



WEST CHESTER AREA SCHOOL DISTRICT

Educating and inspiring students to achieve their personal best

Dr. James R. Scanlon, Superintendent of Schools

November 4, 2019

Mr. Pedro A. Rivera
Secretary of Education
Pennsylvania Department of Education
333 Market Street, 10th Floor
Harrisburg, PA 17126

Dear Secretary Rivera,

It is my pleasure to provide testimony on the state of Charter School Education in Pennsylvania. For the last 11 years, I have served as superintendent of the West Chester Area School District, a district of more than 12,000 students. Previously I served three years as superintendent in the Brandywine School District in Wilmington, and seven years as superintendent in the Quakertown Community School District in Bucks County. I've been very active with our local and state legislators and serve on several committees for PASA.

As you know, many of my colleagues and I share tremendous concerns about the lack of accountability of charter schools in Pennsylvania and how they are draining funds from public schools.

I would like to focus my comments on cyber charter schools. **In particular, I am asking the members of our General Assembly to repeal a law that was passed in 2002.** This law took away the ability for a cyber-charter school to operate more cost effectively, and reduce costs to sending school districts.

In 2000, I joined with seven other superintendents to create a cyber charter school called the 21st Century Cyber Charter School. Our goal was to be competitive with other cyber schools, but provide better results and operate at a lower cost.

Our charter included a provision that would require 21st Century to return any unused tuition funds back to the sending school districts after the end of each year. While the mandated per pupil tuition is the same for both brick and mortar charter and cyber charter, cyber charters can operate at lower costs since they don't have physical buildings. A committee of the 21st Century cyber charter school board calculated the difference between the cost to educate a student and the actual payment made to the charter school as per the charter school law. For example, if a district paid \$10,000 per student, and the cost was \$7,000 to educate that student in 21st Century, the district would receive a \$3,000 dividend check. Because districts paid different tuition rates (as per the law), a district that paid \$15,000 per student would then receive \$8,000 per student in a dividend check.

During the years of Adequately Yearly Progress (AYP) under the No Child Left Behind Act, 21st Century was the highest rated cyber-charter school operating, and it made AYP four years in a row. No other cyber-charter could make that claim. It remains one of the highest scoring cyber charters in the state.

Just as we were preparing to send out dividend checks in early summer, 2002, **the Omnibus bill (Act 88 of 2002)** was passed in the Pennsylvania General Assembly. The day we prepared to mail the checks, the superintendents on the 21st Century Cyber Board received word from Secretary of Education, Charles Zogby that it was now against the law to provide dividends to sending school districts. He informed us that if we did this, he would consider us blatantly violating the laws of the Commonwealth, and he would decertify all of us from our superintendent letters of eligibility. In essence, we would all be fired. The checks were never mailed, and just like the other charter schools operating in Pennsylvania, the money went into a fund balance to be used by the cyber charter school.

The Omnibus Bill (Act 88 of 2002), specifically states:
Section 1743-A. Cyber charter school requirements and prohibitions.

(a) Special financial requirements prohibited.--A cyber charter school shall not:

- (1) provide discounts to a school district or waive payments under section 1725-A for any student;
- (2) except as provided for in subsection (e), provide payments to parents or guardians for the purchase of instructional materials; or
- (3) except as compensation for the provision of specific services, enter into agreements to provide funds to a school entity.

Historically, the PA General Assembly has been kind to charters and has made it easier for them to operate a more expensive and inferior school compared to the public schools with which they compete.

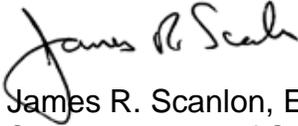
Over the years, I have watched children return to our public schools from charters, so far behind our public school students that they need expensive remedial help. Not only do we pay huge tuition payments for them to attend a charter school, we also spend additional money when they return to our district in order to close the gaps that were allowed to develop while they attended the charter school.

There are several bills being introduced that would actually help public schools with regard to the operation of cyber charter schools. Given the 22-year history of charter schools, I do not believe they have a chance to make it to the finish line.

I ask that our legislators support and pass legislation that allows cyber charter schools to return money to sending school districts by repealing section 1743-A of the school code.

This will provide the 21st Century Cyber-Charter School the opportunity to implement its original charter with fidelity, increase competition, and lower costs to public school districts.

Sincerely,



James R. Scanlon, EdD
Superintendent of Schools
West Chester Area School District

cc: WCASD Board of School Directors
Governor Tom Wolf
President Pro Tempore Joseph Scarnati III
Senator Andrew Dinniman
Senator Timothy Kearney
Senator Thomas Killion

Speaker of the House Mike Turzai
Representative Stephen Barrar
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