



**SUMMIT**  
Charter School

**Appendix W.  
Summit Charter School Proposed Findings  
of Fact and Conclusion of Law (Nov 2019)**

IN RE: SUMMIT CHARTER SCHOOL :  
 : Application Submitted: 11/14/19  
 v. :  
 :  
 POCONO MOUNTAIN SCHOOL DISTRICT :

**SUMMIT CHARTER SCHOOL’S  
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This Proposed Findings of Fact and Conclusions of Law comes before the Pocono Mountain School District (“PMSD” or the “District”) upon submission of a charter application (the “Application”) of the Summit Charter School (the “Applicant” or “Charter School”) to operate a charter school in accordance with 24 PS. Section 17-1717-A *et seq.* The Charter School, by and through counsel, submits this proposed Findings of Fact and Conclusions of Law as follows:

1. The Charter School applied for a charter from the District by submitting the Application on November 14, 2019. See, Exhibit A Summit Charter School Charter Application.
2. The Charter School intends to serve grades Kindergarten through 11 during year one.
3. The Applicant already operates a private school, Summit School of Poconos, which currently implements much of the curriculum and the educational program that the Applicant proposes to use at the proposed charter school. See, Exhibit B Summit Charter School Proposed Curriculum SCS # 000543-002287.
4. The Summit Charter School utilized the Pennsylvania Department of Education (the “PDE”) model application, publicly available on the PDE website. See, Exhibit A Summit Charter School Charter Application.

5. The PMSD does not utilize a charter application other than the PDE developed form application.
6. The Application submitted to the PMSD by the Charter School consisted of 149 pages of answers to areas of inquiry on the PDE application. See, Exhibit A Summit Charter School Charter Application.
7. The Applicant also attached appendices to the Application – which consisted of 408 pages. See, Exhibit A Summit Charter School Charter Application, Appendix A to R.
8. The Appendices included 1729 pages of the proposed curriculum. See, Exhibit B Summit Charter School Proposed Curriculum.
9. In addition to the Application and its Appendices, the Applicant also included in its Application Submission responses to the PMSD’s “Application Hurdles” which are listed on the PMSD’s website as part of its Charter School Policy. See, Exhibit C Summit Charter School Charter Application Submission Hurdle Criteria November 2019, Stamped SCS # 00001-11.
10. The Application Hurdles utilized by the PMSD are outside the application process as described by the Pennsylvania Charter School Law (the “CSL”).
11. The Application Hurdles included multiple areas of inquiry that are specifically contrary to well established law, including:
  - a. “How does the proposal provide an education which is significantly different from that which is currently available in the Pocono Mountain School District ...? See, Exhibit C Summit Charter School Charter Application Submission Hurdle Criteria November 2019, SCS # 00003-4.

- i. The Applicant objected to the inclusion of that criteria as contrary to the CSL as far as the educational program having to “significantly differ” from the PMSD. See, Exhibit C Summit Charter School Charter Application Submission Hurdle Criteria November 2019, SCS # 00003-4.
  - ii. The Application described in detail how the proposed charter school encourages the use of innovative teaching methods, increases learning opportunities for children, creates new professional opportunities for teachers and expands choice in the Pocono Mountain School District, in accordance with 24 PS 17-1702-A. See, Exhibit C Summit Charter School Charter Application Submission Hurdle Criteria November 2019, SCS # 00003-4
- b. “What are the unique qualifications of your staff which will allow you to accomplish an educational program which is significantly different from that which is currently available in the Pocono Mountain School District?” See, Exhibit C Summit Charter School Charter Application Submission Hurdle Criteria November 2019, SCS # 00004-5.
- i. Applicant objected to this criteria that its teachers must have unique qualifications. See, Exhibit C Summit Charter School Charter Application Submission Hurdle Criteria November 2019, SCS # 00004-5.
  - ii. The Application explained the teacher election process, the qualification required, its professional development, teachers’ participation in the development of curriculum, teacher autonomy, small, student-centered and the participation in democratic and restorative

practices. See, Exhibit C Summit Charter School Charter Application Submission Hurdle Criteria November 2019, SCS # 00005.

c. “Does the proposed charter school have the appropriate physical facilities to accomplish an educational program which is significantly different from that which is currently available in the Pocono Mountain School District?” See, Exhibit C Summit Charter School Charter Application Submission Hurdle Criteria November 2019, SCS # 00005.

i. The Applicant objected to this criteria that the Applicant needed to demonstrate at the time of the Application that the physical facility would accomplish an educational program which is significantly different from the PMSD. See, Exhibit C Summit Charter School Charter Application Submission Hurdle Criteria November 2019, SCS # 00005.

ii. The Applicant complied with CSL in that it has included in its Application: “a description of and address of the physical facility in which the charter school will be located and the ownership thereof and any lease arrangements..” 24 PaSCA 17-1719(11). See, Exhibit C Summit Charter School Charter Application Submission Hurdle Criteria November 2019, SCS # 00005.

d. “Does the proposed charter school negatively affect district instructional/extracurricular programs?” See, Exhibit C Summit Charter School Charter Application Submission Hurdle Criteria November 2019, SCS # 00007.

i. The Applicant objected to this criteria as being outside the CSL and not in compliance with the actual stated legislative intent for the CSL which does not include that the Applicant must show that the proposed charter must “compliment [sic] the stated mission of the school district.”See, Exhibit C Summit Charter School Charter Application Submission Hurdle Criteria November 2019 SCS # 00006-7

e. “How will the charter school model exemplary instructional practices for the district?” See, Exhibit C Summit Charter School Charter Application Submission Hurdle Criteria November 2019 SCS # 00006.

