school have to work together to
5 remediate and to figure out those invoices and not pull the
6 Department of Ed, who really doesn't have, you know, the
7 personnel to facilitate, you know, just to kind of do that
8 themselves at home.

9 REPRESENTATIVE SCHWEYER: Very good. Thank you,
10 sir.

11 SECRETARY RIVERA: Thank you.

12 MAJORITY CHAIRMAN SAYLOR: Our next questioner is
13 Representative Brown.

14 REPRESENTATIVE BROWN: Thank you, Mr. Chairman.

15 And good morning, Mr. Secretary and Deputy
16 Secretaries.

17 SECRETARY RIVERA: We see each other a number of
18 times in a year.

19 REPRESENTATIVE BROWN: Yes.

20 Good morning. Thank you both, and all of you,
21 for being here this morning.

22 A couple of questions.

23 A couple years ago, as you know, we did the
24 Basic Education Funding Commission, and we have established
25 a new funding formula which has helped many districts, but

1 as you know, we still have some more work to do. So
2 anytime we're looking at dollars and new appropriations, my
3 mindset is always, could we use some of these dollars
4 towards getting us into even a stronger position with that
5 funding formula.

6 The only new education line item that I see
7 requested is a \$7 million appropriation called "Transfer to
8 Empowerment," which would provide funding for assistance to
9 school districts in financial recovery or watch status.

10 So the past several years, the School Code has
11 already allowed the Department to utilize up to \$7 million
12 for undistributed funds or uncommitted funds for this, for
13 grants or subsidies just for this very reason. So what is
14 the need for the additional appropriation?

15 SECRETARY RIVERA: Yeah. Great, great question.

16 When we look at our empowerment, or schools that
17 are deemed eligible for recovery under the empowerment line
18 item, those are schools that meet a certain criteria, you
19 know, set by the General Assembly and the Administration,
20 so there's a process behind those schools. And this is the
21 funding we use to provide systems of support, you know,
22 kind of boots on the ground to help them engage in
23 everything from, you know, level setting accounting to
24 facilitating the report.

25 We used to be able -- we are able to use

1 carryover funds year to year. Over the course of the past
2 5 years, you know, the collective "we," all of us, we have
3 identified more schools in recovery or watch. So we're not
4 as confident as we used to be that we're going to have the
5 funding and carryover, year-to-year carryover, to meet that
6 obligation. So we're just asking to create an
7 appropriation for the empowerment, for an empowerment line
8 item, that will support the schools that the General
9 Assembly and the Administration identify as in need of
10 recovery or watch.

11 REPRESENTATIVE BROWN: Okay. And so with that,
12 according to this year's State accounting system, there is
13 nearly 200 million in unexpended funds from prior PDE
14 budgets that's still available. Can you transfer any of
15 these dollars to the empowerment restricted fund, and if
16 so, you know, the details of that 200 million as well, if
17 you can't transfer that, you know, what are we doing with
18 that 200 million as well, as I dig for further funds, of
19 course.

20 SECRETARY RIVERA: Yeah, of course. And I'll let
21 Danielle kind of -- some of it will go to, you know, some
22 of it was answered with the question we answered earlier in
23 terms of the spreadsheet, but she can share the nuance
24 around transfer.

25 DIRECTOR MARIANO: So again, the \$7 million line

1 item is not a request for additional funds but that it
2 would be a line item rather than the remainder or the
3 carryover, as the Secretary pointed out.

4 Some of that money can be transferred, others
5 cannot. And the balances we have, that we refer to them as
6 "subsidy balances," are typically, I believe, what is
7 permitted to be moved for the purpose of empowerment. And
8 those dollars also go to other needs as well, making
9 adjustments to, you know, various, from audits, paying PRRI
10 schools which must be audited before they are paid. So a
11 lot of it can be a timing issue in terms of available
12 dollars. Those are numbers that frequently change, and
13 depending on when you're looking at them, and as he pointed
14 out, we have discussed the fact that what's waived on the
15 waiver then often is both committed and available balance.

16 REPRESENTATIVE BROWN: But, so there really,
17 there still is 200 million that has not been utilized, and
18 it could change. Like you said, the numbers can change
19 throughout the year depending on when you look at it.

20 DIRECTOR MARIANO: So I think we said that we
21 would provide a more detailed accounting of the balances
22 that exist and the requirements around them. I think that
23 might get to your question.

24 REPRESENTATIVE BROWN: Yeah. That would be very
25 helpful. Thank you. I know it's a big question for the

1 short period of time that we have.

2 And my time is almost up, but I'm going to ask
3 one other question. I know the Deputy Secretaries worked
4 with me on this as far as AEDs, automatic external
5 defibrillators.

6 We do have a current registry that we are
7 supposed to have fulfilled by the school districts as far
8 as who has it and who doesn't. And I know this has been a
9 constant battle, but I know it doesn't appear to be any
10 sort of responsibility to reply from the school districts
11 whether or not they have an AED or they don't on site. Is
12 there any thought or any works on this?

13 SECRETARY RIVERA: Do you want to take this?

14 DEPUTY SECRETARY STEM: Sure.

15 No; thank you for that question. And again, this
16 falls into the same category of keeping kids safe being our
17 top priority.

18 You know, as you have shared with us and we have
19 worked together, that legislation comes from a tragic
20 situation that happened with a student. And so what I can
21 tell you is that our reporting is improving. One of the
22 things that we have made a priority in that division is to
23 improve the reporting from our schools.

24 You are correct in saying that we don't have --
25 there is no penalty provision for a district that doesn't

1 report, but our team has taken it upon themselves to be
2 appropriately aggressive in soliciting those reports from
3 schools. And we would be happy to follow up with you on
4 that, but our reporting is improving.

5 REPRESENTATIVE BROWN: Thank you. And any way
6 that I can help in this effort is something that, it's very
7 important. Thank you so much.

8 DEPUTY SECRETARY STEM: Yeah. Thank you.

9 MAJORITY CHAIRMAN SAYLOR: Our next questioner is
10 Representative Comitta.

11 REPRESENTATIVE COMITTA: Thank you, Mr. Chairman.

12 Good morning, Secretary Rivera and your staff
13 team.

14 I have a question for you about our public
15 libraries. And first I want to thank the Governor and you
16 for the additional funding for our public libraries in last
17 year's budget.

18 And I have a question about where that funding is
19 this year, and I also have a question about funding
20 possibilities for libraries like our schools, where we're
21 having needed repairs, toxic remediation, and so on.

22 So our public libraries, as we know, are great,
23 good places in our communities, and they are often also a
24 lifeline for many people. They provide information needs
25 for economic development and critical programming and

1 resources to meet the education needs not only of our
2 children but of our adults and seniors.

3 So as I said, thank you for the extra funding
4 last year. Could you talk a little bit about why there is
5 not additional funding for public libraries this year, what
6 the Governor and the Department plan to do to help the
7 libraries, public libraries across Pennsylvania this year,
8 and could you talk a little bit about plans for remediation
9 for facilities, these libraries where many of our children
10 spend a lot of time, just like our schools.

11 SECRETARY RIVERA: Mm-hmm.

12 So first, in terms of the increase, this is an
13 opportunity for me to thank you, the General Assembly, for
14 requesting the increase in our line item budget to provide
15 \$5 million more to libraries.

16 This year, the Governor, funding the same as he
17 did last year, did include those additional funds again for
18 another year. So the increase requested by the General
19 Assembly is again included in the Governor's proposal.

20 I don't have a specific answer around -- there's
21 a fund that we provide to libraries for updates, upgrades,
22 and to address, you know, their construction and facility
23 needs. I don't have a one-pager specific to that in my
24 big, thick binder here, but we do review that year to year
25 together and approve that line item. So what I can do,

1 that appropriation, what I can do is make sure to forward
2 you that list of who has received capital funds in our
3 libraries.

4 And, you know, I can also close by sharing, we
5 have really elevated our, you know, our use and our
6 partnership with libraries, not only through the
7 traditional sense. But we have two libraries this year
8 that have partnered with the Department of Labor and
9 Industry to provide CareerLinks in their libraries for
10 community members, and those are partnerships that of
11 course, you know, I want to build upon, because it is an
12 issue, an opportunity, for access for community members.

13 As part of the broadband growth, the libraries
14 have taken a leadership position and a role in that space,
15 especially in our rural communities, and we look for every
16 opportunity to expand their use in that space.

17 And this year, the library, you know,
18 representing the Department of Ed, has been a tremendous
19 significant partner in the Census outreach. Because as we
20 know, this year is going to be the first year the Census is
21 available online, and so in many of those cases, if a
22 community doesn't have access, if a family doesn't have
23 access for connectivity, we're going to, you know, really
24 again highlight our libraries by being that space that
25 community members can go to to be counted, you know, and

1 engaged.

2 And so there's always an opportunity for us to
3 continue to advocate for more resources for our libraries,
4 because each and every year, we make a case and we continue
5 to show how dynamic of partners our librarians are and just
6 the multifaceted systems of support they provide to our
7 communities.

8 Thank you.

9 REPRESENTATIVE COMITTA: Thank you very much.

10 Yeah, the libraries are real partners---

11 SECRETARY RIVERA: They are.

12 REPRESENTATIVE COMITTA: ---with our schools,
13 with our public schools and beyond, and they need to be,
14 all of them need to be ADA accessible, safe, very similar
15 to access for all.

16 So thank you so much for everything that you are
17 doing, and thanks very much, Mr. Secretary.

18 SECRETARY RIVERA: Thank you for all that you do.

19 MAJORITY CHAIRMAN SAYLOR: Representative Topper.

20 REPRESENTATIVE TOPPER: Good morning,

21 Mr. Secretary. Thank you, Mr. Chairman.

22 You had mentioned earlier about our charter
23 reform laws being outdated, and, you know, I couldn't agree
24 more. And I guess the frustrating part of that statement
25 is that, you know, the House, every term that I have been

1 here, has passed significant charter reform, and yet, you
2 know, it's still not law. And as a guy who has been in the
3 negotiating rooms in many of these instances with all of
4 the stakeholder groups, which is incredibly difficult, you
5 know, to pull everybody together and try and get a product
6 that we can get through each body and then signed by the
7 Governor. And then I feel like we are constantly
8 backtracking and going over the same ground time and time
9 and time again, and so it is frustrating.

10 But again, the House has shown that we can
11 actually move this out of the Chamber, and so I think we
12 need a little bit of help from the Administration to see
13 some of this get across the goal line.

14 Now, we have heard for many years now from
15 education groups that charter schools have overidentified
16 or falsely identified special education students, maybe to,
17 you know, up their funding, but I think the Department is
18 responsible for monitoring that. Is that correct, for
19 special education, the identification process?

20 SECRETARY RIVERA: We monitor the process of
21 identification.

22 REPRESENTATIVE TOPPER: Right.

23 SECRETARY RIVERA: And so if there's something
24 egregious, you know, we can flag it. But, you know,
25 there's a lot of nuance in the identification process.

1 REPRESENTATIVE TOPPER: About how many of those
2 egregious -- I mean, how many are flagged? Do we have any
3 kind of numbers in terms of, because I know one of the
4 elements is, you know, trying to shape how we do special
5 education funding, and I just want to make sure that we
6 have our facts straight in terms of the auditing of the
7 charter schools and, you know, how many it has been found
8 that are mishandling those special education identification
9 processes.

10 SECRETARY RIVERA: So what would happen in terms
11 of our process, if it's believed by a parent, a community
12 member, a school district, a charter school, that there's a
13 misidentification of students, we can go in and review
14 their special education folders. If IEPs are lapsed, we
15 can go in and review the IEP, you know, the caseload, to
16 make sure that there aren't expired IEPs.

17 If a family believes they are not receiving free
18 and appropriate education, we can go in and solicit that,
19 that information, and then, you know, make a determination
20 as, you know, as is expected.

21 I think the bigger issue that we identify
22 through this proposal is not necessarily the identification
23 of students but it's the fact that what we worked to
24 address and we're continuing to discuss through the
25 Special Education Commission is that there's a formula for

1 allocation to a Level 1 student versus a Level 3 student,
2 and through the formula, we're just asking that all public
3 charter schools are allocated special education funds
4 through the same formula.

5 So I haven't even tried to address, because I
6 can't justify whether or not there's overidentification,
7 but what we can show numbers around is the---

8 REPRESENTATIVE TOPPER: But that's an important
9 thing to note, because it's something that every room I
10 walk into, and look, I have toured all the -- I have
11 10 public school districts in my district, traditional K
12 through 12.

13 SECRETARY RIVERA: Yeah.

14 REPRESENTATIVE TOPPER: I have gone into charter
15 schools, private schools that are using the EITC and OSTC
16 dollars, and, you know, just making sure that everything
17 we're providing as tax dollars are going to help students.

18 And so I just, I struggle to find sometimes this,
19 you know, the Moby-Dick that's out there about these
20 special education students that are constantly, you know,
21 falsely identified, and I'm just trying to get numbers one
22 way or the other to help us forward.

23 You had said in response to the gentleman from
24 Allentown's question, you had talked about public charters
25 are still public schools.

1 SECRETARY RIVERA: Public charters by School Code
2 are public schools.

3 REPRESENTATIVE TOPPER: Right, they are still
4 public schools. So I want to get to the proposal by the
5 Governor to institute a fee for charter schools when they
6 access departmental services.

7 SECRETARY RIVERA: That's the redirection.

8 REPRESENTATIVE TOPPER: And I guess, do we not
9 have enough staff to adequately -- well, what would be the
10 fee? What would the fee be for? Let's put it that way.

11 SECRETARY RIVERA: And I'll share what a
12 redirection is.

13 Currently, by law, if a school district is
14 default in paying the charter school bill, the charter
15 school submits the bill to PDE, the invoice to PDE. PDE
16 pays the invoice, no questions asked, then pays the
17 invoice, and then the school district has to appeal. It's
18 a long and cumbersome process.

19 We have received invoices for under a dollar, as
20 I shared, and so we have to engage in that same process if
21 it's a dollar or if it's \$10,000. My thought, and I will
22 share with you, the reason I support the fee is not
23 because, one, I would never have enough staff. I mean,
24 literally we pull everyone to kind of do this work. We
25 need a number of more staff folks, and I have always said

1 to this body that I would rather ask for more money for
2 schools than for more money for staff to do clerical work.
3 My intent is not to generate revenue through the fees. My
4 intent is to incentivize better behavior.

5 School districts and charter schools should be
6 figuring this out themselves instead of sending us an
7 invoice that we automatically have to pay and then, you
8 know, assigning someone to be an arbitrator if the district
9 doesn't agree and challenges the fee. And, you know, there
10 are times where this process has gone on years.

11 REPRESENTATIVE TOPPER: Mm-hmm.

12 SECRETARY RIVERA: And it has cost us more than
13 what the actual redirect is. And so, you know, I would
14 love to streamline that process so that the two entities
15 have to work it out and we're not pulling staff and
16 manpower to figure out basic accounting.

17 REPRESENTATIVE TOPPER: All right.

18 And I think, I think part of that cooperation
19 will come together when we stop as policymakers and people
20 who have the bully pulpit stop pitting our educational
21 opportunities against one another.

22 SECRETARY RIVERA: I agree.

23 REPRESENTATIVE TOPPER: I mean, every child is
24 different and every child has the right to have an
25 opportunity for a high-quality education, and we just need

1 to make sure those options are out there.

2 Thank you, Mr. Chairman.

3 SECRETARY RIVERA: Thank you, sir.

4 MAJORITY CHAIRMAN SAYLOR: The next questioner is
5 Representative Flynn.

6 REPRESENTATIVE FLYNN: Thank you, Mr. Chairman.

7 Thank you, Mr. Secretary, for being here today.

8 SECRETARY RIVERA: Good morning.

9 REPRESENTATIVE FLYNN: One of the prior speakers
10 brought up the point and said no one wants to send kids to
11 school with lead and asbestos, but the sad reality is, we
12 are. We're sending them to schools with lead and asbestos.
13 The question is, do we as a body want to invest in the
14 remediation of these schools?

15 There's lead and asbestos in 22 of 28 schools in
16 my school district in Scranton, and given Scranton's
17 already substantial underfunding, how can the district be
18 expected to afford the massive infrastructural investment
19 to abate asbestos and remediate lead without any other
20 State funding?

21 SECRETARY RIVERA: I think the Governor, you
22 know, and the team, the Administration, and, you know, many
23 or most Members of the General Assembly, agree on the need,
24 you know, to provide a system of support to remediate, you
25 know, toxicity in schools.

