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Senate of Pennsylvania

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RECEIVED

MAR 16 2022

Independent Regulatory
Review Commission

March 15, 2022

Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101
Transmitted via email to irrc@irrc.state.pa.us

Re: Support for Final Form Regulation #6-349: Charter Schools & Cyber Charter Schools

Dear Commissioners:

Our Legislature has failed to take steps to hold charter schools accountable for how they spend taxpayer dollars or for the quality of education they provide to students. This inaction has allowed private institutions to spend millions of public funds selling a promise of a better education, when the truth is that their performance is often worse than the public schools that they siphon resources and students from year after year.

While not losing sight of the need for meaningful legislative reform, we welcome the promulgation of this regulation as an appropriate exercise of the Administration’s legal authority to provide guidance and clarity and urge its approval.

Our colleagues on the Senate Education Committee have sent a letter disapproving the Final Form Regulation, arguing that the Administration is legislating through these proposed rules. We wholeheartedly disagree. Regulations are an essential and distinct part of our legal framework in Pennsylvania. Statutes reflect the will of the Legislature. We authorize agencies to promulgate regulations because they have expertise to lay down the details of how a law will operate – just as the General Assembly has done with the Charter School Law.

Pursuant to Public School Code Sections 1732-A(c)(1) and 1751-A, the Pennsylvania Department of Education (PDE) may “promulgate additional regulations related to charter schools,” and “issue regulations to implement this subdivision”. Furthermore, Section 1732-A(c)(2) states that PDE must ensure that charter schools comply with federal law and regulations governing students with disabilities and “shall promulgate regulations to implement this provision.” There is no question that PDE has the legal authority to promulgate regulations under the Charter School Law and, in places, is required to do so.

Pennsylvania charter schools collectively enroll nearly 170,000 students. As Pennsylvania Partnership for Children notes in its public comments, the COVID-19 pandemic increased the number of students attending charter schools – as families opted for cyber charters during a time when public schools were adapting to delivering their curriculum virtually for the first time. This has made the need for these lawfully proposed and appropriate rules aimed at providing clarity and guidance even more pressing.

Cumulatively, *the regulations take meaningful, important steps* to provide more transparency and accountability of charter schools and promote greater predictability and uniformity for charter school authorizers. They also clarify important ethics and conflict of interest standards that will reduce the risk of misuse of public funds.

After receiving the testimony provided to the Senate Education Committee and reviewing many of the public comments submitted, we write in support of the Final Form Regulation and urge IRRC’s approval when it is considered on March 21, 2022.

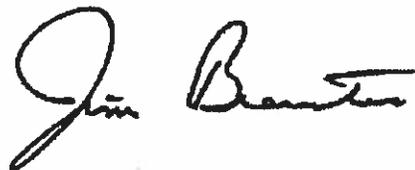
We will continue to work together to accompany these regulations with meaningful legislative reform, such as Senator Lindsey Williams’ and Senator Brewster’s charter school bill, SB 27. We also still need to address the long-standing inequities in how charter schools receive special education funding. These necessary changes, together with properly promulgated regulations, will finally put us on a path towards truly improving educational opportunities in Pennsylvania.

Our students and school communities cannot wait any longer.

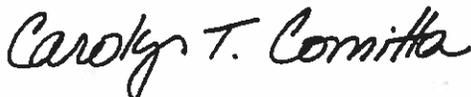
Respectfully,



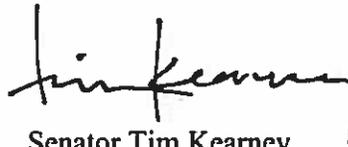
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Senator Jim Brewster
45th Senatorial District



Senator Carolyn T. Comitta
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Senator Tim Kearney
26th Senatorial District

cc: Governor Tom Wolf
Pennsylvania Department of Education