i. The Applicant objected to this criteria as being outside the CSL and its legislative intent. See, Exhibit C Summit Charter School Charter Application Submission Hurdle Criteria November 2019, SCS # 00006.

ii. The Applicant included an invitation to PMSD to collaborate, visit and partner with the Applicant. See, Exhibit C Summit Charter School Charter Application Submission Hurdle Criteria November 2019, SCS # 00006-7.

f. “Will the proposed charter school provide a bond or line of credit with a financial institution equal to or greater than the funding provided by the district?” See, Exhibit C Summit Charter School Charter Application Submission Hurdle Criteria November 2019, SCS # 00008.

i. The Applicant objected to this criteria as a bond or a line of credit and certainly not in the amount equal or greater than the funding provided

by the district is not germane to the application process. See, Exhibit C Summit Charter School Charter Application Submission Hurdle Criteria November 2019, SCS # 00008.

ii. Any such decisions regarding a line of credit - if any - would be subject to the authority of the Charter School's Board of Trustees. See, Exhibit C Summit Charter School Charter Application Submission Hurdle Criteria November 2019, SCS # 00008

12. The PMSD notified the Charter School that it had an opportunity to present additional documentation by December 3, 2019, after which the District would no longer accept additional documentation for the Application. See, Charter School Exhibit 2, Letter of the PMSD to Applicant, dated November 27, 2019.
13. The Charter School submitted additional documents by the required deadline – which comprised of five pages of pre-enrollments, a letter from PNC Bank regarding its willingness to engage in facilities financing discussions with the Applicant and two additional support letters. See December 3, 2019, Submission of Summit Charter School to the PMSD.
14. The PMSD Board of School Directors (the “Board”) held the first public hearing on the Application on December 18, 2019 (the “December 18 Hearing” or the “First Public Hearing”). See, Exhibit E December 18 Hearing Transcript.
15. At the December 18 Hearing, the Applicant was provided with an opportunity to present the Application to the Board. See, Exhibit E December 18, 2019 Hearing Tr., 6:9-11.

16. At the December 18, 2019 Hearing, the Board of School Directors presented the Charter School with a revised charter school application procedure. See SD Exhibit 5.
17. The charter school application procedure does not mention the aforesaid Charter Application Hurdles. Id.
18. At the time of the December 18 Hearing , the District refused to allow the students of the Summit School of the Poconos to speak in support of the Application because those students were not 18 years of age and were not “taxpayers of the school district” even though the subject students were, in fact, residents of the District. See, Exhibit E December 18, 2019 Hearing Tr., 53:1-25; 54:1-12.
19. At the time of the December 18 Hearing, there were 19 speakers at the time of public comment. See, Exhibit E, December 18, 2019 Hearing Tr., page 3.
20. Of the 19 speakers, seven (7) spoke in support of the charter school. See, December 18, 2019 Hearing Tr., pages 54-62, 71-74, 78-80.
21. Of the 19 speakers, ten (10) speakers were all employees of the Pocono Mountain School District who spoke only about the programs offered at individual schools or by individual teachers in individual classrooms within the Pocono Mountain School District.
22. Two taxpayers gave public comment regarding the financial impact of charter schools – which is an impermissible line of inquiry under the CSL. See, Exhibit D December 18, 2019 Hearing Tr., 68:9-21; 82:24-25 and 83:1-10.
23. The District notified the Applicant that it would schedule a second hearing, which took place on February 5, 2020 (the “February 5 Hearing” or the “Second Public Hearing”). See, Exhibit E February 5, 2020 Hearing Transcript.



24. During the February 5 Hearing, the District distributed a report prepared by District Administration which totaled 44 pages as well as copies of appendices which totaled 83 pages. See, Exhibit E February 5, 2020 Hearing Tr., 136:13-17; see also, Exhibit F, Pocono Mountain School District Administrative Review and Report, February 5, 2020.
25. The Applicant was not provided with a copy of the Administrative Review and Report (the “Administrative Report”) prior to the time of the February 5 Hearing and was unable to review or correct the document.
26. The District Administration did not ask any questions of the Applicant regarding the areas it identified in the Administrative Review and Report.
27. At the time of the February 5 Hearing, there were 38 speakers. See, Exhibit E February 5, 2020 Hearing Tr., page 89.
28. Of the 38 speakers, eight spoke in support of the charter school. See, Exhibit E, February 5, 2020 Hearing Tr., Public Comment of McDermott(1) (245:5-25; 246:1-22), McKissock(1) (247:1-25;248:1-13), McKissock(2), Tullo (248:16-25; 249:1-25; 250:1-8), McDermott(2) (250:14-25; 251:1-13), Lwanga (71:9-25; 72:1-9), Thompson (78:13-25; 79:1-25; 80:1-13), Farda (54:17-25; 55:1-25; 56:1-5).
29. Of the 38 speakers, twenty-six (26) speakers were all employees of the Pocono Mountain School District who spoke only about the programs offered at individual schools or by individual teachers in individual classrooms within the Pocono Mountain School District. Id.
30. Per the form promulgated by the PDE under School Focus, the application asks for the Applicant to describe “[i]n brief terms, please describe the school mission,

educational focus, and other essential characteristics of the proposed charter school.”  
See, Charter School Application, CS Exhibit 1, at SCS # 000012-160.

