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## **Purpose**

In order to provide students, parents/guardians and community members an opportunity to establish and maintain schools that operate independently from the Springfield School District (“District”), the Board of School Directors (“Board”) shall evaluate applications submitted for charter schools located within the district, in accordance with the requirements of Act 22 of 1997 and those established by this Board.[\[1\]](#)

## **Definitions**

For the purposes of this policy, the following terms shall be defined as follows:

1. **Appeal Board** shall mean the State Charter School Appeal Board established by the Charter School Law.
2. **Charter School** shall mean an independent public school established and operated under a charter from the Board of School Directors of the Springfield School District 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. A charter school shall be nonsectarian in all operations, and no funds allocated or disbursed shall be used to directly support the home education program.[\[2\]](#)[\[3\]](#)[\[4\]](#)
3. **Department** shall mean the Department of Education of the Commonwealth.[\[2\]](#)
4. **Local Board of School Directors or Board of School Directors or Board** shall mean the Board of Directors of a school district in which a proposed or approved charter school is located.[\[2\]](#)
5. **Regional Charter School** shall mean an independent public school established and operated under a charter from more than one (1) local Board of School Directors and in which students are enrolled or attend. A regional charter school must be organized as a public, nonprofit corporation. Charters may not be granted to any for-profit entity.[\[2\]](#)[\[5\]](#)

6. **School Entity** shall mean a school district intermediate unit, joint school or area vocational-technical school.

7. **Secretary** shall mean the Secretary of Education of the Commonwealth.

8. **State Board** shall mean the State Board of Education of the Commonwealth.

9. The **Trustees of a Charter School** shall be public officials who shall have authority to decide matters related to the operation of the charter school including but not limited to budgeting, curriculum and operating procedures, subject to the school's charter. The Board of Trustees shall have the authority to employ, discharge and contract with necessary professional and nonprofessional employees, subject to the school's charter and the provisions of the law.[\[3\]](#)[\[7\]](#)

The charter shall set forth the process by which the trustees shall be elected or appointed, the qualifications of individuals to be elected or appointed and the bylaws that will govern the operation of the trustees. The trustees, as public officials, shall be subject to the Ethics Act and shall file the appropriate Ethics Act disclosures.

10. **Charter School Facilities** shall include buildings and portions of buildings. A charter school may be established by creating a new school or by converting an existing public school or a portion of an existing public school.[\[4\]](#)[\[6\]](#)

11. **Teaching staff** shall be defined to include all tenured teachers and nontenured teachers (temporary professional employees), but not teacher aides.

12. **Parent(s)/Guardian(s)** shall be defined as an adult resident of the local school district with at least one (1) child enrolled in the school district. A parent/guardian shall have one (1) vote for each child so enrolled.

### **Authority**

The Board shall ensure that each charter school application provides appropriate assurances of compliance with the requirements of the Charter School Law and any additional requirements established by the Board. The charter school shall comply with the Individuals with Disabilities Education Act, the Americans with Disabilities Act, and the Family Educational Rights and Privacy Act.[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)

The Board shall evaluate submitted applications for charter schools based on criteria established by law and any additional criteria as determined by the Board. The Superintendent shall be responsible for developing an evaluation instrument or rating form for use by the Board in evaluating charter school applications or renewals.[\[4\]](#)

### **Charter School Requirements**

Except as otherwise provided by law, a charter school is exempt from statutory requirements established by law, from regulations of the State Board and the standards of the Secretary not specifically applicable to charter schools. Charter schools are not exempt from statutes applicable to public schools unless specifically provided by law.[\[3\]](#)

A charter school shall be accountable to the parents/guardians, the public and the Commonwealth, with the delineation of that accountability reflected in the charter. Strategies for meaningful parent and community involvement shall be developed and implemented by each school.

A charter school shall not unlawfully discriminate in admissions, hiring or operation.

A charter school shall be nonsectarian in all operations and a charter school shall not provide any religious instruction, nor shall it display religious objects and symbols on the premises of the charter school.

A charter school shall not advocate unlawful behavior.

