HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
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Pennsylvania's Cyber Education and House Bill 1897
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House Education Committee

Irvis Office Building
Room G-50
Harrisburg, Pennsylvania

Tuesday, January 21, 2020 - 11:02 a.m.
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Committee MEMBERS PRESENT:

Honorable Curt Sonney, Majority Chairman
Honorable Rosemary Brown
Honorable Valerie Gaydos
Honorable Mark M. Gillen
Honorable Barbara Gleim
Honorable David Hickernell
Honorable Mike Jones
Honorable Joshua Kail
Honorable Jerry Knowles
Honorable Michael Puskaric
Honorable Meghan Schroeder
Honorable Craig Staats
Honorable Mike Tobash
Honorable Jesse Topper
Honorable James Roebuck, Minority Chairman
Honorable Carol Hill-Evans
Honorable Mary Isaacson
Honorable Maureen Madden
Honorable Stephen McCarter
Honorable Dan Miller
Honorable Jared Solomon

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ALSO PRESENT:

Honorable Eddie Pashinski

STAFF ATTENDANCE:

Alaina Koltash
    Majority Executive Director

Christine Crone
    Majority Legislative Administrative Assistant II

Christine Seitz
    Majority Research Analyst

Meghan Buchle
    House Fellow (Intern)

Christopher Wakeley
    Minority Executive Director

Marlena Miller
    Minority Junior Legislative Assistant

Alycia Laureti
    Minority Senior Research Analyst

Erin Dixon
    Minority Senior Research Analyst
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MAJORITY CHAIRMAN SONNEY: Good morning. Welcome to the House Education Committee's public hearing. I'm Curt Sonney. I'm the Majority Chairman of the House Education Committee.

I'd like to remind everyone to silence their cell phones, and that this meeting is being recorded.

I'd also like to note that members will be coming and going. There are other Committee meetings going on.

We'll open by asking the Committee members to introduce themselves, starting to my right.

REPRESENTATIVE TOBASH: Thank you, Mr. Chairman. Representative Mike Tobash serving 125th District, a little bit of Dauphin County and Schuylkill County.

REPRESENTATIVE KAIL: Thank everyone for being here. I'm Representative Josh Kail representing parts of Beaver and Washington County.

REPRESENTATIVE PUSKARIC: Representative Mike Puskaric representing the 39th Legislative District, parts of Allegheny and Washington counties.
REPRESENTATIVE KNOWLES: Good morning. I'm Jerry Knowles, 124th Legislative District. I represent portions of Schuylkill, Berks and Carbon County.

REPRESENTATIVE STAATS: Good morning, everyone. My name is Greg Staats representing the 145th Legislative District in Bucks County.

REPRESENTATIVE SCHROEDER: Good morning, everyone. My name is Meghan Schroeder. I represent the 29th Legislative District in Bucks County.

REPRESENTATIVE HICKERNELL: David Hickernell, Lancaster and Dauphin counties.

REPRESENTATIVE TOPPER: Jesse Topper, 78th District, Bedford, Fulton, Franklin counties.

REPRESENTATIVE GAYDOS: Valerie Gaydos, 44th District, Allegheny County western suburbs.


REPRESENTATIVE ISAACSON: Good morning. Mary Isaacson, 175th District, Philadelphia.

REPRESENTATIVE MILLER: Dan Miller, southern Allegheny County.

REPRESENTATIVE HILL-EVANS: Good morning, everyone. Thank you all for being here.
Carol Hill-Evans representing the 95th District in York County.

REPRESENTATIVE GLEIM: Good morning, everyone. My name is Barb Gleim. I'm from the 199th District in Cumberland County.

REPRESENTATIVE McCARTER: Stephen McCarter, Montgomery County.

MINORITY CHAIRMAN ROEBUCK: Good morning. Jim Roebuck, Democratic Chair of Education Committee from the 188th District, Philadelphia.

MAJORITY CHAIRMAN SONNEY: Thank you. We are here today to hear testimony related to school district cyber education programs and my House Bill 1897. I introduced this legislation because I hear concerns from constituents related to the cost and accountability of cyber charter schools.

Cyber education is an important choice parents should be able to make for their children. A local accountability to our taxpayers and students is imperative. It should be about quality; not quantity.

The goal of my legislation is to offer student access to high quality cyber education
programs in a way that is accountable to and transparent to our local communities. I look forward to hearing from our education stakeholders on this important issue and look forward to continuing the conversation.

I'd like to thank all the testifiers in advance for being here.

I'll ask Chairman Roebuck for comments.

MINORITY CHAIRMAN ROEBUCK: Thank you, Mr. Chairman. I want to thank Chairman Sonney for calling for this hearing on cyber charter education and for his leadership on this issue by introducing legislation, open up the conversation on how best to address this matter.

The subject of charter schools has drawn statewide attention over the years, including the call for special legislation session on charter school reform and for an overhaul to the charter school law. I believe the time is now to look into several measures that will reform this antiquated law.

I want to again thank Chairman Sonney for his leadership on this issue and for introducing House Bill 1897. I hope that this is the beginning of a serious conversation regarding
the changes that are necessary to the state cyber
charter law that can provide parents, students and
families access to the high-quality choices that
charter school law originally envisioned. I look
forward to the testimony.

    Thank you.

MAJORITY CHAIRMAN SONNEY: Thank you,
Mr. Chairman.

I see the first panel is already seated.
I would ask that you all introduce yourselves and
you may begin.

DR. HACKMAN: Good morning, Chairman
Sonney, Chairman Roebuck, and members of the House
Education Committee. My name is Jill Hackman. I'm
President of the Pennsylvania Association of
Intermediate Units and the Berks County
Intermediate Unit Executive Director. On behalf of
PAIU, I want to thank you for inviting us to
participate in today's hearing.

    It is my pleasure to officially
introduce my two colleagues who will be sharing
information regarding cyber education in
Pennsylvania and offer comments specific to House
Bill 1897. On the far right, here your left,
first, Doctor Andria Saia, who is the Executive
Director of the Capital Area Intermediate Unit and the Co-Chair of PAIU's Government Relations Committee. In the middle of our panel here, Mrs. Jenn Beagan, Senior Program Director at Allegheny Intermediate Unit.

Our IUs are three of the 29 regional education service agencies in Pennsylvania, and all IUs in Pennsylvania offer services to hundreds of public, nonpublic, charter, cyber charter, and career and technical schools.

Just as a reminder, intermediate units were created by the General Assembly in 1971, and IUs provide cost-effective programs to all Pennsylvania public school districts, nonpublic schools and charter schools. IUs are governed by local school board members, and one of our critical roles include serving as professional partners with the Pennsylvania Department of Education, as well as serving as a liaison between school districts and the Department of Education.

We think it's important to note that PAIU is quite selective in taking positions on legislation that affects charter and cyber charter schools. Our limited positions on charter and cyber charter schools include two main areas: 1,
support for applying the special education funding formula to charter school tuition calculations; and 2, support for House Bill 526, Representative Sonney's legislation addressing cyber charter school tuition. Both of those positions speak to better aligning school district expenses for charter and cyber charter school tuition payments with actual charter and cyber charter school costs.

As the Committee considers legislation addressing cyber charter schools and prior to addressing specifics related to House Bill 1897, we'd like to share the work that IUs have done with school districts to create high-quality cyber education opportunities for students; meaning, cyber education programs that are not cyber charter schools.

At this time, I'll turn the microphone over to my colleague, Ms. Jenn Beagan, to discuss the unique features of the IU-operated cyber education programs.

MS. BEAGAN: Thank you. Good morning, Chairman Sonney, and members of the Committee.

Today's hearing speaks to the seriousness of the concerns of the current state of cyber education and its effects on public schools.
The three intermediate units represented today offer over 17 years of online education experience. IU cyber education programs deliver a complete online learning solution for school districts providing high-quality, cost-effective, cutting-edge cyber education. More than 20 IU cyber education programs currently serve over 24,000 students, taking at least one online course. Nearly 9,000 of those K through 12 students are taking all of their course work online. These IU programs offer nearly 10,000 unique courses through multiple online vendors.

The committed and unified work of intermediate unit programs is focused on creating financially balanced and rigorous programs needed to sustain district-operated, fiber-learning initiatives. There are important distinctions between IU cyber programs and cyber charters. We recognize that IU cyber education program costs and cyber charter school costs are not an exact apples-to-apples comparison.

However, when IU cyber programs operated costs as much as 75 percent less than cyber charter school tuition, this disparity demonstrates the need to change the cyber charter tuition
calculation mandated in school code, and in order

to keep rates affordable for districts and their
taxpayers.

How are IU cyber programs cost-effective? IUs negotiate competitive consortia
agreements with online vendors vetted for
comprehensive K through 12 education requirements.
These agreements mean prices are based on
purchasing power so that all districts benefit from
the discounted rate based on a per-student cost
with no difference for regular education or special
education; a fiscally responsible alternative for
districts.

IUs offer district services such as
hardware and devices, management and implementation
support, online learning focus professional
development for staff, and a diversified content
portfolio of courses ranging from credit recovery
to advanced placement or dual enrollment in a
college or university.

How do IU cyber programs demonstrate
high-quality and cutting-edge innovation? IU
programs operate by leveraging resources across our
organizations in collaboration with school
districts, to design online learning opportunities
in a highly competitive cyber school option.

An example of this is Waterfront Learning. This is the program I lead at the Allegheny Intermediate Unit. This program began in 2003 as a complete online learning solution for school districts providing high-quality, cost-effective, cutting-edge cyber education. Waterfront was developed to address the financial constraints and concerns impacting local school districts as students left traditional public schools and enrolled in cyber and charter programs.

Our program was designed by our school administrators. For districts to address the critical demand of a cost-effective online program, meeting K through 12 academic needs and providing personalized learning options. As a result, students could remain in their districts while benefiting from cyber programming.

District students enrolled in IU cyber programs receive courses aligned to PA core standards facilitated by only PA certified online experts. IU cyber programs provide this instruction in a variety of ways: Vendor-provided teachers, district staff, or intermediate unit cyber facilitators.

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It's important to note that many districts in a variety of ways have provided these programs of excellence using many of these models; once again, providing important options for district to customize their own online programs.

IU cyber programs coordinate with districts to provide student services, such as special education compliance, social/emotional learning with district guidance counselors and social workers, English language learning instruction, and health services.

IU cyber programs provide flexible delivery models through site and concurrent licenses for single- and full-time students. This flexibility provides district options for students who are homebound, participating in career technical programs, job shadowing, medically fragile, as well as teen moms and students who need remote access for travel or outside placement considerations.

Professional development opportunities through the IU partnerships help districts design comprehensive K through 12 online programs. It provides teacher mentorship for effective online delivery and student engagement, and it educates
administrators on effective staff evaluations in a virtual environment.

Cyber charter reform will bring transparency, accountability, and immediate relief to the districts and families we serve. IU programs are trusted by our district partners, helping them create cyber-learning excellence for all of the learners they serve, a winning outcome for Pennsylvania.