1 School districts, many school districts as they
2 have reported to us, do not have the funding, do not have
3 the funding immediately available to remediate for lead and
4 asbestos, and as a result, kids are missing school,
5 families are missing school, and in many cases, they could
6 be attending schools that are in need of serious
7 remediation.

8 REPRESENTATIVE FLYNN: So if the Governor's plan
9 isn't adopted, the RACP plan, I know that we have to change
10 rules, and I know as was previous stated, we would have to
11 change rules to do this. I thought that was our job as
12 lawmakers to actually change laws and change rules. Is
13 there any plans, other plans if this RACP isn't adopted?
14 Will the Scranton School District get money without it?

15 SECRETARY RIVERA: So this is the Governor's
16 plan. You know, we're the agency that is responsible for
17 serving as the facilitator and pass-through of the
18 Governor's proposal and the General Assembly's, you know,
19 voted-upon budget, and if the General Assembly doesn't
20 appropriate us funds to send to our districts to remediate,
21 there aren't funds for districts to remediate.

22 REPRESENTATIVE FLYNN: Well, Mr. Secretary, I
23 think we as a body have to step up to the plate here one
24 way or another and make sure that no kids have to go to
25 school where there's lead and asbestos, where their parents

1 have to worry about their safety physically by going to
2 school in these kind of toxic environments. So I hope my
3 compatriots on the other side of the aisle feel the same
4 way.

5 Thank you.

6 SECRETARY RIVERA: Thank you, sir.

7 MAJORITY CHAIRMAN SAYLOR: Representative Fritz.

8 REPRESENTATIVE FRITZ: Thank you, Mr. Chairman.

9 And thank you, Mr. Secretary, for being here
10 today. Pleased to see you.

11 Mr. Secretary, a portion of my district benefits
12 greatly from responsible natural gas development, and the
13 resulting effect has been a growth in wealth for a prior
14 to, somewhat economically depressed area and a large and
15 varying array of family-sustaining jobs, and perhaps most
16 significantly, a very real reversal of brain drain.

17 My district, Mr. Secretary, really is a wonderful
18 example of the benefits realized when we embrace
19 responsible industry. Our schools, especially Susquehanna
20 County career and vo tech, have risen to the challenge in
21 preparing a skilled workforce.

22 With this state in mind, Mr. Secretary, your
23 Department's budget proposes a career and tech ed
24 appropriation of 99 million, and earmarked within that is
25 20 million to be used for the PAsmart initiative. So,

1 Mr. Secretary, could you kindly share with us, reveal to us
2 the focus of the PAsmart initiative. And really what I'm
3 looking for in your response is the tie in with STEM and as
4 well the findings of the Middle Class Task Force that was
5 convened.

6 Thank you.

7 SECRETARY RIVERA: Thank you for that question
8 and the opportunity to share.

9 And as I get to PAsmart, this year, the Governor
10 is proposing a level funding from last year. And I do
11 think it's important for me to remind, you know, I guess
12 everyone and whomever is watching, the General Assembly and
13 the Governor did increase career and technical education
14 funding in '17-18 and '18-19, 10 million; in '18-19 and
15 '19-20, it's 7 million, and so the level funding is with,
16 includes those increases.

17 PAsmart, for us, has actually been a program that
18 has shown some real promise and continued growth in school
19 -- actually, I was going to say in school districts, but it
20 goes well beyond school districts in the Commonwealth. So
21 what we have done through PAsmart is provided grant
22 opportunities for school districts and education partners
23 to grow and to develop programs that really focus on the
24 next-generation workforce.

25 You know, as you mentioned, and I know you know

1 the percentages really well, when we look at our projected
2 workforce by 2025, you know, over 60 percent of
3 Commonwealth residents are going to have to have an
4 industry certificate or a 2-year degree or 4-year degree,
5 and geographically that differs depending on what the
6 workforce needs are. And what we have done through PAsmart
7 and through our STEM and computer science initiatives is we
8 created this space where, you know, external partners,
9 whether it's higher ed partners and a number of community
10 colleges have partnered, our local school district,
11 agencies such as science centers and other community-based
12 organizations, employers, have come together to create
13 partnerships to help train students around the
14 next-generation workforce needs.

15 Where PAsmart really worked is, because it's a
16 local investment through State dollars, it allows local
17 industry leaders and their school districts and higher ed
18 partners to identify what the project, what the specific
19 project is. So, you know, for example, one of the big
20 initiatives we have been pushing as part of this whole
21 portfolio is the Teacher in the Workplace Grant, where
22 teachers are spending 2 weeks in industry, with industry
23 partners, learning exactly what it is that they need to be
24 successful in the workforce, and then they take those
25 lessons back to their classroom to better support teaching

1 and learning.

2 We have partnerships where they are creating
3 virtual options for kids to engage in the local workforce
4 industry needs. So that grant opportunity has kind of
5 created the space for partnerships and additional funding
6 to think outside the box, and as a result, some of those
7 programs have become staple programs to local businesses
8 and their school district partner and others have helped
9 develop new initiatives.

10 REPRESENTATIVE FRITZ: Okay. So thank you,
11 Mr. Secretary.

12 So you mentioned that you, I'm going to use the
13 word "embed" teachers within certain industries. Give us
14 an example of what some of those industries may be.

15 SECRETARY RIVERA: Oh, sure. I can share some
16 that I visited over the course of the past years.
17 Actually, I can share one when I was a superintendent and
18 then progressing.

19 When I was a superintendent, we used to partner
20 with other external partners and send teachers to High
21 Industries. And so they got to see in High Industries,
22 which is a manufacturing and construction, you know,
23 program, and they would work with the different departments
24 within High and then take back those lessons learned to the
25 classroom and integrate some of their high school lessons,

1 you know, to, they were being taught to kids to their
2 specific needs.

3 Last summer, we went to Case New Holland,
4 autonomous tractors, and teachers spent 2 weeks there,
5 everything from their manufacturing lab, to their design,
6 to the lab where they just break things to see how long,
7 you know, the equipment can last and under what conditions.
8 So the teachers spent 2 weeks with the professionals in
9 that space and wrote lessons around how to integrate that
10 learning back in their own classrooms.

11 Up in, you know, Allegheny County, some of our
12 teachers have worked, you know, with industries like Google
13 and beyond and really to better, you know, embed their
14 competencies needed in the workforce to the lessons they're
15 teaching in the classroom.

16 REPRESENTATIVE FRITZ: I'll just quickly mention
17 that in a prior lifetime, I was known as Tractor Jon and
18 sold New Holland tractors, so I liked that last bit there.

19 Thank you, Mr. Chairman, very much. Thank you,
20 Mr. Secretary.

21 SECRETARY RIVERA: Thank you, sir.

22 MAJORITY CHAIRMAN SAYLOR: Representative
23 McCarter.

24 REPRESENTATIVE McCARTER: Thank you very much,
25 Mr. Chairman.

1 And again, thank you, Mr. Secretary, for being
2 here today with your staff to answer questions.

3 And again, I know many of these are, you know,
4 issues that are predicated on the fact that, quite
5 honestly, we don't have enough money to do the job that we
6 need to do, whether it's fixing schools or whether it's
7 many of the other issues that are facing us at the present
8 moment across the State.

9 Let me kind of focus in on two areas, if I can,
10 real quickly here. The first one, I would like to go back
11 to the charter school issue a little bit that was raised
12 just recently by the good gentleman from Butler County.

13 And again, if you can explain, because we just
14 had a lot of testimony on this in the Education Committee
15 dealing with how much reimbursement is going to or how much
16 money is going to the cyber charters across the State
17 compared to what the education costs at the local level.
18 If a local school district or an IU has a program, it seems
19 that they're able to provide a very good cyber education
20 for something between \$5,000 and \$6,000 per student, and
21 yet we know the reimbursement rates that are going to the
22 cyber charters are substantially higher than that, anywhere
23 from roughly 13,000 to as high as well over \$40,000 for
24 special needs students.

25 I need to ask you a couple of different areas.

1 Number one, what is the Department's, and again,
2 this got into a little bit of the conversation before in
3 terms of the review as to how the identification takes
4 place. And what I want to focus on, though, is not just
5 the identification but the accountability that comes at the
6 end, after that money is granted to, let's say, a cyber
7 charter for let's say an extreme special needs student of
8 \$45,000 or more. What is the accountability that the
9 Department has over that expenditure to see if in fact it
10 was actually carried out and what the results were?

11 SECRETARY RIVERA: So, it's a great question.

12 So there is accountability -- so the Department
13 of Education owns the accountability of the process, and I
14 think that's an important distinction, because as I was
15 processing through our role and responsibility and the role
16 and responsibility of the local school district, it's
17 always, you know, a good reminder in that here in
18 Pennsylvania, we're a very proud local control State. And
19 where we own, where we own the process, it's really the
20 process by which making sure the resources are available to
21 students who may have special needs.

22 So in the case of all schools, if a student is
23 identified as having special educational needs, the family
24 engages with the school district in forming the IEP. Now,
25 if that doesn't happen, they report to us, we send a team,

1 and we engage in the process accordingly. However, if
2 there is an IEP in place and the parent is receiving
3 everything that has been identified and they feel that it's
4 appropriate and never complains, we would never know.

5 REPRESENTATIVE McCARTER: How many teams were
6 sent out last year to do investigation of situations like
7 that?

8 SECRETARY RIVERA: We send teams out pretty
9 regularly. I mean, it's probably in the hundreds to a
10 thousand in terms of---

11 REPRESENTATIVE McCARTER: And were they for
12 specifically cyber situations, or---

13 SECRETARY RIVERA: No, probably varied.

14 DEPUTY SECRETARY STEM: Yeah, it's varied.

15 SECRETARY RIVERA: Yeah, it varied.

16 REPRESENTATIVE McCARTER: Numbers? I mean, is
17 there---

18 SECRETARY RIVERA: We can get you those numbers.

19 REPRESENTATIVE McCARTER: Okay. I would
20 appreciate that.

21 SECRETARY RIVERA: Sure.

22 REPRESENTATIVE McCARTER: I would, because, you
23 know, I think when we look at this, and as you said earlier
24 about the designations between a Level 1 and a Level 3, I
25 mean, that's substantial in terms of what happens. And we

1 know that cyber charters for the most part are looking at
2 94 percent of the students identified in their programs are
3 Level 1. They are not up to Level 3. It's a very small
4 number. And yet, still we see designations again of higher
5 amounts of money going there with a really small amount of
6 accountability. I think that would be fair to say.

7 And we would like to make sure that, and again,
8 with this expenditure of money, and we know that the
9 Governor has proposed a means by which to try to scale this
10 back, if I understand correctly, to about \$9600 of
11 reimbursement? Is that correct?

12 SECRETARY RIVERA: So what the Governor is
13 recommending is that we go with a flat State fee of
14 \$9500---

15 REPRESENTATIVE McCARTER: 95.

16 SECRETARY RIVERA: ---for a regular education
17 student and then a line item increase. So you would take
18 that dollar amount, and if it's a special need Level 1, an
19 increase; Level 2, an increase; Level 3, an increase above
20 that.

21 REPRESENTATIVE McCARTER: Okay. I think, again,
22 that's a step in the right direction to make sure that we
23 can right some of this and be able to fund adequately
24 students in all our schools in a way that I think would be
25 more beneficial.

1 Thank you very much, Mr. Chairman, and thank you,
2 Mr. Secretary.

3 SECRETARY RIVERA: Thank you, sir.

4 DEPUTY SECRETARY STEM: And, Representative, if I
5 could just add also for the record.

6 So the accountability for students with IEPs in
7 charter schools is much the same as it is in, you know,
8 non-charter public schools. And again, just to reiterate,
9 it's more about the funding and the way those students are
10 funded than particularly the accountability system.

11 What our team in special ed does through cyclical
12 monitoring mirrors in charter schools what's happening in
13 non-charter schools. I just want to make sure everyone is
14 clear on that. But we would focus our energies on more or
15 less how we're funding in those different levels.

16 REPRESENTATIVE McCARTER: Thanks for that
17 distinction.

18 Thank you.

19 MAJORITY CHAIRMAN SAYLOR: Just to note, we'll do
20 one more questioner, and then we're going to break for
21 lunch and come back at 1 o'clock.

22 Our next questioner and last one for this session
23 is Representative Marcia Hahn.

24 REPRESENTATIVE HAHN: Thank you, Chairman.

25 Good morning, Secretary. Over here. Good to see

1 you again.

2 SECRETARY RIVERA: Good seeing you.

3 REPRESENTATIVE HAHN: I'm hoping you can give me
4 a little clarity and understanding about funds that come in
5 I think from the Federal Government, the IDEA funds for
6 disabilities. So can you tell me, how much do we receive,
7 or do you receive in those funds?

8 SECRETARY RIVERA: I'm going to defer that to our
9 expert, Deputy Secretary Stem, but we can definitely pull
10 the, if you bear with us, we can pull those numbers for
11 you.

12 REPRESENTATIVE HAHN: And while you're looking
13 for that, because I'm on the clock here---

14 SECRETARY RIVERA: Yes; I'm sorry.

15 REPRESENTATIVE HAHN: ---I'm just going to ask my
16 next question.

17 It's my understanding that the State is not
18 required to report how those funds are used, so is that
19 correct?

20 SECRETARY RIVERA: There's specific use for those
21 funds. You can't use them for anything, but you have to
22 use them for FAPE, which is free and appropriate education
23 for students who have special needs.

24 REPRESENTATIVE HAHN: So you look to see how
25 they're spent. You know where that money is going.

1 SECRETARY RIVERA: Oh, yes. Yes.

2 REPRESENTATIVE HAHN: Okay.

3 SECRETARY RIVERA: In aggregate.

4 DIRECTOR MARIANO: So does the Federal
5 Government.

6 SECRETARY RIVERA: Yeah, and so does the Federal
7 Government.

8 DEPUTY SECRETARY STEM: Yeah; right. That's what
9 we were just going to add.

10 So two things. Let me give you the numbers. For
11 2018-19, our IDEA Part B funds were 446,896,000 and change.
12 In 2019-20, our IDEA Part B funding was 449,731,000 and
13 change.

14 And as the Secretary shared, there are -- I might
15 get this wrong -- 18 or 19 categories that we track and we
16 have to report out through our annual OSEP reporting to the
17 Federal Government. And we are happy just to put a little
18 plug in for our team at the Department. We are the only
19 large State in the nation to have fully, you know, passed
20 our OSEP reporting 9 out of the last 10 years, I believe.

21 REPRESENTATIVE HAHN: Okay.

22 So I understand there's something called
23 technical assistant consultants that are through the IUs,
24 correct?

25 DEPUTY SECRETARY STEM: That's correct.

1 REPRESENTATIVE HAHN: Which are funded with this
2 fund. Is that---

3 DEPUTY SECRETARY STEM: That's correct. There is
4 five FTEs in each of the IUs that are funded as part of the
5 set-aside from IDEA Part B.

6 REPRESENTATIVE HAHN: Okay. And then there's
7 something else, and I'm not sure if I'm going to say it
8 right. It's either PaTTAN or PaTTAN funding---

9 DEPUTY SECRETARY STEM: Yes. That's correct.

10 REPRESENTATIVE HAHN: ---that only goes to three
11 IUs.

12 DEPUTY SECRETARY STEM: Those are -- that's
13 right. So those, the three PaTTANs, run through three IUs.
14 That's correct. And they're the technical assistant---

15 REPRESENTATIVE HAHN: For like 138, about
16 138 employees, I think, in those three IUs. And then what,
17 do they help the other IUs? Are they helping the school
18 districts? Like, I am confused why there are two different
19 levels of IU funding or where that money is going.

20 DEPUTY SECRETARY STEM: No, that's a great
21 question.

22 So we have three PaTTANs, and I'll do this
23 quickly for you. There's one in the Pittsburgh region, one
24 here in Harrisburg, and one that's located in Malvern. And
25 what they do is, and this went in place, it predated our

1 Administration, but it was a system that was put in place
2 to put in play really specific technical assistance and
3 training to all schools in those regions. So Malvern
4 handles the entire east region, Harrisburg handles central,
5 and Pittsburgh handles the west.

6 And so you're talking about really specialized
7 training, training for our IUs and also training directly
8 to school districts free of charge, and it falls within our
9 responsibilities under IDEA to provide that support.

