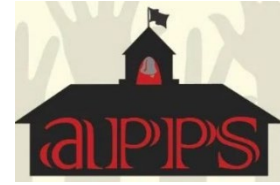




AFT Pennsylvania
A Union of Professionals



EDUCATION VOTERS
of Pennsylvania



September 6, 2023

Dear Governor Shapiro:

Recent press accounts suggest that you have reached agreement with Republican leaders to appoint members to the Charter Appeal Board (CAB) who will rule in favor of charter schools, suggesting they would be individuals who are inclined to do so regardless of the merit of the cases before the Board.

We write to ask that you reject this approach and instead ensure that appointees who serve on the CAB share a goal of ensuring a quality charter sector and exhibit a willingness to ensure all parties comply with the Charter School Law.

As you know, a local school district is responsible for authorizing and renewing charter school applications from charters that will be sited in that district and paid for entirely by that school district and its taxpayers.

The CAB process gives the public confidence that a neutral venue exists to rule on disputes between authorizing school districts and charters in those districts. It plays a critical role in ensuring that schools comply with the law's requirements and that individuals who propose charter schools do so as well. We want to bring to your attention that, since the inception of the charter school law 25 years ago, a quarter of all charter schools have closed because of internal management failures, financial mismanagement, or poor performance. Thankfully, in many of these cases, the CAB protected the students and taxpayers by acting to spur these closures.

The statute requires CAB appointees to receive the consent of a majority of members of the Senate, a provision that is consistent with the legislature's intent to produce a fair and balanced Board that represents a breadth of stakeholder interests. The statute also requires that CAB members must represent at least six diverse viewpoints including:

- Parent of a school-aged child
- School board member
- Certified teacher actively employed in a public school
- Faculty member or administrative employee of an institution of higher education
- Member of the business community
- Member of the State Board of Education

This enumeration of categories of appointees makes clear that the legislature did not envision a CAB stacked with ideologues who were either pro-or anti-charter. Rather, the statute provided for deliberations that intentionally consider diverse viewpoints when rendering decisions.

Governor, we believe that oversight of all public schools is appropriate. In the case of charter schools, the CAB has ruled in favor of districts in cases where charters ignored state law with respect to financial management, faculty credentials, discriminatory enrollment practices, patent flouting of the Charter's own application and approved charter. The legislature's desire for balanced review has been borne out by the CAB. In its nearly two-and-a-half decades, the Board has ruled in favor of charter schools in 50% of cases, and in favor of districts in the other half of cases.

The proceedings and decisions of the current CAB have improved public confidence that this body is functioning effectively without a political agenda. In fact, Governor Wolf reached compromises with the Senate to ensure appointees who see their job as upholding the law, not a policy position. As a case in point, Jennifer C. Faustman, while employed as a CEO of a charter school in Philadelphia, has not automatically taken the side of charter schools. Faustman has held charters appealing district decisions to a high standard and frequently sided with the Philadelphia School District.

We have several requests:

First, in order not to disrupt the current functioning of the CAB, we encourage you to reappoint current CAB members whose terms have expired and continue them in their official roles on the Board.

Second, we urge you to refuse calls to appoint members to the Board who adhere to the narrow interests of their political sponsors rather than following the law or doing what is right for students. Instead, we call on you to work with the Senate to confirm a balanced slate of nominees who can be trusted to review cases impartially on the merits of each case and follow the state law, not their personal beliefs, in making decisions.

Finally, we urge you to consider the fact that the standards for selecting CAB members with the highest level of integrity is especially important because this board has a unique power – to require the expenditure of millions in local tax dollars even though they are not elected and over the objections of democratically elected school boards.

Just as the integrity of local election officials is so critical to our democracy and the faith of voters in its operation, the Charter Appeal Board members are a bulwark against untoward manipulation of state laws and provide taxpayers and parents a venue they can trust will deliberate disputes and act on facts, evidence, and the truth.

The public must be able to trust in the integrity of Pennsylvania’s Charter Appeal Board. For all of the reasons stated, we strongly urge you to appoint a balanced slate of qualified nominees who will be impartial and willing to fulfill the important obligations of the CAB, including renominating current board members with expired terms to ensure institutional consistency moving forward.

Signed,

Angel Gober, Executive Director, 412 Justice
Arthur G. Steinberg, President, AFT Pennsylvania
Lisa Haver and Deborah Grill, Co-Founders, Alliance for Philadelphia Public Schools
Donna Cooper, Executive Director, Children First
Deborah Gordon Klehr, Executive Director, Education Law Center
Susan Spicka, Executive Director, Education Voters of PA
Marc Stier, Executive Director, Pennsylvania Policy Center
Bishop Dwayne D. Royster, Executive Director, Power
Laura Boyce, Pennsylvania Executive Director, Teach Plus