### **Powers of Charter Schools**

A charter school is a corporate body and shall have all powers necessary or desirable for carrying out its charter, including, but not limited to, the power to:[\[12\]](#)

1. Adopt a name and corporate seal; however, any name selected shall include the words "charter school."
2. Sue and be sued, but only to the same extent and upon the same conditions that political subdivisions and local agencies can be sued.
3. Acquire real property from public or private sources by purchase, lease, lease with an option to purchase or gift for use as a charter school facility.
4. Receive and disburse funds for charter school purposes only.
5. Make contracts and leases for the procurement of services, equipment and supplies.
6. Incur temporary debts in anticipation of the receipt of funds.
7. Solicit and accept any gifts or grants for charter school purposes.

A charter school shall have such other powers as are necessary to fulfill its charter and which are not inconsistent with the law.

#### Powers of Board of Trustees

The Board of Trustees of a charter school shall have the authority to decide matters related to the operation of the school, including, but not limited to, budgeting, curriculum and operating procedures, subject to the school's charter. The Board shall have the authority to employ, discharge and contract with necessary professional and nonprofessional employees subject to the school's charter and applicable law.[\[7\]](#)

No member of the local Board of School Directors shall serve on the Board of Trustees of a charter school in the district.

The Board of Trustees shall comply with the Sunshine Act.

#### Application Process

A charter school may be established by an individual, one or more teachers who will teach at the proposed charter school, parents/guardians of students who will attend the charter school, any nonsectarian college, university or museum located in the Commonwealth, any nonsectarian corporation not-for-profit, any corporation, association or partnership, or any combination thereof. A regional charter school may be established by creating a new school or by converting an existing public school or a portion of an existing public school in accordance with the Act. No regional charter school shall be established or funded by and no charter shall be granted to any sectarian school, institution or other entity.[\[4\]](#)

A charter school may be located in an existing public school building, in a part of an existing public school building, in space provided on a privately owned site, in a public building or in any other suitable location.[\[6\]](#)

The charter school facility shall be exempt from public school facility regulations except those pertaining to the health or safety of the pupils.

A charter school shall not construct a facility with public funds received from the department or the school district.

An application to establish a charter school shall be submitted to the Board by November 15 of the school year preceding the school year in which the charter school will be established. Within forty-five (45) days of receipt of an application, the Board shall hold at least one (1) public hearing on the provisions of the charter school application in accordance with the Sunshine Act. At least forty-five (45) days and no more than seventy-five (75) days must transpire between the first public hearing and the final decision of the Board on granting or denying the charter application. For the purposes of this policy, an application for a charter school shall be deemed to be received on the date on which it is time-stamped as received by the Central Administration Office of the district. The public hearing shall be conducted as a special meeting of the Board and the meeting shall be recorded in a manner determined by the Board. The Board may, in its sole discretion, determine to hold additional public hearings prior to taking any action on the application.[\[4\]](#)

The Board shall evaluate the charter school application based upon criteria, including, but not limited to the following:[\[4\]](#)

1. A demonstrated, sustainable support for the charter school plan by teachers, parents/guardians and other community members and students, including comments received at the public hearing(s) held on the application.
2. The capability of the charter school applicant, in terms of support and planning, to provide comprehensive learning experiences to students pursuant to the adopted charter.
3. The extent to which the application complies with the content requirements of, and conforms to, the legislative intent of the Charter School Law.
4. The extent to which the charter school may serve as a model for other public schools.

The application for the charter school shall include, but not be limited to, all of the following information:[\[13\]](#)

