COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

EDUCATION COMMITTEE
PUBLIC HEARING

STATE CAPITOL
HARRISBURG, PA

MAIN CAPITOL BUILDING
ROOM 140

TUESDAY, MARCH 22, 2022
9:34 A.M.

PRESENTATION ON CYBER CHARTER SCHOOL
APPLICATION AND RENEWAL PROCESS

EDUCATION COMMITTEE MEMBERS PRESENT:
    HONORABLE CURTIS G. SONNEY, MAJORITY CHAIRMAN
    HONORABLE MARK M. GILLEN
    HONORABLE BARBARA GLEIM
    HONORABLE MEGHAN SCHROEDER
    HONORABLE JESSE TOPPER
    HONORABLE MARK LONGIETTI, DEMOCRATIC CHAIRMAN
    HONORABLE MARY ISAACSON

EDUCATION COMMITTEE MEMBERS PRESENT VIRTUALLY:
    HONORABLE VALERIE GAYDOS
    HONORABLE DAVID HICKERNELL
    HONORABLE ANDREW LEWIS
    HONORABLE ROBERT MERCURI
    HONORABLE CRAIG STAATS
    HONORABLE TIM TWARDZIK
    HONORABLE JOSEPH CIRESI
    HONORABLE GINA CURRY
    HONORABLE CAROL HILL-EVANS
    HONORABLE PATTY KIM
    HONORABLE NAPOLEON NELSON
    HONORABLE MICHAEL ZABEL

* * * * *

Pennsylvania House of Representatives
Commonwealth of Pennsylvania

COMMITTEE STAFF PRESENT:
    CHRISTINE SEITZ
        MAJORITY EXECUTIVE DIRECTOR
    DANIEL GLATFELTER
        MAJORITY RESEARCH ANALYST
    MITCHELL ROSENBERGER
        MAJORITY RESEARCH ANALYST
    CHRISTINE CRONE
        MAJORITY ADMINISTRATIVE ASSISTANT II

    ERIN DIXON
        DEMOCRATIC EXECUTIVE DIRECTOR
    ALYCIA LAURETI
        DEMOCRATIC SENIOR RESEARCH ANALYST
    BOB BROWNAWELL
        DEMOCRATIC SENIOR LEGISLATIVE ASSISTANT
    MARLENA MILLER
        DEMOCRATIC LEGISLATIVE ASSISTANT

I N D E X

TESTIFIERS

* * *

SUBMITTED WRITTEN TESTIMONY

* * *

(See submitted written testimony and handouts online.)

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

2   * * *

3   MAJORITY CHAIRMAN SONNEY: I'd like to welcome

4   everyone to this hearing of the House Education Committee.

5   I'd like to remind everyone that this hearing is being

6   recorded and livestreamed, so the public can watch. If we

7   experience any technical difficulty, we will recess the

8   hearing until those technical difficulties can be

9   addressed.

10   In addition to the Committee Members here in

11   person, we are joined by other Members on the virtual

12   platform.

13   We'll have introductions of the in-person Members

14   now. I'm Representative Curt Sonney. I'm the Majority

15   Chairman of the House Education Committee and I represent

16   the 4th Legislative District.

17   MINORITY CHAIRMAN LONGIETTI: Good morning. Mark

18   Longietti. I represent the 7th District in Mercer County

19   and I serve as the Minority Chairman of the House Education

20   Committee.

21   REPRESENTATIVE ISAACSON: Hi. I'm Representative

22   Mary Isaacson, 175th District in Philadelphia County.

23   REPRESENTATIVE GILLEN: Representative Mark

24   Gillen, Southern Berks County.

25   REPRESENTATIVE GLEIM: Barb Gleim from 199th in

1   Cumberland County.

2   REPRESENTATIVE TOPPER: Jesse Topper, 78th

3   District, Bedford, Fulton, and Franklin Counties.

4   REPRESENTATIVE SCHROEDER: Meghan Schroeder, 29th

5   District in Bucks County.

6   MAJORITY CHAIRMAN SONNEY: Attending virtually

7   today are Representatives Gaydos, Representative

8   Hickernell, Representative Mercuri, Representative

9   Twardzik, Representative Hill-Evans, Representative Kim,

10   Representative Lewis, Representative Zabel, Representative

11   Staats, and Representative Nelson.

12   We have received numerous questions and concerns

13   with the Department's Cyber Charter Application and Renewal

14   Process such as the inaction of the Department on cyber

15   charter renewals, third party contractor involvement in the

16   cyber charter school renewal, and whatever involvement that

17   the Governor has had throughout this process.

18   Therefore, I called for this public hearing for

19   the Committee to receive a comprehensive overview from the

20   Department on the cyber charter school application and

21   renewal process, the Charter School Appeals Board or CAB,

22   and third party contractors.

23   I'm looking forward to hearing from the

24   Department on its new cyber charter application, review,

25   and the evaluation process and the rubrics, assessments,

1   and standards used by PDE and/or a third party contractor

2   to review and renew.

3   So at this time, we have with us, Dr. Sherri

4   Smith, Deputy Secretary of Elementary and Secondary

5   Education and Adam Schott, Special Assistant to the

6   Secretary of Education. I'd like to thank you both for

7   being here today and could you please stand and raise your

8   right hand?

9

10   [The witnesses were sworn.]

11

12   MAJORITY CHAIRMAN SONNEY: Thank you. And Dr.

13 Smith, you can begin.

14   DR. SMITH: Good morning. And thank you for

15 inviting us here today. A little closer? Okay. Sure.

16   So good morning, Chairman Sonney, Chairman

17 Longietti, and Honorable Committee Members.

18   I'm Dr. Sherri Smith, Deputy Secretary for the

19 Office of Elementary and Secondary Education at

20 Pennsylvania Department of Education. And I'm joined here

21 today by Adam Schott, our Special Assistant to Secretary

22 Ortega to discuss the Department's work as the authorizer

23 of statewide cyber charter schools.

24   To set context as Deputy Secretary, I oversee the

25 Department's Division of Charter Schools, a four member

team that provides general technical assistance to

Pennsylvania's 179 public charter schools, brick and mortar

and cyber alike, and helps coordinate more differentiated

and targeted technical assistance to our 14 statewide cyber

charters.

Mr. Schott, as a Special Assistant is delegated

certain duties of the Secretary of Education concerning

oversight of cyber charter schools. This division of

functions preserves Secretary Ortega's ability to serve as

the final decision-maker on cyber charter school renewals,

non-renewals, and revocations.

It's our understanding that a focus of today's

discussion regards the fact that 11 of 14 currently

operating cyber charter schools are awaiting a charter

renewal decision from the Department. This is true. And

we know that statistic is a concern for Members of the

General Assembly and the charter school community. It's a

concern we share. So let's start there with some

background.

Under Pennsylvania's Charter School Law, a

charter remains in full effect until number one, it's

renewed in form of a new five charter -- year charter. Or

two, non-renewed or revoked by the charter school's

authorizer and the charter school's considerable appeal

rights before the Charter Appeal Board and in the courts

1   are exhausted.

2   This binary choice between a lengthy renewal term

3   that may not be supportable based on the school's financial

4   conditions, organizational viability, and student outcomes,

5   or a costly or litigious process that is enormously

6   disruptive for schools and families results in the

7   unfortunate status quo. That is, too many cyber charter

8   schools operating under antiquated charter terms.

9   Notwithstanding the limitations of Pennsylvania's

10   Charter School Law, the Department has made progress in

11   authorizing nativities over the past three years; renewing

12   the highest performing cyber charter schools in the sector,

13   three public schools that collectively educate nearly

14   15,000 students; securing the closure of the lowest

15   performing cyber charter school in the state, while issuing

16   a notice to close a second school after the school in

17   question rebuffed multiple efforts by the Department in

18   negotiating a gradual winddown of school operations.

19   Designating all 14 cyber charter schools for

20   either comprehensive or targeted supports on the basis of

21   federally required accountability determinations and

22   resuming the renew -- review process for four additional

23   cyber schools with charter terms that came due just prior

24   or to or during the pandemic and issuing decisions, denials

25   on all, on five proposals for new statewide cyber charter

1   schools. More on these denials shortly.

2   Additionally, the Department commissioned at no

3   cost to taxpayers, cutting edge research by the Center for

4   Research on Education Outcomes, CREDO, at Stanford

5   University on the performance of Pennsylvania Cyber Charter

6   Schools relative to brick and mortar counterparts.

7   The CREDO's report found overwhelmingly negative

8   results from online charter schools, any potential benefits

9   of online schooling such as student mobility and

10   flexibility in curriculum are drowned out by the negative

11   impacts on academic growth.

12   Based on this research, CREDO urged state leaders

13   to assess and strengthen oversight practices, a charge the

14   Department takes seriously and that informed the Agency's

15   engagement in a competitive process to identify an R1

16   institution, ultimately, Temple University, to support

17   authorizing nativities.

18   Researchers from Temple bring expertise and

19   advance quantitative techniques, charter school management,

20   and educator preparation to the renewal process to

21   compliment the work of Public Financial Management in

22   evaluating schools financial and operational domains.

23   Next, the Department has made substantial efforts

24   to evaluate whether other cyber charters beyond the three

25   higher performing schools referenced above, might be

1 recommended to the Secretary for renewal. While we cannot

2 reveal specific information related to individual schools

3 discussed under terms of possible settlement, the

4 Department has outlined a host of issues that if satisfied,

5 would allow more schools to move towards charter renewal.

6   One such issue is an enrollment parameter or cap

7 for cyber charter schools that perform among the bottom 5

8 percent of all public school statewide and/or fail to

9 graduate one-third of students and that have exhibited

10 these performance challenges over multiple years.

