



ED, CharterRegs

From: Tomea Sippio-Smith <tomeas@childrenfirstpa.org>
Sent: Monday, October 18, 2021 4:16 PM
To: ED, CharterRegs
Subject: [External] Comments re: rulemaking #6-349 relating to Charter Schools and Cyber Charter Schools.
Attachments: Children First - Comments on Proposed Charter School Regulations - 10.18.21.pdf




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Good afternoon,

Please find my comments on the proposed charter regulations attached.

Sincerely,

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**Comments on Proposed Rulemaking Department of Education
22 PA CODE CH 713 Charter Schools and Cyber Charter Schools - #6-349**

Children First (formerly PCCY) works to improve the lives of our region’s children by developing initiatives and advocating for quality health care, childcare, public education, and family stability. Children First respectfully submits these comments in support of proposed rulemaking #6-349 relating to Charter Schools and Cyber Charter Schools.

These comments focus on two areas that support best practices for access and accountability regarding charter school entities.

1) The broadened application content requirements in the proposed regulations provide a more comprehensive view of applicants increasing transparency and the accountability of applicants.

Pennsylvania’s charter school law has the dubious distinction of being dubbed the worst charter school law in the country due to its vagueness and lack of provisions known to support high quality charter schools.¹ States with robust charter school laws include the use of clear content and processes for application, renewals and appeals, delineated measures of accountability, support for performance-based growth and renewal, and automatic closures for poorly performing schools.²

To begin to address Pennsylvania’s charter school law gaps, the proposed regulations start at the beginning – initial application submission. Currently, section 1719-A of the charter school law (24 P.S. § 17-1719-A) outlines seventeen pieces of information that a charter application submission must contain.³ However, because of the vagaries of the statute, applications differ by charter school authorizer and may not contain substantive information about initial applicants to allow for a comprehensive review of an applicant’s ability to meet the statutory requirements in section 1702-A of the charter school law (24 P.S. § 17-1702-A) to:

- (1) Improve pupil learning.
- (2) Increase learning opportunities for all pupils.
- (3) Encourage the use of different and innovative teaching methods.
- (4) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.

¹ McCorry, K. (2016, April 12). Pa. Charter School Law ‘Worst in U.S.’, State Auditor General Says. The Notebook. Retrieved from <http://thenotebook.org/articles/2016/04/12/pa-charter-school-law-worst-in-u-s-state-auditor-general-says>

² National Association of Charter School Authorizers. (2016). On the road to great charter schools: State policy analysis 2016. Retrieved from <http://www.qualitycharters.org/wp-content/uploads/2016/12/On-The-Road-to-Great-Charter-Schools-State-Policy-Analysis-2016.pdf>

³ Pennsylvania Department of Education. (2020). Charter School Requirements and Sample Charter School Application May 2020. Retrieved From: [Charter School Application \(pa.gov\)](https://www.pde.pa.gov/Charter-School-Application)

(5) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system. (6) Hold the schools established under this act accountable for meeting measurable academic standards and provide the school with a method to establish accountability systems.

Requiring applicants to use an application form created by the Department or their authorizing school district that includes much more detailed information in their initial charter school application than the current law does is a significant step towards preventing bad actors or those with a track record of underperformance from opening new charter schools in the state.

Specifically, section 713.2 lays out the contents of a charter school or regional charter school application including (but not limited to) more comprehensive and specific details relating to:

- (1) Proposed governance structure – including articles of incorporation, by-laws, an organizational chart, description of roles and responsibilities of trustees, standards for board of trustees’ performance and parameters for agreements with educational management service providers.
- (2) Mission, educational goals, vision, curriculum, and assessment strategies including whether the curriculum addresses and whether assessments are designed to test for needs of students receiving special education services, English language learners or those deemed at-risk.
- (3) School admission policy including criteria for evaluating admissions.
- (4) Procedures regarding suspension or expulsion of students with specific requirements as to how charter schools will address disparities in implementation, practices, and impact on student subgroups.
- (5) Information on how community groups will be involved in the planning process.
- (6) Financial plans for auditing; and
- (7) A faculty and professional development plan including provisions for ongoing professional development requirements for all instructional staff members, screenings for criminal history and clearance pertaining to child injury or abuse from the Department of Human Services for staff members having direct contact with students.

Additionally, section 713.3 makes the aforementioned proposed regulations applicable to cyber charter school applications.

The increased level of information required from applicants provides much needed transparency, supports greater accountability, adds a level of protection to students and taxpayers that is clearly missing from the current charter school law and takes a significant step towards ensuring that only high-quality applicants are approved.

2) Clarification on enrollment policies for charter schools significantly increases the transparency of the admission and enrollment policies and processes.

Between 2007 and 2020, charter school enrollment increased by more than 117%, while charter school costs skyrocketed by more than 250%.⁴ Although statistics about charter school enrollment are available, the process by which students are enrolled in charter schools varies widely, and often without clarity or insight as to which policies are being used to register students and what those processes entail. Although Section 1723-A of the charter school law states that all children in the state qualify for admission to a charter school or regional charter school, the lack of transparency around the enrollment process has raised questions about who charter schools ultimately enroll and how students especially students with disabilities, low-income students, English Language learners and students of color are being served. Moreover, it is not clear whether charter schools are using uniform eligibility criteria, selection and enrollment processes that ensure that all students have equal access to a charter school education.

Proposed sections 713.4 and 713.5 greatly expand the transparency of charter school enrollment policies, processes and practices and requires them to be made available to education stakeholders.

Specifically, the proposed regulations require charter schools to:

- (1) Enact a policy to establish random selection of students should the number of applicants exceed available slots.
- (2) Post the adopted policy on the charter school's website, include it in renewal applications, describe the method of random selection, specify how the public will be notified of the selection process, detail whether preference will be given to the children of parents who participated in the creation of the charter school or to siblings of current students, and outline grade-level or targeted population admission limitations; and
- (3) Include the number of total applicants, number of qualified applicants determined by charter school, number of students offered enrollment and the number of students consequently enrolled.

With the adoption of this regulation, the policies, and processes for student enrollment in charter schools will be much more transparent for families, the public and for taxpayers. Such transparency is much needed to ensure that all stakeholders have a clearer understanding of the admissions processes and to protect all students including low-income, those with disabilities, those who are English Language learners and children of color from discriminatory admissions practices.

Although the charter school law is in dire need of an overhaul, particularly as it pertains to added measures of accountability, clearly articulated processes for renewals and appeals, a

⁴ Pennsylvania Association of School Administrators White Paper. Funding Cyber Charter Schools: Issues and Solutions (2021). Retrieved from [PA Association of School Administrators \(pasa-net.org\)](https://pasa-net.org/).

performance-based matrix to gauge performance, and the need for charter school funding reform, these proposed regulations serve as a much-needed step to update the state's antiquated charter school law.

For these reasons, Children First supports the proposed regulations.

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