1. The identification of the charter applicant.
2. The name of the proposed charter school.
3. The grade or age levels served by the school.
4. The proposed governance structure of the charter school, including a description and method for the appointment or election of members of the Board of Trustees for the charter school.
5. The mission and educational goals of the charter school, the curriculum to be offered and the method of assessing whether students are meeting educational goals.
6. The admission policy and criteria for evaluating admission of students which shall comply with the enrollment requirements of the Charter School Law.
7. Procedures which will be used regarding the suspension or expulsion of pupils, which shall comply with provisions of the Public School Code.
8. Information on the manner in which community groups will be involved in the charter school planning process.
9. The financial plan for the charter school and provisions that will be made for auditing the school under provisions of the Public School Code.
10. A description and address of the physical facility in which the charter school will be located and the ownership thereof and any lease arrangement.
11. All information on the proposed school calendar for the charter school, including the length of the school day and school year consistent with provisions of the Public School Code.
12. Procedures which shall be established to review complaints of parents/guardians regarding the operation of the charter school.
13. The proposed faculty and a professional development plan for the faculty of the charter school.
14. Whether any agreements have been entered into or plans developed with the Board regarding participation of the charter school students in extracurricular activities of the district. Notwithstanding any provision to the contrary, no student will be prohibited from participating in any extracurricular activity of the school district, provided that the student is a resident, 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.
15. A report of criminal history record and an official clearance statement regarding child injury or abuse from the Department of Public Welfare, for all individuals who shall have direct contact with students, in accordance with the Public School Code.

16. 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.[\[13\]](#)

17. The minimum qualifications for noncertified teaching staff and the number and positions that the noncertified teaching staff will hold.

18. The qualifications of all members of the proposed teaching staff, as well as the number and positions that the teaching staff will hold. Documents supporting the information requested herein shall be submitted with the application. Incomplete applications or the absence of required supporting documentation shall be grounds for denial of the application. All applications will be submitted initially to the solicitor for the school district for review and compliance with this charter school policy and applicable law. A charter application shall be deemed approved or denied by the Board upon a vote of the majority of the full Board. The Board shall take formal action approving or denying the application at a public meeting, with notice for consideration of the application given by the Board under the Sunshine Act.[\[4\]](#)

Written notice of the Board's action shall be sent to the applicant, the Department and the Appeal Board. If the application is denied, the Board shall review the reasons for the denial and shall prepare a written decision with the advice of the school district solicitor. A description of the deficiencies in the application shall be stated on the notice sent to the charter school applicant.

At the option of the charter school applicant, a denied application may be revised and resubmitted to the Board or may be appealed to the Appeal Board. Where an application is revised and resubmitted to the Board, the Board may schedule additional public hearings on the revised application and 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. The Board shall provide notice of consideration of the revised application under the Sunshine Act.[\[4\]](#)

If the school district fails to hold a public hearing and to grant or deny the charter school application within the time specified, the charter school applicant shall be permitted to file their application as an appeal to the Appeal Board. Written notice of the Board's decision shall be sent to the applicant, the Department 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 by an applicant at the first Board meeting occurring at least forty-five (45) days after receipt of the revised application. Before an appeal can be taken to the Appeal Board, the applicant first must obtain signatures of at least two percent (2%) of the residents of the school district or 1,000 residents, whichever is less, who are more than eighteen (18) years of age and provide proof of residency. The signatures must be obtained within sixty (60) days of the denial of the application by the School Board. Each person signing the petition to appeal denial of the charter school shall declare s/he is a resident of the school district which denied the charter application and shall include his/her printed name, signature, address, city, borough or township and the date of the signing. No resident may sign the petition more than one time. Also appended to the petition shall be a statement that the Board rejected the petition for a charter school, the names of the applicants for the charter, the date of denial by the Board and the proposed location for the charter school.[\[4\]](#)

If the required number of signatures are obtained within sixty (60) days of the denial of the application, the applicant may present the petition to the Court of Common Pleas of Delaware County. The Court will hold a hearing only on the sufficiency of the petition. The applicant and the Board shall be given seven (7) days' notice of the hearing. The Court shall issue a decree establishing the sufficiency or insufficiency of the petition. If the petition is sufficient, the decree shall be transmitted to the State Charter School Appeal Board for review. Notice of the decree shall be given to the applicant and the Board.[\[4\]](#)

Within thirty (30) days after the date of notice of acceptance of the appeal, the Appeal Board shall meet to officially review the certified record of the Board. The Appeal Board may allow the Board or applicant to supplement the record if the supplemental information was previously unavailable.