31. The Applicant described its school mission as follows: “Summit Charter School will provide a movement-rich, project-based environment, grounded in shared governance, where students demonstrate an active voice and ownership in their education.” See, Charter School Application, CS Exhibit 1, at SCS # 000018.
32. The Charter School’s overarching vision is, among other things, is to be “an innovative education hub for Northeast Pennsylvania, sharing its practice with positive change makers in local and national education. Here, educators are empowered to create responsive curricula and meaningful learning experiences in a student-centered environment. Through a unique approach built upon shared governance, students are encouraged to responsibly contribute to their school community and assume ownership in their education and learning experiences. By applying these combined practices, we will graduate motivated, civically-engaged citizens who uniquely contribute to our world and future.” See, Charter School Application, CS Exhibit 1, SCS # 000018-19.
33. Per the form promulgated by the Pennsylvania Department of Education, the applicant was asked to “briefly describe the core philosophy or underlying purpose of the proposed school.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
34. Per the form promulgated by the Pennsylvania Department of Education, the applicant was asked to describe its “overarching vision of the school.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
35. Per the form promulgated by the Pennsylvania Department of Education, the Application explains that the ‘overarching vision of the school’ requires the Applicant to

“define a concise plan for an innovative public school that will lead to improved educational performance and consistency between mission and the educational programs. The plan should be articulated to achieve improved performance.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

36. Per the form promulgated by the Pennsylvania Department of Education, the applicant was asked to describe the “school’s measurable academic goals and objectives to promote student learning.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

37. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe the “school’s measurable non-academic goals and objectives to promote student performance.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

38. Per the form promulgated by the Pennsylvania Department of Education, the Application explains that the Applicant should “develop clear, measurable goals with objectives for building the educational program that reflects a commitment to academic excellence for all students.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

39. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “describe the educational program of the school, providing an overview of the curriculum and the content in all subject areas.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

40. Per the form promulgated by the Pennsylvania Department of Education, the Application explains that the applicant should “describe ... curriculum...” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
41. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “describe how your school will meet the educational needs of students with disabilities in accordance with Chapter 711.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
42. Per the form promulgated by the Pennsylvania Department of Education, the Application explains that the applicant should “describe ... a specific plan to meet the needs of students with disabilities that are consistent with the mission of your school.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
43. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe “projections for special education instructional programs that will be operated directly by the charter school or operated by others under contract with your charter school.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
44. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “list any support staff and related service providers that might be employed directly by the charter school or provided under contract, who will provide required support for students with disabilities receiving special education.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

45. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked “what teaching methods will be used?” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
46. Per the form promulgated by the Pennsylvania Department of Education, the Application explains that the applicant should describe “effective teaching methods ...” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
47. Per the form promulgated by the Pennsylvania Department of Education, the applicant was asked how the teaching methods described will “enhance student learning.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
48. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “attach the school calendar and identify hours of the school operation, as per Section 1715-A(9). See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
49. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe “what methods of self-assessment or evaluation will be used to ensure that the school is meeting its stated mission and objectives.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
50. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe how teachers and administrators would be evaluated. See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
51. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe “standards for teacher and staff performance.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

52. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked how it would plan to hold its “school accountable to the parents of the children attending” the charter school. See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
53. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to discuss its “plan for regular review of school budgets and financial records.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
54. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe its “system for maintaining school records and disseminating information as required under the Family Educational Rights and Privacy Act (FERPA).” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
55. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe its “system for maintaining accurate student enrollment information as required under Section 1748-A [sic].<sup>1</sup> See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
56. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “describe plans to evaluate student performance.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
57. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe how “student development toward the school’s overall learning goals and objectives be measured.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

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<sup>1</sup> 24 PS 17-1748-A is the statutory provision under charter school law that relates to the per pupil funding for cyber charter schools, not brick and mortar charter schools.

58. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “describe how student evaluation will be used to improve student achievement and attain the stated learning objectives.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
59. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe a “commitment to high academic standards for all students; well-developed evaluation program for either school-developed or standardized testing; use of the Pennsylvania System of School Assessment (PSSA) or the Pennsylvania Alternate School Assessment (PASA); and compliance with applicable auditing requirements.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
60. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “describe the relationship of your school with the surrounding community.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
61. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “describe the nature and extent of parent involvement in the school’s mission.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
62. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “describe procedures established to review complaints of parents regarding operation of the charter school.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
63. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe “expectations of family members (or guardians) to be

active participants in their children’s education and the integration plan of the school to collaborate with other community organizations.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

64. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe the “extra-curricular activities (athletics, publications and organizations)” planned for the school. See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

65. The form promulgated by the Pennsylvania Department of Education, include a note that stated “Charter schools shall be permitted, if otherwise qualified, to be members of the Pennsylvania Interscholastic Athletic Association.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

66. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “describe 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.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

67. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “identify organized program of activities that complements the mission of the charter school and the similar programs in the school district of students’ residence.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

68. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe why there was “a need for this type of school.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.



69. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “explain why the charter school model is an appropriate vehicle to address this need ... provide recognition of potential opportunities to improve service and expand choices for students and parents.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
70. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe the “school’s enrollment projections for the first five years.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
71. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe the “school’s ultimate enrollment goal.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
72. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe “what grades will be served.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
73. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe the age of kindergarten and age of beginner students. See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
74. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe “how many students are expected to be in each grade or grouping. See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
75. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe “the community or region where the school will be located.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

76. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe why “this location selected.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
77. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to explain whether there are “other locations suitable to the needs and focus of the school.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
78. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe “any unique demographic characteristics of the student population to be served, including primary languages spoken.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
79. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “provide a description of the students to be served and the community in which the school will be located.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
80. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to explain efforts it had “made to notify the district(s) from which your charter school would draw students.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
81. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe “what efforts will be implemented to maintain a collaborative relationship with school districts.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

82. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to send letters of intent to all school districts from which the charter school could reasonably expect to draw students. See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
83. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “convey the scope of community backing for the proposed charter school and its founding coalition.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
84. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “document community support among teachers, parents, students, community members, institutional leaders and others through the use of letters of support, surveys, or other tangible means.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
85. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “document efforts to foster open communications with local school districts; evidence that the founders inspire the confidence of their targeted community; evidence that the program provides an attractive educational alternative to students and parents, and evidence that the breadth of community support extends beyond the core group of founders.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
86. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe “the makeup of the group or partnership that is working together to apply for a charter, including the names of the founders, their background and

experiences, and references for each.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

87. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “discuss how the group came together, as well as any partnership arrangements with existing schools, educational programs, businesses, non-profits, or any other entities or groups.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

88. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “include any plans for further recruitment of founders or organizers of the school.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

89. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “provide information on the manner in which community groups are involved in the charter school planning process.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

90. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “describe a group that is composed of people with a range of professional skills capable of the organizational, financial, pedagogical, legal and other skills required to operate a functioning public school.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

91. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “describe the proposed management organization of the school, including the following requirements:

An affirmative vote of a majority of the members of the Board of Trustees of the charter school, duly recorded, showing how each member voted, shall be used in order to take action on the following subjects:

- School calendar (must include 990 hours or 180 days of instruction for secondary students [grades 7-12] and 900 hours or 180 days for elementary students [grades 1-6]).
- School cannot be kept open for the purpose of ordinary instruction, on Sundays, Fourth of July, Memorial Day, Thanksgiving, the first of January, Christmas, or Saturday, except when Monday is fixed by the board of directors as the weekly holiday for the entire school year).
- Adopting textbooks
- Appointing or dismissing charter school administrators
- Adopting the annual budget
- Purchasing or selling of land
- Locating new buildings or changing the locations of old ones
- Creating or increasing any indebtedness
- Adopting courses of study
- Designating depositories for school funds
- Entering into contracts of any kind where the amount involved exceeds \$200
- Fixing salaries or compensation of administrators, teachers, or other employees of the charter school.
- Entering into contracts with and making appropriations to an intermediate unit, school district or Area Vocational/Technical School for the charter's

proportionate share of the cost of services provided or to be provided by the foregoing entities.

See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

92. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe “how will the Board of Trustees be selected.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

93. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe “what steps will be taken to maintain continuity between the founding coalition’s vision and the Board of Trustees.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

94. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “describe the roles and responsibilities of the Board.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

95. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe “what steps will be taken to facilitate a productive relationship between administrators and teachers.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

96. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to discuss “the nature of parental and student involvement in decision-making matters where appropriate.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

97. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “submit copies of the school’s by-laws, contracts and other

documents required by pending charter school legislation or applicable law.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

98. Per the form promulgated by the Pennsylvania Department of Education, the Application states that the requirements for the bylaws are as follows:

- The bylaws must contain a provision for “failure to organize or neglect of duty”.
- The bylaws must outline a removal procedure for the failure of a board member to perform his or her duties as outlined in the Charter School Law.
- No board member shall as a private citizen, engage in any business transaction with the charter school of which he or she is a trustee, be employed in any capacity by the charter school of which he or she is a trustee, or receive from such charter school any pay for services rendered to the charter school.
- A charter school Board of Trustees shall have a designated treasurer who shall receive all funds, including local, state and federal funds, and privately donated funds. The treasurer shall also make payments out of the same on proper orders approved by the Board of Trustees, signed by the president or vice president of the Board. The treasurer may pay out such funds on orders that have been properly signed without the approval of the Board first having been secured for the payment of amounts owing under any contracts, which shall previously have been approved by the Board, and by which prompt payment, the charter will receive a discount or other advantage.
- Procedures for dismissal of an employee must be contained in the bylaws.

See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

99. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to submit board members' names, addresses, phone numbers and resumes. See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
100. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “describe the effective governance model; consistency with the mission; clearly defined roles of the Board of Trustees; teacher, student and parent input in school decision-making; and the well-developed, viable management structure.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
101. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “develop a preliminary startup and operating budget.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
102. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “use the guidance provided in the Manual of Accounting and Financial Reporting for Pennsylvania LEAs to create those budgets.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
103. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to develop “a purchasing procedure that addresses a competitive way to purchase goods and services.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
104. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to refer to Section 1725-A of the Charter School Law for additional financial procedures. See, Charter School Application, CS Exhibit 1, SCS # 000012-160.



105. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe “what fund raising [sic] efforts have occurred and/or are planned to generate capital or to supplement the per pupil allocations.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

106. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “describe the implementation of the following required financial procedures:

The treasurer of the charter shall deposit the funds belonging to the charter school in a depository approved by the board and shall, at the end of each month, make a report to the charter board of the amount of funds received and disbursed by him or her during the month.

All deposits of charter school funds by the charter treasurer shall be made in the name of the charter school. The Board of Trustees of a charter school shall invest charter school funds consistent with sound business practice. Authorized types of investments for charter schools shall be:

- United States Treasury bills
- Short-term obligations of the United States Government or its agencies or instrumentalities
- Deposits in savings accounts, time deposits or share account of institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or the National Credit Union Share Insurance Fund to the extent that such accounts are so insured, and for any amounts above the insured maximum, provided that approved collateral as provided by law therefore shall be pledged by the depository.

