

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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1 ALSO PRESENT:

2 Honorable Eddie Pashinski

3

4

5 STAFF ATTENDANCE:

6 Alaina Koltash
Majority Executive Director

7

8 Christine Crone
Majority Legislative Administrative Assistant II

9

10 Christine Seitz
Majority Research Analyst

11

12 Meghan Buchle
House Fellow (Intern)

13

14 Christopher Wakeley
Minority Executive Director

15

16 Marlena Miller
Minority Junior Legislative Assistant

17

18 Alycia Laureti
Minority Senior Research Analyst

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20 Erin Dixon
Minority Senior Research Analyst

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1 MAJORITY CHAIRMAN SONNEY: Good morning.
2 Welcome to the House Education Committee's public
3 hearing. I'm Curt Sonney. I'm the Majority
4 Chairman of the House Education Committee.

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

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

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

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

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

22 REPRESENTATIVE PUSKARIC: Representative
23 Mike Puskaric representing the 39th Legislative
24 District, parts of Allegheny and Washington
25 counties.

1 REPRESENTATIVE KNOWLES: Good morning.
2 I'm Jerry Knowles, 124th Legislative District. I
3 represent portions of Schuylkill, Berks and Carbon
4 County.

5 REPRESENTATIVE STAATS: Good morning,
6 everyone. My name is Greg Staats representing the
7 145th Legislative District in Bucks County.

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

12 REPRESENTATIVE HICKERNELL: David
13 Hickernell, Lancaster and Dauphin counties.

14 REPRESENTATIVE TOPPER: Jesse Topper,
15 78th District, Bedford, Fulton, Franklin counties.

16 REPRESENTATIVE GAYDOS: Valerie Gaydos,
17 44th District, Allegheny County western suburbs.

18 REPRESENTATIVE SOLOMON: Good morning.
19 Jared Solomon, 202nd District in Philadelphia.

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

22 REPRESENTATIVE MILLER: Dan Miller,
23 southern Allegheny County.

24 REPRESENTATIVE HILL-EVANS: Good
25 morning, everyone. Thank you all for being here.

1 Carol Hill-Evans representing the 95th District in
2 York County.

3 REPRESENTATIVE GLEIM: Good morning,
4 everyone. My name is Barb Gleim. I'm from the
5 199th District in Cumberland County.

6 REPRESENTATIVE McCARTER: Stephen
7 McCarter, Montgomery County.

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

12 MAJORITY CHAIRMAN SONNEY: Thank you.

13 We are here today to hear testimony
14 related to school district cyber education programs
15 and my House Bill 1897. I introduced this
16 legislation because I hear concerns from
17 constituents related to the cost and accountability
18 of cyber charter schools.

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

24 The goal of my legislation is to offer
25 student access to high quality cyber education

1 programs in a way that is accountable to and
2 transparent to our local communities. I look
3 forward to hearing from our education stakeholders
4 on this important issue and look forward to
5 continuing the conversation.

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

8 I'll ask Chairman Roebuck for comments.

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

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

22 I want to again thank Chairman Sonney
23 for his leadership on this issue and for
24 introducing House Bill 1897. I hope that this is
25 the beginning of a serious conversation regarding

1 the changes that are necessary to the state cyber
2 charter law that can provide parents, students and
3 families access to the high-quality choices that
4 charter school law originally envisioned. I look
5 forward to the testimony.

6 Thank you.

7 MAJORITY CHAIRMAN SONNEY: Thank you,
8 Mr. Chairman.

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

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

20 It is my pleasure to officially
21 introduce my two colleagues who will be sharing
22 information regarding cyber education in
23 Pennsylvania and offer comments specific to House
24 Bill 1897. On the far right, here your left,
25 first, Doctor Andria Saia, who is the Executive

1 Director of the Capital Area Intermediate Unit and
2 the Co-Chair of PAIU's Government Relations
3 Committee. In the middle of our panel here, Mrs.
4 Jenn Beagan, Senior Program Director at Allegheny
5 Intermediate Unit.

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

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

21 We think it's important to note that
22 PAIU is quite selective in taking positions on
23 legislation that affects charter and cyber charter
24 schools. Our limited positions on charter and
25 cyber charter schools include two main areas: 1,

1 support for applying the special education funding
2 formula to charter school tuition calculations; and
3 2, support for House Bill 526, Representative
4 Sonney's legislation addressing cyber charter
5 school tuition. Both of those positions speak to
6 better aligning school district expenses for
7 charter and cyber charter school tuition payments
8 with actual charter and cyber charter school costs.

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

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

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

23 Today's hearing speaks to the
24 seriousness of the concerns of the current state of
25 cyber education and its effects on public schools.

1 The three intermediate units represented today
2 offer over 17 years of online education experience.
3 IU cyber education programs deliver a complete
4 online learning solution for school districts
5 providing high-quality, cost-effective, cutting-
6 edge cyber education. More than 20 IU cyber
7 education programs currently serve over 24,000
8 students, taking at least one online course.
9 Nearly 9,000 of those K through 12 students are
10 taking all of their course work online. These IU
11 programs offer nearly 10,000 unique courses through
12 multiple online vendors.

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

22 However, when IU cyber programs operated
23 costs as much as 75 percent less than cyber charter
24 school tuition, this disparity demonstrates the
25 need to change the cyber charter tuition

1 calculation mandated in school code, and in order
2 to keep rates affordable for districts and their
3 taxpayers.

