Reach Cyber Charter School
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January 17, 2025

Mr. Mark Wieczorek
Audit Manager
Department of the Auditor General Bureau of Performance Audits
Room 316A, Finance Building
613 North Street
Harrisburg, PA 17120

Dear Mr. Wieczorek:

Reach Cyber Charter School presents this response which consists of both a rebuttal as well as objections to the Auditor General's report on the audit of five operating cyber charter schools.

Notably, the report emphasizes that Reach Cyber Charter School is compliant, transparent and responsible with its finances. That fact, unfortunately, gets lost in a report that from its inception was never about Reach's finances, procedures or processes. The report was specifically designed and designed to follow an agenda of anti-cyber charter school policies advanced by our opponents.   That position is counter to the mission of the Auditor General – which per the Office's website has the mission to be "the chief fiscal watchdog of the Commonwealth. It is responsible for using audits to ensure that taxpayer dollars are spent legally and properly."   The Auditor General's Office is not an extension of the advocacy of various groups in Harrisburg.

A performance audit, by definition, is meant to evaluate the efficiency and effectiveness of a government entity, that is currently doing against what is required by law and best practices and make recommendations for that entity that can include money saving methods or better processes for delivery of the entity's service. For performance audits to provide valuable information to the public, leadership and elected officials, it should be complete and fair.

This performance audit was delineated in time from July 1, 2020 through June 30, 2023, but was specifically supposed to include updates through the end of our audit procedures. The objectives were identified as "identifying and analyze all source of each cyber charter schools' revenue, identify and analyze each cyber charter school's expenditure, report the financial position of each cyber charter school, including an analysis of the general fund balance."   See Page One of the Auditor General report.

Reach Cyber Charter School does appreciate that the Office did include information to the public about changes to the law that occurred after the initiation of this audit procedure.   It especially appreciates the Auditor General noting several areas of the changes to Charter School Law in July 2024 that were performative.   The parties can agree that several changes to the Charter School Law were completely unnecessary since they had already been part of the law from the enactment of

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Pennsylvania's Charter School Law. For example, Footnote 1 notes that Act 55 of 2024 added a provision to the charter school law that provides that a charter school entity "may be subject to an annual audit by the auditor general" but notes that charter schools in Pennsylvania have been subject to Auditor General audits since the enactment of Charter School Law (and cyber charter schools that were part of this audit group have undergone audits by the Auditor General previously such as Pennsylvania Cyber Charter School in 2012 and 2016).

Despite drawing conclusions that cyber charter schools should be funded less, in auditing the finances of Reach Cyber Charter School (and presumably any of the other subject cyber charter schools), there is no analysis whatsoever of the expenditures that are required for conducting cyber education for an enrollment that spans the entirety of the Commonwealth of Pennsylvania. These costs – some of which are wholly different from traditional school districts and brick and mortar schools include, but are not limited to:

(1) standardized testing costs including reserving hotel rooms in multiple counties throughout the Commonwealth, large rental spaces for student testing (such as ballrooms and convention center space), coordination costs for the testing of thousands of students without fixed locations of operations.

(2) distribution and collection of thousands of computers per year statewide so that students can receive their education. This includes warehousing both the hardware as well as all academic materials. Reach Cyber Charter School also ships to all students localized instruction for things like science kits, hands-on learning, family, engagement, etc. For example, Reach Cyber Charter School distributes to enrolled students aqua pods and seeds as well as other scientific kit materials – which materials are part of the science curriculum – and there are other items for the other various parts of the curriculum that are sent to families.

(3) responsibility for the Internet costs of its families.

(4) costs of related services for special education that are provided in the home of the student or at an agreed upon location.