Intermediate units partnered to create innovative programming. Students earn their diplomas from their own public schools, and districts are able to remain fiscally responsible. The intermediate unit, as a partner, wants to support the excellent work of the General Assembly in your commitment to providing solutions for affordable cyber education options.

We would like to thank the Committee for your time and dedication to these important issues surrounding cyber education; but, more importantly, the potential difference this will make to many students, families and school districts across the Commonwealth.

At this time I'd like to turn the microphone over to Doctor Andria Saia, Executive

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Director of Capital Area Intermediate Unit and Co-Chair of the PAIU's Government Relation Committee. Doctor Saia.

DR. SAIA: Thank you, Ms. Beagan.

Good morning, Chairman Sonney, Chairman Roebuck, and members of the Committee. Thank you for this opportunity to be here.

PAIU applauds Chairman Sonney and co-authors for crafting House Bill 1897 with novel provisions to ensure the continued provision of high-quality online educational options, and for a proposal to ensure that these options are fiscally responsive to the districts and their taxpayers.

Let me begin by saying, on behalf of IUs, that if H.B. 1897 were to become law, there would be a swift increase in the demand for student placements and on online programs. IU cyber-operated programs have the capacity to make those programs available.

With our continued support for revision for charter school law that allow for high-quality, financially responsible options, PAIU is thankful for the opportunity to offer feedback on several specific provisions of the bill. While IUs are appreciative of being specifically included in the
definition of a third-party vendor, Section 1705, Subsection D(a)(2) on page 6, line 23, for your reference, prohibits school districts from contracting with a school district or an IU to provide one of the two required alternate programs.

It is unclear to us why a school district that does not contract with the IU for its first cyber program cannot contract with the IU for the required second or third program. This appears to treat IUs unfairly, making them ineligible for consideration if a district already has its first cyber program. Importantly, it also limits school district options for providers, which could impact cost and quality.

IU cyber education programs commonly consist of multiple cyber education vendors for the online courses and/or teachers. Many IU districts and even cyber charter schools are using the same course vendors.

With many, many years of experience in vetting programs, ensuring maximum quality and choice, as well as negotiating cost-effective contracts that are often the result of leverage bulk buying power, to make IUs ineligible as a third-party vendor for second and third programs
can significantly foreclose choice and raise costs for districts that now have to vet and negotiate without IU buying partner with other vendors.

With this in mind, we seek clarification of this requirement, as this section may have unintended consequences of limiting choice, bargaining power, and increasing costs as currently written.

Section 1705 D(g), page 8, line 10, establishes student-to-teacher ratios for district cyber programs. PAIU respectfully recommends that this provision be stricken. Cyber programs are often asynchronous and, therefore, ratios are significantly higher than those in the section.

I know that asynchronous has been a big topic. But for those that may be new to this, asynchronous meaning that the teacher and the learner are not necessary online at the same time.

Based on our experience, the ability to be synchronous or asynchronous builds in choice. What we have seen is that, over 80 percent of our learners indicated that flexibility was the number 1 reason for choosing a virtual program.

This staffing ratio, as written, would lead to extraordinary increase in cost. I'd also
like to point out that such a ratio does not exist in brick-and-mortar schools.

Lastly, as to the timing of implementation of H.B. 1897, it requires that school districts submit their cyber education programs to PDE by November 1st, 2020. We suggest that this timeline might be difficult to meet, given the leg work required to develop three distinct cyber programs and, therefore, a longer lead time may be necessary to create a seamless transition for students, particularly those districts that do not currently have any cyber-learning programs.

DR. HACKMAN: So, in summary, as outlined on pages 2 and 3 in the written testimony, you can see the bottom of page 2 and the top of page 3, IU-operated cyber education programs have unique features and differ from cyber charter schools in three very important ways.

First, students continue to be part of their school district and connected to their communities. Second, IU cyber education programs leverage existing IU resources to support students. And finally, IU cyber education programs offer an affordable, comprehensive solution for school
districts.

So, on behalf of PAIU, we appreciate your consideration of the suggested provisions in clarifying items on page 4 and 5 within our written testimony related to House Bill 1897. We stand ready to work with each of you here, as well as all members of the General Assembly, to ensure that students and families have high-quality, cost-effective, online learning options. Thank you for your continued advocacy for all students across the Commonwealth.

And at this time, we'd be glad to answer any questions that the Education Committee may have of our panel. Thank you.

MAJORITY CHAIRMAN SONNEY: Thank you.

We've been joined by Representative Gillen and Representative Brown.

REPRESENTATIVE BROWN: Good morning.

MAJORITY CHAIRMAN SONNEY: I'd like to know when -- how much -- Your programs have changed since you began in 2003. How much have you -- How much has your programming changed, and how much has synchronous versus asynchronous?

MS. BEAGAN: So, when we started in 2003, we actually started with asynchronous and a
synchronous program, meaning that, our teachers and
our students were paired at specific times to
receive their instruction. We learned quickly that
that may not be the best fit for all students and
for our district partners. And so, one of the
largest changes has been that we have moved to
providing asynchronous solutions, and synchronous
only for such times as -- with working with our
English language learners, where that type of
direct instruction needs to be one on one.

We have seen many other changes during
that time, specifically with our staff. But, most
importantly, it has been in learning from our
districts exactly what they need in terms of
whether it be just a very part-time solution, a
flexible hybrid model, or whether it be full time.

Many times our districts have unique
situations that occur very quickly. They may lose
a staff member, or they may have situations that
involve student specific area of concern where they
need a solution; whether it be homebound, whether
it be short placement, et cetera. And we are
nimble and adapt to be able to meet that need as
soon as they require it.

Also, we confirm with each of our

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vendors in vetting those solutions that they are highly qualified in terms of providing core, standard -- standard-based instruction, as well as their instructional services teams and their teachers.

MAJORITY CHAIRMAN SONNEY: Thank you.

Representative Topper.

REPRESENTATIVE TOPPER: Thank you very much. Thank you, ladies.

Ms. Beagan, I want to go back to something that you said. I couldn't find it exactly in the written testimony. But when it started, when the IUs got into the, if you will, the cyber business, that was in response to students leaving school districts and going to cyber charter schools separate from the school district.

Did I hear that correctly.

MS. BEAGAN: Correct.

REPRESENTATIVE TOPPER: So, I guess my question would be, would it be fair to say, then, that, really, these cyber programs that I admit are and several of the IUs very good, very solid programs, they started because the cyber charters came out and established a program. It was
something that appealed to families who were looking for that choice. And then it's like, oh, we should do this as well.

Is that -- Is that a fair way to state it? I mean, you were able to see that something has the potential to work, and that's how it started.

MS. BEAGAN: Actually, there was another very important change to that, and it would be specific to districts who were having their budgets affected in a significant way by students that were leaving the districts.

So, when we look at Allegheny County alone, the amount of tuition that leaves the school district to follow that student to cyber charter or charter schools had a significant impact on the programming and the viability of those districts. And so, for our superintendents and our administrators, it was a critical need to help those budgets in terms of providing a solution that allowed the students to remain in their school district, receive diplomas, stay engaged in extracurricular activities, but then also helping with that budget.

REPRESENTATIVE TOPPER: But to be clear,
that's what they were leaving for, right? They were looking for that cyber program? For whatever reason, they were looking for that and it was not available to them at the time at that district, so school districts' budgets were being stretched because the dollars were following the students. It's like, we need to offer something so that the students stay here, right?

MS. BEAGAN: There are a variety of reasons why our districts have established online learning programs themselves. But --

REPRESENTATIVE TOPPER: But my concern would be that if some of these programs would go away, one of the things that I think has been -- has been remarkable, and I have 10 school districts in the 78th District that we represent, and they all now have these cyber programs, and the IUs have come in. In fact, our IU even has a cyber charter. They don't call it a school. It's a -- But essentially it is. It brings students from all over the different districts in a very rural area, and they do a great job.

My concern is that, I always like the fact that when there's other options out there. We have the ability on both sides to look at what's...
being done well, what's not done as well. We learn
from each other, and at the end of the day we're
creating more options and more choices for our
students.

If we -- If those constrict and we lose,
let's say, the cyber charter school option, now, we
still obviously have online learning opportunities,
but don't we lose some of what really brought us to
this point anyway, which is increased awareness of
what students need and where they can go and the
options that are there for them?

DR. SAIA: So, PAIU does not stand for
reducing choice for families. PAIU do not have
comment to the provision of the bill that
eliminates cyber charter schools.

We are here to say that we have high-
quality, cost-effective options for choice and
flexibility for our families.

REPRESENTATIVE TOPPER: All right.

Thank you.

Thank you, Mr. Chairman.

MAJORITY CHAIRMAN SONNEY: Chairman

Hickernell.

REPRESENTATIVE HICKERNELL: Thank you,
Mr. Chairman.
Ms. Beagan, I think you mentioned that in your specific program you hire vendors to do certain things. Could you drill down a little bit and specifically talk about what those vendors do? Do they -- For instance, do they design the program? Are they hired to teach children? Maybe a little bit more information would be helpful. Thank you.

MS. BEAGAN: Certainly. So, when we contract for a vendor service and for a vendor content specifically, that contract involves all of the curricula that would be utilized for those services. In some instances, we also contract for vendor instructional service teachers, and so, our districts would be working with a vendor teacher.

In some cases, that special education specific to progress monitoring and looking at student academic success is then afforded and -- and through that contract.

More specifically, when we negotiate that contract, that partnership involves weekly communication with that vendor to make sure that the district needs are being met through content, through instructional services, and then also through the support services that are necessary.
However, many of our districts also have their own teachers in their school districts and in their buildings that are highly qualified to be an online instructor. So, in that case, that contract would only be utilizing the content services, and the districts would be supporting the online program except for the content that they're receiving through that provider.

For some districts, in particular to the Waterfront Learning program, we have a blend, so we have some Waterfront virtual facilitators that teach the content and go through the delivery services. But then, in addition, we're then utilizing that content and providing that through what would be called a concurrent license or then a site-based license.

REPRESENTATIVE HICKERNELL: Thank you.

So, it's conceivable, and maybe when in your particular case with the IU, that the curriculum and the program is basically being designed by a vendor that you contract with that's providing many other programs, maybe within Pennsylvania or outside of Pennsylvania, and there's no guarantee that the teachers are from Pennsylvania, correct? It sounds like, in your
case, in most situations the teachers would not be Pennsylvania residents; is that correct?

MS. BEAGAN: No. Actually, for our case, all of the teachers that we would utilize through the vendor must be Pennsylvania certified instructors. We adamantly require that, and I go through with the vendor three times a year to confirm and to conduct an educator audit to confirm that that teacher holds the credentials; and also, all of the other additional requirements of the Allegheny Intermediate Unit in regard to staff members.

In relation to your question about how that program is designed, the vendors do not design the program. That program is carefully designed by every school district, because each school district has very unique needs. And so, we work diligently with each of our districts to look at what that program specific need is, and how to meet each of those student's specific needs because they have special populations of students that require online type of form of instruction.