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

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

21 How do IU cyber programs demonstrate
22 high-quality and cutting-edge innovation? IU
23 programs operate by leveraging resources across our
24 organizations in collaboration with school
25 districts, to design online learning opportunities

1 in a highly competitive cyber school option.

2 An example of this is Waterfront
3 Learning. This is the program I lead at the
4 Allegheny Intermediate Unit. This program began in
5 2003 as a complete online learning solution for
6 school districts providing high-quality,
7 cost-effective, cutting-edge cyber education.
8 Waterfront was developed to address the financial
9 constraints and concerns impacting local school
10 districts as students left traditional public
11 schools and enrolled in cyber and charter programs.

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

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

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

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

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

21 Professional development opportunities
22 through the IU partnerships help districts design
23 comprehensive K through 12 online programs. It
24 provides teacher mentorship for effective online
25 delivery and student engagement, and it educates

1 administrators on effective staff evaluations in a
2 virtual environment.

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

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

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

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

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

4 DR. SAIA: Thank you, Ms. Beagan.

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

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

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

20 With our continued support for revision
21 for charter school law that allow for high-quality,
22 financially responsible options, PAIU is thankful
23 for the opportunity to offer feedback on several
24 specific provisions of the bill. While IUs are
25 appreciative of being specifically included in the

1 definition of a third-party vendor, Section 1705,
2 Subsection D(a)(2) on page 6, line 23, for your
3 reference, prohibits school districts from
4 contracting with a school district or an IU to
5 provide one of the two required alternate programs.

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

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

20 With many, many years of experience in
21 vetting programs, ensuring maximum quality and
22 choice, as well as negotiating cost-effective
23 contracts that are often the result of leverage
24 bulk buying power, to make IUs ineligible as a
25 third-party vendor for second and third programs

1 can significantly foreclose choice and raise costs
2 for districts that now have to vet and negotiate
3 without IU buying partner with other vendors.

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

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

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

19 Based on our experience, the ability to
20 be synchronous or asynchronous builds in choice.
21 What we have seen is that, over 80 percent of our
22 learners indicated that flexibility was the number
23 1 reason for choosing a virtual program.

24 This staffing ratio, as written, would
25 lead to extraordinary increase in cost. I'd also

1 like to point out that such a ratio does not exist
2 in brick-and-mortar schools.

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

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

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

1 districts.

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

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

15 MAJORITY CHAIRMAN SONNEY: Thank you.

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

18 REPRESENTATIVE BROWN: Good morning.

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

24 MS. BEAGAN: So, when we started in
25 2003, we actually started with asynchronous and a

1 synchronous program, meaning that, our teachers and
2 our students were paired at specific times to
3 receive their instruction. We learned quickly that
4 that may not be the best fit for all students and
5 for our district partners. And so, one of the
6 largest changes has been that we have moved to
7 providing asynchronous solutions, and synchronous
8 only for such times as -- with working with our
9 English language learners, where that type of
10 direct instruction needs to be one on one.

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

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

25 Also, we confirm with each of our

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

6 MAJORITY CHAIRMAN SONNEY: Thank you.
7 Representative Topper.

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

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

18 Did I hear that correctly.

19 MS. BEAGAN: Correct.

20 REPRESENTATIVE TOPPER: So, I guess my
21 question would be, would it be fair to say, then,
22 that, really, these cyber programs that I admit are
23 and several of the IUs very good, very solid
24 programs, they started because the cyber charters
25 came out and established a program. It was

1 something that appealed to families who were
2 looking for that choice. And then it's like, oh,
3 we should do this as well.

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

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

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

25 REPRESENTATIVE TOPPER: But to be clear,

1 that's what they were leaving for, right? They
2 were looking for that cyber program? For whatever
3 reason, they were looking for that and it was not
4 available to them at the time at that district, so
5 school districts' budgets were being stretched
6 because the dollars were following the students.
7 It's like, we need to offer something so that the
8 students stay here, right?

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

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

23 My concern is that, I always like the
24 fact that when there's other options out there. We
25 have the ability on both sides to look at what's

1 being done well, what's not done as well. We learn
2 from each other, and at the end of the day we're
3 creating more options and more choices for our
4 students.

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

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

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

19 REPRESENTATIVE TOPPER: All right.

20 Thank you.

21 Thank you, Mr. Chairman.

22 MAJORITY CHAIRMAN SONNEY: Chairman
23 Hickernell.

24 REPRESENTATIVE HICKERNELL: Thank you,
25 Mr. Chairman.

1 Ms. Beagan, I think you mentioned that
2 in your specific program you hire vendors to do
3 certain things. Could you drill down a little bit
4 and specifically talk about what those vendors do?
5 Do they -- For instance, do they design the
6 program? Are they hired to teach children? Maybe
7 a little bit more information would be helpful.
8 Thank you.

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

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

20 More specifically, when we negotiate
21 that contract, that partnership involves weekly
22 communication with that vendor to make sure that
23 the district needs are being met through content,
24 through instructional services, and then also
25 through the support services that are necessary.

1 However, many of our districts also have
2 their own teachers in their school districts and in
3 their buildings that are highly qualified to be an
4 online instructor. So, in that case, that contract
5 would only be utilizing the content services, and
6 the districts would be supporting the online
7 program except for the content that they're
8 receiving through that provider.

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

17 REPRESENTATIVE HICKERNELL: Thank you.

18 So, it's conceivable, and maybe when in
19 your particular case with the IU, that the
20 curriculum and the program is basically being
21 designed by a vendor that you contract with that's
22 providing many other programs, maybe within
23 Pennsylvania or outside of Pennsylvania, and
24 there's no guarantee that the teachers are from
25 Pennsylvania, correct? It sounds like, in your

1 case, in most situations the teachers would not be
2 Pennsylvania residents; is that correct?