The Appeal Board shall issue a written decision affirming or denying the appeal within sixty (60) days. If the decision of the Board is affirmed, written notice shall be provided to both parties. The Appeal Board may reverse the School Board's decision and direct the School Board to grant the application and sign the written charter. If the School Board does not act in ten (10) days, the chairperson of the Appeal Board shall sign the charter.[\[4\]](#)

Upon approval of a charter school application, a written charter shall be developed by the school district solicitor which shall contain the provisions of the charter application and which shall be submitted for final Board approval and signed on behalf of the Board and the Board of Trustees of the charter school. The written charter shall be legally binding on both the Board and the Board of Trustees of the charter school. The charter school shall be for a period of no less than three (3) or more than five (5) years, and may be renewed for a five (5) year period upon reauthorization by the Board or the Appeal Board.[\[14\]](#)

### Personnel

The Board of Trustees shall determine the level of compensation and all terms and conditions of employment of the staff except as may otherwise be provided by law. At least seventy-five percent (75%) of the professional staff members of a charter school shall hold appropriate state certification. Professional employees who do not hold appropriate Pennsylvania certification must present evidence that they meet the qualifications as set forth in the Public School Code and have demonstrated satisfactorily the combination of experience, achievement and qualifications as defined in the charter school application in basic skills, general knowledge, professional knowledge and practice and subject matter knowledge in the subject area where the individual will teach. For the purposes of complying with this requirement, professional staff shall be defined to include teachers, administrators and instructional aides.[\[15\]](#)

Employees of a charter school may organize under the Public Employee Relations Act. The Board of Trustees of a charter school shall be considered an employer. Upon formation of one or more collective bargaining units at the school, the Board of Trustees shall bargain with the employees based on this provision, the School Code and the Public Employee Relations Act. Collective bargaining units at a charter school shall be separate from any collective bargaining unit of the school district in which the charter school is located and shall be separate from any other collective bargaining unit. A charter school shall be considered a school entity as provided under the School Code for the purpose of the Secretary seeking an injunction requiring the charter school to meet the minimum requirements for instruction as provided for by law.[\[15\]](#)

All employees of a charter school shall be enrolled in the Public School Employees' Retirement System in the same manner as set forth in 24 Pa. C.S. Section 8301(a) (relating to mandatory and optional membership) unless at the time of the application for the charter school, the district or the Board of Trustees of the charter school has a retirement program which covers the employees or the employee is currently enrolled in another retirement program. The Commonwealth shall make contributions on behalf of charter school employees and the charter school shall be considered a school district and shall make payments by employers and payments on account of social security. Except as otherwise provided, employees of a charter school shall make regular member contributions as required for active members under 24 Pa. C.S. Pt. IV.[\[15\]](#)

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 or a regional charter school in which the district is a participant, and the employee shall have the right to return to a comparable position in the district. Temporary professional employees on leave from the school district shall not accrue tenure while on leave and teaching in a charter school. However, professional employees on leave shall retain their tenure rights in the school entity from which they came. Both temporary professional employees and professional employees of the district shall continue to accrue seniority in the school entity from which they came if they return to that school when the leave ends.[\[15\]](#)

An application for leave of absence to work at a charter school shall specify the term of the leave of absence, up to five (5) years. The Board shall not be required to permit an employee to return to district service prior to the expiration of the leave of absence, but may determine to do so in its sole discretion based upon staffing needs of the district.[\[15\]](#)

1. Requests for leaves of absence for the purpose of working in a charter school shall be submitted to the Superintendent and approved by the Board six (6) months in advance of the start of the new next school year or within five (5) days of approval of a charter school application by the Board, whichever is later.
2. The request for additional leaves of absence to work in a charter school shall be made no later than the anniversary date of the original request.
3. The leave will be approved once the employee acknowledges in writing that the local school district is no longer the employer and that all provisions of the District Collective Bargaining contract/agreement/understanding will be waived as long as the employee is a charter

school employee.

