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**House of Representatives**  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

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**MAR 16 2022**

**Independent Regulatory  
Review Commission**

March 16, 2022

Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101  
[via email to [irrc@irrc.state.pa.us](mailto:irrc@irrc.state.pa.us)]

**Re: Comments on Final Form Regulation #6-349: Charter Schools and Cyber Charter Schools**

Dear Commissioners:

On behalf of the Democratic Members of the House Education Committee we submit the following comments in support of the Pennsylvania Department of Education's (PDE) final form rulemaking number #6-349, relating to Charter Schools, for consideration by the Independent Regulatory Review Commission (IRRC) prior to their vote on March 21, 2022.

Recently, the Republican Members of the House Education Committee voted to disapprove the Final Form Regulation #6-349 pertaining to Charter Schools and Cyber Charter Schools, while we voted against disapproval. It was stated in their disapproval letter that they believed PDE failed to attempt to reach a consensus on the final form regulations among all parties, and that no additional hearings or engagements were held with the regulated communities. Further, they argue that many provisions in these regulations would have a negative impact on charter school entities. Specifically, the Majority Chairman stated that the provisions related to charter applications, the redirection process and the health care benefits sections need more clarification and that these and other provisions of the regulations would have negative impacts on charter school entities and their students.

The Democratic Members of the House Education Committee disagree and write to dissent from the committee disapproval vote. Instead, we support the rule changes relating to Charter Schools and Cyber Charter Schools that PDE is proposing. We believe these regulations will provide much needed clarity on operational aspects of charter schools and are well within PDE's authority, established by law to issue regulations.

These 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 the Charter School Law (CSL) and require greater transparency for Educational Management Service Providers and will help reduce the misuse of public funds by ensuring greater ethics and preventing conflicts of interest.

We believe that these final regulations have been strengthened by PDE making specific improvements recommended by several stakeholders and individuals who provided public comment during this review process. Specifically, these final regulations have been updated to clarify and provide guidance on the required information in charter school applications; charter school admissions policies; charter school board members filing statements of financial interest with the State Ethics Commission; charter schools providing the same health care benefits provided to public school teachers and staff in the local school district; financial statements for charter schools being prepared in accordance with Generally Accepted Accounting Principles (GAAP) and Generally Accepted Government Auditing Standards (GAGAS); and the way redirection requests are handled when there are payment disputes between school districts and charter schools.

Furthermore, these regulations have been vetted for over 2 years and have received thousands of comments over the course of their review. There is no question that PDE has the legal authority to promulgate regulations under the CSL and, in places, is required to do so, and in fulfilling this duty, has taken into consideration the feedback and comments of the public and stakeholders in this final product.

It is our belief that these regulations are a much-needed step forward toward providing greater transparency and accountability to the charter and cyber charter schools operating across the Commonwealth. However, we recognize the limited reach of the regulatory process to substantially address much needed reforms to the CSL. We continue to urge the General Assembly (GA) to act on legislation that will provide the much-needed financial reforms to the CSL such as addressing, at a minimum, the inequities in how charter schools receive special education funding, and tuition payments to Cyber Charter Schools.

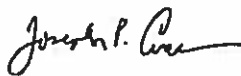
Finally, we thank IRRC for the opportunity to provide public comment and applaud the Department of Education for taking this step. We support regulation #6-349 because this step is a step in the right direction considering the long inaction of the GA, which has necessitated these lawfully proposed and appropriate rules aimed at providing clarity and guidance. We urge your approval.

Thank you for your consideration.

Sincerely,



Mark Longietti  
Democratic Chairman  
House Education Committee  
District 7



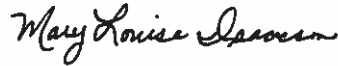
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cc: Steve Latanishen, Director of Government Relations, PA Department of Education