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

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

23 Once we have carefully gone through that
24 plan with our districts, we look at all the
25 different vendors that we have as options to

1 provide programming choice and requirements. Once
2 that has happened, then we work with the districts
3 through the enrollment process and making sure,
4 through a graduation plan, that each of those
5 student's graduation courses are met and that their
6 progression of plan is also being met. That is
7 done through a careful communication plan that
8 works both with the vendor as a partner; most
9 specifically the district, and making sure that
10 that program is adamantly meeting the needs of the
11 student, and then working with the families one on
12 one.

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

22 REPRESENTATIVE HICKERNELL: Just one
23 question to follow up, and then I'll let somebody
24 else speak. So the teachers, are they employed by
25 the IU?

1 MS. BEAGAN: I have a very small
2 population of teachers that we use as virtual
3 facilitators.

4 REPRESENTATIVE HICKERNELL: So who would
5 they be employed by?

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

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

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

21 Thank you.

22 MAJORITY CHAIRMAN SONNEY:
23 Representative McCarter.

24 REPRESENTATIVE McCARTER: Thank you very
25 much, Mr. Chairman. Thank you again for being here

1 today.

2 Again, let me try to understand two
3 points, if I could. Going back to Representative
4 Topper's question about the relationship of the
5 state's cyber schools back to the IU schools, as I
6 recall many, many years ago when the beginnings of
7 cyber education began, and even, really, for all of
8 charter schools that the idea was that they would
9 become the incubators of bringing new ideas back to
10 the public schools -- the traditional public school
11 system to help us improve education in
12 Pennsylvania.

13 And, I guess in one sense, as
14 Representative Topper was suggesting, they've done
15 that. They've created something. They started it
16 out, and now that we look upon it as to what's
17 happened with that, they have, supposedly, given
18 the IUs the opportunity to do the same. And I
19 guess two questions there.

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

23 DR. HACKMAN: Great question. I can
24 speak for our IU; that it was developed in
25 partnership with our 18 school districts, so that's

1 where the ideas came about, and I'm sure the same
2 for all of us on the panel; that, again, we learn
3 from one another, whether it's cyber charter,
4 charter schools, nonpublic, public schools. We
5 work and support all schools.

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

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

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

19 Second point, if I could, in looking at
20 the cost figures that appear in your testimony, and
21 looking at this, it appears that the average cyber
22 charter non-special education tuition across the
23 state is -- well, again, depending upon in your
24 particular area, your IUs, varies from roughly
25 10,500 to 12,300. And yet, the cost that you're

1 providing this for the same, we'll say in the IU
2 programs, cyber programs you're providing is less
3 than half of that for the non-special students, is
4 that correct, in tuition?

5 MS. BEAGAN: Yes, that is correct.

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

11 MS. BEAGAN: Yes.

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

16 MS. BEAGAN: That is correct.

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

24 MS. BEAGAN: Correct.

25 DR. HACKMAN: Correct.

1 REPRESENTATIVE McCARTER: Thank you very
2 much.

3 MAJORITY CHAIRMAN SONNEY:
4 Representative Gleim.

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

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

13 REPRESENTATIVE GLEIM: Okay. Thank you.

14 MAJORITY CHAIRMAN SONNEY:
15 Representative Kail.

16 REPRESENTATIVE KAIL: Thank you, Mr.
17 Chairman.

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

1 students and for our parents.

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

5 DR. HACKMAN: Roughly.

6 MS. BEAGAN: Roughly.

7 REPRESENTATIVE KAIL: And you said that
8 you support this bill, is that correct, 1800?
9 Excuse me, not 1800; whatever this bill is. I'm
10 getting my 1800s mixed; my education bills mixed.
11 Go ahead. Eighteen forty --

12 A VOICE: 1897.

13 REPRESENTATIVE KAIL: 1897.

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

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

1 Committee.

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

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

13 DR. HACKMAN: What we say is, we go back
14 to, we support change. We know there needs to be
15 reform. We commend Representative Sonney for his
16 leadership and the vision for putting House Bill
17 1897 out there. There are many key pieces in there
18 that I'm sure you'll hear from other folks
19 testifying after us that would be very appropriate
20 for school districts.

21 But, we go back to the idea, we support
22 public schools, nonpublic schools, charter schools,
23 cyber charter schools, education across the
24 Commonwealth. But when we look at House Bill 1897,
25 there are several key piece in there that we

1 believe are -- would be valuable and great reform
2 across the Commonwealth.

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

8 MS. BEAGAN: That would be correct.

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

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

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

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

25 REPRESENTATIVE KAIL: Are any of those

1 companies based in Pennsylvania?

2 MS. BEAGAN: Yes.

3 REPRESENTATIVE KAIL: Which ones?

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

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

8 MS. BEAGAN: The representatives --

9 REPRESENTATIVE KAIL: -- base of
10 operation.

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

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

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

21 REPRESENTATIVE KAIL: Thank you.

22 MAJORITY CHAIRMAN SONNEY:
23 Representative Tobash.

24 REPRESENTATIVE TOBASH: Thank you, Mr.
25 Chairman.

1 Thanks for bringing this piece of
2 legislation forward. You have waded into
3 controversial territory here. I think it's an
4 important discussion for us to have, and I
5 appreciate the testimony.