4. The employee on leave from the district to work in a charter school may return to district service only after the expiration of the leave of absence.
5. A long-term substitute shall be hired to replace the employee on leave of absence for the purpose of working at a charter school.
6. The Board shall not grant tenure to a temporary professional employee on leave from the district to teach in a charter school located in the district, upon completion of the appropriate probation period. Professional employees on leave from the school district shall retain their tenure rights.
7. Both temporary professional employees and professional employees shall continue to accrue seniority in the school entity from which they came if they return to that school entity when the leave ends. (They must return to the local school for a minimum of three (3) years.)
8. The charter school shall, prior to hiring individuals, provide a current report of criminal history record (Act 34) and an official clearance statement regarding child injury or abuse from the Department of Public Welfare (Act 151) to the Board for its review.

In the case where a temporary professional employee or professional employee of the district on leave for employment at the charter school has been dismissed by the charter school, the district shall be provided by the charter school with the reasons for such dismissal at the time it occurs, including a list of any witnesses who were relied upon by the charter school in moving for dismissal, a description of and access to any physical evidence used by the charter school in moving for dismissal, and a copy of any record developed at any dismissal proceeding conducted by the charter school. Any temporary or professional employee leaving employment at a charter school and returning to the district after a leave of absence shall be required to provide a current criminal history record and an official clearance statement regarding child injury or abuse as required by applicable law.[\[15\]](#)[\[16\]](#)

Nothing shall affect the authority of the Board to initiate dismissal proceedings under Article XI of the School Code, if the Board determines that occurrences at the charter school leading to the dismissal of a teacher constitute adequate and independent grounds for discipline under Section 1122 of the School Code. Temporary professional employees may also be similarly dismissed.[\[17\]](#)

At a minimum, the charter school shall use the current evaluation methods and procedures for teacher evaluation and noncertified staff evaluation in the school district. Any other evaluation instruments used shall be clearly described.

### Enrollment

All resident children in this Commonwealth qualify for admission to the charter school within the provisions of law. If more students apply to the charter school than the number of attendance slots available in the school, then students must be selected on a random basis from a pool of qualified applicants meeting the established eligibility criteria and submitting an application by the enrollment deadline. However, a charter school may give preference in enrollment to a child of a parent/guardian who has actively participated in the development of the charter school and to siblings of students presently enrolled in the charter school. First preference shall be given to students who reside in the district.[\[18\]](#)

A charter school shall not discriminate in its admission policies or practices on the basis of intellectual ability, except as provided in the following paragraph, or athletic ability, measures of achievement or aptitude, status as a person with a disability, proficiency in the English language or any other basis that would be illegal if used by a school district.

A charter school may limit admission to a particular grade level, a targeted population group composed of at-risk students, or areas of concentration of the school such as mathematics, science or the arts.[\[18\]](#)

If available classroom space permits, a charter school may enroll nonresidents on a space-available basis and the student's district of residence shall permit the student to attend the charter school.[\[18\]](#)

### Educational Program

A charter school shall provide a minimum of one hundred eighty (180) days of instruction or nine hundred (900) hours per year of instruction at the elementary level, or nine hundred ninety (990) hours per year of instruction at the secondary level. Nothing in this paragraph shall preclude the use of computer or satellite linkages for delivering the instruction to students.[3]

The charter school shall meet the requirements for student performance set forth in 22 PA Code Chapter 5 or subsequent regulations promulgated to replace 22 PA Code Chapter 5, successor regulations or any performance standard set forth in the written charter signed pursuant to Section 1716-A.[19]

The charter school shall be accountable for meeting clear, measurable academic standards. The educational program of the charter school shall improve pupil learning as measured by the Pennsylvania Assessment System as provided for in 22 PA Code Chapter 5 (relating to curriculum), subsequent regulations promulgated to replace 22 PA Code Chapter 5 or successor regulations, and/or portfolios and/or other teacher assessments and any other assessments set forth in the charter application. The assessments shall be closely aligned to the school district assessments. The charter application shall identify the curriculum and course work to be pursued, the goals and appropriate benchmarks, and outcomes in measurable terms.[1][3]

Students enrolled in a charter school may apply for graduation credit from the LASD for courses completed in a charter school, according to Board policy. The charter school student as a minimum must meet the same criteria for successful course completion that Springfield High School students must meet to be awarded graduation credit.[20]

