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Pennsylvania Department of Education
Division of Charter Schools
333 Market Street, 3rd Floor
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Eric Levis, Deputy Director
Pennsylvania Department of Education
Policy Office
333 Market Street, 10th Floor
Harrisburg, PA 17126

Re: Proposed Rulemaking 6-349

Mr. Seely and Mr. Levis:

Pennsylvania Partnerships for Children (PPC) appreciates the opportunity to provide comments to the Department of Education and the Independent Regulatory Review Commission (IRRC) on Proposed Rulemaking 6-349 pertaining to charter school regulations. PPC is the statewide, independent, non-partisan and non-profit child advocacy organization in Pennsylvania with a vision to ensure every child living in the state can thrive and reach their full potential. Our policy agenda covers the span of perinatal and children's health care, early care and education, child welfare, and K-12 education. As the state grantee for the Annie E. Casey Foundation's KIDS COUNT Network, we track over 150 indicators of child well-being and base our policies from sound data analysis.

Foremost, PPC commends Governor Wolf and the administration for its efforts in advancing elements of sound charter school reform absent the ability to successfully pass legislative amendments to the charter law, which have been at an impasse in the General Assembly for several consecutive sessions without resolution. Going back to the 2017-18 legislative session, PPC supported substantial components of HB 97 (Reese), which was arguably one of the most comprehensive pieces of charter reform legislation introduced in recent years. While HB 97 came remarkably close to the Governor's desk in 2017, with its inability to achieve final passage at that critical juncture, the legislature has since primarily taken the approach to divide the topic into much smaller, individual bills by narrower topics. Unsurprisingly, due to a variety of legislative and political factors, these pieces of legislation have also failed to fully pass the General Assembly, leaving children, parents, educators, and other stakeholders in our current stalemate.

PPC is cognizant of the polarizing nature of the charter debate and how its politicized discourse has stymied any progress on amending the charter law since its initial passage into law in 1997. However, the following elements must be prioritized so that there is an objective approach in ensuring that should a child opt to receive his or her education the following is achieved:

- The education offered is of high-quality: PPC supports efforts to ensure transparency for charter and cyber charter school governance practices and fiscal controls, and that the academic performance of charters and cyber charters can be measured using objective and easily utilized matrices.
- Encourage the growth of high-performing charters while holding poor-performing charters accountable: PPC supports expanding the reach of successful charter schools but also realizes we must address the

continued operation of failing charter schools. It should be the collective goal of all partners in this dialogue to improve the performance of charter schools across the board so that we are not failing students and their families who choose this option for their education.

- Charters and cyber charters are held to the same accountability standards: PPC supports charter schools and the options they provide to students in a variety of situations, but we also expect that they are held to the same standards as traditional public schools in all areas and benchmarks. **As is, their outcomes, and particularly that of cyber charters, is clearly not indicating the same set of expectations.**

For additional context on the scope of impact the rulemaking will have, Pennsylvania currently has 155 brick and mortar charter schools, 10 regional charter schools, and 14 cyber charter schools that collectively enroll over 169,000 students. The onset of the COVID-19 pandemic served to increase the number of enrolled students at a historic rate, as parents and children opted for charters and particularly cyber charters during a time when public schools adapted to delivering their curriculum in a virtual setting for the first time. This has made the need for pragmatic amendments aimed at achieving additional transparency, equity, and consistency all the timelier and pressing.

