



## ED, CharterRegs

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**From:** Brian Hayden <brian.hayden@pacyber.org>  
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Attached are my comments. If you have additional questions, feel free to contact me.

Brian.

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**RE: #6-349: Charter Schools and Cyber Charter Schools; proposed rulemaking 51 Pa.B. 6032, September 18, 2021**

Pursuant to the public notice published in the Pennsylvania Bulletin on September 18, 2021, the Pennsylvania Cyber Charter School (PA Cyber) offers the following comments on the proposed regulation - Charter Schools and Cyber Charter Schools - #6-349.

Serving over 11,000 students in kindergarten through 12th grade, PA Cyber is one of the largest, most experienced, and most successful online public schools in the nation. PA Cyber's online learning environments, personalized instructional methods, and choices of curricula connect Pennsylvania students and their families with state-certified and highly qualified teachers, and rich academic content that is aligned to state standards. Founded in 2000, PA Cyber is headquartered in Midland (Beaver County) and maintains a network of support offices throughout the state.

As outlined below, PA Cyber has numerous questions regarding specific aspects of the proposed regulation and how these provisions will be implemented on an entity, such as PA Cyber, that operates state-wide.

**Proposed §713.8 (Relating to Redirection Process)**

The proposed §713.8 lacks enough detail for PA Cyber to fully understand and provide detailed comment on its implications. That said, an overhaul of the existing redirection process could have an adverse impact on PA Cyber's cash flow, and thereby potentially negatively influence the delivery of services to students. Unlike a school district, PA Cyber is highly dependent upon reimbursement payments to fund operations. In fact, several years ago, PDE withheld redirection payments for a substantial period and PA Cyber was ultimately owed \$51 million. Without utilizing reserves, PA Cyber would have been unable to make payroll and meet our other obligations under the law. PA Cyber recognizes the administrative burden of the thousands of redirection requests made by school districts each year. However, PA Cyber contends that under the existing regulations most of these requests are upheld. Therefore, PA Cyber urges the Department of Education (PDE) to provide additional clarity and direction on how this proposed redirection process will be implemented to expedite payments and minimize adverse impacts to charter school cash flow.

Moreover, PA Cyber also suggests that PDE add a provision in the final regulation that would require redirection payment directly to the charter school, and if it subsequently determined that such payment should not have been made, the charter school would be obligated to return such payment.



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### **Proposed §713.9 (Related to Health Care Benefits)**

PA Cybers offers a very competitive health benefits plan to its employees. However, as a public charter school that operates statewide the proposed regulation does not clearly define the “meaningfully similar” comparison with the benefits of the local school district. PA Cyber presumes this comparison would be with the school district in which it is headquartered; however, PA Cyber also maintains regional offices located in nine other school districts across Pennsylvania. The proposed regulation is unclear if PA Cyber employees working from a regional office would be compared with those local school district rather than the headquarters local school district. Under this scenario PA Cyber would be forced to evaluate its current health benefits plan against possibly ten local school districts plans. PA Cyber believes this is an unreasonable requirement and urges the PDE to consider further clarifying the proposal. Furthermore, given the lack of a definition for “meaningfully similar” in the proposed rulemaking, potential could exist for legal remedy if a specific single benefit is inferior to the local district’s plan, even if the overall benefits provided by the plan are equal or greater than that of the local district. PA Cyber urges PDE to further define “meaningfully similar” to ensure the scenarios outlined above are addressed and that the process for comparison is transparent and consistent.

### **Conclusion**

PA Cyber appreciates the opportunity to comment on the Department’s proposed regulation. PA Cyber also continues to look forward to working and partnering with PDE to ensure that it meets its mission of ensuring that every learner has access to a world-class education system that academically prepares them to succeed as productive citizens. Please direct any questions or comments to Brian Hayden (bhayden@pacyber.org) at your earliest convenience.