No. 140

SCHOOL DISTRICT OF THE CITY OF YORK

DRAFT 5/13/14

SECTION: PROGRAMS

TITLE: CHARTER SCHOOLS

ADOPTED: July 21, 2010

REVISED: ~~June 19, 2013~~

	140. CHARTER SCHOOLS
1. Purpose SC 1702-A Pol. 123	In order to provide students, parents/guardians and community members an opportunity to establish and maintain schools that operate independently from this school district, the Board shall evaluate applications submitted for charter schools located within the district, in accordance with the requirements of law and those established by the Board. The Board shall work cooperatively with individuals and groups submitting ~~proposals and~~ applications for charter schools.
2. Definitions SC 1703-A, 1715-A, 1717-A	Charter School means an independent, nonsectarian public school established and operated under a charter from the local Board and in which students are enrolled or attend. A charter school must be organized as a public, nonprofit corporation; and charters may not be granted to any for-profit entity nor to support home education programs.
SC 1703-A	Local Board of Directors (Board) means the Board of Directors of the school district in which a proposed or approved charter school is located.
SC 1703-A, 1718-A	Regional Charter School means an independent public school established and operated under a charter from more than one local Board and approved by an affirmative vote of a majority of all Board members of each of the school districts involved. Appeal Board means the State Charter School Appeal Board established by the Charter School Law.
SC 1715-A	The Board of Trustees of a charter school shall be classified as public officials. The Trustees shall ~~have a minimum of five (5) and a maximum of eleven (11) members and be~~ include residents of the approving district. ~~In the event of~~ For a regional charter school, ~~that covers more than one (1) district,~~ at least one ~~the~~ Trustees ~~will~~ shall be a resident of each district that issued a charter to the charter school. ~~proportionally represent the residency of the student body, with not less than one (1) representative per district member.~~

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3. Authority Title 22 Sec. 4.4, 4.12, 4.13	The Board shall ensure that each charter school application provides appropriate assurances of compliance with the requirements of the Charter School Law, State Board regulations, and any additional requirements established by the Board.
SC 1717-A	The Board shall evaluate submitted applications for charter schools based on the criteria established by law and any additional criteria, as determined by the Board, which are consistent with the Charter School Law.
SC 1717-A 65 P.S. 701 et seq	A charter school application shall be approved or denied by a majority vote of all Board members at a public meeting, in accordance with the provisions of law. Written notice of the Board's decision shall be sent to the applicant, Department of Education and the Appeal Board, including reasons for denial and a clear description of application deficiencies if the application is denied. The Board shall evaluate denied applications that are revised and resubmitted. The Board shall use the procedure attached as Exhibit A in its review and evaluation of all charter school applications received by the School District.
SC 1720-A	Upon approval of a charter application, the Board and the charter school's Board of Trustees shall sign the written charter, which shall be binding on both. The charter shall be for a period of three (3) to five (5) years and may be renewed for five-year periods by the Board.
SC 1724-A	The Board may approve a leave of absence for up to five (5) years for a district employee to work in a charter school located in the district of employment or in a regional charter school in which the employing district is a participant, and the employee shall have the right to return to a comparable position in the district. The Board at its discretion may grant tenure to a temporary professional employee on leave from this district to teach in a charter school located in the district, upon completion of the appropriate probation period. If approved, provisions and procedures will be incorporated in the charter.
SC 1728-A Title 22 Sec. 4.13	The Board shall annually assess whether each charter school is meeting the goals of its charter and shall require each charter school to submit an annual report no later than August 1 of each year.
SC 1728-A	The Board shall conduct a comprehensive review prior to granting a five-year renewal of the charter. By October 1st of the last year ~~preceding a charter expiration~~of the charter term, a letter requesting a renewal must be submitted to the chartering