### Annual Review

The Board shall annually assess whether each charter school is meeting the goals of its charter and shall conduct a comprehensive review prior to granting a five (5) year renewal of the charter. The Board shall require each charter school to submit an annual report no later than August 1 of each year. The charter school shall also provide a quarterly report that demonstrates compliance with its charter, Act 22, and the requirements for testing, civil rights, and that student health and safety requirements are being met. The quarterly report shall include copies of Individual Education Programs (IEPs), special education evaluations, teacher evaluations, enrollments and student assessments, and parent and community evaluations. Financial reports shall include investments made, bids for purchases, and monthly financial statements that include grants, gifts, donations, and audits. Minutes of the Board of Trustees meetings shall also be included.[13][21]

Enrollment information shall include total enrollment by month, students previously enrolled in public schools from the local district and outside the local district, students previously enrolled in private schools from inside and outside the local district, special education students, and alternative education students.

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.

### Revoking a Charter

The Board can revoke at any time or not renew a charter according to law.[19]

During the term of the charter or at the end of the term of the charter, the Board may choose to revoke or not to renew the charter based upon any of the following:[19]

1. One or more material violations of any of the conditions, standards or procedures contained in the written charter.
2. Failure to meet the requirements for student performance set forth in the 22 Pa. Code Ch. 5 or subsequent regulations promulgated to replace 22 Pa. Code Ch. 5 successor regulations or any performance standard set forth in the written charter signed pursuant to Section 1716-A.
3. Failure to meet generally accepted standards of fiscal management or audit requirements.



4. Violation of any of the provisions of the Charter School Law.

5. Violation of any provisions of the law from which the charter school has not been exempted, including federal laws and regulations governing children with disabilities.

6. The charter school has been convicted of fraud.

Any notice of revocation or nonrenewal of a charter given by the Board shall state the grounds for such action with reasonable specificity and give reasonable notice to the Board of Trustees of the charter school of the date on which a public hearing concerning the revocation or nonrenewal will be held. The Board shall conduct a hearing, present evidence in support of the grounds for revocation or nonrenewal stated in its notice and give the charter school reasonable opportunity to offer testimony before taking final action. The Board, at a public meeting pursuant to the Sunshine Act, shall take formal action revoking or nonrenewing the charter, after the public has had thirty (30) days to provide comments to the Board. The proceeding shall be held pursuant to the Local Agency Law. The charter school may appeal the decision of the Board to the Board of Appeals. The Appeal Board shall have the exclusive review of a decision not to renew or revoke a charter. The Appeal Board shall review the record and shall have the discretion to supplement the record if the supplemental information was previously unavailable. The Appeal Board may consider the charter school plan, annual reports, student performance and employee and community support for the charter school in addition to the record. The Appeal Board shall give due consideration to the findings of the Board and specifically articulate its reasons for agreeing or disagreeing with those findings in its written decision. If the Appeal Board determines that the charter should not be revoked or should be renewed, the Appeal Board shall order the local Board of Directors to rescind its revocation or nonrenewal decision. The charter shall remain in effect until final disposition by the Appeal Board except when there are health or safety risks of students or staff.[\[19\]](#)

All decisions of the charter school Appeal Board shall be subject to appellate review by the Commonwealth Court.[\[19\]](#)

When a charter is revoked, not renewed, or otherwise ceases to operate, the charter school shall be dissolved. After the disposition of any liabilities and obligations of the charter school, any remaining assets of the charter school shall be distributed on a proportional basis to the school entities with students enrolled in the charter school for the last full or partial school year of the charter school.[\[19\]](#)

When a charter is revoked or is not renewed, a student who attended the charter school shall apply to another public school in the student's school district of residence. Normal application deadlines will be disregarded under these circumstances. All student records maintained by the charter school shall be forwarded to the student's district of residence.[\[19\]](#)

In cases where the health or safety of the school's pupils, staff or both is at serious risk, the Board may take immediate action to revoke a charter. This would include cases in which the physical, mental, or emotional well-being of the pupils, staff or both are actually compromised or potentially at serious risk due to the failure or refusal of the charter school to take appropriate measures to reduce or eliminate the risk.

A member of the Board of Trustees who is convicted of a felony or any crime involving moral turpitude shall be immediately disqualified from serving on the Board of Trustees.

