



**COMMENTS OF THE PENNSYLVANIA SCHOOL BOARDS ASSOCIATION
BEFORE THE SENATE EDUCATION COMMITTEE**

**REGARDING THE PROPOSED CHARTER SCHOOL AND CYBER
CHARTER SCHOOL REGULATIONS**

**ALLISON S. PETERSEN, ESQ.
LEVIN LEGAL GROUP, P.C.**

Good morning members of the Senate Education Committee, my name is Allison Petersen and I am a shareholder with the Levin Legal Group. Our firm is general counsel to the Pennsylvania School Boards Association, and we also represent school districts throughout the Commonwealth. For the last 20 years, a significant portion of my legal practice has been focused on the Charter School Law and the representation of school districts and school boards in charter school matters, including before the Pennsylvania Department of Education, the State Charter School Appeal Board and the Pennsylvania appellate courts.

I am here today to share PSBA's thoughts on the recently proposed regulations on charter schools and cyber charter schools.

Achieving meaningful charter school reform is the top legislative priority for the PSBA and its members. To date, more than 80% of the 500 locally elected school boards in the state have approved resolutions calling on the General Assembly to pass charter school reform. In a state as diverse as ours, the fact that 80% of school boards felt it necessary to formally proclaim that charter reform is needed should be telling.

PSBA recognizes the limited reach of the regulatory process to substantially address much-needed charter school reforms. PSBA is supportive of the proposed regulations, with some recommended revisions, as we view the proposed regulations as a step in the right direction. We were relieved to see that the proposed regulations did not attempt to address some of the most controversial aspects of charter reform such as funding. Those areas are better left to the General Assembly, and PSBA looks forward to working with the Senate and the House to achieve those reforms.

Related to the proposed regulations, additional guidance through regulations that are authorized by Section 1732-A(c)(1) of the Charter School Law is a step in the right direction that PSBA believes is

long overdue. PSBA's comments and suggestions have been submitted to the IRRC and Committee staff for this hearing, so I do not want to read or repeat portions from the comments, but I did want to touch on a few key points.

First, PSBA believes that any charter school reform efforts should maintain the ability of local school boards to either develop and use their own applications for those seeking to open a charter school or to obtain additional or supplemental information from charter school applicants needed to evaluate the application, and we were happy to see that current ability reaffirmed in the regulations. A generic statewide application may not be able to capture all of the information that local school boards may need to properly evaluate a potential new charter school in their communities, as each community has unique attributes.

Second, as recipients of an estimated \$3 billion in taxpayer money, PSBA supports efforts in the regulations to clarify and ensure charter schools are subject to generally accepted standards of fiscal management and that charter school boards of trustees adhere to the same standards of ethics and transparency that apply to local school boards.

Finally, the redirection process outlined in the proposed regulations generally seeks to formalize what has already been the practice of the Department. However, the proposed regulations include a timeline for redirection that only gives school districts 10 calendar days to receive an invoice from a charter school, review and verify the charges, and make payment before the charter school could seek a subsidy redirection. Especially in school districts with significant numbers of charter schools submitting invoices for hundreds or even thousands of students, this timeline may be insufficient, may have the opposite result of actually increasing redirection requests to the Department. PSBA recommends that this timeline be extended and that notice provisions are included to ensure transparency and responsibility in the invoicing and redirection process and the use of taxpayer dollars. While PSBA supports additional, needed reforms to the redirection and reconciliation process, such changes are better suited for legislation, rather than regulations. PSBA believes House Bill 1892, from Representative Sonney would be an excellent place to start that conversation.

Those conclude my remarks and I'd be happy to answer any questions you may have.