- Obligations of the United States of America or any of its agencies or instrumentalities backed by the full faith and credit of the United States of America, the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith of the Commonwealth, or of any political subdivision of the Commonwealth of Pennsylvania of any of its agencies or instrumentalities backed by the full faith and credit of the political subdivision.
- Shares of an investment company registered under the Investment Company of America Act of 1940 (54 Stat.789, 15 U.S.C. \* 80a-1 et seq.) as defined in PA 24 PS 4-440.1 of the Pennsylvania School Code.
- Note: All Investments shall be subject to the standards set forth in PA 24 PS 4-440.1 of the Pennsylvania School Code.”

See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

107. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to note that the “school treasurer shall settle his accounts annually with the Board of School Directors for each school year.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

108. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to note that “an annual school audit shall be conducted according to the requirements of Article 24 of the School Code of 1949. Charter School Boards of Trustees shall follow requirements set forth for school boards in this section.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

109. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “provide descriptions of and addresses for the physical

facilities under consideration and the ownership thereof and any lease arrangements.”  
See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

110. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “explain how this site(s) would be a suitable facility for the proposed school.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

111. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “consider the necessity of renovation to the facility and compliance with applicable building codes and accessibility for individuals with disabilities.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

112. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “describe the services of the facility including heating, ventilating, lighting, sanitary conditions and water supply.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

113. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “discuss the plan for maintaining the facility on a daily basis (custodial) and extended basis (facility maintenance).” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

114. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “discuss any progress, partnership developments or other future steps toward acquisition of a facility/land.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

115. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “describe facility financing plans.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
116. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “describe progress toward identifying and acquiring a school facility, with a backup plan considering alternative facilities.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
117. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “describe your school’s insurance coverage plans, including health, general liability (including school operation, extracurricular activities and parent volunteer activities), property, and director and officers’ liability coverage (see Section 1727-A of the charter school legislation).” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
118. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “provide evidence of insurability in all areas identified above.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
119. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “describe your school enrollment and attendance procedures.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
120. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to follow the state child accounting procedures at 24 PS 13-1332. See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

121. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “demonstrate how you will publicize the school to attract a sufficient pool of eligible applicants.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
122. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe “what type of outreach will be made to potential students and their families.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
123. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “develop a solid plan to attract sufficient students to operate a school.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
124. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked, in terms of outreach how it intended to “publicize the school.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
125. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe how, in terms of outreach, it intended to “ensure a match between the school program and applicants’ educational and personal needs.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
126. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “describe the enrollment methods and eligibility criteria” it will use to select students.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

127. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to explain “administrative procedures to ensure compliance with laws pertaining to Special Education.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
128. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “describe the timetable to be used for admitting students, including a plan for the admission lottery for students from both within and outside the district.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
129. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to explain how its admission lottery policies “further the mission of the school in a non-discriminatory fashion.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
130. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to explain how its admission lottery would “establish consistency with the mission of the school and the non-discriminatory policies for timely and realistic procedures for admitting students in accordance with charter school law (Section 1723-A).” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
131. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe “the standards to be used in the hiring process of teachers, administrators and other school staff.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

132. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to explain its “targeted staff size and teacher/student ratio.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
133. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe what “professional development opportunities will be available to teachers and other staff.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
134. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe its human resource policies governing salaries, contracts, hiring and dismissal, sick and other leave, and benefits.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
135. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to identify its proposed faculty. See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
136. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “attach 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.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
137. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “attach 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.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

138. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “discuss any rules or guidelines governing student behavior.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

139. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe its “school’s policies regarding student expulsion and suspension, including students with disabilities.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

140. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe its “school’s mandatory student attendance plan and its fit with the code of conduct.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

141. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “provide evidence that the founders inspire the confidence of their targeted community; program provides an attractive educational alternative to students and parents; and community support extends beyond the core group of founders. Expectation for student behavior is clear and specific processes for disciplinary actions are established.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

142. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe its “transportation program, including transportation for Special Education students and suggestions for improvement.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.



143. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe what “arrangements will be made to transport students and if you plan to implement an extended-day or extended-year program that requires transportation beyond that which the district provides.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
144. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe “what plans are being made for the coordination of transportation of students who live outside the local district to be transported to the school,” noting that the school district of student residence must provide transportation to a charter school up to ten miles from its border. See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
145. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe its food service plan. See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
146. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe its “plans for free or reduced lunch or breakfast.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
147. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “provide a detailed timetable of projected steps and dates leading to the opening of a charter school” that was well-developed and realistic. See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
148. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to “submit written documentation of intent to comply with all

applicable safety requirements including the following to demonstrate the safety and structural soundness of the school, including an inspection by a local building inspector; inspection by a local fire department; approval from the municipal licensing authority for use of any explosives and flammable compounds or liquids in connection with courses taught at the school.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

149. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to demonstrate “compliance with all other federal, state, and local health and safety laws and regulations” which included a notation that application for “certificates, licenses, etc. are part of the planning process.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

150. Per the form promulgated by the Pennsylvania Department of Education, there is a notation that in terms of its facilities that “all necessary certificates and occupancy permits must be issued and in effect prior to the opening of the charter school. Preliminary clearances on all these requirements should be obtained prior to a lease being executed.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

151. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe its “plan for providing school health services as required under Article XIV of the Public School Code.” See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

152. Per the form promulgated by the Pennsylvania Department of Education, the Applicant was asked to describe how school nursing services, including administration of medication will be delivered. See, Charter School Application, CS Exhibit 1, SCS # 000012-160.

