

ELC Analysis on SB 1085 Amendments

[Printer's No. 1597](#)

December 3, 2013

The Senate Appropriations Committee passed SB 1085 by a 15-11 vote on November 19, 2013. Many major amendments were approved, but none addressed the underlying issues of improving charter school accountability and increasing access for all students that we raised in our initial [analysis of SB 1085](#).

Here are three changes to the bill that raise new concerns for ELC:

1. Section 1728.1-A. Governing Boards of Institutions of Higher Education as Authorizers of Charter Schools and Regional Charter Schools

This amendment seeks to clarify what types of institutions would qualify as charter school authorizers. Despite the effort, the legislation remains broad: Any Pennsylvania university, or a college, or a community college with 2,000 students would be eligible to start authorizing an unlimited number of new charter schools.

Under these criteria, the bill could create more than 100 potential new authorizers of charter schools, including 15 community colleges and dozens of sectarian institutions authorizing public charter schools. These institutions would be able to establish and control public schools with no input from their local communities. They would do this at no cost to themselves, and in fact, could receive public dollars to do this job. (See #2)

2. Section 1701-A (4) (I) Charter School Funding Advisory Commission

The Commission is now charged with evaluating and making recommendations for: *“Appropriate assessment of fees on charter school entities for potentially funding a higher education authorizer of charter school entities...”*

This means public dollars could go to private institutions to serve as unaccountable authorizers for charter schools.

3. Section 1720-A. (b) Term and Form of Charter

Poorly performing charters could continue operating:

"Charter schools and regional charter schools that have not satisfied the academic quality benchmark established by the department pursuant to section 1732-A, may be renewed for five (5) year periods upon reauthorization by the local board of school directors or the governing board of an institution of higher education or the appeal board."

The bill tasks the Pennsylvania Department of Education with creating a performance matrix and academic benchmarks for charter schools, but does not provide specific criteria for the benchmarks. Yet, charters that meet the undefined benchmarks could receive a 10-year renewal, effectively slicing accountability in half.

[1732-A c (3) (iii)]

Commentary:

Large problems exist with Pennsylvania's current charter school policy. The schools have not been the panacea that many predicted. Some charters are excellent, just like some traditional public schools are excellent. But charter schools taken as a whole are doing no better, and by many measures they are doing worse, than the schools in their local districts — and compared to those district schools, charter schools are serving fewer vulnerable students. Meanwhile, the proliferation of charter school and cyber charter schools has already been defunding neighborhood public schools and increased the cost of providing a system of public education.

There are ways to address these issues, but this bill does not successfully do that. Instead, this bill expands all existing charters at the further expense of school districts and tilts an already uneven playing field even more in favor of charter expansion. It is not a bill about increasing school choice. It is a bill that would harm school district schools — the schools we are constitutionally bound to provide.

Any new charter bill should be designed to ensure that no charters are created or expanded unless they are serving, more effectively than school districts, all types of students and improving, rather than harming, our system of public education.

Every community in the Commonwealth should be aware that any temporary fixes the bill attempts to provide will quickly be trumped by the bill's other provisions — from the addition of private, unaccountable authorizers to the unchecked expansion of existing, poorly performing charters. Those provisions and others will bring long-term harm to even our wealthiest and highest performing school districts.