

SB 1085 was legislation proposed in the 2014 legislative session, which did not pass. However, the specifics of the proposal are illuminating and indicate some things that we can expect to see again; things that would take PA in the wrong direction. This brief on that proposal outlines why some of the proposed “reforms” would be quite problematic.

Charter schools have a role to play, but the state law must work for all.

Changing PA’s charter law: What is at stake in SB 1085?

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After 17 years, the PA legislature is considering making major changes to Pennsylvania’s charter school law. Improvements to the law are long overdue, but unfortunately, the legislation in the Senate (SB 1085) will not improve PA’s charter school law.

Instead, it would take local control away from communities and create massive new costs and new financial risks for taxpayers. It is taxation without representation: communities would have no means of approval, negotiation, oversight or accountability but would still have to fund schools that have been authorized by a private or state entity.

The “charter” is supposed to serve as the agreement with the community, laying out how the school will add value and innovation to the community’s public education system and creating a contract for services – which allows a community to plan its financial obligations and assure that it is getting the services it is paying for. Communities must have the final word on whether and how a charter school is appropriate for that community.

What is wrong with SB 1085?

It eliminates reasonable enrollment limits and the ability of communities to negotiate the charter itself which defines the services to be provided (such as which grade levels and the educational mission). SB 1085 would allow the charter operator to be the only decision maker and it would then send our communities the bill.

It eliminates the financial and enrollment verification process by creating a “direct pay” system, which means the school district that is paying wouldn’t be able to confirm the enrollment it is being billed for.

It creates private authorizers which would be able to approve other private organizations to open charter schools in communities anywhere in PA without local taxpayer approval. The private authorizers would be institutions of higher education, which may be located in a completely different part of the state; are controlled by their own boards; would not have any oversight or governance obligations and may be privately governed. They could, quite simply, authorize a charter school for any



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reason and walk away, sending local taxpayers a bill. They could do this at no cost to themselves, and in fact, could receive public dollars to do this job.

A “state authorizer” is also extremely problematic and fraught with fiscal liabilities, creating serious potential for schools to avoid reasonable oversight. This bill would allow several charters to consolidate and thus transfer their authorizer to a state entity, which would have limited capacity and be disconnected from the community in which a school functions.

Research shows that the highest quality charters are the ones authorized by local school boards.

It creates an unlimited financial risk – a bottomless check book –for the community: charter schools can add as many seats as they please and taxpayers will be mandated to pay the bill. This will bankrupt some communities and throw others into distress.

A commission would be prohibited by law from considering the financial impact of charter school growth on communities. It creates a commission to study charter costs, but only AFTER making these changes (eliminating enforceable charters, enrollment caps and created by approval from private organizations). The commission would have almost twice as many charter representatives as regular school representatives. Increased charter school growth will necessarily result in increased education costs in local communities throughout PA. The cost and funding of charters needs to happen within the process of creating a formula for the whole funding system, plain and simple.

The bill eliminates the longstanding language that charter schools be models of innovation – which opens the door for a parallel and duplicative system of taxpayer funded education and moves things away from the notion that the purpose of charters was supposed to be to build an aligned system of public education (which was the original intent of the charter bill) and ***starts to create a system of publicly funded private education*** – which was an extremely controversial proposal and determined not to be the purpose of charters when Pennsylvania adopted them.

It undercuts the democratic process. School boards are the way that communities have financial and governance responsibility over all public schools in their community. The community elects people to make decisions about the community’s interests – this shuts that down.

It does not improve access or fairness. Research shows charter schools serve fewer students in poverty, English language learners and students with disabilities and other needs. Nothing in SB 1085 addresses this issue.

It does not increase charter school accountability. Despite all of the financial mismanagement, including problems that have resulted in criminal convictions that we see in the paper, this legislation does not increase transparency or improve oversight. In fact, SB 1085 lengthens the term of charters from 5 to 10 years, effectively slicing charter school accountability in half, thus reducing the quality control and accountability that accompanies the charter review process.