Once we have carefully gone through that plan with our districts, we look at all the different vendors that we have as options to
provide programming choice and requirements. Once that has happened, then we work with the districts through the enrollment process and making sure, through a graduation plan, that each of those student's graduation courses are met and that their progression of plan is also being met. That is done through a careful communication plan that works both with the vendor as a partner; most specifically the district, and making sure that that program is adamantly meeting the needs of the student, and then working with the families one on one.

Through our system of engagement, we are able to communicate regularly with the caregivers or with the parents or the guardians to make certain that their program is in compliance with what the student's grade specific need must be, but then also making sure that they are progressing academically successfully in the environment that the district has chosen and that the family has chosen to support.

REPRESENTATIVE HICKERNELL: Just one question to follow up, and then I'll let somebody else speak. So the teachers, are they employed by the IU?
MS. BEAGAN: I have a very small population of teachers that we use as virtual facilitators.

REPRESENTATIVE HICKERNELL: So who would they be employed by?

MS. BEAGAN: They would either be employed by the school district, or they would also be employed by the vendor.

DR. HACKMAN: Representative Hickernell, I think a follow-up point to that regarding teacher qualification, certification, regardless if it's district operated or they're utilizing the IU program, the cyber program, they all would be certified -- Pennsylvania certified teachers. So, it would be whether they are on staff with us and that we've hired them, or the district has hired them or they have been contracted.

So, critical part of the service delivery model that they would be Pennsylvania certified.

Thank you.

MAJORITY CHAIRMAN SONNEY:

Representative McCarter.

REPRESENTATIVE McCARTER: Thank you very much, Mr. Chairman. Thank you again for being here
again, let me try to understand two points, if I could. going back to representative topper's question about the relationship of the state's cyber schools back to the IU schools, as I recall many, many years ago when the beginnings of cyber education began, and even, really, for all of charter schools that the idea was that they would become the incubators of bringing new ideas back to the public schools -- the traditional public school system to help us improve education in Pennsylvania.

And, I guess in one sense, as representative topper was suggesting, they've done that. They've created something. They started it out, and now that we look upon it as to what's happened with that, they have, supposedly, given the IUs the opportunity to do the same. And I guess two questions there.

Have any of these state-chartered schools shared their ideas with you specifically, or did you have to develop them on your own?

DR. HACKMAN: Great question. I can speak for our IU; that it was developed in partnership with our 18 school districts, so that's
where the ideas came about, and I'm sure the same for all of us on the panel; that, again, we learn from one another, whether it's cyber charter, charter schools, nonpublic, public schools. We work and support all schools.

    REPRESENTATIVE McCARTER: But the state charters themselves, have they, actually, any of those independent schools come back and helped you with development of your program?

    DR. HACKMAN: Not to my knowledge. Again, I'll turn it over to my other two panel members.

    REPRESENTATIVE McCARTER: So they haven't fulfilled that mandate, you've copied some of what they've done. You've developed new things as a part of that, but you haven't gotten it from them, which was part of the original design, I think, of the whole charter school movement.

    Second point, if I could, in looking at the cost figures that appear in your testimony, and looking at this, it appears that the average cyber charter non-special education tuition across the state is -- well, again, depending upon in your particular area, your IUs, varies from roughly 10,500 to 12,300. And yet, the cost that you're
providing this for the same, we'll say in the IU programs, cyber programs you're providing is less than half of that for the non-special students, is that correct, in tuition?

MS. BEAGAN: Yes, that is correct.

REPRESENTATIVE McCARTER: Less than half. In other words, if I look at one, for instance, Allegheny County, $12,353, but the cost for the IU to provide that same type of education is $5160, correct?

MS. BEAGAN: Yes.

REPRESENTATIVE McCARTER: And then if we go to the average cyber charter special education tuition cost of $26,212, you're still providing that for $5160.

MS. BEAGAN: That is correct.

REPRESENTATIVE McCARTER: So that's roughly one-fourth to one-fifth the cost of what it's costing us currently at the state -- in the State of Pennsylvania in your area, in the Allegheny IU area for that particular cost. And that would be true, I would suspect, for all the IU programs across the street.

MS. BEAGAN: Correct.

DR. HACKMAN: Correct.
REPRESENTATIVE McCARTER: Thank you very much.

MAJORITY CHAIRMAN SONNEY:
Representative Gleim.

REPRESENTATIVE GLEIM: Just a real quick question. Did the IUs who have cyber programs go through the same approval process through PDE as a state-approved stand-alone cyber charter school or cyber school?

DR. SAIA: I'm going to say, no, Representative Gleim, we do not. We don't run schools. We run programs.

REPRESENTATIVE GLEIM: Okay. Thank you.

MAJORITY CHAIRMAN SONNEY:
Representative Kail.

REPRESENTATIVE KAIL: Thank you, Mr. Chairman.

I want to start off by saying that I truly appreciate you bringing this issue and the issues that we're discussing here to the table. I think, me personally, I support the idea of looking into how we can make the system better. I support schools, whether it's public schools, traditional public schools, charter schools, private schools, because I want to see the best choice for our
students and for our parents.

I guess my question is, really, you said
that today you have 25,000 students in enrollment;
is that correct?

DR. HACKMAN: Roughly.

MS. BEAGAN: Roughly.

REPRESENTATIVE KAIL: And you said that
you support this bill, is that correct, 1800?

Excuse me, not 1800; whatever this bill is. I'm
getting my 1800s mixed; my education bills mixed.

Go ahead. Eighteen forty --

A VOICE: 1897.

REPRESENTATIVE KAIL: 1897.

DR. HACKMAN: And I think -- I think we
go back to our opening testimony. We go back to
regarding -- supporting the bill is that, we have
been on record saying that tuition calculation
needs to change when we think about cyber charter
schools. That's a top priority for us.

When we look at that, and we just
reference some of the numbers a few minutes ago,
that would be where we're at on record. And as
House Bill 1897 is written, there are four or five
suggestions at the end of our testimony that we
would like for consideration by the Education
Committee.

But the general concept when we think about the idea of looking at cyber education and cyber programs, it really comes down to the tuition calculation, the impact it has, and being fiscally responsible across the Commonwealth, not only to our school districts, but to our taxpayers.

REPRESENTATIVE KAIL: So, basically, what you're saying is that your only support for this bill relates to how it would affect the funding formula or how schools would be funded? Nothing else within the bill, in particular?

DR. HACKMAN: What we say is, we go back to, we support change. We know there needs to be reform. We commend Representative Sonney for his leadership and the vision for putting House Bill 1897 out there. There are many key pieces in there that I'm sure you'll hear from other folks testifying after us that would be very appropriate for school districts.

But, we go back to the idea, we support public schools, nonpublic schools, charter schools, cyber charter schools, education across the Commonwealth. But when we look at House Bill 1897, there are several key piece in there that we
believe are -- would be valuable and great reform across the Commonwealth.

REPRESENTATIVE KAIL: Ms. Beagan, real fast. You had noted previously that none of the other cyber charter schools have reached out to you or your IU. I believe that was you, is that correct, that said that?

MS. BEAGAN: That would be correct.

REPRESENTATIVE KAIL: Have you reached out to any of them?

MS. BEAGAN: Our program was developed by our 42 school districts and our superintendents. In that time, we have not reached out to the cyber --

REPRESENTATIVE KAIL: Which -- which vendors, if you don't mind me asking, if it's public information--I'm assuming it is--do you guys use? What are the names?

MS. BEAGAN: So, our program in particular--And then I'll let my other colleagues share--we use Ingenuity, kindergarten through 12th grade; Pearson, kindergarten through 12th grade; OdysseyWare, EdisonLearning, 6th through 12th grade.

REPRESENTATIVE KAIL: Are any of those
companies based in Pennsylvania?

MS. BEAGAN: Yes.

REPRESENTATIVE KAIL: Which ones?

MS. BEAGAN: Well, in terms of their headquarters?

REPRESENTATIVE KAIL: In terms of their, yeah, domicile --

MS. BEAGAN: The representatives --

REPRESENTATIVE KAIL: -- base of operation.

MS. BEAGAN: -- that we work with are based in Pennsylvania, but their headquarters would be nationally -- nationwide.

REPRESENTATIVE KAIL: Pearson, I think they're international, right? United Kingdom, I believe, is where they're headquartered?

MS. BEAGAN: I am not a hundred percent certain that their headquarters are in the United Kingdom. I know the particular program that we deal with is within the United States.

REPRESENTATIVE KAIL: Thank you.

MAJORITY CHAIRMAN SONNEY: Representative Tobash.

REPRESENTATIVE TOBASH: Thank you, Mr. Chairman.
Thanks for bringing this piece of legislation forward. You have waded into controversial territory here. I think it's an important discussion for us to have, and I appreciate the testimony.

So, look, I just took a look at the -- Look, I love measureables. So, I see we've compared Allegheny, Berks and Capital on costs compared to other cyber opportunities that exist.

How about outcomes? Is there some way we are measuring student's success and outcomes that you can compare the costs and the outcomes? Can you deliberate (sic) on that a little bit? Can you talk about that a little bit?

DR. SAIA: Thank you, Representative Tobash. It's a great question and one that we have talked about a lot.

Because we run programs, all of our students remain tied to their home school district. So, unlike a school, all of their test scores do not come back to us. So, the availability of that data is challenging.

And then once we've gotten it, then it's challenging to show when they took that particular test versus when they were enrolled in our program.
Did they take the course that year, trying to line up an apples-to-apples comparison for test taking. My colleagues can speak to their own challenges along those lines, but I believe that it will be similar.

What we have -- We have continued to strive towards being able to get a true apples-to-apples comparison in terms of test scores. But knowing that test scores are not everything, and knowing that right now test scores are really not related to moving on in graduation rates and things, we look at those. We look at graduation rates. We look at attendance rates. We look at course completion. We look at moving from year to year.

We look at all the elements of success that you would look at in any program or where a child is sitting. Are they succeeding at mastering the content? Are they moving from grade to grade? Are they completing the work? Are they attending school? Those are things that we have been able to look at.

We've also undertaken a third-party study of our program asking all of our districts, our IUs, our parents, our teachers, our students
about their levels of satisfaction, and we've
gotten great feedback on that. So we're coming up
on being able to really show you what the evidence
base is for our success and our programming, but
we're still building on that.

DR. HACKMAN: Nothing further to add on
my end. Thank you.

MAJORITY CHAIRMAN SONNEY: Thank you so
much for your testimony.

DR. HACKMAN: Thank you.

MS. BEAGAN: Thank you.

DR. SAIA: Thank you.

DR. HACKMAN: Thank you again.

MAJORITY CHAIRMAN SONNEY: Second panel
will be school administrators and school board
presidents and association presidents. Once you're
seated, you can introduce yourselves and begin.

DR. ESHBACH: Good morning, Chairman
Sonney, Chairman Roebuck, and distinguished members
of the House Education Committee.

My name is Eric Eshbach. I am
Superintendent of Northern York County School
District in York County. We are the Erics from
York County. And I'm also here representing the
Pennsylvania Association of School Administrators,
whose members include school district
superintendents, assistant superintendents,
executive directors, and other public school system
leaders from across Pennsylvania. I, too,
appreciate the opportunity to provide comments
regarding House Bill 1897.

