

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

HOUSE EDUCATION COMMITTEE

joint with the

SENATE EDUCATION COMMITTEE

STATE CAPITOL
HARRISBURG, PA

NORTH OFFICE BUILDING
HEARING ROOM 1

WEDNESDAY, MAY 24, 2017
9:05 A.M.

PRESENTATION ON
EMPOWERING PARENTS AND SUPPORTING STUDENTS TO SUCCEED
THROUGH EDUCATION SAVINGS ACCOUNTS

HOUSE COMMITTEE MEMBERS PRESENT:

HONORABLE DAVID HICKERNELL, MAJORITY CHAIRMAN
HONORABLE ROSEMARY M. BROWN
HONORABLE HAL ENGLISH
HONORABLE MINDY FEE
HONORABLE MARK M. GILLEN
HONORABLE HARRY LEWIS
HONORABLE BERNIE O'NEILL
HONORABLE KRISTIN PHILLIPS-HILL
HONORABLE KATHY L. RAPP
HONORABLE CRAIG STAATS
HONORABLE WILL TALLMAN
HONORABLE JAMES ROEBUCK, MINORITY CHAIRMAN
HONORABLE CAROL HILL-EVANS
HONORABLE MARK LONGIETTI
HONORABLE STEPHEN McCARTER
HONORABLE DAN MILLER
HONORABLE JARED SOLOMON

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SENATE COMMITTEE MEMBERS PRESENT:
HONORABLE JOHN H. EICHELBERGER, MAJORITY CHAIRMAN
HONORABLE RYAN AUMENT
HONORABLE JOHN DiSANTO
HONORABLE MIKE FOLMER
HONORABLE DANIEL LAUGHLIN
HONORABLE ANDREW DINNIMAN, MINORITY CHAIRMAN

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Pennsylvania House of Representatives
Commonwealth of Pennsylvania

1 HOUSE COMMITTEE STAFF PRESENT:
2 JONATHAN BERGER
3 MAJORITY EXECUTIVE DIRECTOR
4 NICHOLE DUFFY
5 MAJORITY SENIOR EDUCATION ADVISOR
6 KAREN SEIVARD
7 MAJORITY SENIOR LEGAL COUNSEL
8 ELIZABETH MURPHY
9 MAJORITY RESEARCH ANALYST
10 BENJAMIN CLEAR
11 MAJORITY RESEARCH ANALYST
12 MICHAEL BIACCHI
13 MAJORITY RESEARCH ANALYST
14 CATHY O'DONNELL
15 MAJORITY ADMINSTRATIVE ASSISTANT
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17 CHRIS WAKELEY
18 MINORITY EXECUTIVE DIRECTOR
19 APRIL McCLENTON
20 MINORITY LEGISLATIVE ASSISTANT
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I N D E X

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SUBMITTED WRITTEN TESTIMONY

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(See submitted written testimony and handouts online.)

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1 P R O C E E D I N G S

2 * * *

3 SENATE MAJORITY CHAIRMAN EICHELBERGER:

4 Good morning everyone. We're going to
5 call this hearing to order. We have a tight schedule
6 this morning and there's other things happening that
7 people will be in and out, so we're going to try to move
8 things along as quickly as possible.

9 Welcome to this joint hearing of the
10 Education Committees of the House and Senate of
11 Pennsylvania, where we're focusing today on empowering
12 parents and students for success through education
13 savings accounts. Pennsylvania's education system has
14 developed over a long history. And in the late 18th
15 century, Pennsylvania's leaders began discussing and
16 establishing the foundation of today's educational
17 institutions. Since then, our education system has
18 expanded tremendously into a wide array of institutions
19 and organizational structures that provide learning to
20 thousand of young students. Yet, more than 225 years
21 after the state began providing education, many
22 Pennsylvania students are unable to reach their full
23 potential and many currently face obstacles accessing
24 options in opportunities for learning.

25 I believe all parents in Pennsylvania

1 should be able to truly realize the opportunity of a
2 better life for their children. No child, whether they
3 live in an urban, rural, or suburban community should
4 lack the opportunity to have an education that meets
5 their needs. Disadvantaged populations must not be
6 neglected by our education system, nor should
7 policymakers fear making education reform a priority.

8 Education savings accounts can be a
9 useful tool to do just that, provide disadvantaged
10 student populations from whichever corner of the state
11 they reside with options and opportunities to meet their
12 needs and support success.

13 I thank my colleagues for attending this
14 hearing today to examine the implementation of these
15 programs in other states and hear the perspective of
16 parents.

17 Today members will hear first from the
18 National Conference of State Legislatures, followed by
19 the Foundation for Excellence in Education. Members
20 will then hear from a panel of parents, one representing
21 students with special needs and another parent
22 representing students from low-performing schools.

23 Chairman Hickernell, do you have anything
24 to say? Do you want to call the first witness up, then,
25 when you're done with your remarks?

1 HOUSE MAJORITY CHAIRMAN HICKERNELL:

2 Sure.

3 Just briefly, I just wanted to mention
4 that, for those in the audience, the Speaker did call a
5 session for the House at ten o'clock today. I don't
6 anticipate at this point that we will actually be voting
7 at ten o'clock, but I'll be monitoring that. But if you
8 see a bunch of House members get up at some point and
9 leave, it will be not because of the testifiers, but
10 because of the fact that voting has started on the House
11 floor.

12 And with that, I would like to call up
13 the first witness from the National Conference of State
14 Legislatures, Josh Cunningham, who is the education
15 program manager. I think he's ready to go.

16 And Josh, whenever you are ready, you may
17 begin.

18 MR. CUNNINGHAM: Thank you, Mr. Chair,
19 and the Committee. Thanks for inviting me to speak to
20 you today. Can you hear me?

21 (No response.)

22 MR. CUNNINGHAM: My name is Josh
23 Cunningham and I oversee the school choice policy work
24 for the National Conference of State Legislatures. I've
25 been invited to give an overview to the committee on a

1 particular school choice approach commonly referred to
2 as education savings accounts or ESAs.

3 I'm not here to discuss the merits of
4 this approach or school choice in general. My role
5 today is to explain how these programs work and what
6 some of the challenges and experiences have been when
7 implementing these programs in other states. NCSL has
8 no position on school choice in any form and fully
9 respects the right of states to enact policies that they
10 see fit for their constituents.

11 Before I get into the specifics about
12 ESAs, I want to give the committee a brief history of
13 private school choice policies in the United States to
14 help illustrate where ESAs fit into the overall private
15 choice landscape.

16 This time line that you see on the
17 screen --

18 SENATE MAJORITY CHAIRMAN EICHELBERGER:

19 Hey, Mr. Cunningham --

20 MR. CUNNINGHAM: Yes.

21 SENATE MAJORITY CHAIRMAN EICHELBERGER:

22 -- would you mind pulling the mic a
23 little closer?

24 MR. CUNNINGHAM: Yes. Sorry.

25 SENATE MAJORITY CHAIRMAN EICHELBERGER:

1 Some people are having a hard time
2 hearing you.

3 MR. CUNNINGHAM: And I'll try and project
4 a little bit more.

5 SENATE MAJORITY CHAIRMAN EICHELBERGER:
6 Thank you.

7 MR. CUNNINGHAM: The time line shows some
8 of the major points in the history of private school
9 choice, including the very first voucher program in
10 1990, the first tax credit scholarship program in 1997,
11 and the first ESA program in 2011. You'll see that I
12 list the 2009 Arizona Supreme Court ruling that struck
13 down a traditional school voucher program for students
14 with disabilities. It was this ruling that led to the
15 creation of Arizona's innovative ESA program, which
16 later was upheld by the same court.

17 Today 27 states have enacted one of these
18 three approaches to private school choice.
19 Additionally, Congress has created a federal voucher
20 program for the District of Columbia.

21 And the map you see here (indicating)
22 shows those 27 states, and many of these states have
23 multiple forms of these school choice approaches.

24 The next few slides help illustrate the
25 differences between these three school choice

1 approaches.