10 REPRESENTATIVE HAHN: Well, can the school
11 districts apply directly for that funding without going
12 through these three PaTTAN systems, the three schools?

13 DEPUTY SECRETARY STEM: You mean could schools
14 directly get funding that goes to the PaTTAN, to the
15 technical assistance that way?

16 REPRESENTATIVE HAHN: Yeah.

17 DEPUTY SECRETARY STEM: I would have to follow up
18 with you on that, because there are Federal requirements
19 around technical assistance. So we would have to get back
20 to you with a specific answer on how that funding would
21 work. There's the TaC funding and also the PaTTAN funding,
22 which are two different, two different sets of funding.

23 REPRESENTATIVE HAHN: So -- okay. I guess I'm
24 just not clear on, you know, if the school districts can
25 apply themselves, which I had heard they could. Because

1 this is new to me.

2 DEPUTY SECRETARY STEM: Sure; sure.

3 REPRESENTATIVE HAHN: I never heard of this
4 program before, so I'm just trying to understand if the
5 school districts can apply themselves why they have to go
6 through the other system. And I was just wondering if you
7 had any correspondence that you had sent out to the schools
8 to tell them how to apply for that.

9 DEPUTY SECRETARY STEM: That's not, in my 5 years
10 at the Department, that's not something that has been
11 raised as an issue or even a question that we have
12 responded to. So that's why I would have to do -- we would
13 have to get back with the team and then---

14 REPRESENTATIVE HAHN: If you could, I would
15 appreciate that.

16 And I think the other thing is then, you know,
17 what -- so this money comes in every year, so if you're
18 training staff, I mean, that seems like a lot of money that
19 keeps going for training staff that's going out to train
20 others. I guess I'm just a little not clear on how that's
21 being used, and I just want to make sure we're getting the
22 best bang for our dollar there, so.

23 DEPUTY SECRETARY STEM: Sure; sure.

24 REPRESENTATIVE HAHN: Thank you, and thank you,
25 Mr. Chairman.

1 MAJORITY CHAIRMAN SAYLOR: With that, we'll
2 recess this hearing until 1 o'clock.

3 SECRETARY RIVERA: Thank you, sir.

4

5 (A lunch break was taken.)

6

7 MAJORITY CHAIRMAN SAYLOR: I'm reconvening the
8 Appropriations Committee hearing.

9 And since you're still under oath, we won't swear
10 you in again. But we'll start this line of questioning
11 this afternoon with Representative James.

12 REPRESENTATIVE JAMES: Thank you, Mr. Chairman.
13 Gentlemen and ladies, I'm over here to your
14 right.

15 My name is Lee James. I reside in Venango County
16 in western PA, and today I would like to talk a little bit
17 about or ask a couple of questions about the cost of
18 transportation for our children.

19 Now, my district alone has about 785 square
20 miles, so it's more than a couple blocks walk for my kids
21 to get to school. This is a very important issue for all
22 my school districts.

23 I see that the request this year is for
24 549 million for pupil transportation, and as I understand
25 it, that's the same amount that has been asked for the

1 last 6 years. Ordinarily, that wouldn't be a problem.
2 However, it has come to our attention that as we approach
3 the end of the fiscal year, there is often overspending in
4 this area.

5 I have heard one person estimate that it might be
6 as much as 100 million, but according to the Status of
7 Appropriations report, which is through January 31st of this
8 year, 538 million has already been spent. That only leaves
9 about 11 million to cover the last 3 months. Can you
10 explain the rather significant difference for us, please?

11 SECRETARY RIVERA: The pupil transportation
12 funding line item is, you know, it's a pretty, I was going
13 to say interesting line item in the sense that we
14 appropriate it, that we distribute it out to schools as we
15 receive that line item.

16 So just as a quick point of clarification, we
17 can't overspend on that line item, but what we do is we
18 would take the current appropriation and pay whatever
19 outstanding invoices exist first and then shift funding
20 subsequently to school districts.

21 So school districts are always made whole, but we
22 allocate those funds as we receive them. So the current,
23 the appropriation that we're asking that you approve, may
24 go to cover some of the existing expenditures, and then we
25 move forward.

1 So they are made whole, but it could cause a
2 cash-flow issue. But we never overspend on that line
3 item.

4 REPRESENTATIVE JAMES: Is there a reason then
5 that the Department has not required or requested a larger
6 amount of money since you know that it will be overspent?

7 SECRETARY RIVERA: To date, we have been able, we
8 have always been able to cover the outstanding expenditures
9 with the new balance. So we have always been able to make
10 school districts whole.

11 This year should be the same. We should be able
12 to make them whole. However, I can share with you, as we
13 go into next year, that might be the first year we report
14 that we will not be able to make school districts whole on
15 the year-to-year transaction.

16 REPRESENTATIVE JAMES: And just for the record,
17 if I'm the superintendent of X School District and I run
18 out of funds for transportation, say at the end of March,
19 am I expected to dip into my usual appropriations to cover
20 that until I hear from your Department in 6 months? Is
21 that how that works?

22 SECRETARY RIVERA: You could, until it's
23 processed, and then you are reimbursed for the invoice.
24 You might. You could.

25 REPRESENTATIVE JAMES: Okay.

1 I guess for a year or maybe even two I can
2 understand that, but if we've been doing this for 6 years,
3 I guess my counsel would be to maybe revisit that number
4 and come back to us, please, with something a little bit
5 more realistic that we can deal with. I would appreciate
6 that.

7 Thank you, Mr. Chairman.

8 SECRETARY RIVERA: Thank you, Representative.

9 MAJORITY CHAIRMAN SAYLOR: Mr. Secretary, as
10 Appropriations Chairman, how much are you looking to roll
11 into this fiscal year, carrying it over into next fiscal
12 year, of transportation funding?

13 What I'm concerned about, to follow up
14 Representative James's question is, that all of a sudden we
15 get hit in the General Assembly with a large appropriation
16 increase in one year, which creates a headache for all of
17 us here. So what is the amount that you project that you
18 will have to take out of the allocation for transportation
19 in the '20-21 budget to cover the '19-20 budget?

20 SECRETARY RIVERA: The current projected
21 shortfall we're looking at is 157 million.

22 MAJORITY CHAIRMAN SAYLOR: \$157 million.

23 SECRETARY RIVERA: If we're going to make
24 everything whole.

25 MAJORITY CHAIRMAN SAYLOR: Wow. And you haven't

1 asked for that amount of money in this year's budget?

2 SECRETARY RIVERA: We have been managing it at
3 the Department procedurally. But I know there have been
4 conversations that take place between the Administration
5 and the General Assembly, so we have been doing our due
6 diligence to make sure that school districts receive those
7 funds as quickly as possible.

8 MAJORITY CHAIRMAN SAYLOR: That's a lot of money.

9 All righty. We'll move to the next questioner.

10 Representative Gainey.

11 REPRESENTATIVE GAINEY: Hello. How are you doing
12 today?

13 SECRETARY RIVERA: Good. Good morning.

14 REPRESENTATIVE GAINEY: First of all, I just
15 wanted to say thank you. I think your leadership in
16 creating a partnership between the Wilkinsburg School
17 District and Pittsburgh Public Schools has worked out
18 tremendously for two reasons: one, every year we have been
19 able to see an increase in the GPA of the students that
20 came from Wilkinsburg, and overall, the whole Wilkinsburg
21 and PPS schools, Pittsburgh Public Schools, to see that
22 increase is fantastic; and two, to show how our children
23 come together. They won a city championship this year,
24 which I thought was phenomenal. What, in less than 5 years
25 they put together a championship-winning team.

1 I want to thank you for also agreeing to meet
2 with Wilkinsburg School District. They are being hampered
3 by their charter school costs. I mean, it's hampering
4 them. I mean, you know they have already had financial
5 issues. They worked their way out of that. But right now,
6 I think that they really need a conversation with you to
7 talk about the reform that you guys want to do.

8 So I really asked all my questions, but I just
9 wanted to personally say thank you, and I look forward to
10 having a further discussion.

11 SECRETARY RIVERA: And, Representative, if I
12 could, this is an opportunity to also thank you and the
13 Members of the General Assembly. Through the conversation
14 between Wilkinsburg and Westinghouse, it presented another
15 model we can use for school districts that just couldn't
16 afford, you know, to run a full program. And so the
17 tuitioning-out model has now been a model that is looked at
18 by other school districts in lieu of merger or, you know,
19 looking at the dissolution of schools.

20 So in allowing for this opportunity, one, we
21 provided students more options, and as you said, a more
22 enriched experience for those students. So thank you for
23 championing that cause.

24 REPRESENTATIVE GAINEY: I appreciate it. Thank
25 you.

1 MAJORITY CHAIRMAN SAYLOR: Representative
2 Lawrence.

3 REPRESENTATIVE LAWRENCE: Thank you,
4 Mr. Chairman.

5 And, Mr. Secretary, thank you for being here
6 today.

7 I had the opportunity to speak with several of my
8 school superintendents in my own district in the last week,
9 and of the many concerns they shared with me, I just want
10 to ask about two in particular: special education and
11 school safety.

12 So first, as you know, special education costs
13 continue to escalate for our school districts. Federal law
14 places mandates on school districts, and Federal funding
15 has never kept up with those mandates. The Federal
16 Government promised to fund 40 percent of the costs
17 associated with their special education mandates, and they
18 have never come remotely close to that number.

19 So, Mr. Secretary, I would like to ask, what
20 conversations have you or the Governor had with Federal
21 stakeholders on this subject in the recent past? How are
22 you advocating for more special education funding from our
23 partners in the Federal Government?

24 SECRETARY RIVERA: Thank you, Representative.

25 So first and foremost, you're right. In terms of

1 the obligation of the Federal Government to meet that
2 40-percent threshold, as was originally intended, has not
3 been met. As a matter of fact, not only have we been
4 advocating on behalf of additional funding here at the
5 State level, but as a part of a larger consortium at the
6 national level through the Council of Chief State School
7 Officers. It's one of the areas that we have asked for
8 additional appropriation and fair appropriation for
9 students who are some of our most vulnerable learners. So
10 we are advocating to that end.

11 At the same time, we know that, you know, the
12 identification of special needs students continues to grow,
13 because through science and neuroscience, around those
14 areas, we're able to identify the needs of students on the
15 spectrum with a much more pinpoint accuracy than ever
16 before. So those are costs that, you know, continue to
17 grow and be associated, but they are costs that at least
18 are directed in the right path, because we can better
19 diagnose what students need to learn and to grow.

20 REPRESENTATIVE LAWRENCE: Thank you.

21 With regard to school safety, I have to say I was
22 a little surprised to hear your response to Representative
23 Struzzi's question in the first session. He asked why the
24 Governor had proposed reducing school safety grants by
25 \$45 million, and you said, I have no idea and I am not

1 involved in these conversations. So I just wanted to give
2 you the opportunity to clarify. Did I hear you correctly
3 on that?

4 SECRETARY RIVERA: Sure.

5 So there was context. The reduction in that
6 school safety line item was in PCCD's budget, the
7 Pennsylvania Commission on Crime and Delinquency, and we do
8 not oversee that specific budget or that specific line
9 item.

10 So I was not, because it's another agency, I
11 would normally not get involved in the decisions that are
12 made with other agencies, for other agencies, and what the
13 intent of those decisions were. So I was not---

14 REPRESENTATIVE LAWRENCE: But as the top
15 education official in this State, I would think you would
16 be intimately involved in conversations at the highest
17 level surrounding these school safety grants.

18 SECRETARY RIVERA: We are involved in
19 conversations around programmatic decisions that are made,
20 but as it relates to specific line item budgets -- in
21 Education, I get to, you know, I have the great
22 distinction, or sometimes burden, of having a partnership
23 and influence in almost every agency in the Commonwealth.
24 Almost everyone you can think of has an education
25 relationship or an education arm. And I don't, you know,

1 I don't influence, you know, their line items or, you know,
2 how much more they receive or how much less they receive
3 year to year.

4 REPRESENTATIVE LAWRENCE: So, and I respect that,
5 but this issue of school safety is top of mind for at least
6 my superintendents and many parents who have called me, my
7 own children.

8 Again, you mentioned to Representative Struzzi,
9 you said, I didn't ask. That's what you said, I didn't ask
10 about the Governor's proposed changes to the school safety
11 grant program. Again, I want to give you the opportunity
12 to clarify these comments. Are you really saying you
13 didn't ask the Governor about the school safety grant
14 program? You didn't advocate for the funding, for more
15 funding?

16 SECRETARY RIVERA: So as I remember our
17 conversation, our exchange, I shared that I can't speak
18 specifically to their recommendations and ultimately the
19 programming that PCCD is going to offer. However, I did
20 share specifically that through the Department of
21 Education, we have identified a number of specific needs
22 around school safety, the biggest and the largest of which
23 were mental health services and the need for continued
24 mental health services.

25 And then I can reiterate again, but then I went

1 through a number of programs that we offer and we develop
2 and we partner with school districts through PDE to better
3 support students across the Commonwealth.

4 REPRESENTATIVE LAWRENCE: Yeah, and that is very
5 admirable, and I commend you for it. But again I come back
6 to, you really didn't ask the Governor about this, these
7 safety grants?

8 SECRETARY RIVERA: Each and every agency has
9 their own budget.

10 REPRESENTATIVE LAWRENCE: I'm asking about you.
11 Did you ask the Governor about it?

12 SECRETARY RIVERA: I don't speak specifically to
13 the Governor about anyone's, any other agency's budget.

14 REPRESENTATIVE LAWRENCE: I think that's
15 remarkable on this issue. I really do. Honestly, it
16 really concerns me.

17 My time is up, but I would like to follow up on
18 this with you.

19 Thank you, Mr. Chairman.

20 MAJORITY CHAIRMAN SAYLOR: Our next questioner is
21 Representative Krueger.

22 REPRESENTATIVE KRUEGER: Thank you, Mr. Chairman.

23 Thank you, Mr. Secretary, so much for joining us
24 here today.

25 During budget hearings, as a Member of the

1 Appropriations Committee, I reach out to the folks that I
2 serve and ask them what issues are top of mind for them,
3 and in preparing for today, the issues I heard from my
4 folks about were investing in early childhood education,
5 making sure that we're able to pay those instructors a fair
6 wage, and a number of emails about charter school reform
7 proposals. And I know most of those things have already
8 been asked by my colleagues. I just want to underscore the
9 importance to the folks that I serve in Delaware County on
10 those issues.

11 I want to talk about the State's progress towards
12 the Every Student Succeeds State plan. I know that this is
13 an area where the Department has been providing technical
14 assistance for the past 2 years, particularly for schools
15 that have had academic and student success challenges over
16 a 2-year period.

17 Now, going over the list of who is receiving
18 support, I identified one school in my school who is
19 designated for additional targeted support and improvement
20 because of below average graduation rates for students
21 receiving special education services. Can you tell us,
22 over the 2 years that this program has been in place, what
23 kind of support are schools, like the one in my district,
24 receiving from the Department?

25 SECRETARY RIVERA: That's a great question.

1 Under ESSA, we have the designation of CSI, which
2 is the comprehensive support, A-TSI, and TSI, which serves
3 as the early warning system. Historically, when we look at
4 specifically the levels or the types of support offered to
5 schools that fall within those designations, we know that
6 resources are extremely finite, and how we leverage those
7 resources is extremely important. So we took a different
8 tack in terms of how we go into a school district and
9 provide technical support.

10 One of the areas that we invested in that's
11 available to all schools, but specifically for the subset
12 of schools that you mentioned, is the Evidence Resource
13 Center. So we have facilitators regionally across the
14 Commonwealth that help support schools with their school
15 improvement planning and their comprehensive plans. What
16 we have done is we have started to identify some of those
17 best-practice strategies and we made them available through
18 an online tool that schools and their school teams can have
19 access to to better enrich and support their plans moving
20 forward. So I'll give you one specific example.

21 If you have a school that has been identified in
22 need of or being on that list because of their graduation
23 rate in a specific student group, they can go on to the
24 Evidence Resource Center, look at strategies by grade group
25 and then the specific need, and then not only will we

1 identify research-proven strategies but schools that are
2 employing those strategies along with contact information.

3 So part of what we have done, you know, in
4 addition to training schools and providing development for
5 schools, we are creating this network so that a school that
6 might not be receiving that specific CSI type of training
7 can reach out to one of their partners who is employing
8 that strategy to, you know, kind of build the relationship
9 to get that support.