11   Enrollment caps or parameters are commonplace

12 across the higher performing brick and mortar sector and

13 have been identified as the best practice nationally by an

14 array of policy, research, and other charter school

15 advocacy organizations.

16   For cyber charter schools enrollment parameters

17 ensure number one, a focus on student outcomes. Number

18 two, orderly manage student enrollment across the sector.

19 And three, equitable distribution of resources, including

20 state weighted, student weighted federal school improvement

21 grants.

22   Any enrollment parameter would be removed once

23 the school satisfied federal accountability targets. In no

24 instance would an enrollment parameter require a cyber

25 charter school to reduce its current student population

1   from current pandemic-driven levels or to cut staffing

2   levels.

3   Finally, it must be said that a subset of charter

4   schools is or has been subject to more -- one or more

5   proceedings initiated by governmental agencies other than

6   the Department. And the results of these evaluations or

7   investigations will bear on any possible renewal decisions.

8   Of course, any cyber charter school that is subject to non-

9   renewal or revocation procedures that rely in whole or in

10   part on the findings from such investigations would be

11   afforded due process as set forth in charter school law,

12   including through the courts.

13   Each of the authorizing challenges outlined

14   above, the blunt authorizing tools, the inability to issue

15   provisional or short-term charter renewals, the inability

16   to reach mutually agreeable charter terms, and operational

17   and other concerns that have drawn the attention of outside

18   bodies would be mitigated by the Governor's proposed

19   amendments to Pennsylvania's Charter School Law.

20   The charter school law, requires the Department

21   to act on new cyber charter applications within a certain

22   timeframe, meaning new applications must be prioritized

23   over renewals and assistance to current schools. For this

24   reason, it is especially crucial that the General Assembly

25   enact a moratorium on proposals for new cyber charter

1   schools given the steady influx of woefully deficient

2   applications that consume thousands of hours Department

3   staff spend reviewing the applications, holding public

4   hearings, and writing exhaustive decisions to protect

5   students and families from programs such as these.

6   On your -- on our written testimony are three

7   examples of some of the applications and their -- what

8   they've brought to us as a part of their applications over

9   the last three years. I'll just read one and then the

10 others are for the Committee to review.

11   But the one, the applicant fails to cite any

12 assessment system. Fails to discuss high school graduation

13 rate goals. And fails to articulate any post-secondary

14 success goals. The applicant includes a roughly half page

15 swot analysis that is essentially indecipherable. This

16 discussion appears to be premised on the operations of a

17 Saint Paul Community Charter School that does not exist.

18 In one goal, the applicant does advance to attract loads of

19 students for the first day we open our doors.

20   Wait, I lost it. Here are we. The Department

21 regrets that the current charter school law requires us to

22 provide what's essentially free technical assistance to

23 applications that have proposed inappropriate, illogical,

24 and unlawful programs for our most vulnerable student

25 populations. This is doubly true when these applications

1   are backed by large for profit, out-of-state management

2   providers. Such reviews necessarily detract from our core

3   functions of an agency, including the provisions of

4   meaningful, technical assistance to existing cyber charter

5   schools.

6   To conclude, Pennsylvania's Charter School Law is

7   promised -- premised on the notion of a subset of public

8   schools sparking innovation for others. There's an

9   inherent contradiction between a law based on innovation

10   and a law that is a quarter century old.

11   It's also true that the pandemic has

12   fundamentally altered the state cyber school charter

13   sector. How these schools operate, the students and

14   families they serve, and how they account for student

15   performance and progress.

16   Accordingly, we urge the General Assembly to act

17   on bipartisan reform such as Representative Ciresi's House

18   Bill 272 to allow the Department to improve accountability

19   within the cyber charter sector, to better manage student

20   growth in schools exhibiting significant academic and other

21   challenges, to issue charter renewals that reflect leading

22   authorizing practices nationally, and to improve school

23   choice for Pennsylvania students and families.

24   Thank you for the chance to set this background

25   and for today's discussion. We're happy to take your

1   questions.

2   MAJORITY CHAIRMAN SONNEY: Thank you. And I'll

3   begin with the first question.

4   Do you think that charter schools should be

5   thought of differently than our traditional public schools

6   when it comes to evaluating their performance and -- when

7   it comes to evaluating the performance of the school? Do

8   you think that the processes should be pretty much the same

9   or do you think that cybers are basically a different

10   animal and need to be treated differently?

11   DR. SMITH: Thank you for that question,

12   Chairman. That's a really good question.

13   So should charters be treated differently I think

14   was the first subset of that. There are public schools

15   paid by public taxpayers and for our students. So there

16   should be accountability that is equal across all of our

17   public schools in that facet.

18   Cyber charter schools provide -- we're an

19   authorizer to them. So by nature, our interactions with

20   them is very different from any other sector as their

21   authorizers. And, you know, they have a catchment across

22   the Commonwealth which is the only sector that has that

23   ability to draw students across the whole Commonwealth.

24   So it -- there are ways that cyber charters just

25   as all charters are same as all public schools and held

accountable, but cyber charter schools do bring challenges

that sometimes we have to look at them slightly different

than the others.

MAJORITY CHAIRMAN SONNEY: And also, you

mentioned in your testimony of asking for a moratorium. Do

you think that that would lead to our traditional public

schools asking for a moratorium to give them relief from

the brick and mortar charters that are trying to operate

within their districts?

You know, you cited that you're basically

spending a lot of hours training people how to apply, I

guess. And so, you don't think that our traditional public

schools are going through that same process that you are

with the cybers every day?

DR. SMITH: That's a -- Chairman, that's an

interesting question.

So, number one, yeah, our schools -- I'll say

this as a past superintendent and now having afforded the

opportunity the last four years to work from this lens is,

you know, being an authorizer is nothing that any of our

school districts were ever trained to do.

You know, when charter schools came out, we

became authorizers. I remember as a superintendent when

that came through, there was no written handbook on how to

authorize a charter school. So we've got to get better at

that, I think, even with our school districts as

authorizers to our schools.

Again, I'll say it differently. We have 14 cyber

charter schools across the Commonwealth that any student

can apply to across the Commonwealth. That's not

necessarily true for a regional or a local brick and mortar

school. So there may be areas of the Commonwealth where

there's parents or there is an organization that desires to

have a brick and mortar that's close to their area.

And again, that's the difference, I think, the

one difference that I draw the difference on is cybers are

across the Commonwealth and can draw any student from any

district.

MAJORITY CHAIRMAN SONNEY: Representative Gillen?

REPRESENTATIVE GILLEN: Thank you very much.

Great to see you again, my friend.

My family is from Philadelphia, so I'll just give

some reflections on my perspective Philadelphia base. My

mother actually lives in South Philadelphia on the same

street that she was born on in 1926, so I have a strong

frame of reference there.

Thirty-six percent of the Philly students -- and

what I did was I looked back at a non-COVID influenced

period of time, school year 18-19. Thirty-six percent of

the students did -- were not meeting proficiency in the

1   English language arts and 22% were actually proficient in

2   match.

3   How much does the charter school reflect the

4   feeder school community? In other words, when a student

5   comes out of an educational environment where 22% are

6   proficient in math and they come into a charter school is

7   this more reflective of where they came from versus where

8   they are at?

9   You talked about student outcome and I think it's

10 an important measuring stick. And we mentioned oversight

11 practices. How are they being employed in a school

12 district where 36% are proficient in language arts and 22%

13 are proficient in math?

14   Could you -- this is a two-sided question here.

15 Could you let us know the same practices which you've

16 esteemed highly and I think are important as far as

17 measuring charter schools. How are these practices and

18 student outcome measuring sticks being applied in the

19 school district where the overall test scores are so low?

20 And how do you effectively evaluate somebody who comes out

21 of that 22% proficient environment and then comes into a

22 charter school? Is the measure more reflective of the

23 feeder school or where they're actually at?

24   DR. SMITH: Thank you. I think I'm going to try

25 to hit all areas of your question there, Representative.

1   So, certainly, we look at accountability for any

2   of our schools. We're a local control state. We know

3   that. So where accountability comes in is through our

4   federal accountability of ESSA.

5   Again, the identification of our schools that are

6   comprehensive support and improvement, additional targeted

7   support and improvement, and targeted support and

8   improvement. And through there, we offer once schools are

9   designated in that area and schools that are, you know,

10   performing at the level you are, I would think that are at

11   least in line to be designated under that. We do have

12   greater oversight of them and we provide them support. And

13   we do quarterly kind of updates on their performance and

14   how they're moving forward.

15   Additionally, when you're talking about the

16   performance of our brick and mortars compared to the

17   schools that most of the students come from to that brick

18   and mortar, the CREDO study did a really great job of

19   looking at that. They designated it based on the local

20   metrics for the school compared to what the charter, the

21   brick and mortar charter schools did. And there was great

22   comparison, obviously, in that regard.

23   And if -- I don't want to misspeak, but I would

24   tell you generally, I think the most part that in some

25   areas they performed, you know, at least at the same if not

1   a bit better in some instances.

2   So I definitely think that locally for a brick

3   and mortar, the feeder schools really have a difference in

4   how you look at the performance of those schools based on

5   the area they're in.

6   REPRESENTATIVE GILLEN: So in some cases, you're

7   indicating they actually performed better?

8   DR. SMITH: In some cases, yes.

9   REPRESENTATIVE GILLEN: Okay. Is it a fair

10   comparison to look at statewide taking, encompassing all of

11   the suburban and rural schools and then statically

12   comparing it to the urban feeder school looking at that

13   individual charter school and say this is how they measure

14   against state scores. Would it not be fairer to take it on

15   a more a zip code basis? As you described, they're

16   performing in some cases as well or better.

17   So if we're looking at state scores and then

18   transposing them into the urban core which I'm referring to

19   here, would that be a fairer comparison to say the charters

20   with a high-density of being in the Philadelphia area

21   compare unfavorably with state scores?