153. The Applicant fully answered each of the sections on the form application developed and promulgated by the Pennsylvania Department of Education. See, Charter School Application, CS Exhibit 1, SCS # 000012-160.
154. In addition to answering each of the sections on the form application developed and promulgated by the Pennsylvania Department of Education, the Applicant also provided 18 exhibits in the Appendices, which included: Standards Aligned Curriculum, Special Education Policies, Projected Enrollment Chart, 2020-21 SCS School Calendar, Staff Evaluation Form, Pre-Enrollment Data, Letters of Support, identification of the Founding Coalition, Board of Trustees Resumes, SSP 501c3 Non-Profit Corporation Status, Summit Charter School Bylaws, SCS 5-Year Budget, Purchases Subject to Bid Policy, Projected Facilities Growth, Facility Letters of Support, Lottery and Enrollment Policy, Employee Handbook and Student and Families Handbook. See, Charter School Application, CS Exhibit 1, SCS # 000162-2287.
155. Under the CSL, a charter school is exempt from certain provisions of the Pennsylvania School Code as well as regulations of the PDE. See, 24 P.S. § 17-1715-(A)(1).
156. Under Section 1732-A of the CSL, charter schools are not subject to 22 Pa Code Section 57.31.
157. The PMSD Administrative Review and Report included a criticism regarding the analysis of the Application which referenced 22 Pa Code 57.31. See, Exhibit F, Pocono Mountain School District Administrative Review and Report, pg. 6.
158. Act 158 provides multiple alternatives for high school students to demonstrate readiness for postsecondary success, including the ability to use project-based assessment

towards that goal but which do not preempt local policies. See, 24 P.S. § 1-121; see also, 22 Pa. Code § 4.51(c).

159. As such, in order to meet state-wide graduation requirements as provided for in 22 Pa. Code § 4.51(c), a charter school may choose to incorporate project-based assessments into its local graduation requirements.

160. PDE continues to make project-based assessments available for school entities for use at the local level. See, 24 P.S. § 1-121.

161. The Pocono Mountain Administrative Review and Report contained a criticism regarding the Applicant's use of the project-based assessment. See, Exhibit F, Pocono Mountain Administrative Review and Report, pgs. 6, 43.

162. Per the Pennsylvania School Code, charter schools are not permitted to participate in dual enrollment (or concurrent enrollment) programs, which are limited to school districts. See, 24 P.S. § 1602-B, *et seq.*

163. The Pocono Mountain School District Administrative Review and Report contained a criticism that there was no evidence of a plan for dual enrollment by the Applicant. See, Exhibit F, Pocono Mountain School District Administrative Review and Report, pg. 17.

164. The form promulgated by the PDE does not require the Applicant to address, college dual enrollment classes, college entry examinations, pre-college entrance examination, college entry preparation assessment, planned college visits through grade levels, college articulation agreements.

165. PMSD included a criticism that the Applicant did not provide for a plan for Career and Technical Education since "Charter School Law requires that a Charter

School provide a Career and Technical Education option for its students.” Exhibit F, Pocono Mountain School District Administrative Review and Report, pg. 17.

166. Charter School Law does not contain a requirement that a charter school provide a Career and Technical Education option for its students. See, 24 P.S. § 17-1732-A.
167. In fact, charter schools are precluded from participating in career and technical education under See, 24 P.S. § 1602-B *et seq.*; Id.
168. The form promulgated by the PDE does not require a plan for the provision of career and technical education.
169. The form promulgated by the PDE does not require a plan to address the criteria for students to meet the Pennsylvania Interscholastic Athletic Association (PIAA) eligibility for athletics, the identification of courses identified and/or available that have been National Collegiate Athletic Association (NCAA) approved or a plan for how the student/athlete NCAA Division I, II, and III requirements will be met.
170. The Pennsylvania Charter School Law does not require the submission of a plan to address the criteria for students to meet the Pennsylvania Interscholastic Athletic Association (PIAA) eligibility for athletics, the identification of courses identified and/or available that have been National Collegiate Athletic Association (NCAA) approved or a plan for how the student/athlete NCAA Division I, II, and III requirements will be met.
171. The Pocono Mountain School District Administrative Review and Report contained a criticism that the Applicant failed to submit a plan to address the criteria for students to meet the Pennsylvania Interscholastic Athletic Association (PIAA) eligibility for athletics, the identification of courses identified and/or available that have been National Collegiate Athletic Association (NCAA) approved or a plan for how the

- student/athlete NCAA Division I, II, and III requirements will be met. See, Exhibit F, pg. 17.
172. The form promulgated by the PDE does not require the submission of a grading policy.
173. The Charter School Law does not require the submission of a grading policy.
174. The Pocono Mountain School District Administrative Review and Report contained a criticism that the Applicant failed to provide a grading policy. See, Exhibit F, Pocono Mountain School District Administrative Review and Report, pg. 18.
175. The form promulgated by the Pennsylvania Department of Education does not contain any section under which an Applicant can address the provision of instruction to English Learners.
176. Rosa’s Law 22 is a federal law which changed the term Mentally Retarded to Intellectually Disabled from federal health, education, and labor policies.
177. Pennsylvania Department of Education Regulations at 22 Pa Code 14.123(a), § 14.124(a) and (c), § 14.125(3)(ii), 4.132(a)(2)(vii) 4.132(d), § 14.143(b), 4.162(a), 22 Pa Code 711.22(c), 711.24(a), 711.25(3)(ii), 711.44(a)(2)(vii), 711.44(d), 711.61(c) are the current provisions addressing special education services in both traditional public school districts and charter school and which specifically contain the words “mental retardation.”
178. The PMSD Administrative Review and Report contained a criticism of the Applicant based on the appearance of the words “Mental Retardation/Mentally Retarded” in its special education policies. See, Exhibit F, Pocono Mountain School District Administrative Review and Report, pg. 22.

