



CLIENT ALERT
December 2, 2020

Client Alert - Senate Bill 1216 Approved by the Governor

As you may be aware, on or about November 25, 2020 (the day before Thanksgiving), Governor Wolf signed into law multiple House and Senate Bills. In particular, the Governor signed Senate Bill 1216 which amends the Public School Code to include providing temporary flexibility in teacher certification requirements, and specifically an update to transportation requirements for Pennsylvania public school districts. The primary author of Senate Bill 1216 was State Senator Langerholc of Cambria County.

This Client Alert is to give an update as it relates to the non-public student transportation and other transportation requirements which came out of the approval of Senate Bill 1216.

In summary, Senate Bill 1216 ensures school entities receive a subsidy payment that is equal to previous years and ensures transportation contractors receive payment from the school entity at normal costs. To receive a pupil transportation subsidy payment equal to the prior school year, a school entity that contracts for school bus transportation services shall pay the school bus contractor for the school year in an amount that the contractor would have received from the school entity had transportation services not been impacted by the COVID-19 Disaster Emergency, minus the amount of any variable cost, provided the contractor certifies those costs.

Senate Bill 1216 also stated that the Pennsylvania Department of Education shall develop guidelines on variable costs and do so in consultation with PSBA, PASBO, and the Pennsylvania School Bus Association.

Likewise, Senate Bill 1216, in particular to non-public pupil transportation, requires school districts to provide non-public school transportation for the 2020-2021 school year if such transportation was provided during the previous school year.

More specifically, it modifies Section 1361.1 for non-public school transportation for 2021 school year in stating that:

As it relates to the provision of transportation for non-public schools for the 2021 school year, if transportation was provided during the 19-20 school year for pupils of non-public schools under Section 1361(1), the Board of School Directors shall provide pupils of non-public school transportation on the dates and periods that the non-public school is in session according to the school calendar officially adopted by the non-public school whether or not transportation is provided on those dates and periods to students attending schools of the district.

Finally, such variable cost guidelines are required to be provided within 30 days of the effective date of the Bill. For the purposes of variable costs, Senate Bill 1216 associated the definition of such as the difference between cost for labor, fuel, tools, maintenance and other expenses as determined by the Department during normal operations of school bus transportation and those same costs during the COVID-19 Disaster Emergency.

It is unfortunate that the public school districts have been given yet another hurdle that they must manage during the global pandemic, however, we ask that you take heed of Senate Bill 1216 's requirements and discuss such with any third party transportation contractors as the school districts move forward during any temporary and/or permanent remote learning instructional models.

As with all other Client Alerts, these guidelines/protocols/recommendations are subject to change on a daily or weekly basis depending on Orders from Governor Wolf, Secretary Rivera and Secretary Dr. Levine.

While the Beard Legal Group Client Alert is designed to provide information on topics of concern to Pennsylvania Public Schools, it is not legal advice and school districts should contact their Solicitor, Labor of Special Counsel for advice related to their specific circumstances.

WWW.BEARDLEGALGROUP.COM

3366 LYNNWOOD DRIVE • PO BOX 1311 • ALTOONA, PENNSYLVANIA 16603-1311 • PHONE 814-943-3304 • FAX 814-943-3430
OFFICES ALSO LOCATED IN JOHNSTOWN, PA