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	district. The letter should be addressed to the President of the School Board with a copy to the Superintendent of schools.
	~~By October 31st, the board shall review the letter and other relevant renewal materials. The chartering school district may request additional information or documents from the charter school within 30 days of renewal request.~~
	As part of the district's comprehensive review, the charter school shall complete the Renewal Application attached as Exhibit B and submit the completed Renewal Application and required information to the district in a timely manner.
	The district will notify the charter school that it intends to renew or not renew/revoke the charter within 60 days of its receipt of the renewal package described in the Renewal Application and/or its receipt of any additional information requested from the charter school. If the district determines that the charter will not be renewed and/or will be revoked, the procedures described in the Charter School Law, 24 P.S. § 17-1729-A, shall be followed.
	~~Site visits may be conducted by the board of education and school district staff.~~
	~~The charter school must provide additional requested information within 60 days of the request.~~
	~~Within 45 days of the school district receiving complete information from the charter school, the chartering district should notify the charter school of its intent to renew or non-renew the charter. In the case of non-renewal, a public hearing date must also be provided in the notification.~~
	~~30 days after the public hearing, in cases of non-renewals, formal action on non-renewal is taken.~~
SC 1728-A	The Board shall have ongoing access to the records and facilities of the charter school to ensure that the charter school is in compliance with its charter, Board policy and applicable laws.
SC 1729-A	In cases where the health or safety of the charter school's students, staff or both is at serious risk, the Board may take immediate action to revoke a charter.
SC 1727-A	The Board affirms that the Board of Trustees and the charter school shall be solely liable for any and all damages and costs of any kind resulting from any legal challenges involving the operation of a charter school. The local Board shall not be held liable for any activity or operation related to the program of

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	a charter school. Consistent with Section 1727-A of the Charter School Law, a~~A~~ charter school shall execute a "hold harmless" agreement indemnifying and insuring/agreeing to defend the school district in any and all kinds of liability areas so that the school district and Board are protected in any litigation related to the operation of ~~a~~the charter school.
4. Delegation of Responsibility	Applications for charter schools shall be submitted to the Superintendent or designee, who shall be responsible for communicating and cooperating with all applicants. ~~The Superintendent or designee shall be responsible to assist applicants with plans for technical assistance and contracted services that may be provided by the district.~~ The Superintendent or designee may assist applicants or existing charter schools with plans for technical assistance and/or certain types of contracted services that may be provided by the district, for which reasonable fees or reimbursements may be charged. Any type of services of this nature proposed by the Superintendent or designee to be offered to the charter school must ultimately be approved by the Board.
5. Guidelines SC 1310 Title VI, Title IX 20 U.S.C. Sec. 794 34 CFR 104.31-37 Title 22 Sec. 4.4 29 CFR P.L. 101-336 P.L. 105-17 I.D.E.A. 42 U.S.C. Sec. 12101 et seq	A charter school shall be subject to all federal and state laws and regulations prohibiting discrimination in admissions, employment and operation on the basis of disability, race, creed, color, gender, sexual orientation, national origin, religion, ancestry or need for special education services. A charter school shall submit monthly enrollment figures and other ~~required~~ reports, audits or other documents to the district, as stated in the charter, as required by law or as reasonably requested by the district. <u>Transportation</u> ~~Transportation will be provided to charter school students in a manner that is identical to the general student body.~~
SC 1717-A, 1719-A	<u>Applications</u> Applications for charter schools must contain all the information specified in the Charter Schools Law and any additional information required by the Board, consistent with the Charter School Law.