2 School vouchers and tax credit
3 scholarships differ primarily in how they are funded and
4 who awards the scholarships. Vouchers are state-funded
5 scholarships that eligible parents can use at the
6 private school of their choice, so long as that private
7 school meets the requirements of the program.

8 Tax credit scholarships are a little bit
9 more complicated. I won't go into a lot of detail on
10 these since Pennsylvania has had one of these programs
11 for 16 years now. The important distinction is that a
12 tax credit scholarship is funded and administered
13 entirely in the private sector, creating a greater
14 separation from the state than a voucher program.

15 Education savings accounts are defined
16 more by how parents can use the funds than on the
17 program's funding structure. While all five states that
18 have enacted ESA programs use state money to fund the
19 program, other states have introduced legislation that
20 would fund ESAs similar to a tax credit scholarship.

21 The general premise of an ESA is that
22 parents receive a grant of funds that can be used to
23 personalize their child's educational experience by
24 allowing reimbursement for a variety of educational
25 expenses. The options listed on this slide are just a

1 few examples of common qualifying expenses. Ultimately,
2 it is up to you, the legislature, to determine what type
3 of expenses are reimbursable.

4 The five states that have enacted ESAs
5 are Arizona, Florida, Tennessee, Mississippi, and
6 Nevada. Nevada's program provides universal
7 eligibility, but is currently unfunded. And we'll see
8 if their legislature is able to fund that program this
9 year. Arizona recently enacted legislation that phases
10 in universal eligibility by 2020. The other three
11 states limit their eligibility to students with
12 disabilities. At least 30 states have introduced
13 legislation to create ESAs over the last few years.

14 So how do these work exactly? Well,
15 first, the legislature must establish the parameters of
16 the program in statute. This includes who can receive
17 an ESA, how much money a parent receives, what they can
18 spend it on, and what agency or institution is
19 responsible for administering the program.

20 Once the program is enacted, then the
21 legislature appropriates the funding to the
22 administrator. In most cases, this is a state agency
23 like the Department of Education. However, Florida uses
24 the two scholarship organizations from their tax credit
25 scholarship program to administer their ESAs.

1 For simplicity purposes in this
2 presentation, I will assume that the administrator is a
3 state agency. Parents then apply to this agency for an
4 ESA. Once approved, the ESA funds are deposited into a
5 special account for each parent.

6 Once parents incur a qualifying expense,
7 they then submit for reimbursement. In Arizona, up
8 until recently, parents received a limited-use debit
9 card for preapproved vendors to avoid paying upfront
10 costs. I'll discuss the pros and cons of using a debit
11 card versus reimbursements in a moment.

12 Once a parent requests reimbursement or
13 uses the debit card, the state then evaluates that claim
14 and either approves it or denies it. The state agency
15 performs routine audits of parent claims to identify
16 questionable purchases and detect possible fraud or
17 misuse of funds.

18 As I mentioned, Arizona was the first
19 state with an ESA program and they used a limited-use
20 debit card, not unlike a flexible spending account.
21 Parents can use the debit card to purchase from
22 preapproved vendors and make large purchases, like
23 private school tuition, without having to spend anything
24 out of pocket. This makes the process easier and more
25 affordable for parents.

1 In Arizona, they are still required to
2 submit receipts for all purchases, including those made
3 with the debit card, at least once per quarter. Parents
4 are restricted to using the debit -- I'm sorry --
5 parents are not restricted to using the debit card,
6 however. They can still file for reimbursement for
7 expenses from vendors not on a preapproved list, but
8 they must pay out of pocket and file a claim.

9 The downside of using the debit card is
10 that if for some reason the purchase is found to be
11 unqualified or the parents fail to submit proper
12 documentation, the state then must request the parent to
13 repay the state for the expense. This can be a burden
14 on both the parent and administrators attempting to
15 collect the debt.

16 An alternative is requiring parents to
17 file for reimbursement for expenses already incurred --
18 this is not as user-friendly as a debit card, but allows
19 for more preemptive detection of misuse of or fraud.
20 Requiring parents to first pay out of pocket creates
21 some equity concerns and may prevent some families from
22 participating in the program altogether. Florida uses
23 this approach, but for larger purchases such as tuition,
24 parents can request the ESA administrator to pay the
25 vendor directly and then have that amount subtracted

1 from their ESA.

2 The last thing I want to touch on is some
3 of the challenges that states have faced while
4 implementing these programs. Remember that this is a
5 relatively new policy approach and only, really, two
6 states have fully implemented their programs. I've
7 spoken at length with the administrators of Arizona's
8 ESA program, and perhaps the most unexpected challenge
9 they faced was the cost of administering the program,
10 both in technology and time. The bulk of their time is
11 spent investigating questionable purchases. While there
12 has been a very low rate of misuse and fraudulent
13 activity, questionable purchases must be investigated,
14 including contacting the parent in question and
15 obtaining more documentation or a better understanding
16 of why the purchase was related to their child's
17 education.

18 And then there is the technology.
19 Getting a program launched requires an investment in
20 designing automated systems for tracking and processing
21 claims. States can partner with financial institutions
22 that already have this technology; however, that brings
23 an added cost and may raise concerns about transparency.

24 The final consideration you may want to
25 make is around data collection. Will you require

1 participating students to take an assessment of some
2 sort? This could be a state assessment or you could
3 allow students to take an approved alternative
4 assessment, or you don't have to require an assessment
5 at all. This issue gets complicated if students are
6 allowed to use the funds for home curriculum, as any
7 sort of data collection would have to comply with
8 federal data privacy laws.

9 And with that, I'm happy to take
10 questions or move on.

11 Actually, hold on, there's one more thing
12 I wanted to add. Sorry.

13 You may want to consider whether to
14 collect data about what parents are spending the funds
15 on. Arizona tracks this based on the type of purchase
16 using the statutorily defined expenses as a framework.
17 They do not, however, track how much individual vendors
18 are receiving from parents. In other words, it is
19 unknown how much a specific company is receiving from
20 the ESA program.

21 It is important to remember that all of
22 the challenges I have mentioned are not an indictment of
23 these programs in any way. This is a relatively new
24 policy approach and these are lessons that those who
25 have been implementing these programs over the last few

1 years are learning. Policy from both the legislature
2 and state regulators can address all of these
3 challenges.

4 Thank you.

5 SENATE MAJORITY CHAIRMAN EICHELBERGER:

6 Thank you.

7 HOUSE MINORITY CHAIRMAN ROEBUCK: The
8 issue for me always with a voucher kind of program is
9 the ability of individuals to assess institutions they
10 might want to send their kids to.

11 What is the responsibility of a private
12 institution to accept any student who comes to them with
13 this grant, who is qualified by the terms of what we are
14 setting out here? But what is the responsibility of the
15 institution to accept that student?

16 MR. CUNNINGHAM: Well, I mean, it depends
17 on how your program is designed. You know, you have to
18 strike this balance between wanting to ensure that
19 parents have access to quality schools or services, but
20 at the same time, not creating regulations that will
21 prevent the highest quality vendors and schools from
22 participating in the program.

23 And so, in Milwaukee, for example, the
24 Milwaukee voucher program, which was the first one,
25 private schools are required to accept the students.

1 That's raised questions about, you know, what is the
2 quality of those schools that are willing to participate
3 in that program. And so, that again is the balance you
4 strike.

5 But certainly in most of these programs,
6 private schools are allowed to maintain their existing
7 admissions policies.

8 HOUSE MINORITY CHAIRMAN ROEBUCK: So you
9 could exclude a student on the basis of religion or
10 other factors even if they had the money in hand? You
11 come to the school with money in one hand, your child in
12 the other, and they can still say "no"?

13 MR. CUNNINGHAM: Yeah. And most of the
14 states -- as long as it's not one of the
15 federally-protected discrimination classes, then they're
16 allowed to accept or reject a student for really any
17 reason they wish.