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

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

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

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

23 And then once we've gotten it, then it's
24 challenging to show when they took that particular
25 test versus when they were enrolled in our program.

1 Did they take the course that year, trying to line
2 up an apples-to-apples comparison for test taking.
3 My colleagues can speak to their own challenges
4 along those lines, but I believe that it will be
5 similar.

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

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

23 We've also undertaken a third-party
24 study of our program asking all of our districts,
25 our IUs, our parents, our teachers, our students

1 about their levels of satisfaction, and we've
2 gotten great feedback on that. So we're coming up
3 on being able to really show you what the evidence
4 base is for our success and our programming, but
5 we're still building on that.

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

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

10 DR. HACKMAN: Thank you.

11 MS. BEAGAN: Thank you.

12 DR. SAIA: Thank you.

13 DR. HACKMAN: Thank you again.

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

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

21 My name is Eric Eshbach. I am
22 Superintendent of Northern York County School
23 District in York County. We are the Erics from
24 York County. And I'm also here representing the
25 Pennsylvania Association of School Administrators,

1 whose members include school district
2 superintendents, assistant superintendents,
3 executive directors, and other public school system
4 leaders from across Pennsylvania. I, too,
5 appreciate the opportunity to provide comments
6 regarding House Bill 1897.

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

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

21 The bill requires all public school
22 districts to offer a full-time cyber education
23 program for their students. As you've heard today,
24 many already do that. Over the past two decades,
25 many school districts observed that some families

1 prefer a cyber-learning option to educate their
2 children, and were enrolling in cyber charter
3 schools. In an effort to retain the children of
4 these families in their school system, to ensure
5 that these families benefitted from a high-quality,
6 highly accountable program, and to do so in a
7 cost-effective manner, many districts developed
8 their own district-operated cyber-learning option
9 or joined a consortium of other school districts,
10 often operated by the intermediate units that spoke
11 earlier.

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

20 Please understand that neither PASA nor
21 a large majority of its members have ever been
22 opposed to the concept of online or blended
23 learning; and, in fact, have utilized such methods
24 to obtain and maintain the credentials required of
25 all of our public school administrators. We have,

1 however, continually questioned the accountability,
2 transparency, and the fiduciary responsibilities of
3 the current laws guiding cyber charter schools in
4 Pennsylvania.

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

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

22 House Bill 1897 requires that all
23 current cyber charter schools cease to exist as
24 public schools, as full-time cyber-learning options
25 and choice of programs will be provided by the

1 local school districts. We support this new
2 paradigm, as it will bring greater accountability
3 and efficiency to cyber-learning options without
4 sacrificing choice options for students. Families
5 will be able to remain closely associated with the
6 local school district by enrolling their children
7 in the district-operated cyber-learning program, or
8 choose one of the two alternatives that will be
9 operated by a third-party vendor.

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

19 Although the bill dissolves cyber
20 charter schools as public school entities, it
21 allows them to reorganize into third-party vendors
22 to continue to operate and offer instructional
23 services. A third-party vendor could also become a
24 school district's choice to operate the local
25 school district option for full-time cyber-learning

1 programming, if the district didn't want to
2 establish a cyber-learning program through its own
3 resources and personnel. Therefore, all current
4 cyber charter schools would have the opportunity to
5 remain a viable cyber-learning entity.

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

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

24 The bill requires a robust selection of
25 course offerings in core subjects and electives for

1 all cyber-learning programs, and a more detailed
2 explanation, we believe, of this requirement would
3 be helpful to school districts to ensure they're
4 meeting the expectation of the law. Course
5 offerings in small, rural districts are
6 dramatically different from those in large
7 suburban districts. Clarification on what
8 constitutes robust course offerings is needed.

9 The bill also states that students must
10 be provided all technology services necessary for
11 online delivery of curriculum and instruction, or
12 the reimbursement for such services. PASA is
13 concerned that this may be a costly venture for
14 some districts in remote areas of the state where
15 Internet services are difficult to secure.
16 Provisions should be made to assist districts that
17 encounter limited or no Internet access to the
18 homes of some students.

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

1 excel.

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

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

23 Ultimately, House Bill 1897 provides for
24 cyber-learning programs for all students in
25 Pennsylvania, continues to provide choice options

1 for families, reduces cost to operate cyber-
2 learning options for school districts, and provides
3 accountability and transparency to the public.
4 PASA believes the concept of this bill and its
5 framework are deserving of support and continued
6 discussion to improve cyber education in the
7 Commonwealth.

8 I'll be happy to answer any questions.
9 Thank you.

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

12 MAJORITY CHAIRMAN SONNEY: Sure.

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

18 I would like to thank Chairman Sonney
19 and Chairman Roebuck and the members of the
20 Committee to share PSBA's perspective on House Bill
21 1897.

22 Since the creation in 2002, cyber
23 charter schools have generated many concerns with
24 lingering questions about funding, accountability
25 and performance. Although all these issues are

1 worthy of discussion, the most urgent need for the
2 reform is in the area of funding.

3 Cyber charter tuition payments are
4 having a traumatic impact on school district
5 budgets with serious implications, such as
6 increased property taxes and cuts to school
7 district programs. In 2017 to '18, more than
8 \$519 million was paid by school districts to cyber
9 charter schools. For some, this represents as much
10 as five or six cents of every dollar spent. The
11 average district paid more than one million in
12 charter cyber school tuition, and 37 districts paid
13 more than 2 million.