#### Independent Review

The Board designee shall conduct a comprehensive independent review prior to granting a five (5) year renewal of the charter. The information required in the quarterly and annual reviews shall be part of the comprehensive review.

#### Regional Charter School Application

A regional charter school may be established by an individual, one or more teachers who will teach at the proposed charter school, parents/guardians of students who will attend the charter school, any nonsectarian college, university or museum located in this Commonwealth, any nonsectarian corporation not-for-profit, any corporation, association, partnership or any combination thereof. A regional charter school may be established by creating a new school or by converting an existing public school or a portion of an existing public school.

Conversion of an existing public school to a regional charter school shall be accomplished in accordance with provisions of the Charter School Law. No regional charter school shall be established or funded by and no charter shall be granted to any sectarian school, institution or other entity.[5]

The Board may act, jointly with other local School Boards to receive and to consider an application for a regional charter school, except that any action to approve an application for a charter or to sign a written charter of an applicant shall require an affirmative vote of a majority of the directors of each school district involved. The applicant for a regional charter school shall apply for a charter to the Board of any school district in which the charter school will be located.

The application process for a regional charter school shall follow the process outlined for the application process for a charter school in the district.

#### Converting an Existing Public School or Portion Thereof to Charter School

Where an application for a charter school proposes converting an existing public school or portion thereof to a charter school, the application must clearly indicate, by signed petition, that the conversion is supported by more than fifty percent (50%) of the teaching staff in the public school and more than fifty percent (50%) of the parents/guardians of pupils attending that public school. For purposes of this provision, fifty percent (50%) of the teaching staff shall mean half of the full-time equivalent teachers in the public school. Part-time teachers shall be counted for a prorated full time equivalent based upon time employed. Paraprofessionals shall not be counted within the definition of teaching staff for the purposes of this policy.[4]

More than fifty percent (50%) of parents/guardians shall be determined to be half of the total households in the district that have students enrolled in the building. For these purposes, households who have two (2) or more students in the same public school shall be counted as one household. Furthermore, for these purposes, students having divorced or separated parents/guardians and subject to a joint custody order shall be deemed a single household.

In the event an application for conversion of an existing public school or a portion of an existing public school to a charter school is approved by the Board, and students currently assigned and attending the public school do not desire to remain in the public school or a portion thereof when it is converted to a charter school, those students will be reassigned to other public schools of the district in the sole discretion of the Board with due consideration for transportation needs.

Charter schools cannot contract a facility with public funds received from the State Department of Education or a local school district. The facility shall be exempt from public school facility regulations, except those pertaining to the health and safety of the pupils.

Use of local school facilities by the charter school cannot infringe on the normal use by the students nor affect efficient scheduling of classes for students of the local school district. Use of facilities and cost of facility use shall be according to Board Policy No. 707. The charter school students of the charter school shall own any equipment or materials used by the charter school. Any equipment owned by the local school district and used by the charter school shall be leased by contract from the local school district.[22]

#### Liability

The Board of Trustees and the charter school shall be solely liable for any and all damages resulting from any legal challenges involving the operation of a charter school. The Board shall not be held liable for any activity or operation related to the program of a charter school.[23]

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 charter school.

The charter school Board of Trustees and its employees require their own errors and omissions insurance. The charter school shall carry liability insurance of no less than \$1 million, personal property insurance on a replacement cost basis, insurance coverage for rented/leased property or fire legal liability, auto insurance if applicable, workers' compensation and health insurance. If the charter school occupies some of the facility

space of the local school district, the local school district shall be included in the charter school's liability insurance policy.

The Superintendent or designee shall be responsible to assist applicants with plans for technical assistance and contracted services that may be provided by the school district. The Superintendent or designee shall be responsible for the general oversight of the charter school and shall provide the Board with the information required in the quarterly and annual reviews and make appropriate recommendations.