18 HOUSE MINORITY CHAIRMAN ROEBUCK: The
19 other concern I have is that, at least in my area, would
20 be the schools of choice, private schools of choice,
21 oftentimes are what you might describe as elite private
22 schools that are extremely expensive. I'm wondering how
23 this program would open up opportunity for parents who
24 might want to send their child to a very elite,
25 expensive private institution.

1 MR. CUNNINGHAM: If -- in most cases, if
2 the parent -- the money they are receiving from the
3 state in their ESA is not enough to cover, say, the
4 tuition of a private school fully, then in some cases
5 the parent would be responsible for paying the remainder
6 of that. In a lot of cases, the private schools are
7 willing to work with those parents and provide their own
8 financial aid opportunities for those parents to make it
9 a little easier.

10 HOUSE MINORITY CHAIRMAN ROEBUCK: Okay.
11 Thank you.

12 SENATE MAJORITY CHAIRMAN EICHELBERGER:
13 Senator Aument.

14 SENATOR AUMENT: Just want to follow up
15 that line of discussion, if I could, very, very quickly.

16 In the states that have these programs,
17 ESA, education savings account programs, are you aware
18 of any schools, any providers, participating who are
19 rejecting students, rejecting students who wish to
20 participate on any other grounds than they are not
21 equipped to provide quality education to that student?

22 MR. CUNNINGHAM: I'm not sure that there
23 is really any good data to say that one way or the
24 other. That's not something that typically is tracked.
25 So that would be, really, a case-by-case basis. I'm not

1 really sure.

2 SENATOR AUMENT: Okay. Because I think
3 it's clear that some education providers may be equipped
4 to serve some students and others may not.

5 MR. CUNNINGHAM: Sure.

6 SENATOR AUMENT: And I certainly think
7 that's a reasonable ground on which someone may
8 encourage a student to go elsewhere or to utilize
9 another provider.

10 And so, just curious, on that line of
11 questioning, if there was any data pointing to the fact,
12 or any information pointing to the fact that students
13 are rejected on any other grounds than that.

14 I appreciate your response.

15 MR. CUNNINGHAM: Yeah. I would just add
16 that particularly programs that work with students with
17 disabilities, that's probably where you would see that
18 the most. If a private school is not able to provide
19 the services to that student that they would need, then
20 I could see a situation where they would perhaps reject
21 that student or direct them to another private school
22 that maybe specializes in that disability.

23 SENATE MAJORITY CHAIRMAN EICHELBERGER:

24 Senator Laughlin.

25 SENATOR LAUGHLIN: Thanks for coming in

1 today, but I just have one question, basically.

2 The basis of the savings account is based
3 on their home districts for cost already; is that how
4 this would work?

5 MR. CUNNINGHAM: Well, that would be up
6 to you guys to decide how you would fund it, whether you
7 would be --

8 SENATOR LAUGHLIN: Is that the intention,
9 though?

10 MR. CUNNINGHAM: I think typically
11 it's -- like in Arizona, I think it's based on kind of
12 what that student would have received had they attended
13 a public school in their district and then they take
14 like a percentage of that amount.

15 SENATOR LAUGHLIN: Okay.

16 MR. CUNNINGHAM: It depends on whether --
17 if you're a student with a disability, you can
18 potentially get more money based on some of the
19 categorical funding that you would have received through
20 your home district.

21 SENATOR LAUGHLIN: Okay. So I mean, we
22 have a pretty wide ranging cost per student across this
23 state. And that's -- I guess, that's what I'm just
24 trying to get at is, if one district -- if the child is
25 in a \$10,000 district or a \$20,000 district, their

1 savings account wouldn't be the same, then, would it?

2 MR. CUNNINGHAM: That's true. Yeah.

3 And I don't know if -- as far as I'm
4 aware, it's more based on some of the categorical
5 funding issues.

6 So in Arizona, for example, a student
7 with a severe disability is going to get a substantially
8 higher ESA than a student that doesn't, that isn't a
9 student with a disability, that doesn't have an IEP.

10 SENATOR LAUGHLIN: That's not -- I mean,
11 that's not what I was driving at --

12 MR. CUNNINGHAM: Okay.

13 SENATOR LAUGHLIN: -- with the different
14 classifications. If a student is disabled, just a
15 different district cost. So --

16 MR. CUNNINGHAM: That I don't know. I'm
17 not sure.

18 SENATOR LAUGHLIN: -- at one end of the
19 state, if you're getting \$10,000 a student and the other
20 end, you're getting 20, their savings accounts would be
21 based on that. So I guess I see an issue with that as
22 far as like the Supreme Court might have an issue with
23 that. That's all.

24 MR. CUNNINGHAM: Yeah. I don't know if
25 that -- to be honest, I don't know if that's the case or

1 not.

2 But again, it's up -- you guys can -- if
3 there's a way for you to design the funding system to
4 address that, you would be able to.

5 SENATOR LAUGHLIN: Thank you.

6 SENATE MAJORITY CHAIRMAN EICHELBERGER:

7 Just as one final question, the debit
8 card versus reimbursement, do you know how many states
9 are doing each?

10 MR. CUNNINGHAM: I guess Arizona just
11 changed their law this session and so they are actually,
12 I believe, moving away from the debit card. And so, in
13 that, I don't think any state will then be using the
14 debit card. And I think some of the speakers following
15 me will perhaps discuss that in more detail.

16 So currently, no other states are using a
17 debit card.

18 SENATE MAJORITY CHAIRMAN EICHELBERGER:

19 Okay. That's --

20 MR. CUNNINGHAM: But there's other
21 systems that they were developing that will make it so
22 that the parents don't necessarily have to pay out of
23 pocket upfront.

24 SENATE MAJORITY CHAIRMAN EICHELBERGER:

25 Okay. Seeing nobody else with questions,

1 we really appreciate your time today and all the
2 information you provided. Thanks for making the trip.

3 MR. CUNNINGHAM: Thank you.

4 SENATE MAJORITY CHAIRMAN EICHELBERGER:

5 Our next witness is McKenzie Snow, who is
6 the policy director for education choice at the
7 Foundation for Excellence in Education.

8 You can make sure your microphone is on,
9 if the green light is on there, and you can begin.

10 MS. SNOW: Thank you.

11 SENATE MAJORITY CHAIRMAN EICHELBERGER:

12 Welcome.

13 MS. SNOW: Chairman Eichelberger,
14 Chairman Hickernell, and members of the Senate and House
15 Education Committees, thank you very much for having me
16 today and for the opportunity to speak with you about
17 education savings accounts.

18 My name is McKenzie Snow and I'm a policy
19 director in education choice at the Foundation for
20 Excellence in Education, or Excel in Ed. And Excel in
21 Ed is a national bipartisan nonprofit that advocates for
22 state education reforms that help students maximize
23 their potential.

24 I was invited here to speak with you
25 about education savings accounts, also known as

1 education scholarship accounts or ESAs, which are
2 accounts that parents can use to pay for state-approved
3 education expenses to create a customized educational
4 experience for their unique child.

5 Parents know what their children need to
6 be successful and they are really motivated to find that
7 best educational fit. There is no one best school for
8 every child, but there is a best school for your
9 individual child. For example, a blended learning model
10 might work really well for your tech-savvy daughter,
11 where your son might thrive in an educational
12 environment that looks exactly like the school his
13 grandparents attended. These are just innate
14 differences in how children who are unique individual
15 human beings learn.

16 The importance of educational fit is
17 really intensified with special student populations,
18 like students with special needs, low-income students,
19 military-connected students, or foster students,
20 students in the foster care system. ESA programs allow
21 parents of participating students to use an account for
22 funds to cover the cost of their child's unique needs.
23 And Josh mentioned some of those different educational
24 expenditures earlier which can include private school
25 tuition, online learning, homeschooling, tutoring,

1 therapies, and savings for future educational expenses
2 and potentially even college.