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

22 It's also important to note that the
23 overall academic performance of cyber charters is
24 significantly lower than brick-and-mortar charter
25 schools and lag even behind more traditional public

1 schools. In fact, none of Pennsylvania's cyber
2 charter schools, which are authorized by the state,
3 earned passing grades during the five years when
4 the state issued School Performance Profile scores.
5 Under the state's new accountability system, the
6 Future Ready PA Index, all 15 cyber charter schools
7 currently operating in the Commonwealth have been
8 identified for mandatory support and improvement.

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

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

24 The most common answer for school
25 districts not providing a cyber program was a lack

1 of resources. Other common responses included lack
2 of interest among students, collective bargaining
3 and teacher union obstacles.

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

9 PSBA's intrigued by the concept in the
10 legislation and believes, if done correctly, this
11 type of proposal could resolve some issues of
12 concern, including accountability and transparency
13 concerns and funding concerns. While the proposal
14 is innovative, PSBA believes that the bill before
15 the Committee today contains several provisions
16 that will require additional policy discussion and
17 further work in order to ensure the best results.
18 I'd like to highlight a few of the comments and
19 concerns from the written testimony that was
20 provided to you.

21 The bill contains new and extensive
22 planning and reporting requirements which cause
23 some concern and warrant further discussion.
24 First, the requirement for a new and separate cyber
25 education plan would require significant additional

1 staff time to document and prepare another written
2 plan which overlaps with current planning
3 requirements, such as professional development,
4 special education and budgeting.

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

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

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

25 Additionally, we would seek to clarify

1 whether those reporting requirements are meant to
2 include all cyber education students together, or
3 separated by district program and a third-party
4 vendor programs.

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

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

25 We're also opposed to the requirement

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

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

21 In closing, I would like to thank
22 Chairman Sonney again for his efforts to address
23 the substantial concerns with the current manner in
24 which cyber education is structured and delivered
25 in public schools in Pennsylvania. PSBA believes

1 that the proposal in House Bill 1897 is unique in
2 its approach and is well-worth continued discussion
3 and debate.

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

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

8 MAJORITY CHAIRMAN SONNEY: Thank you.
9 Representative Topper.

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

12 Mr. Eshbach, good to see you again.
13 We're still working on getting teacher evaluations
14 done. So last time we spoke it was on that, so
15 we'll talk about another topic today.

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

21 I know you're concerned about the
22 wording of, I think it's a robust selection in
23 course offerings, but isn't that one of the
24 advantage of charter schools now? That a kid in
25 southern Fulton who can't even play football

1 because there's not enough kids for a football team
2 still has the opportunity to take Latin if they're
3 offering it in a cyber program?

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

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

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

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

25 My vision, and maybe it's idealistic,

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

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

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

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

24 But what are your thoughts? And also
25 keeping in mind for the system to work, for all

1 these options to be available, we have to
2 understand that with any school district --

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

7 DR. ESHBACH: Absolutely.

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

11 DR. ESBACH: That's correct.

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

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

24 And I guess my question would be as it
25 resol -- regards funding, especially in special

1 education -- special education field, if there's an
2 influx of students for the cyber programs in your
3 schools, let's say a special education student, do
4 you believe that we would still have the ability to
5 offer them what they need at home through a cyber
6 program? Or, do you think you would dramatically
7 have to increase staffing? You would dramatically
8 have to increase what you offer, or you would have
9 to say, look, you're part of this school district.
10 You really have no option now. You have to bring
11 that child into school?

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

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

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

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

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

23 So your question about special
24 education, special education a huge -- a huge
25 umbrella term, we really need to look at what the

1 needs are for that individual child. So there are
2 certain students who are identified as special
3 education, maybe who needs speech therapy, who need
4 an IEP for their R-controlled vowel problem.

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

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

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

24 And we looked at the cyber charter
25 programs that were out there, and we said, wow,

1 that's a unique way of doing things. And wow, how
2 can we utilize that in our system?

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

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

21 I don't have that ability right now, and
22 that bothers me that there are students that fall
23 through the cracks; that there are students that
24 may be dealing with some issues in their families;
25 not even academic, but social and emotional issues

1 that could have an impact on my community that I
2 have no ability to work with.

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

7 REPRESENTATIVE TOPPER: Thank you, Mr.
8 Chairman.

9 MAJORITY CHAIRMAN SONNEY:
10 Representative Kail.

11 REPRESENTATIVE KAIL: Thank you, Mr.
12 Chairman.

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

19 But, some 20 years ago there was a group
20 of individuals in Beaver County that had a
21 struggling school. I read Mr. Hayden's testimony,
22 and he's gonna speak on it, so I'm not going to
23 steal his thunder about the jobs it's created and
24 the good it's done in Beaver County and all that
25 stuff.

1 There was a group in Midland area that
2 lost a high school, and they wanted to start this
3 cyber school to service those kids that were
4 getting bused to Ohio, actually, at that time. And
5 during that time, before they actually started PA
6 Cyber, there was a movement, or an attempt, rather,
7 to reach out to the school districts and say, hey,
8 why don't you all do this cyber charter program,
9 and we'll help you with the curriculum.

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

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

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

1 10 years or so; is that correct?

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

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

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

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

14 REPRESENTATIVE KAIL: But --

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

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

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

24 REPRESENTATIVE KAIL: But, the cyber
25 charter schools that are there now that they are

1 enjoying, presumably, because they stayed there,
2 they wouldn't be able to go there; is that correct?

