



## Regulation #6-349: Charter Schools and Cyber Charter Schools

IRRC March 21, 2022 Hearing

### Public Comment

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Good Morning. My name Sidney Clark, and I am in my fifteenth (15<sup>th</sup>) year as the Business Manager/Board Secretary for the Shanksville-Stonycreek School District located in rural Somerset County. I have been asked to speak on behalf of the small, rural schools in Pennsylvania.

Shanksville-Stonycreek School District is the fifth (5<sup>th</sup>) smallest district in the Commonwealth in student size. We currently serve about 280 Pennsylvania students doing all we can to provide the best learning opportunities we can with the eighth (8<sup>th</sup>) smallest budget among public school districts.

As a computer systems analyst and hardware technician, I regularly said nothing manmade is perfectly made and will break eventually. This is true even with the Commonwealth of Pennsylvania law that has been passed by our current house and senate since 1682 when they started. This also true for regulations this Governor and those in the past have presented and have approved by this body.

Do I believe and support these current proposed regulations to be the absolute answer to fixing the clear issues with charter and cyber charter schools? NO. Do I believe there are some good pieces in these regulations that are needed? YES. Again, they are not perfect, but could very well be a step in the right direction.

Both the House and Senate Education Committees have submitted letters in objection to these regulations. Why? Mainly because they feel that these changes should be done through legislation that should pass through both of their voting bodies. However, in the fifteen (15) years a business manager, I have yet to see any major charter school reform come out of both legislative bodies for the governor to sign.

Overall, it seems that no one involved in charter schools are willing to realize the issues with the current charter school law and regulations and are willing to do anything about changing them. Legislation that has started out in either the house or senate ends up never making it to

the finish line because legislators are not truly concerned about the Commonwealth's bottom line and the other entities they help fund like public education. Maybe it is best these regulations are passed in order to help bring all parties to the table to work on more complete reform that benefits every student in the Commonwealth.

The PA School Code, Title 22 Chapter 4 Section 4.3 defines a school entity as a local public education provider (for example, public school district, charter school, cyber charter school, AVTS or intermediate unit). Out of these five (5) entities listed, only three (3) of them are required to play in the same sandbox following the same set of rules. The other two, charter and cyber charter schools, each have their own sandbox each with a different set of rules. Charter schools report to local school boards. Cyber Charters report directly to PDE. So, the question to this body, the House, Senate and the Governor is if all five (5) entities are considered school entities by school code and serve the same purpose to educate the children of our great Commonwealth, then why doesn't all five (5) entities have to follow the same set of rules? The only thing that all five (5) entities have in common at this point is that they are defined in school code as non-profit entities.

They should all have the same financial responsibilities and rules to follow. Full, complete transparency is not only necessary but is required since all five (5) school entities are using Commonwealth of Pennsylvania tax dollars. No school entity should be allowed to spend directly or indirectly earned PA tax dollars on noneducational items like any form of public advertising or overpaying for a "for profit" management company to run their school.

I have many esteemed colleagues that can sit here and tell you about their total costs and the number of students they have lost as a result of charter and cyber charter schools. We can easily boil it all down to the primary issue that I want to focus on today. That key issue is the unit cost we all deal with or the tuition rate applied to each student.

The current charter school law allows for a separate tuition rate to be calculated for each public school district on the PDE-363 form. This means instead of one tuition rate being paid by every student, there are 500 different tuition rates. Does that make sense when a private school charges the same tuition rate for every student that attends their school? Does that make sense when a public school district has to charge the same tuition rate for all students defined by the year PDE-2061 tuition calculation regardless of which public school district they come from?

Again, I remind you that Shanksville is the fifth smallest public school district in student population, but did you also know that Shanksville has the 4<sup>th</sup> highest charter school tuition rate in the Commonwealth at over \$19,500 per student for the 2021-2022 year. The lowest rate PDE has on record for 2021-2022 is just over \$8,900. These numbers and others I will be referring to are included in the supplemental information packet included with my testimony.

\$19,500 compared to \$8,900 for the same education being provided for two (2) students in the same class from two (2) different school districts. Why does the same education being provided

to all of the students in the same classroom cost Shanksville-Stonycreek School District more than double another district in PA? That is state and local tax dollars being spent at two different amounts for the same education. Talk about a “real” fair funding issue.

I mentioned the PDE-2061 tuition calculation that PDE uses to determine the defined elementary and secondary tuition rates that a public school district can charge a student living outside district’s boundaries to attend that public school district. Shanksville’s PDE-2061 tuition rate 2020-2021 was \$13,908.48 for an elementary student compared to the \$19,500 for a charter or cyber charter school student. How does a cyber charter school cost over \$5,000 more to attend a school with no transportation or a brick and mortar building to maintain to house all their students? This cost differential has been around \$5,000 each of the last five (5) fiscal years.

Let’s look at special education. Charter and cyber schools are incentivized to label a student as special education to increase these ridiculous tuition rates even more. Current charter school law separates special education costs creating a second tuition rate for these students. Current charter school law states that a school district’s special education cost can only be divided by 16% of the student population in the district to create this second tuition rate regardless of the actual special education student population. Shanksville’s current special education is almost twenty-five (25%) percent.

So, yes, the charter school reform regulations being proposed is a start, a baby step start. There are many more steps needing taken in regards to charter school reform. The tools to make it happen are there. Many are in the numbers I have shared with my written testimony to this body. You want help, just ask. I am a firm believer in not reinventing the wheel from scratch. Just taking what we have and making it better. Please consider approving these regulations as that first baby step in hope that many more will follow in the right direction.

As I close, I feel I need to make this final clarification for everyone listening. I believe every student learns differently. There are students who will thrive in cyber charter schools or charters schools over most public school districts. However, many people do not realize that there is a clear distinction between charter school reform and school choice. I am not here to combat school choice. I believe it has made everyone in public education force themselves to live up to their fullest potential each and every school day. Charter school reform is necessary and required as much as school choice to ensure everyone.

Years ago when I ran for school board, my motto was “What is Best for Kids.” I still live by the motto in position every day as a school business manager. All I want to do is what is best for all Commonwealth of Pennsylvania kids, whether they are Shanksville-Stonycreek School District kids, my own six (6) children, public or private students or even charter or cyber charter students. They are all our future. Thank you and God bless.