3 With the ability to customize the best
4 possible education for their unique students, parents'
5 creativity and, really, their love for their child is
6 unleashed. Also, the incentive to maximize your ESA
7 account and the ability for funds to roll over, a
8 percentage of funds to roll over from year to year,
9 really incentivizes parents to get the greatest
10 educational bang for their buck, if you will.

11 So again, reexplaining the national
12 landscape in regard to ESAs, ESAs were first established
13 in Arizona in 2011, followed by Florida in 2014,
14 followed by Mississippi, Tennessee, and Nevada in 2015.
15 And just this year, we've seen bills proposed in almost
16 20 states for ESA programs. And we've also seen the
17 near universal expansion of Arizona's ESA program, which
18 will be phased in by 2022.

19 So when we dive deeper into these
20 programs, there are really three, or five major design
21 considerations which are funding, eligibility,
22 administration, account structure, and accountability.
23 And the chart that should be provided in your handout
24 does a deep dive brief of those different things, of
25 those different topics, but I'll discuss them in detail

1 a bit more here.

2 So in consideration of funding, the
3 funding source is extremely important, whether that be
4 direct appropriations or funded through the education
5 fund; and that really depends on the state context and
6 the state constitution, specifically. Obviously,
7 funding an ESA through direct appropriation requires a
8 constant fight for the appropriation. And we do see in
9 states that are funded through direct appropriation,
10 that can actually underestimate the demand of students
11 for scholarships.

12 When we look at the per pupil amount, to
13 the point made by Senator Laughlin earlier, it's really
14 important that scholarship accounts reflect an
15 individual student's unique needs and characteristics in
16 the funding intended for that child.

17 So for the state basic education funding,
18 you could do the average state base amount in the
19 district of residents -- which to your point, would lead
20 to great variation between districts and is not
21 recommended -- or you could do the average state base
22 amount statewide, which would be a flat per pupil amount
23 for the base amount of scholarships, and that's what
24 Nevada has actually enacted.

25 It is vital that the students' other

1 funding streams based on their unique characteristics
2 also follow them into an ESA account. So take, for
3 example, special education funding. Under
4 Pennsylvania's new funding formula, and specifically
5 under Act 16, districts are required to calculate and
6 report to the state on the cost of a specific student
7 with special needs. So I would recommend that perhaps
8 the fairest funding solution for students with special
9 needs would be to have the special education funding
10 that is district reported follow them into their
11 special, into their ESA account.

12 In regards to eligibility, there are four
13 special populations that I would highlight for you that
14 could be potential students who are eligible, the first
15 being students with special needs. This can be
16 determined by possession of an IEP for kindergarten
17 students or students entering kindergarten; that can be
18 students in possession of an IFSP, which is an
19 individualized family service plan which is the
20 precursor to an IEP -- Florida's program includes
21 that -- and then also, the students with a 504 plan, the
22 students which are receiving accommodations, but not
23 individual services.

24 I just highlight in Florida, they
25 actually require specific disability categories. And

1 since there is no prior public school enrollment
2 requirement in Florida, all four other states do require
3 that, but in Florida they do not. In those disability
4 categories, it can either be an IEP that lists that
5 disability category or a medical diagnosis within that
6 disability category. So that is unique to Florida.

7 For low-income students, we would
8 recommend a percent of federal poverty, like free and
9 reduced price lunch, 185 percent, or some derivative of
10 federal poverty.

11 I know that eligibility based on
12 attendance at a failing school has been discussed, but
13 we don't necessarily encourage that for a number of
14 reasons, first being functional. The definition of a
15 failing school is in flux, and obviously, a failing
16 school, the status of a failing school, whether they be
17 failing or not, changes throughout time. And then also,
18 it's really not aligned with the intent of education
19 choice and the ESA program.

20 The focus of failing school eligibility
21 is on schools, and these programs are meant to shift the
22 educational focus on individual children. And ESA
23 programs are not meant to penalize struggling public
24 schools, but are intended to empower parents to find the
25 best educational fit for their unique child.

1 The highest performing public school in
2 Pennsylvania might have a student in it that is failing
3 in that school because it's just not the correct
4 educational fit for that individual student. So we
5 really encourage a needs-tested or income-based
6 eligibility as a much more clear and equitable way to
7 provide vulnerable students with educational options.

8 And then the last two categories would be
9 a dependent of an active duty military personnel or
10 students who've been placed in foster care and have been
11 adopted and are now in a permanent placement.

12 A quick note on participation within
13 eligibility. ESA programs in other states actually show
14 us that of the students eligible, the percent of
15 participation is very low. At max, it's 2 percent in
16 Florida, and it's less than 1 percent in Mississippi and
17 Tennessee.

18 So what this shows us is that clearly,
19 the vast majority of families are satisfied and are
20 thriving in traditional public schools, and that's a
21 great thing and that's something that Pennsylvania and
22 every state should be proud of. But these programs are
23 clearly for students for whom a traditional public
24 school setting or their assigned school is just not a
25 correct fit and who desperately need something different

1 at the time.

2 In regards to administration, there's
3 three -- administration of the program -- there's really
4 three major players in the five states with existing
5 programs. That's the Department of Education, the
6 Treasury, and nonprofits. So Mississippi and Tennessee
7 are administered by the Department of Education, Nevada
8 is administered by the Treasury, and Arizona has just
9 changed their law, are administered, will be
10 administered by both the DOE and the Treasury.

11 And we -- I think that the partnership
12 between the Treasury and the DOE is an optimal one. The
13 Treasury designs and administers and holds the accounts
14 accountable, financially accountable, and really is in
15 charge of the banking since there are so many different
16 educational expenditures with an ESA program. And then
17 the Department of Education is there for comparative
18 advantage in defining educational expenditures and
19 monitoring educational providers.

20 Another option is highlighted in Florida.
21 And in Florida, the two nonprofits that administer their
22 tax credit scholarship program also administer their ESA
23 program. So that's a potential possibility in
24 Pennsylvania so you have a strong established network of
25 SOs and OSOs that can play a role in the administration

1 of this program, should it be enacted.

2 And then, in regards to account
3 structure, Josh touched on debit cards and the
4 reimbursement model. And we really see those as two
5 ends of the spectrum. So debit cards are very
6 user-friendly, but have less real time financial
7 accountability; whereas, reimbursement models are
8 cumbersome, can disadvantage low-income participants,
9 but they are extremely accountable on the back end.

10 Nevada's program has actually been really
11 innovative in this area. They have created an online
12 hybrid payment system in which the parent and the
13 education provider both have to confirm what the
14 transaction is for. There's a notional account for
15 every child. The parent and educational provider agree
16 on the transaction and the administrator sees the
17 transaction occur in real time. So you really have
18 accountability threefold in that program.

19 They actually worked with BenefitWallet,
20 which is a savings account provider, to administer this
21 program. And we think that this online hybrid payment
22 system really strikes a good balance between
23 accountability and usability for parents. And then
24 also, the reason why it's a hybrid is because it
25 includes reimbursement for things like transportation

1 that aren't a part of the online system.

2 And then finally, in regards to
3 accountability, specifically in regards to financial
4 accountability, there are different options for the
5 frequency of audits. You could do an annual audit of
6 every account, an annual audit of a certain threshold of
7 accounts, you could do quarterly audits of certain --
8 quarterly random audits, and different states have
9 operationalized this differently. And then of course,
10 Florida's nonprofits that are administering their ESA
11 program are annually audited as well.

12 In regards to accountability, academic
13 accountability, again, this is really about balance
14 between ensuring that students are learning and then
15 also ensuring that private schools maintain their
16 autonomy and are incentivized to participate in the
17 program.

18 So for testing, Arizona, Florida, and
19 Nevada all require a choice of a test that is
20 state-approved, not necessarily a state test, but that
21 the state approved, and they have a choice of a menu of
22 options to administer. And then in regards to publicly
23 reporting the results of those tests, and as well as
24 graduation results, Florida, Mississippi, and Tennessee
25 are all limited to students with special needs and they

1 don't have a public reporting requirement. But those
2 programs in Nevada and Arizona, which have expanded to
3 near universal eligibility, do require that the
4 aggregated test results and graduation results be
5 reported up to the DOE and the DOE publishes those
6 online, while respecting, of course, student data
7 privacy.

