



Mandate Relief for Public Schools

Testimony to the Senate Education Committee

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Good Afternoon. I would like to thank Chairman Argall and Chairwoman Williams, and the Senate Education Committee for inviting me to testify before you today. My name is Dr. Tina Chekan, and I am the CEO and Superintendent of Propel Schools. I am here representing the largest network of public charter schools in western Pennsylvania, serving nearly 4,000 students and their families.

The first Propel school was created twenty years ago in 2003 and today we operate 13 schools in 10 communities in Allegheny County: Homestead, McKeesport, Turtle Creek, Kennedy Township, Robinson Township, Braddock Hills, Pitcairn, and Hazelwood and Northside in the City of Pittsburgh. Propel's 13 schools are authorized by six school districts: Pittsburgh School District, Gateway School District, McKeesport Area School District, Montour School District, Steel Valley School District, and Woodland Hills School District. The PA Department of Education classifies Propel's schools as eight separate local education agencies (LEAs).

I would like to begin by thanking the Committee for examining the important topic of mandate relief for public schools. I know that I speak for all my fellow school leaders in acknowledging the need for accountability in public education. Most federal and state mandates play an important role to ensure schools are safe, providing a high-quality education to their students and are good stewards of taxpayer dollars. I don't believe any school leader — district or charter — would advocate for the removal or waiving of mandates that ensure all public schools are healthy, responsible learning environments for students and school staff. That being said, I do believe there are certain mandates that could be removed or waived to provide public schools greater flexibility, significant cost-savings and more staff time dedicated to classroom activities.

The Growing Burden of Mandates on All Public Schools

I often hear people say that Pennsylvania's public charter schools are not held to the same high standards of accountability and transparency that public school districts are held to by the state and federal government. Whether this is being said out of a lack of understanding for how public charter schools operate or used by some to mislead a particular audience, I can assure you that public charter schools are required to adhere to the same safety, financial, student performance/well-being and good governance mandates as school districts. These mandates include, but are not limited to:

- School Safety
 - Child clearances and background checks
 - Safe Schools Reports
 - Safe schools for bus evacuations
 - Monthly fire and safety drills and reports

- Transportation for Foster Care Youth
- Financial
 - Annual independent audits that are made available to the public
 - Annual submission of an approved general fund budget to the public to the public and the PA Department of Education (PDE)
 - Annual submission of tax documents explaining how and where our money has been spent
 - Annual submission of the notice of Adoption of Policies, Procedures and Use of Funds forms required to obtain IDEA Part B funding to the local intermediate unit
- Student Performance / Wellbeing / Activities
 - ACCESS for English Language Learners Accountability
 - Career Standards Benchmarks
 - Course/Instructor Reports
 - Interscholastic Athletic Opportunities
 - Educational assessment of students
 - Educator training, induction, and certification
 - Student health reporting
 - Student guidance reporting
 - Special Education Notice
 - Child Find Notice
 - Penn Data Table 8A
 - Penn Data Table 9a
 - Special Education End of Year
 - Special Education Transitions/Exits
 - Civil Rights Data Collection
- Good Governance
 - Transparency requirements, like The Sunshine Act and the Right To Know Law
 - Ethics requirements for school leaders and board of trustee members
 - Anti-discrimination provisions

Again, these are just a handful of the many state and federal mandates that public charter schools and school districts must adhere to, and take a significant amount of a school's time and resources to complete. Propel's Data, Reporting and Compliance team spends 75 percent of its time gathering and completing reporting mandates, often taking other teams away from their tasks to assist. In my experience, the growing number of mandates on public schools require the collection and reporting of thousands of data points, hundreds of personnel hours, and are particularly burdensome to public charter schools and small school districts that lack the resources to hire additional staff to meet these requirements. I mentioned previously that the state considers Propel's 13 schools as eight separate LEAs, this means we are required to submit all of the federal and state mandated reports separately for each LEA.

