

# 2023 SCHOOL CODE CHANGES

## Substitute Teacher Related

**Day-to-Day Substitutes, Section 129:** Under this law, if a Chief School Administrator believes that an emergency shortage of day-to-day substitute teachers exists, they are permitted to hire an annuitant regardless of whether the LEA first attempts to hire nonretired personnel, except they must first offer the work to any certified professional employee on a recall list. Originally, this provision was only permitted through June 30, 2023.

**Temporary Substitutes, Section 1215:** Section 1215 was amended to remove the June 30, 2023, sunset date so that schools may continue to issue temporary certifications for substitute teachers indefinitely. A temporary certification is most often used by a person who has recently completed student teaching. An LEA may issue the temporary certification to allow such an individual to substitute in day-to-day assignments. Notably, this temporary certification may be used for more than 20 consecutive days due to the absence of professional certified personnel. An individual's temporary certification expires at the end of the summer of the school year in which it was issued or when the individual is issued an Instructional Level I certificate.

**Substitute Teaching Permits (Student Teachers), Section 1201.1:** The temporary substitute teaching permit provisions for prospective teachers that allow substitute service for unlimited days were extended through the 2025-26 school year. This section of the School Code limits a prospective teacher serving in their student teaching assignment per 22 Pa. Code 354.25(f) to substitute a maximum of 10 days in their assigned classroom or other classrooms in the building(s) to which they have been assigned.

**Classroom Monitors, Section 1218.1:** Section 1218 was repealed, and section 1218.1 was added to the School Code to allow LEAs to continue using classroom monitors through June 30, 2026. Classroom monitors are permitted to deliver assignments to students that are preplanned by a professional or temporary professional employee but may not plan lessons or grade student work. There is no change to the classroom monitor eligibility requirements. School leaders should review the law closely for complete details.

The law also imposes reporting requirements on school entities, including:

1. The number of individual classroom monitors used annually.
2. The total number of days any classroom monitor was used annually.
3. The LEA's day-to-day substitute teacher compensation for years 2020-21 through 2025-26.

## **Educator Workforce Related**

**Educator Pipeline Support Grant, Article XII-B:** This program, to be administered by PHEAA, provides a minimum grant of \$10,000 to student teachers. An individual who completes student teaching in a school entity in an area of the Commonwealth that attracts few student teachers or that has a high rate of open teaching positions will receive an additional \$5,000. The cooperating teacher of any student teacher receiving this grant will also receive a minimum grant of \$2,500. These grants are not taxable under section 303 of the Tax Reform Code of 1971. *PHEAA will release the student teacher grant application by April along with instructions for how public and non-public schools and cooperating teachers can participate.*

**Job Posting Database, Section 130:** This new section of the School Code requires the Department to establish and maintain a publicly accessible and searchable digital database in which school entities and nonpublic schools may voluntarily post employee vacancies. The database will be available at no cost to school entities, nonpublic schools, or prospective employees. *The Department will provide more information about the database, along with instructions for submitting job postings, in the coming months.*

**Instructional Vacancy Data, Section 131 and Data Transparency, Section 132:** Two new sections of the School Code are intended to assist schools and the Commonwealth with tracking the status of the educator workforce. Section 131 requires school districts, charter schools, career and technical centers and intermediate units to submit information relating to instructional vacancies by August 31, 2024, and each August 31 thereafter. Section 132 charges the Department with posting data related to the educator workforce by December 31 annually and issuing a report to the General Assembly by December 15 annually. *The Department will notify schools when guidance for this data collection is developed.*

**Teacher Mobility Compact, Article XII-B:** This new article of the School Code, titled Interstate Teacher Mobility Compact, gives the Governor authority to enter into a multi-state compact that allows out-of-state teachers in approved positions to be granted equivalent licenses in Pennsylvania.

## **School Facilities Related**

**PlanCon 1.0, Section 732.1:** The moratorium on the Department accepting or approving any new school building construction or reconstruction applications under PlanCon 1.0 is extended indefinitely.

**PlanCon 2.0, Section 2608-J:** The opening of the PlanCon 2.0 program is delayed until July 1, 2024.

**School Environmental Repairs Program, Article XXVI-L:** This new article of the School Code charges PDE with establishing the School Environmental Repairs Program to provide competitive grants to school entities for projects that abate or remediate environmental hazards in school buildings. Environmental hazards include, but are not limited to, the abatement or remediation of lead in water sources, and asbestos and mold inside school buildings. A school entity must have a 50% local match, and the maximum award is \$10 million. Grants will be prioritized based on environmental hazards that present the greatest risk of exposure. Eligible entities are school districts, charter schools, and career and technical centers. *The Department will release the grant application and guidance at least 60 days prior*

*to opening the application so that schools have ample time to apply. More information will be available in the coming weeks.*

**School Improvement Grant Program, Section 1735.2-E of the Fiscal Code:** The 2023-24 Fiscal Code bill allocates \$100 million to the Department of Community and Economic Development’s Commonwealth Financing Authority to establish the School Improvement Grant Program and competitively award grants to school districts and career and technical centers for facility improvement projects (e.g., roof, window, HVAC, plumbing, environmental hazard remediation, energy saving projects, etc.). Projects must have a minimum cost of \$500,000 and require a 25% local match. The maximum award is \$5 million. *The new law requires the Commonwealth Financing Authority to release grant guidelines by February 11, 2024.*

## **School Safety Related**

**School Safety and Security, Article XIII-A:** This Article of the School Code is renamed Student Supports (previously titled Safe Schools) and several provisions, such as administration of the Targeted School Safety Grants, are reassigned to the School Safety and Security Committee within the Pennsylvania Commission on Crime and Delinquency (PCCD). *PDE and PCCD are working closely to update guidance and to minimize confusion during this transition. More information will be provided as it becomes available.*

**School Safety and Security Grant Program, Section 1306-B:** This section of the School Code directs the School Safety and Security Committee within PCCD to use \$100 million of COVID ARPA funding as follows for the 2023-24 school year:

- \$90 million for mental health grants to school districts, charter schools, cyber charter schools, regional charter schools, career and technical centers and intermediate units (see Section 1315.1-B for formula);
- \$5 million to PHEAA for the [PA HELPS Grant Program](#) to continue supporting school-based mental health professionals during their internships; and
- \$5 million to PDE to support pathways to certification for school-based mental health professions.