8 So far we've done a deep dive into really
9 the theory and the structure of ESAs, but I would like
10 to leave you with a couple of remarkable, stories of a
11 couple of remarkable children who have benefited from
12 ESAs and discuss how their parents have been using these
13 much needed accounts. And these stories really show how
14 lawmakers can craft ESA policy, and specifically
15 eligibility requirements, to fit their state's unique
16 circumstances.

17 So first, Faith Kleffel is a participant
18 in Florida's ESA program, which is called the Gardiner
19 Scholarship Program. And her mom, Julie, enrolled her
20 in a public special education preschool. But when the
21 class size doubled and Faith wasn't receiving the
22 individual attention that she needed -- and Faith has
23 Down Syndrome -- Julie became exasperated. Julie said,
24 "I mean no disrespect to the teacher, she was just
25 overwhelmed and my daughter, Faith, was regressing."

1 So Julie enrolled Faith in the Gardiner
2 Scholarship Program and she now uses that account to pay
3 for a tutor, a curriculum for her to instruct at home,
4 special shoe inserts that help Faith with her balance,
5 and speech and occupational services. And these are
6 vital education services that Julie otherwise couldn't
7 have afforded for Faith.

8 When Faith was born, her doctor wasn't
9 sure if she would ever be able to sit up by herself, but
10 with the progression she's made through the
11 opportunities afforded to her by Florida's ESA
12 program -- which Julie describes as a life changer and a
13 lifesaver -- she can now walk three miles, she can speak
14 in full sentences, and she can interact in groups.

15 I'd also like you to meet Aiden and Erin
16 Yellowhair, who are members of the Navajo Nation and
17 participants in Arizona's ESA program.

18 And providing a high quality education to
19 Native American students is a necessary priority in
20 Arizona, specifically. According to the 2010 census,
21 for example, 44 percent of all Navajo Nation residents
22 who are children under the age of 18 are living in
23 poverty, and this is three times the statewide average
24 in Arizona.

25 So Aiden and Erin's mom, Veronica, pulled

1 them out of their traditional public school because of
2 issues with safety, with bullying, with gang violence,
3 and also because of a general lack of respect and
4 discipline. And she wanted a program of academic rigor
5 for her children. And Arizona's ESA program made it
6 possible for Veronica to choose St. Michael Indian
7 School, where 86 percent of the students need and
8 receive financial aid. So this is not an elite private
9 school.

10 For Veronica, the individual attention
11 that her children received and the small class sizes at
12 St. Michael were very important and a big part of her
13 decision. Veronica said that, "I can sleep better at
14 night knowing that they have their scholarship from now
15 until they graduate." And her children's prospects for
16 graduation are great. Although only 66 percent of
17 Navajo members graduate high school and go on to higher
18 education, at St. Michael that rate is at 93 percent of
19 students graduating and going on to college.

20 So the stories I just shared are just a
21 snapshot of what innovative policy solutions like ESA
22 programs have done for the most vulnerable students in
23 other states. And even though their designated public
24 school wasn't the best educational fit, students like
25 Faith, Aiden, and Erin deserve the opportunity to reach

1 the fullness of their potential. And moms like Faith
2 (sic) and Veronica deserve to be empowered and entrusted
3 with the resources and the flexibility that an ESA
4 program can provide.

5 So thank you. And I'm happy to answer
6 any questions, should there be any.

7 SENATE MAJORITY CHAIRMAN EICHELBERGER:
8 Senator Aument.

9 SENATOR AUMENT: Thank you, Mr. Chairman.
10 I appreciate your testimony very much.

11 As you may know, our Pennsylvania
12 Constitution requires that the general assembly provide
13 for a thorough and efficient system of public education.
14 And in the time that I've been here, I sometimes get
15 concerned that we lose sight sometimes as to who the
16 beneficiary is, who the recipient ultimately is, of that
17 thorough and efficient system of public education.
18 Certainly the government school system is a very
19 important component of that system, but the recipient,
20 the beneficiary, of a thorough and efficient system of
21 education is the student.

22 And what's so appealing to me about this
23 very innovative approach that a number of states are
24 taking is that it recognizes the importance of a
25 student-centered approach to education, a

1 student-centered funding approach, individualized and
2 customized learning experience for students, which I
3 think there's real power in that, recognizing the unique
4 needs of students.

5 As we look at the states -- and you
6 provided, I think, valuable information about the
7 various experiences in Florida, Mississippi, Tennessee,
8 Nevada, and Arizona. And I know a number of these
9 programs are relatively new. I think Mississippi,
10 Tennessee, Nevada in 2015, and Arizona appears, by the
11 information provided, has been at this work since 2011.

12 Do we -- are we at the point where we
13 have any data with regard to student academic
14 achievement, student academic outcomes, that you can
15 point to, specifically in Arizona, improved academic
16 outcomes, and/or are any of these states surveying
17 parents and receiving information back from families
18 with regards to satisfaction? So do you have any
19 information at this point yet or is this work still
20 relatively new or do we have any information that would
21 point to academic performance and parental satisfaction?

22 MS. SNOW: Thank you for your question,
23 Senator Aument.

24 In regards to improved academic outcomes,
25 the majority of these programs are specifically for

1 students with special needs, and the expanded
2 eligibility in Arizona happened two years ago and then
3 again, just this past legislative session, which will be
4 enacted in 90 days. So measuring the academic
5 accountability with a nationally norm-referenced test or
6 with a state test and the growth of students with
7 special needs might look different. For example,
8 Faith's -- success for Faith was, as described, being
9 able to interact in groups and speak in full sentences.

10 I can point to academic outcomes of other
11 school choice programs and that the vast majority of
12 Gold Standard studies of the most academically rigorous
13 research on student outcomes show increases in student
14 achievement, specifically in reading.

15 And in regards to parental satisfaction
16 in ESA programs, parental satisfaction is extremely
17 high, with over 90 percent satisfied or extremely
18 satisfied, so much more so than within the traditional
19 public school setting that participants were exiting.

20 And I point you to EdChoice, which is
21 another nonprofit working in the education reform space,
22 that has a lot of good data on parent satisfaction with
23 ESA programs.

24 SENATOR AUMENT: Thank you very much.

25 And I've seen some of the data with

1 regard to other school choice programs that points to
2 improved academic performance, not just for the students
3 receiving, whether it be a scholarship or whatever that
4 school choice program may be, but also for those
5 districts that have seen the students exit, the improved
6 performance in many of those districts. I've seen some
7 of those studies.

8 Just to follow that up, could you speak
9 specifically to the Arizona -- so they sort of, they
10 phased in looking at vulnerable student populations,
11 special needs students, I understand Native American
12 populations, children of active duty military personnel.
13 Could you sort of walk through how they phased that in
14 over what period of time and how they built that
15 program?

16 MS. SNOW: Sure.

17 So Arizona's program started with
18 students with special needs and then expanded to include
19 the eligibility categories of military families, failing
20 schools, Native American students, siblings, and then
21 children in the foster care system who have been
22 adopted. And just this past legislative session, they
23 expanded to near universal eligibility. There's still a
24 prior public school enrollment requirement, that's why
25 it's not universal eligibility. But they are phasing

1 that in based on grade levels that are considered entry
2 points. So that's kindergarten, first, sixth, and
3 ninth, and then they'll continue to phase in grades up
4 until near universal eligibility, all grades being
5 phased in in the academic year 2021-2022.

6 SENATE MAJORITY CHAIRMAN EICHELBERGER:

7 Senator Dinniman.

8 SENATOR MINORITY CHAIRMAN DINNIMAN: Good
9 morning.

10 First, in fairness, the academic
11 performance studies have been mixed, both here in
12 Pennsylvania and nationally. There are some private
13 schools, some charter schools, that have done very well,
14 that have been outstanding. And there are some that
15 have done dismally when we have done our tests in
16 Pennsylvania.

