



Pennsylvania Coalition
of Public Charter Schools

Choice, Quality and Accountability in Public Education

How to Start a Charter School

An Overview of Legal
Requirements for the
Application Process

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Latsha Davis & McKenna

LATSHA DAVIS & MCKENNA



ATTORNEYS AT LAW

About Our Firm

Latsha Davis & McKenna, P.C.

- We provide a broad spectrum of legal services to schools, businesses and individuals throughout Pennsylvania, New Jersey, Maryland and Ohio.
- Our practical business-oriented approach and reputation for delivering the highest quality legal services has garnered us both regional and national recognition.

Our Charter School Clients

- Largest charter school practice in the Commonwealth, representing approximately 50 charter schools.
- Of those 50 charter schools, we helped approximately half of them to obtain their initial charter.
- Our charter school clients vary from schools in the beginning stages of organization, prior to obtaining a charter, to schools seeking renewals of their initial charters.
- We resolve legal complexities so that our clients can focus on what matters most: supporting their students' pursuit of educational growth.

Our Firm Works with Successful Charter Schools Across the Commonwealth



Vision

- Educational leaders establish charter schools because they have a vision.
- They see that there is a better way to teach, and they dedicate their careers to making their ideas become a reality.
- At Latsha Davis & McKenna, P.C., we support their visions.

Educational Issues We Handle Daily

- Charter school financing
- Commercial real estate matters/property purchases and commercial leases
- Compliance with special education requirements/program implementation
- Drafting and review of vendor contracts
- Employment of teachers and other professionals
- Equipment
- Facilities and maintenance
- Fundraising
- Professional staff policies and policy enforcement
- Student discipline
- Transportation

What is a Charter School?

- Charter schools are public schools that operate with freedom from many of the local and state regulations that apply to traditional public schools.
- Allow parents, community leaders, educational entrepreneurs, and others the flexibility to innovate and provide students with increased educational options within the public school system.
- Sponsored by local, state, or other organizations that monitor their quality while holding them accountable for academic results and responsible fiscal practices.

What is a Regional Charter?

- "Regional charter school" means an independent public school established and operated under a charter from more than one local board of school directors and in which students attend.
- Conversion of an existing public school to a regional charter school is accomplished in accordance with Sections 17-1701-A-17-1751-A of the PA School Code (Charter School Law).
- Approval of an application for a charter requires a majority vote of all directors of each of the school districts involved.

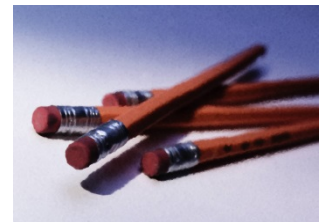
Act 22 – Pennsylvania's Charter School Law

- At least 75% professional staff must be certified;
100% SPED
- State and federal criminal history and child abuse clearances
- Funding – no tuition, funding by district of residence of students in 12 equal monthly payments by the 5th of each month within operating school year.
- Transportation provided by district of residence.
- Annual Reporting (August 1 – local board & state)
- Prevailing Wage Act & Public Bidding

The Role of the Charter School Board

Pursuant to Act 22, 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 professionals and nonprofessional employees subject to the school's charter and the provisions of the Charter School Law.



Public Official and Employee Ethics Act

- The Ethics Act applies to “public officials” and “public employees.”
- Trustees are defined as “public officials” under the Charter School Law.
- Public employees are defined by the Ethics Act in part as any individual employed by a political subdivision who is responsible for taking or recommending official action of a nonministerial nature with regard to:
 - (1) contracting or procurement;
 - (2) administering or monitoring grants or subsidies;
 - (3) any other activity where the official action has an economic impact of greater than a de minimis nature on the interests of any person.

The term specifically excludes teachers.

Charter Schools: Legislative Intent

- Application Criteria:
 - The demonstrated, sustainable support for the charter school plan by teachers, parents, other community members and students, including comments received at the public hearing held under subsection (d).
 - 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.
 - The extent to which the application considers the information requested in section 1719-A and conforms to the legislative intent outlined in section 1702-A.
 - The extent to which the charter school may serve as a model for other public schools.

Legal Requirements to Approve a Charter Application

- Charters must accomplish all of the following:
 - Improve pupil learning.
 - Increase learning opportunities for all pupils.
 - Encourage the use of different and innovative teaching methods.
 - Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.
 - Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.
 - Hold the schools established under this act accountable for meeting measurable academic standards and provide the school with a method to establish accountability systems.

Essential Elements of the Charter Application

- A thorough description of the curriculum to be taught
- Production of a school safety plan
- Description of the charter school's measurable academic and non-academic goals and objectives
- Description of the charter school's founding coalition and proposed governance structure
- Compliance with all state and federal special education laws
- Mathematically correct and common sense budget

Charter School Application Process in Pennsylvania

- An application to establish a charter school shall be submitted to the local board of school directors of the district where the charter school will be located by November 15 of the school year preceding the school year in which the charter school will be established.
- Within 45 days of receipt of a charter application, the local board of school directors in which the proposed charter school is to be located shall hold at least one public hearing on the charter application.
- At least 45 days must transpire between the first public hearing and the final decision of the board on the charter application.