*PCCD plans to release the 2023-24 grant application and guidance by the end of January. Per the new law, funding must be awarded to school entities by March 31, 2024, and by December 31 every year thereafter. More information can be found on [PCCD’s website](#).*

**School Safety and Security Coordinator Training, Section 1316-B(B):** Effective immediately, educators may apply school safety and security coordinator training toward their Act 48/45 continuing professional education requirements.

## **2023-24 Funding**

**CTE Subsidy, Section 2502.8:** This section of the School Code adjusts the weights in the career and technical education subsidy for the 2023-24 distribution of state aid. The weighted average daily membership is changed from a multiplier of 0.2276 to 0.2668 for students attending career and technical schools, and from 0.1844 to 0.2178 for students enrolled in CTE curriculums within school districts or

charter schools. *The 2023-24 Secondary CTE subsidy allocations will be posted on the Education Budget (pa.gov) webpage. Schools that receive the Secondary CTE subsidy will see the increase reflected in their February 2024 subsidy payment.*

**Ready to Learn Block Grant, Section 2599.6:** This section of School Code e sets the Ready –to Learn Block Grant amount received by a school entity in 2023-24 and each subsequent year to an amount not less than the amount received by the school entity during the 2022-2023 fiscal year. *The 2023-24 Ready to Learn Block Grant allocations are posted on the [Education Budget \(pa.gov\)](https://www.pade.gov/education-budget) webpage.*

**IU Special Education Funding, Section 2509.1:** This section of the School Code extends through the 2023-24 school year the ability of intermediate units to receive 5.5% of the state appropriation for Special Education funding.

## Miscellaneous

**Technical Edits:** Throughout the School Code, terminology related to students with disabilities with negative connotations is replaced with contemporary, respectful language, i.e. the terms “physical or intellectual disabilities” are used in place of terms such as “mentally retarded” or “physical defect.”

**Religious Garb in Schools, Section 1112:** Effective January 5, 2024, section 1112 of the School Code is repealed, and educators are no longer prohibited from wearing religious dress, mark, emblem, or insignia while performing their duties as an educator.

**Instructional Days/Hours, Section 130:** Effective immediately and continuing indefinitely, school districts, intermediate units, and career and technical centers may choose to provide either 180 instructional days **or** 900 hours of instruction at the elementary level/990 hours of instruction at the secondary level. Previously, school entities had been required to provide both the minimum number of days and hours of instruction. *The Department is updating related policy documents and processes to assist schools with this change. Please watch for a separate email containing these updates.*

**Military Child Advance Enrollment, Section 1302.1:** Effective immediately, a school district must develop a policy or revise its existing policy to allow a child of an active duty member, including the reserves, to enroll in the school district prior to establishing residency. Enrollment is to be permitted upon the parent providing the district with a copy of their official military orders and proof of their intent to move into the district (i.e., signed contract to purchase a home, a signed lease agreement, statement stating their intention to move into the district.) The child’s parent/guardian must provide proof of residence to the school district no later than 45 days after the arrival date specified in the military orders.

**Dental Screenings, Section 1403:** Effective February 12, 2024, all school-age children, including students with disabilities, must be given a dental screening by a school dentist or public health dental hygiene practitioner upon original entry into school, while in 3<sup>rd</sup> grade and while in 7<sup>th</sup> grade. Prior to this recent School Code amendment, children were required to receive dental exams and only a dentist licensed in Pennsylvania was permitted to perform those exams. *The Pennsylvania Department of Health’s Bureau of School Health is updating its guidance for schools.*

**Personal Financial Literacy, Section 1551:** Beginning with the 2026-27 school year, public and nonpublic schools must offer a mandatory course in personal financial literacy worth at least 0.5 credit hours that is

completed in grades 9-12. The personal financial literacy course applies to all students who are in the designated grade. If students have already transitioned to grade levels beyond the course sequence, they are not required to complete the course. For instance, if the LEA determines the course must be completed when students are in 10th grade, students who have already transitioned to 11th and 12th grades are not required to take the course. The State Board of Education must adopt academic standards and the Department must develop model curriculum for economic education and personal financial literacy programs by the 2025-26 school year.

In the meantime, the Department has updated the following Certification and Staffing Policy Guidance (CSPGs) to indicate which certifications may teach personal financial literacy: CSPG 33 Business, Computer and Information Technology; CSPG 35 Citizenship Education; CSPG 44 Family and Consumer Sciences; CSPG 49 Marketing/Distributive Education; CSPG 50 Mathematics; and CSPG 59 Social Studies. See [Staffing Guidelines \(pa.gov\)](#).

**Dual Credit ADM, Section 1525.1:** Retroactive to July 1, 2023, school entities may include students enrolled in dual credit courses in their average daily membership calculation. This section also requires PDE to issue a report that compiles information including the number of dual enrollment agreements with institutions of higher education, the number of secondary students participating in the agreements, and the number of credits earned. *Additional guidance will be provided prior to the ADM data collection in June.*