



March 18, 2022

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The Honorable George D. Bedwick  
Chairman  
Independent Regulatory Review Commission (IRRC)  
333 Market Street, 14th Floor  
Harrisburg, PA 17101  
*Email: [irrc@irrc.state.pa.us](mailto:irrc@irrc.state.pa.us)*

**Re: Final-Form Regulations #6-349 – Charter Schools and Cyber Charter Schools (IRRC #3315)**

Dear Chairman Bedwick:

On behalf of the Pennsylvania State Education Association (PSEA), I am writing to inform you of PSEA's support for the Final-Form Regulations #6-349 (Charter Schools and Cyber Charter Schools). PSEA represents the collective interests of 178,000 members who make up the majority of the current Pennsylvania educator workforce—including about one thousand charter and cyber charter educators. PSEA sees these regulations as a first, but important, step toward meaningful charter school reform that will ultimately benefit the public education system as a whole.

Pennsylvania's Public School Code empowers the Department of Education (PDE) to promulgate regulations relating to charter school entities (22 P.S. §§ 17-1732-A(c)(1) and 17-1751-A). As such, PDE's advancement of regulations is consistent with to PDE's responsibility as set forth by the General Assembly and in no way usurps legislative authority. After 25 years of fruitless debates and deliberations over charter school policy in every legislative session for over a decade, this limited first step to address many of the concerns within the public education community, including employees of charter and cyber charter schools, is not only necessary but the duty of the PDE.

A common theme heard by PSEA staff when organizing the PSEA locals that represent charter and cyber charter school educators throughout state is a concern for transparency and accountability. This concern, most often driven by the influence and cost of education management organizations that operate some charter school entities, could be directly addressed through the Final-Form Regulations #6-349. Any for-profit or non-profit company that desires to educate the future leaders of Pennsylvania should, at a minimum, share the basic information that helps stakeholders determine whether a school is prioritizing the learning of its students, such as the scope of services, performance measures, evidence of serving student populations, the contracts themselves, conflicts of interest, and disclosure of any advanced financial support from a management organization to a school. Furthermore, this vital information empowers educators—

**The PSEA Mission**

*We are members who promote, protect, and advocate for our schools, students, and professions.*

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The Honorable George D. Bedwick  
Independent Regulatory Review Commission  
March 18, 2022  
Page 2

including PSEA members in charter and cyber charter schools—to truly understand how their employers operate and where they dedicate precious financial resources.

In seeking greater accountability and fairness, the regulations also address requirements for Boards of Trustees and enrollment. The regulations would ensure that Boards of Trustees are considered “public officials” and that the Ethics Act applies to these individuals. The regulations further require trustees to file statements of financial interests annually and prohibits trustees from voting on contracts with respect to which they have a conflict of interest. The regulations will provide a greater understanding of charters’ enrollment process, how many slots are available, and how many students are admitted – disaggregated by student subgroups. As public schools that must accept all students, it is within the best interests of students and the public school system to regulate the enrollment process and know if student subgroups are proportionally represented in charter and cyber charter schools.

PSEA understands and appreciates the sentiment that after 25 years, *something* must be done to provide greater clarity and regulation to the charter community in the absence of statutory reform. PSEA also appreciates that PDE considered and accepted several of our recommendations based on our comments to the original proposed regulations. Charter and cyber charter schools are part of Pennsylvania’s public education system – and that’s not going to change. These regulations represent an important effort to address long-standing issues that will ultimately lead to greater confidence in the charter/cyber charter sector of Pennsylvania’s public education system.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "R. W. Askey". The signature is fluid and cursive, with a large initial "R" and a distinct "W." followed by "Askey".

Richard W. Askey  
President