PASA supports HB 1897 as it creates
fundamental changes to the laws regulating cyber-
learning programs that will provide opportunities
for all students to participate in high-quality,
full-time cyber-learning programs that are
accountable, and transparent to taxpayers, families
and students.

While we realize this will be a
significant change to the cyber-learning industry
in Pennsylvania, a change that will require school
districts and current cyber charter schools to
reorganize their cyber-learning responsibilities
and services, we believe it has the potential to be
a positive change for students and families.

The bill requires all public school
districts to offer a full-time cyber education
program for their students. As you’ve heard today,
many already do that. Over the past two decades,
many school districts observed that some families
prefer a cyber-learning option to educate their children, and were enrolling in cyber charter schools. In an effort to retain the children of these families in their school system, to ensure that these families benefitted from a high-quality, highly accountable program, and to do so in a cost-effective manner, many districts developed their own district-operated cyber-learning option or joined a consortium of other school districts, often operated by the intermediate units that spoke earlier.

Today, in keeping with the concept of local control upon which our Commonwealth effectively operates, many school districts across the state operate a full-time cyber-learning option for their students that is accountable for all expenditures to the local taxpayers of their district. It is transparent in all its operations, and it’s overseen by locally-elected officials.

Please understand that neither PASA nor a large majority of its members have ever been opposed to the concept of online or blended learning; and, in fact, have utilized such methods to obtain and maintain the credentials required of all of our public school administrators. We have,
however, continually questioned the accountability, transparency, and the fiduciary responsibilities of the current laws guiding cyber charter schools in Pennsylvania.

PASA supports the concept that all school districts should offer a full-time cyber-learning program, but recognizes that some school districts may be financially challenged with the initial upfront cost to establish such a program.

Although we believe that the initial startup cost of developing a cyber-learning program, we offset by the savings realized when the program is operational, we recommend that the Department of Education and/or intermediate units provide assistance to help school districts establish a cyber-learning program. Many school districts, intermediate units and consortiums operate effective cyber-learning programs that can serve as a model for districts beginning the process to establish their own program.

House Bill 1897 requires that all current cyber charter schools cease to exist as public schools, as full-time cyber-learning options and choice of programs will be provided by the
local school districts. We support this new paradigm, as it will bring greater accountability and efficiency to cyber-learning options without sacrificing choice options for students. Families will be able to remain closely associated with the local school district by enrolling their children in the district-operated cyber-learning program, or choose one of the two alternatives that will be operated by a third-party vendor.

These third-party vendors must contract directly with school districts and adhere to fair market pricing in order to interest districts in contracting with them. PASA believes this will result in significant savings to school districts and taxpayers, as most districts and consortiums operate their cyber-learning programs at approximately half the cost, which was pointed out earlier.

Although the bill dissolves cyber charter schools as public school entities, it allows them to reorganize into third-party vendors to continue to operate and offer instructional services. A third-party vendor could also become a school district's choice to operate the local school district option for full-time cyber-learning.
programming, if the district didn't want to establish a cyber-learning program through its own resources and personnel. Therefore, all current cyber charter schools would have the opportunity to remain a viable cyber-learning entity.

PASA does ask for further consideration, as the IU representative shared with you, about allowing those IU and public school consortiums to be eligible third-party vendors as long as their programming is provided by a different content agency with different personnel than the local district option. Public schools should not be excluded from the entrepreneurial aspect of providing cyber-learning options.

There are aspects of the bill that need further discussion and clarification, we believe. A more detailed explanation of district expectations in the contracting of two third-party vendors to provide alternative cyber-learning programs is needed. PASA recommends that districts receive sample contracts and request for proposals with pertinent details to serve as a model for use in this process.

The bill requires a robust selection of course offerings in core subjects and electives for
all cyber-learning programs, and a more detailed explanation, we believe, of this requirement would be helpful to school districts to ensure they're meeting the expectation of the law. Course offerings in small, rural districts are dramatically different from those in large suburbs districts. Clarification on what constitutes robust course offerings is needed.

The bill also states that students must be provided all technology services necessary for online delivery of curriculum and instruction, or the reimbursement for such services. PASA is concerned that this may be a costly venture for some districts in remote areas of the state where Internet services are difficult to secure.

Provisions should be made to assist districts that encounter limited or no Internet access to the homes of some students.

Finally, we believe that there is no one model of education that meets the need of every child. For example, every day we see students who struggle with classes offered through a traditional model of lecturing and note-taking, only to excel in our career and technical schools, in labs and shops in which their hands-on skills enable them to
excel.

Just as the traditional brick-and-mortar model of instruction is not suitable for all students, so too, the asynchronous, or blended model of instruction, will not work for every student. We believe the cyber-education plan outlined in Section 1704-D should include a team-based approach to assessing the student's achievement in the online model. This team should include the student and his or her parents, as well as instructors and administrators familiar with the courses and the student's performance. By doing so, we can ensure that all students, despite their level of engagement in cyber education, continue to grow academically, socially and emotionally in a way that prepares them to succeed in our communities and in the global economy.

PASA applauds the requirement that all professional staff be properly certified to teach students. However, we are as equally concerned about the student-to-teacher ratios and believe that needs to be looked at a little more carefully.

Ultimately, House Bill 1897 provides for cyber-learning programs for all students in Pennsylvania, continues to provide choice options
for families, reduces cost to operate cyber-
learning options for school districts, and provides
accountability and transparency to the public.
PASA believes the concept of this bill and its
framework are deserving of support and continued
discussion to improve cyber education in the
Commonwealth.

I'll be happy to answer any questions.

Thank you.

MR. WOLFGANG: You would like me to give
my testimony and then open it up?

MAJORITY CHAIRMAN SONNEY: Sure.

MR. WOLFGANG: I'm the other Eric, Eric
Wolfgang. I'm the 2020 President of Pennsylvania
School Boards Association and a 20-year former
member of the Central York School Board where I
served 12 years as board president.

I would like to thank Chairman Sonney
and Chairman Roebuck and the members of the
Committee to share PSBA's perspective on House Bill
1897.

Since the creation in 2002, cyber
charter schools have generated many concerns with
lingering questions about funding, accountability
and performance. Although all these issues are
worthy of discussion, the most urgent need for the reform is in the area of funding.

        Cyber charter tuition payments are having a traumatic impact on school district budgets with serious implications, such as increased property taxes and cuts to school district programs. In 2017 to '18, more than $519 million was paid by school districts to cyber charter schools. For some, this represents as much as five or six cents of every dollar spent. The average district paid more than one million in charter cyber school tuition, and 37 districts paid more than 2 million.

        Tuition rates are also extremely varied among school districts, with the 2019-20 rates ranging between $8,600 and $21,600 for regular education, and $16,700 to $55,700 for special education students. In PSBA's recently-completed State of Education Survey, 70 percent of school districts rated charter tuition costs as one of their biggest sources of budget pressure.

        It's also important to note that the overall academic performance of cyber charters is significantly lower than brick-and-mortar charter schools and lag even behind more traditional public
schools. In fact, none of Pennsylvania's cyber charter schools, which are authorized by the state, earned passing grades during the five years when the state issued School Performance Profile scores. Under the state's new accountability system, the Future Ready PA Index, all 15 cyber charter schools currently operating in the Commonwealth have been identified for mandatory support and improvement.

To compete with cyber charter schools and provide more options for students, most school districts have already begun to offer their students online learning programs, as you've heard earlier. According to PSBA's State of Education Survey, nearly 90 percent of the school districts reported providing their students with full-time cyber education programs that are comparable to cyber charter schools.

The majority of the school districts indicated that the school district administered their own program. However, 83 percent of the school districts reported utilizing curriculum and content from a third-party vendor, as you heard from the IUs, and other school districts.

The most common answer for school districts not providing a cyber program was a lack
of resources. Other common responses included lack of interest among students, collective bargaining and teacher union obstacles.

With regard to House Bill 1897, PSBA would like to thank and commend Chairman Sonney for his recognition of the serious problems inherent in cyber charter law, and his willingness to search for a new out-of-the-box solution.

PSBA's intrigued by the concept in the legislation and believes, if done correctly, this type of proposal could resolve some issues of concern, including accountability and transparency concerns and funding concerns. While the proposal is innovative, PSBA believes that the bill before the Committee today contains several provisions that will require additional policy discussion and further work in order to ensure the best results.

I'd like to highlight a few of the comments and concerns from the written testimony that was provided to you.

The bill contains new and extensive planning and reporting requirements which cause some concern and warrant further discussion. First, the requirement for a new and separate cyber education plan would require significant additional
staff time to document and prepare another written plan which overlaps with current planning requirements, such as professional development, special education and budgeting.

Additionally, we are concerned about any open-ended provisions which would allow PDE to require additional, unspecified planning components. Further, any additional planning that may be necessary or desired could be already wrapped into existing comprehensive planning requirements from Chapter 4 of the PA Code.

Finally, the requirement that the plan also receive a public hearing prior to submission is another burden for school districts, and we are unsure what is intended to be accomplished by such a hearing, since no similar requirements exist for traditional educational programs.

Second, the bill would require school districts to prepare and submit an annual report, which would add to the already burdensome reporting requirements imposed on school districts. Where new reporting is necessary, we would recommend keeping such reporting minimal and integrating the required data into existing reporting.

Additionally, we would seek to clarify
whether those reporting requirements are meant to include all cyber education students together, or separated by district program and a third-party vendor programs.

While PSBA understands the desire to provide more than one cyber education option to students, we question the need to have two alternative cyber education programs from third-party vendors. More importantly, we're concerned that intermediate units and school districts are excluded from those entities which would qualify to provide the required alternative programs. Not only would such an exclusion remove quality programs option from school districts, but it also removes competition which would ensure quality products at fair prices. PSBA would advocate for an open-market environment for all cyber education providers.

We're very opposed to requiring student-to-teacher ratios which would place unnecessary burdens on school districts and represent a significant unfunded mandate that eliminates flexibility in student and teacher placements and it erodes local control.

We're also opposed to the requirement
for a teacher of record. We believe that such a requirement would not practical or efficient due to the fact that students and parents will continue to need to be in contact with classroom teachers, school administrators, and school counselors who are educating and supervise students already. The creation of such a position will not only duplicate efforts, but it will certainly increase costs for school districts as they must assign extra duties to current employees or hire new employees.

Finally, PSBA's concern about the requirement for school districts to establish a cyber education school, with the inclusion of some of the data collection provisions discussed earlier in his testimony, it would seem unnecessary to create a separate entity if data is the intended purpose. The creation of a new and separate entity could also be time-consuming, costly and may present governance and administrative complications.

In closing, I would like to thank Chairman Sonney again for his efforts to address the substantial concerns with the current manner in which cyber education is structured and delivered in public schools in Pennsylvania. PSBA believes
that the proposal in House Bill 1897 is unique in its approach and is well-worth continued discussion and debate.

PSBA looks forward to working with the Committee as this legislation is further developed.

That ends my testimony. I'll open it up to questions to either Eric.

MAJORITY CHAIRMAN SONNEY: Thank you.

Representative Topper.

