

Testimony of F. Jones, Jr., M.Ed.  
Senate Education Committee  
January 24, 2012

Recognizing that several school districts in the Commonwealth face dire economic circumstances, it is important that the legislature not fall prey to the deliberate efforts of charter school opponents to confuse successful educational reform with the financial failings of these traditional districts. To be clear: successful charter schools are not the cause of the financial conditions of these districts. Years of neglect, mis-management and delay not only caused parents to leave these very districts in the first place but the lack of fortitude to address that shift is why we sit here today.

It is troubling that thousands of students have been forced to suffer the consequences caused by the fiscal mismanagement that has resulted in years of financial decay in some of Pennsylvania's school districts. It is also troublesome to note that generations past and present have received far less educational services than they expected or deserved, as a result of the financial debacle experienced by some of our educational communities. However, it is unconscionable to think that the legislature may consider financially undermining the education of thousands of children currently enrolled in functional and fiscally viable public charter schools, to provide yet another bail out for school districts hobbled by their own ineptitude.

In Philadelphia, PCPCS and the charter community are working in good faith with the School District of Philadelphia through the Great Schools Compact, to create a public education system that provides high quality choices for parents and students. Public charter schools can assist traditional school districts by providing choice and quality and tackling various educational problems. This is a model that parents want, children need, and communities support.

In recent times, I've heard many sing the hollow tune of "save public education". The fact is that public school districts do not constitute the whole of public education. We cannot condone sacrificing public charter schools to provide a band aid fix to fiscal mismanaged public school districts.

PCPCS supports high quality and accountability for all schools, especially public schools. The reality is that if a charter school had the financial history, culture, and performance of a district like Chester Upland, that charter school would be closed. Something must be done to assist the students, parents, and teachers of Chester Upland. There must be a short term fix, long term solution, and swift accountability actions for those who have contributed to this debacle.

As President of the Pennsylvania Coalition of Public Charter Schools, we stand ready to help all of the affected students and school districts. Charter schools can and have served as successful models of how freedom from regulation and bureaucracy can better serve students in failing districts and schools. Our Coalition has been requested to review the draft Fiscal Distress Legislation by Senator Jeffrey Piccola's Office.

I also would like to discuss the points of concern for charter schools.

The proposed legislation confers powers to special boards of control powers similar to those given to the School Reform Commission for the School District of Philadelphia.

The legislation does however suspend both the current funding formulas used by districts to determine a charter school student's per pupil allocation but also suspend the requirement for a distressed school district to provide transportation to charter school students.

Under this proposed legislation, the special board of control will be allowed to determine the per pupil allocation for charter school students whether attending school in district or out of district. It will also affect the receiving traditional districts which are educating students from the district in distress. It does not change the funding formula for those student who remain enrolled in the distressed district and attend distressed district schools.

From a charter school perspective, it seems counterintuitive that the regular education per pupil allocation would be developed by the very district in distress and not the legislature. Given the levels of issues with the existing PDE 363 form and the liberties taken by districts throughout the commonwealth on a 'sanctioned' form, allowing a board of control with limited financial resources and liberal powers, it is a recipe fraught with danger for charter school students. More concerning, once PDE has reviewed and approved the tuition rate, the decision is final and unappealable. This language is fraught with constitutional concerns.

PCPCS has grave concerns with this legislation's (and any legislation for that matter) tiered special education funding formula.:

Allowing for districts in distress to determine a tiered special education is ripe for costly litigation and legal challenges as violating applicable federal laws such as IDEA; Section 504; the Due Process Clause of the Fourteenth Amendment; U.S. Constitution; and Americans with Disabilities Act. This is particularly true when there is a pending federal court challenge to Pennsylvania's current special education funding system in *C.G. v. Commonwealth of Pennsylvania, Department of Education*. In practice, it will amount to assured disparate treatment of disabled students and minority populations.

Tiered special education funding wrongly assumes uniform special education populations and expenditures without accounting for special education costs or needs.

Such a scheme will mostly likely result in inadequate funding for special education students at charter schools, offering them less services and program options than their peers in traditional public schools.

Charter schools will not even have the ability to reserve adequate funds or raise revenue sufficient to offset special education expenses that will exceed the special education allocation.

Tiered special education funding violates federal law because the proposed funding scheme requires the special board of control to allocate special-education funds without any consideration of schools' actual special education needs and costs or the ability of the schools to effectively provide a free and appropriate education to each special education student given the reduced funding available.

Conversely, the special education funding formula for district students remains unaffected, resulting in disparate treatment.

Tiered special education funding deters the growth and development of charter schools that specifically focus upon the education of students with special needs as a target population.

Allowing a special board of control to determine the per pupil allocation will ultimately drain valuable resources and monies from those charter schools who have successfully been educating students and with populations most at need of quality education – from a both regular and special education perspective.

Such a scheme allows charter school students – both regular and special education – to be worth less than their peers in other settings for no other reason than the type of school their parents have chosen for them.

Since 1998, charter schools have provided options for families and students throughout the Commonwealth regardless of the student's circumstance. This has been particularly true for students residing in those districts which are chronically failing – academically, financially and operationally. Charter school stand ready to assist each child in distressed school districts – in Chester-Upland and elsewhere – so that all students in Pennsylvania receive the education that they deserve.