

# THE GOVERNOR

## GOVERNOR'S OFFICE

### Notice of Veto

June 21, 2022

To The Honorable House of Representatives  
of the Commonwealth of Pennsylvania and  
The Honorable Senate of the Commonwealth  
of Pennsylvania

Pursuant to Article III, Section 9 of the Pennsylvania Constitution and Section 7(d) of the Regulatory Review Act, I veto and disapprove, and return herewith, House Concurrent Regulatory Review Resolution Number 1, which disapproves the Department of Education's Final-Form Regulation 6-349 (relating to charter schools).

I am vetoing, disapproving, and returning this concurrent resolution for two reasons. First, the concurrent resolution is procedurally defective. In adopting the concurrent resolution, the General Assembly failed to comply with the Regulatory Review Act (RRA), which creates the concurrent resolution process as applied to regulations. The RRA provides:

Upon receipt of the commission's order . . . one or both of the committees may, within 14 calendar days, report to the House of Representatives or Senate a concurrent resolution and notify the agency. . . If either committee reports a concurrent resolution before the expiration of the 14-day period, the Senate and the House of Representatives shall each have 30 calendar days or ten legislative days, whichever is longer, from the date on which the concurrent resolution has been reported, to adopt the concurrent resolution.

71 P.S. § 745.7(d). Although the House adopted the concurrent resolution within the statutory timeframe, the Senate failed to adopt it within the 30 calendar days or ten legislative days from the date that the House committee reported the concurrent resolution. Given the Senate's failure to adopt the concurrent resolution in a timely and effective manner, the General Assembly has failed to comply with the RRA. As such, the RRA directs that the General Assembly is deemed to have approved Final-Form Regulation 6-349.

Second, I am vetoing, disapproving, and returning the Concurrent Resolution because Final-Form Regulation 6-349 is a critical step forward in increasing transparency, equity, quality, and accountability in the implementation of the outdated Charter School Law, which has not been significantly amended since its passage over 20 years ago. After years of failed reform efforts, this regulatory package includes a host of needed reforms, including:

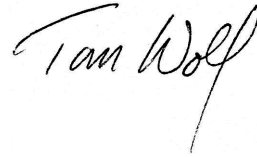
- Providing clear application requirements for entities seeking to open a charter school, regional charter school, or cyber charter school;
- Clarifying ethics requirements for charter and cyber charter school trustees;
- Requiring school districts and charter schools to follow the same fiscal management and auditing standards;
- Streamlining the process for charter schools to request tuition payments; and
- Providing a consistent, common-sense method for charter schools to meet the employee health care requirements in law.

While this regulation represents the most significant charter school reform to date, the work is not done. I urge the members of the General Assembly to pass my comprehensive charter reform legislation, which would

modernize the law and create fair, predictable, and equitable funding for charter schools that will save school districts an estimated \$373 million annually.

For the reasons set forth above, I must veto, disapprove, and withhold my signature from House Concurrent Regulatory Review Resolution Number 1.

Sincerely,

A handwritten signature in black ink that reads "Tom Wolf". The signature is written in a cursive, flowing style.

*Governor*

[Pa.B. Doc. No. 22-970. Filed for public inspection July 1, 2022, 9:00 a.m.]

\_\_\_\_\_