



## ED, CharterRegs

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**From:** Katie Yost <kyost@thearcpcpa.org>  
**Sent:** Monday, October 18, 2021 4:16 PM  
**To:** ED, CharterRegs  
**Subject:** [External] Public Comment on Proposed Charter Regulation #6-349  
**Attachments:** 2021 Chapter 22, Section 713 Comments - The Arc of Pennsylvania.pdf

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To Whom It May Concern,

Please find attached The Arc of PA's comments on Chapter 713 of Title 22.

Sincerely,

Katie Yost, MS  
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October 18, 2021

To Whom It May Concern:

Thank you for the opportunity to comment on the Chapter 713: Charter Schools and Cyber Charter Schools under Title 22.

The Arc of Pennsylvania is a statewide nonprofit organization that provides advocacy and resources for people with intellectual and developmental disabilities (IDD) and their families. For 72 years, we have advocated for the rights of individuals with disabilities to live, work, be educated, and play in their communities. We have over 12,000 members and 30 local chapters covering 50 counties. The Arc of Pennsylvania and its chapters are first and foremost advocates, but we also provide services. Our perspective is unique in that we are led by people with disabilities and their families, yet we know what it means to provide quality inclusion services.

To ensure that students with IDD receive the free and appropriate public education (FAPE) they are guaranteed, the Arc of Pennsylvania submits the following comments for your consideration:

**Section 713.2(c)(5): Contents of Charter School or Regional Charter School Application**

*The Arc of Pennsylvania recommends that an inclusive educational experience is prioritized in the mission and education goals of the charter and cyber schools regardless of if the instruction is provided in person or in a virtual format for the student with IDD.*

The Arc of Pennsylvania advocates for all students with intellectual and developmental disabilities to have an inclusive education experience, regardless of the educational provider. The opportunity for students with disabilities to access inclusive education is imperative for their future. Studies have shown that students with disabilities and their non-disabled peers both benefit when classrooms, in-person or virtual, are inclusive. Purposeful steps need to be taken to ensure that students with disabilities are not needlessly segregated from their non-disabled peers even during the use of virtual platforms. Also, The Arc of Pennsylvania recommends that support is provided to open the full school ‘community’ to students with disabilities. This means not only an inclusive classroom and curriculum, but extracurricular activities, field trips, clubs, and all the opportunities their peers without disabilities have access to. Socialization is a critical component of any child’s education, and especially critical for students with IDD. It is through these social interactions where many students with disabilities learn the soft skills necessary to build relationships and interact in an employment setting. By enabling the full education experience and prioritizing inclusive access to extracurricular



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Sherri Landis

The Arc of Pennsylvania is affiliated with The Arc of the United States and 33 local chapters of The Arc across PA.



events, schools will be providing students with IDD a holistic educational experience.

### **Section 713.2(c)(7): Contents of Charter School or Regional Charter School Application**

The Arc of Pennsylvania supports this section requirement related to student discipline, specifically the required explanation of due process procedure to be followed when applying exclusionary discipline. It has been shown that students with IDD, especially those who have behaviors as part of their disability, face stricter discipline procedures than their non-disabled peers. It is imperative that special discipline procedures are established to account for students with IDD.

### **Section 713.4 & 5: Enrollment Process**

*The Arc of Pennsylvania recommends a transparent, equitable, and accountable admission process for students with IDD is codified to end discriminatory enrollment practices.*

The Arc of Pennsylvania is supportive of the chapter's establishment to ensure that charter and cyber schools are held to the same levels of transparency and accountability as traditional public schools. This is especially critical within the enrollment process implemented by charter and cyber schools. The PARC Consent decree decision of 1971 paved the way for children with IDD to receive a public education with their non-disabled peers and the Individuals with Disabilities Education Act (IDEA). Since the foundation of charter and cyber schools in Pennsylvania, students with IDD have utilized their services; however, we continue to see a disproportionate lower level of enrollment of students with IDD, especially those with more complex needs, in charter schools in comparison to traditional public school settings. We believe that any discriminatory enrollment practices should be ended to ensure that all students have equal access to charter school education and support a more open and transparent enrollment process.

### **Section 713.7: Fiscal Management and Audit Requirements**

*The Arc of Pennsylvania recommends charter schools be required under fiscal accountability to only spend special education dollars on the supports and services needed by their students with IDD.*

The Arc of Pennsylvania advocates that specific language needs to be included that promotes the fiscal accountability for how special education fundings is utilized to support students with IDD by charter and cyber schools. Currently, charter and cyber schools do not receive their special education funding based off of the Special Education Funding Formula (SEF), which implemented a tiered funding system for each individual student with IDD that based funding on the student's level of need - the greater the supports and services needed to receive FAPE, the higher level of funding the school district received for that student. Charter Schools receive funding for special education based of the median percentage of students with intellectual and developmental disabilities in that specific school district. This enables Charter Schools to serve a special education student, who would qualify for Tier 1 funding under the SEF but receive funding as if the student is a Tier 2. Even more concerning, is that there is no requirement on charter schools to utilize all the special education dollars they receive on special education supports and services. In order to promote fiscal accountability of funding, unspent special education funding should not be used for general expenses of a charter and cyber school.

The Arc of Pennsylvania will always advocate that all students with intellectual and developmental disabilities in the Commonwealth receive the free and appropriate public education guaranteed to them by the IDEA. By implementing these proposed recommendations, students with IDD will be more equitably served and supported by charter and cyber schools in Pennsylvania.

Sincerely,

A handwritten signature in black ink, appearing to read "Sherri Landis". The signature is fluid and cursive, with a large initial "S" and "L".

Sherri Landis  
Executive Director