Additional Mandates on Pennsylvania Public Charter Schools

In addition to the same mandates that school districts must adhere to, Pennsylvania's public charter schools have unique requirements from the state that adds an extra layer of accountability and transparency. I should note, again, that these additional mandates are required for each LEA, so for Propel we must complete these for all eight of our LEAs. Then I, as superintendent, must review and sign off on all of these mandated reports. These additional mandates include, but are not limited to:

- A comprehensive and costly process, created by each charter school authorizer, to establish a new charter school
- A comprehensive and lengthy renewal process, conducted by a charter school authorizer, every five years
- The completion of a comprehensive annual report by each public charter school, which is submitted both to PDE and the charter's authorizer
- A lengthy and burdensome process, that must be completed each month, to receive charter tuition reimbursement payments from the PDE when a school district refuses to pay for their students attending a charter school
 - Note: This is required for each charter school, each month for every school district that refuses to make their legally-required payments. Propel educates students from 30 different school districts and 11 refuse to pay.
- A lengthy and costly process to appeal an authorizer's decision to the state's Charter Appeal Board

I would be remiss in failing to note that Pennsylvania's public charter schools must adhere to all of the previously mentioned mandates and accountability standards while receiving between 15-30 percent less funding than school districts. On average, the students who attend a Propel charter school receive 25 percent less funding than their peers who attend a district-run school. For public charter schools, mandate relief is needed to ensure we can maximize the financial resources we are given to ensure our students are learning and thriving.

The Need for Mandate Relief for ALL Public Schools

I will reiterate that many of the existing state mandates are necessary and cannot be eliminated. However, there are also many that are duplicative, burdensome and costly, which should be eligible for waivers.

I urge you to support the current proposals moving through the General Assembly to provide mandate relief for public schools and ask that, as you consider these proposals, you ensure that public charter schools can also benefit from these mandate relief efforts. I would also ask that any mandate relief legislation ensure that school districts cannot request and receive a waiver for Article XVII-A of the Pennsylvania Public School Code, which pertains to the establishment and operations of public charter schools.

In addition, I recommend the following reforms to the Committee for consideration as additional opportunities to reduce burdensome mandates on both school districts and charter schools:

Standardize the new charter school application process — Currently, Pennsylvania’s Charter School Law allows each brick-and-mortar charter school authorizer (aka the 500 school districts in the state) to create their own application for the establishment of a new charter school. This has led to inconsistent standards for the establishment of new charters across the Commonwealth, and significant personnel costs on both the district- and charter-side as they struggle to establish standards and meet those standards.

- **Recommendation** — I ask you to support an amendment to the Charter School Law that includes a mandatory standard application and detailed process for the establishment of new brick-and-mortar charter schools. The application process should be thorough but not burdensome on either party, include mechanisms that ensure timely decisions are made and allow for community voices to be heard.

Standardize the charter renewal process — Currently, Pennsylvania’s public charter schools must go through a renewal process every five years and get the approval of their authorizer to continue operating. The law allows each brick-and-mortar charter school authorizer (aka the 500 school districts in the state) to establish their own renewal application and renewal standards. This lack of standardization has led to inconsistent quality standards, allegations of bias in how renewals are awarded, and excessive taxpayer dollars being spent on legal fees by both districts and charters to litigate renewal decisions.

- **Recommendation** — I urge you to support an amendment to the Charter School Law that includes a mandatory charter renewal application, a detailed process for the renewal of brick-and-mortar charter schools and a specific set of standards/qualifications to warrant the renewal or nonrenewal of a charter. To avoid duplicative work, the standard renewal application should be mirrored off of the standardized annual reports that every charter must complete, and submit to PDE and their authorizer. Standardizing this process and the qualifications for a renewal will also decrease the number of cases coming before the Charter Appeal Board (CAB), which will result in cost-savings for PDE and the Department of State whose staff support the work of the CAB.

Move to a 5-year initial charter terms and 10-year charter renewals — Currently, a new charter school may be approved by their authorizer for an initial period of three to five years and renewals are granted in five-year terms. It is extremely difficult to show any meaningful growth or achievement data for a brand new school after only three years, especially when state standardized testing data is often released seven months after exams are taken. When it comes to renewals, the current process is extremely burdensome on the charter school and often requires months of work by staff who are dedicated solely on meeting the moving targets set by charter authorizers.

- **Recommendation** — In order to reduce the financial burden on charter school authorizers (aka school districts) and charter schools, I urge you to support an amendment to the Charter School Law that provides for a 5-year charter term for newly established charter schools and 10-year terms for charter renewals. Not only will this result in a cost-savings to school districts and charter schools, it will also decrease the number of cases coming before the CAB which will result in an additional cost-savings to the state.