17 So I just -- in relationship to your
18 answer to Senator Aument, and eventually, I know Senator
19 Roebuck -- Senator Roebuck, hey, we got you there.
20 Representative Roebuck has done thorough study of this
21 in Pennsylvania, so I will let him ask those questions.

22 But you're correct on one thing and that
23 is that our economy is moving towards the notion of
24 choice, that our economy right now -- the way we operate
25 is to give the client what he or she wants when they

1 need it. And the public school system is going to have
2 to adjust to the economic realities of what is
3 occurring.

4 Now, with that said, if you look at the
5 landscape, you'll see that this adjustment is occurring.
6 In public schools, we are now, through the use of
7 technology, trying to customize that education.

8 I'm a great advocate of homeschooling. I
9 think that's a wonderful customization also for that
10 particular family.

11 But when you have the degree of choice,
12 whether we're talking about poverty or whether we're
13 talking about students with disabilities, the one
14 element that I see missing here is the navigator,
15 someone who will assist that person. We learned from
16 our public health program, from ObamaCare, that there
17 are many options, but people need help in those options.
18 One, because what you're really wanting to do -- which I
19 have no objections to, I'm just trying to assist -- is a
20 parent might not want to choose one private school. You
21 might want to have a variety of services based on your
22 child's need. It might be speech, it might be physical
23 mobility, it might be in terms of a child who might have
24 autism, where that child is at and expanding that
25 child's interaction with other individuals. And that

1 requires some skill in making good choices.

2 So do any of these programs provide that
3 navigator? And it's not taking away anything from the
4 parent. The parent does know what's best for their
5 child. I know what's best for my child, but boy,
6 sometimes I make mistakes because I don't completely
7 understand the option and how all of these different
8 programs are going to be synergistic and fit together to
9 help my child. So are there provisions in any of these
10 states for a navigator?

11 MS. SNOW: That's a great question.
12 Thank you.

13 So there are not requirements for
14 navigation support, but they have operationalized in
15 many states. So nonprofits have partnered with
16 administrators to create websites that post the academic
17 outcomes and achievement of a particular service
18 provider, oftentimes private schools, and also include
19 parent surveys and satisfaction reports of the school at
20 large, of specific teachers. So we've really seen
21 nonprofits in the private sector in partnership with the
22 private sector provide and develop great resources for
23 parents.

24 And then I would also point you to how --
25 especially since these programs have been enlarged to

1 serve students with special needs historically and are
2 expanding increasingly to different student
3 populations -- parents are extremely interconnected in
4 support of one another in developing and expanding their
5 knowledge base of what exists out there. And if you get
6 on a Facebook group or an online group, you'll be amazed
7 by how much you learn. I'm amazed by how much I learn
8 from just parents communicating with one another.

9 And then I would also point you to one
10 other innovation that's happened in Louisiana. There is
11 an organization called EdNavigator, which partners with
12 employers and offers a benefit to parents to actually be
13 an education navigator amongst all the different options
14 in Louisiana. So we are seeing answers being
15 operationalized in partnership between the private and
16 the public sector.

17 SENATOR MINORITY CHAIRMAN DINNIMAN: I do
18 understand, especially in homeschooling, the parent
19 involvement and how parents have come together to solve
20 problems and to give information.

21 But I do think if Pennsylvania is going
22 to move in this direction that we have to have a support
23 system to assist that parent. Some parents are very
24 well educated, can make choices. There are some
25 parents, even in impoverished situations, who can do

1 that. There are other parents who, because themselves
2 have not gone through the educational system, say,
3 dropped out in eighth grade or sixth grade, are not as
4 aware of the potential choices.

5 But my second and final question is, it
6 seems to me that we're going through a debate here in
7 Pennsylvania and other states in terms of, those who are
8 disabled, especially cognitive disabilities. In that,
9 for example, when the federal government wanted to end
10 sheltered workshops and have everyone go into the
11 community. There were those who wanted to maintain the
12 sheltered workshops for those with intellectual
13 disability and there were those who said that the whole
14 aim is inclusion, the whole aim is inclusion, not only
15 beneficial for the child, but is also beneficial for our
16 society as a whole.

17 And so by specializing in this, whether
18 we're talking about cognitive disabled or the general
19 student population, how are we dealing with the benefits
20 of inclusion? I mean, there are disadvantages, but
21 there are advantages. But I see this debate now
22 occurring just on that issue of sheltered work -- we
23 came out with a compromise, by the way, in this state,
24 which I think is a very good one. But what has happened
25 with that discussion?

1 MS. SNOW: That's a great question.

2 So I think it's important to take a step
3 back and again realize that parents are directing these
4 accounts. So if a least restricted environment of
5 inclusion is the best educational environment for their
6 child and they can find that with private options, they
7 will make that choice. So it would not be some
8 orchestrated movement to resegregate students with
9 special needs. Parents are going to be driving these
10 decisions at every level.

11 And then I would also -- to speak to your
12 comment about starting with students with special needs.
13 Students with special needs oftentimes have -- parents
14 are already paying out of pocket for multiple services
15 and therapies, so that has just been a special student
16 population that is especially well suited for the
17 flexibility and especially in need of flexibility that
18 ESA programs provide.

19 SENATOR MINORITY CHAIRMAN DINNIMAN:

20 Well, it's a great question -- I mean, I
21 appreciate your comments. I mean, I'm just searching
22 because these questions of inclusion, of what is best
23 for the student, the question of how a parent makes a
24 choice, are, as you said, good questions. And I think
25 before the state proceeds, we need to understand the

1 questions and the different options that are available.

2 But I thank you for answering the
3 questions.

4 MS. SNOW: Thank you very much.

5 SENATOR MINORITY CHAIRMAN DINNIMAN:
6 Chairman Hickernell.

7 HOUSE MAJORITY CHAIRMAN HICKERNELL:
8 Thank you very much.

9 For the information of the House members,
10 I've been informed that we will not be voting until at
11 least 10:15 or 10:30, so feel free to remain and I'll
12 keep you informed.

13 Representative Solomon.

14 REPRESENTATIVE SOLOMON: Thank you, Mr.
15 Chairman.

16 So how does it work if, in these five
17 states, let's say, you have a child, they choose a
18 school, and it's not a good fit? Does that money then
19 stay with the family or does that revert back to the
20 state?

21 MS. SNOW: So the payments are oftentimes
22 made in quarterly or -- now, Arizona has monthly
23 disbursements into the educational savings account. So
24 payments to a private school, which may not, which a
25 parent may determine is not the best educational fit,

1 are oftentimes also in disbursement schedules. So you
2 could try to get back the aggregated amount -- or excuse
3 me, prorated amount of the tuition that's been paid, but
4 it's already going to be in some sort of installment
5 schedule, so the risk is not that great. And then funds
6 would revert back to the education savings account
7 program for a parent to then explore and pursue a better
8 fitting educational option.

9 That's -- an educational option not
10 working for a student is not, I do not personally view
11 as a failure. That is the entire point of the program,
12 to empower parents with decision-making authority to
13 take control of their child's education so they can be
14 savvy consumers of the best educational service
15 providers for their children.

16 HOUSE MAJORITY CHAIRMAN HICKERNELL:
17 Representative Rapp.

18 REPRESENTATIVE RAPP: Thank you, Mr.
19 Chairman.

20 Thank you, ma'am, for being here today.

21 I'm pretty disheartened, and I've been
22 reading through the next testifiers -- unfortunately, we
23 have to go to the House floor, but I'll try and stay as
24 long as I can.

25 I am amazed about how much of the

1 testimony from the former testifier and yourself, how
2 much of the school choice has, is around special needs
3 students, because as you know, students are supposed to
4 have an appropriate program through their individualized
5 education program.

