



**Testimony on the Final Form Regulations from the PA Department of Education
22 PA CODE CH 713 Charter Schools and Cyber Charter Schools - #6-349
March 21, 2022**

My name is Tomea Sippio-Smith, and I am the K-12 Education Policy Director at Children First. I am here today to testify in support of the final form charter school regulations #6-349.

Let me begin by underscoring the fact that existing charter schools will not be affected by the proposed modifications to the application process. Section 173.2(c) of the regulations stipulates that currently authorized charter schools do not need to reapply. This means these regulations only affect new entities, not existing charter schools.

In fact, nothing in the regulations goes beyond what is enumerated in Pennsylvania's Charter School Law. The regulations simply clarify the language and standards that are often codified in the statute or that are unclear or imprecise, all in keeping with the original legislative intent of the statute.

The intent of Pennsylvania's charter school law as adopted in 1997 is to promote innovation and experimentation. However, aside from adding language in 2002 to launch a new cyber charter sector, Pennsylvania's law is unchanged in nearly 25 years. The regulations are not an attempt to circumvent the legislature but instead a much-needed clarification Pennsylvania's Charter School Law.

Consider the example of the application content regulations for new entities applying for charters. Applications used by charter school authorizers have become less uniform over the last 25 years and in many cases are missing information needed to accurately assess an applicant's ability to deliver an innovative educational program.

The regulations address this issue by clarifying the statutory requirements in section 1719-A of the PA Charter School Law. For example, the statute currently requires applicants to indicate whether their facility will be leased or owned. The regulations simply spell out that the standard of proof is a deed or signed lease agreement. This is not breaking new ground but instead clarifying existing law.

Further, the regulations specify that any school that has submitted an application prior to November 15, 2022, is exempt from the new application requirements.

Current charter schools will, in fact, benefit by having a consistent framework to grow their operations. The bottom line is that the application regulations will foster innovation by giving authorizers better tools to screen out new applicants with a substandard track record.

The proposed change to the random selection process is another example of how the regulations clarify, but do not go beyond the law. Section 1723-A of the PA Charter School Law established a lottery, stating “if more students apply to the charter school than the number of attendance slots available in the school, then students must be selected on a random basis from a pool of qualified applicants.” The regulation clarifies the law and ensures that parents and others can access this policy by requiring it to be posted on the charter application, student application, website.

The regulations also standardize the way that demographic data is reported using the student groups adopted by the federal government. Making the data comparable will make it possible to assess how the random selection policies are working. This much needed transparency will increase competition in the charter school sector and is also consistent with the intent of the statute.

In conclusion, these proposed regulations are a much-needed step to update the state’s antiquated charter school law. Accordingly, I support these regulations.

Thank you for allowing me to testify.