Also of note is that the Auditor General's Office does not take the opportunity to discuss how – in an era where decaying infrastructure of traditional schools is a frequent headline (for example, the ongoing asbestos, mold and HVAC issues well-documented in the press for the School District of Philadelphia; or reports that that the average age of instructional school buildings 49

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years: https://www.k12dive.com/news/public-school-infrastructure-age-nces/707580/?utm_source=www.playgroundpost.com&utm_medium=newsletter&utm_campaign=school-building-crisis-recovery-slowdown-social-security-reform&_bhlid=a8acc81ae62d082940938a8d6df46089f827ad86) that virtual instruction offers other cost effective options in K-12 education.   Reach Cyber Charter School does not maintain athletic facilities, playing fields and stadiums – which benefit only a fraction of a school's populace; and while athletics certainly has a place in K-12 education, when school districts enter an era of the educational funding fiscal cliff as federal funding under ESSR comes to an end, it should not be at the expense of academic spending per child when academic progress is stagnant or declining.   Alas, there does not appear to be any study or analysis available in Pennsylvania which concentrates on K-12 public expenditures for academics – barring ones that analyze the inequities of funding for impoverished or rural districts.

Additionally, while only focusing on five cyber charter schools, the Auditor General does not address the increase in demand for cyber charter schools since the time of the pandemic – which has continued during the parameters of the review until present. But more importantly, the reasons for that increase in demand and that traditionally disadvantaged families have more increasingly chosen a cyber charter school for not only flexibility but safety and flexibility in their academic setting – with, in the case of Philadelphia, a 55 percent increase in enrollment since 2020-21 school year. https://www.chalkbeat.org/philadelphia/2024/10/01/thousands-of-philly-families-and-students-are-enrolling-in-online-cyber-charter-schools/

While discussing the attributes of the five schools selected, there does not seem to be a rationale as to the <u>why</u> the cyber charter schools were selected or why not all the operating cyber charter schools were selected (understanding that at least one cyber charter school was in nonrenewal and the closure process during the time selected). Two of the cyber charter schools selected were in the time of their initial charter agreements with the Department of Education; the cyber charter schools are not comparable in size; several have been audited individually by the Auditor General's Office while others (including Reach) have never been individually audited. Some cyber charter schools were selected because enrollment was trending downward after the 2020-2021 (and the COVID-19 closure) years; some cybers were selected because their enrollment significantly increased.   Some cyber charter schools were self-managed; others used management companies. Some of the audited cyber charter schools have been in operation since 2000 – prior to the enactment of the Cyber Charter School amendment to Pennsylvania's Charter School Law.   Some of the cyber charter schools in the cohort are subject to enrollment parameters as part of their renewal charter agreements.   Other cyber charter schools not subject to this audit saw increases to enrollment during the same period. For example, 21st

Century Cyber Charter School saw an enrollment increase from 1235 to 2503 (effectively doubling its enrollment).

The Auditor General notes that Reach's revenue increased significantly in relation to a significant

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jump in enrollment. It also notes that revenue was increased by ESSR funding. What is not noted is that Reach Cyber Charter School is not the only educational entity that received ESSR funding.   The report also does not reflect – given the selection of the audit period – is that the ESSR funding was of finite duration. Footnote 48 discusses why 2019-2020 financials were included – to show to the "large increase in revenue" which was due "in part" by the pandemic.   The large increase in revenue was completely due to the pandemic – with a substantial increase in enrollment plus federal dollars offered to all public schools. For example, in ESSR I, Reach received approximately $21,000,000 for its then student enrollment (with an enrollment of 8138). For context, the York City School District received approximately $34,000,000 (with an enrollment of 6117 for 2020-21 SY). As of 2020-21, Reach was the 29th largest LEA in the Commonwealth (out of 779 LEAs).

The report is replete with references to the Auditor General's Office criticizing certain of Reach's expenditures but on the same hand, stating those expenditures and practices are not precluded by the Pennsylvania Public School Code. No "best practice" is cited and, in most respects, the reason for Reach's expenditures is even noted as "admirable."   This should hardly be the basis for the various recommendations made. This is particularly stark when reviewing the report's discussion surrounding the distribution of gift cards as well as expenditures of funds on advertising.

Advertising

In terms of expenditures for advertising, the General Assembly has – from cyber charter school opponents – been bombarded with information regarding, in the view of cyber education opponents, the impropriety of the use of funds and multiple attempts to introduce legislation to limit or ban advertising outright. The General Assembly, rightly, has declined to do so on multiple occasions. And why has the General Assembly refused to do so? Because such outreach is required under federal law.

