

Pennsbury School District

School Board Policy

Effective Date	Supercedes Index No.	Index No.
11/19/09	7000 of 10/16/97	140.1

Title: Charter Schools

Purpose: The purpose of this policy is to provide students, parents and community members an opportunity to establish and maintain schools that operate independently from the Pennsbury School District.

This document, Index No. 140.1, replaces the previous Index No. 7000.

Authority: The Board of School Directors shall evaluate applications submitted for charter schools located within the district or regional charter schools, in accordance with the requirements of Act 22 of 1997 and this policy.

Definitions: The following definitions are provided for the purpose of interpretation and implementation of this policy:

1. Charter School – An independent, nonsectarian public school established and operated under a charter from the local Board of School Directors 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 schooling programs.
2. Local Board of School Directors (School Board) – The Board of School Directors of the school district in which a proposed or approved charter school is located or a proposed or approved regional charter school in which it is a participating district.
3. Regional Charter School – An independent, nonsectarian public school established and operated under a charter approved by one or more local Board of School Directors, including the School Board.
4. Appeal Board – The State Charter School Appeals Board established by the Charter School Law.

5. The Board of Trustees – The Board of Trustees for a charter school or regional charter school.

Policy:

Requirements for Charter School Applications

All applications for charter schools shall be submitted to the Chief Executive Officer or Superintendent or his/her designee, who shall be responsible for communicating necessary information to all applicants on behalf of the School Board.

All applications must be submitted to the Chief Executive Officer or Superintendent or his/her designee no later than November 15th of the school year preceding the school year in which the charter school would be established. The School Board will not consider an application filed after November 15th until the subsequent school year.

All applications for charter schools must contain all the information specified in the Charter School Law and any additional information required by the School Board.

The School Board, through the Chief Executive Officer or Superintendent or his/her designee, will advise all charter school applicants in writing what, if any, additional information is required as part of any charter school application.

Review of Charter School Applications and Public Hearing

Within 45 days of the receipt of a charter school application, unless otherwise agreed to by the applicant, the School Board shall hold at least one public hearing on the charter school application under the “Sunshine Act.”

At least 45 days must pass between the first public hearing and the final decision of the School Board. No later than 75 days after the first public hearing, the School Board shall grant or deny the charter school application.

The School Board shall evaluate submitted applications for charter schools based upon the criteria established by law and any additional criteria as determined by the School Board.

The School Board shall designate the Chief Executive Officer or Superintendent or his/her designee to develop a memorandum setting forth the additional criteria used for the evaluation of charter school applications. That memorandum will be made available to any person or entity submitting an application for the establishment of a charter school.

A charter school application shall be approved or denied by a majority vote of all the members of the School Board at a public meeting, in accordance with the provisions of the “Sunshine Act.” Written notice of the School Board’s decision shall be sent to the applicant, the Department of Education and the Appeal Board, and include a description of the deficiencies of the application, if it is denied. The School Board shall re-evaluate any denied application if, and only if, an applicant revises and resubmits that charter school application for that purpose.

Upon approval of a charter application, the School Board and the charter school’s Board of Trustees shall sign a written charter, which shall be binding on both parties. The charter shall be for a period of not less than three years and no more than five years and may be subsequently renewed by the School Board for a five year period.

Requirements for a Written Charter

As a condition to the execution of any written charter with a charter school’s Board of Trustees, the School Board shall require that the following conditions be included in the written charter along with any other provisions required by law or otherwise agreed to by the parties.

1. The Board of Trustees affirms and agrees that 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 and/or actions of a charter school. The School Board and the School District shall not be liable for any activity or operation related to the charter school.
2. The Board of Trustees shall execute a “hold harmless” agreement with the School Board to indemnify, insure and agree to defend the School District in any and all kinds of liability issues and areas so that the School District and the School Board is protected in any litigation related to the operation and/or actions of the charter school.
3. The Board of Trustees shall provide proof of purchase of adequate liability and risk insurance coverage, which names the School District as an additional insured, and is deemed acceptable by the School Board. Minimum coverages and levels of appropriate insurance shall be established in the charter.
4. The Board of Trustees agrees that the charter school will abide by all federal and state laws prohibiting discrimination in admissions, employment and operation on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, need for special education services or other reasons as set forth in the Charter School Law.

5. The Board of Trustees agrees that the charter school will fully comply with all the requirements set forth in 24 P.S. § 17-1715-A, as amended.
6. The Board of Trustees agrees that the charter school must submit monthly enrollment figures and other reports to the School District as required by the charter or applicable laws.
7. The Board of Trustees agrees to cooperate with the School District to coordinate their proposed school calendar, length of school day and school year to assist with transportation planning.
8. Any other term or condition deemed necessary by the School Board.

Oversight of a Charter School – Review, Renewal and Revocation of a Charter

The School Board shall ensure that each written charter provides appropriate assurances of compliance with the requirements of the applicable law and any additional requirements established by the School Board.

The School Board shall have ongoing access to the records and facilities of the charter school to ensure the charter school and its Board of Trustees are in compliance with its charter, board policy and applicable laws.

The School Board shall annually assess whether a charter school is complying with and meeting the goals of its charter and shall require each charter school to submit an annual report no later than August 1st of each year. In its discretion, the School Board may request that the charter school provide additional information, if it finds that the annual report is inadequate.

The School Board shall conduct a comprehensive review prior to granting a five-year renewal of the charter.

In cases where the health or safety of the charter school's students, staff or both is at serious risk, the School Board may take immediate action to revoke the charter.

The School Board retains the right to revoke or not renew a charter at any time, for any of the following reasons:

1. One or more material violations of the written charter.

2. Failure to meet the requirements for Student Performance set forth in 22 Pa. Code § 5.1 *et. seq.*, any subsequent regulations promulgated to replace 22 Pa. Code § 5.1 *et. seq.* or the written charter.
3. Failure to meet generally accepted standards of fiscal management or audit requirements.
4. Violations of any provisions in the Charter School Law.
5. Violations of any provisions of state or federal law from which the charter school has not been exempted, including any statute or regulation governing children with disabilities.
6. The Charter School has been convicted of fraud.

Miscellaneous Provisions

The School Board may approve a leave of absence for up to five 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 School Board, at its discretion, may grant tenure to a temporary professional employee on leave from the School District to teach in a charter school located in the district, upon completion of the appropriate probation period.

The Pennsbury School District shall provide transportation to resident students attending a charter school located within the district or a regional charter school that it has approved, on the same terms and conditions as transportation is offered other resident students. Non-resident students shall be provided transportation in accordance with the law.

References:	24 P.S. § 17-1702-A	24 P.S. § 17-1720-A
	24 P.S. § 17-1703-A	24 P.S. § 17-1724-A
	24 P.S. § 17-1715-A	24 P.S. § 17-1726-A
	24 P.S. § 17-1716-A	24 P.S. § 17-1727-A
	24 P.S. § 17-1717-A	24 P.S. § 17-1728-A
	24 P.S. § 17-1719-A	24 P.S. § 17-1729-A

Responsible Administrator: Chief Executive Officer or Superintendent