



## ED, CharterRegs

**From:** Richard Jensen, Ed.D <RJensen@agora.org>  
**Sent:** Thursday, October 14, 2021 4:06 PM  
**To:** ED, CharterRegs  
**Subject:** [External] Public Comment on Proposed Charter School Regulations  
**Attachments:** Charter School Regulations - Public Comment.pdf

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To whom it may concern:

Attached please find a letter containing my public comment regarding PDE Proposed Regulations (#6-349). Thank you.



**Richard Jensen, Ed.D | Chief Executive Officer**  
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October 6, 2021

Division of Charter Schools  
Pennsylvania Department of Education  
333 Market Street  
Harrisburg, PA 17126

RE: Public Comment on Proposed Charter School Regulations

To the members of the House and Senate Education Committees and the members of the Independent Regulatory Review Commission, I appreciate the opportunity to provide public comment on the proposed regulations for charter schools. There are four areas that I would like to speak to and they include regulations related to (a) charter school application, (b) random selection policy for cyber charter schools, (c) redirection process, and (d) health care benefits.

### **§713.3 Contents of Cyber Charter School Application**

I do not have any concern related to the specific list of criteria stated, but rather the language that leaves this regulation open-ended and ambiguous. Specifically, I have concerns with §713.2(a) that seems to give leeway for authorizers to use the application created by the Department or to create one on their own. This could create disparities in what is expected, and different rubrics used to evaluate the viability and soundness of charter school applications. Similarly, §713.2(b) seems to indicate that an authorizer, either the Department for cyber charters or the authorizers of brick-and-mortar charter schools, are allowed to require additional information, which again could create unfairness in the application process. I believe that the seventeen (17) criteria identified, are fair and appropriate and my recommendation would be for the regulations to stipulate that there is one universal application for all charter school applications which is limited to only the criteria listed and identified in this section.

### **§713.5 Random Selection Policies for a Cyber Charter School**

My concern for this section is that the regulations seem to differentiate expectations and policies in the random selection process. It seems to assume that cyber charter schools can accommodate unlimited numbers of new enrollments. However, what the pandemic demonstrated if you have a significant shortage of computer hardware, there are times when “seats” a cyber charter school are able to accommodate may be limited. The focus should be on letting the Board of Trustees make decisions they determine are in best interest of serving students. My recommendation is for uniformity and consistency in the random selection process. Therefore, I believe §713.4 should be applicable to both brick-and-mortar and cyber schools and to eliminate §713.5.

### **§713.8 Redirection Process**

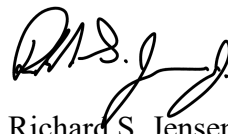
The concern I have with this section is more what is missing rather than what is written. The PA School Code is clear on the number of deductions allowed; however, we continually see districts include significantly higher number of deductions on the 363 Form, beyond what the PA School Code allows. My recommendation would be for this section to further spell out what deductions are allowable, as per the School Code, and to clarify that if districts claim more deductions than what the law prescribes, this is a reason for charter school entity to submit request to Secretary seeking to have the estimated amount withheld from State payments that will be made to the school district.

### **§713.9 Health Care Benefits**

This section is something that I find to be an unfair and unnecessary regulation being placed on charter schools. I am in full agreement that it is important for schools to provide quality health benefits. As the CEO of Agora Cyber Charter School, I am proud of the quality of health benefits we offer to our staff. However, just as the State does not dictate to local districts what the health benefits should be, but rather, this is left to be a local decision of the school boards, the same right should be afforded to charter schools. There are many decisions that go into determining what health benefits package is able to be provided, such as trade-off costs with salaries, costs associated with retirement benefits, etc. Another reason I am not supportive of this regulation is that several charter and cyber charter schools have bargaining units. Therefore, this should remain a decision that is worked out in collective bargaining agreements between the school (board of trustees) and the unions. Therefore, my recommendation is to remove §713.9 entirely and to leave decisions for health benefits to remain local and decided by the board of trustees of each individual charter school and cyber charter school.

I again thank you for providing the opportunity to share public comment on the proposed regulations.

Sincerely,



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