Pennsylvania Charter School Law Overview

Pennsylvania’s initial law was enacted in 1997. Only local school boards are allowed to authorize charter schools, except for cyber-charters which, under a 2002 law, can only be sponsored by the State Department of Education.

A charter application that is denied can be appealed to the State Charter Appeals Board, as can revocations and non-renewals. For “brick and mortar” appeals, a petition signed by residents of the district(s) from which the charter is sought is required; if the appeal is affirmed, the local board has 10 days to sign the contract, or it will be signed by the Chair of the Appeals Board on behalf of the district. In its first year alone (1999–2000), the Appeals Board heard 19 cases, upholding 11 denials and overturning eight. As of Fall 2002, 12 schools were open as a result of the appeals process, with one more approved for 2003.

Schools have autonomy in that they are free from local collective bargaining and school board regulations, although “brick and mortar” schools remain a part of their districts. At least 75 percent of a charter’s professional staff must hold appropriate Pennsylvania certification. All other state laws related to public schools apply to charters.

As of Fall 2002, 94 charter schools were approved, with 90 operating. Twenty-one districts were sponsoring 82 schools (12 of them required by the Appeals Board); the State Department of Education authorized eight cyber schools. Half of the operating “brick and mortar” schools (45) are located in Philadelphia.

State Policy Environment

Support for Charter Schools: Support for charter schools is limited, as reflected in the grade of D+. In Pennsylvania’s case, the smaller the district, the more resentment seems to be felt for the added burden of dealing with a charter school. This is reflected in the low number of schools everywhere but in Philadelphia. Also, survey respondents felt strongly that application decisions are based on politics, not merit. At the state level, however, technical (if not political) support for charters is strong, as evidenced by the wealth of information on the State Department of Education website regarding charter schools and application materials, the legal and financial accountability allowed by state law, and the state’s provision of start-up and planning funds. In addition to the
State Department of Education, information and assistance are available from the Duquesne Charter School Project, the Pennsylvania Charter School Resource Center, and Drexel University.

Survey respondents gave the state low marks for opportunities to obtain charters, acceptance by local districts, and parental and public understanding of charter schools. Says one respondent, “The local school district uses the oversight function strictly as a means of gathering criteria to shut us down! They have never asked how the kids are doing or are the parents happy.” It appears that there’s more acceptance and understanding in urban areas, especially Philadelphia, but those also tend to be places where opposition (notably from teachers’ unions) is stronger.

Support and External Accountability for Authorizers: Pennsylvania received a D here, with very low marks for adequate funding. Authorizers have not been given additional funding. However, the state now reimburses them for 30% of the money that flows to charter schools. As this is a new policy, its effect on authorizers’ resources is unknown. Until this arrangement began, sponsors had no resources to deal with the added responsibilities of authorizing a charter school.

Authorizers are monitored through reports that the schools send to the legislature. These are supposed to include information about the number and types of students served, information on how the charter contract is being carried out, and how professional development for teachers is provided. The state has also released several statewide evaluations of charter schools. However, authorizers themselves are not obliged to make such reports, which is reflected in low marks in this area.

The state received high marks for the Appeals Board process, however.

Authorizer Practices

Application Processes: Pennsylvania received a C– for its application processes. Although there are extensive application materials available from the State Department of Education website, the lack of information from local districts led to lower marks, especially in relation to soliciting applications. However, the state earned high marks for detailed application timelines.

Approval Processes: Pennsylvania received a D+ for its charter-approval processes. While it earned high marks for providing written explanations to rejected applicants, other criteria were rated low. Of particular concern to survey respondents was a lack of balance between operating a rigorous approval process and giving schools a chance to open and succeed. In fact, one operator called the process “an inhuman, bloody battle where the charter applicants had no rights and the district had total control.” This underscores the importance of the appeals process in the eyes of Pennsylvania charter advocates.

Performance Contracts: Pennsylvania received a B for performance contracts. The thorough application materials available from the State Department of Education make it easy for contracts to cover the necessary items. But respondents were concerned that these contracts do not serve to hold schools accountable for results. This is likely because Pennsylvania’s accountability system presently tracks only 3rd, 5th, 8th, and 11th grades, meaning that “value-added” assessments are not possible.

Oversight: Pennsylvania received a D– in oversight due to low marks on several criteria. Once approved, authorizers are rather “hands off.” Survey data suggest this may be due to confusion at the local district level as to whether oversight is its responsibility or the State Department of Education’s. The state received low marks for site visits, for creating a set of actions to remediate any problems, and for collecting essential data in a consistent manner. Schools are reportedly not shielded from excessive red tape. On the other hand, Pennsylvania got high marks for requiring charters to produce annual financial audits and progress reports.

Renewal and Revocation Processes: With a D+ in this category, Pennsylvania was rated particularly poorly for processes to notify poor performing schools in time to fix problems. The annual school reports mentioned above constitute the only review process for charter schools, though there is evidence that authorizers may start producing objective assessment tools. As of Fall 2002, three charters had been revoked or non-renewed.
**Transparency and Internal Accountability:** Despite a high mark for the state’s easily accessible charter application packet, Pennsylvania received a D+ in this category. Several areas were rated particularly poorly: published progress reports for each school, formal evaluations of authorizer practices, and general authorizer accountability and transparency.

**Overall Grade**

Based upon scores for 56 criteria, Pennsylvania earned a D for its policy environment and a D+ for authorizer practices, resulting in an overall grade of D+. When observer and school operator survey respondents were asked to provide a single “holistic” grade, the average grade given was a D. Obviously, there are some issues that policymakers and authorizers should address.

Pennsylvania has reason to be concerned for its charter schools. With one of the lowest grades among the states covered by this study, it appears that neither the charter environment nor authorizer processes are meeting the needs of its schools. Interested parties are advised to carefully review the detailed scores for the state found in Appendix A, and on the web at http://www.edexcellence.net/tbfinstitute/authorizers.html.

Note: The survey data for Pennsylvania came from four authorizer respondents (representing three major authorizers, overseeing 59% of operating schools); six observer respondents; and 15 charter operator respondents (of 90 total operating charter schools, or 17%).