



**SUMMIT**  

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**Charter School**

**Appendix Y.  
PMSD Application Process & Hurdle  
Criteria (Nov 2019)**

**Summit Charter School**  
**Charter Application Submission Hurdle Criteria**  
**November 2019**

Book	Policy Manual
Section	100 Programs
Title:	Charter Schools
Code	140
Status	Active
Adopted	July 5, 2000
Last	Revised March 5, 2003

**Purpose**

The purpose of this policy is to acknowledge this school district's obligation to provide students, parents and community members an opportunity to establish and maintain schools that operate independently from the existing school district structure on accordance with the requirements of Act 22 of 1997 which is known as the "Charter School Law" (24 P.S. Section 17-1701-A, et seq) and Act 187 of 2002, Omnibus School Code amendments. [\[1\]](#)

**Authority**

The Board of School Directors (the "Board") shall work cooperatively with individuals and/or groups submitting proposals and applications for charter schools in accordance with the requirements of the Charter School Law, any and all regulations or guidelines adopted pursuant thereto by the Department of Education of the Commonwealth and the requirements, regulations and guidelines established by the Board. [\[2\]](#)[\[3\]](#)[\[8\]](#)

**The Charter School Review Process**

1. District process and judging criteria sent to Charter School Applicant.
2. Charter School Applicant must submit application and written responses to hurdle criteria.
3. Cabinet will review the application and written responses to hurdle criteria.
  - a. If approved by the Cabinet, there will be a recommendation for a Board hearing. Charter School Applicant must submit, in advance of the Board

hearing, written responses to all judging criteria. If the Applicant wishes, they may give a presentation to the Board for a maximum of 15 minutes at the beginning of the hearing.

- b. If disapproved by the Cabinet, there will be modifications required of the Charter School Applicant and a request that the applicant waive the statutory forty-five (45) day time requirement for the holding of a Board Hearing.
- c. If disapproved by the Cabinet but Applicant insists on a Board hearing without modifying its proposal, a Board hearing will be scheduled. If the Applicant wishes, they may give a presentation to the Board for a maximum of 15 minutes at the beginning of the hearing.

#### 4. School Board Hearing

- a. Applicant may address the Board.
- b. School Board will review the charter school proposal based on the application, written responses to judging criteria and the recommendation of the Cabinet.
- c. School Board will ask clarifying questions regarding the charter school proposal.
- d. School Board Discussion.

#### 5. Approval/Disapproval

- a. School Board will vote within the prescribed time frame set forth in the Charter School Law.

#### Judging Criteria

It is the belief of the Pocono Mountain School District that schools applying for charter status should offer programs significantly different from what is offered by the district. To that end, it is imperative that the criteria listed below be addressed.

#### Hurdle Criteria

1. Does the proposal include the information required by Section 1719A of the Charter School Law, and how does it address the legislative intent of the Charter School Law?[\[5\]](#)

Our proposal includes increased opportunities for learning for children, increased opportunities for teachers, encourages the use of different and innovative teaching methods, and provides parents and students with expanded choice.

Our Charter School and Board of Trustees will be held accountable for academic and non academic goals and standards as well as a curriculum that meets statewide standards.

For more information, please refer to our complete application, which includes all details relevant to our application and how it addresses and complies with the Charter School Law.

2. How does the proposal provide an education which is significantly different from that which is currently available in the Pocono Mountain School District, and does it satisfy applicable state curriculum requirements?

The applicant objects to the inclusion of this criteria as contrary to Charter School Law as far as the educational program having to “significantly differ” from the Pocono Mountain School District. Under 24 PaCSA 17-1717-A(e)(2) which states that the application criteria as follows:

- (2) A charter school application submitted under this article shall be evaluated by the local board of school directors based on criteria, including, but not limited to, the following:*
- (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 held 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 1702-A.*
  - (iv) The extent to which the charter school may serve as a model for other public schools.*

The legislative intent of charter schools under 1702-A states that the charter school law is being enacted ... “to provide pupils and community members to establish and maintain

schools that operate independently from the existing school district structure as a method to accomplish all of the following:

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

Nowhere in the Charter School Law does the General Assembly suggest that the charter school's program be "significantly different." In fact, the Charter School Appeal Board has spoken directly on this issue: "Even if it were true that the District provided all of the educational choices proposed ..., the CSL does not require [Provident] to be more innovative or completely different from the District. "The purpose of the [CSL] is to encourage the use of innovative methods, not to exclude charter applicants whose proposed methods may not be as innovative or as different as the school district believes they should be." *In Re Provident Charter School for Children with Dyslexia*, CAB Docket No. 2014-06, page 29, citing, *Sugar Valley Rural Charter School*, CAB Docket No. 1999-4, pg. 15.

Our application, as well as all of the attachments included with it, explains in detail and quite comprehensively throughout its entire context, how our 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 and how we will satisfy all applicable state curriculum requirements. Please refer to that information.

3. 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?

Applicant objects to the criteria that its teachers must have unique qualifications and

incorporates herein the rationale for the objection under criteria 2. Without waiving this objection, our application explains how our teachers are selected, the requisite qualifications required for each teachers, teacher professional development, that teachers have the ability to help write curriculum, that they possess a high level of autonomy in the decision making for the growth of their students, that they learn alongside students in (small) student-centered classrooms. And that they participate in and lead democratic and restorative practices. Please see our application for details.