22   MR. SCHOTT: So, Representative, the federal

23   accountability system that Dr. Smith referenced includes

24   multiple measures that are derived from multiple years.

25   Eleven of our 14 cyber charter schools are

1   designated for federal accountability under those rules

2   that fairly compare traditional public schools with cyber

3   charter schools. The measures do include achievement.

4   They include graduation rate. They include a measure of

5   regular attendance. But they also include a student growth

6   measure which calculates the expected achievement for a

7   student based on their prior testing history.

8   So that is encompassed in our accountability

9   system and it looks at all public schools, again, brick and

10   mortar or virtual using that same -- using that measure

11   along with other measures derived from multiple years.

12   REPRESENTATIVE GILLEN: Thank you. And if the

13   Chairman could indulge me for a moment.

14   So the metrics are looking at individual student

15   achievement and then actual growth of the individual

16   student? So you -- the data is that succinct, and precise,

17   and surgical to follow individual students and where they

18   were at and their grown when they arrive at the charter

19   school?

20   MR. SCHOTT: That's what the system's designed to

21   do, it's used for --

22   REPRESENTATIVE GILLEN: I understand what it's

23   designed to do, I'm just looking at the efficacy, that's

24   really the nature of my question, whether it is producing

25   that kind of accuracy and data.

1   MR. SCHOTT: So, yes. We have a robust student

2   growth system in the state that is used for both federal

3   accountability, so it's subject to peer review. It is also

4   used for educator evaluation and using that measure, 11 of

5   the 14 cyber charter schools have been designated for

6   federal accountability.

7   REPRESENTATIVE GILLEN: Okay. And just to

8   follow-up, just so I understand with the oversight

9   practices, and measuring sticks, and student outcome and so

10   on, are we satisfied with the progress in the brick and

11   mortar in the Philadelphia School District?

12   MR. SCHOTT: I think Dr. Smith and I don't

13   typically talk about it in this way, but it must be said

14   that there is no sector of public education in Pennsylvania

15   that performs in the way that cyber charter schools do.

16   REPRESENTATIVE GILLEN: Thank you very much.

17   Thank you, Mr. Chairman.

18   MAJORITY CHAIRMAN SONNEY: Thank you.

19   We have been joined by Representative Curry on

20   the virtual platform.

21   And Representative Isaacson?

22   REPRESENTATIVE ISAACSON: Well, it's certainly

23   fitting that I get to go next since I actually am from

24   Philadelphia. And I appreciate your mother's still

25   residing there and I appreciate your interest in the

1   schools and the funding across Pennsylvania, considering

2   Philadelphia is the largest school district and it is also

3   the school district that manages the most charters than any

4   place else.

5   In fact, the charter schools in Philadelphia

6   under their management is larger than even Allegheny County

7   or Pittsburgh. And we certainly have our troubles and

8   struggles. And I, personally, in my district, have

9   numerous blue ribbon schools afforded by the federal

10   government for their high performing achievement.

11   So the education system in Philadelphia is

12   certainly working. It just doesn't mean that we are going

13   to take a negative tone because there are areas that have

14   trouble, have socioeconomic issues, have language barriers,

15   and we certainly have plenty of first generation citizens

16   that need to be educated. And perhaps if there was more

17   support from Pennsylvania, considering we have the highest

18   poverty congressional district in the entire country

19   located in Philadelphia, there needs to be more support

20   from the -- here in Harrisburg.

21   So while we take all these things into account as

22   we're educating our children in Philadelphia, we also have

23   the charter schools which again, I have some high

24   performing charter schools in my district. I'm not

25   necessarily anti-charter. I certainly think that a law

1   that hasn't been revised or touched upon in 20 years needs

2   to be revisited.

3   But that being said, to address some of the

4   things that were brought up. When we're talking about

5   proficiency, you mentioned 11 of the 14 are targeted.

6   Could you talk about the proficiency of -- and the goal

7   meeting of the cyber charters with regard to educating

8   children, regardless of where they're coming from in the

9   Commonwealth?

10   DR. SMITH: Could you restate the question?

11   REPRESENTATIVE ISAACSON: The proficiencies that

12   -- what goals are they meeting?

13   DR. SMITH: Okay. So based if they are targets,

14   once you're designated, your targets are based on where

15   your deficiencies are upon your identification. So if your

16   achievement and growth are the first step in designating

17   any of the schools. It's a combination of those two

18   things. So obviously, student achievement and student

19   growth. Growth on their academics is something that is a

20   metric that all of our schools that are designated work on.

21   But if they were designated for graduation, low

22   graduation rate, then that certainly one of their targets

23   and are one of the goals that they need to work on and

24   address to be honest with you, to exit out of designation

25   or to stop being redesignated in the next round of the

designations which by just by nature happens to be coming this fall.

And also, it's the EL growth. How your English language proficiency of your student group. It's your career readiness performance, your attendance are all secondary metrics that are if they're -- that's one of the reasons why they're designated is what their goals are built upon for proficiency.

REPRESENTATIVE ISAACSON: Okay. So we're having these issues and let's publicly state here their reimbursement per student is the same amount per student per school district of any brick and mortar. Am I correct on that? So they're getting the same amount of money to educate the students within their registration who are mostly working virtually from their homes and their proficiencies are challenged, even with all the money they're receiving without having to maintain a brick and mortar school for the children to attend. Correct?

DR. SMITH: That would be correct.

REPRESENTATIVE ISAACSON: Okay. So they get all that money and we're not meeting the benchmarks is what we're saying. Thank you very much.

MAJORITY CHAIRMAN SONNEY: Chairman Longietti?

MINORITY CHAIRMAN LONGIETTI: Thank you, Chairman Sonney.

1   And thank you for the testimony and for appearing

2   here today and answering questions.

3   So from what I hear from you all is that

4   additional flexibility would be important. So as I

5   understand it, you're saying that under current law, you've

6   got two options. Renew for a five year term or revoke.

7   You know, probably not the best analogy, but I

8   can't help but think of a sports analogy. Those that are

9   Pittsburgh Steeler fans know they brought in Mitch

10   Trubisky. Been in the league five years. Not stellar

11   results. But they didn't give him a five year contract,

12   they gave him a two year contract and they put some

13   stipulations in there which seems to make sense, right?

14   So I just want you to explore a little bit

15   further exactly what that flexibility ought to look like in

16   your point of view. And under the current system, how does

17   it work, you know, is the Department able to say look,

18   we're not so sure we're going to renew because we have some

19   concerns here. And we might renew if you would agree to

20   the following things and how that process works and what

21   the additional flexibility ought to look like.

22   DR. SMITH: Thank you, Chairman Longietti for

23   that question.

24   So, certainly, I think what you just presented

25   would be an option that would be very helpful to us. So if

1   we're looking at a renewal of a charter meeting with them

2   and they're not meeting or falling under the charter school

3   law provisions which is our responsibility to ensure that

4   they're following that law. And we have provisions that we

5   say they need to fix having maybe a one year in term for

6   them to reach that and then come back to us would be one

7   very helpful component of that.

8   Secondly, you know, and I'll speak broader than

9   just the cybers, but the brick and mortar charters is, you

10   know, if they're high performing and doing well, you know,

11   it probably would be a benefit to our charter sector to

12   have, you know, a longer term than that, as long as they're

13   continuing to meet their performance level and doing well.

14   But having only two options and knowing that, you

15   know, as an authorizer, you are to hold them accountable to

16   exactly what's in that charter school law and the

17   requirements, ties us to any opportunity other than, you

18   know, here's a charter with all the things you need to fix

19   and you have to feel confident that they have the financial

20   and the operational viability for five more years. That's

21   a huge issue. These are taxpayer dollars. We take that

22   job very responsibly.

23   And to allow a school to continue to drop in a

24   year or two and not be able to financially have, even have

25   the wherewithal, much less the academic performance is not

1   something that we feel that we can, you know, provide for

2   them. But maybe if you had a year opportunity to provide

3   for them, to show that growth or whatever that's a part of

4   the charter school law, maybe that would help us to have

5   options, rather than an all or nothing.

6   MINORITY CHAIRMAN LONGIETTI: Thank you. And I

7   just want to, you know, revisit your testimony. You talked

8   about student growth. And you talked about the CREDA

9   report from Stanford University and then engaging Temple

10   University.

11   And so if I understand what you're saying CREDO

12   in their report indicated, because we hear sometimes from

13   some cybers, look, you know, we're receiving students that

14   are very challenging. And I'm sure that they are. And so,

15   they haven't been performing well perhaps at the

16   traditional public school and now they come to us and this

17   is what we have to try to deal with.

18   But the CREDO report is talking about student

19   growth, right? And so, it's recognizing that. It's

20   recognizing where that student is at this particular time,

21   but ought to be able to if I have them for a year, be able

22   to hit a certain growth level. And they're finding that

23   that's not happening by and large, not everywhere, but by

24   and large it's not happening online cyber charter schools.

25   So I just want to affirm that. And then, what

1 exactly do you see Temple University doing to help?

2   DR. SMITH: Thank you for that question.

3   And we're actually, I think, very proud of that

4 component of it. You know, again, I've been at the work

5 now for four years at the Department. And we want to get

6 better at what we're doing as the authorizer. You know,

7 again, we've taken that job very -- I think very seriously

8 and we want to do a good job. We want to do a good job for

9 our cyber charter schools. We want to do a good job for

10 our students and our families.

11   And so, the one thing that, you know, Temple

12 provides for us is expertise that we don't have internally

13 to PDE to be able to analyze sometimes and look at what

14 their operations are. They have the quantitative and

15 qualitative abilities to be able to look at that. We want

16 it to be not just a five year, you know.