6 So in light of that -- and I am a school
7 choice person and an advocate for school choice and
8 worked with people with disabilities prior to being a
9 legislator. Can you tell me when knowing, you know,
10 about the IEP and how we're supposed to be providing --
11 and what Senator Dinniman said, where we call special
12 education a maze, because it is, it's very difficult to
13 navigate the special education system, let alone, you
14 know, public education in general.

15 But can you tell me, do you know what the
16 percentage in these states of, with the savings
17 accounts, what percentage of parents who have special
18 needs children versus regular education parents that are
19 looking at other options other than what is supposed to
20 be an appropriate program for their children, what
21 percentage in these states are parents of special needs
22 children?

23 MS. SNOW: I do not know the percentages
24 of students with special needs and with IEPs in each of
25 the states, but I'm happy to get back with you with that

1 information. I know that Pennsylvania's average is
2 16 percent of students with special needs.

3 But to your comment around the individual
4 IDA, the federal law, which was hard-fought and is a
5 vital federal law, but I think it's important and
6 highlighted in parent testimony that IDA is not a
7 panacea and the rights guaranteed in it are realized
8 differently between different public schools.

9 So if a parent makes a decision that, "I
10 understand what the public school education package and
11 what the services I'm receiving under IDA in a public
12 school are and I think that I can pursue a better
13 opportunity and better educational services for my child
14 elsewhere," that's a decision that we should trust
15 parents to make.

16 REPRESENTATIVE RAPP: Right. Because
17 we're already hearing conversation in regards to
18 Pennsylvania's charter schools and cyber schools, and
19 parents who have children with special needs choosing
20 homeschooling, charter schooling, and cyber schooling
21 instead of regular, brick-and-mortar public school, even
22 those children have IEPs.

23 But thank you. I appreciate your
24 testimony.

25 MS. SNOW: Thank you.

1 HOUSE MAJORITY CHAIRMAN HICKERNELL:

2 Thank you, Ms. Snow, for your
3 presentation, very informative. And thank you for
4 coming in this morning.

5 Our final presenters this morning are a
6 panel of parents, Rosie Mann and Robert and Shannon
7 Lawson. I would ask them to please come forward.

8 You may begin when you're ready. Thank
9 you for being with us this morning.

10 MS. LAWSON: Good morning.

11 My name is Shannon Lawson. And thank
12 you, first, for just allowing us to be here and to share
13 a little bit of our story.

14 This is my husband, Rob, and we have
15 three children, two of which attend Harrisburg Christian
16 School. We have lived in Harrisburg City for most of
17 the 13 years we've been married and we are both pastors
18 in the inner city in a church in Harrisburg and have
19 worked with at-risk youth for the last seven years. I'm
20 here today to express to you, as a parent, the need for
21 access to educational options and opportunities for
22 students from low-performing schools.

23 Our family has had the incredible
24 privilege of receiving an OSTC Scholarship for our
25 children to attend Harrisburg Christian School. My

1 oldest daughter started attending in first grade after
2 spending kindergarten in a Harrisburg City school. She
3 wasn't doing well. She was getting lost in a class of
4 well over 30 students and she was struggling to read and
5 even had great difficulty identifying even common sight
6 words.

7 Realizing that she wasn't going to excel
8 there, we were able to transfer her to Harrisburg
9 Christian School. Within her first year there, her
10 teacher quickly identified there was an issue and
11 recommended getting her tested. From there we found out
12 that she had dyslexia.

13 Faced with this disability, we realized
14 if we pulled her out of the environment that she was
15 currently in and back into public school, she would
16 easily get lost. Fortunately, because of the program
17 targeting low-performing schools, we were able to keep
18 her there. And through the next couple of years she
19 struggled, but even with the limited resources, the
20 teachers and programs at the school were able to do
21 something I didn't know would be possible. They
22 cultivated in her a love for reading and taught her
23 strategies on how to process reading for her specific
24 difficulty, and amazingly, it worked.

25 Today my daughter loves to read and write

1 to no end. If you ask her what she wants to become when
2 she grows up, she will give you a huge smile and tell
3 you she wants to become an author. This has only
4 happened because we were able to put her in a school
5 that has made it their goal to make her successful
6 despite the challenges. Because of the school district
7 we live in, I'm afraid of what might have happened if
8 she hadn't been given that opportunity.

9 Right now, she is currently a seventh
10 grader with an A/B average, taking a ninth grade level
11 math, and consistently in the high 90s in English and
12 literature. I would have liked her to come today, but
13 she is actually taking her final exam for one of those
14 classes at this moment.

15 Right now -- I'm sorry. I believe in
16 this school and am absolutely grateful for the
17 opportunities our family has been afforded due to these
18 programs. Because of this scholarship, our location or
19 our income didn't determine the opportunities given to
20 my child and I would love to see others like us be able
21 to experience what we have and see their children excel
22 in ways beyond their expectations.

23 Thank you.

24 HOUSE MAJORITY CHAIRMAN HICKERNELL:

25 Thank you very much. I think we'll move

1 right on to Ms. Mann, and then we'll take questions when
2 you're finished. Thank you.

3 MS. MANN: My name is Rosemary Mann. I
4 live in Lancaster County. In the past, I have been a
5 registered nurse. I have also been the president and
6 founder of a nonprofit organization that serves children
7 and families, and I worked as a special needs parent
8 advocate for the Pennsylvania Education for All
9 Coalition, and I also sat on the state leadership and
10 management team for the System of Care. I've had quite
11 a bit of experience with my own children, as well as
12 other families across the state that are working with,
13 that have children with special needs.

14 My husband is also, for full disclosure,
15 Donovan Mann and he is the director of secondary
16 education at Conestoga Valley School District in
17 Lancaster County. So we have a little bit of
18 perspective from both sides.

19 He would have been here today, but we
20 needed somebody at home to man our little treasures.
21 Though he should have come. I often say he's going to
22 run for office because he spends his day shaking
23 everybody's hand and hugging everybody.

24 So I appreciate the opportunity to come
25 and talk about how education savings accounts would give

1 students and families the flexibility that they need to
2 focus on each individual child. Every family has unique
3 resources. They come from a unique environment, and
4 they have different goals for their children. All
5 families do.

6 I am the mother of five children. Nine
7 years is our youngest, twenty-three is our oldest. Our
8 three youngest children are all boys, they are all
9 adopted, and they all qualify for special education
10 supports and services.

11 I am supporting education savings
12 accounts because we have to look at each individual
13 child and we cannot separate that child from the family
14 and the family circumstances. Oftentimes I do see --
15 and I know we're talking about students, I'm differing a
16 little bit -- but students from low-performing school
17 districts, those are the students especially that need
18 to be considered in the concept of their entire family
19 and the situations that are occurring in their homes, as
20 well as how that impacts what's going on in the
21 education environment.

22 So specifically, our story, I will start
23 with Na'eem. He is our youngest child and he is nine
24 years old. He came to us as a foster child at the age
25 of 13 months. At 10 months of age, he had sustained a

1 near fatal brain injury along with some bone fractures
2 and other injuries that required lifesaving surgeries
3 and procedures. At 13 months, he came to us with many,
4 many challenges on many different levels, and we often
5 call him our little miracle because that is exactly what
6 he is to us.

7 Because of the brain injury -- brain
8 injury is a qualifying diagnosis for special education,
9 so he did qualify. And he received early intervention
10 services from the first month that he came to us. He
11 then also received special education services from the
12 intermediate unit when he turned three.

13 Within those contexts, he received the
14 full gamut, PT, OT, speech, behavioral therapy, and
15 special instruction. He was offered all of those
16 services by very competent and very caring
17 professionals. He also had many, many evaluations by
18 many different professionals because of the complexity
19 and severity of his challenges.

20 After he turned three, he went from,
21 transitioned from home-based services through early
22 intervention, he then went into the IU and started a
23 community preschool, where he continued the same level
24 of services he had, PT, OT, speech, special instruction.
25 But then they also said, "Well, hey, look. He needs

1 some help with activities of daily living and things
2 like that, so we're going to give him a full-time aid
3 while he's in, during school hours," which -- great, our
4 child is getting the needed support that he can function
5 in a community setting.