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	Applications for charter schools shall be submitted to the Board by November 15 of the school year proceeding the school year in which the school ~~will be established~~ wants to open. Within forty-five (45) days of receipt, the Board shall hold at least one (1) public hearing on the charter application or in accordance with law. At least forty-five (45) days must pass between the first public hearing and the final decision of the Board. No later than seventy-five (75) days after the first public hearing, the Board shall grant or deny the application. A denied applicant may exercise a one-time opportunity to revise and resubmit its application to the district. Said revised application shall be received by the district no later than May 1 prior to the original proposed opening date of the charter school so that the Board has sufficient time to review the application and make a decision prior to the start of the school year on July 1. The Board shall consider the revised and resubmitted application at the first board meeting occurring at least forty-five (45) days after receipt of the revised application by the Board. A revised application received after May 1 will be returned to the applicant with instructions to submit a new application in accordance with 24 P.S. § 17-1717-A. A revised application shall identify the submission as a revised application and shall contain: (1) the name of the applicant seeking review; (2) the date of mailing or delivery of the revised application to the district, as applicable; (3) reference to the decision sought to be reviewed, including the date the decision was entered; and (4) a response to each deficiency listed in the decision. If any information in the original application changes after the filing of the original application, said changes shall be disclosed and clearly delineated in the revised application.
~~SC 1719-A~~	~~All applications shall provide the following information:~~ ~~1. The identification of the charter applicant, the names of the proposed charter school, and the grade or age levels served by the school.~~ ~~2. The proposed governance and administrative structure of the charter school, including a description and method for the appointment or election of the Board of Trustees.~~ ~~3. The mission and education goals of the charter school, the curriculum to be offered and the methods of assessing whether students are meeting educational goals.~~
~~SC 1723-A~~	~~4. The admission policy and criteria for evaluating the admission of~~

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	students.
SC 1318	5. Procedures, which will be used regarding the suspension or expulsion of students.
	6. Information on the manner in which community groups will be involved in the charter school planning process.
SC 437	7. The financial plan for the charter school and the provisions, which will be made for auditing the school.
	8. Procedures, which shall be established to review complaints of parents/ guardians, employees and students regarding the operation of the charter school.
	9. A description of the address of the physical facility in which the charter school will be located and the ownership thereof and any lease arrangements and agreements.
SC 1502	10. Information on the proposed school calendar for the charter school, including the length of the school day and school year.
	11. The proposed faculty and a professional development plan for the faculty of the charter school.
Pol. 122, 123	12. Whether any agreements have been entered into or plans developed with the local school district regarding participation of the charter school students in extracurricular activities within the school district. Notwithstanding any provision to the contrary, no school district of residence shall prohibit a student of a charter school from participating in any extracurricular activity of that school district of residence provided, that the student is able to fulfill all of the requirements of participation in such activity and the charter school does not provide the same extracurricular activity.
23 Pa. C.S.A. Sec. 6301 et seq SC 111	13. A report of criminal history record and an official clearance statement regarding child injury or abuse from the Department of Public Welfare, as required for all individuals who shall have direct contact with students.
	14. How the charter school will provide adequate liability and other appropriate insurance for the charter school, its employees and the Board of Trustees of the charter school.

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~~All applications will be evaluated using review form SR-544, if the application is denied, the applicant will be provided with the reasons and comments of the reviewer.~~

Charter Amendments

A charter school may not unilaterally change material provisions of its charter, including but not limited to: its curriculum, location, approved grade levels or enrollment limitations, or mission and focus. To do so, a charter school must submit an amendment request to the district.

Applications to amend a charter shall be submitted in writing to the Board by October 1 of the school year preceding the school year in which the charter school intends to implement the amendment. Applications to amend a charter must contain a written and detailed proposal outlining the specific amendment sought, why the amendment is needed, and information relevant to the component of the charter sought to be amended.

The Board may elect, in its discretion, to hold a hearing on the amendment request. The administration of the district may submit an evaluation and/or recommendation to the Board regarding the amendment request.

An application to amend a charter shall be approved or denied by a majority vote of all Board members at a public meeting. Written notice of the Board's decision shall be sent to the charter school, Department of Education and the Appeal Board.

In evaluating the amendment request, the Board shall utilize the Charter School Law's evaluation criteria for new applications, as applicable, including to determine if the charter school has evidenced appropriate planning and support to provide comprehensive learning experiences to students, and shall also consider the Charter School Law's factors for revocation and nonrenewal, including whether the charter school is meeting the requirements for student performance.