17   One of the things that I will tell you that I

18 don't think is an effective practice, whether it's a brick

19 and mortar with the school districts or for us as a

20 department with our cybers is to only look at them every

21 five years when it's time for renewal, right? That's

22 not -- to be honest with you, I don't think that's fair of

23 the charter school. And it's certainly, we need to look at

24 a yearly, how are they doing? How are they performing?

25 And what kind of support and professional development and

1   those types of things can we help them in this environment?

2   You know, 25 years ago, cyber education was new.

3   And I think we're get -- we should be getting better at it.

4   And the fact that in many areas we're not seeing that

5   growth, challenges us all. And our researchers and others

6   to be able to help support how do we get that growth for

7   our students that choose a virtual environment for them to

8   learn in?

9   So that's what Temple provides for us. I think

10   they, you know, they separate themselves from us on biases

11   as they review and meet with them and work them because no

12   matter what, we have that dual purpose of an authorizer and

13   their supporter and that's hard sometimes. Even in the

14   relational aspect of it which makes me sad because I care

15   about all teachers. I care about all schools. And I care

16   about all students.

17   And so, you know, Temple provides that

18   opportunity to go in, build those relationships.

19   Hopefully, do some additional professional development,

20   research and helping them.

21   So that's our intent of it. And not to be a five

22   year review, but on a yearly annual basis so that when it

23   comes renewal time, it's more systematic and it's more

24   natural as to the next steps in the process.

25   MINORITY CHAIRMAN LONGIETTI: Very good. Well, I

1   think that makes sense. I certainly commend you for, you

2   know, we have some wonderful world class higher education

3   institutions in the Commonwealth and Temple is among them.

4   And it makes sense for us to partner with organizations

5   like that. And so I certainly commend you for doing that

6   and it makes sense too to have more regular and systematic

7   review and contact with our cyber charter schools. Thank

8   you.

9   MAJORITY CHAIRMAN SONNEY: Okay. Representative

10 Curry, I believe had a question. Her hand was up, but I'm

11 not sure if she's there. Are you there, Representative?

12   REPRESENTATIVE CURRY: Yes. Good morning.

13   MAJORITY CHAIRMAN SONNEY: Good morning. Go

14 ahead.

15   REPRESENTATIVE CURRY: So I was curious to know

16 not being fully versed in the cyber charter law around the

17 renewals. If there is a renewal every five years, which is

18 my understanding, how is the student population informed if

19 PDE decides that they're not going to keep that particular

20 charter, cyber charter. Like is there a communication that

21 goes back-and-forth to the school population because

22 they're not brick mortar? I was just curious how that

23 process works. How's the -- how are the families involved

24 in this process with a renewal?

25   MR. SCHOTT: Representative, that's a great

1   question.

2   Just as backdrop, I want to underscore that until

3   a charter would be revoked and a charter school would have

4   exhausted all of its appeal rights, the charter remains

5   active and valid, so charters can continue, brick and

6   mortar or cyber, they can continue to enroll students.

7   They can continue to employ staff and run all of their

8   programs.

9   As the authorizer of statewide virtual schools,

10   we have not gotten to the point yet where a school has

11   exhausted those rights, but we always stand ready to

12   support a school that would be going through a non-renewal

13   procedure and winding down operations to help them

14   communicate transparently with parents to help students

15   find other educational settings.

16   REPRESENTATIVE CURRY: Thank you.

17   MAJORITY CHAIRMAN SONNEY: Would you say that you

18   give the same supports to the charter community schools

19   that you do to the traditional public schools? I find that

20   interesting that you have to hire and outside agency to do

21   evaluation work on the charter schools when you don't do

22   that for the traditional public schools, yet you're using

23   the same federal guidelines to measure all of the schools.

24   Correct?

25   DR. SMITH: So, Chairman, I think the difference

1   is we're the authorizers for the cyber charters. So it's

2   not brick and mortars. We don't use Temple for any of the

3   brick and mortars as we're not their authorizers. We use

4   them to assist us with the cybers or our reviews of their

5   renewals as that. So that's the difference.

6   MAJORITY CHAIRMAN SONNEY: But you're still

7   looking at the same metrics. Correct? Student

8   performance, financially viable, student outcomes, right,

9   that you -- it's still the same type of metrics that you

10   would use on their traditional schools. Of course, you're

11   not authorizing them. You know, they are the public

12   system. But, of course, charter schools are public

13   schools. Would you say that you have given the charter

14   schools whether brick and mortar or cyber charters, you

15   know, the same type of developmental help that you --

16   DR. SMITH: Yes.

17   MAJORITY CHAIRMAN SONNEY: -- continually, you

18   know, give our traditional schools, you know, daily? We,

19   obviously, know that our traditional public schools, they

20   aren't all superior in everything that they do.

21   MR. SCHOTT: Right. So there are approximately

22   90 schools statewide that are designated for comprehensive

23   support and improvement under our ESSA state plan. 11 of

24   14 cyber charters are so designated, but there's robust

25   technical assistance for all of those schools, whether a

1 traditional public school, a brick and mortar charter, or a

2 virtual school. As Dr. Smith said, the difference is that

3 we are the authorizer, so we have specific additional

4 responsibilities to the 14 cybers and there are specific

5 requirements under the law that we need to meet relative to

6 their renewal procedures.

7   MAJORITY CHAIRMAN SONNEY: But when it comes to,

8 you know, shutting one down, which obviously, nobody likes

9 to do, you know, you only do that if you absolutely believe

10 it's necessary, right? But you can't shut down a

11 traditional public school or can you?

12   MR. SCHOTT: There are requirements under the

13 charter school law that relate to the operations of a cyber

14 charter. Traditional public schools do close, but that's

15 not within our authorizing responsibility.

16   MAJORITY CHAIRMAN SONNEY: Thank you.

17   Representative Topper?

18   REPRESENTATIVE TOPPER: Good morning. And Dr.

19 Smith, good to see you again. We've been spending a lot of

20 time together in these hearings between Appropriations and

21 Education and I appreciate your time.

22   In light of just some of the questions that we've

23 heard, including the conversation that was -- we just had

24 with Chairman Sonney, are you comfortable with PDE being an

25 authorizer or is it time to move to a more independent

1   model for cyber charters?

2   I mean, it seems that, you know, when I read

3   things in the testimony that the charter school law

4   requires us to provide what's essentially free technical

5   assistance to applicants that have proposed inappropriate,

6   illogical, and unlawful programs, I mean is it time to take

7   that and have a different authorizer or do you feel that

8   you're still able to accomplish your mission and act in

9   this facility?

10   MR. SCHOTT: Representative, we feel strongly

11   that we are a high quality authorizer doing difficult work.

12   And we believe that given the vast sum of public resources

13   that flow to these schools, that it is a public

14   responsibility that ought to be held by a public agency.

15   REPRESENTATIVE TOPPER: All right. So now let's

16   talk about the authorizers in terms of the brick and

17   mortar, even though I know this hearing is centered around

18   cyber charters. But Dr. Smith, something that you said

19   caught my ear which is that you believe that many of the

20   authorizing school districts, the traditional K thru 12

21   buildings are not prepared. That they would need, you

22   know, they would need training to become effective

23   authorizers. Is it time to move to at the very least, a

24   standardized brick and mortar application process which we

25   have talked about during the past 20 years?

1   I mean, I want to be very clear that one of the

2   reasons -- there are many reasons why this law hasn't been

3   updated in 20 years, but certainly lack of trying in this

4   body in the House of Representatives has not been one of

5   them. I mean, we've passed charter reform bills, I believe

6   in every section that I've been here and I've been here for

7   nine and, you know, working on more.

8   So is that, does that need to be part of the

9   conversation with -- if school districts are perhaps not --

10   I mean, if they're not trained, if they're not ready, at

11   least having a standardized application, would that be

12   something that the Department would consider? A little

13   closer, please.

14   DR. SMITH: There we go. Thank you. I guess I'm

15   button challenged this morning.

16   So absolutely do agree. And, you know, an

17   application that actually through regulations yesterday is

18   what we discussed is just that common expectation that

19   sometimes happen between an authorizer and a charter think

20   will help our authorizers, I think to, hopefully, you know,

21   know their responsibilities a little bit better to the

22   charters and build better relationships.

23   And so, I think some of the conformity of those

24   types of things helps to lessen some of the stress and the

25   frustrations that, to be quite honest with you, I hear

1   whether I'm talking to school districts and I hear from our

2   charter colleagues when they try to engage.

3   And so, obviously, there's some things in law

4   such as the financing of charter schools that I think

5   causes a lot of frustration between our charters and our

6   schools. That's something beyond our control, obviously,

7   as a Department, but what can we do within those

8   constraints such as, you know, an application.

9   And we actually, a few years ago, developed --

10   and to be honest with you, COVID got in the way. We

11   developed an authorizer tool kit to try to help support how

12   do you, you know, look at yearly. How do you look at when

13   it's time for renewal. How do you look at a new

14   application that comes through for our schools.

15   Obviously, we have some systems that have many

16   charters in such as Philadelphia and Pittsburgh are more

17   used to. How to engage with our charters, but for our

18   school districts across the Commonwealth that have one

19   charter and such, they could probably use the support and

20   some of the training to be able to know how appropriately

21   engage and work with their charters.

22   REPRESENTATIVE TOPPER: That's encouraging. And

23   hopefully, the standardized application for brick and

24   mortars will continue to be part of the conversation as we,

25   you know, work to negotiate a better solution in terms of

1   updating our charter law.

2   How do you see, how have you seen the role of

3   cyber charters change, if at all, during the pandemic? I

4   mean, we talk about the test scores that just came out

5   which reflected that, you know, obviously, when our

6   traditional brick and mortar, K thru 12's went to virtual

7   learning, it did not go well. So was the stability of the

8   cyber charters important during the pandemic?

