



A Voice for Cyber Charter Schooling in Pennsylvania

October 14, 2021

Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Dear Commissioners:

We are writing to submit our comments on the Pennsylvania Department of Education's (Department) proposed regulatory changes (#6-349) affecting charter schools, and especially public cyber charter schools, in the Commonwealth.

The Public Cyber Charter School Association (PCCSA) provides a statewide voice for the public cyber charter schools that educate roughly 15,000 public school students in the Commonwealth. ***As such, we are deeply troubled that the Department did not seek input from all major stakeholders in drafting their proposed regulations.*** Further, there seem to be inconsistencies between the key messages in the introductory text and the actual language in the proposed regulations. Finally, the entire document is based on a flawed premise – that public cyber charter schools are acting in a manner that requires excessive intervention to correct wrong practices. This is simply not the case.

As a result, the PCCSA wishes to submit the following comments on the Department's proposed regulations:

713.2 Contents of Charter School or Regional Charter School Applications and 713.3 Contents of Cyber Charter School Application

The current draft language could result in different charter school authorizers (individual school districts, the Department, etc.) creating different applications for the different types of charter schools. Further, it does not clearly require all applications to request the exact same criteria. The PCCSA strongly believes that the Department should be required to create a single application for ***all*** charter schools. They should work with stakeholders, including both of the statewide organizations that represent the Commonwealth's charter schools to determine a finite list of application criteria that is clear, well defined, and not onerous. Otherwise, the application process will be complicated and unfair.

713.4 Random Selection Policies for a Charter School or Regional Charter school and 713.5 Random Selection Policies for a Cyber Charter School

Similar to the charter school application process, any requirements related to random selection policies should be the same for ***all*** charter schools. As submitted, the proposed regulations assume that a cyber charter school can accommodate an unlimited number of students. Cyber charter schools focus on creating optimal teacher/student ratios just like traditional public and brick and mortar charter schools do. Cyber charter schools should have the flexibility to make enrollment decisions in the same manner brick and mortar charter schools have. In addition,

the reporting requirements under this section are ill defined. The only relevant data points in the reporting requirements are the total number of applicants and the total number of students enrolled in a cyber charter school.

713.6 Requirements for Boards of Trustees

The PCCSA supports the proposed language in this section.

713.7 Fiscal and Auditing Standards

The PCCSA supports the proposed language in this section.

713.8 Redirection Process

The PCCSA believes more clarity is required to determine how the proposed regulation will impact rolling enrollments. Just like traditional public schools, public cyber charter schools face new student enrollments throughout the school year – including the months of May and June. In addition, the specific requirement that requests to the Secretary may not include tuition for the month after the month the request was submitted is not practical – this would likely impact the more pragmatic approach of doing end-of-year reconciliations to determine any missed payments. The PCCSA also recommends that the Department amends this section to clarify that school districts must submit accurate 363 forms with only those deductions that are authorized by law. Finally, we are pleased that this section does not authorize any fees to be imposed for a redirection request.

713.9 Health Care Benefits

Most importantly, like the Department, the PCCSA strongly supports giving teachers and school staff quality health care benefits. However, further discussion is needed to determine how this regulation might impact charter schools that engage in collective bargaining agreements just as school districts do. In addition, if school districts competing for teacher candidates are not required to provide a comparison of benefits between the two districts why should a charter school be required to do so. This is excessive and unnecessary, especially since the regulation already requires charter schools to provide comparable benefits.

Thank you for allowing us to share these comments with the Commission. Given the chance, we would welcome the opportunity to work collaboratively with the Department on comprehensive charter school policies that would benefit all charter schools and the children they serve.

Sincerely,



Dr. James Hanak
Executive Director