179. The PMSD Administrative Review and Report contains a criticism regarding Title I funds and the alleged failure of the Applicant from providing estimated enrollments from other Monroe County schools with students in poverty. See, Exhibit F, Pocono Mountain School District Administrative Review and Report, p. 26.
180. Title I funds are not just for students at or below poverty.
181. If a Local Education Agency (“LEA”) runs a Targeted Assistance (“TA”) Title I program, then based on LEA specific academic and non-academic criteria in addition to a couple federally required criteria, students are deemed eligible for TA services and programs regardless of their economic status.
182. A non-economically disadvantaged child could receive Targeted Assistance Title I services if the TA criteria deems them to be eligible.
183. If a LEA runs a Schoolwide Program Title I program, then ALL students at the LEA are eligible for services and programs regardless of economic status.
184. A LEA in its first year of operation would not be able to apply for Title I and II funds until the Funding Adjustment period in February/March.
185. The PMSD Administrative Review and Report contains a criticism that the Applicant failed to designate a person responsible for completion of federal grants or monthly reporting requirements. See, Exhibit F, Administrative Review and Report, pg. 26.
186. The form promulgated by the PDE does not require the identification of such an individual the grant or who would complete the monthly reporting requirements of the PA Department of Education.

187. Not all Federal funds require monthly reporting and occur on a periodic basis including quarterly cash on hand reporting, application requirements, program requirements, parent and family engagement are all required at different points throughout the grant period.
188. The PMSD Administrative Review and Report contains a criticism that the Applicant's budget in Year One does not contain funds for Title III funding for EL students or Title IV. See, Exhibit F, Pocono Mountain School District Administrative Review and Report, pg. 26.
189. The funding for Title III stems from October 1 PIMS snapshot, which does not occur until the charter school begins operations.
190. The Applicant did budget for EL personnel.
191. A first-year school is not eligible to receive Title IV funds.
192. The form promulgated by the PDE does not require the inclusion of a plan to monitor the immunization status of students and a plan for exclusion of provisional students.
193. The form promulgated by the PDE does not require the inclusion foster and homeless students' policies.
194. The PMSD Administrative Review and Report contains a criticism that the provisional basis hiring of the Applicant "places children in danger." See, Exhibit F, Pocono Mountain School District Administrative Review and Report, pg. 29.
195. 24 P.S. Section 1-111 (i)(1)-(5) allows for the provisional hire of a school employees "for a single period not to exceed ninety (90) days ...provided that all of the following conditions are met:



- (1) the applicant has applied for the information required under subsection (b) and, where applicable, under subsection (c) or (c.1) and the applicant provides a copy of the appropriate completed request forms to the administrator;
- (2) the administrator has no knowledge of information pertaining to the applicant which would disqualify him from employment pursuant to subsection (e) or (f.1);
- (3) the applicant swears or affirms in writing that he is not disqualified from employment pursuant to subsection (e) or (f.1);
- (4) if the information obtained pursuant to subsection (b), (c) or (c.1) reveals that the applicant is disqualified from employment pursuant to subsection (e) or (f.1), the applicant shall be suspended and subject to termination proceedings as provided for by law; and
- (5) the administrator requires that the applicant not be permitted to work alone with children and that the applicant work in the immediate vicinity of a permanent employee.

196. Similarly, 24 P.S. Section 1-111.1 (e)(2) allows for the provisional hire of a school employees for a period not to exceed ninety (90) days ...” pending the school entity's or independent contractor's review of information and records... provided that all of the following are satisfied:

- (i) The applicant has provided all of the information and supporting documentation required ...
- (ii) The school administrator has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment.

(iii) The applicant swears or affirms that the applicant is not disqualified from employment.

(iv) The applicant is not permitted by the school entity or independent contractor to work alone with children and is required to work in the immediate vicinity of a permanent employee.

197. The Application form promulgated by the PDE does not require evidence of the establishment of a threat assessment team, NASRO training for security officers or Act 44 Requirements for School Safety, planning and budgeting for a Safety and Security Coordinator and required school safety and security reporting requirements, and the implementation and management of the statewide Safe2Say Something anonymous school threat reporting system.

198. The PMSD Administrative Review and Report contains a criticism regarding the Applicant's proposed plan wherein students were free to take "walk breaks." See, Exhibit F, Pocono Mountain Administrative Review and Report, pg. 30.

199. The Applicant did not state that the students would be taking walk breaks in the building as the referenced section is discussing classrooms - which means that the students would be taking walk breaks in the classroom. See, Charter School Application, CS Exhibit 1, SCS # 000028.

200. The PMSD Administrative Review and Report contained a criticism that the Applicant failed to properly present Food Service Operations in the Annual Financial Statements, stating that "Food Service Operations are required to be accounted and reported as an enterprise fund when specific criteria are met as described in the Governmental Accounting Standards Board (GASB) Codification of Governmental

Accounting and Financial Reporting Standards section 1300.109. The utilization of an enterprise fund for food service operations is driven by the school providing goods and services to students on a continuing basis and is financed through user charges.” See, Exhibit F, Administrative Review and Report, pg. 35.