10 Because, you know, one of the things we realized,
11 and its lessons learned over many years of school
12 leadership, there are some really good intervention type of
13 strategies out there. However, either because of lack of
14 capacity or an understanding of the strategy, many folks,
15 you know, either don't or can't implement with fidelity.
16 So by putting the Evidence Research Center forward, not
17 only will we identify the strategy for you, share with you
18 the research and the intended audience, but a partner that
19 you can identify to employ that strategy accordingly.

20 REPRESENTATIVE KRUEGER: And over the 2 years of
21 this program, can you give us any metrics, outcomes, so
22 far? Have schools gotten themselves off the list, or do
23 they have the full 4-year period to do that?

24 SECRETARY RIVERA: So ESSA is 2 years old, but
25 the CSI, A-TSI, and TSI list isn't as old as the law.

1 REPRESENTATIVE KRUEGER: Okay.

2 SECRETARY RIVERA: So we have really just started
3 to employ some of those strategies. But I can share with
4 you, so each of the school improvement facilitators, they
5 meet, and then quarterly, one of the groups meets with me.
6 And, you know, some of the evidence that I have seen, so
7 I met with a school district during my last kind of
8 check-in with them, and some of the strategies employed by
9 that school district aligned exactly with what we were
10 looking to accomplish, and that specific school district
11 showed diagnostic data that showed really good, strong,
12 continuous improvement. They specifically were focusing on
13 literacy, and literacy with their higher free and reduced
14 lunch population, and what they were doing in terms of how
15 they were tracking along with success, it was very
16 promising.

17 REPRESENTATIVE KRUEGER: That's great.

18 And just one other point I want to make on the
19 record. I'm pleased to see the Governor talking about
20 addressing the statewide lead and asbestos issues. As
21 members of the PlanCon Commission, you and I together
22 traveled to schools across the Commonwealth. I'll never
23 forget a school in Philadelphia where we were not allowed
24 onto the third floor because of asbestos in that section of
25 the building.

1 This is something we have to do. I believe our
2 students have a constitutional right to go to school in a
3 building that is safe and not going to cause their health
4 harm. I believe the same thing is true of our teachers,
5 and I hope we fight for this every step of the way.

6 Thank you, Mr. Secretary.

7 SECRETARY RIVERA: I appreciate you participating
8 and bringing that up and advocating. Thank you.

9 MAJORITY CHAIRMAN SAYLOR: Our next questioner is
10 Representative Seth Grove.

11 And before he starts -- I apologize -- I wanted
12 to recognize that Representative Isaacson is here as well.

13 REPRESENTATIVE GROVE: Thank you, Mr. Chairman.

14 Good afternoon. How are you?

15 SECRETARY RIVERA: Good. How are you?

16 REPRESENTATIVE GROVE: If your child came home
17 with a 37-percent final grade, what would you do?

18 SECRETARY RIVERA: I would ask what percentage of
19 his total score is that first, and then he and I would have
20 a long conversation.

21 REPRESENTATIVE GROVE: A long conversation.

22 So you would probably call the school, call his
23 teachers, figure out what went wrong, how we can improve
24 it, and have those discussions, right?

25 SECRETARY RIVERA: Well, I have a 16-year-old.

1 REPRESENTATIVE GROVE: Mm-hmm.

2 SECRETARY RIVERA: So first I would ask him, what
3 did he do.

4 REPRESENTATIVE GROVE: What did he do.

5 SECRETARY RIVERA: But then ultimately I'd get
6 there, yes.

7 REPRESENTATIVE GROVE: All right.

8 I bring that up because the Adult and Family
9 Literacy program has a 37-percent success rate, and it's
10 one of the few programs we actually have outcome data
11 because it's a Federal requirement. And while last year in
12 your Budget Book you actually gave statistics, this year
13 was actually very educational for me and my kids because we
14 got to do a math problem, so I could explain, there's
15 actually math in real-day life that you actually extract
16 from a word problem.

17 So in fiscal year '18-19, 20,916 adults
18 participated in the program that received State Adult and
19 Family Literacy funds. When given an initial assessment,
20 90 percent of these adults entered the program with skills
21 below the ninth grade level. Of that 20,916 adults served,
22 10,547, or 50 percent, attended adult basic education
23 classes long enough to receive a follow-up assessment for
24 educational gain, with 66 percent of those adults showing a
25 gain of one or more education functioning levels.

1 So when you actually break it down and show it,
2 it's actually 37 percent of the 20,000 actually showed an
3 educational gain of 1 percentage or above. And then you do
4 have some other data on 1,440 adults who did not already
5 see a second grade diploma level and so forth.

6 Now, the Governor is proposing a 6.41-percent
7 reduction in that line item. I also noticed that the
8 Federal funds don't change, so I assume that's not a dollar
9 for dollar---

10 SECRETARY RIVERA: Yes.

11 REPRESENTATIVE GROVE: ---that State funds are
12 not dependent on how much Federal drawdown we get,
13 correct?

14 SECRETARY RIVERA: Correct.

15 REPRESENTATIVE GROVE: So the big question is,
16 if our success is 37 percent, are we holding providers
17 accountable? Are we going through the contracts, where
18 we're putting the money, and finding successful ones and
19 funding them versus ones that are actually failing our
20 adult learners?

21 SECRETARY RIVERA: So, yes.

22 In terms of the accountability of the program, I
23 know that our team in the office of Adult and Family
24 Literacy do monitor those programs closely. And not only
25 do they monitor the programs, but they have established

1 relationships where they have continuous conversations
2 around the specific requirements of the program and
3 expectations of the program.

4 I think to be fair, and I want to be mindful of
5 your time, twofold: one, knowing the program really well,
6 and, you know, also I can share with you through personal
7 experience, I used to teach in a program like this when I
8 was a teacher in Philadelphia. The individuals served in
9 this through the Adult and Family Literacy Program are very
10 nontraditional. You know, for example, I'll just share my
11 experience with you.

12 I had individuals who were going through to work
13 on their high school equivalency diploma who were seasonal
14 construction workers. So they would come and engage in the
15 program and they would take the courses with absolute
16 diligence, and then whenever they were called because a
17 project came up or there was work for them and, you know,
18 to support their families, they left and they went to work.
19 There were individuals who came, you know, when they were
20 on unemployment.

21 REPRESENTATIVE GROVE: So work is actually a good
22 thing. You should actually track work as part of this.
23 Everybody supports work, right?

24 SECRETARY RIVERA: But this is completion of the
25 program, which is what we track.

1 REPRESENTATIVE GROVE: I get it, but we should
2 count that as well.

3 I'm just saying, if you're looking at this from a
4 data standpoint, it's failing. And believe me, this is one
5 of the actual few programs we actually have robust data.
6 The only reason is because the Feds require data collection
7 to operate it. I just wanted to bring that up.

8 Two, West York School District is refinancing
9 bonds because it's the lowest, 30-year Treasury is the
10 lowest historically it has ever been. We will be
11 recapturing \$490,000 of that through the PlanCon. When we
12 recapture that, how is that utilized within the PlanCon
13 process?

14 SECRETARY RIVERA: So as part, and I had to check
15 with my expert, but we do take into account refinancing of
16 bonds in the PlanCon equation.

17 REPRESENTATIVE GROVE: Okay. How? In what way?
18 Like, where will ultimately that money go?

19 DIRECTOR MARIANO: It would depend on, if they
20 are recouping it, it more than likely will reduce the
21 PlanCon payment, but it would depend on the particulars of
22 the formula and the refinancing.

23 REPRESENTATIVE GROVE: Okay. I mean, they
24 basically took out a lump sum bond, repaid all their debt,
25 and from my understanding, they're going to give us a check

1 for \$490,000.

2 So obviously we don't have PlanCon moving
3 forward. We have the bond. Are you still doing
4 recalculations within that program, so that money will come
5 in and you'll recalculate it against another school
6 district potentially? I'm just trying to understand how
7 that functions when we get those dollars in.

8 DIRECTOR MARIANO: So PlanCon is a reimbursement.

9 REPRESENTATIVE GROVE: Mm-hmm.

10 DIRECTOR MARIANO: So they have to pay their bond
11 funds first, and then we reimburse on whatever the formula
12 indicates is appropriate.

13 REPRESENTATIVE GROVE: Mm-hmm.

14 DIRECTOR MARIANO: And we do that up until the
15 end of the length of the bond, however long the financing
16 dictates.

17 REPRESENTATIVE GROVE: Well, I get that, but
18 they're giving us a check for \$490,000. What are we doing
19 with that money? How does that function?

20 DIRECTOR MARIANO: Are you saying that the
21 bondholder, or -- I'm sorry.

22 REPRESENTATIVE GROVE: So they redid their --
23 they had a bond. They did a brand-new bond and cleared out
24 all their old debt at a lower payment.

25 DIRECTOR MARIANO: Right.

1 REPRESENTATIVE GROVE: Twelve percent of the
2 savings -- it was \$3.49 million. Twelve percent of that
3 savings, \$490,000, comes back to us. So we will be getting
4 \$490,000 from one school district because they refinanced.
5 Where does that money go and how is that utilized moving
6 forward?

7 Because I assume we're going to see more and more
8 school districts, if they're smart, refinancing their debt,
9 correct? So potentially we should be getting more payments
10 back in. Where is that money going and how is it being
11 utilized?

12 DIRECTOR MARIANO: We would not expect them to
13 repay any of the money that they have received. If they
14 continue to be owed PlanCon and their payments were
15 reduced, then that, you know, we would reduce what they
16 were receiving going out. We wouldn't ask them to pay back
17 money or anything like that.

18 REPRESENTATIVE GROVE: Okay. This is literally
19 what they said, the school district says, so you may want
20 to clarify: A refunding on that amount would return about
21 \$3.49 million. The State would receive 12 percent, so
22 that's what it now pays the district in PlanCon funding, a
23 reimbursement plan that the State discontinued for new
24 projects. So it would be a net savings of \$3 million for
25 the school district, \$490,000 back.

1 SECRETARY RIVERA: It would be reducing---

2 DIRECTOR MARIANO: Right. That's what I'm
3 saying, yeah.

4 REPRESENTATIVE GROVE: So you're just saying that
5 we just wouldn't be giving them---

6 SECRETARY RIVERA: We would reduce -- yeah. That
7 would be a reduction of their payments they get moving
8 forward.

9 REPRESENTATIVE GROVE: Okay. Correct. So if we
10 reduce their payments going out, is that now in the PlanCon
11 bond process, correct?

12 SECRETARY RIVERA: It's in the PlanCon line item
13 that was generated from the bond, yes.

14 REPRESENTATIVE GROVE: Okay. Thank you.

15 MAJORITY CHAIRMAN SAYLOR: Okay.

16 Representative Kim.

17 REPRESENTATIVE KIM: Mr. Secretary, I just want
18 to thank you and your Department for helping out the
19 Harrisburg School District. Angela Fitterer was my contact
20 person, and she was great with all of my questions and
21 help.

22 The first question: What are your plans for the
23 coronavirus with the schools?

24 SECRETARY RIVERA: So over the week, well, on
25 Friday, we forwarded a communication out to superintendents

1 and the education community just informing them, one, it's
2 something that we're working very closely with the
3 Department of Health, and a number of resources were listed
4 online for them to utilize, everything from the All-Hazards
5 Toolkit to looking at school policies and how this would
6 impact, you know, the traditional running of schools, and
7 then the information that could be made available to
8 parents and community members.

9 Today, we posted that letter and those resources
10 online so that everyone can have access to them, but we
11 continue to work really closely with our Department of
12 Health, our Secretary of Health, and will communicate
13 accordingly.

14 And it was reminded to me also, we have the
15 PEMA Toolkit online as well, which really gets into the
16 nitty-gritty of how we respond to an all-hazards call.

17 REPRESENTATIVE KIM: Thank you for planning
18 ahead.

19 I don't envy a principal, a superintendent, of a
20 struggling school district. Everybody has an idea how to
21 make the school district better, from the school board,
22 parents, teachers, everybody. So I want to give my two
23 cents about how I can improve urban school districts. I've
24 been thinking a lot about it.

25 Whether I be a -- I used to be a Sunday school

1 teacher. I'm sure that's scary for some people to think
2 about. I used to coach soccer. I was a teacher for
3 Junior Achievement, BizTown. And whatever race you are,
4 whatever socioeconomic, there's always one or two kids in
5 that group that you just want to strangle. Okay, that's
6 not -- you know, just won't listen to you, stands up, moves
7 around, you know, won't pay attention.

8 And on a serious note, there are kids with
9 serious ACEs or trauma that they're going through, and what
10 happens is that the teacher has to focus on this one person
11 who needs one-on-one attention while the other students
12 can't learn in that environment. It's just kind of
13 chaotic. What are we doing to make sure that those kids, I
14 don't want to say separated, but are given the attention
15 that they need so that the other students can learn and
16 have an education? Because I know in my urban school
17 district, we have a lot of talented kids there. It's just
18 the one or two that consumes everyone's attention.

19 Thoughts on alternative schools? Secretary, what are your
20 thoughts on this?

21 SECRETARY RIVERA: Yeah. So of all the questions
22 and conversations that educators have at the leadership
23 level and, you know, of course at the classroom level,
24 that's probably one of the ones that comes up the most: how
25 do we provide, you know, a strong system of support,

1 wraparound services, to support some of our most vulnerable
2 kids and not do so at the expense of, you know, students of
3 everyone else.

4 And, you know, one of the things that we have
5 been employing and really supporting schools and school
6 districts around and providing professional development
7 around has been what we call MTSS, our Multi-Tiered System
8 of Supports. And putting a referral, and I hate to call it
9 a referral, but, you know, that's how we'll best understand
10 it, but putting a system in place where the educators can
11 come together, identify the students who are in need, and
12 then have a more specific conversation around, you know,
13 how do they provide intervention for those students.
14 Because sometimes it could be a matter of, you know,
15 incentives, or a matter of surroundings, or a matter of
16 more intentional, you know, psychological and social and
17 emotional need and support.

18 And I think one of the things that we have
19 learned through this practice is that, you know, part of
20 the difficulty is we always -- we only have the resources
21 and the science to only address the needs of those students
22 kind of as needed.

23 REPRESENTATIVE KIM: Right.

24 SECRETARY RIVERA: And the frustration comes when
25 it's in response to or, you know, just kind of, you know, a

1 real quick response to an action.

2 And so as we have been investing a little more
3 and really providing development around the Multi-Tiered
4 System of Supports, while at the same time the Governor is
5 doing and trying to advocate for more professionals in our
6 buildings, you know, certified school social workers
7 partnering with our other agencies to get mental health
8 service providers in school, you know, partnering with
9 families, I think that response to those challenges is
10 getting better.

11 However, I would be remiss if I didn't, you know,
12 use this as an opportunity to say, you know, the needs of
13 kids in our classrooms are growing, which is why year after
14 year as we, you know, try to introduce new strategies and
15 new programs, it's really in response to what we have been
16 learning and hearing from our colleagues out in the field,
17 and we're going to continue to engage them.

18 One I think I definitely want to add, it's also
19 why we're changing our Chapter 49, our teacher preparation
20 standards, to include trauma-informed instruction and
21 cultural competency. Because coming out of college, you
22 know, into the classroom, historically, we were never
23 prepared to address some of the needs that we see in our
24 students today, and so we want to do a better job on the
25 front end preparing teachers to teach those most vulnerable

1 students in the classroom.

2 REPRESENTATIVE KIM: It sounds like we're on the
3 same page. Thank you for that response.

4 Thank you, Mr. Chairman.

5 MAJORITY CHAIRMAN SAYLOR: Representative Owlett.

6 REPRESENTATIVE OWLETT: Thank you, Mr. Chairman,
7 and thank you for joining us today, Secretary.

8 I just wanted to make a comment quickly on the
9 school safety. It has been a critical piece for our school
10 districts and we're all advocating for that.

11 Just by way of note, there was 116 million
12 dollars' worth of requests this year, and so to leave
13 really a lot of that out there of really assessed needs by
14 all of our schools, we're all hearing that. So to see such
15 a reduction in what we're hearing as a critical need within
16 our communities, especially, I mean, it's not just urban,
17 it's rural schools as well. We all have similar challenges
18 there.

19 But I had a question on your GGO line item. It
20 is increased by 7 million, a little over \$7 million,
21 26 percent. I understand that there is a merger of another
22 line item in that GGO this year. What was the line item
23 that's being merged into that?