With these priorities and importance of context in mind, as well as the known timeliness on the need for pragmatic amendments to the charter school law, PPC would like to publicly note its support for the following components of Proposed Rulemaking Number 6-349 from the Pennsylvania Department of Education as issued in the Pennsylvania Bulletin on September 18, 2021:

- 1) **A standardized application form described in §713.2 and §713.3 that creates a uniform process and increases public transparency:** Specifically, we support the development of a standardized application with minimum criteria that is developed by the Department of Education, including information on a charter applicant's admissions policy so that students and parents are informed of its enrollment capacity and evaluation methods for entry. Throughout various iterations of charter reform legislation over several sessions, this has been a long-standing priority for PPC. We also support the need to address curriculum meeting the needs of at-risk students, including those with learning disabilities or English Language Learners. Finally, we support transparency on suspension and expulsion protocols, including the requirement to address disparities in implementing disciplinary practices.
- 2) **Enrollment requirements that ensure equity in student access as outlined in § 713.4 and § 713.5:** Another long-held priority for PPC addressed in the Proposed Rulemaking is the requirement for a charter or regional charter school to enact a board-approved policy that ensures the random selection of students for enrollment should more students apply than the number of slots available. This method of selection again ensures fairness in access to charter school enrollment for students. The requirement for the charter or regional charter to post this information on its publicly accessible website is also commendable. In addition, with PPC's strong emphasis on the importance of data analysis in policy development, we appreciate the inclusion of an annual reporting process that outlines the number of overall and qualified applicants, as well as students who were offered enrollment and accepted enrollment.
- 3) **Transparency for board leadership as described in §713.6 in addition to standardized, consistent fiscal and auditing requirements outlined in §713.7:** PPC supports members of boards of trustees of charter school entities being subject to the Public Official and Employee Ethics Act as well as the requirement to file statements of financial interest with the State Ethics Commission. In addition, requiring generally accepted standards of fiscal management and audit requirements will ensure consistency in providing fiscal information on the operational and financial health of a charter program [both financial statements completed in accordance with generally accepted accounting principles (GAAP) as established by the Governmental Accounting Standards Board (GASB) and independent annual financial audits completed in accordance with Generally Accepted Government Auditing Standards (GAGAS) as issued by the Generally Accepted Auditing Standards (GAAS)].

As a statewide non-profit child advocacy organization that is not a membership association nor offer direct education services, we do not feel well-suited to take a position on either the Redirection Process described in §713.8 or the Health Care Benefits provision outlined in §713.9.

However, PPC would like to note our disappointment that the proposed rulemaking fails to address other important charter reform considerations that have been widely discussed and included with support in various iterations of legislation that have been previously debated. Specifically, the proposed rulemaking does little to ensure charter entities are meeting performance standards to ultimately achieve student success. There is little accountability for underperforming schools nor does the proposed rulemaking address the required development of a performance matrix, nor discuss improvement plans or recovery plans. For reference, [HB 97](#) of the 2017-18 session included the following language in Section 1731.2-A (page 66):

“The performance matrix shall assess performance by utilizing objective criteria, including, but not limited to: student performance on assessments; annual growth as measured by the Pennsylvania Value-Added Assessment System; attendance; attrition rates; graduation rates; other standardized test scores; school safety; parent satisfaction; accreditation by a nationally recognized accreditation agency... and other measures of school quality, including measures for assessing teacher effectiveness. The performance matrix shall be designed to provide parents and educators accurate comparisons of performance by and between traditional public-school entities and charter school entities...”

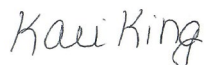
Inclusion of measures similar to what was drafted for the performance matrix included in HB 97 of the 2017-18 legislative session would have strengthened the proposed regulation and ultimately provided greater oversight to guarantee both better performance of the charter entities, but for improved student outcomes as well. Failing to address a performance matrix element was a lost opportunity to accomplish this needed component of any charter reform effort.

Despite this missed element, PPC is appreciative that the Department of Education has advanced Proposed Rulemaking 6-349 to address overdue and much-needed pragmatic changes to the state’s Charter School Law. On balance, the suggested proposal will accomplish several noteworthy and positive amendments to the law that will be beneficial for children and families in Pennsylvania – all of which have been elusive to date by other means.

If you have any questions, please do not hesitate to contact me at kking@papartnerships.org.

Thank you for your consideration.

Sincerely,



Kari L. King
President and CEO

CC:

Julie Kane, Policy Director, Pennsylvania Department of Education