

**Testimony of  
Bill Bartle, Education Policy Director  
Pennsylvania Partnerships for Children  
Charter School Reform  
Auditor General's Informational Meeting  
Ebensburg, PA  
March 6, 2014**

Good afternoon Auditor General DePasquale and members of the Pennsylvania General Assembly. I am Bill Bartle, education policy director of Pennsylvania Partnerships for Children (PPC), a statewide, non-partisan, independent child advocacy organization committed to improving the education, health, and well-being of children in the commonwealth. Thank you for the invitation to participate in today's informational meeting to talk about charter school reforms that PPC believes are necessary to improve educational opportunities for all children, increase academic achievement and provide better accountability for the public dollars that are invested in charter and cyber charter schools.

PPC strongly believes that every child in Pennsylvania should have the opportunity to attend a high-quality public school that provides the education and skills they will need to become successful adults and productive citizens – whether it is through a traditional school district, a charter school or a cyber charter school.

Pennsylvania passed its charter school law in 1997 and created a new kind of public school that operates independently from the school district and is designed to give parents and students more choice, within the public school system, to obtain a high-quality education. The intent of the charter school law was to create “laboratories of learning” by providing more flexibility than traditional schools have – and in exchange for this flexibility, charter schools would share best practices to improve traditional public schools, increase learning opportunities for students and improve student achievement.

According to the Pennsylvania Department of Education, there are 162 brick-and-mortar charter schools and 14 cyber charter school educating close to 120,000 Pennsylvania students.<sup>1</sup> Some of these charter schools are employing innovative strategies to educate students and are seeing impressive results in raising student achievement. Data that is rarely brought up in discussions around charter schools is that nearly 40 percent of charter schools have 2012-13 School Performance Profile (SPP) scores of 70 or above – including three charter schools with scores of 90 or above. This is what we should all want – worthwhile and successful educational opportunities for our children. It shouldn't matter whether such instruction is provided through a traditional school district or a charter or cyber charter school.

That said, too many charters are not performing well and their students are falling behind academically. More than 60 percent of Pennsylvania's charter schools (including every cyber charter school) have 2012-13 SPP scores under 60 points. A 2013 national charter school study conducted by the Center for Research on Education Outcomes (CREDO) at Stanford University found that in Pennsylvania, charter school students on average are covering 29 days less material in reading and 50 days less material in math than students in traditional schools each year, placing us in the bottom three of the 26 states studied.<sup>ii</sup>

To provide children with the opportunity to attend great charter and cyber charter schools, changes to the commonwealth's charter school law are necessary. PPC suggests the following three issues be included in any charter school reform proposals:

**1. Establish a fair state policy for charter and cyber charter school enrollment**

All children deserve the opportunity to attend high-quality public schools, and charter schools play an important role in providing that opportunity. Unfortunately, children and families in some communities face unnecessary barriers in charter school enrollment and admission practices – barriers that often seem designed to prevent students who might be more costly or challenging to educate by discouraging them from enrolling. Current law allows charter schools to hold lotteries when the applicants exceed the number of slots available and allows charters to limit the lottery to “qualified applicants,” which is undefined in the law and allows the schools to establish “reasonable criteria to evaluate prospective students.”

Enrollment barriers come in various forms, such as requiring the submission of report cards, PSSA results, other examples of student achievement, student essays, teacher and community member recommendations or the participation in student and parental interviews – all a part of an enrollment process that often occurs before kids are even permitted to enter the lottery. Some charter schools require parents to come to the school to pick up an application or to attend a parent informational seminar to get an application so that the charter school can ask questions and get additional information about the prospective student. Legal advocates have long been concerned that charter schools use this opportunity to “counsel out” students with special needs.

PPC would argue that the ability to limit admission based on intellectual ability doesn't provide all children access to charter and cyber charter schools.

Comprehensive charter school reform should prohibit such practices and remove barriers for families to enroll their children. To do this, Pennsylvania should move to a standard enrollment form for all charter schools to use. This form should be accessible on charter schools' websites and be available for parents to pick up at the schools. In addition, charter schools should be prohibited from enrollment practices that require the submission of information beyond the standard identification requirements and residency confirmation required by federal law.

Senate Bill 1085, sponsored by Sen. Lloyd Smucker (R-Lancaster), currently includes language that resolves each of the issues I've mentioned and establishes a fair enrollment policy for charter and cyber charter schools. I would also note for the House members in attendance today that Rep. Bryan Cutler (R-Lancaster) led an effort to address these issues within Sen. Smucker's legislation.

## **2. Implement a common performance matrix for charter and cyber charter schools for annual oversight and renewal or revocation decisions**

Pennsylvania created charter and cyber charter schools to give parents more public school choice to help ensure their children achieve, but we failed to provide charter school authorizers the tool to measure performance. PPC supports the recommendation made by the National Alliance for Public Charter Schools that calls for the charter agreements between the authorizer and the charter or cyber charter school to include a standard performance matrix. A performance matrix will provide authorizers with the information they need to oversee and evaluate charter and cyber charter school performance and make renewal and revocation decisions. The development of this matrix and use by authorizers is sorely needed in Pennsylvania to address charter and cyber charter school performance in an unbiased and responsible manner. It also can help justify to taxpayers the continued investments in charter and cyber charter schools and/or provide unbiased justification for closure of schools that are academically underperforming.