24 DIRECTOR MARIANO: It's the information and
25 technology improvement appropriation.

1 REPRESENTATIVE OWLETT: And how much of that
2 \$7 million, is it about half of that?

3 DIRECTOR MARIANO: Yes.

4 REPRESENTATIVE OWLETT: Okay. So that leaves, I
5 mean, it's right around a 13-percent increase this year.
6 Is that something you guys were advocating for, and what is
7 that going to cover?

8 SECRETARY RIVERA: The information technology
9 line item?

10 REPRESENTATIVE OWLETT: No, the additional.

11 SECRETARY RIVERA: Oh.

12 REPRESENTATIVE OWLETT: The 13 percent increase
13 other than the information technology.

14 SECRETARY RIVERA: Yeah. So of the additional,
15 the majority, almost half of that is to cover litigation
16 costs.

17 REPRESENTATIVE OWLETT: Okay.

18 SECRETARY RIVERA: So pretty much all of our
19 increase in GGO are for existing costs, but primarily the
20 information technology transfer, some information
21 technology increases, and increased litigation costs.

22 REPRESENTATIVE OWLETT: How much was the increase
23 in litigation this year?

24 DIRECTOR MARIANO: It's a piece of \$2.1 million.
25 We could give you the exact set-aside in a follow-up

1 request, if you'd like.

2 REPRESENTATIVE OWLETT: So is there something
3 specific that's increasing that? I mean, I looked at the
4 general line item, the government operations for that.
5 Your increase last year was 5 percent, like just over
6 1.3 million. Are we being sued more this year than last
7 year? Like, what's the increase there?

8 SECRETARY RIVERA: I don't -- so I don't know the
9 exact long-term historical trends around lawsuits, but we
10 are currently engaged and over the course of the past year
11 have been engaged in significant litigation, everything
12 from challenges of the language of statute to, we have some
13 litigation out there when a charter school closes, we are
14 responsible for FAPE of the special education children.
15 And even when we agree to provide them those educational
16 services, there are still legal fees associated with that
17 in closing out the case.

18 We have had a couple of lawsuits, you know, in
19 regards to actions within the education field that have
20 been appealed and then appealed again, and we're on the
21 hook for paying those fees. So there has been a lot of
22 ongoing litigation for us in the Department.

23 REPRESENTATIVE OWLETT: Would you be able to get
24 the Committee kind of the increase in litigation this year
25 versus last year and maybe the year before so we can see

1 some trends so we can plan accordingly?

2 SECRETARY RIVERA: Absolutely.

3 REPRESENTATIVE OWLETT: And I guess my other
4 question would be, would you be willing or interested in
5 using some of those lapsed funds from other years that are
6 out there that we could maybe put towards some of this
7 litigation?

8 SECRETARY RIVERA: We do that as well.

9 REPRESENTATIVE OWLETT: Okay.

10 SECRETARY RIVERA: Yeah.

11 REPRESENTATIVE OWLETT: All right. Thank you.

12 SECRETARY RIVERA: Thank you.

13 MAJORITY CHAIRMAN SAYLOR: Representative Gabler.

14 REPRESENTATIVE GABLER: Thank you, Mr. Chairman.

15 Up here, Mr. Secretary. I know we have played
16 ping-pong all over the place, but.

17 I appreciate the opportunity to ask a couple of
18 questions today. I wanted to take kind of a broad look for
19 a second and ask if you or any of your colleagues at the
20 Department of Education have had the opportunity to look
21 into what the impact on our students and, you know, on our
22 education system in this State is specifically as it
23 relates to the availability of nonpublic schools, and kind
24 of where we stand and what would happen if we saw a
25 significant decline in the availability of nonpublic school

1 options for students in the State.

2 SECRETARY RIVERA: We have had a number of
3 conversations around, as educational options do decrease, a
4 number of trends happen. Some of those students go to
5 their local school district, which increases their, you
6 know, their ADM. Some take advantage of cyber options or
7 other options, charter options, that exist as well.

8 REPRESENTATIVE GABLER: And I appreciate that.

9 I think that, you know, one of the things that I
10 have the great pleasure of being able to share the
11 perspective on is to have a rural legislative district that
12 has very solid-performing public schools, and also we're
13 very blessed to have some very nice nonpublic options as
14 well. And we see a great symbiotic relationship where the
15 provision of the services can be spread across multiple
16 sectors, and so the school district and the other
17 educational options in the area kind of team together to
18 provide the ultimate public good, which is an educated
19 populace.

20 So the reason I wanted to build towards this is,
21 I think it's important to recognize that almost one in five
22 students in Pennsylvania are educated in some other setting
23 besides a traditional public school, and as a result of
24 that, it certainly would cause concern to consider, if we
25 saw a significant decline in those other options, that our

1 public school system may struggle to keep up with an influx
2 of demand, and certainly the limited resources that we have
3 would be spread even thinner.

4 So I set that up because I think that it's
5 important to think about, those one in five students in our
6 State are still every bit as much important when it comes
7 to the future of our country, the future of our
8 Commonwealth, the future of our communities, and the future
9 of our workforce. And so I'm looking at a few line items
10 that I see have been level funded, and now with the
11 proposal in this budget, it would be 5 years in a row, and
12 that would be the textbooks, materials, and equipment for
13 nonpublic schools and services to nonpublic schools. And I
14 know that the thought process behind these line items is
15 that these are funds that provide services that benefit
16 students specifically rather than the school themselves,
17 because the students we are responsible for as a
18 Commonwealth and certainly want to do the best for.

19 So I wanted to ask if you could speak to the
20 reasoning behind the level funding request here, and do you
21 think that there is any need to look at these line items
22 specifically as it relates to inflation given the great
23 increases that we have seen in other areas of public
24 education? Is there a need to put these line items in
25 parallel with our public school resources to make sure that

1 we're adjusting for inflation to make sure we're taking
2 care of the needs of a hundred percent of our students in
3 the Commonwealth?

4 SECRETARY RIVERA: This line item specifically is
5 normally one that is generated in conversation between the
6 General Assembly and, you know, us in the Department, which
7 is, you know, the information that we have used to dictate
8 if there is a need for increase or, you know, adjustments
9 thereafter.

10 What I can share with you, although an increase,
11 a specific increase has not been identified as part of this
12 line item, we have done a much better job with including
13 the non-pubs in partnering with us around our professional
14 development opportunities. So, for example, if you go --
15 we have the SAS Institute and our data training each year,
16 and every time, we have a good representation from the
17 parochial, from parochial schools and nonpublic.

18 So we have been doing a much better job of
19 integrating them as part of our overall educator and school
20 community, and that's what, quite honestly, I have been
21 focusing much more aggressively on, just making them part
22 of the overall, you know, connection and education
23 community, not specific to this line item, because this is
24 usually something that comes up as we go through every
25 iteration of this conversation.

1 REPRESENTATIVE GABLER: And I'll look forward to
2 engaging in that conversation as we go forward over the
3 next couple of months.

4 I just want to say that I certainly appreciate
5 your recognition and what you have shared with us in your
6 Department's perspective on partnering with the service
7 providers, whether they be public or nonpublic options, to
8 make sure that we're looking after the resources that
9 educate 100 percent of our kids.

10 Sometimes I think there's a misnomer out there,
11 well, they chose to go to something else, so therefore,
12 their family should be completely on the hook. And I think
13 that we need to recognize that it's a public good that
14 we're providing for all across the board and these students
15 are important as well, and I appreciate your recognition of
16 that.

17 Thank you, Mr. Chairman.

18 SECRETARY RIVERA: Thank you, sir.

19 MAJORITY CHAIRMAN SAYLOR: Before I move to my
20 next questioner, we have been joined by the Speaker of the
21 House, Mike Turzai.

22 With that, we'll move on to Representative
23 Delozier.

24 REPRESENTATIVE DELOZIER: Thank you,
25 Mr. Chairman.

1 Thank you all for being here. Yes, we keep
2 flipping sides on you. Sorry about that.

3 I have a couple of questions that are a little
4 bit different from each. But real quick, I was looking at
5 the Executive Offices, and I know that's not you, but there
6 is a transfer for Census outreach, and I know our
7 libraries, which is you in the line item with level
8 funding, but a lot of people are directing people to go to
9 the libraries to get information on the Census. Will any
10 of this outreach line item go to the libraries in order to
11 cover some of those costs?

12 SECRETARY RIVERA: So not a specific line item
13 for libraries, but I can share with you that our advocates,
14 you know, in our library space are, you know, very
15 aggressive in trying to receive some share, or at least a
16 coverage of some of that, but not as a specific line item.

17 REPRESENTATIVE DELOZIER: Okay.

18 My second question deals with basic education,
19 and taking a look and working with my school districts, and
20 they're trying to be fiscal, you know, overseeing their
21 fiscal health, budget reserves are a big issue. Do you
22 have the numbers as to each of the school districts and
23 what their budget reserves are and what that total number
24 may be statewide?

25 SECRETARY RIVERA: We do track that. I don't

1 have it in my Budget Book---

2 REPRESENTATIVE DELOZIER: Okay.

3 SECRETARY RIVERA: ---but I can forward it on.

4 REPRESENTATIVE DELOZIER: I would appreciate it.

5 We're just trying to connect the numbers and what we have
6 and where the dollars are going.

7 And my last question actually deals with charters
8 and deals with, and again, I'm working with West Shore
9 School District, and they were kind enough to get me some
10 numbers as to what it is. And anytime I talk to either my
11 superintendents or the school boards or the teachers, that
12 is a big issue for them.

13 One of the issues that came up is taking a look
14 at the regular ed versus special ed and taking a look at
15 two of the numbers. And two particular years that I
16 thought was stark was the issue that, for the regular ed,
17 the costs went down by over \$500,000, but the costs for
18 special ed went up \$500,000, and we only had a difference
19 of nine students.

20 So my question comes back around to the fact of,
21 do we have the numbers as to, the perception is that they
22 go to charter and then they get an IEP plan. Do you have
23 numbers as to how many children go in without an IEP and
24 then get switched over to an IEP plan of some sort?

25 SECRETARY RIVERA: We don't have those numbers,

1 because much of that accounting is done at the local
2 school level. However, I can share with you that the
3 reasoning, and that's, you know, part of what we shared
4 earlier, although I didn't get into the detail. Much of
5 that reasoning is because there is no formula associated.
6 Their total number is always based on a denominator of
7 17 percent, which is what we pay at the---

8 REPRESENTATIVE DELOZIER: Mm-hmm.

9 SECRETARY RIVERA: You know, at the State level
10 is our average -- excuse me -- not what we pay. So as the
11 number, as the numerator grows, the denominator never
12 changes, and that's what brings up those costs, so.

13 REPRESENTATIVE DELOZIER: Okay. And I remember
14 you talking about that. I apologize. Because the ability
15 for us to take a look, and one of the biggest frustrations
16 that I have with working with the school districts is we
17 want to support our public schools. We also want to
18 support options, because all children do educate in
19 different ways. But I also want to have a level playing
20 field, not only for our taxpayers but for our school
21 districts. And so a lot of times, putting numbers around
22 that I think is very difficult, and when perceptions are
23 out there that it's an automatic money grabber, we want to
24 dissuade that, that we are tracking the dollars, dollar for
25 dollar, and making sure that the students are getting the

1 services that they need with options.

2 Is there the ability to take a look at, I know
3 with West Shore, and I have Mechanicsburg and West Shore,
4 the numbers seem to go up higher and higher. What is the
5 ability for us to say that we need to have the ability to
6 track those dollars better? Is there something that we
7 need to do better with accountability of the dollars that
8 are going, because some of the ideas behind cyber, and I
9 agree with the Representative earlier that was talking
10 about the need to make sure that we have reform. We didn't
11 have cyber school when it first was put into place, and we
12 want to be supportive of both types of learning. But what
13 type of reforms would you support at this point in time in
14 order to make it more of a balance?

15 SECRETARY RIVERA: Yeah, it's a great
16 conversation to have. And, you know, what I recommended to
17 the Governor, and some of what he used in terms of this
18 proposal, addresses some of those, so a static fee for
19 cyber; using a different shaded cost for the different
20 levels of special education.

21 But what I do think would be a great opportunity,
22 because you're interested and obviously you have a good
23 command of your local expenditures, if you ever wanted to
24 sit with us, you know, for a half hour, 45 minutes, we can
25 come over and just look at the real specific numbers and

1 then, you know, how could it be impacted, you know, up or
2 down from that average. Because that's kind of where --
3 that's the detail that's really telling around what we're
4 trying to address.

5 And it's again showing this is not an indictment
6 on charter schools. It's definitely, you know, being
7 respectful of, you know, the opportunities that charter
8 schools bring. Nor is it an indictment on cyber, you know.
9 Nor is it, you know, siding fully with traditional schools.
10 It's just us trying to come up with a fix for a law that
11 was created for all the right reasons. It's just 20 years
12 old and conditions change.

13 And so I think one of the things that we can do
14 is just go through, you know, West Shore and your districts
15 and say, here's the little thing that happened that kind
16 of, you know, pushed this cost up and here's what a
17 potential fix could be.

18 REPRESENTATIVE DELOZIER: And I would appreciate
19 having that conversation, because it's one of the biggest
20 conversations that I do have with the supers, as well as,
21 anytime there's a PTA or a PTO meeting, I get a lot of
22 emails the next day when they see the numbers. So I would
23 appreciate that conversation.

24 Thank you.

25 SECRETARY RIVERA: Thank you.

1 MAJORITY CHAIRMAN SAYLOR: Representative
2 Heffley.

3 REPRESENTATIVE HEFFLEY: Thank you, Mr. Chairman,
4 and thank you, Secretary, for being here today.

5 A question earlier was, a lot of questions raised
6 about the proposal for a billion dollars in borrowing for
7 schools to address asbestos and lead remediation. Many of
8 these are older schools, and districts had known for years
9 that they had issues with asbestos and lead but yet failed
10 to act.

11 Many of the districts did act and spent money. I
12 live in one of the areas. We have some of the highest
13 property taxes per capita for school districts. And you
14 get those taxes increased, and schools were built, and
15 remediation was done. This billion dollars in borrowing
16 for school districts that have been derelict in protecting
17 their students, and then now we're asking the folks that
18 have been paying much higher taxes to pay back that
19 borrowing, it doesn't seem fair that we wouldn't then
20 reimburse those schools who did take action and make sure
21 that their kids were safe.

22 And what accountability do we have for those
23 municipalities and school districts who to this day are
24 sending children to school districts, and if this is such a
25 big issue that it could be, as you said earlier, between a

1 billion and possibly 10 billion, where is the
2 accountability on those folks that are running the schools
3 to allow this to happen for so long?

4 SECRETARY RIVERA: So I can't, I can't speak to
5 an issue of accountability. I mean, there are a number of
6 varying factors, you know, in that question --
7 transitioning leadership, changing school boards, the
8 ability to generate revenue.

9 REPRESENTATIVE HEFFLEY: But does the Department
10 oversee that? I mean, obviously right now if you're saying
11 we need this money, we need this extent of borrowing -- and
12 we're talking about charter schools. I was blessed, both
13 my daughters graduated from public schools and got a great
14 education. And I understand charter reform, and I know
15 that Representative Topper had spoke to that earlier, it's
16 something that we certainly need to do. I have heard about
17 it. I met with my school business officials and
18 superintendents. I know that there's an issue there with
19 special education. But at the same time, my God, if my
20 children were being sent to a classroom that was unsafe,
21 why wouldn't we want to encourage those children to take
22 advantage of the safe option of using charter schools if
23 those districts have been that negligent for so long?

24 SECRETARY RIVERA: I don't think it's an
25 apples-to-apples conversation. I think, you know, as far

1 as I'm concerned sitting here---

2 REPRESENTATIVE HEFFLEY: But it's all children.

3 I mean, these are children, right?

4 SECRETARY RIVERA: Yeah.

5 REPRESENTATIVE HEFFLEY: And it's about their
6 safety. I mean, I don't understand---

7 SECRETARY RIVERA: So -- I'll respond.

8 So I have had the great distinction to be here
9 for, you know, a number of years, and I can't justify or
10 argue around any of the decisions of my predecessors. But
11 what I do know sitting here today is that we have had a
12 number of schools that we have been working with and have
13 identified their schools as being schools that are serving
14 kids in toxic environments. We now know, you know, what
15 some of our lead levels look like in drinking water. We
16 now know the impact and effects of, you know, asbestos to
17 the air quality.