9   DR. SMITH: I don't think we can question that.

10   So, you know, they had set programs and providing

11   confidence for some of our parents to make that choice for

12   their students rather than some schools that were moving to

13   charters -- or excuse me, moving to a virtual environment

14   for the first time for all their students.

15   So we saw an increase of about 6 to 7% of our

16   students moving to some of our cyber choices over the last

17   two years and that's maintained. We have seen that around

18   60,000 of our students have chosen cyber charters across

19   the Commonwealth.

20   So I forget your second part of your question,

21   sorry.

22   REPRESENTATIVE TOPPER: No, that was the

23   question. And my second part I hadn't asked yet, so you

24   were right on track with --

25   DR. SMITH: Okay.

1   REPRESENTATIVE TOPPER: -- answering it. It

2   would be about the waiting list. So we see that that has

3   continued. Almost every cyber charter has a waiting list

4   of some kind. And, of course, many of our brick and

5   mortars do as well, but specifically, cyber charter. Does

6   that impact as you look at the evaluation of a cyber

7   charter, look at the waiting list as part of the metrics or

8   not?

9   In other words, people vote with their feet. So

10   if there's a lot of people looking to get into a program,

11   does that make a difference as PDE is looking at that

12   calculation?

13   MR. SCHOTT: A waiting list wouldn't be a

14   consideration in a renewal decision. And, in fact, we

15   would have significant concerns about a cyber charter

16   school having a wait list. We believe that all students

17   have a right to timely enrollment in a public school. A

18   traditional public school needs to timely enroll a student.

19   REPRESENTATIVE TOPPER: Well, but wait a minute

20   now. Cyber charters do have caps, do they not?

21   MR. SCHOTT: One of 14 cyber charter schools has

22   a transparent data derived enrollment parameter.

23   REPRESENTATIVE TOPPER: All right.

24   MR. SCHOTT: Many of the other cybers report to

25   us that they are -- that they have difficulty enrolling

1   students. Our challenge has been that some of these

2   schools also advertise aggressively to parents and families

3   in a period of significant upheaval and then cannot enroll

4   those students, basically.

5   REPRESENTATIVE TOPPER: What is the cap per --

6   for each cyber charter school is that negotiated in part of

7   the renewal process?

8   MR. SCHOTT: For a -- excuse me. For a cyber

9   charter school that is designated as a comprehensive

10   support and improvement school, one element that we would

11   discuss in the renewal process is an enrollment parameter.

12   It wouldn't be -- it wouldn't -- it would never effectuate

13   a cut in student enrollment, it would just manage the

14   growth going ahead until the school came out of the --

15   REPRESENTATIVE TOPPER: I mean, even in the

16   virtual world, we would all agree that a teacher, an

17   educator has only so much bandwidth and so many students.

18   And again, we don't have to imagine what that would look

19   like in the traditional educational world because we saw it

20   take effect. And I had many teachers who were my friends

21   who said look, it was just, you know, we're still managing,

22   we still can only manage a certain amount of students, even

23   through an online platform.

24   Representative Isaacson brought up the -- some of

25   the challenges and I think Representative Gillen as well in

1   the urban environment, but looking to more my area which is

2   Port Royal/Appalachia which has many of actually those same

3   challenges that maybe our different from the suburbs.

4   One of the challenges is as we look at it, what

5   happens if the Supreme Court comes back and says, you know,

6   hold harmless is done. Has the Department looked at what

7   would be the effect of many school districts in rural

8   Pennsylvania closing, which would happen. There would be

9   consolidation. You would have districts that would close

10 day one if the Court comes out and says that. What impact

11 would that have in terms of consolidation and then how much

12 more of a part would cybers play in rural Pennsylvania,

13 should that happen? Has the Department looked at that at

14 all?

15   DR. SMITH: Representative, unfortunately, we

16 can't answer any of those questions because it's pending

17 litigation. So, and to be honest with you, I wouldn't even

18 be able to answer that question for you without that at

19 this point. I just couldn't answer that.

20   REPRESENTATIVE TOPPER: All right. Well, let me

21 try it another way. Let's take the court case out of the

22 equation. And let's just say if anything would cause

23 consolidation or the elimination of school districts in

24 rural Pennsylvania, would you see the need for cyber

25 charters grow or decrease?

 1   DR. SMITH: I don't know how -- yeah, I'm not

 2   sure how we could speculate that. I would think that, you

 3   know, it wouldn't just be cyber. There would probably be

 4   some desires for brick and mortar charter or other options

 5   for parents in that area to the rural school because of

 6   location. So yeah, that would all be speculation as to

 7   what would occur in that regard.

 8   But, you know, to be honest with you, I think

 9   that one of the things that we recognize and I recognized

10   in my own students as a superintendent, had a virtual

11   option for my students within my school district is there's

12   a sector of students that do well in virtual, but it's a

13   small sector and there's a lot of students that need that

14   in-person instruction, that touch to be able to learn.

15   It's a reality of how students learn.

16   And so, you know, I think certainly, any time a

17   school would close, you know, a cyber option may be

18   something more those parents would reach out to. They

19   might also reach out to more private. They may reach out

20   to more brick and mortar charters.

21   REPRESENTATIVE TOPPER: I mean, and for instance,

22   I represent ten school districts. Currently, in the

23   district I represent, there are no brick and mortar

24   charters. There are no private school options. I mean,

25   this is the reality of rural Pennsylvania which is --

1   DR. SMITH: Exactly.

2   REPRESENTATIVE TOPPER: -- far different than,

3   quite frankly, even an urban setting or suburban area. And

4   so, I think that needs to be, you know, in the mix of what

5   it means, you know, to take a bus two hours, you know, for

6   an elementary school student or to have the, you know, have

7   a possibility that there are no other private school

8   options available. And even if there were some, the

9   affordability factor in a place that has a high poverty

10   level would not necessarily be reachable.

11   And you brought up district cyber programs that

12   have started. What are some of the comparisons, if any,

13   and maybe there is not because many of those are fairly new

14   of the success of those programs or in line with more cyber

15   programs that have been out there or is it about the same?

16   In other words, the kids who are going to thrive virtually

17   can thrive virtually whether it's CCA or whether it's a

18   Northern Bedford cyber program.

19   DR. SMITH: So as a Department for data

20   collection as our school districts that have virtual

21   schools, they report -- that's a program, it's not a

22   separate school. So we don't get to poll the data from

23   there. I will just give you an example, Representative.

24   As a superintendent, I had like 67 students were

25   full virtual. They were a program. So they were -- their

1   data wasn't polled differently at the state level, they

2   were just reported as the full group of the high school. I

3   can tell you how my students performed in that virtual

4   because I followed them closely and can make that

5   comparison, but I'm not sure that's fair, that's four-

6   years-old. And --

7   REPRESENTATIVE TOPPER: No. but I would say that

8   most superintendents would probably follow what you did and

9   follow that closely to see how that program was doing.

10   DR. SMITH: Absolutely. Absolutely, very

11   closely.

12   REPRESENTATIVE TOPPER: Yeah. And, look, that

13   brings us back, we got a lot of points and I know, you

14   know, Chairman Sonney probably wants me to shut up, but

15   there are many ways that we have talked about evaluating

16   student performance. And, you know, when I worked on the

17   teacher evaluation updating that model, the move was let's

18   kind of get away from just using standardized testing as

19   such a big metric.

20   DR. SMITH: Absolutely.

21   REPRESENTATIVE TOPPER: Well, I think it's -- I

22   think we need to the same all the way around. Again,

23   people vote with their feet. What is actually happening

24   when people are going to a cyber charter and what is

25   happening to those students when they leave? Are they

getting jobs? Are they staying in Pennsylvania? These are

the kind of metrics that I want to see across public

education to be used as a little more of a standard.

Now I know and understand that as an authorizer,

that's difficult. And again, there's a reason why

standardized testing is also used by the federal

government, even through we would like a little less

reliance on it because it is a standard and I understand

that. But if we're looking at transforming the whole

system, then I think that's part of the conversation as

well is can we do that better? Can we look at maybe give

flexibility, more flexibility in the metrics that we use to

decide what schools are high performing and not in every

sector. And I think that's part of our ongoing challenge.

I mean, look, I don't think anybody can argue

that public education will be forever different since

COVID-19.

DR. SMITH: That's correct.

REPRESENTATIVE TOPPER: And so, we need to

instead of seeing that as a negative, take that as an

opportunity.

And I also agree with you that once certain

things are fixed, maybe form -- through the formula, maybe

we can see a better relationship between all of our public

schools and take some of the toxic nature of the

1   relationship out because that doesn't serve anyone well.

2   It doesn't serve --

3   DR. SMITH: Right.

4   REPRESENTATIVE TOPPER: -- our kids well, it

5   doesn't serve our families well, it doesn't serve -- and

6   they're our number one stakeholders are the students that

7   we're trying to educate. So, thank you for your time.

8   Thank you, Mr. Chairman.

9   MAJORITY CHAIRMAN SONNEY: Representative Nelson?

10   And he is virtual.

11   REPRESENTATIVE NELSON: Thank you. Yes,

12   absolutely. Thank you very much. I appreciate the time.

13   For my edification, we've mentioned this several

14   times. You mentioned it even in your testimony, the

15   importance of separating the head of PDE from the process

16   of application approval for his own ability to act

17   impartially.

18   Could you talk a little bit about what the rest

19   of the Department is able to do? How are you structured to

20   distinguish between the -- those who have approval

21   responsibilities versus those who have general oversight

22   responsibilities for both our cyber charters and all of our

23   school systems. Do you all keep any sort of a firewall

24   that is able to protect and isolate those responsibilities

25   that you all have?