201. Pennsylvania Guidance on the use of proprietary fund involving food service activities states that “Charter schools **are permitted** to account for food service type activities in the **general fund** if the cafeteria operations do not meet the GASB criteria for proprietary fund reporting.” Manual of Accounting and Financial Reporting for Pennsylvania Local Educational Agencies (LEAs), 59 and Chart of Accounts for PA LEAs, page B-3.
202. The PMSD Administrative Review and Report contained a criticism that the Applicant failed to identify the position of Business Manager in its budget. See, Exhibit F, Pocono Mountain Administrative Review and Report, pg. 35.
203. The Applicant had clearly identified that it was engaging Charter Choices as its contracted business service manager, the costs of which are in the submitted application. See, Charter School Application, CS Exhibit 1, SCS # 000106-107.
204. The PMSD Administrative Review and Report contained a criticism that the Applicant failed to include projected budgetary expenditures or appropriations for Student Activities, Extra-Curricular Events, Substitute Instructors, Security, Security Guards, Supplies, Resources, Training or Equipment. See, Exhibit F, Pocono Mountain School District Administrative Review and Report, pg. 35.
205. The costs for these expenditures are clearly included in the submitted budget.

206. The PMSD Administrative Review and Report stated that the Application “failed to provide a letter of agreement or any other evidence from Northampton Community College, the owner of the proposed location for the charter school, to show a purchase agreement is possible,” such that it unclear as to whether the charter school's location had actually been determined. See, Exhibit F Pocono Mountain School District Administrative Review and Report, pg. 38.
207. The school district obtained a comprehensive facility assessment report for the proposed site, without notice to the Applicant.
208. The PMSD Administrative Review and Report estimates that approximately \$910,000 is needed before the property would be appropriate to use as a public school. See, Exhibit F, Pocono Mountain School District Administrative Review and Report, pg. 39.
209. The Applicant had identified that its facilities would need adaptation for K-12 use and included in its application: (1) an analysis of projected enrollment versus building area, construction development milestone plan, facility timeline, development costs projections which estimate renovations at a higher amount than the District’s estimates. See, Charter School Application, CS Exhibit 1, SCS # 000405-412.
210. The PMSD Administrative Review and Report states that the Application failed to identify an appropriately state- certified administrator to manage the operations of the charter school. See, Exhibit F, Pocono Mountain School District Administrative Review and Report, p. 39.
211. The Application promulgated by the PDE does not require the identification of its administrator at the time of application.

212. The Applicant had identified that Kathleen Hernandez was its identified administrator and at the time of the February 5, 2020 hearing, Ms. Hernandez testified that she was in the process of obtaining her certification. See, Exhibit F, February 5, 2020 Hearing Tr., 92:17-18; 100:17-20.
213. Pennsylvania's Charter School Law does not require that all or even a majority of the Charter School's Board of Trustees must be residents or own property in the authorizing school district. See, 24 P.S. § 17-1716-A.
214. The Application promulgated by the PDE does not require the submission of a plan for the required Act 55 training for Board members.
215. The Application promulgated by the PDE does not require that the Applicant was required to explain the status of the existing private school or its plans regarding the closure of its operations.
216. Charter School Law does not require that the Applicant was required to explain the status of the existing private school or its plans regarding the closure of its operations.
217. The Sunshine Act, the Pennsylvania School Code nor the Charter School Law provide that the minutes of board meetings must be made available on websites upon board approval such that the criticism of the PMSD Application Review is used as a means of denial of the charter application. See, Exhibit F, Pocono Mountain School District Administrative Review and Report, p. 41.
218. The Application form promulgated by PDE does not require that the Applicant identify a position and/or person responsible for coordinating school-wide family engagement activities or a Parent Engagement Policy.

### **PROPOSED CONCLUSIONS OF LAW**

1. Pennsylvania’s Charter School Law governs the application approval process and the legal requirements that charter schools must follow. 24 P.S. §17-1701- A, et seq.

2. The Charter School must provide the authorizing school district with all of the required elements and contents of a charter school application, including:

(i) The demonstrated, sustainable support for the charter school plan by teachers, parents, other community members and students, including comments received at the public hearing under subsection ( d).

(ii) 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.

(iii) The extent to which the application considers the information requested in Section 1719-A and conforms to the legislative intent outlined in Section 1720-A.

(iv) The extent to which the charter school may serve as a model for other public schools. 24 P.S. § 17-1717-A(e)(2). (Footnotes omitted).

3. The Application of the Summit Charter School demonstrates sustainable support for the charter school’s plan by teachers, parents, and other community members and students in accordance with the Charter School Law 24 PS 17-1717-(A)(2)(i).

4. The Application of the Summit Charter School demonstrates that the Charter School has the capability, in terms of support and planning to provide a comprehensive learning experience to students. 24 PS Section 17-1717(A)(e)(2)(ii).

5. The Application of the Summit Charter School demonstrates that the proposed charter school has adequately considered the following information which is requested in Section 1719-A. 24 P.S. Section 17-1717-A(e)(2)(iii).

6. The Charter School met its burden of proving the requirements necessary for the approval of a charter school application.

Respectfully Submitted:

CONRAD O'BRIEN

*s/Patricia A. Hennessy*

Patricia A. Hennessy, Esquire

Attorney for Summit Charter School,  
Applicant