### Transportation

Students who reside in the school district in which the charter school is located or who are residents of the district which is part of a regional charter school shall be provided transportation to the charter school on the same terms and conditions as transportation is provided to students attending the schools of the district. Transportation shall also be provided to students if they are the same age or are enrolled in the same grade, grades or their grade equivalents as any students of the district for whom transportation is provided under any program or policy to the schools of the district. [25]

### Desegregation Orders

If the school district is currently operating under a desegregation plan approved by the Pennsylvania Human Relations Commission or a desegregation order by a federal or state court, the Board shall not approve a charter school application if such charter school would place the school district in noncompliance with its desegregation order.

### Funding for Charter Schools

There shall be no tuition charge for a resident or nonresident student attending a charter school. [24]

For non-special education students, the charter school shall receive for each student enrolled no less than the budgeted total expenditure per average daily membership of the prior school year, as defined in 24 P.S. Section 25-2501(20), minus the budgeted expenditures of the district of residence for nonpublic school programs; adult education programs; community/junior college programs; student transportation services, for special education programs; facilities acquisition, construction and improvement services; and other financing uses, including debt service and fund transfers as provided in the Manual of Accounting and uses, including debt service and fund transfers as provided in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems established by the Department. This amount shall be paid by the district of residence of each student. [24]

For special education students, the charter school shall receive for each student enrolled the same funding as for each non-special education student as provided in the preceding paragraph, plus an additional amount determined by dividing the district of residence's total special education expenditure by the product of multiplying the combined percentage of 24 P.S. Section 25-2509(k) times the district of residence's total average daily membership for the prior school year. This amount shall be paid by the district of residence of each student. [24]

A charter school may request the intermediate unit in which the charter school is located to provide services to assist the charter school to address specific needs of exceptional students. The intermediate unit shall assist the charter school and bill the charter school for the services. The intermediate unit may not charge the charter school more for any service than it charges the constituent districts of the intermediate unit. [24]

It shall be lawful for any charter school to receive, hold, manage and use, absolutely or in trust, any devise, bequest, grant, endowment, gift or donation of any property, real or personal and/or mixed, which shall be made to the charter school for any of the purposes permitted by law. [24]

It shall be unlawful for any trustee of a charter school or any Board of Trustees of a charter school or any other person affiliated in any way with a charter school to demand or request, directly or indirectly, any gift, donation or contribution of any kind from any parent/guardian, teacher, employee or any other person affiliated with the charter school as a condition for employment or enrollment and/or continued attendance of any pupil. Any donation, gift, or contribution received by a charter school shall be given freely and voluntarily. [24]

This online posting is an electronic copy from Springfield School District's manual of currently adopted policies. The policies on this site are for informational purposes only and do not reflect updating activities in progress. It may be used for information and reference purposes only regarding issues of concern. Certified date-stamped copies are available from the District Open Records Officer and are valid for issues of concern within two (2) weeks of the stamped date.

Legal

- [1. 24 P.S. 1702-A](#)
- [2. 24 P.S. 1703-A](#)
- [3. 24 P.S. 1715-A](#)
- [4. 24 P.S. 1717-A](#)
- [5. 24 P.S. 1718-A](#)
- [6. 24 P.S. 1722-A](#)
- [7. 24 P.S. 1716-A](#)
- [8. 20 U.S.C. 1400 et seq](#)
- [9. 42 U.S.C. 12101 et seq](#)
- [10. 20 U.S.C. 1232g](#)
- [11. 34 CFR Part 99](#)
- [12. 24 P.S. 1714-A](#)
- [13. 24 P.S. 1719-A](#)
- [14. 24 P.S. 1720-A](#)
- [15. 24 P.S. 1724-A](#)
- [16. 23 Pa. C.S.A. 6301 et seq](#)
- [17. 24 P.S. 1122](#)
- [18. 24 P.S. 1723-A](#)
- [19. 24 P.S. 1729-A](#)
20. Pol. 217
- [21. 24 P.S. 1728-A](#)
22. Pol. 707
- [23. 24 P.S. 1727-A](#)
- [24. 24 P.S. 1725-A](#)
- [25. 24 P.S. 1726-A](#)
- [24 P.S. 1701-A et seq](#)
- [22 PA Code 4.12](#)
- [22 PA Code 4.13](#)
- [22 PA Code 4.4](#)