3 DR. ESHBACH: Unless one of those cyber
4 charter schools became a vendor of the district.

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

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

16 Is that sound policy in your judgment?

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

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

25 I'll go a step further with that. In

1 that, again, I have been around a while so I've
2 seen -- have students return to school districts
3 from cyber charter schools.

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

6 DR. ESHBACH: As they should have --

7 REPRESENTATIVE KAIL: I agree.

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

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

19 DR. ESHBACH: It's my understanding of
20 the way it's written.

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

23 At this point right now, school
24 districts, isn't it true that they have the ability
25 to create their own cyber programs?

1 DR. ESHBACH: Yes. And we have.

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

4 DR. ESHBACH: We do compete.

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

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

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

23 I -- I agree that school districts
24 should be able to do their own cyber programs, and
25 it's a good thing. I think that's something that

1 should be looked at. I just believe in all of the
2 above.

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

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

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

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

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

1 you're referring to?

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

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

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

21 Thank you, Mr. Chairman.

22 MAJORITY CHAIRMAN SONNEY:
23 Representative Knowles.

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

1 today.

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

10 What would your comment be on that?

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

16 I can also point to cases where sending
17 a student to our career and technical center didn't
18 work and we've had to bring them back. I mean, I
19 think those are all -- all situations. That's what
20 I'm trying to say that no one model of delivery of
21 instruction works for every student. I'm sure
22 you've all experienced that, you know, a class that
23 -- the teacher delivering that class, it just
24 didn't sink in with you or the -- and the method of
25 instruction.

1 I am concerned when we have students
2 that are leaving, as we talked about, for the wrong
3 reasons and getting lost, and there may be victims
4 of abuse, or may be victims of neglect, how do we
5 maintain our oversight of those situations so that
6 we're helping the children?

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

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

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

25 So I think that there -- I think we do

1 offer a similar model. I think the difference is,
2 I know the model that I'm offering, and I don't
3 necessarily know the model that the cyber charters
4 are offering.

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

11 I think we need to hold public schools
12 accountable. We need to hold cyber schools
13 accountable. We need to hold cyber charter
14 schools, charter schools -- I believe we need to
15 drill down and hold all of those groups
16 accountable.

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

19 MAJORITY CHAIRMAN SONNEY: Chairman
20 Hickernell.

21 REPRESENTATIVE HICKERNELL: Doctor
22 Eshbach, you said in your testimony that you
23 believe that if this bill were to become law, that
24 it would be a positive change for students and
25 families.

1 So, just -- just for a second, let's
2 pretend that I'm a parent of a student who -- your
3 school district hasn't worked for my kid. And I'm
4 sure you've had many conversations during your
5 17 years with parents who, for one reason or
6 another, you know, they need -- or feel they need
7 to make a break from that school district and they
8 made a decision. They're happy with that decision.

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

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

17 DR. ESHBACH: I think the important
18 thing is, I -- I bring you in. I sit down. I
19 speak with you about the course offerings, the
20 programs that we have in the Northern York County
21 School District. I speak to you as to what was so
22 positive about your experience and -- and what
23 worked well for you and what -- what did you really
24 excel at, and I try to show how that can be
25 replicated in the programs that we offer.

1 I think my comments on that are broad,
2 in that, it's a -- it's a positive thing for all
3 students because, as money is saved, we can offer
4 more programs in our school district that benefit
5 all students.

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

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

21 But, thank you very much for your
22 testimony.

23 DR. ESHBACH: You're welcome.

24 MAJORITY CHAIRMAN SONNEY:

25 Representative Jones.

1 REPRESENTATIVE JONES: Thank you, Mr.
2 Chairman.

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

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

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

23 DR. ESHBACH: Certainly.

24 REPRESENTATIVE JONES: I tend to agree
25 with my colleague Rep. Kail. I think what we have

1 here is a funding formula and an accountability
2 issue, both of which I would propose can be easily
3 or at least -- maybe not easily, but can be
4 addressed within our current framework.

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

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

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

21 We have York County School of Technology
22 there in York; a great school, Doctor Thomas. It's
23 a little bit of a leading question, I'll warn you.
24 If Northern, like Dallastown offers, you know, some
25 -- a little bit of welding, a little bit of this, a

1 little bit of that, does that mean we should tell
2 students at the end -- as they're going into 9th
3 grade, that you no longer get to go to Vo-Tech.

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

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

13 REPRESENTATIVE JONES: I wasn't sure
14 about --

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

24 Nothing against York Tech. That was --
25 They chose a comprehensive program.

1 I think to answer your question, no. We
2 wouldn't advise against that. But, if there are
3 schools in York County, my neighboring school
4 district Dover is one that has expanded their
5 course offerings in career technology to be able to
6 keep some of those students who may feel some type
7 of affinity to their school district and may not
8 want to go full blown into York Tech. I think
9 there's room for all options.

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

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

24 The point being, just like in the real
25 world, in the business world you go with best of

1 breed and best in class. To suggest that public
2 schools, many of whom have their hands full getting
3 their arms around brick and mortar should all of a
4 sudden be in the cyber charter business is somewhat
5 mind boggling to me.

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

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

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

25 Why would public schools want to jump in

1 and try to be something they're not on the cyber
2 side, rather than letting people do what they want
3 to do and let us work on the accountability and the
4 funding formula?

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

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

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

22 REPRESENTATIVE JONES: I agree. So
23 let's work on accountability and collaboration as
24 opposed to dissolving. No one would suggest, let's
25 dissolve York County School of Technology or let's

1 dissolve Harrisburg Area Community College.