Ensure the Charter Appeal Board (CAB) is operating efficiently and effectively — The CAB was [established in the Charter School Law](#) to provide charter school applicants and charter school operators an avenue to appeal decisions made by their authorizer. Unfortunately, the law provides little guidance on how procedures and processes are set by the CAB, and the standards the law does set around timelines are

often disregarded by the CAB with no consequence. The lack of guardrails on the CAB have resulted in unnecessarily long waits for decisions, the outsourcing of duties to hearing officers with no background in K-12 education, CAB appointees serving many years past their term's expiration, the ability for a Governor to "fire" every appointee and halt operations (as Governor Wolf did in April 2021), and conflicts of interest when the legal advisors for CAB are also General Counsel for the Governor (whose appointee chairs the Board). All of these issues with the CAB have led to the unnecessary spending of taxpayer dollars on legal fees by both school districts and charter schools.

- **Recommendation** — I urge the Committee to support an amendment to the Charter School Law that provides greater flexibility in who can be appointed to the CAB, and deadlines should be put in place for the nomination and appointment of CAB members. The law should require that the CAB contract with an outside law firm to provide unbiased advice to CAB members and that hearing officers must not be state employees under the Governor's jurisdiction to ensure fairness. Finally, the law should prescribe timelines for how cases are to be processed through the CAB and what recourse a charter or district may have if the CAB fails to adhere to those timelines. These changes will result in cost-savings for school districts, charter school applicants and operators, and PDE.

Provide an option for charter schools to receive their tuition reimbursement payments automatically from PDE if a school district refuses to pay — Pennsylvania's Charter School Law requires that school districts that have students enrolled in a charter school, process the tuition reimbursements to "the charter school in twelve (12) equal monthly payments, by the fifth day of each month, within the operating school year". Despite this clear mandate, many school districts choose to break the law by refusing to make any reimbursement payments to charter schools. To receive the tuition reimbursement their students are legally owed by a district that fails to remit payment, the charter school must dedicate staff hours to navigate a burdensome and lengthy process created by PDE and go through this process each month, even if the district has never paid or indicated they won't pay. **Currently, of the 30 districts that Propel sends tuition reimbursement invoices to, 11 school districts refuse to make their state-mandated tuition payments and we must rely on PDE redirecting that funding each month.**

- **Recommendation** — School districts do not have to beg or jump through hoops to get the funding owed to their students, charter schools should not have to fight to get what their students rightfully deserve either. I ask the Committee to support an amendment to the law and/or procedural changes within PDE that allows a public charter school to receive automatic tuition reimbursement payments from PDE. This would only be an option if a school district fails to repeatedly make their payments, or indicates to both PDE and the charter school that they refuse to pay. This change would relieve both charter schools and PDE of the current time-consuming and burdensome redirection process that can take 30+ days for a payment to process.

Close loopholes in the law that prevent the approval of Multiple Charter School Organization (MCSO) — In 2017, a [provision was added](#) to the Charter School Law that allows for the consolidation of two or more public charter schools into an MCSO. The goal of this provision was to put more money back into the classroom by consolidating the management and oversight of multiple charter schools under one administrative team and one board of trustees. Not only would this provision cut the administrative costs for charter schools, it would make it easier for schools to benefit from shared services, future cost-saving measures and eliminate duplicative reporting. Unfortunately, the wording of certain provisions in the law

have allowed PDE (who has the sole power to grant an MCSO) to deny every MCSO application that has come before them and deny charters from maximizing their resources to benefit students.

- **Recommendation** — I urge the Committee to support an amendment to the law that requires PDE to approve MCSO applications that come before them, to ensure public charter schools can benefit from the same shared services and cost-saving strategies as school districts. I also urge Governor Shapiro to direct PDE to reconsider the denied MCSO applications that have come before them and base their decisions on what is best for charter students. For Propel, had our MCSO application been approved, we would also be able to file one report for many of the mandates I previously mentioned instead of the eight we currently must submit, including the annual independent audit.

In closing, I would again like to thank the Committee for giving me an opportunity to come before you and represent the staff, students and families that I am honored and privileged to serve at Propel. I look forward to future conversations around mandate relief and reforms that allow public schools to refocus and prioritize student needs.