1   DR. SMITH: Do you want --

2   MR. SCHOTT: Sure. Thanks for the question,

3   Representative.

4   There are important walls of divisions and

5   functions throughout the agency. For instance, the State

6   Charter Appeal Board which is comprised of volunteer

7   members nominated by the Governor and confirmed by the

8   State Senate. They have their own legal counsel and staff

9   who advise them as schools move through that process.

10   As Dr. Smith said, we have a division of charter

11 schools that provides an array of technical assistance to

12 all charter schools, virtual and brick and mortar alike.

13 Really, the division of functions that the Deputy Secretary

14 referenced this morning, they relate to if there are

15 significant concerns about the operations of an existing

16 cyber charter school, some responsibilities are delegated

17 from the Secretary to me to proceed through that process so

18 that the Secretary's role is preserved to be the ultimate

19 decision-maker at the agency level on whether or a non-

20 renewal -- on whether a cyber charter school would continue

21 to operate based on a notice of charges, all of the

22 school's due process rights, and then that would reach the

23 Secretary's office.

24   REPRESENTATIVE NELSON: It is a self-serving

25 question to ask and so, you know, I kind of ask it to

1   please put the greatest tad of impartiality on this

2   question as possible. That structure seems like it's still

3   an awful lot of interplay amongst a relatively important

4   SWAT team of sorts in providing oversight to our -- to the

5   approval process for our charter schools, particularly, our

6   cyber charter schools.

7   I am also very concerned that those who are

8   educating our students in whatever form are provided the

9   most equitable process for their applications, for their

10   approval, for their review, and for their improvement

11   steps. And I'm not yet certain that that is what we are

12   seeing in PDE.

13   Are there improvement steps that you all have

14   made over the past many years? How has PDE learned from

15   their experiences and learned from what has been modeled in

16   other states to ensure that our processes for providing

17   both oversight and approval of our charter, our public

18   schools, and our cyber is ideal and equitable to the

19   students who are attending those facilities? So it's --

20   I'm not asking what are the barriers, but why have they

21   changed? Where have they changed over the past several

22   years.

23   DR. SMITH: I think I'll speak to that again. I

24   -- Representative, I think we've made significant

25   improvements in all of that. First of all, the division of

charter schools is only four years in the making. And that

was to, to be honest with you, to provide a conduit

technical support for our charters to feel more comfortable

with their contact to the Department and that has

significantly assisted us in our relationships with not

just our cybers, but our brick and mortar charters.

Know that in any kind of renewal or discussion on

that, those decisions are not made by anybody that's at a

part of that division or bureau, those decisions are made

at a higher level with Adam, the Deputy Secretary and such

to make the determination as to the areas of improvement.

Know that whenever we review all the information

we collect from special education, we collect from EL, we

collect from federal programs, we collect from our school

improvement team, we collect all the data that we can and

we put that stuff together into a presentation and we meet

with the cyber that we're reviewing and give them full

opportunity to respond to any of the questions or any of

the concerns that we've had in regards to that.

And so, I can honestly say is that I think that

the process that we've established is fair and we give any

benefit of the doubt that we can. But again, remember the

circumstances of which that we have to operate and it's

really not because it's in the department, it's because we

have only two choices which are outlined in charter school

1   law.

2   REPRESENTATIVE NELSON: Thank you.

3   MAJORITY CHAIRMAN SONNEY: I'd like to follow-up

4   on that just a little bit. Could you explain, I'm assuming

5   that all of these schools have been renewed at least once

6   in the past. Is that accurate?

7   MR. SCHOTT: Some have never been renewed.

8   MAJORITY CHAIRMAN SONNEY: Some have never been

9   renewed. So some of the current 14 are up for their very

10   first time on being renewed?

11   MR. SCHOTT: Yes.

12   MAJORITY CHAIRMAN SONNEY: Some of the current 14

13   that have not been renewed today have in the past been

14   renewed?

15   MR. SCHOTT: Some.

16   MAJORITY CHAIRMAN SONNEY: And so what has

17   changed? In other words, what has changed within the

18   Department from the inception of these charter schools and

19   the renewal process over the course of the last 20 years?

20   I think that Dr. Smith, you mentioned that was it

21   four years ago you, you know, enacted a separate

22   department, I guess, to handle those. So who was handling

23   it before that in other -- you know, you could explain a

24   little bit about what has changed within the Department

25   that has led us to the current state that we're in today

1   that, obviously, didn't exist in the past.

2   MR. SCHOTT: So, I'm not sure we're in a position

3   to speak to the authorizing practices of the prior

4   administration. It's been the direction of our team that

5   charter schools are public schools and cyber charter

6   schools are also public schools. We want to have quality

7   authorizing. We recognize -- talk to any charter school,

8   talk to any cyber charter school administrator and they

9   will tell you that they serve high numbers of very high

10   need kids, including a lot of families in distress.

11   And so, we think it is a core function of our

12   agency to make sure that those programs are functioning

13   well. That those schools are well-situated to serve

14   families and kids. That students make progress when they

15   go to these schools, that they have prospects for post-

16   secondary and life success. And so, we have a fair system

17   for evaluating these schools.

18   Again, a very, very significant number fall in

19   the bottom 5% of all public schools in the Commonwealth.

20   We believe that these schools should get better before they

21   get larger in many cases. We believe that we've got an

22   obligation as an authorizer to be in regular communication

23   with these schools as a technical assistance partner in

24   addition to being their authorizer. And our --

25   MAJORITY CHAIRMAN SONNEY: So would you say under

1   this administration that you have been treating everyone

2   the same for the entire course of this administration or

3   would you say that you've developed additional processes

4   along the way to get us to where we're at today?

5   MR. SCHOTT: Since we designated all public

6   schools across the Commonwealth for federal accountability

7   based on our state's ESSA plan, so a common set of rules of

8   the road, our authorizing practices have been entirely

9   consistent since we set that baseline through our state

10   ESSA plan, through Future Ready PA, and believe that our

11   inclination to support these schools is clear in that we

12   have renewed all of the higher performing schools that

13   collectively educate 15,000 students while not as of yet

14   revoking any cyber charter.

15   MAJORITY CHAIRMAN SONNEY: And so, what would

16   have been the need then as of late to hire outside agencies

17   to assist you in these evaluations? In other words, why

18   didn't -- had -- did you hire them ten years ago? Have

19   they always been there to assist?

20   DR. SMITH: We weren't under this administration

21   then. We've only been there four years.

22   So Chairman, I think that the answer to that

23   question is that, you know, the Department of Education is

24   a very small department anymore. And the Office of

25   Elementary and Secondary Education, what used to be the

1   practice is that we would have to poll for our English

2   language lead, our mathematics lead, our science lead, our

3   EL lead, our school improvement leads to do the reviews and

4   it was only a very small portion of their job, their

5   overall jobs.

6   So polling them regularly when we have the bank

7   of cybers that we need to do is just not feasible and it's

8   not going to do a good job. It's not going to do a good

9   job for the cybers, it's not going to do a good job from

10   our perspective of how we need to do our work because it

11   takes away from their other responsibilities. We just

12   really, the capacity wasn't there. Their knowledge base of

13   how you educate virtually sometimes really wasn't there

14   because -- and that's what the research and the expertise

15   and those types of things coming to Temple provided for us.

16   And hopefully, expedites our ability to do the work with

17   some outside expertise to help us to do that, absolutely.

18   MR. SCHOTT: If I could just add one thing. So,

19   Dr. Smith said we weren't here ten years ago, but it's our

20   understanding that the Department had a partnership with

21   Public Financial Management ten years ago.

22   So there was always a recognition that given the

23   size of the sector, we have one of the largest virtual

24   charter school sectors in the country. It was a

25   recognition that the Department did need additional

1   expertise to support these schools.

2   There's been a longstanding relationship across

3   administrations with PFM, but given the shift from a system

4   that looked really just at standardized tests, to a system

5   that looks at achievement in student growth and progress in

6   moving English learners to proficiency, and graduation

7   rate, and regular attendance, and school climate, all of

8   these required elements of school quality and progress in

9   addition to the fact that as the Committee has been

10   attentive to, we have a historic teacher shortage in the

11   Commonwealth.

12   So it made sense to bring in a higher education

13   partner that has experience doing original research in all

14   of those areas, how to improve student outcomes across the

15   board while also preparing educators because the educator

16   shortage that we have in the Commonwealth it's not unique

17   to traditional public schools, we're seeing it across

18   virtual charter schools, brick and mortar charter schools,

19   and traditional public schools.

20   MAJORITY CHAIRMAN SONNEY: And so you'll look to

21   those agencies for every renewal?

22   MR. SCHOTT: Right now we have -- there's a

23   standing agreement between the Commonwealth and Public

24   Financial Management. They serve a variety of agencies, I

25   think, across state government and we plan to continue

partnering with Temple University through at least the end

of this administration.

MAJORITY CHAIRMAN SONNEY: But you didn't answer

the question whether you'll use them for every one of the

renewals that are in front of you today.

MR. SCHOTT: Yes. For every renewal --

MAJORITY CHAIRMAN SONNEY: You will.

MR. SCHOTT: -- that we would be in a position to

treat before the end of the administration, it's the -- it

is the same criteria, the same partners, the exact same

process.

MAJORITY CHAIRMAN SONNEY: And why -- the

Department was unable to -- well, not to renew, but was --

the CAB was ineffective because it was not -- only seated,

correct, for a period of time. And so, the appeals process

was basically shut down for a while. Correct? And does

that relate in any way to the renewals of the cyber charter

schools? In other words, why are we backlogged on the

renewals?

MR. SCHOTT: So, the Deputy Secretary and I

really can't answer questions about the CAB because that is

a separate process, separate staff. A cyber charter school

applicant that would be denied by the Department, we have

the ability to go there, but again, we're walled off from

that process.