18 REPRESENTATIVE HEFFLEY: So the issue is the
19 lead---

20 SECRETARY RIVERA: This is something that I know
21 today, so as Secretary, I have to present remediation.

22 REPRESENTATIVE HEFFLEY: The issue is the lead in
23 the drinking water. Is that inside of the buildings or --
24 is that coming from the water that is coming into these
25 buildings or is that inside of the buildings?

1 SECRETARY RIVERA: It's an issue of aging
2 infrastructure in terms of lead in their pipes. It could
3 be water that is coming from the inside. It could be water
4 that is ultimately, you know, coming from---

5 REPRESENTATIVE HEFFLEY: Are they providing, are
6 they providing clean, safe drinking water to their
7 students?

8 SECRETARY RIVERA: As we know it, the schools
9 that have been identified have closed those water fountains
10 down and are providing -- they have to provide water.
11 That's, you know, a matter of law. But the schools that
12 are working to remediate are.

13 REPRESENTATIVE HEFFLEY: All right.

14 I mean, at the end of the day, I think we all
15 have the same passion for wanting children to have a safe
16 environment to learn in. But at the same time, I think,
17 you know, when you have certain areas which are paying
18 extremely high property taxes, and they had to do this to
19 fix some of these problems, now being asked to flip the
20 bill for districts that have been negligent in taking care
21 of that, I think that's a tough, that's a tough pill to
22 swallow for a lot of folks.

23 And I look forward to working with you to address
24 the issue of the charter school funding formula. I hope we
25 can all come to the table and get something resolved on

1 that. But thank you.

2 SECRETARY RIVERA: Thank you, sir.

3 MAJORITY CHAIRMAN SAYLOR: Our next questioner is
4 Representative Rothman.

5 REPRESENTATIVE ROTHMAN: Thank you,
6 Mr. Secretary. Thanks for being here.

7 Just to point out a problem that my colleague was
8 just talking about, asbestos was banned in 1977. My
9 elementary school, Sporting Hill, had asbestos abatement in
10 1977. I was a student there. Lead-based paint was banned
11 in 1978, and lead pipes, they stopped using lead in pipes
12 in 1986. And we're talking about 40-some years of
13 knowledge of this, and I agree that we're almost ignoring
14 the bad, or rewarding the bad behavior of ignoring these
15 important issues by saying, well, it's okay, don't spend
16 money on it, someone else will spend it on you.

17 But my question is about full-day kindergarten,
18 and you talked about it earlier this morning, that there
19 will be hardship cases. I have heard from my
20 superintendent of my largest school: They just don't have
21 the room, and actually, they don't even have the demand.

22 So I understand a proposal and certainly believe
23 that there are parents and children that could benefit from
24 full-day kindergarten, but any thought about not making it
25 a mandate but making it an option and that schools, if they

1 want to have full-day kindergarten, can do it, but not a
2 mandate.

3 Thank you, and thank you for your time,
4 Mr. Secretary.

5 SECRETARY RIVERA: No; absolutely.

6 And just to kind of share a perspective on that,
7 that's why the Governor is looking at a window and
8 providing an opportunity for hardship, so a roll-in window,
9 and those are all the conversations that are going to take
10 place that ultimately will impact the---

11 REPRESENTATIVE ROTHMAN: But it would be a
12 mandate. Even if there's a window and a hardship, we are
13 going to mandate that every school district do full-day
14 kindergarten, or is it an option?

15 SECRETARY RIVERA: Yeah. So this being that
16 starting conversation, I am sure those are conversations
17 that are going to happen between the Administration and the
18 General Assembly.

19 REPRESENTATIVE ROTHMAN: Thank you.

20 MAJORITY CHAIRMAN SAYLOR: With that, we'll move
21 to the Chairman of the Education Committee, Representative
22 Curt Sonney.

23 REPRESENTATIVE SONNEY: Thank you, Mr. Chairman.

24 Mr. Secretary, good to see you.

25 SECRETARY RIVERA: Good to see you.

1 REPRESENTATIVE SONNEY: I'm going to start off
2 with my home county, Erie County.

3 You know, everybody here obviously knows that
4 Erie County or the Erie City School District received a
5 special appropriation of \$14 million of reoccurring
6 revenue, and part of them receiving that was for them to
7 get a watch officer, and that watch officer was former
8 Secretary Zogby. And he has been removed, and I was
9 wondering if you could tell me why he has been removed and
10 if a replacement is coming.

11 SECRETARY RIVERA: I can't comment on personnel
12 issues. However, we are expecting and we are moving to
13 replace the position. So we do want to have a financial
14 administrator on site to continue the work that Erie has
15 been engaged in.

16 In the meantime, we do have boots on the ground.
17 We have a representative from PFM there full time
18 continuing as a liaison between the Department and the
19 school district. And we're going to work with the General
20 Assembly and the Governor to make another recommendation to
21 fill that position.

22 REPRESENTATIVE SONNEY: And when that position
23 becomes filled, will that new person have the ability to
24 write a new plan or is the existing plan going to be, you
25 know, moved forward?

1 SECRETARY RIVERA: Yeah. So when the position --
2 so that, the plan that they are currently following, is the
3 approved plan.

4 REPRESENTATIVE SONNEY: Mm-hmm.

5 SECRETARY RIVERA: So there's an expectation that
6 they're going to continue with that plan. However, I want
7 to be fair in saying that any financial administrator can
8 amend a plan, but it would go through the same process. So
9 not under the cover of night or anything; they would have
10 to follow that same process. But our expectation is that
11 we will replace -- we'll place a new financial
12 administrator, and they're going to continue to follow the
13 plan.

14 REPRESENTATIVE SONNEY: And just for
15 clarification, what's the difference between watch and
16 recovery?

17 SECRETARY RIVERA: So recovery. So when you're a
18 school district in watch, you are kind of looser oversight.
19 Recovery is a little bit more defined in terms of the plan
20 that you submit. And then the ultimate, you know, plan
21 within that is receivership, and that's when you have a
22 court-appointed receiver.

23 So watch, we provide some, you know, some fiscal
24 analysis. We go in and kind of do some higher-level
25 accounting with them. When you're in recovery or

1 receivership, it's a much more intensive plan.

2 REPRESENTATIVE SONNEY: Recovery is similar to
3 watch where the, you know, local school board isn't forced
4 to follow. In other words, the school board still has
5 their authority under both of those designations. Is that
6 correct?

7 SECRETARY RIVERA: That's it. So it's almost
8 like progressive planning. If you don't follow watch, then
9 we'll go more aggressive -- recovery.

10 REPRESENTATIVE SONNEY: Mm-hmm.

11 SECRETARY RIVERA: And if you don't follow
12 recovery, then ultimately you're in receivership, and
13 that's mandated, court-appointed. The school board only
14 has the ability to increase taxes.

15 REPRESENTATIVE SONNEY: And so we anticipate that
16 schools that go into watch will eventually come out of
17 that.

18 SECRETARY RIVERA: Yes.

19 REPRESENTATIVE SONNEY: Because we do have a
20 history of schools in receivership that don't come out. Is
21 that correct?

22 SECRETARY RIVERA: We have a history where
23 schools in receivership have not met the requirements to
24 come out.

25 We have some schools in recovery that are

1 improving, and we have lessened their monitoring. I have
2 not yet felt confident, either because of like longitudinal
3 accounting or whatever, didn't feel confident in making a
4 recommendation to fully pull them out. But some are in
5 the, kind of in the process of loosening restrictions.

6 REPRESENTATIVE SONNEY: Thank you for that.

7 On transportation funding, I just want to touch
8 back on that for a second.

9 So I think you said you're about 150 million
10 short, so to speak, right?

11 SECRETARY RIVERA: Yes.

12 REPRESENTATIVE SONNEY: So we're going to have to
13 back-pay 150 million from the new appropriation that comes
14 within this next budget.

15 SECRETARY RIVERA: Yes.

16 REPRESENTATIVE SONNEY: And, you know, you
17 reiterated that, you know, we're going to have to have a
18 conversation.

19 SECRETARY RIVERA: Yeah.

20 REPRESENTATIVE SONNEY: And so why is the
21 150 million the magic number for the conversation? In
22 other words, why didn't the conversation start sooner? Is
23 it because the 150 million means that they're going to wait
24 3 months to get that money back and we can't let them wait
25 6 months to get their money back?

1 You know, obviously if we're going to play that
2 mentality, we could do that throughout the entire budget.
3 And of course we all know that it's not new to budgeting,
4 it's just not a good practice in budgeting. Generally we
5 budget money for the new fiscal year, not for the previous
6 year. And so why is 150 million the magic number?

7 SECRETARY RIVERA: So we have raised this as a
8 conversation ongoing. Why the 100--- Well, the
9 150 million actually wasn't the magic number. It's a bit
10 higher, which is kind of like our significant caution
11 number. It's when we would not have enough appropriations
12 to make school districts whole in that upcoming year. So
13 that's why I shared that next year, it's going to be of
14 serious concern.

15 REPRESENTATIVE SONNEY: That's 500 million.

16 SECRETARY RIVERA: It's---

17 REPRESENTATIVE SONNEY: That's not 150 million,
18 that's 500 million.

19 SECRETARY RIVERA: Right. So 150 came up because
20 we shared the number, but our biggest concern is when we
21 can't make them whole anymore.

22 REPRESENTATIVE SONNEY: So your biggest concern
23 is when it reaches the 500 million.

24 SECRETARY RIVERA: Well, our biggest concern has
25 been every year that we have been reporting, but the

1 absolute siren that goes off is when we can't make them
2 whole.

3 REPRESENTATIVE SONNEY: NPRC was formed back in,
4 I think, 2014, and back in 2014, Erie County was at the
5 last minute included into the footprint of that new type of
6 community college. And now, of course, in Erie County
7 we're dealing with the county's submission to have their
8 own stand-alone community college. And so we are going to
9 have an evidentiary hearing in Erie, and my question is,
10 first, you know, is this the first time that this has
11 happened? Has the Department held other evidentiary
12 hearings concerning any of the other existing community
13 colleges?

14 SECRETARY RIVERA: As I know, the State Board of
15 Education has not held any other evidentiary hearings as it
16 relates to community colleges. And I think that's a -- if
17 you would allow me to provide a point of clarification.

18 This is the State Board process. The Department
19 of Ed is staff in this process, so to speak. So we don't
20 -- we support the process, but the State Board facilitates
21 the process.

22 REPRESENTATIVE SONNEY: Okay.

23 And lastly, I just want to revisit the charter
24 special education funding, and I'm going to kind of
25 piggyback on Representative Delozier.

1 So if I heard correctly, you know, you don't have
2 any physical data -- okay? -- that supports that school
3 districts are sending more educational dollars to the
4 charter world that the charter world is not spending on
5 those students. In other words, do we have a way to know
6 if the money being shipped to the charters is actually
7 being spent on the special education students? Or do we
8 know from data there is excess money that is not being
9 spent?

10 Because it is formula driven. You know, we are
11 not---

12 SECRETARY RIVERA: I understand the question.

13 REPRESENTATIVE SONNEY: We are not a
14 pay-as-you-go. It's a formula driven.

15 SECRETARY RIVERA: Yeah; yeah.

16 REPRESENTATIVE SONNEY: So do we have that data?

17 SECRETARY RIVERA: When we have identified -- and
18 I'm going to be really fair as I say this to all parties,
19 public schools and charter schools.

20 When we have identified the excess in terms of
21 what we believe there's a payment of, in no way were we
22 indicting charter schools to say they're not spending that
23 funding on those students. What we have said is that we
24 have appropriated a special education funding formula to
25 traditional schools. So you get the level: Level 1

1 students receive X, Level 2, and Level 3 and Level 3B.
2 However, charter schools still receive special education
3 funding on the average student, which is higher for Level 1
4 and Level 2 students than, you know, what the new formula
5 appropriation would be.

6 And I think to be fair to both parties, we have
7 said the increase or the excess is just based on the
8 formula, but I could -- and I would never say that charter
9 schools aren't spending those funds on the students who
10 have special needs. What we have said---

11 REPRESENTATIVE SONNEY: And we don't know
12 either---

13 SECRETARY RIVERA: We don't know. We don't---

14 REPRESENTATIVE SONNEY: ---because we don't track
15 that.

16 SECRETARY RIVERA: We don't track that for
17 traditional public schools or, you know, charter schools.

18 REPRESENTATIVE SONNEY: Do we track the actual
19 services themselves? In other words, you know, can you
20 tell me that, you know, X amount of students are receiving
21 speech therapy, X amount of students -- you know, do we
22 track that?

23 SECRETARY RIVERA: The level of services, yes.

24 REPRESENTATIVE SONNEY: Yes. But not the cost of
25 services.

1 SECRETARY RIVERA: Not the cost nor whether or
2 not anyone is going above and beyond.

3 REPRESENTATIVE SONNEY: And of course the local
4 school district has the ability to raise taxes and raise
5 any shortfall that they have locally, where the charter
6 world does not have that ability.

7 SECRETARY RIVERA: Correct.

8 Now, we have said that, many expenses. But as
9 the traditional school districts and school boards have
10 been reporting, their ability to generate enough revenue
11 through taxes and their expenses is, you know. And even
12 with our, in many cases with what we're providing them, you
13 know, it has been offset. They haven't been able to
14 generate enough revenue.

15 REPRESENTATIVE SONNEY: So should we be looking
16 at collecting different data to be able to better quantify
17 what those costs should be?

18 SECRETARY RIVERA: Of the specific student
19 programs?

20 REPRESENTATIVE SONNEY: Of special education.

21 SECRETARY RIVERA: I think the work of the
22 Special Education Commission, I think staying within those
23 spans has provided a good accounting of what those costs
24 would be. I think the work that we have done through the
25 Commission and the work that has been done independently

1 provides a good band of costs associated. I think our
2 Level 1, Level 2, and Level 3 program costs, the way we
3 account for them, is really good, you know, is a good
4 representation of the cost of the program.

5 REPRESENTATIVE SONNEY: Okay. Thank you.

6 Thank you, Mr. Chairman.

7 MAJORITY CHAIRMAN SAYLOR: Representative White.

8 REPRESENTATIVE WHITE: Thank you, Mr. Chairman.

9 Today we have discussed a lot about the safety of
10 our students, important issues like how much money we
11 should allocate toward lead and asbestos remediation that
12 had previously been ignored by local municipalities and
13 some school districts for nearly a half century. We talked
14 about the trauma-informed education dollars to help those
15 children who have suffered from severe incidents in their
16 life, including those children exposed to illegal drug
17 activity. And this week in Philadelphia, our city would
18 have permitted a safe heroin injection site to be opened
19 and placed in the same building complex as a preschool and
20 mere blocks away from our local high school.

21 In other countries, residents and business owners
22 who live and work near safe heroin injection sites have
23 warned us of the local impact of these sites. They have
24 witnessed increased open-air drug dealing, heroin usage,
25 theft, and prostitution taking place within its vicinity,

1 leaving parents very concerned for their children walking
2 to and from school.

3 Can you tell us why these sites are permitted in
4 Pennsylvania so close to our children and how your agency
5 plans to keep our kids safe from these sites?

6 SECRETARY RIVERA: The information on the site
7 you are describing, I have only learned of it in reading
8 about it through the newspaper. As I understand, it
9 ultimately was not approved. So I don't know how -- one
10 is, I'm not exactly familiar with the process, you know, by
11 which they created it, but I do know what I read last, that
12 it was not an approved program.

13 REPRESENTATIVE WHITE: So it's my understanding
14 that the person who was going to lease to the facility the
15 site, that they just removed and did not issue the lease.
16 That's the only way that it didn't go through. But the
17 site, the safe house, is looking for a new site, and that's
18 concerning again. I mean, what do you think that the
19 appropriate distance from our children's schools would be
20 permissible for these sites to even be open?

21 SECRETARY RIVERA: One, I would have to do much
22 more due diligence around it. It just wouldn't be
23 responsible for me to respond without knowing all the
24 information.

25 But I do support, you know, there is currently a

1 safe and drug-free school zone, and I'm extremely
2 supportive of the safe and drug-free school zone. So I
3 would think that, you know, everyone should be expected to
4 follow the expectation of that zone.

5 REPRESENTATIVE WHITE: Well, it's my
6 understanding that this site was permitted to open in
7 Philadelphia, and in Pennsylvania, there weren't any, you
8 know, rules or regulations that they would be violating.
9 They were just going to open up this week, and those
10 little kids would be having to walk past that kind of
11 activity.