REPRESENTATIVE TOPPER: Thank you, Mr. Chairman. Thank you, gentlemen.

Mr. Eshbach, good to see you again.

We're still working on getting teacher evaluations done. So last time we spoke it was on that, so we'll talk about another topic today.

You mentioned in your testimony the course offerings in small rural districts are dramatically different than those in large suburban districts. As a representative of a lot of those small rural districts, isn't --

I know you're concerned about the wording of, I think it's a robust selection in course offerings, but isn't that one of the advantage of charter schools now? That a kid in southern Fulton who can't even play football
because there's not enough kids for a football team
still has the opportunity to take Latin if they're
offering it in a cyber program?

I think that -- Is that how we see this
working that, yeah, the cyber programs might have
to be actually more robust than even their natural
course offerings for small rural district?

DR. ESBACH: Sure, absolutely. And as
a superintendent, we have students that are able to
take courses as well that they would not be able to
take in our district. We just believe there needs
to be some clarification on what that robust means
and what qualifies as a more robust program.

I think online opportunities provide
students with, you know, a varied amount of
programs that they couldn't experience in a
face-to-face setting. No doubt about it. We just
want some clarification on what that would be.

REPRESENTATIVE TOPPER: I think overall,
as we have this conversation about cyber charters,
I know that the word competition is a word I like
to stay away from. I know we -- we don't want to
get engaged in turf wars. We don't want to see,
kind of, people pitted against each other.

My vision, and maybe it's idealistic,
maybe it's Pollyanna, I don't know. But my vision is that, what we can have is that, if everything is working well, that ultimately gives the parents and families who are making these choices the best options in the ideal scenario.

I know that not every student chooses which school district they want to go or every family based on the right reasons, right? Some could be because, you know, they just feel like they want to keep moving because there's disciplinary problems, or we're gonna try cyber because we don't like X person at this school district and those.

But, our job as public policymakers, we're trying to figure out how the best system works. And so, I keep --

I've heard from now both panels really the focus on funding, the funding idea from this bill, bringing cost in line. And I guess -- And, look, I think all of us who have been working on charter, cyber charter, brick-and-mortar charter reform have been looking at that, and I think that is a conversation we need to have.

But what are your thoughts? And also keeping in mind for the system to work, for all
these options to be available, we have to understand that with any school district --

   Well, let me make sure I'm right on this. You're still collecting property taxes from kids who -- families who attend parochial schools, for instance.

   DR. ESBACH: Absolutely.

   REPRESENTATIVE TOPPER: Or even -- or even seniors who don't have kids in the school system at all.

   DR. ESBACH: That's correct.

   REPRESENTATIVE TOPPER: And that's kind of how it works. We have this pot of tax dollars that go -- that even if someone is not using the home school district, they're still paying part of that. And so, for families who maybe don't have the option for private school, we're looking -- we're looking to develop that.

   Can we do better on the funding? I think we can, but I want to make sure that that's part of our conversation as well, is that, in order for it to work, we all have to have a certain amount of skin in the game.

   And I guess my question would be as it resol -- regards funding, especially in special
education -- special education field, if there's an
influx of students for the cyber programs in your
schools, let's say a special education student, do
you believe that we would still have the ability to
offer them what they need at home through a cyber
program? Or, do you think you would dramatically
have to increase staffing? You would dramatically
have to increase what you offer, or you would have
to say, look, you're part of this school district.
You really have no option now. You have to bring
that child into school?

What are your thoughts on how you could
deal with that influx of student population.

DR. ESHBACH: Well, that was a lot of
information, and I'll try to summarize --

REPRESENTATIVE TOPPER: That was on
purpose, too. Go for it.

DR. ESHBACH: Baffle them with
brilliance, or something like that, yeah. Ah, no.

I think as you look at the -- at the
entire system, we are called upon to look at the
individual and the individual child.

So your question about special
education, special education a huge -- a huge
umbrella term, we really need to look at what the
needs are for that individual child. So there are certain students who are identified as special education, maybe who needs speech therapy, who need an IEP for their R-controlled vowel problem.

We can work with those students in an online setting. We know that we have worked with online speech therapists that are very effective in that way.

If we are talking about a more involved student who has some significant reading disabilities, who has some significant problems, maybe physical disabilities, we may not be able to do that on an online model, and it may require us to work with the parents to bring the student to school sometime; for us to go out to the home at other times. So, yes, that adds a significant amount of cost to the program.

I want to go back to your -- to your thought about the funding issue. I've been a superintendent for 16 years, and I've been in the Central Office for three years prior to that, so I was around when this bill really started to gain traction.

And we looked at the cyber charter programs that were out there, and we said, wow,
that's a unique way of doing things. And wow, how can we utilize that in our system?

    If all things were equal, and our online programs -- we were paying the same amount for our online programs as we were paying for a cyber charter option, I would still be sitting in front of you saying something needs to change because of the accountability issues. Because the fact that I, as a superintendent who, by code, am responsible for all the students of school age in my -- in my district, I have no ability to work with students that are in the cyber charter program to see that they're successful.

    In my own program, if I see a student that is not succeeding, we can bring that student and his parents in. We can talk with them as to why this isn't working. We can work with them to say there are better models for this. Perhaps we can provide you a tutor. Perhaps we can do something else.

    I don't have that ability right now, and that bothers me that there are students that fall through the cracks; that there are students that may be dealing with some issues in their families; not even academic, but social and emotional issues
that could have an impact on my community that I have no ability to work with.

   So, it is a funding issue, there's no doubt about it. That's the elephant in the room. It is a funding issue, but it's also what's-best-for-children issue.

   REPRESENTATIVE TOPPER: Thank you, Mr. Chairman.

   MAJORITY CHAIRMAN SONNEY:

   Representative Kail.

   REPRESENTATIVE KAIL: Thank you, Mr. Chairman.

   I guess the Beaver countian is going to be coming out here for a split second. From what I was told, because I wasn't old enough yet at the time, maybe you could -- you could inform me on that, and I don't mean that disrespectfully. I really don't.

   But, some 20 years ago there was a group of individuals in Beaver County that had a struggling school. I read Mr. Hayden's testimony, and he's gonna speak on it, so I'm not going to steal his thunder about the jobs it's created and the good it's done in Beaver County and all that stuff.
There was a group in Midland area that lost a high school, and they wanted to start this cyber school to service those kids that were getting bused to Ohio, actually, at that time. And during that time, before they actually started PA Cyber, there was a movement, or an attempt, rather, to reach out to the school districts and say, hey, why don't you all do this cyber charter program, and we'll help you with the curriculum.

We'll help you build it, and you guys run it, and we go through it from there. And, basically, they were laughed out of the meeting and saying that's not the future. That's not going to happen, and so, they started PA Cyber. And that kind of gets me to the point of this bill.

It's not the -- It's not the fact that we need to work on the funding formula. Again, I said earlier, I think that's something that needs to be discussed. It's the monopoly that this bill would create for school districts.

And just so I'm clear, and where you all support is on this, if a child has been in cyber charter school since kindergarten, first grade, and then this bill were to pass, they would have to be out of that, even if they had been there for
10 years or so; is that correct?

DR. ESHBACH: That's my understanding, but you'd have to check with the off --

REPRESENTATIVE KAIL: So what happens -- what happens under this bill and what should happen, I guess, in your opinion? I guess that's what we're here to hear.

What happens if the cyber school -- the cyber school that's being run by the school district just isn't as good as performing as the cyber charter school was?

DR. ESHBACH: They should be held accountable. There should be --

REPRESENTATIVE KAIL: But --

DR. ESHBACH: -- level of accountability for all of us. They're building the law right now, they should be targeted for improvement.

REPRESENTATIVE KAIL: Would there be anyplace for those kids to go? Would there be any other cyber charter school for those children to go to?

DR. ESHBACH: Well, there's three options in every district, yes.

REPRESENTATIVE KAIL: But, the cyber charter schools that are there now that they are
enjoying, presumably, because they stayed there, they wouldn't be able to go there; is that correct?

DR. ESBACH: Unless one of those cyber charter schools became a vendor of the district.

REPRESENTATIVE KAIL: Have you heard or is this -- And it rings true to me, and I have heard this from other cyber schools and I would like to get your thoughts on it.

Many of these students actually leave the school districts because they have, whether they're right or wrong and whether it's actually a perceived issue or not, they have an issue with the school district. And so, now we're going to be forcing them to go back to the school district that they left in the first place.

Is that sound policy in your judgment?

DR. ESBACH: I would agree with you that there are students who leave school districts for a multitude of reasons. Some of them have to get away from some bad situation that's happening.

I think the way the bill is written, with the fact that there are multiple vendors, I think it gives the opportunity for those students to seek other options.

I'll go a step further with that. In
that, again, I have been around a while so I've seen -- have students return to school districts from cyber charter schools.

REPRESENTATIVE KAIL: As they should have the choice to do.

DR. ESBACH: As they should have --

REPRESENTATIVE KAIL: I agree.

DR. ESBACH: -- the choice to do, and who did not go -- attend the cyber charter school for the right reasons. We get them back, and then they are much further behind than where they should be because we haven't had the opportunity to work with the individual child to get them to a point where they can --

REPRESENTATIVE KAIL: You mentioned there's three vendors, but it's still the school district that they would be working through, correct?

DR. ESBACH: It's my understanding of the way it's written.

REPRESENTATIVE KAIL: So the school district would be the one --

At this point right now, school districts, isn't it true that they have the ability to create their own cyber programs?
DR. ESHBACH: Yes. And we have.

REPRESENTATIVE KAIL: You don't think they have the ability to compete?

DR. ESHBACH: We do compete.

REPRESENTATIVE KAIL: Then why the need to create the monopoly?

DR. ESHBACH: Well, I don't -- I would argue with your term monopoly. However, I think the reason is a funding issue, an accountability issue, and a transparency issue. If -- You know, if I hung a sign up in front of my school that said, this school was funded by the taxpayers of Northern York County School District, it would be true. If the cyber charters hung a sign up outside their organization that says that this was funded by the taxpayers of these 253 schools, I think the taxpayers need to know that, and I don't think they do.

REPRESENTATIVE KAIL: So there's a -- there's a communications problem. I just -- I have a hard time seeing how taking choices away from parents in this instance is a good idea.

I -- I agree that school districts should be able to do their own cyber programs, and it's a good thing. I think that's something that
should be looked at. I just believe in all of the above.

One other issue on funding because we've mentioned it so much--And I promise this is it, Mr. Chairman--there is on PDE records an issue that we're having within our district. We noticed that you're also having in York, as far as not paying for tuition and all that stuff, the cyber charter schools.

I was wondering if you could clarify or give us some sort of policy reason for that, and how we should go forward in the meantime while we look to reform this -- this system.

DR. ESHBACH: I guess I need some clarification on that. I'm not exactly sure what you're talking about.

REPRESENTATIVE KAIL: Well, there was -- In the PD (sic) tuition records, there's a number of school districts that are behind in payments to cyber charter schools, and I had noticed that yours was as well when --

DR. ESHBACH: Oh, they don't pay that, we allow that to be taken out of our -- out of the PDE basic education funding instead of paying the school dis -- the school upfront. Is that what
you're referring to?

