

**ED, CharterRegs**

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**From:** Marc LeBlond <mdl@commonwealthfoundation.org>  
**Sent:** Monday, October 18, 2021 5:05 PM  
**To:** ED, CharterRegs  
**Subject:** [External] Charter Regulation 6-349 Comments  
**Attachments:** Charter Regulation Comments.docx

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Please see attached, Commonwealth Foundation comments.

Submitted respectfully, for your consideration.

Best Regards,

**Marc LeBlond**

*Senior Policy Analyst*

[Commonwealth Foundation](#)

*Transforming free-market ideas into public policies so all Pennsylvanians can flourish*

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October 18, 2021

Pennsylvania Department of Education  
Office of the Secretary  
333 Market Street, 10th Floor  
Harrisburg, PA 17126

RA-EDCharterRegs@pa.gov

Sec. Ortega,

Since March of 2020, parents have increasingly exercised their right to choose in education, as it became clearer than ever that diverse people need diverse educational solutions. In particular, parents have increasingly chosen public charter schools, with Pennsylvania charter school enrollment growing by [22,696 students](#), or 15.49%, in the 2020–21 school year. Parents voted with their feet and chose charter schools for their students.

Three of my children were among the migration from district to charter, as our highly rated district school struggled with top-down impositions and failed to provide our kids with an adequate education during the pandemic. For my family, Commonwealth Charter Academy was exactly what we needed, when we needed it.

This makes it all the more puzzling why the charter sector has borne the brunt of regulatory ire from the Wolf Administration.

The most recent attempt to regulate charter schools--*Regulation #6-349: Charter Schools and Cyber Charter Schools*--circumvents the legislative process, undermines the authority of the General Assembly, and disregards the preferences of parents.

The proposed regulations contain numerous unfunded mandates around the enrollment process, applications, financial reporting, and staffing that are being proposed without input from charter stakeholders or the General Assembly.

Of particular concern is the proposed adjustment to tuition redirects. In 2020, 14,000 tuition redirect requests were received by PDE. All claims were upheld as valid and zero were disputed by PDE. Multiple district superintendents were on record saying they deliberately withheld charter payments as a matter of course—in violation of the law—relying on the state to send payments to charter schools through the redirection process. Regulation #6-349 (page 20) would add requirements to charter schools and place the burden of proof on charter schools when their home district doesn't pay. This is especially punitive and pernicious considering that charter schools already receive less funding than their district counterparts. Plus they were

denied tuition funding for new enrollees during the initial months of the pandemic through the passage of Act 13.

The one-sided nature of these—and previous--proposed regulations is troubling. Gov. Wolf, and PDE under his leadership, has repeatedly cited the need for struggling district schools to receive more funding, while simultaneously seeking to restrict funding, restrict enrollment access, and add bureaucratic red tape for charter schools.

Parents (and their children) should not be punished for their choices.

Charter schools were intended to be labs of innovation, with higher levels of autonomy outside the system. That can only work in a flexible environment, where new schools are allowed to open and parents can freely choose. The best performers will rise to the top, and the poorest performers will close. Parents know what works for their child and are best positioned to determine educational fit.

For some children, a face-to-face education is the best option. For others, virtual education has been their lifeline. The overarching fact of charter education in Pennsylvania is this--each child being educated in a brick and mortar or cyber charter school is there because their parent or guardian has chosen that school specifically with the child's needs in mind. With learning loss on the rise and achievement gaps worsening by the day, parental choice in education must be honored with all urgent speed.

Gov. Wolf should rescind this regulation and work with the Pennsylvania General Assembly to pass charter school reform that preserves choice for families. For example, HB 1685, a reform bill presented by Rep. Jesse Topper, seeks to address issues including the authorization process and ethics reforms. This legislation has been years in the making—dating back to efforts by the late Rep. Mike Reese--with buy-in from numerous stakeholders. The Commonwealth Foundation supports this legislation and appreciates Rep. Topper's reform efforts.

Sincerely,

A handwritten signature in cursive script that reads "Marc LeBlond".

Marc LeBlond  
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