12 I think it behooves us as Legislators to consider
13 this issue, and I also would like to hear, you know, if the
14 Governor or your Department has a position on these heroin
15 injection sites, especially as it pertains to the proximity
16 to our children.

17 SECRETARY RIVERA: Let me do a little more due
18 diligence on this, and we'll respond accordingly.

19 REPRESENTATIVE WHITE: Well, do you think at a
20 minimum, I mean, right now, we don't allow cigarette sales
21 to happen within 500 feet of a school. Do you think that
22 that's appropriate, at least?

23 SECRETARY RIVERA: Selling cigarettes?

24 REPRESENTATIVE WHITE: As it pertains to heroin
25 injection sites being located near our children.

1 SECRETARY RIVERA: Yeah. I mean, I can share,
2 I've gone on -- so what I have gone on the record, and I
3 think we can make a connection, although, again, I would
4 have to do a little more digging. But I have gone on the
5 record in terms of the sale of tobacco. I've gone on the
6 record against the use of vaping. I've gone on the record
7 around the use of drugs in and around our schools.

8 REPRESENTATIVE WHITE: But wouldn't you say that
9 heroin injection is far more severe than cigarettes?

10 SECRETARY RIVERA: Yeah. I absolutely would not
11 like to see heroin in and around our schools, but the
12 specific proposal you are mentioning, I just don't have
13 enough information to, you know, qualify a statement.

14 REPRESENTATIVE WHITE: Would you be considering
15 any, you know -- I mean, this was a site that was going to
16 open up this week. Our children will be walking past these
17 types of drug activities, which are, you know,
18 traumatizing, I imagine, for young minds. Do you have any
19 intentions of asking for more dollars for our
20 trauma-informed education to help with that potential
21 environment that they are faced with? Should these sites
22 open up in Pennsylvania?

23 SECRETARY RIVERA: So we'll continue to request
24 more support and more funding for trauma-informed to
25 address the social and emotional needs of students, you

1 know, just in general.

2 Again, I don't want to go on the record in
3 speaking about a program I know very little about, because
4 I could make a statement that is just not true or not
5 aligned to the intent of the program. So I just don't -- I
6 don't know anything or enough of the program to make a
7 comment. But we can absolutely have a conversation around
8 do I support trauma-informed, do I support mental health
9 services, do I support drug-free schools, do I support
10 safety communities. The answer to that is absolutely
11 without question. But, you know, to comment specifically
12 on a program I don't know anything about, it would just not
13 be responsible.

14 REPRESENTATIVE WHITE: Thank you very much,
15 Chairman.

16 MAJORITY CHAIRMAN SAYLOR: Representative
17 McCarter.

18 REPRESENTATIVE McCARTER: Thank you very much,
19 Mr. Chairman.

20 I would like to get back to a little bit again on
21 school safety as well and the issue of the school safety
22 grants and looking at last year compared to this year as to
23 where we're going as well.

24 Last year, as I understand, there was \$60 million
25 in the program, of which roughly a third was the basic

1 grant to all school districts. I think it was 18 percent
2 or 19 percent. And then the -- or more than that. I'm
3 sorry. It was actually \$19 million, I think was the
4 minimum payment divided up. And then the rest of that was
5 in competitive grants in one form or another, and that's a
6 total of \$15 million, I know, for the different funds in
7 the competitive grant program.

8 Now, I have heard from numerous people, school
9 personnel back in my district, who have looked at, over the
10 past week since the grants were announced, looked at these
11 and really had a lot of questions dealing with how
12 decisions were made as to who got the grants and who didn't
13 get the grants. In fact, in Montgomery County, the grants
14 there, I think only a third of the school districts
15 applying got grants, and I know there were 470-some
16 districts that applied, so it was a highly competitive
17 situation.

18 But one of the criteria that I think, and I think
19 I have heard you speak on this several times, and obviously
20 for the new program coming, was that mental health issues
21 should be a major criteria for getting money. Many of them
22 put in for mental health money, and yet, one of the
23 grantees was the Agora Cyber School, or Cyber Charter
24 School. And the major part of their proposal, as I
25 understand it, was that they were putting in for school

1 personnel for a resource officer.

2 Well, I guess they're all having trouble and I'm
3 having trouble understanding how a cyber school would win a
4 grant for a resource officer when they physically don't
5 have buildings -- they're not brick and mortar -- how they
6 would get a grant, and yet the schools that are putting in
7 for mental health programs and trying to deal with the
8 problem there were rejected. Can you enlighten me a little
9 bit?

10 SECRETARY RIVERA: I wish I had -- I can
11 definitely do some digging. Well, I can reach out to PCCD
12 and ask them to provide a response. But I was not involved
13 either in the facilitating of those grants.

14 REPRESENTATIVE McCARTER: Okay. The Department
15 of Ed didn't have anything to do with the facilitating of
16 those in terms of criteria?

17 SECRETARY RIVERA: We help with criteria and some
18 in terms of facilitation, but it's not something that I was
19 directly involved in.

20 REPRESENTATIVE McCARTER: Okay. Well, let's
21 change then to this year's grants since we're now reduced
22 down from 60 million down to 15 million, and that
23 15 million will be competitive also in grants. Is that
24 correct?

25 SECRETARY RIVERA: I believe so, as I have read.

1 REPRESENTATIVE McCARTER: Okay. And the major
2 criteria again, I think as you have emphasized, should be
3 on mental health. Is that correct?

4 SECRETARY RIVERA: We have made that
5 recommendation, yes.

6 REPRESENTATIVE McCARTER: Okay. And who will be
7 doing the assessment of the grants this year? Will that be
8 the Department of Education, or---

9 SECRETARY RIVERA: No. The PCCD grant funding is
10 specific to PCCD.

11 REPRESENTATIVE McCARTER: Okay. So that will go
12 through PCCD.

13 SECRETARY RIVERA: Much like the Members of the
14 General Assembly were one seat on the committee and, you
15 know, kind of have one voice at that table.

16 REPRESENTATIVE McCARTER: I will put in a plea,
17 since I know for my school districts as well that the idea
18 of the competitive grants are making this very difficult
19 for the school systems, that they are spending a lot of
20 time developing these grant proposals, that the amount of
21 money available is very restrictive at this point,
22 especially down to 15 million, and it doesn't make sense
23 for them to take the time to do this knowing that it seems
24 like the criteria have not been followed adequately in the
25 past and that they surely, you know, want some better

1 parameters here.

2 So if we can change this program in some way, and
3 if we can go back to, again, trying to find a way within
4 the legislative fix to be able to add more money back into
5 this program from the General Fund, as we did in the past
6 years, that would be very, very beneficial as well.

7 Thank you.

8 SECRETARY RIVERA: I'll pass that along. Thank
9 you, Representative.

10 MAJORITY CHAIRMAN SAYLOR: Representative
11 McCarter, I agree with you. We have had a lot of
12 complaints from our area of the State as well about how the
13 grants are given out and disappointment in the way the
14 evaluations and how they have been awarded, so I appreciate
15 your comments.

16 With that, we'll move to Representative Greiner.

17 REPRESENTATIVE GREINER: Thank you, Mr. Chairman.

18 I want to follow up on something that came up
19 earlier. It's interesting, the Nellie Bly tuition program.
20 Certainly with my financial background, I know there is
21 concerns and we're having spirited discussions about the
22 funding of it. That is one issue.

23 I think there's a second issue conceptually that
24 I struggle with, and coming from an area where Thaddeus
25 Stevens is in my district now. They're expanding. You

1 have HACC in my district and other schools. What I'm
2 wondering is, why would the students that attend those
3 schools, and let's face it, Penn State has branches
4 throughout the State, Pitt, Temple. You know, why can't
5 the kids at these institutions, why would they be shut out
6 from receiving moneys in this program?

7 SECRETARY RIVERA: So that's a great question,
8 and as we have been engaging, and specifically this year
9 around the Nellie Bly scholarship, there's a real workforce
10 rationale behind it. And now I'll kind of start at the
11 higher level and then work my way down, if you don't mind,
12 Representative.

13 First, one of the things that we have realized
14 through the Department as we have been doing our workforce
15 readiness work is that we know, as I have shared a few
16 times, you know, 2025, that 60 percent number of
17 individuals that need an industry certificate or a 2-year
18 or 4-year degree, and we are well below that number, both
19 in terms of the percentages of high school graduates that
20 are going on and attaining those. Our graduates, our
21 percentages are increasing, but the number is decreasing.
22 And then we know that there's a real shifting of population
23 and demographic here, you know, here in Pennsylvania, and
24 that, you know, really forces us to be a little more
25 aggressive in that, in the degree-attainment area.

1 So as we were strategizing and working with the
2 Governor and the Governor's team on this, PASSHE was
3 identified for a number of reasons: one, it's the State
4 System of Higher Ed, so it's the State System schools.
5 Geographically, their schools represent a larger geographic
6 map. So one institution represents almost every county in
7 the Commonwealth, so it's geographically diverse. It holds
8 socioeconomic diversity and diversity as a whole. And it's
9 one of the, it's the cheapest higher ed option in terms of
10 a 4-year option in the Commonwealth, so \$7,000 for tuition.

11 So by investing in Nellie Bly and looking at that
12 6-year program, it will provide, for students who qualify,
13 practically free college tuition for that cohort of
14 students, and that's what we were focused on.

15 REPRESENTATIVE GREINER: Yeah. Well, I still
16 think when you look at Penn State, you know, and I don't
17 want to -- I mean, I'm looking at Thaddeus Stevens and
18 everybody, the community colleges. But Penn State has
19 probably even as large a footprint, if not more, than the
20 PASSHE system, let alone throw in Pitt's branch campuses
21 and you have Temple in Philly. I'm just saying, because
22 what else to me is problematic, and I guess I understand
23 why, but I don't understand, my understanding is that
24 non-Pennsylvania residents are going to be eligible for
25 this.

1 I mean, I would like to help -- I mean, my
2 commitment is to help our own Pennsylvania kids, young
3 people, to do this. I mean, what's the thought process by
4 allowing out-of-Staters this ability to go get this
5 scholarship and then they only can go to a PASSHE school?

6 SECRETARY RIVERA: Mm-hmm.

7 And the position to align the PASSHE is because
8 it's \$7,000 a year as opposed to a more costly 4-year
9 option. And moving towards out-of-State students or
10 out-of-State graduates, in order to qualify for the
11 Nellie Bly scholarship, you have to stay in Pennsylvania
12 for 6 years after graduation. If you leave before those
13 6 years, you have to reimburse the State for the amount of
14 funding that you use proportionately during that time.

15 So what the Governor, you know, identified and I
16 support is that in addition to a higher educational
17 opportunity, a higher ed opportunity, this is also a
18 workforce opportunity. So we know that keeping individuals
19 in State for 6 years after graduation will, you know,
20 reinforce our pool and also keep folks here in the
21 Commonwealth.

22 REPRESENTATIVE GREINER: I appreciate clarifying
23 that. I wasn't sure that it was 6 years. I thought it was
24 only the amount of years that people, that they received
25 those grants. I thought it was a proportionate amount.

1 SECRETARY RIVERA: We're both correct in that.
2 So it's the amount of years individuals received the grant
3 up to 6 years.

4 REPRESENTATIVE GREINER: What other criteria
5 would, for instance, an out-of-State student, how do you
6 prioritize who is going to get these grants, you know, in
7 this setup?

8 SECRETARY RIVERA: Yeah. You would have to
9 qualify based on the Federal standards in terms of Federal
10 Student Aid. So, one, it would be a need based. So, you
11 know, some of us call it last dollar, others need based.
12 So it would kick in after you receive your Federal aid and
13 other financial aid.

14 REPRESENTATIVE GREINER: I'm just going to say
15 that I think the funding of it is a spirited discussion. I
16 think there's going to be spirited discussion on this part
17 of it, too. Just my thoughts. But I appreciate the
18 answers.

19 Thanks, Mr. Chairman.

20 MAJORITY CHAIRMAN SAYLOR: Next is Representative
21 Seth Grove.

22 REPRESENTATIVE GROVE: Thank you, Mr. Chairman.

23 I just want to make sure I heard that correctly.
24 Safe injection sites are not part of the STARS program,
25 right?

1 SECRETARY RIVERA: Keystone STARS?

2 REPRESENTATIVE GROVE: Yeah.

3 SECRETARY RIVERA: Right, it's not.

4 REPRESENTATIVE GROVE: There's no connection
5 there, right?

6 SECRETARY RIVERA: I hope you're not picking on
7 my child again.

8 REPRESENTATIVE GROVE: All right. I just wanted
9 to make sure. I just wanted to make sure.

10 How much money did we totally allocate in PlanCon
11 bonds to date?

12 SECRETARY RIVERA: Total?

13 REPRESENTATIVE GROVE: Total.

14 DIRECTOR MARIANO: So we have bonded 1.6 billion
15 over the three bonds that have been taken out.

16 REPRESENTATIVE GROVE: So we injected
17 \$1.6 billion in the school districts. And that allows lump
18 sums, too, correct? Lump sum payments?

19 DIRECTOR MARIANO: If that was the arrangement,
20 then I believe so, yes.

21 REPRESENTATIVE GROVE: Okay.

22 So we have had \$1.6 billion in the school
23 districts across this Commonwealth, but yet we need an
24 additional billion dollars for toxic schools?

25 SECRETARY RIVERA: I think PlanCon as a

1 reimbursement---

2 REPRESENTATIVE GROVE: Mm-hmm.

3 SECRETARY RIVERA: And actually we know this,
4 because as we visited school districts across the
5 Commonwealth through the PlanCon commission, the need for
6 that level of remediation and the intention of PlanCon were
7 different historically, which is why---

8 REPRESENTATIVE GROVE: But there's some overlap,
9 right?

10 SECRETARY RIVERA: There can be some.

11 REPRESENTATIVE GROVE: There's overlap.

12 SECRETARY RIVERA: Yes.

13 REPRESENTATIVE GROVE: So the big question is,
14 what did those school districts who got lump sum payments
15 do with that money and they still have toxic schools? I
16 think that's a question we need to answer, right?

17 SECRETARY RIVERA: We would have to look into it.

18 REPRESENTATIVE GROVE: That's fair, right?

19 SECRETARY RIVERA: We would have to look into if
20 there's a connection between who received PlanCon dollars
21 and whether or not they're on that list.

22 REPRESENTATIVE GROVE: Yeah. I mean, listen, if
23 I got a school district somewhere in Pennsylvania that
24 received \$2 to \$3 million in lump sum payments and they
25 have toxic schools, why didn't they plow that money back

1 into those schools to make sure it's safe, right? I mean,
2 that is a fair question to ask those school districts who
3 received those dollars.

4 SECRETARY RIVERA: Yeah. Having lived through
5 the PlanCon process, I could have put in a school for
6 submission through PlanCon to renovate that one building
7 but then have another building in my district that may have
8 been in phase 3, 4, or 5 and then submit PlanCon for that.
9 So I don't know if there's -- there could be a connection,
10 but I don't know if there's a connection.

11 REPRESENTATIVE GROVE: Well, I'm just saying,
12 like, in past building projects, if we gave them a lump sum
13 that they're owed, because remember, when we did those
14 bonds, we owed school districts obviously a lot of money.
15 So if we caught them up and gave them lump sums, there has
16 got to be an overlapping connection.

17 I think I wrote you a letter last year saying
18 what the connection was between PlanCon and so forth. But
19 I think it's something that we need to look for and you
20 need to look into as a Department to see, what is the
21 connection, how much money in PlanCon bonds do these
22 schools receive, and what did they do with that money. Did
23 they prioritize it to take care of and make sure the safety
24 and well-being of those students was a priority? I think
25 it's a fair question to ask.

1 One other follow-up. Basic ed funding can be
2 used for the formula and then for financial recovery, the
3 loan, correct? Is there any other use of those dollars
4 that I'm not aware of?

5 DIRECTOR MARIANO: Are you talking about the BEF,
6 basic education funding?

7 REPRESENTATIVE GROVE: Yeah, BEF. Yep; mm-hmm.

8 DIRECTOR MARIANO: Well, that has many different
9 uses when it gets to the school district, because it goes
10 into their general fund.

11 REPRESENTATIVE GROVE: But for us, us, the
12 State's use, right? We can send out basically by the
13 formula, or if there is access, we can give it to schools
14 through the financial recovery loan, correct?