    REPRESENTATIVE KAIL: No. I was referring to the actual -- the back payment that the school districts had. In my district there's three or four of them. And it is what it is at this time, right, and we just have to work within the system that we have. And I'm just curious to how we solve those problems until we actually solve the overarching issue as well.

    DR. ESHBACH: Sure. I think dispute resolution over cost that have been issued and over the way the dollar amount has been calculated, I think, have always been an issue whenever you work between two entities and, you know, a contractor and a contractee. And I think we have to work through a dispute resolution process to get to a point of satisfaction.

    REPRESENTATIVE KAIL: Thank you. I really do appreciate you coming here and testifying.

    Thank you, Mr. Chairman.

    MAJORITY CHAIRMAN SONNEY: Representative Knowles.

    REPRESENTATIVE KNOWLES: Thank you, Mr. Chairman. And thank you so much for testifying
today.

Yeah, I -- I keep hearing -- And I really like to see documentation to prove this. I keep hearing from public schools that kids that go to charter schools and kids that go to cyber schools come back into the system because they're -- they're simply not making it. But, I don't know that I've seen anything in writing to really prove that. It is --

What would your comment be on that?

DR. ESHBACH: Well, I think that there are situations. I mean, I think there are, you know, isolated incidents where that's the case. I can -- I can point to several individual cases where that's the case.

I can also point to cases where sending a student to our career and technical center didn't work and we've had to bring them back. I mean, I think those are all -- all situations. That's what I'm trying to say that no one model of delivery of instruction works for every student. I'm sure you've all experienced that, you know, a class that -- the teacher delivering that class, it just didn't sink in with you or the -- and the method of instruction.
I am concerned when we have students that are leaving, as we talked about, for the wrong reasons and getting lost, and there may be victims of abuse, or may be victims of neglect, how do we maintain our oversight of those situations so that we're helping the children?

I'm not -- I'm not saying that to claim that that is widespread. There are isolated incidents of that, even with students that attend my school, and I need to make sure that I'm on top of those situations, and communication between the program is essential.

REPRESENTATIVE KNOWLES: Doctor, does your district online option, do they offer the same service, the same level of services that cyber schools offer?

DR. ESHBACH: So we contract with Capital Area Online Academy. Doctor Saia testified earlier with that. We have a wide range, a thick course booklet of programs that are offered, but our students can also decide on a Singleton course where they just take one class. Maybe it's Chinese, maybe it's algebra, or they can choose to go online all the time.

So I think that there -- I think we do
offer a similar model. I think the difference is, I know the model that I'm offering, and I don't necessarily know the model that the cyber charters are offering.

REPRESENTATIVE KNOWLES: Yeah, I thank you for your responses. I would just say that I'm one of those guys that truly believes that the parents should have the options. They should make the choice. If it was up to me, the money would follow the student.

I think we need to hold public schools accountable. We need to hold cyber schools accountable. We need to hold cyber charter schools, charter schools -- I believe we need to drill down and hold all of those groups accountable.

So, thank you very much. I appreciate your answers.

MAJORITY CHAIRMAN SONNEY: Chairman Hickernell.

REPRESENTATIVE HICKERNELL: Doctor Eshbach, you said in your testimony that you believe that if this bill were to become law, that it would be a positive change for students and families.
So, just -- just for a second, let's pretend that I'm a parent of a student who -- your school district hasn't worked for my kid. And I'm sure you've had many conversations during your 17 years with parents who, for one reason or another, you know, they need -- or feel they need to make a break from that school district and they made a decision. They're happy with that decision.

So this bill becomes law and now they're forced to come back into the district in some fashion; whether they come into your program or one of the two programs that you decide the parents have the choice for.

So, again, I'm the parent, you're the superintendent. Convince me, as a parent, why this is a positive change for me and my student.

DR. ESHBACH: I think the important thing is, I -- I bring you in. I sit down. I speak with you about the course offerings, the programs that we have in the Northern York County School District. I speak to you as to what was so positive about your experience and -- and what worked well for you and what -- what did you really excel at, and I try to show how that can be replicated in the programs that we offer.
I think my comments on that are broad, in that, it's a -- it's a positive thing for all students because, as money is saved, we can offer more programs in our school district that benefit all students.

But, I will always go back to the -- to the individual relationship that I have with the parent and with the students to be able to talk with them. If they still say, no, this is still the best offering that I have, then it's on me to prove -- the burden of proof is on me to show them how we can make this work.

REPRESENTATIVE HICKERNELL: And under the law today, you know, you could still do all those things and the parent could choose to give the school district another shot, or they can stay where they are. Unfortunately, if this bill becomes law, which -- which your organization supports, those parents would no longer have that option that they currently have now.

But, thank you very much for your testimony.

DR. ESHBACH: You're welcome.

MAJORITY CHAIRMAN SONNEY:

Representative Jones.
REPRESENTATIVE JONES: Thank you, Mr. Chairman.

A few disclaimers before I get into my questions. First of all, I've shared before, four children, all educated in public school. My wife and I went to public school, and I was a public school director up until just a few months ago at Dallastown in York County. The relevance here, we're both York County guys.

And, Mr. Chairman, really commend your efforts here to start the discussion. I'm not a, um, full disclosure. I'm not in favor of the bill as it currently stands, but I think the Chairman is doing his job and putting it out here for discussion.

And specifically, Doctor Eshbach, I commend you for -- being a superintendent is not an easy job. We just went through a search at Dallastown, and there are -- there aren't that many great candidates out there. It's another challenge schools are facing. None of this is personal, right?

DR. ESHBACH: Certainly.

REPRESENTATIVE JONES: I tend to agree with my colleague Rep. Kail. I think what we have
here is a funding formula and an accountability issue, both of which I would propose can be easily or at least -- maybe not easily, but can be addressed within our current framework.

There's a phrase about not bringing a knife to a gun fight. It's good to bring a gun -- I'd rather be bringing a gun to a knife fight. I think here we're bringing a bazooka to a knife fight. This is like -- a little bit like driving a nail with a jackhammer. I think it's overkill.

So, one quick comment. There was -- In the opening testimony, there was a quick allusion to property taxes and so forth. Just so we're clear, I don't think anybody is gonna accuse the public school system of saving taxpayers dollars. Cyber is fundamentally a lower cost, more efficient model. Just for the record, it's a tax saver; not a tax expender -- or increaser.

Quick question, then, Doctor Eshbach. A couple questions for you.

We have York County School of Technology there in York; a great school, Doctor Thomas. It's a little bit of a leading question, I'll warn you. If Northern, like Dallastown offers, you know, some -- a little bit of welding, a little bit of this, a
little bit of that, does that mean we should tell
students at the end -- as they're going into 9th
grade, that you no longer get to go to Vo-Tech.

You have to come to Dallastown, or do we
think it makes sense they have the option to go to
Vo-Tech, York Tech I should say now, because that's
what -- because that's what Doctor Thomas and the
people at York Tech do, correct? That's what
they're good at?

DR. ESHBACH: You might be asking the
wrong person because we don't participate with York
Tech.

REPRESENTATIVE JONES: I wasn't sure
about --

DR. ESHBACH: We participate with
Cumberland-Perry Vo-Tech, and the reason we do is
proximity. But also the reason that I like
Cumberland-Perry Vo-Tech is because it's -- it's a
shared program. Our kids go to a lab there, but
they come back to our school, and they're still
Northern Polar Bears at the end of the day, and we
can still work with them and help to guide them in
their discussion.

Nothing against York Tech. That was --
They chose a comprehensive program.
I think to answer your question, no. We wouldn't advise against that. But, if there are schools in York County, my neighboring school district Dover is one that has expanded their course offerings in career technology to be able to keep some of those students who may feel some type of affinity to their school district and may not want to go full blown into York Tech. I think there's room for all options.

REPRESENTATIVE JONES: Right. That's an excellent point. I couldn't agree more. And York Tech is so successful it's being expanded, and they're turning away students. I've never heard anyone in any school district suggest we should get rid of York Tech because the public schools -- the other -- the balance of the schools can do it better.

For the sake of time, my other example would be dual enrollment. We don't ask public schools to be colleges. We send kids for dual enrollment for college classes their junior and senior year. I have not heard anybody say that doesn't work.

The point being, just like in the real world, in the business world you go with best of
breed and best in class. To suggest that public
schools, many of whom have their hands full getting
their arms around brick and mortar should all of a
sudden be in the cyber charter business is somewhat
mind boggling to me.

We already heard that we have 83 percent
are using third parties that are best in class.
Why do we want to somehow try to duplicate that?

And, to your point, just like on the
tech schools, the local school districts just as
dallastown has done, and Dover and yourself, you
can offer certain -- you can offer an alternative.
The student can stay there if they choose to, or
they can go full blown to York Tech. It's called
competition. It works really well. It gives the
students a lot of options.

I would suggest that's exactly what we
have today on the cyber charter front. My boy,
youngest one wanted to take a class or two, he's
doing it at Dallastown. I didn't even consider
cyber charter. Dallastown competes today. They
compete quite well, and if they can't take the
heat, then get out of the kitchen, right? Focus on
what you're specified to do.

Why would public schools want to jump in
and try to be something they're not on the cyber
side, rather than letting people do what they want
to do and let us work on the accountability and the
funding formula?

DR. ESBACH: So, in all your examples
that you shared, Representative Jones, there's one
difference. And the difference is, there's
accountability to the school districts. The school
districts with York County School of Technology
have a say in the way that that school district --
the way that school is run. They have
representation on a -- doing an operating committee
with that school.

We're talking about dual enrollment. We
work with the colleges to monitor our student
performance and there's accountability, and we can
have conversation. I think --

I don't disagree with your remarks,
other than to say, the big difference is that
accountability and the working together with --
with those organizations.

REPRESENTATIVE JONES: I agree. So
let's work on accountability and collaboration as
opposed to dissolving. No one would suggest, let's
dissolve York County School of Technology or let's
dissolve Harrisburg Area Community College.

Why would we suggest dissolving cyber schools? Let's work on accountability. We've got legitimate issues, funding and accountability. I think we work -- I think we address those. That comes back to my jackhammer comment.

Lastly, I've got -- We talk about accountability. There's a -- There's an unstated implication here that somehow the public schools and/or the state seem to know better than the parents do. I have 200 students in Dallastown/Red Lion, approximately, that have chosen cyber charter. As a matter of fact, my very best friend in this world, all three of his students went to cyber charter and had an outstanding experience at the school here in Harrisburg. Not what I would want my kids to do, but that's what he wanted to do.

Why would we think that -- And it's nothing -- I'll throw myself in the mix. Why would we think that folks like yourself or folks like ourselves here in Harrisburg somehow know better what's for these students than their parents do? Aren't the parents the ones we're ultimately accountable to?
DR. ESHBACH: I don't disagree with your statement as a parent, as a grandparent. I have actually sat with my daughter as she took an online course, and then had to teach it to her because that was not the method that she learned best.