Upon approval of an application to amend a charter, the Board and the charter school's Board of Trustees shall prepare and sign an amended charter, which shall be binding on both parties.

~~Requests for amendments to charters shall be in writing and shall contain complete and detailed information relating to the amendment. The written request shall also contain all relevant material and any additional information or material required or requested by the Board.~~

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	~~The written request shall be submitted to the President of the Board with a copy to the Superintendent. The request must be submitted by October 1 of the school year proceeding the school year in which the amendment is proposed to be established except in unique and unusual circumstances.~~ ~~Within forty-five (45) days of receipt of the request for amendment, the Board shall conduct a comprehensive review and hold at least one public hearing.~~ ~~At least fifteen (15) days must pass before the first public hearing and the final decision of the Board, except in unique and unusual circumstances. No later than forty-five (45) days after the first public hearing, the Board shall grant or deny the request for charter amendment.~~ <u>Insurance/Risk Management</u>
SC 1719-A, 1727-A	The charter school shall adequately protect against liability and risk through an active risk management program approved by the Board. The program shall include proof of purchase of insurance coverages as required by the Board. Minimum coverages and levels of appropriate coverages shall be established in the charter. A charter school shall operate in a manner that minimizes the risk of injury and harm to students, employees and others.
~~School Code 1310, 1702 et seq~~ ~~Pa. Code Title 22 Sec. 4.4, 4.12, 4.13~~	

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Procedures for Consideration of Charter School Applications

1. Applications for the creation of a charter school pursuant to the Charter School Law shall be filed with the Superintendent of the School District, as agent for this purpose of the Board of School Directors.

2. Any application for a charter school shall be deemed received on the date of actual receipt by the Superintendent.

3. Upon receipt of a charter school application, the Superintendent shall promptly: (i) advise each member of the Board of School Directors of the receipt of the application, (ii) provide a copy of the application to each member of the Board of School Directors, and (iii) consult with legal counsel to insure that the application is properly evaluated by the Board of School Directors and that the duties of the School District and the Board of School Directors with respect to the application are fulfilled.

4. The Superintendent shall cause at least one public hearing to be scheduled in a timely manner with reasonable notice of the date, time and location of the hearing to be given to the applicant and to the public. The notice of said public meeting shall be in such form and substance as recommended by legal counsel and shall be published in accordance with the Sunshine Act. The Board of School Directors may: (i) hold such additional hearings pertaining to any application for a charter as it deems appropriate; and (ii) may schedule, recess, postpone, adjourn, and reschedule such hearings as it deems appropriate.

5. The hearing(s) conducted by the Board of School Directors are legislative in nature and are to be held for purposes of determining whether a charter should be issued in accordance with the terms and conditions of the Charter School Law and other applicable legal requirements.

6. Legal counsel retained by the School District shall preside at any hearing of the Board of School Directors held for purposes of considering a charter school application and shall, as the presiding official, make such rulings and establish such procedures as necessary to maintain order.

7. A hearing(s) conducted to consider a charter school application shall generally conform to the following procedure:

a. The hearing(s) shall be stenographically recorded at School District expense. If the applicant or any other individual or entity desires to obtain a copy of the transcript of the hearing(s), they can do so at their sole cost and expense.

b. The application that was submitted to the School District shall be made a part of the official record of the proceedings. The Board of School Directors will establish a deadline for the submission of any supplemental materials by the applicant, after which no additional materials will be accepted and/or considered by the Board, except in the Board's sole discretion. Any other documents or exhibit(s) that any interested party or individual desires to present shall, if accepted and timely, be properly marked and made a part of the official record of the proceedings. If the Applicant desires to submit any additional material at the hearing, if permitted under this procedure, the applicant must supply eleven (11) copies to the School

District. If the School District administration desires to submit any material at the hearing, it shall provide eleven (11) copies to the Board of School Directors and two (2) copies to the Applicant.