15 DIRECTOR MARIANO: If we move money into the
16 financial recovery loan account from prior year funding---

17 REPRESENTATIVE GROVE: Mm-hmm.

18 DIRECTOR MARIANO: Is that what you're talking
19 about?

20 REPRESENTATIVE GROVE: Yes. Yeah.

21 DIRECTOR MARIANO: Yes, that is a possibility.

22 REPRESENTATIVE GROVE: Is there any other
23 possibility for that, the use of BEF, or is that it in the
24 statute?

25 DIRECTOR MARIANO: Not the current year subsidy.

1 It's just based on what the formula drives out.

2 REPRESENTATIVE GROVE: Prior year funds, what can
3 that be used for outside of the financial recovery loans?

4 DIRECTOR MARIANO: A variety in terms of, we have
5 audit adjustments that we have to make where we would need
6 to potentially address over or underpayments. I believe a
7 piece of it can also be moved to another restricted account
8 for transportation recovery.

9 REPRESENTATIVE GROVE: Okay. So audit recovery,
10 in 2017, there was an increase to the, or this fiscal year
11 there was an increase to the 2017 line item of \$810,000,
12 but yet we spent -- 2008, by the way, 2008 was before I was
13 elected to this place. The 2008 line item was still active
14 this fiscal year. The Department spent \$189,766. Would an
15 audit go back that far?

16 DIRECTOR MARIANO: I would have to look into that
17 issue and get back to you.

18 REPRESENTATIVE GROVE: Yeah. Because the data
19 I'm looking at is 2008, 2010, 2011, 2014.

20 2014 has \$2.6 million. I mean, if you want to
21 give that to my districts in the 196, I would be
22 appreciative of it. 2015, 25,000, which was spent this
23 fiscal year; and then 2016, \$2 million.

24 I'm just saying, that's a lot of money to be
25 holding there. I get some audit fluctuations, but having

1 that corrected and not having this money sit there,
2 particularly if it's going to one school district. I mean,
3 the idea of BEF is everybody benefits, and I'm out of time.

4 Thank you, Mr. Chairman.

5 MAJORITY CHAIRMAN SAYLOR: All right.

6 Representative Topper.

7 REPRESENTATIVE TOPPER: Again, Mr. Secretary,
8 real quick, I want to hit on teacher evaluations, because
9 that has been a topic that obviously has been in the mix
10 legislatively for a while and we have discussed, maybe held
11 up a little bit more than I would have liked throughout the
12 process, as most education bills seem to get.

13 But I guess now my concern is implementation. If
14 we are able to get the updates to Act 82 into law within
15 the next few months, does that still give the Department
16 enough time, with a couple tweaks that we might, you know,
17 have to put in, do you feel comfortable that you could get
18 that implemented for the next school year?

19 SECRETARY RIVERA: We would work with the
20 General Assembly to make sure it's a good, aggressive
21 timeline. If that happens within the next few months,
22 allowing us the end of the school year into the summer to
23 orient superintendents and principals around, and then the
24 data collection -- do you want to jump into it?

25 DEPUTY SECRETARY STEM: May I real quick?

1 SECRETARY RIVERA: Yeah.

2 DEPUTY SECRETARY STEM: Thanks for letting me
3 jump in.

4 So I had the privilege of working closely with
5 individuals and the General Assembly to support or give
6 feedback. So in this area, there are some regulatory
7 requirements that then have to follow that would probably
8 take us, at this point, into the start of the, the start of
9 the '21-22 school year.

10 So I think we wouldn't be able to go live this
11 fall. However, if we were to get legislation passed and
12 have a runway that would allow for the regulatory
13 activities that have to happen, then we would be -- there
14 are certain things that need to be published in regulations
15 to operationalize what's in the statute.

16 REPRESENTATIVE TOPPER: Okay.

17 DEPUTY SECRETARY STEM: So we would be looking at
18 '21-22.

19 REPRESENTATIVE TOPPER: Well, we're going to
20 still push, you know, I still want to see this get done.
21 Anything that we can do legislatively, you know, to make
22 sure we can at least start getting it in place this year or
23 for the next year we'll try to do. But yeah, I'm sure we
24 have already, you know, walked around that circle for a
25 little while now.

1 And one more thing on cyber charters. As we move
2 forward, there's 14 cyber charters currently authorized.

3 Am I---

4 SECRETARY RIVERA: Fourteen. Yes.

5 REPRESENTATIVE TOPPER: Okay. Of those 14,
6 because obviously a charter, a brick-and-mortar charter
7 school has a home school district that authorizes, or an
8 authorizing school district.

9 SECRETARY RIVERA: Correct.

10 REPRESENTATIVE TOPPER: But cybers are authorized
11 by---

12 SECRETARY RIVERA: The State.

13 REPRESENTATIVE TOPPER: By the State.

14 How many of the schools are currently operating
15 with expired contracts? Do you happen to have that
16 information?

17 SECRETARY RIVERA: I can pull it up.

18 REPRESENTATIVE TOPPER: Or charter agreements?

19 SECRETARY RIVERA: I want to say I think we
20 finally worked through about four. If you don't mind, I'll
21 forward that to you. I didn't bring the sheet of the
22 authorized---

23 REPRESENTATIVE TOPPER: But, I mean, obviously
24 you guys know what you're working on. I mean, how many --
25 are we caught up? Are we close to being caught up? Are

1 the ones that are not authorized -- I guess my point is, I
2 mean, we do have discretion. If we're authorizing the
3 charters for these schools, I assume that we feel they are
4 meeting the expectations of the Department.

5 SECRETARY RIVERA: The ones we authorize, we're
6 very confident. They are meeting the expectations or they
7 have a plan in place to meet those expectations.

8 REPRESENTATIVE TOPPER: All right. So you feel
9 comfortable having the authority as the authorizer. We
10 don't need to go find an independent third party. You feel
11 like you've got a handle on it?

12 SECRETARY RIVERA: Well, we actually have been
13 having conversations around not necessarily for ultimate
14 authorization, but there's a lot more work that can go into
15 authorizing that we don't have the capacity to engage in.

16 So, for example, the four cyber charters that we
17 have worked with over the course of the past few years was
18 extremely work intensive. I mean, we like to go on and
19 provide site visits and look at the curriculum, look at
20 governance, look at, you know, their financial accounting,
21 and so we put in a lot of time and effort.

22 Part of what we have been discussing at our level
23 is to do that due diligence, it may be worthwhile for us to
24 look at contracting or finding someone else to do the
25 report for us and then we ultimately make the

1 recommendation. Because I just use the same existing, the
2 existing team to go out, drop what they're doing, and then
3 go out and work on authorization of charters.

4 REPRESENTATIVE TOPPER: Okay.

5 Thank you, Mr. Chairman.

6 SECRETARY RIVERA: Sure.

7 MAJORITY CHAIRMAN SAYLOR: Very good.

8 Since Chairman Bradford spoke for 10 minutes
9 earlier, I'm only going to give him a minute now.

10 MINORITY CHAIRMAN BRADFORD: But I noticed it.

11 MAJORITY CHAIRMAN SAYLOR: But you noticed it. I
12 know. You shouldn't have told the Chairman that you had
13 already spoken for 10 minutes.

14 With that, I'll turn it over to Representative
15 Bradford.

16 MINORITY CHAIRMAN BRADFORD: Thank you, Chairman
17 Saylor, and thank you for the opportunity to speak.

18 I would be remiss, though, if I didn't go back to
19 the issue of school construction and the obvious concern
20 that many of us have about lead and asbestos abatement.

21 There is kind of two schools of thought that I
22 have heard in response to the Governor's proposal.
23 Alternatively, it's, you're on your own, these districts
24 need to figure it out; or basically, live with it, it's
25 your school district, figure it out. I don't think that

1 obviously plays to the best in Pennsylvania. In fact, I
2 think it is ignorant of the reality.

3 The one gentleman actually talked about asbestos
4 and lead were banned in, I believe, and I'm going to throw
5 out the dates because I'm not sure they were true, but I
6 think he said '73, '78, and '86. I am very concerned when
7 we go down this road that we pit our more affluent
8 communities against our poorer communities and what those
9 kids look like. In fact, I heard the term used, if we were
10 to do something for these districts, we would be "rewarding
11 bad behavior" was the term I heard. I think that sorely
12 misses the point.

13 I have four kids. They go to public schools. I
14 have a ninth grader who was born in '05, a seventh grader
15 who was born in '07. I have to write these down. That's
16 embarrassing. I have a first grader who was born in '12
17 and a pre-K who was born in '14. Their schools don't have
18 asbestos or lead, not because we reward bad behavior but
19 they won the lottery of life. They're in one of our
20 wealthier school districts.

21 I think we really miss the point as to what we're
22 here to do if we go down and talk about how those children,
23 and that's who we're talking about, children, should pay
24 the price for the failings of their parents' school
25 district or, frankly, our Commonwealth.

1 We have school districts that have tremendous,
2 tremendous disparity in wealth -- tremendous. In fact,
3 there's a Supreme Court case right now challenging the
4 equity of how schools are funded in this Commonwealth.

5 My kids go to a school, I mentioned, that was
6 built in the mid-nineties. These concerns weren't even an
7 issue. My kids go to a school that has a 12-to-1
8 student-to-teacher ratio and about an 82 percent
9 proficiency in reading and math. These are very different
10 districts we're talking about. And so when we compare
11 apples and oranges, districts that are dealing with the
12 most basic struggles of providing kids an education and
13 then wonder why these other districts that we can say are
14 other people's problem, I think we missed the point by a
15 far, far spot.

16 Now again, I think we also need to pack some of
17 the emotion with some facts. The old PlanCon, PlanCon as
18 it was originally intended, PlanCon, the idea that was put
19 out by the gentleman from York was to provide an
20 opportunity for these poorer districts to do remediation.
21 Well, let's remember that there was a 20-percent alteration
22 rule in the old PlanCon program. So in order to get
23 PlanCon, you needed a renovation that would have been
24 20 percent of rebuilding costs. So these weren't small,
25 let's go in and just do lead, let's do asbestos. Only

1 wealthier districts that were doing massive renovations
2 could have used PlanCon.

3 Now, the wisdom of this building in the new
4 PlanCon, we actually have allowed for smaller renovation
5 projects that would allow for asbestos and lead
6 remediation, but the same wisdom that allowed us to set up
7 that program allowed us in every year since it was set up
8 not to fund it. So there has been no funding. These
9 schools are our kids.

10 I actually in a hearing the other day, after it
11 was over, I recognized some of our Members who, when they
12 were speaking at the ag industry in Pennsylvania, spoke
13 glowingly of it. We don't have a lot of Democratic Members
14 that are closely connected to the ag industry, though we
15 are all consumers of the many products they provide. But
16 they know we have a vested interest in that industry. We
17 as a Commonwealth need to recognize that we have a vested
18 interest in every child. We're not rewarding bad behavior.
19 These kids weren't even born when these problems were
20 created, when they were recognized, and frankly, it doesn't
21 matter at this point. We have a huge, very costly
22 obligation, and we need to get about the business of
23 addressing it.

24 So I would say to my good friends, we can all be
25 upset about how we found ourselves in this predicament, but

1 we need to address it. That's it.

2 SECRETARY RIVERA: Thank you.

3 MINORITY CHAIRMAN BRADFORD: Thank you, Chairman.

4 MAJORITY CHAIRMAN SAYLOR: Very good.

5 Just to remind you, Chairman Bradford, that
6 without ag, your students wouldn't eat. So I think you do
7 have a vested interest in the city of Philadelphia and
8 Pittsburgh in York and cities in ag.

9 MINORITY CHAIRMAN BRADFORD: I agree.

10 MAJORITY CHAIRMAN SAYLOR: So the other thing I
11 wanted to do is correct Representative Comitta in thanking
12 the Governor for the libraries. It was not the Governor
13 who put \$5 million in for the libraries, it was the State
14 Legislature who put them in, and this is again another year
15 where the Governor has ignored our libraries in this
16 Commonwealth, who are a big part of our communities, and
17 for many of our children, it is critical that that funding
18 be put into place. And I'm disappointed that again the
19 Governor has not made recommendations to at least increase
20 that line item by some amount.

21 The other consideration I have and a real
22 concern, Mr. Secretary, as we talked about earlier, is the
23 pupil transportation issue, \$157 million short, and there's
24 no recommendation.

25 Look, we have a Secretary of the Department of

1 Health and Human Services who overspent the budget this
2 year by \$900 million. My concern is, you're going to be
3 back here next year looking for \$300 to \$400 million for
4 pupil transportation to balance your budget, in all truth
5 and honesty. That's scary.

6 What the Secretary of Health and Human Services
7 has done is put us into a crisis here as we draw this
8 budget up, because we need to invest more, as you fully
9 recognize, and I know you have always stood for more money
10 for education. But when we have Secretaries who overspend
11 the budget, it puts us in a difficult position to fund
12 special education, to pre-K, to the Governor's proposal for
13 full-day kindergarten. So it's a real concern I have that
14 we have not got a request for additional money for pupil
15 transportation.

16 Another thing I really hope that the Department
17 will focus on with our colleges that are doing teacher
18 training is working with these new teachers to understand
19 the new technology and incorporating them into the
20 classrooms. That's the biggest complaint I get from
21 superintendents about new teachers. They're bright,
22 they're intelligent, they're enthusiastic, but they haven't
23 learned coming out of college how to incorporate technology
24 into their techniques of teaching. And so I would
25 encourage you to work with those colleges to do that.

1 Last but not least is the big issue of asbestos
2 and lead. You know, my colleague talks about, well, you
3 know, let's just move on. I'm not going to move on, and I
4 don't think anybody is. We all care about kids and the
5 teachers in these classrooms, but the incompetence, the
6 malfeasance in office that these school boards have had,
7 every one of these school districts that I know of that
8 have not dealt with this issue that has been around for
9 40 years are getting over 48 percent of their funding from
10 the State compared to other school districts in York and
11 Montgomery and Chester and counties across this State who
12 are getting 15 to 19 to 20 percent of their funding. Yet,
13 those school districts dealt with this issue.

14 The school districts who got the most funding
15 from the Commonwealth of Pennsylvania failed to do the
16 right thing. They didn't seem to care about kids because
17 there's other ways to spend money. Now, whether that was,
18 I don't know, but it's a real shame that we have school
19 boards and superintendents who have ignored the health and
20 safety of teachers and children for this long -- 40 years.
21 Unbelievable.

22 And I'm not willing to give anybody a pass for
23 their incompetence. Yes, it's past school boards, and yes,
24 it's time we fix the problem. And nobody is saying that we
25 shouldn't fix the problem on this side of the aisle, but

1 somewhere along the line, we have to, and people expect us
2 to have accountability in government. That's why so often
3 government is looked down on, is because there is nobody
4 held accountable when they do malfeasance in office, when
5 they mismanage the dollars that our taxpayers pay. They
6 don't blame the Stan Saylor or Matt Bradfords. They
7 belong to the taxpayers of Pennsylvania, and they expect
8 accountability. They expect that their children go to a
9 school that is safe and that the teachers in those
10 classrooms also are being kept safe.

11 And I visited probably, Mr. Secretary, and I know
12 you have as well, probably 30-some school buildings in the
13 city of Philadelphia. Some of them are 25 percent filled
14 to 50 percent filled, and nothing has changed. They could
15 have closed down and moved kids around in those school
16 buildings and fixed that problem a number of times, but
17 instead they continue, the City Council continues to ignore
18 the children of Philadelphia, and that's a shame that they
19 are in control and could have fixed this problem. Instead,
20 they also are complicit in the malfeasance and
21 mismanagement of the Philadelphia school system when it
22 comes to protecting children.

23 So all I can say is, we want to fix this. We
24 want to make sure the kids are safe. But I will tell you,
25 I'm not one who is just going to wave off mismanagement and

1 poor management and people who ignore the safety of our
2 children of this Commonwealth so easily.

3 So with that, Mr. Secretary, I want to thank you
4 for being here today. I look forward to working with you
5 as we progress through this budget process and throughout
6 the year. Thank you for your service.

7 And with that, this Committee will reconvene in
8 10 minutes to hear from the Pennsylvania Higher Education
9 Assistance Agency. Thank you.

10 SECRETARY RIVERA: Thank you, sir.

11 DIRECTOR MARIANO: Thank you.

12

13 (At 2:40 p.m., the budget hearing adjourned.)

1 I hereby certify that the foregoing proceedings
2 are a true and accurate transcription produced from audio
3 on the said proceedings and that this is a correct
4 transcript of the same.

5
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