I do think parents have -- have the ability to make choices, and I think we have choice available to our parents. Maybe not as wide a choice as some people desire, but I think this bill still contains the opportunity for choice. And if you believe that we need to have a discussion more -- more focused on accountability and on finances, PASA stands ready to have that conversation.

REPRESENTATIVE JONES: I appreciate that very much. Thank you.

MAJORITY CHAIRMAN SONNEY: Thank you.

I know that there's other members that have questions, and I would ask those members if they could submit them to the Chairman, we will get the answers for those questions. But because of time, we need to move on to the next panel.

I'd like to thank you for your testimony.

DR. ESHBACH: Thank you.

MAJORITY CHAIRMAN SONNEY: As soon as
you're all seated, you can introduce yourselves and begin.

DR. CHANDLER: Want me to start?

Good morning. Thank you, Chairman Sonney, Chairman Roebuck, and members of the House Education Committee for allowing me to testify.

I am John Chandler, the CEO of PA Virtual Charter School. I'm here representing my school and the Public Cyber Charter School Association.

A little about PA Virtual. We serve approximately 2100 students from 400 school districts. We have 210 staff who live throughout Pennsylvania. One hundred percent of our staff are members of PSERS. Our teachers are awesome. We have a great working relationship with them. As are our counselors, they're members of the PSEA, they're union members, and 100 percent are certified.

A little more about me. I served as a traditional public school teacher and principal, and I was a traditional public school superintendent for over 11 years. In 2016, I moved to Pennsylvania to become the CEO of PA Virtual.

While serving as a traditional public
school superintendent, we voluntarily started our
own district cyber program in 2011. Couple years
later, we voluntarily authorized the statewide
cyber charter school. I oversaw both of those, the
program and the cyber charter school.

From my vantage point of overseeing both
the district program and the statewide cyber
school, it was clear, abundantly clear, that the
cyber program had better economies of scale; was
focused solely on delivering cyber education, and
was simply doing it better than our district
program, so we closed our district program.

I have been the CEO of PA Virtual for
three and a half years. I believe my experience in
leading and my strong support for all forms of
public education, both traditional and virtual,
gives me a unique perspective. Couple comments,
off script.

When I moved to Pennsylvania, I met with
the IU superintendent and asked to attend the
superintendent roundtables, because, in my former
state, I sat next to the parochial school leaders.
I sat next to the charter school leaders in our
intermediate unit. I was denied the ability to
attend those meetings.
I sat here and I listened to IUs say how they have cooperative -- they have purchasing power, how they cooperate. Let us in on that, please. If you can save us money, let us in on it.

We have to break down these barriers. We have to do what is best for all students in Pennsylvania regardless of where the parents choose to send their school. We can get much farther by working together than we can by fighting with each other.

And I stand here -- Throughout my career I've been a collaborator. I have voluntarily offered programs to parochial schools in my former state. I have collaborated with charter schools. I have run cooperative sports programs with neighboring school districts so the kids could have what they needed, where they needed it, and how the parents wanted to choose it. We can do that in Pennsylvania, but we have to knock down the walls that have been built by some people.

We sent one of my board members to a school board association meeting. When she announced that she was a school board member of a cyber school, the traditional board members at that table got up and left her sitting there. That is
the animosity we deal with. It's not productive for anyone, and I would love to collaborate with school districts on making things better for students in Pennsylvania.

I believe there's been a lot of good points made about parents and their ability to choose programs that work for them.

We are -- We are opposed to -- Representative Sonney and members of the Committee, we are opposed to House Bill 1897, as it would eliminate independently-run statewide cyber schools from an already short list of publicly-funded options for those wishing to exercise parent choice. And that's -- that's our -- Main opposition to that is, there's not a lot of public choice options, and it would eliminate one.

I also want to discuss and hit on two other points. You have my written testimony. But, this number of $5,000 to educate a student in cyber education, I stand before you today truly disappointed in my education colleagues who have promoted that figure. Truly disappointed.

I worked in education my adult life, and I believe public education, all education people are some of the best people you'll find anywhere on
this planet. But that number is either based on educationally program -- educational programming that is woefully inadequate and different from what I offer at my school, or it's just a figure that's wrong. And let me give you an example.

If a district had a thousand students, 950 in the traditional program and 50 in their cyber program, shouldn't 1/20th of the superintendent's salary, his benefits, his office space be attributable to the cyber program? Shouldn't the same be -- For a counselor or a tech support, shouldn't that be attributed? I don't believe those costs are when you start hearing those figures, and it just makes those figures erroneous or, again, the program is significantly different.

I listen to IUs talk about mainly asynchronous programs. We run mainly synchronous programs. Live classes. We have a little over -- or right around 2100 students, over 110 staff. So we have less than a 20-to-1 student-to-teacher ratio, and I'm hearing that that's not supported. I'm not speaking on behalf of anybody other than me. I support the student-to-teacher ratios that are in that bill. They make sense.
I'm gonna -- I'm gonna -- Again, I did get off script.

Regarding accountability, that's the last thing I want to mention. I provided you with a list of over 150 reports that virtual schools, virtual cyber charter schools are required to submit every year.

We also have ongoing meetings with the Department of Ed through their new reauthorization process. We have meetings before we're reauthorized, and then we have ongoing meetings with them, so there's quite a bit of accountability there.

And lastly, I would encourage you, before we go too far, to actually get that data from these district-run programs. It's hard to get. We don't know how they perform. The one where we do have data, it's not good at all. And so, I think that's a good place to start.

I stand here willing to work with anyone in Pennsylvania to collaborate; to do what is best for the students and the parents and the taxpayers of Pennsylvania, and that includes my colleagues of whom I was one for the majority of my career in the traditional public school realm.
Thank you.

MR. FLURIE: Good afternoon. Chairman Sonney, Chairman Roebuck, members of the House Education Committee: Thank you for allowing me to testify and give my input on our feelings towards House Bill 1897.

My name is Maurice Flurie. I'm the President and CEO of Commonwealth Charter Academy, our main capital campus office. Many of you had the opportunity to visit this fall. It's right across the Farm Show building here in Harrisburg.

I've been in public education for over 35 years, 25 years in traditional public schools, from teacher, assistant principal, principal, through central office. I hold the Superintendent's Letter of Eligibility in the State of Pennsylvania. For the last 10 years, I've been at CCA. And so, I have experience in multiple roles. I know some of the anguish from my colleagues that testified previously, where some of that comes from.

But I'd like to start out specifically talking about House Bill 1897. We join our other cyber charter colleagues in opposition of the bill but for some specific reasons. In the Chairman's
memo in September--And I want to quote this because
I think it's an important line--it says, the
legislation would eliminate the constant tension
between school districts and cyber charter schools.
I don't think anyone could argue that that tension
is there.

However, my concern is, while the memo
says that we can serve as third-party vendors to
school districts and IUs, which we would welcome,
we would do that now if that opportunity was
afforded to us. The fact that we must close our
buildings and close our schools --

Specifically, if you look on page 13,
lines 9 through 16, it says, a cyber charter school
must cease operation and dissolve at the conclusion
of the '20-21 school year. That after the
disposition of all liabilities, obligations, the
remaining assets have to be turned over to the
school districts. That would not enable us to
serve as those third-party vendors and restructure.
We'd have no assets to be able to offer a robust
program to a school district.

I think it would also have a negative
impact on students, many of which was brought up
previously. Many students leave a traditional
school district because they're just looking for a better high-quality option. And they flee their local school districts for a lot of reasons.

Far down that list is, they're looking for an online education. That's way down the list. They leave for a variety of reasons: Safety, bullying, medical issues, broken relationship with the district, lack of communication from their previous school. And the district failing many times to implement basic special education programming.

Fundamentally, it's the district's unwillingness to engage the family as part of that child's education. The parents' input and feedback just simply isn't taken seriously as a partner in that relationship.

House Bill 1897 doesn't guarantee the quality and accessibility of the district's program will be on par with a cyber charter school that's comprehensive in nature. A comprehensive cyber charter school has to provide, by mandate, services that current IU and district programs aren't mandated to provide. For example, many school districts do not offer their programs to elementaries and middle school students. Many only
permit students that have a certain grade point average to participate. And many districts and IU programs are not compliant with IDEA or ADA requirements, and that's something I caution school districts about explicitly.

There's many third-party vendors that advertise they're fully compliant. We brought in third-party experts to vent many of these vendors. As we were considering vendors, almost none were fully compliant with federal regulations, which is a reason, as a school, we do licensing agreement (sic) with vendors, build our own content so we can make sure it does meet those federal guidelines for students, especially for the death and the blind.

Public charter schools are also required by law to provide all the technology to a family. That means a computer, a printer, scanner, reimbursement for Internet service into that home regardless of that family's location. And all the curriculum materials have to be provided to that family. It's not that constant trip to Walmart to provide the educational programming for that child. We're mandated to provide that.

Also, regardless of the disability, a
public cyber charter school must enroll that special education student, and we have to provide them with all the accommodations even if that student can't even access a keyboard or work on a computer. Would a traditional brick-and-mortar cyber programs be required to meet this same standard? If they were, the cost could be substantial.

I also want to correct some misstatements that kind of perpetuated over time for the decades. Cyber charter schools, like CCA, are defined as independent public schools. So often I hear public schools and charter schools. Charter schools, including cybers, are public schools.

Now, I also hear the term for profit. Some cyber charter schools, as well as brick-and-mortar charter schools, choose to support or hire a management company to provide services. That does not make them a private entity. In fact, charter schools and cyber charters in Pennsylvania has to be 501(c)(3) not-for-profit entities, which gives a whole another level of accountability, with IRS accountability Form 990s, that type of accountability.
Four years ago, CCA ended its relationship with the management company. We did that to become an independently-run school, prompted a name change, but the board, our trustees, did that because we could better serve explicitly the students in Pennsylvania by not being tied to out-of-state management companies or other third parties.

As a public school, CCA has also started bringing innovation into Pennsylvania that we openly share with school districts. We had multiple school districts visit this school year through a program called CCA Works. We're providing students with hand-on learning in top career sectors, in agriculture, technology, and medicine.

Many members of the Committee had a chance to visit CCA Ag Works in Harrisburg at Capital Campus, a 6100-square-feet aquaponics facility. Next year CCA's opening TechWorks near Pittsburgh and MedWorks near Philadelphia. They're programs that will provide technology, medical-based careers including research and development, medical labs, medical technology, robotics, telecommunication, Internet of things, as
well as cyber security.

Another inaccurate claim I wanna to kind of dispel is the financial burden to school districts. The last data available, in '17-18, spending by public schools totaled $32.7 billion. Cyber charter schools accounted for 1.5 percent of that amount, and we did that educating 2 percent of the children.

There's also that misconception about it costing significantly less to educate a child in a cyber world. Actually, it cost less because we're mandated for it to cost less; about 70 cents on the dollar compared to what a traditional public school district spends for brick-and-mortar education.

We have some expenses that are similar to a traditional school, but a lot that are very, very different. For example, just in my school at CCA, because we're, you know, serve students almost every school district in the Commonwealth, we have to administer 60 sites across the Commonwealth just to comply with state testing requirements. It's an exorbitant cost.

