October 29, 2020

Pennsylvania Department of Education
Division of Charter Schools
333 Market St., 3rd Floor
Harrisburg, PA 17126-0333
Via email at ra-charterschools@pa.gov

Executive Education Academy Cyber Charter School
Stephen J. Flavell, M. Ed.
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Via email at sjflave@gmail.com

Re: Application for the Executive Education Academy Cyber Charter School

Dear Division of Charter Schools,

We are education scholars from various academic disciplines and institutions who care deeply about Pennsylvania's system of public education. These comments represent our viewpoints as individuals. We do not represent our institutions though they are listed below for identification purposes.

The Department of Education should deny the pending applications for any new cyber charter schools. Pennsylvania cannot afford to divert millions more away from public schooldistricts to expand an education option that research studies have deemed an academic

failure.[1] Fourteen cyber charter schools already operate in Pennsylvania drawing students from across the state, and affecting nearly every school district. Together, 496 of Pennsylvania's 500 districts paid over $600 million in tuition to the cyber charters in 2018-2019. The cost of funding cyber charters has fallen most heavily on the most poorly funded school districts in Pennsylvania.[2] This severe financial drain and these poor results have led to widespread, bipartisan calls for reform of the Charter School Law (CSL), particularly of the funding structure. The Department of Education should not further expand cyber charters in Pennsylvania until the Charter School Law is reformed to mitigate the impact on school districts and to ensure that cyber opportunities for Pennsylvania students are quality options, not just money making opportunities for the cyber operators.

Three poorly thought out provisions in the CSL in particular need reform. First, the CSL directs the districts to remit the exact same per pupil funding to a cyber charter as it does to a bricks and mortar charter, even though the costs of running a cyber are much lower. Second, the per pupil payment a district must provide to the charter is based on the per pupil spending of that sending district, not on the charter's cost to educate the student. A student coming from Lower Merion brings thousands of dollars more to the cyber school than a student from Sto-Rox, even though the cyber provides the same education to both of those students. Finally, cybers, like all charters, receive much higher payments for students with IEPs but cybers, like all charters, have no obligation to spend that extra money on special education. The CSL should be revised to account for the true costs of operating cyber charter schools and to provide for a voice for districts in the oversight and accountability of these programs.

At this moment, with the Covid-19 virus forcing school districts to expand virtual education, the Department of Education should focus its efforts on supporting the districts in these efforts. It should not undercut them by expanding the number of cyber charters.

The application for the Executive Education Cyber Charter School should also fail based on its own lack of merit.

The Executive Education Cyber Charter is offered by people who already run a bricks and mortar charter school that is listed as a TSI (Targeted Support and Improvement School) on Pennsylvania's Future Ready Index, due to weak academic performance. The application reflects confusion about whether this is going to be a cyber or bricks and mortar charter. For example, on

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[1] *See, e.g.,* Brian Fitzpatrick, et. al*., Virtual charter schools and on-line learning during COVID 19: an imperfect comparison,* THE BROOKINGS INSTITUTE, June 2, 2020 at https://www.brookings.edu/blog/brown-center-chalkboard/2020/06/02/virtual-charter-schools-and-online-learning-during-covid-19/?preview_id=812228 ("We find the impact of attending a virtual charter on student achievement is uniformly and profoundly negative . . . .")*(*full study available at 49 Educational Researcher 161 (April 2020)); National Alliance for Public Charter Schools et. al., *A Call to Action to Improve the Quality of Full-Time Virtual Charter Public Schools,* https://www.publiccharters.org/publications/call-action-improve-quality-full-time-virtual-charter-public-schools (June 16, 2016); James D. Woodworth, et. al., Center for Research on Education Outcomes, *Online Charter School Study,* 2015 at 38-39, https://credo.stanford.edu/sites/g/files/sbiybj6481/f/online_charter_study_final.pdf (concluding that cyber students on average lost significant days per year in reading and math compared to students in brick and mortar charters and traditional public schools); Alex Molnar, National Education Policy Center, *Virtual Schools in the U.S. 2019, https://nepc.colorado.edu/sites/default/files/publications/Virtual%20Schools%202019.pdf.*

[2] Bryan Mann and David P. Baker, *Cyber Charter Schools and Growing Resource Inequality among Public Districts: Geospatial Patterns and Consequences of a Statewide Choice Policy in Pennsylvania, 2002–2014,* 125 American Journal of Education 147 (Feb. 2019).

page 34 (based on the page numbers at the top of the file), the application states "[e]nrollment is open to any student who lives in **the** school district, **in our attendance area** and who meets the current grade qualifications." (emphasis added). This makes no sense for a cyber charter that draws students from across Pennsylvania. The application also refers to a plan to have a randomized lottery which makes sense only if it is also proposing a firm enrollment cap. The section on "Attendance at school" on page 74 tells the student to report to the school office to obtain a lateness slip if they are tardy and directs that parents should be advised of more than two latenesses. Neither reference makes much sense for a virtual school.

The application does not satisfy the CSL requirement that an applicant demonstrate sustainable support from parents, teachers, and community members. The Executive Education Academy Cyber application includes five identical letters from parents and five from teachers, which all note that the signer was attracted to the school because of its "year round schedule." But the calendar for the school does not propose a year round schedule. Rather it proposes a school year beginning in early August running through mid-June. The parent and teacher letters thus do not show full support for the *actual* school proposed.

In addition, four of the five "parent" letters (Jane Pena, Daniel Hargrove, Bryan Weller, and Tamara Klas) and one of the teacher letters (Amy Johnson) are from individuals who currently work at the bricks and mortar Executive Education Charter Academy School according to the school's on line directory, at https://ee-schools.org/about/charter-school-administration/staff-directory/. None of their letters mention their existing connections to the school.

The community support letters are also troubling in that two are from entities that have already entered into contracts with the school: the Gorman and Associates accounting firm and the law firm of Fitzpatrick, Lentz, Bubba. A third is from a Board member of the proposed school, Shera Mula, who is also listed in the staff directory for the Executive Education Charter Academy. Neither the Gorman nor the Mula letters mention their connections to the school.

The petition submitted in support of the application is of little worth. First, it does not provide any identification beyond often illegible signatures. Second, the petition caption says only that the signers support the application. It does not identify any of them as parents who plan to enroll their children. It also purports to express support for an appeal of the Commonwealth's rejection of the application, which, of course, has yet to happen. It is not clear that appeals from rejected cyber applications are even subject to the petition requirement of the CSL which requires rejected applicants for brick and mortar charters to collect a certain number of signatures **after** the rejection.

This application has nothing new to offer Pennsylvania. It would merely duplicate the existing cyber charter programs which are draining resources from school districts. Adding additional cyber schools will undercut the Commonwealth's ability to fulfill its fundamental constitutional obligation to "provide for the maintenance and support of a thorough and efficient system of public education to meet the needs of the Commonwealth." The Department of Education not only can but must consider the serious negative financial impact that granting this application will have on Pennsylvania's ability to meet its constitutional obligation. The application should be rejected.

Thank you for your consideration of these comments.

Sincerely,

Susan L Dedanmatt

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