c. The technical rules of evidence shall not apply. It is the intent of the Board of School Directors that the hearing shall be informal. However, matters which are of minimal or no relevance to the matters at hand may be excluded and matters which cannot be offered in light of the time allotments provided by the School District will not be considered.

d. The applicant, or its designated representatives, shall make a presentation which shall last no more than thirty (30) minutes, unless the presiding officer allows additional time. The individual(s) making the presentation shall take the usual oath for witnesses.

e. The presentation by the applicant shall be followed by a public comment session. Only residents of the School District may speak at this public comment session. Residents desiring to participate may make comments for consideration by the Board of School Directors or may ask questions of the applicant, which shall be responded to by the applicant. Each resident participating shall be limited to two (2) minutes and may speak only once. Each individual who desires to speak shall state his/her name and address within the district. In addition, residents of the School District may submit written comments or relevant material to the Board of School Directors within the timeframe set by the School District.

f. Legal counsel for the School District shall then question the applicant or its representatives, who shall respond to the questions. Questions shall be associated with the contents of the application, including by way of example and not limitation, the identity of the applicant(s), governance, facilities, financing, insurance, fiscal and child accounting practices, food service, safety, school health services, the governing structure and administration of the school, administrative and business practices, admission policies and practices, curriculum, attendance, personnel, policies and practices to comply with all applicable law, goals and objectives of the school, educational program, school accountability, student evaluation, school support, extra-curricular activities, need for the school, school demographics, qualifications of employees or prospective employees, job descriptions, policy manual(s), administrative guidelines, and relationships with other entities, such as associations and management companies. Each individual responding on behalf of the applicant shall take the usual oath for witnesses.

g. When legal counsel completes the questioning of the applicant, members of the School District administration may make a presentation. Each individual speaking on behalf of the School District administration shall take the usual oath for witnesses. The presentation by the Administration shall be limited to thirty (30) minutes, unless the presiding officer allows additional time. The presentation by the Administration shall contain all information that the Administration deems relevant to the Board of School Director's consideration, including the prospect that education to students will be improved upon by the applicant. The School District administration may submit relevant exhibits or documents to supplement its presentation.

h. Legal counsel for the School District may question the School District administration or its representatives, who shall respond to the questions. Questions shall be associated with the contents of the application, including by way of example and not limitation, the identity of the applicant(s), governance, facilities, financing, insurance, fiscal and child accounting practices, food service, safety, school health

services, the governing structure and administration of the school, administrative and business practices, admission policies and practices, curriculum, attendance, personnel, policies and practices to comply with all applicable law, goals and objectives of the school, educational program, school accountability, student evaluation, school support, extra-curricular activities, need for the school, school demographics, qualifications of employees or prospective employees, job descriptions, policy manual(s), administrative guidelines, and relationships with other entities, such as associations and management companies. Each individual speaking on behalf of the School District administration shall take the usual oath for witnesses.

i. After the conclusion of the questioning of the School District Administration, the applicant shall be granted up to thirty (30) minutes to make a closing presentation to the Board of School Directors.

8. Following the completion of the hearing(s), the applicant shall be given the opportunity to file proposed findings of fact and conclusions of law as it deems necessary to assist the Board of School Directors to make the determination of whether a charter should be granted. The time for filing said proposed findings of fact and conclusions of law shall be reasonable in light of the complexity of the issues and the time by which the Board of School Directors is to make a decision under the Charter School Law.

9. The decision by the Board of School Directors shall be in the form and substance determined by the Board.

10. In the event that the School District receives any application for a regional charter school where the application has also been filed with other school districts, the School District may consult with the other school districts and may agree upon an orderly, cost effective and efficient method for conducting a hearing(s) and issuing a decision on the application in accordance with the Charter School Law. Any agreements in that regard that are made by the Superintendent or by legal counsel retained by the School District for this purpose shall supersede these procedures to the extent that they are inconsistent with these procedures.

"Exhibit B"

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