



To: House Education Committee
From: Pennsylvania School Boards Association
Re: House Education Committee Voting Meeting, Tuesday, September 28, 2021

On behalf of the more than 5,000 school directors and administrators governing the state's school districts, intermediate units and career and technology centers PSBA is asking for your consideration of our positions and concerns on the bills that are currently posted for consideration by the House Education Committee on Tuesday, September 28, 2021.

House Bill 1892 (Sonney): PSBA Supports Chairman Sonny's legislation that would create a process to ensure that payments due to a charter school are accurate, and further provides that the process used to reconcile those payments, including addressing any disputes that arise, is fair and timely.

One of the greatest sources of friction between charter schools and school districts is the accuracy and timeliness of payments. The process outlined in House Bill 1892 would maintain a charter school's ability to apply for a subsidy redirection should a school district not remit payment or if the charter school believes it has received payment that is insufficient. However, in order to receive the subsidy redirection, the charter school would be required to provide documentation of the residency and attendance of the students for whom the charter school is seeking payment. School districts would also be notified prior to any subsidy redirection and provided with an opportunity to appeal. Appeals under the bill are required to be resolved in a timely manner by PDE which is advantageous to both school districts and charter schools.

PSBA thanks Chairman Sonney for his leadership on this issue and requests your support of this important reform.

House Bill 1685 (Topper): PSBA Opposes House Bill 1685. The bill contains numerous provisions which cause significant concerns for traditional public school leaders. Though not exhaustive, the following are some key examples of provisions in the bill leading to our opposition:

House Bill 1685 would allow for significant unchecked charter school expansion as follows:

- Even though the initial application to open a charter school requires information on building location and is subject to authorizer approval, the bill would allow charter schools to change the location of the charter school, expand existing facilities, and add multiple new locations all without seeking approval from their authorizer or providing evidence that they are delivering a quality educational program. Adding or expanding buildings could also occur without any regard to the charter school's ability to meet the

educational needs of additional students, finance a new building or addition, or even fill open seats that such a facility expansion would create.

- The bill would allow charter schools to operate at more than one location within the authorizing district without approval of the authorizing district. Given the significant logistical (such as transportation) and financial implications that this could have for school districts, this should not be a decision that can be made unilaterally by a charter school. Expansion to multiple locations should only be permitted with authorizer approval and consideration of the charter school's performance and financial status.
- The bill provides blanket authority to brick-and-mortar charter schools to provide online education without any limitations or oversight to prevent the charter school from enrolling as many students as possible from across the state in a manner similar to that of a cyber charter school but without being approved as a cyber charter school.
- Charter schools would continue to be allowed to enroll students from school districts outside of the district which authorized them if space is available. However, because of the bill's provisions allowing charter schools to open multiple locations without any oversight or approval, charter schools would be able to strategically open new locations in areas bordering neighboring school districts and draw more students from those school districts which have no authorization or oversight authority over the charter school.

Further, the charter amendment process outlined in the bill contains several provisions which are vague and overly broad. First, the bill only requires authorizer approval for "material changes" to the written charter; however, the bill provides no guidance on what a "material change" might include. This will only lead to litigation and further conflict between authorizers and charter schools. Second, the bill allows emergency amendments to take effect immediately without prior approval, but what constitutes an emergency under the bill is very broad. For example, an emergency would include any situation in which the charter school was unable to acquire a service or a product. Third, the bill allows charter schools to make significant changes without going through the amendment process for authorizer approval. Specifically, a charter school can change its name and its educational programs, curriculum, and school design as long as such changes do not "fundamentally change the charter school's approved educational approach" (though it is unclear what this means and is another provision that will be litigated for years) all without going through the amendment process.

House Bill 1685 does mention charter school funding, but instead of fixing the fundamental flaws in the way charter schools are funded and providing relief to taxpayers, it relies on a future "pledge" that the General Assembly MAY add an appropriation in the state budget every year to help defray UP TO 30% of the charter school costs incurred by school districts. If such an appropriation had been included in the state budget adopted this past June, state taxpayers would be paying as much as an additional \$900 million dollars. The General Assembly used to provide school districts with a charter school reimbursement (never reaching 30%) until the 2011-12 budget, but, with bleak state revenue forecasts for the next several years due to the pandemic, it's hard to imagine the state actually following through with this funding. Any omnibus charter reform proposal which does not address the skewed funding formulas for charter schools misses the mark by failing to provide relief to taxpayers who are footing the bill through property taxes, and neglects to make reforms that locally elected and appointed public school leaders from around the state have been pleading for.

The bill contains many other areas of concern, including but not limited to the following: expanded charter terms, expanded appeals to the Charter Appeal Board, granting charter

schools the right of first refusal for “unused” school district buildings, reduced standards for multiple charter school organizations, reduced standards for showing community support in application appeals, limiting the information that may be requested by an authorizer as part of the charter application process, a shift to all decisions regarding charter applications, amendments, and renewals being considered deemed approved rather than requiring appeals, and more.

House Bill 1332 (Lewis): PSBA has financial and policy concerns with the bill as currently drafted. Under current state regulations, school districts are already required to be transparent and open about the courses, learning materials, and activities taking place in the classroom. Under the regulations (22 PA Code Section 4.4), school entities are required to adopt policies to assure that parents have:

- Access to information about the curriculum, including academic standards to be achieved, instructional materials and assessment techniques.
- A process for the review of instructional materials.
- The right to have their children excused from specific instruction that conflicts with their religious beliefs, upon receipt by the school entity of a written request from the parent.

Through the current process, parents can physically see and read textbooks and other materials to get a true sense of what their children are being taught. Posting a list of textbooks and other materials will not provide the same openly transparent experience and is unnecessary.

Further, the term “curriculum” in the bill is undefined and does not provide any guidance to school districts on exactly what materials would be considered curriculum and must be posted.

As such, House Bill 1332 represents a new mandate on school districts. Not only would school leaders be required spend staff time and resources to collect, collate, and post all materials considered “curriculum”, they would then have to maintain the data on their websites.

House Bill 1642 (White): This legislation amends the EITC/OSTC program to require the Commonwealth to issue unknown, additional amounts of tax credits for scholarships at economically disadvantaged schools depending upon demand and use of the scholarships rather than specifying the exact amounts of tax credits available. The bill also makes it much easier for a school to be categorized as economically disadvantaged, which will further drive demand for additional funds under the program. PSBA is concerned that this expansion of schools that qualify as economically disadvantaged combined with issuing what amounts to a blank check for the expansion of scholarship tax credits for this purpose will have unforeseen negative impacts on commonwealth revenues and may impact the Legislature’s ability to increase support for public schools in the future.