Opponents of cyber charter schools – which includes individuals in both in the executive and legislative branches – want the benefits of the proverbial having their cake and eating it too when one analyzes their positioning over the advertising expenditure argument. While condemning advertising expenditures out of one side of opponents' mouths, these same opponents posit (without evidence) that charter schools and cyber charter schools do not serve all students.   If cyber charter schools did not advertise, that could eventually become the headline.   Because cyber charter schools, like Reach, advertise, it reaches all prospective populations – but most importantly vulnerable populations, families with disabled students, English Learners, economically disadvantaged students, minority populations and families suffering from homelessness or home insecurity.   According to publicly available data, in 2022-2023, Reach's homeless population was 4.9 percent. Bristol Township School District (with a comparable enrollment number) had a homeless population of 1.9 percent.

As the auditor general notes, all children residing in Pennsylvania qualify for admission to a

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school district, families are captive to where they live. For brick-and-mortar charter schools, the same is somewhat true in that first preference goes to those families who live in the district that has authorized the charter school. Therefore, those families by large are restricted by ZIP Code to where they attend school.   This is not the case in the cyber charter school sector. Advertising is crucial and a necessary function that cyber charter schools must engage in to ensure that they are reaching traditionally, marginalized families.   In fact, this is a requirement of the Charter Schools Program under the US Department regulations.   This is a requirement under the Individuals with Disabilities Education Act.   This is a requirement under McKinney Vento. School districts have captive audiences, so there is no need for a traditional school district to conduct any public relations campaign or advertising. Not only must cyber charter schools accept students from all 500 plus school districts in Pennsylvania, but it must also ensure that it is drawing from all types of students for enrollment.

Gift Cards

The criticisms about the distribution of gift cards to families is unconscionable. Reach distributed gift cards – particularly during the pandemic - so that families could buy staples, including food, clothing, school supplies – as was also provided by brick-and-mortar school districts.   However, its counterparts in the brick-and-mortar world can and do receive federal funds for Free and Reduced Lunch and the state funds for Universal School Meal Program, neither of which are accessible by cyber charter schools nor by extension, its families.   The General Assembly has waxed philosophic about how providing "a daily, morning meal to all 1.7 million public school students in Pennsylvania is a fantastic use of taxpayer dollars," (https://pafarmtoschool.org/one-more-year-of-school-meal-funding-approved-by-governor-shapiro/members). Cyber charter school students, unfortunately, are left out of the consideration for such dollars. Cybers must use its own funds to provide assistance to families in need. During the pandemic (and the years of scope for this audit), the USDA allowed all public school students to get free school breakfast and lunch, no matter their family income (which ended at the end of the 2021-22 school year).   https://www.usda.gov/about-usda/news/press-releases/2021/04/20/usda-issues-pandemic-flexibilities-schools-and-day-care-facilities-through-june-2022-support-safe.   Thus, school districts like Tredyffrin-Easttown School District – with a median household income of $172,000.00[1] were able to offer free food to families during the pandemic despite having less than 10 percent economically disadvantaged students. Those meals are too provided at taxpayer expense.

Cyber charter school families also were affected by the pandemic. They too lived in poverty, experienced homelessness, experienced food instability. Cyber charter school families also felt the squeeze of being outside of the care of the brick-and-mortar world. To state that somehow this subset of public school student students should not have been on the receiving end of same benefits provided to all other public schools is outrageous.

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[1] (https://censusreporter.org/profiles/97000US4223640-tredyffrin-easttown-school-district-pa/

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Fund Balance

The report goes to great length to criticize how revenue is distributed and collected. The notation that cyber charter schools must bill up to 502 districts to receive the benefit of what is constructed in Charter School Law is only part of the heart of the problem. What the auditor general does not analyze in its report, while simultaneously stating that report will be used to inform the General Assembly's consideration of funding 'reform' is the following:

- Funds and manpower spent by cyber charter schools in dunning practices for school districts who late pay or who simply refuse to pay cyber charter school tuition;
- The delay in revenue impacts operating expenses at cyber charter schools;
- The impact of districts fighting residency for students who are homeless (resulting in 2024 changes to the Public School Code wherein a student cannot be dis-enrolled from a public school without a hearing process and notice regarding McKinney Vento Act rights).