1   Know the issue is that all of these charters are

2   still active and valid across the cyber charter school

3   sector, but it's our belief that a renewal should relate to

4   close evaluation of the criteria under the law and a signal

5   of quality in the school or at least a trajectory for

6   improved performance.

7   As Chairman Longietti mentioned, it also should

8   relate to a set of assurances built into the charter that

9   give us confidence as an authorizer and position the school

10   for success, but given the current charter school law, if a

11   cyber charter school or any other charter school is averse

12   to considering those quality standards, then we're stuck.

13   MAJORITY CHAIRMAN SONNEY: And how many charters

14   today are up for renewal?

15   MR. SCHOTT: There are 11 that are currently

16   operating under a charter term that expired.

17   MAJORITY CHAIRMAN SONNEY: And how many of the 11

18   are you currently looking at, in other words, going through

19   the process for renewal?

20   DR. SMITH: Currently in process with five.

21   MAJORITY CHAIRMAN SONNEY: With five. And are

22   those the five that have been waiting the longest or not

23   necessarily?

24   MR. SCHOTT: A mix.

25   DR. SMITH: A mix of them.

1   MAJORITY CHAIRMAN SONNEY: Yes?

2   DR. SMITH: It's a mix.

3   MR. SCHOTT: It's a mix.

4   MAJORITY CHAIRMAN SONNEY: It's a mix? And is

5   there a specific reason why you chose those five?

6   MR. SCHOTT: So it -- I want to be careful here.

7   Part of the -- it is a mix for some of the reasons outlined

8   in the testimony. Either there were perhaps opportunities

9   for renewal, but a subset of schools was unwilling to

10   consider certain quality assurances built into the charter

11   and there are also cases where an entity beyond the

12   Department would be looking at the performance of the

13   school and we would need that process to play out.

14   MAJORITY CHAIRMAN SONNEY: So would it be fair to

15   say to sum it up by saying that you picked those first

16   because they probably needed the most intervention? It

17   doesn't necessarily mean you're not going to reauthorize,

18   it just simply means that you're going to, you know,

19   tackle, basically, tackle the toughest first. You know,

20   why would you choose those five?

21   MR. SCHOTT: We are --

22   MAJORITY CHAIRMAN SONNEY: You know, why wouldn't

23   you just say who's been waiting the longest, okay, they're

24   first on the list? But you didn't do that.

25   MR. SCHOTT: I -- that's what we can't get into

today, unfortunately. So we are doing all we can as fast

as we can with schools that have demonstrated through their

renewal application and a willingness to sit with us and

explore a charter renewal, we are doing all we can as fast

as we can.

MAJORITY CHAIRMAN SONNEY: And is there a

timeframe or a time limit on how long this can take? You

know, the renewal process.

MR. SCHOTT: No, there is no time limit. Again,

we would like to be further along and it is certainly our

goal to renew as much of the sector as possible where

there's -- where schools exhibit quality and a commitment

to equity in student outcomes. We're going to do all we

can over the course of the next several months.

MAJORITY CHAIRMAN SONNEY: Representative Gillen?

REPRESENTATIVE GILLEN: Thank you.

Thank you for your distinguished testimony.

You've been very poised throughout. You've been very

direct and I really appreciate the hard work that you all

do.

If I could return to the city that I love. I was

on Passyunk Avenue celebrating with my mother her 96th

birthday with some cannoli's, eggplant, and pizza, so I

spent a lot of time in the city. And it's a community that

my family not only was raised in, but was educated in. And

1   I'm greatly appreciative.

2   The effects of charter schools on student

3   outcomes in Pennsylvania was a paper report to the

4   Pennsylvania Department of Education. And uniquely enough,

5   it was from the College of Education, Temple University.

6   And a lot of contemporary work there has been done by Dr.

7   Cordes, Sarah Cordes. And I'm just going to read a one

8   line quote from her paper. It was prepared again by the

9   Department of Education for the Pennsylvania Department of

10   Education and this was the Temple University School of

11   Education which had, I don't know if this award is still

12   available from the Pennsylvania Department of Education,

13   but they had received the Excellence Research and

14   Evaluation Scholar Award. Something that Pennsylvania

15   Department of Education at least gave out a couple of years

16   ago. I quote from the executive summary. "Black,

17   Hispanic, and economically disadvantaged students appear to

18   benefit most from charter school attendance."

19   Would you concur with that research executive

20   summary from the College of Education, Temple University,

21   commissioned by the Pennsylvania Department of Education?

22   MR. SCHOTT: Representative, I have to confess, I

23   have not read the full report. I saw it, but it does --

24   what I did see of it does corroborate much of what was in

25   the CREDO study in 2019. That for historically

disadvantaged student populations, charter schools can make

a difference. And the CREDO report found that brick and

mortar charter schools often do outperform other public

school options, but I don't believe that those findings

generalize to the virtual sector.

REPRESENTATIVE GILLEN: You don't believe --

what's that last part? I didn't hear that.

MR. SCHOTT: I don't believe that the findings

around benefits for certain student groups, that you could

generalize those to the virtual or cyber charter school

sector. There are some promising gains and outcomes in

brick and mortar charter schools. Those are often drowned

out when you consider the outcomes of the virtual school

sector, just to be direct as you said.

REPRESENTATIVE GILLEN: Do you not have concerns

if there was a non-renewal of charters relative to the

disadvantaged and minority community? Are there any

concerns at all?

DR. SMITH: I'm sorry, could you restate the

question?

REPRESENTATIVE GILLEN: If there were non-renewal

of charters is there any possible fallout to the minority

or disadvantaged communities?

MR. SCHOTT: Not --

DR. SMITH: From -- we can only speak to the

1   cyber, so there's not been one for cyber.

2   REPRESENTATIVE GILLEN: Pardon?

3   DR. SMITH: There's not been, you know, a closure

4   of a cyber.

5   REPRESENTATIVE GILLEN: Okay. If we're talking

6   about non-renewal one level here of charters. Correct?

7   DR. SMITH: So not having a current charter, but

8   continuing to operate?

9   REPRESENTATIVE GILLEN: Right.

10   DR. SMITH: Is that what you're asking?

11   REPRESENTATIVE GILLEN: Right.

12   DR. SMITH: There's no change for that for

13   students and families. They can continue to use that

14   charter or that cyber at any time.

15   REPRESENTATIVE GILLEN: Okay. Thank you very

16   much.

17   Thank you, Mr. Chairman.

18   MAJORITY CHAIRMAN SONNEY: Representative

19   Isaacson?

20   REPRESENTATIVE ISAACSON: Hi. I actually had a

21   follow-up with regard to what Representative Topper was

22   talking about with you regarding the standardization of an

23   authorizer.

24   I guess the question becomes that I came from --

25   the conversation considering he has a rural district and I

1   have an urban district is how do you standardize the needs

2   of the two different school settings that you would have

3   and the economic backgrounds and the -- all -- everything

4   that would go into consideration under authorization.

5   Would a standardized authorizer be able to meet that,

6   especially considering school -- the school boards, I mean,

7   what is there 501 school boards in Pennsylvania? And

8   certainly, we've heard a lot about school boards wanting to

9   have their individual curriculums. How would a

10 standardizer over charter schools and cyber charter schools

11 be able to deal with that?

12   DR. SMITH: Representative, thank you for that

13 question.

14   And I'm going to make sure I'm clear in this. I

15 think what Representative Topper and I were discussing was

16 a standardization of an application. How a charter applies

17 or what their program looks like would be different per

18 charter and/or per what was needed in the community.

19   So it would be a standardization of the

20 application, but how they built their program and such

21 would be specific to their area and to what their charter

22 wants to align to.

23   So yeah, I mean, it would still be obviously tied

24 to locally the board and their approval.

25   REPRESENTATIVE ISAACSON: Okay. And I understand

1   that with regard to the application is what you're saying

2   rather than the -- I guess my question is if you're going

3   to have a standardized application, well how do you have a

4   standardized authorizer because that was the word that

5   stuck -- struck me was how does somebody authorize

6   something in a standardized manner equally when you don't

7   have the same situations in all the different areas, rural,

8   urban, suburban, et cetera, across the school districts.

9   DR. SMITH: So, again, it's a process. It's not

10   necessarily content in those. So, you know, again, even

11   under application, I want to make sure that I'm clear on

12   this. A local school could also ask additional questions

13   if they so needed. I mean, the whole idea is to understand

14   and build that relationship beside what the charters are

15   providing for students and that relationship with the

16   authorizer as the school district.

17   As far as an authorizer tool kit, what we're

18   looking at again is more process. Do they know that they

19   should be yearly engaging in talking about, you know, the

20   student outcomes, the attendance of the students, is

21   attendance staying up? How are they doing on performance

22   measures? How, you know, how are they doing financially,

23   solvent and operationally in those types of just constant

24   conversations.

25   So that again, so it's building relationships

1   instead of separating and dividing between the authorizers

2   and the charters.

3   So it's not necessarily -- they can look very

4   different, right? I taught urban, I taught suburban, I

5   taught rural and, you know, I understand the differences of

6   what communities needs are based on the students that we

7   get the pleasure of teaching. And so, it's going to look

8   different, our charters across the Commonwealth.

9   REPRESENTATIVE ISAACSON: Yes, certainly. As

10   following up to Representative Gillen, we did in

11   Philadelphia, have to take away a charter and relocate the

12   students and that was done on the local school level, not

13   through the Department of Education.

14   But I understand -- and the reason I was asking

15   about the standard authorizers if we do do legislation

16   finally and somehow get some reforms through, I would be

17   very cautious with that language is what I wanted to get

18   to.

19   And I also agree with you that I think it's a

20   great thought to have a probationary period rather than the

21   five year renewal and do an annual authorization. Thank

22   you very much.

23   MAJORITY CHAIRMAN SONNEY: Representative Ciresi

24   has joined us on the virtual platform.