Charter School Application Process in Pennsylvania

- Not later than 75 days after the first public hearing on the charter application, the local board of school directors shall grant or deny the charter application.
- A denial of a charter application may be appealed to the State Charter School Appeal Board. Public support is a pre-requisite for an appeal, through signature petitions.
- A decision by the State Charter School Appeal Board is appealable to the Commonwealth Court.

Example Timeline for Charter Application

- Work with our firm to prepare a Successful Application
- Submit Application to School Board(s)
 - Public hearing will be held within 45 days
 - Decision within 75 days of public hearing
- Approval to Open
- Yearly Application Deadline of November 15th

What it Takes To Write A Successful Charter School Application

Charter School Application Requirements

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 the Board of Trustees.

Charter School Application Requirements

5. The mission and measurable education goals of the charter school, the curriculum to be offered, and the methods of assessing whether students are meeting educational goals.

Charter school students shall be required to meet the same testing and academic performance standards established by law and regulations applicable to public school students.

Charter School Application Requirements

6. The admission policy and criteria for evaluating student admission, which shall comply with the requirements of the Charter School Law.
7. The procedures that will be used regarding the suspension or expulsion of pupils.
8. The information on the manner in which community groups will be involved in the charter school planning process.

Charter School Application Requirements

9. The financial plan for the charter school and the provisions that will be made for auditing the school under provisions of Section 437 of the Public School Code.
10. The procedures that shall be established to review complaints of parents regarding the operation of the charter school.
11. A description and an address for the physical facility in which the charter school will be located and the ownership thereof and any lease arrangements.

Charter School Application Requirements

12. The proposed school calendar for the charter school, including the length of the school day and school year consistent with the provisions of Section 1502 of the Public School Code.
13. The proposed faculty and a professional development plan for the faculty of a charter school.

Charter School Application Requirements

14. 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.

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.

Charter School Application Requirements

15. A report of criminal history record, pursuant to Section 111 of the Public School Code, for all individuals who shall have direct contact with students.
16. An official clearance statement regarding child injury or abuse from the Department of Public Welfare as required by 23 Pa.C.S. Chapter 63, Subchapter C.2 (relating to background checks for employment in schools) for all individuals who shall have direct contact with students.
17. How the charter school, the employees and the Board of Trustees will be insured.

Essential Elements of the Charter

- Charter school applicants are required to address the following broad topics: educational model, organizational structure, finance and facilities.
- Description of the charter school's mission, vision and educational program.
- Explanation of the anticipated student population including:
 - racial and ethnic composition
 - reduced price and free lunch eligibility rates
 - primary languages spoken
 - grades to be served
 - projected enrollment per grade

Next Steps

1. Meet with Board of Trustees
2. Review Charter School Application Process
3. Board of Trustees Decision
4. Prepare Application
5. School Applies for Charter

Recent Successful Charter Applications

Our Firm Assisted These Charter Schools

MaST III Community Charter School

- Math, Science and Technology Community Charter School receives thousands of applications from Philadelphia Students
- Located in Philadelphia's Somerton section
- School Reform Commission approved conditions limiting the School to 1,300 students to open 2019
- 50 percent of seats reserved for students from certain North Philadelphia zip codes

MaST II Community Charter School

- MaST II opened as a K-3 school in **Fall 2016**
- Located in renovated former St. William Catholic School in Northeast Philadelphia
- Will add grades each year to be K-12 by 2023

Environmental Charter School

- Opened as a K-3 school in Fall 2008
- Originally in Former Milton School in Regent Square in Pittsburgh
- ECS achieved full enrollment of K-8 in 2013, serving 640 students annually
- **2017**: ECS received approval from Charter Appeals Board to add a high school.

Chester Charter School for the Arts

- Opened 2012 for grades K-6
- CCSA began as a partnership between the Chester-Upland School District and the Chester Fund led by a Swarthmore College professor
- Moved to new 92,000-square-foot building in 2017, soon to serve grades K-12

Gillingham Charter School

- Gillingham Charter School opened in Pottsville, PA in 2010
- 2015: Pottsville Area school board rejected Gillingham's application for a second five-year charter
- There were 12 public hearings held at Pottsville Area through April and May 2016.
- September 2017: Charter School Appeal Board heard the appeal and granted the renewal.

PA Coalition of Pub. Ch. Schls. v. Dept Ed. (2016)

- The Pennsylvania Coalition of Public Charter Schools and 20 charter schools brought suit in February 2016 on behalf of a variety of charter schools.
- The suit demands judgment against the PDE to receive withheld payments for prior schools years due.
- Our Firm helped recover millions of dollars for charter schools in outstanding amounts owed by various school districts.

References

Please talk to us afterwards for
Charter School References

Questions?

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