There is a great deal of emphasis on fund balances in cyber charter schools. In terms of balance, one need to look no further than the Auditor General's report on just 12 school districts in the Commonwealth of Pennsylvania – districts whose coffers brimmed in terms of fund balances but continued to raise taxes on residents.   School districts maintain collectively billions of dollars in fund balance.

Management Contract

As noted, Reach terminated its contract with its former management company. While the Auditor General notes its concerns with the renewal of that contract, Reach responds as follows:

1. Reach consistently from year one of its management agreement decreased the services and fees paid to the management company as it responsibly took such services in-house within the school. This occurred even during the first year of its operation.
2. Reach Cyber Charter School began operations in 2016. It was fully independent by July 2023.
3. Enrollment spikes resulted in increasing logistics which mandated remaining with the management organization during the pandemic.
4. Reach Cyber Charter School was awarded its charter in 2016, with an initial charter duration of three years.   The Pennsylvania Department of Education did not provide it with its renewal until 2023 and did not begin until 2021. With no renewal charter or

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stability in its renewal, Reach was placed in the thankless position – with being unable to move forward with long-term contracts, strategic partnerships, school planning or management and personnel shifts until any stability in renewal was proffered.

Tuition Rates

It is curious to read the Auditor General's statement that tuition rates for cyber charter schools are equal to brick-and-mortar schools "despite a lesser of physical infrastructure needed for cyber charter school to provide a significant portion of their curriculum and instruction online." See, Page 5. This statement is made without any back-up information or analysis of the costs of cyber education and how it differs from brick-and-mortar. Reach Cyber School maintains an administrative office, it contracts with several warehouses to distribute technology; it employs 837 teachers and staff members. To implement mandated state testing, it was required to develop and implement the logistics to test over 6000 students in all 52 counties in the Commonwealth. For family events, it must contract with a multitude of science centers, career providers, dual enrollment agreements with institutions of higher education, related service providers, approved private schools, intermediate unit arrangements, etc. There is also no review of the revenue and expenditures by school districts on their own virtual academies – for example, Brandywine Virtual Academy or Philadelphia Virtual Academy, etc., whose student academic performance of those schools is currently not separated out from their districts as a whole – which lacks transparency, despite the expenditure of taxpayer funds.

Cyber Charter School Enrollment

According to the report, 13 cyber charter schools educate 57,000 students in the Commonwealth of Pennsylvania. According to the PSEA, the total student enrollment in 2022-23 was 1.9 million student total, broken down into the following categories:

- 1.7 million students, or 88.4 percent of all students, are enrolled in public schools (school districts, IUs, CTCs, and charter schools).

    o School district, IU, CTC enrollment: 1.5 million

    o Charter school enrollment: 104,483

    o Cyber charter school enrollment: 57,426

- Private and non-public school enrollment: 222,202

https://www.psea.org/fundamentalfacts#:~:text=Total%20student%20enrollment%20in%202022,CTCs%2C%20and%20charter%20schools).

Thus, cyber charter school students represent .0033 of the public education ecosystems. Yet, cyber charter schools occupy a disproportionate glare from traditional public school districts as the proverbial

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whipping boy in terms of school finances. The major city school districts notwithstanding, most school districts in the Commonwealth complain about cyber charter school costs, only approximately 3 percent of their student enrollment on average attend cyber charter schools.

