

HB 97: Inadequate Charter School Reform

April 2017

A responsible charter school law must empower local governing bodies to strategically control charter growth as a tool to increase quality options and improve our system of public education for all students. The charter school law should not force blind expansion on already burdened systems and compel the loss of neighborhood school options.

HB 97 is deficient as it stands. This fact sheet focuses on the key problem areas of this proposed charter reform bill. For ELC's full response to HB 97, see [our letter](#) to the House Education Committee sent on April 24, 2017.

MAJOR PROBLEMS WITH HB 97

Quality of Education

- **Permits expansion of underperforming cyber charters**
- **Fails to protect the rights of students with disabilities** to individualized instruction, particularly in cyber schools
- **Fails to hold charter teachers and principals to the same accountability standards** as other public school teachers
- **Fails to hold charter schools to the same performance standards as school districts**

Equity

- **Preserves financial incentive to underserve students with severe disabilities** that exists in the current law
- Fails to ensure that each charter reserves space for an equitable number of **students experiencing homelessness, living in foster care, and returning from juvenile justice placement** - and does not hold accountable charters that fail to equitably serve at-risk students
- Does not require the proposed Commission to investigate **the impact of charter funding** on our system of public education

Transparency and Accountability

- **Does not allow school districts to consider their financial capacity when evaluating new charter applications**
- **Deprives local school boards the authority to cap enrollment** on charters not equitably serving at-risk students and not achieving superior results. Vague language in HB 97 suggests a charter school need only refuse to agree to renewal terms, avoiding a 'written agreement' on enrollment, to permit them to expand into multiple buildings without district approval
- **Fails to provide for nonrenewal/termination if a charter denies equal access or presents school climate concerns.** There is no mechanism for evaluating enrollment data of ELL students and students with disabilities (to verify the charter appropriately serves at-risk students), no mechanism to evaluate discipline and attrition rates, and no report of academic *progress* over time
- **Increases initial term of charters to 5 years**, which decreases opportunity to hold charters accountable
- **Allows charter schools to unilaterally amend their charters against the will of the authorizing school district**
- **Unfairly stacks the Charter School Appeal Board** by adding more pro-charter members to the CAB
- **Prevents broad access to charter records** for authorizing school district in annual charter assessment and review
- **Fails to hold Multiple Charter School Organizations (MCSO) to the same accountability and accessibility standards as individual charters**

Over-reach of State; Excessive Limits to Local Control

- **Prevents local school boards from adding additional terms and requesting information** beyond the state application
- **Forces school district to sell district buildings to charter schools**

HB 97 PROVISIONS SUPPORTED BY ELC

- Requires that PDE create a **standard student enrollment application**
- Requires that charters **enforce truancy laws**, rather than dis-enroll truant students
- Includes **anti-nepotism and conflict of interest provisions**
- Requires each charter to conduct an **annual independent audit**

The Education Law Center-PA ("ELC") is a non-profit, legal advocacy organization dedicated to ensuring that all children in Pennsylvania have access to a quality public education. ELC's publications provide a general idea of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact us for a referral or contact an attorney of your choice. Visit www.elc-pa.org/contact or call 215-238-6970 (Philadelphia) or 412-258-2120 (Pittsburgh).