6 After we adopted him, we were then
7 eligible for additional insurance through our own county
8 and at that time, he had a psychological evaluation
9 where he qualified for a behavioral specialist, as well
10 as 40 hours of therapeutic support staff, because he had
11 significant behavioral issues that were impacting his
12 functioning across all environments.

13 So he was in preschool. He had all these
14 supports and services, and then his seizure activity
15 increased. So then we had to look at, well, he's having
16 multiple seizures a day, what are we going to do while
17 he's in school? We need somebody to be able to address
18 these situations when he has these multiple seizures.
19 So then there was a discussion of adding nursing staff
20 to his repertoire.

21 So boy, if we look at it, we say this is
22 such a robust level of support for our son, that he was
23 receiving so much care and assistance, that he should be
24 doing remarkably well. The outcome of that level of
25 supports and services was that he was expelled from the

1 community preschool. He was then sent to a segregated
2 preschool where he was there for six weeks and
3 completely dissociated to the point of necessitating a
4 hospital evaluation because he wouldn't wake up or
5 respond.

6 This was a crisis for our family. And
7 based on specialists in early childhood trauma and our
8 therapist, I was told I needed to stop working and I
9 needed to devote myself to my son who was unable to
10 believe the world was a place that he could exist in.
11 So that's what I did.

12 And we worked really, really hard with
13 many, many providers after that point because he was
14 getting to the age of beginning, where he was going to
15 have to attend public school. By law, we were going to
16 have to educate him. What our dream was, was that by
17 the time he was three, we would have a beautiful plan in
18 place, giving him all the supports and services,
19 basically knowing what he needed to thrive, and hand
20 that to the public school district and say, "We're in
21 great shape." Well, that didn't happen.

22 So we worked very, very hard with
23 numerous advocates, including Disability Rights Network,
24 for them to understand what it meant for a child who had
25 such severe trauma and attachment issues -- we're not

1 talking about the brain injury, though that was an issue
2 as well -- for him to be able to function in a public
3 school setting. We were referred to CASSP, who could
4 have directed us through, navigated us through the
5 system we had just been through and failed miserably
6 with.

7 So basically, what has ended up happening
8 is that I am at home with my son full-time. The issue
9 was not that the funds were not available, the issue was
10 not that he was not eligible, the issue was not that we
11 didn't know how to navigate the system. The issue was
12 it was the wrong environment. He needed an environment
13 that included a tolerable level of stress. Tolerable
14 level of stress varies very, very much between
15 individual children and individual families. His,
16 unfortunately, is very, very low. So we needed him to
17 be in an environment where he could tolerate the level
18 of stress that he was incurring in that situation.

19 He also trusts probably me implicitly and
20 no one else. He will tolerate my husband. He will
21 tolerate our older children, but when we started to add
22 behavior therapists, therapeutic support staff, special
23 instructors, all these extra people, it was all these
24 people who expected something from him who he had to
25 figure out how to please. It became too much. And when

1 we asked for the flexibility to have fewer people
2 provide for him what he needed, the system was not able
3 to accommodate that.

4 So -- and Dr. Beaver, who actually is a
5 consultant for the state, he worked very hard with us to
6 try and change some things within the system to be able
7 to do that, as did Disability Rights Network, who
8 considered taking our son's case if we would proceed
9 forward, to get some of this flexibility within the
10 system.

11 And lack of flexibility of the
12 resources -- basically, we were given a menu and said,
13 "Here you go. This is what he qualifies for, this is
14 what will help him, and we just need you to consent."
15 But because the public school system is what it is,
16 there is a set of standards, procedures, policies that
17 have to be followed. So the flexibility wasn't there
18 for us to get the right services in the right intensity
19 at the right time in the right environment delivered by
20 the right person or minimal number of people so that our
21 son could succeed.

22 So we did pull him out of school. I have
23 been homeschooling him since that time, and I am all of
24 those people, professionals, for him. And I say that
25 only because I am a parent who sees what my child needs.

1 I am not an expert by any means in all of these things,
2 I am not, but I am providing it, these levels of
3 supports and services, in an environment, the right
4 environment, at the right intensity for my son at this
5 point in time.

6 I would also speak very briefly to our
7 two other sons who are actually also now homeschooled.
8 Ian and Jacob are both diagnosed with Down Syndrome.
9 They were both in the public school setting from
10 kindergarten.

11 You spoke about inclusion versus
12 segregation. We believed very strongly when Ian and
13 Jacob, who are a little older than Na'eem, went to
14 school in inclusion. We actually fought very hard to
15 have our sons included. And they went into
16 kindergarten, first -- they did -- they were making
17 consistent progress. We changed case managers during
18 the process, but we had a teacher who was committed,
19 passionate, individualizing things for them. But there
20 came a point in time in 2015 where Ian required eye
21 surgery and had an enormous amount of complications and
22 looked very unhealthy. And Jacob felt that was his
23 fault. His aid used a walker because she had orthopedic
24 injuries and he thought that was his fault.

25 We had an enormous amount of stressors at

1 home with Na'eem, and it became a point where Jacob
2 could not tolerate. It began -- the school setting
3 became an intolerable level of stress for him, as it
4 also did for our son, Ian. It became an intolerable
5 level of stress because he was diagnosed with Graves'
6 disease, which causes an enormous amount of agitation in
7 a child.

8 So both of them were failing miserably in
9 the public school setting with an amazing team of people
10 around them. But it got to the point where they were
11 running away from school, out of the building, they were
12 lying on the floor. Jacob was lying on the floor
13 refusing to participate and he was refusing to come out
14 of the restroom. So we decided at that point that that
15 was an intolerable level of stress for them and we
16 pulled them as well.

17 So in both, in those situations, Na'eem's
18 is a long-term situation. The other two boys is
19 potentially a short-term situation where we have been
20 given the opportunity to be able to use funds flexibly,
21 to give the right service, the right time, in the right
22 environment by the right people. Fortunately, we have
23 been able to do that, but we also are incurring an
24 enormous amount of debt, which is becoming a bit
25 prohibitive for us. But we're trying to do what we feel

1 is best for our children.

2 So that is why I am in support of
3 education savings accounts. And just to speak briefly
4 to, also, the point that was made about navigating the
5 system.

6 This state has had a System of Care grant
7 from SAMHSA and has a System of Care leadership team and
8 it has several family-run organizations who have
9 parent-support providers who are peers, who have had
10 children in similar situations. And I have worked a
11 long time in hoping to be able to advocate for expansion
12 of those family-run organizations. An education savings
13 accounts partnership with those family organizations
14 would offer that level of navigation support through the
15 system.

16 So I would be happy to answer any
17 questions.

18 HOUSE MAJORITY CHAIRMAN HICKERNELL:

19 Thank you very much.

20 Thanks to all three of you for being
21 here. You know, as policymakers, it's great to hear
22 from parents and people that want to share their
23 personal situations, and I know it's not easy to do that
24 and we appreciate you coming in today.

25 We are in a situation here unfortunately,

1 in the House, where I'm concerned about members possibly
2 missing votes, so I'm going to have to end the formal
3 meeting at this time just so we can get to the floor.

4 I would ask the three of you, if you're
5 available, and any of the members who want, to stay and
6 have informal discussions.

7 Are you willing to hang around for a few
8 minutes and do that?

9 (No response.)

10 HOUSE MAJORITY CHAIRMAN HICKERNELL:

11 Okay. Thank you very much.

12 Again, thank you all for coming. We
13 appreciate your time. I apologize for this unfortunate
14 situation with our session, but it's kind of out of our
15 control.

16 And at this time, the meeting is
17 adjourned. Thank you.

18 (Whereupon, the hearing concluded at
19 10:20 a.m.)

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C E R T I F I C A T I O N

I hereby certify that the proceedings are contained fully and accurately in the notes taken by me on the within proceedings, and that this copy is a correct transcript of the same.

Summer A. Miller, Court Reporter
Notary Public