It is a testament to cyber charter schools that their enrollment increased during the pandemic which are the years that the AG has selected for analysis. It was also Reach Cyber Charter School's first charter term. Despite being able to fully continue educating students with no break in instruction, Governor Wolfe not only chose to shut down cyber charter schools – which made little academic sense for students – but which decision to keep schools closed has borne poor fruit in terms of academic declines for all students. During the pandemic, the prevailing theme from districts in Pennsylvania was that virtual instruction was 'hard.' Now, the prevailing theme is that cyber charter schools' funding should be slashed because virtual instruction is 'easy.' Yet, despite offers from Reach Cyber Charter School and other cyber charter school leaders to consult with the PA Department of Education on acting as a resource for brick-and-mortar schools, the cyber charter schools were rejected. In terms of global criticism of districts' virtual instruction attempts, there were consistent themes:

> *Students also often didn't have the materials they needed for online school, some lacking computers or internet access at home. Teachers didn't have the right training for [online instruction](), which has a unique pedagogy and best practices. As a result, many virtual classrooms attempted to replicate the same lessons over video that would've been delivered at school. The results were overwhelmingly bad, research shows. For example, a [2022 study]() found six consistent themes about how the pandemic affected learning, including a lack of interaction between students and with teachers, and disproportionate harm to low-income students. Numb from isolation and too many hours in front of a screen, students [failed to engage]() in coursework and [suffered emotionally]().*

https://undark.org/2023/07/12/the-education-system-isnt-ready-for-another-widespread-closure/

In the same breath while criticizing cyber charter schools on academic performance, school districts, however, wanted latitude on poor planning and decision-making for pandemic academic losses.

What is interesting to note from the numbers provided in its chart on page 4 of its report is that generally cyber charter school enrollment remained static – demonstrating that families now recognized cyber charter school education as a valid and satisfying option for their children – even after brick-and-mortar schools re-opened their doors to in-person or hybrid learning. But the Auditor General is suggesting that our families and our educational staff deserve less – just by virtue of being virtual and securing better academic results and satisfaction from families. Reach Cyber Charter School's enrollment increased one-hundred and forty percent (140 %) during the first years of the pandemic closures. In direct correlation to school districts remaining in virtual instruction, parents turned to the leaders in the field to provide a better option than what was happening at school districts.

Teachers are and were the lifeline for schools during the pandemic and as schools have transitioned back to 'regular' learning. Also, our teachers put in tremendous effort to ensure stability

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and instruction for students. Our teachers were also dedicated to the above and beyond effort to hold families' hands during the pandemic.   Our teachers gave every ounce of effort to ensure continuity and stability for our students.   To suggest that providing a bonus to teachers for that Herculean effort (for which our teachers received zero fanfare or recognition from the Commonwealth of Pennsylvania) is hurtful.   It is also belied what has happened in multiple districts in terms of teacher work in the pandemic and teacher retention in the face of a significant teacher shortage (and certainly not based on academic performance generally and certainly in the face of pandemic learning loss).   For example, under the contract with the Philadelphia Federation of Teachers, the School District of Philadelphia will provide all active PFT-represented employees with a retention and reengagement bonus of $1200 as well as a $2500 bonus to be paid to eligible teachers in the Designated Schools Program.   See Philadelphia Federation of Teachers contract, 2024. The Designated Schools Program in the School District of Philadelphia provides bonuses to teachers working in schools with staffing "challenges."   Although the SDP does not publish the list of any such schools, it has made clear in its Board meetings that schools facing a staffing shortage are the poorest performing schools and in the hardest hit areas of the city.   It is not a stretch to say that the schools with CSI designations in Philadelphia are the hardest to staff (and are more than likely in the Designated School Program).   Such schools are as follows (per publicly available information from PDE's CSI Schools List:

Philadelphia City SD	Allen Dr Ethel Sch
Philadelphia City SD	Amy At Martin
Philadelphia City SD	Barry Comm John Sch
Philadelphia City SD	Bartram John – Main
Philadelphia City SD	Bethune Mary McLeod Sch
Philadelphia City SD	Blankenburg Rudolph Sch
Philadelphia City SD	Bryant William C Sch
Philadelphia City SD	Building 21
Philadelphia City SD	Catharine Joseph Sch
Philadelphia City SD	Clemente Roberto MS
Philadelphia City SD	DeBurgos Bilingual Magnet MS
Philadelphia City SD	Edison HS/Fareira Skills
Philadelphia City SD	Fels Samuel HS
Philadelphia City SD	Forrest Edwin Sch
Philadelphia City SD	Frankford HS
Philadelphia City SD	Franklin Benjamin HS
Philadelphia City SD	Harding Warren G MS
Philadelphia City SD	Harrington Avery D Sch
Philadelphia City SD	Heston Edward Sch
Philadelphia City SD	Kelley William D Sch
Philadelphia City SD	Kensington Creative & Performing Arts HS