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

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

19 Why would we think that -- And it's
20 nothing -- I'll throw myself in the mix. Why would
21 we think that folks like yourself or folks like
22 ourselves here in Harrisburg somehow know better
23 what's for these students than their parents do?
24 Aren't the parents the ones we're ultimately
25 accountable to?

1 DR. ESHBACH: I don't disagree with your
2 statement as a parent, as a grandparent. I have
3 actually sat with my daughter as she took an online
4 course, and then had to teach it to her because
5 that was not the method that she learned best.

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

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

16 MAJORITY CHAIRMAN SONNEY: Thank you.

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

22 I'd like to thank you for your
23 testimony.

24 DR. ESHBACH: Thank you.

25 MAJORITY CHAIRMAN SONNEY: As soon as

1 you're all seated, you can introduce yourselves and
2 begin.

3 DR. CHANDLER: Want me to start?

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

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

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

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

25 While serving as a traditional public

1 school superintendent, we voluntarily started our
2 own district cyber program in 2011. Couple years
3 later, we voluntarily authorized the statewide
4 cyber charter school. I oversaw both of those, the
5 program and the cyber charter school.

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

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

19 When I moved to Pennsylvania, I met with
20 the IU superintendent and asked to attend the
21 superintendent roundtables, because, in my former
22 state, I sat next to the parochial school leaders.
23 I sat next to the charter school leaders in our
24 intermediate unit. I was denied the ability to
25 attend those meetings.

1 I sat here and I listened to IUs say how
2 they have cooperative -- they have purchasing
3 power, how they cooperate. Let us in on that,
4 please. If you can save us money, let us in on it.

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

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

21 We sent one of my board members to a
22 school board association meeting. When she
23 announced that she was a school board member of a
24 cyber school, the traditional board members at that
25 table got up and left her sitting there. That is

1 the animosity we deal with. It's not productive
2 for anyone, and I would love to collaborate with
3 school districts on making things better for
4 students in Pennsylvania.

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

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

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

23 I worked in education my adult life, and
24 I believe public education, all education people
25 are some of the best people you'll find anywhere on

1 this planet. But that number is either based on
2 educationally program -- educational programming
3 that is woefully inadequate and different from what
4 I offer at my school, or it's just a figure that's
5 wrong. And let me give you an example.

6 If a district had a thousand students,
7 950 in the traditional program and 50 in their
8 cyber program, shouldn't 1/20th of the
9 superintendent's salary, his benefits, his office
10 space be attributable to the cyber program?
11 Shouldn't the same be -- For a counselor or a tech
12 support, shouldn't that be attributed? I don't
13 believe those costs are when you start hearing
14 those figures, and it just makes those figures
15 erroneous or, again, the program is significantly
16 different.

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

1 I'm gonna -- I'm gonna -- Again, I did
2 get off script.

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

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

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

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

1 Thank you.

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

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

12 I've been in public education for over
13 35 years, 25 years in traditional public schools,
14 from teacher, assistant principal, principal,
15 through central office. I hold the
16 Superintendent's Letter of Eligibility in the State
17 of Pennsylvania. For the last 10 years, I've been
18 at CCA. And so, I have experience in multiple
19 roles. I know some of the anguish from my
20 colleagues that testified previously, where some of
21 that comes from.

22 But I'd like to start out specifically
23 talking about House Bill 1897. We join our other
24 cyber charter colleagues in opposition of the bill
25 but for some specific reasons. In the Chairman's

1 memo in September--And I want to quote this because
2 I think it's an important line--it says, the
3 legislation would eliminate the constant tension
4 between school districts and cyber charter schools.
5 I don't think anyone could argue that that tension
6 is there.

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

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

23 I think it would also have a negative
24 impact on students, many of which was brought up
25 previously. Many students leave a traditional

1 school district because they're just looking for a
2 better high-quality option. And they flee their
3 local school districts for a lot of reasons.

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

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

17 House Bill 1897 doesn't guarantee the
18 quality and accessibility of the district's program
19 will be on par with a cyber charter school that's
20 comprehensive in nature. A comprehensive cyber
21 charter school has to provide, by mandate, services
22 that current IU and district programs aren't
23 mandated to provide. For example, many school
24 districts do not offer their programs to
25 elementaries and middle school students. Many only

1 permit students that have a certain grade point
2 average to participate. And many districts and IU
3 programs are not compliant with IDEA or ADA
4 requirements, and that's something I caution school
5 districts about explicitly.

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

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

25 Also, regardless of the disability, a

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

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

16 Now, I also hear the term for profit.
17 Some cyber charter schools, as well as brick-and-
18 mortar charter schools, choose to support or hire a
19 management company to provide services. That does
20 not make them a private entity. In fact, charter
21 schools and cyber charters in Pennsylvania has to
22 be 501(c)(3) not-for-profit entities, which gives a
23 whole another level of accountability, with IRS
24 accountability Form 990s, that type of
25 accountability.

1 Four years ago, CCA ended its
2 relationship with the management company. We did
3 that to become an independently-run school,
4 prompted a name change, but the board, our
5 trustees, did that because we could better serve
6 explicitly the students in Pennsylvania by not
7 being tied to out-of-state management companies or
8 other third parties.

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

17 Many members of the Committee had a
18 chance to visit CCA Ag Works in Harrisburg at
19 Capital Campus, a 6100-square-foot aquaponics
20 facility. Next year CCA's opening TechWorks near
21 Pittsburgh and MedWorks near Philadelphia. They're
22 programs that will provide technology,
23 medical-based careers including research and
24 development, medical labs, medical technology,
25 robotics, telecommunication, Internet of things, as

1 well as cyber security.