Nationally, the charter school sector is improving in its overall academic performance mainly by opening higher performing schools and closing those that underperform, according to the recently released 2013 report on charter school performance from CREDO at Stanford University. States that close failing charter schools on a regular basis are those that have charters schools exceed academic performance of their traditional public school counterparts (Colorado, Indiana, Louisiana, Massachusetts and New York City).

A standard performance matrix should capture the following essential performance elements:

- Student proficiency rates
- Student academic growth
- Achievement gaps among student subgroups (both performance and growth)
- Attendance rates
- Student attrition during the academic year
- Recurring enrollment year over year
- Postsecondary readiness (for high school)
- Financial performance and sustainability
- Board performance and stewardship (including compliance)

Much of this information already is being collected through the PDE School Performance Profile. Requiring the creation and use of a standard performance matrix for charter and cyber charter schools is included in both House Bill 618, sponsored by Rep. Joe Emrick (R-Northampton), and Senate Bill 1085.

## **3. Recognize and reward high-performing charter and cyber charter schools**

Renewal periods for charter and cyber charter schools should recognize performance. Currently, all charter schools receive an initial three-year charter and renewals are for five years, regardless of the charter's success in helping students achieve. Legislative proposals prior to 2013 sought to extend renewal periods to 10 years for all charter and cyber charter school, regardless of performance. This idea concerned PPC and we actively sought to highlight the need to distinguish between high-performing charter and cyber charter schools and those that are failing. High-performing charter schools should be rewarded with a longer renewal period of 10 years - an appropriate reward for demonstrated success. But 10 years is too long for students to languish in poor-performing charter and cyber charter schools. Other charter and cyber charter schools should continue to receive five-year renewals and be tied to the results of the performance matrix.

Both House Bill 618 and Senate Bill 1085 address performance-based renewal periods and call for charters and cyber charter schools that meet an academic quality benchmark to receive a 10-year renewal.

Pennsylvania also should allow a successful charter and cyber charter school to expand the reach of its program by absorbing poor-performing charter schools or starting a new charter school through an abbreviated approval process. A high-performing charter or cyber charter school seeking expansion to multiple sites should demonstrate sustained academic achievement, meet fiscal accountability standards and audit requirements and be in full compliance with the criteria of the performance matrix. House Bill 618 and Senate Bill 1085 include provisions that address what many refer to as “multiple charter school organizations” and tie authorization for such organizations to performance.

In addition to PPC’s top three priorities for providing children with equal access to high-quality charter and cyber charter schools, I’ll briefly mention some other reforms that we believe would improve charter and cyber charter school accountability and enhance any charter school reform legislation. They include:

- **Set minimum academic performance standards** - Through the performance matrix, Pennsylvania should establish minimum academic performance expectations and schools that persistently fail to meet this floor should be closed through non-renewal or revocation of their charter. Although revocation and closure decisions are often highly contentious, establishing clear and objective criteria for revocation that is tied to the performance matrix, coupled with a transparent public process, will help parents and the community realize that closing extremely underperforming charter or cyber charter schools is necessary to protect the kids who are attending these schools.
- **Enhance fiscal accountability requirements** – The fiscal accountability requirements that apply to traditional public schools also should apply to charter and cyber charter schools. All charter and cyber charter school financial records should remain public documents, even if the school is operated by a charter management organization. Charter and cyber charter schools also should be required to adhere to the same fund balance limits as their school district counterparts and be subject to independent audits.
- **Comply with the Pennsylvania Ethics Act** – All charter and cyber charter schools should be held to the requirements of the Pennsylvania Ethics Act, which includes legal requirements for annual filings, conflicts of interest, and affiliated business entities. The commonwealth should protect against conflicts of interest between charter and cyber charter school administration and education management organization.
- **Use high-quality teacher evaluation systems that include multiple measures of student achievement** – Research shows an effective teacher is the most important school-based factor influencing student achievement. PPC strongly believes every student – whether they are attending a traditional public school or a charter or cyber charter school – deserves to be taught by an effective teacher every day. Pennsylvania’s district-based public schools began implementing a new teacher evaluation system this year that is based half on teacher observation and practice and half on multiple measures of student performance. Charter and cyber charter schools also should be required to use a high-quality teacher evaluation system that is at least as rigorous as the state’s system.

Every child in Pennsylvania deserves to attend a high-quality public school -- whether that is a traditional district-operated school, a brick-and-mortar charter school or a cyber charter school -- that prepares them to transition to postsecondary education, the workforce or the military – without the need for remediation. Making important changes to the charter school law will help ensure this goal.

Thank you for the opportunity to speak with you today. I'd be happy to take any questions you may have.

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<sup>i</sup> [http://www.portal.state.pa.us/portal/server.pt/community/charter\\_schools/7356](http://www.portal.state.pa.us/portal/server.pt/community/charter_schools/7356)

<sup>ii</sup> Edward Cremata, Devora Davis, Kathleen Dickey, Kristina Lawyer, Yohannes Negassi, Margaret E. Raymond, and James L. Woodworth; Center for Research on Education Outcomes (CREDO) at Stanford University, *National Charter School Study 2013*, pg. 52-53