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Philadelphia City SD	Kensington Health Sciences
Philadelphia City SD	Kensington HS
Philadelphia City SD	King Martin Luther HS
Philadelphia City SD	Lincoln HS
Philadelphia City SD	Mastbaum Jules E AVTS
Philadelphia City SD	McDaniel Delaplaine Sch
Philadelphia City SD	Meade Gen George C Sch
Philadelphia City SD	Mitchell El Sch
Philadelphia City SD	Overbrook HS
Philadelphia City SD	Peirce Thomas M Sch
Philadelphia City SD	Penn Treaty Sch
Philadelphia City SD	Philadelphia Learning Academy - North
Philadelphia City SD	Philadelphia Learning Academy - South
Philadelphia City SD	Philadelphia Military Academy at Elverson
Philadelphia City SD	Randolph A Philip AVT HS
Philadelphia City SD	Rhoads James Sch
Philadelphia City SD	Rhodes E Washington Sch
Philadelphia City SD	Roosevelt Theodore MS
Philadelphia City SD	Sayre William L MS
Philadelphia City SD	School of the Future
Philadelphia City SD	Sheppard Isaac Sch
Philadelphia City SD	South Philadelphia HS
Philadelphia City SD	Steel Edward Sch
Philadelphia City SD	Strawberry Mansion HS
Philadelphia City SD	The Linc
Philadelphia City SD	The SD of Philadelphia Virtual Academy
Philadelphia City SD	The Workshop School
Philadelphia City SD	Tilden William T MS
Philadelphia City SD	Washington George HS
Philadelphia City SD	Washington Grover Jr Sch
Philadelphia City SD	West Philadelphia HS
Philadelphia City SD	Widener Memorial Sch
Philadelphia City SD	Wright Richard R Sch

Applying the Auditor General's implication that teacher bonus in schools in CSI status "raises concerns" that such bonuses are not designed to "truly encourage notable increases in academic achievement," misses the mark of the goal of such bonuses. See page 25.

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Reach is constrained to correct its academic record as portrayed by the report. Please note:

- Data on our students' performance on state standardized exams shows that in every grade and subject on the PSSAs, <u>students who have been enrolled at Reach for two or more years (*cohort students*) have a higher average performance score than students who have been enrolled for less than two years (*non-cohort students*).</u> This suggests that the longer a Reach student remains enrolled with us (>2 years), the higher they perform on state assessments. This data demonstrates that Reach is providing a rich and rigorous education through personalized instruction, which is helping students to close learning gaps and grow in Math, Science, and Language Arts skills.

- Reach, a STEM-focused school, exceeds the statewide growth standard for Science/Biology. Reach also meets the statewide performance goals for Four-Year Graduation Rates, Industry Based Learning, and Regular Attendance.

- Additionally, it is important to consider that students who were new to Reach in 2024 overwhelmingly tested below proficiency, <u>having come to Reach significantly below grade level</u>. In Math, 77% of students new to Reach in 2024 tested at the Below Basic level on the PSSAs, demonstrating that students come to our school seeking a new learning environment to remediate their existing academic gaps.

- While the Pennsylvania Department of Education requires that all students complete these standardized assessments, the Reach vision of inspiring and nurturing future success for **all students** emphasizes real-world learning, including STEM, career readiness, flexible instruction, and *authentic* internal assessments for learning. Reach believes that students can demonstrate learning and mastery through a variety of ways, including through our benchmarking program. In 2024, Reach students, on average, demonstrated <u>10% growth</u> throughout the year in English Language Arts and Math proficiency.

Reach is committed to welcoming and serving all students who come through our doors. Many come with great needs and far behind. All educational institutions in Pennsylvania are dedicated to serving students. It is past the time for cyber, traditional brick and mortar, and private schools to work together for all students.