We also have to reimburse families for the computers, family services, a learning management system, as well as statewide enrollment
service, especially for our English language learners. The last misconception is about accountability. We think we have the ultimate accountability. Any parent can call us on the phone, drop us an e-mail or look at us eye to eye and say, your educational programming is not working for me. I choose another option.

I know I'm running short on time, but I want to mention one thing about accountability and academic performance.

We use what's called the i-Ready Diagnostic because it's nationally normed. The PSSA does very little to help us see how our students compare to students across the country, let alone the Commonwealth. And we find the majority of our students -- in fact, nearly 70 percent come to us more and more years behind academically.

Further reason for our state testing scores to be so low is, none of us have a magic wand. That 5th grader that reads as a 6th grade -- or a 2nd grade level, we're not going to make proficient from September to April. We find it takes us about three years, oftentimes, to remediate those significant deficiencies of the
students that we serve.

In closing, I believe there are revisions necessary to Pennsylvania's cyber charter law. We support any measure that would support students and parents' choice.

We're afforded choice where we go to the grocery store, what car we drive, where we worship, and we're talking about one of the most important aspects in child development, education. Why shouldn't the parent be afforded that same choice in that option, instead of them having to select only entrees from a menu in a particular restaurant called the school district. That's their only educational choices.

Chairman Sonney, Chairman Roebuck, members of the House Education Committee, thank you again for this opportunity. I also want to have an open invitation for any members of the Committee who would like to visit our facility here in Harrisburg.

Thank you.

MR. HAYDEN: Good afternoon. I'd like to thank Chairman Sonney, Minority Chairman Roebuck, and the members of the House Education Committee for today's hearing and the opportunity
to testify in opposition to House Bill 1897.

My name is Brian Hayden. I'm the CEO of the Pennsylvania Cyber Charter School on behalf of -- I'm here on behalf of our 10,500 students and their families, our 780 full-time employees, almost all of whom are Pennsylvania residents, and our 350 Pennsylvania certified teachers.

I also like to point out, our PSERS bill this year will be between 12 and $15 million, so we're happy to be contributing to the, ahh, that Pennsylvania institution.

The last person to testify, it seems to me there's little left to be said. After summer or fall hearings, news reports and debates, both sides could be argue each other's positions.

First, I agree with everything that's been said by my colleagues. We welcome meaningful discussions on funding; that they must be transparent, fair, based on facts, not misperceptions, and do not treat our students as second-class citizens. I'm going to repeat that part, do not treat our students as second-class citizens.

However, I believe the policymakers are missing two of the important pillars of cyber
charters, our history, and the voice of our students.

Pennsylvania Cyber was founded out of necessity. And I note Representative Kail addressed a little bit of this. When the Midland School District was forced to close its high school in 1980 as a result of devastating deindustrialization in southwestern Pennsylvania, finding a long-term partner proved to be impossible, primarily for socioeconomic and racial reasons.

As the start of the school year neared, nobody stepped forward to make sure that these students had a classroom to go to; not one superintendent, not one school board member, not one business manager, not one intermediate unit. Let me repeat that. Not one superintendent, not one school board member, not one business manager, not one intermediate unit. All of these public school leaders chose to put their self-interests ahead of Midland's kids. They abandoned them. The only alternative was to tuition Pennsylvania's students to an Ohio district.

Again, to be clear, Pennsylvania's public school leaders had the choice of helping
these students or not. They did nothing. In my opinion, this is an abject dereliction of their moral and constitutional responsibility to provide a free accessible public education to all Pennsylvanians.

When a charter school law was passed, the Midland School District took the opportunity to bring their students home. We will be celebrating our 20th year as a school starting in the fall of 2020. Today, these same public school leaders are abandoning another group of disenfranchised Pennsylvania students; those who believe that their traditional public school no longer provides them with the education they desire. Once again, they are putting their self-interests ahead of our kids.

This bill, and so many others like it, will take this choice away from the student and her or his family and put it in the hand of the superintendent. I know this has been talked about here before. I cannot stress enough, and if any of you have met our families, and I welcome you to meet our families.

Don't listen to me. I get paid by the school. Talk to the people who this matters. They will tell you exactly why they left their school.
There's no question in their mind why they left
their school, and they don't want to be part of
that school again.

And I ask all of you. There aren't a
lot of young people here. Would you surrender your
kid's education to a third person, a
superintendent? The choices that you have for
that, would you willingly make -- surrender that?

As we said before, the first decision
that family makes is to leave the school. The
second is where to go. The schools don't want to
understand the former, so they're only focused on
the latter.

I wanted to address real quick,
Representative McCarter, again, your question about
us sharing. I, too -- The Beaver Valley
Intermediate Unit will not permit me to come to
their superintendent's meetings. They never have.

Now, on the plus side, our curriculum
people do meet with their curriculum people, so
that lower level they do. So when you talk about
sharing information or initiatives, it's not that
we're unwilling to do it. It's that the public
school partners don't want to allow us in the room.
And most of us, unfortunately, have that issue;
that they will not permit us to even meet with
them. For whatever that's worth.

I think the second voice is --

Oh, the other thing I want to say. I
found a certain irony in the superintendents' panel
where they were talking about all of those
expensive things they would have to do in your
bill, Representative Sonney. Those are the things
that we're already doing.

And, yes, they are expensive. I sign
60,000-dollar checks to send kids to residential
special education schools, because that's what
we're required to do. We already send speech
pathologists into the home. We send expensive
equipment into the home. So when people want to
know where we spend our money, that's where we're
spending the money on our kids.

Finally, I want to conclude, the second
voice that's missing from our students, and -- The
second voice that's missing is from our students.
And I -- I don't know if this is purposeful or not,
but this is the third hearing between the House and
the Senate I sat through, and not one parent or
student has been included in these hearings. And I
find that really curious.
Representative Sonney, I'm going to talk about one of your constituents, in particular. This young woman, she's in 9th grade, and I met her at the Zem Zem Temple—Sure you've been there—at an event we had at the beginning of the school year in October. She's a new student just started 9th grade.

I was talking to her mother about your bill, encouraging her to come and to talk with you, without realizing that she had wandered up -- the girl had wandered up, and I looked over and she was starting to tear up. And I said, what's the matter? She said -- And again, with only the emotion that a 9th-grade girl can generate, she clenched her fist together and looked at me and says, I'm not going back there. I'm not going back there. I'm not going back there. He can't make me. That's from a 9th grader. Where is that voice in these hearings?

And I have heard all over the Commonwealth -- And I may, perhaps, hear not any of them here, how many of our families have attempted to meet with state legislators and state senators and been denied those meetings? It's really important that you understand why our families are
here.

And, yes, you can make her go back. I fully appreciate the legal reasons you can do that, legislative reasons. But, really, should you make her go back to that school? And this bill would require her to go back into that system that she didn't want to go to.

As we move forward, I plead with you to put the future of the 35,000 cyber kids ahead of the educational -- the mistakes that educational leaders have made in the past, and allow our students to thrive in a way that they perceive that they cannot in other places.

Thank you, and I welcome your questions.

MAJORITY CHAIRMAN SONNEY:

Representative Kail.

REPRESENTATIVE KAIL: Thank you, Mr. Chairman. Very quickly.

Mr. Hayden --

MR. HAYDEN: Yes.

REPRESENTATIVE KAIL: -- you noted how many -- How many people work at your school district?

MR. HAYDEN: We have 780 full-time employees.
REPRESENTATIVE KAIL: How many of them are teachers?

MR. HAYDEN: About half of those.

REPRESENTATIVE KAIL: Half of them are teachers. Are they -- Are any part of them unionized?

MR. HAYDEN: Two-thirds of them are PSCA members.

REPRESENTATIVE KAIL: They're PSCA members.

MR. HAYDEN: They're PSCA members.

REPRESENTATIVE KAIL: Do you know what PSCA's position is on this bill?

MR. HAYDEN: Well, I read what their position is when I walked in the door. I'm a little curious what that is. I have to say I'm a little bit frustrated that the majority of their position is to find a way for them to find other jobs, but I need to address that with my --

REPRESENTATIVE KAIL: So their position is they need to go find other jobs?

MR. HAYDEN: Well, there would be a way for the legislature to make sure that they can't work for PA Cyber, they can get other jobs.

REPRESENTATIVE KAIL: How many of your
teachers are in Beaver County?

MR. HAYDEN: In Beaver County?

REPRESENTATIVE KAIL: Yes.

MR. HAYDEN: We have about 350 employees in Beaver County, total.

REPRESENTATIVE KAIL: How many school districts are there across the state that you service or kids from those school districts?

MR. HAYDEN: We have a student in every one of the 500 school districts in all 67 counties.

REPRESENTATIVE KAIL: Okay. So those teachers, if they wanted to go to those others jobs that would allegedly be created, would be going across the entire state relocating?

MR. HAYDEN: Apparently, because the majority of our employees live in Beaver, Allegheny County.

REPRESENTATIVE KAIL: Would those teachers that would be contracting through this bill, would they even be union?

MR. HAYDEN: I have no idea. Probably not.

REPRESENTATIVE KAIL: And so, they're gonna be losing membership, dramatically losing membership, and their answer is to go to nonunion
jobs. I mean, they ought to be -- they ought to be unionizing under the steel workers.

I mean, I'm a guy that I grew up in a union family, and I believe in that concept. I'm not trying to do that. It's just disappointing that your teachers went through this effort and were told that they're going to have the support of this union, and this is what they get when this bill comes out. So --

MR. HAYDEN: Well --

REPRESENTATIVE KAIL: Thank you, Mr. Hayden.

MAJORITY CHAIRMAN SONNEY:

Representative Staats.

REPRESENTATIVE STAATS: Thank you, Chairman Sonney.

And, gentlemen, thank you for your time and testimony today. Doctor Chandler, quickly. I'm looking at your written testimony, and you reference an article regarding the Quakertown School District, which happens to be in my district, realizing they were losing $700,000 per year operating a cyber program.

Is that article in here? I don't see it.
DR. CHANDLER: Yes. It should be in your written testimony. If not, we'll make sure we get it to everyone. And you're correct.

REPRESENTATIVE STAATS: I looked thoroughly. It's not here. If you could get that to us, I'd absolutely appreciate it.

DR. CHANDLER: Yes.

REPRESENTATIVE STAATS: Thank you.

MAJORITY CHAIRMAN SONNEY: Thank all of you for testimony. If any other questions come up, we'll be happy to forward them to you.

A VOICE: Thank you.

MAJORITY CHAIRMAN SONNEY: For the record, I've spoken to many parents and students that attend cyber education, both favorably and unfavorably, but I've had a lot of conversations with them.

DR. CHANDLER: You've attended one of our classrooms and we appreciate that. We would make that offer available to anyone.

MAJORITY CHAIRMAN SONNEY: Thank you.

This meeting is adjourned.

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CERTIFICATE

I, Karen J. Meister, Reporter, Notary Public, duly commissioned and qualified in and for the County of York, Commonwealth of Pennsylvania, hereby certify that the foregoing is a true and accurate transcript, to the best of my ability, of a public hearing taken from a videotape recording and reduced to computer printout under my supervision.

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