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

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

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

23 We also have to reimburse families for
24 the computers, family services, a learning
25 management system, as well as statewide enrollment

1 service, especially for our English language
2 learners. The last misconception is about
3 accountability. We think we have the ultimate
4 accountability. Any parent can call us on the
5 phone, drop us an e-mail or look at us eye to eye
6 and say, your educational programming is not
7 working for me. I choose another option.

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

11 We use what's called the i-Ready
12 Diagnostic because it's nationally normed. The
13 PSSA does very little to help us see how our
14 students compare to students across the country,
15 let alone the Commonwealth. And we find the
16 majority of our students -- in fact, nearly
17 70 percent come to us more and more years behind
18 academically.

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

1 students that we serve.

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

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

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

21 Thank you.

22 MR. HAYDEN: Good afternoon. I'd like
23 to thank Chairman Sonney, Minority Chairman
24 Roebuck, and the members of the House Education
25 Committee for today's hearing and the opportunity

1 to testify in opposition to House Bill 1897.

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

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

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

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

24 However, I believe the policymakers are
25 missing two of the important pillars of cyber

1 charters, our history, and the voice of our
2 students.

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

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

24 Again, to be clear, Pennsylvania's
25 public school leaders had the choice of helping

1 these students or not. They did nothing. In my
2 opinion, this is an abject dereliction of their
3 moral and constitutional responsibility to provide
4 a free accessible public education to all
5 Pennsylvanians.

6 When a charter school law was passed,
7 the Midland School District took the opportunity to
8 bring their students home. We will be celebrating
9 our 20th year as a school starting in the fall of
10 2020. Today, these same public school leaders are
11 abandoning another group of disenfranchised
12 Pennsylvania students; those who believe that their
13 traditional public school no longer provides them
14 with the education they desire. Once again, they
15 are putting their self-interests ahead of our kids.

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

23 Don't listen to me. I get paid by the
24 school. Talk to the people who this matters. They
25 will tell you exactly why they left their school.

1 There's no question in their mind why they left
2 their school, and they don't want to be part of
3 that school again.

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

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

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

19 Now, on the plus side, our curriculum
20 people do meet with their curriculum people, so
21 that lower level they do. So when you talk about
22 sharing information or initiatives, it's not that
23 we're unwilling to do it. It's that the public
24 school partners don't want to allow us in the room.
25 And most of us, unfortunately, have that issue;

1 that they will not permit us to even meet with
2 them. For whatever that's worth.

3 I think the second voice is --

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

10 And, yes, they are expensive. I sign
11 60,000-dollar checks to send kids to residential
12 special education schools, because that's what
13 we're required to do. We already send speech
14 pathologists into the home. We send expensive
15 equipment into the home. So when people want to
16 know where we spend our money, that's where we're
17 spending the money on our kids.

18 Finally, I want to conclude, the second
19 voice that's missing from our students, and -- The
20 second voice that's missing is from our students.
21 And I -- I don't know if this is purposeful or not,
22 but this is the third hearing between the House and
23 the Senate I sat through, and not one parent or
24 student has been included in these hearings. And I
25 find that really curious.

1 Representative Sonney, I'm going to talk
2 about one of your constituents, in particular.
3 This young woman, she's in 9th grade, and I met her
4 at the Zem Zem Temple--Sure you've been there--at
5 an event we had at the beginning of the school year
6 in October. She's a new student just started 9th
7 grade.

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

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

1 here.

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

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

14 Thank you, and I welcome your questions.

15 MAJORITY CHAIRMAN SONNEY:

16 Representative Kail.

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

19 Mr. Hayden --

20 MR. HAYDEN: Yes.

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

24 MR. HAYDEN: We have 780 full-time
25 employees.

1 REPRESENTATIVE KAIL: How many of them
2 are teachers?

3 MR. HAYDEN: About half of those.

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

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

9 REPRESENTATIVE KAIL: They're PSCA
10 members.

11 MR. HAYDEN: They're PSCA members.

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

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

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

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

25 REPRESENTATIVE KAIL: How many of your

1 teachers are in Beaver County?

2 MR. HAYDEN: In Beaver County?

3 REPRESENTATIVE KAIL: Yes.

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

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

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

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

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

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

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

23 REPRESENTATIVE KAIL: And so, they're
24 gonna be losing membership, dramatically losing
25 membership, and their answer is to go to nonunion

1 jobs. I mean, they ought to be -- they ought to be
2 unionizing under the steel workers.

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

10 MR. HAYDEN: Well --

11 REPRESENTATIVE KAIL: Thank you,
12 Mr. Hayden.

13 MAJORITY CHAIRMAN SONNEY:
14 Representative Staats.

15 REPRESENTATIVE STAATS: Thank you,
16 Chairman Sonney.

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

24 Is that article in here? I don't see
25 it.

1 DR. CHANDLER: Yes. It should be in
2 your written testimony. If not, we'll make sure we
3 get it to everyone. And you're correct.

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

7 DR. CHANDLER: Yes.

8 REPRESENTATIVE STAATS: Thank you.

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

12 A VOICE: Thank you.

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

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

21 MAJORITY CHAIRMAN SONNEY: Thank you.
22 This meeting is adjourned.

23 * * * *

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C E R T I F I C A T E

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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.

This certification does not apply to any reproduction of the same by any means unless under my direct control and/or supervision.

Karen J. Meister
Reporter, Notary Public