25   The next question will be from Representative

1 Gleim.

2   REPRESENTATIVE GLEIM: Hello. Thank you for

3 attending today.

4   I just had a quick question. Is there generally

5 a higher percentage of special needs students per total

6 population in a cyber charter than other schools?

7   DR. SMITH: Yes. So generally, we can say yes,

8 they have a higher level of students with special needs

9 that are attending virtual, but they -- but that would be

10 for the Level 1 types of students, their level into 2 and

11 3, the one -- the students who need additional supports are

12 less likely in a cyber environment.

13   REPRESENTATIVE GLEIM: Okay. And do the cybers

14 have the same access to the intermediate unit help or is

15 there like a pecking order of sorts? Do public school --

16 brick and mortars get the help from the intermediate units

17 first and then cyber get the help?

18   DR. SMITH: So I'll just speak for

19 Representative, what I can speak to.

20   So as a Department, we work with our intermediate

21 units, the state system of support work through all of our

22 intermediate's to provide support to all of our public

23 schools, whether there our CTC's, there our school

24 districts, there our charters or cybers. So that level of

25 support should be consistent.

1   I would tell you that I would think to be quite

2   honest with you, that our brick and mortar charters

3   probably are -- access more of the intermediate unit work

4   than cybers, but I do know that over the -- particularly,

5   over the past two years, we actually identified an IU to

6   provide support directly to our cybers because we know

7   again, there's a difference in how you educate and what

8   their supports are sometimes compared to an in-person

9   instruction model.

10   So we, you know, we have looked at that to make

11 sure that we're trying to provide equity in their access.

12   REPRESENTATIVE GLEIM: Okay. Thank you.

13   I just would hope that when you are looking at

14 these applications for renewal, that you take into

15 consideration that what I am hearing and experiencing from

16 my constituents is that there is a barrier there to get the

17 help that they need that then impacts their level of their

18 performance. So that's just a, I guess, a comment more

19 than a question, but I would definitely take that into

20 consideration.

21   DR. SMITH: I would certainly take that into

22 consideration. I'll earmark again our cyber schools that

23 have been designated, 11 out of the 14 have the same level

24 of support for school improvement. They have an advisor in

25 a coudre [ph] of our intermediate unit folks that work with

1   them on their plans and their implementation once they're

2   identified. So they receive the same support, ma'am.

3   MR. SCHOTT: If I could just add one thing,

4   Representative.

5   Another instance of that was during the global

6   pandemic when all schools were transitioning in their

7   programs. Some of the cyber charter schools did raise

8   their hand and asked for additional support from an

9   intermediate unit because they're not in a specific

10   geographic area. They didn't have a logical IU to go to.

11   So the Deputy Secretary arranged for one of our

12   intermediate units to provide services specifically to

13   cyber charters during that time.

14   REPRESENTATIVE GLEIM: Okay. And were all the

15   cybers, did all of them know about that?

16   MR. SCHOTT: Yes. We provided a communication to

17   them.

18   REPRESENTATIVE GLEIM: Okay.

19   MR. SCHOTT: A direct line of communication with

20   one of the intermediate units for that technical

21   assistance.

22   DR. SMITH: And we, all of our schools, charter,

23   and our school districts all receive the same information

24   and all the guidance documents and such. They're on the

25   same mailing orders as everybody else is.

1   REPRESENTATIVE GLEIM: Thank you.

2   MAJORITY CHAIRMAN SONNEY: Representative Curry?

3 She'll be on virtual.

4   REPRESENTATIVE CURRY: Sorry about that. Thank

5 you, Chair.

6   I just had a quick question. I know Rep Gillen

7 was talking about the minority, the black and brown. I

8 believe it was Rep Gillen.

9   Is there in looking at the impact, because I did

10 pull up the charter school, the cyber school, Charter

11 School Impact Report from 2019. How is that evaluated?

12 Because I know he just said that he referred to the fact

13 that students do better, the minority students do better

14 when they're in the cybers, the ones that have been

15 recorded.

16   I'm just wondering how that impact is reflected

17 and how we are looking at that in terms of the renewal.

18 How various students are impacted when they do go to the

19 cyber charters.

20   The main reason for me asking the question is

21 because I've seen students come back into the districts

22 after being in the cyber charters and the data that is --

23 that comes out, looks like there are a lot of deficits that

24 come back into the public school districts after being in

25 cyber charters.

1   So I was just wondering from PDE, how that is

2   evaluated or if it is in terms of the renewals.

3   MR. SCHOTT: Thank you, Representative.

4   I have not read Dr. Cordes reports so I don't

5   want to go much further on that.

6   In terms of the CREDO report, the way in which

7   the researchers designed the study was they assigned a

8   virtual twin for students currently enrolled in virtual

9   schools. So they found a virtual twin in another setting

10 that accounted for students prior testing history, level of

11 poverty, student demographics. And all of those factors

12 were applied to see whether there was an outcome in one

13 setting or another that you could attribute to the

14 educational program.

15   And that design works much the same way as our

16 state's value added or growth measure which is a component

17 again of educator evaluation and federal accountability

18 that looks both at the achievement level in a building, but

19 also the level of progress that students have made across

20 an academic year given their prior testing history.

21   REPRESENTATIVE CURRY: Thank you. I appreciate

22 that.

23   I just want to make sure that, you know, as we

24 talk about the diversity equity and inclusion spaces around

25 education, that those are spaces that we really do need to

1   look at as well being that charter and cybers are heavily

2   utilized not only in the rural areas, but in urban areas

3   and minority areas where students definitely need to be --

4   have evaluations, in my opinion, of how they're being

5   educated in the cyber charters because then they're coming

6   back into the public school districts and the public school

7   districts then have to navigate, you know, bringing the

8   students up to where they need to be to then be in those

9   schools.

10   So I just think that it's something that we need

11   to be looking at. I don't know if it's in terms of

12   renewals, but we do need to have that data.

13   DR. SMITH: Thank you. We share your commitment

14   to that.

15   MAJORITY CHAIRMAN SONNEY: Representative Topper?

16   REPRESENTATIVE TOPPER: Thank you, Mr. Chairman.

17   The Appropriations Committee Member in me is

18   coming out and I just have to know. What exactly is the

19   cost with the Temple contract? Do you have that readily

20   available?

21   MR. SCHOTT: For the current term, it would be

22   $480,000.

23   REPRESENTATIVE TOPPER: For the -- per year?

24   MR. SCHOTT: Yes.

25   REPRESENTATIVE TOPPER: Okay. Was that a bid

1   process or was that just --

2   MR. SCHOTT: That's a very good question, thank

3   you for it.

4   So the Commonwealth has master agreements with

5   various research universities and individual departments

6   can sort of tether back to those master agreements whether

7   Temple University or another research university to perform

8   specific work in the agency.

9   So we could have done that, but we wanted to go a

10   step further in the interest of transparency, so we did

11   have a bid process. We met with two universities. They

12   submitted proposals. We had a committee score them. Both

13   were very strong. Temple's came out a bit ahead and then

14   our procurement staff negotiated down the cost of the

15   contract.

16   REPRESENTATIVE TOPPER: And the reports that come

17   from this contract are they available for the public in any

18   way or at the very least, do they go -- are they available

19   for the cybers, the cyber community to look at or is that

20   something that only PDE sees?

21   MR. SCHOTT: They are pre-decisional documents.

22   But to be clear, any element from any of those reports that

23   would factor in our renewal decision we share that

24   information with the school. We provide them a chance to

25   check our data and assumptions. We provide a follow-up

communication, but those have been consistently found to be

pre-decisional documents. We're the authorizer, not

Temple, not PFM.

REPRESENTATIVE TOPPER: So it's a -- the 480,000

a year is the contract sort of for their -- as a

consultant, but you're still the authorizer, so you'll take

what they say if I'm understanding you correctly. And if

something that they say in the report impacts a decision in

terms of authorization, that is when the school would be

notified of that. Is that correct?

MR. SCHOTT: We check every single data element

with the school, provide them an opportunity for

correction. Typically, an extension for the opportunity to

correct. That's absolutely right.

REPRESENTATIVE TOPPER: And I would say -- thank

you.

And then to Representative Curry brings up a good

point in terms of the transitioning, you know, back-and-

forth whether it be coming in from a cyber school, a

charter school, a private school, or even it's the same

thing the school districts need to do in transient areas

where kids are moving from school district to school

district. That's always going to be challenge. Not every

school district is alike, including the traditional K

through 12's when they receive a student from another

1   school district, there very well could be a gap or some

2   kind of remediation that needs to take place to catch them

3   up to that particular district.

4   So, Mr. Chairman, thank you very much. And thank

5   you to our testifiers.

6   MAJORITY CHAIRMAN SONNEY: Well I can say that

7   was the last question.

8   So I'm sure that this Committee is probably going

9   to want to revisit some of this in the future. You know,

10 obviously, you are at the present time very active in

11 moving forward with reauthorizations and I think it would

12 be very interesting in the future to have this conversation

13 again. I think we are all very interested in any law

14 changes that we can make to make this process better.

15   And so, I thank both of you, Dr. Smith and Mr.

16 Schott for being here with this morning. And --

17   DR. SMITH: Thank you for the opportunity.

18   MR. SCHOTT: Thank you.

19   DR. SMITH: And any questions, feel free to reach

20 out to us, we'll be there for you.

21   MAJORITY CHAIRMAN SONNEY: And we will. Thank

22 you. This hearing's adjourned.

23

24   (The hearing concluded at 11:08 a.m.)

1   I hereby certify that the foregoing proceedings

2   are a true and accurate transcription produced from audio

3   on the said proceedings and that this is a correct

4   transcript of the same.

5

6

7   Traci Calaman

8   Transcriptionist

9   Diaz Transcription Services