4. 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?

Please see **Section IV. Finance and Facility**> **2. Facility** in our charter application for information on our proposed location.

Objection, see above. Without waiver of our objection, the applicant states that it has 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).

5. How does the proposal demonstrate evidence of sustainable support for the charter school plan by teachers, parents, local community, members and students? (Include signed documents)

Please see **Section II. Needs Assessment** of our charter application. Also see letters of support as well as pre-enrollment forms and founding coalition members list included with our application.

6. Submit an ongoing plan to evaluate and report the attainment of student performance standards.

Please see Section 4. School Accountability in our charter application.

7. Submit a five-year financial plan for the charter school that complies with the budget requirements of the Commonwealth of Pennsylvania.

Please see the 1-5 year Budget and other financial information submitted with our application.

### Additional Criteria

#### *Curriculum/Instruction -*

1. How does the proposed charter school compliment the stated mission of the school district?

The Applicant objects to this criteria as being outside the CSL. See above for 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.” The legislative intent makes clear that the charter school operates independently of the school district structure.

2. Does the proposed charter school negatively affect district instructional/extracurricular programs?

The Applicant objects to this criteria as being outside the CSL. See above for 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.” The legislative intent makes clear that the charter school operates independently of the school district structure.

3. How will the charter school model exemplary instructional practices for the district?

The Applicant objects to this criteria as being outside the CSL. The CSL requires that the applicant submit “the proposed faculty and a professional development plan for the faculty of a charter school.” 24 PaSCA 17-19-A(13). Additionally, under the legislative intent, the applicant must “encourage the use of different and innovative teaching methods as well as “creating new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.” Without waiver of the objections, the applicant is very transparent and would love to work with the district to elevate education for all students. We invite Pocono Mountain Staff to visit our school and work together collaboratively on all fronts. Our application and

supporting documents reflects all of this and more and you will find more detailed information within.

4. What curriculum will be offered to students and how will curricular materials be selected?

Project-based, STEAM-rich teacher-crafted curricula in a movement rich, democracy and civics-centered environment. Teachers and administrators, with board approval when needed, will select materials they deem best-aligned with our goals.

Our application covers this in detail in numerous parts of our application and we have included our curriculum. Please refer to those materials for more information.

5. Are extracurricular activities offered by the charter school?

This information is covered in our application, specifically under **Section 6. Extra Curricular Activities**. Please refer to it for more information.

### *Special Education -*

1. Will the charter school assume full responsibility for due process rights of thought-to-be and/or identified special education students?

Under Charter School Law and PDE regulations, the charter school understands that it is the local educational agency for purposes of the IDEA as well as 22 Pa Code, Chapter 711. This compliance encompasses the school's Child Find responsibilities of the charter school for the students who enroll and attend the CSL as well as the student's due process rights. To the extent that a student enrolls at the Charter School whose resident district has failed to identify the student during the student's tenure at the resident district, the charter school will not assume the district's liability for compensatory education for violations of due process.



*Business and Finance -*

1. As part of the proposed charter school, is there full indemnification of the School Board and school district by providing adequate insurance and by naming the school district as an additional insured?

Yes.

2. 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?

Such a mandate is not required by law in the form of a bond or a line of credit and certainly not in the amount equal or greater than the funding provided by the district - which amount would subject to change year to year based on enrollment. To the extent that the charter school obtains a line of credit, such line of credit will be in an amount of the charter school's choosing, in line with advice provided by its business manager, any relevant financial institutions and with Board approval and oversight.

3. Will the proposed charter school assume the full financial responsibility for special education students if the costs exceed the district tuition rate?

Yes.

4. Will the charter school have an annual financial audit by an independent certified public accountant?

Yes.

5. Will the funds of the charter school be maintained in interest bearing instruments or bank accounts backed by the federal government?

Yes.

6. Will purchases by the charter school include a competitive bidding or proposal process?

Yes. However, as the District is aware, the charter school is exempted from certain competitive bidding procedures for goods but is subject to competitive bidding requirements for construction, repair and maintenance of its school building(s). See

Policy included with our application.

7. Does the budget narrative state the minimum number of students needed for the school to remain financially viable?

Yes. The first year's student enrollment of 360 is the minimum number of students needed for the school to remain financially viable. This enrollment allows for a slight surplus which would enable the school to reasonably cover costs going forward.

8. Will the proposed charter school reimburse the school district for students who participate in any extracurricular school district programs?

At this time, the charter school already has extra curricular activities planned at its own facility. Per the CSL, the applicant has not developed any plans with any local school district regarding participation of the charter school students in extracurricular activities within the school district. Applicant notes that the CSL states that "notwithstanding any provision to the contrary, no school district of residence shall prohibit a student of a charter school from participating in any extracurricular activity of that school district of residence."

Miscellaneous -

1. Are the admission criteria for the proposed charter school illegally discriminatory to any students?

No.

2. Describe the proposed Code of Conduct if different from the Pocono Mountain School District's Discipline Policy.

Please see our **Student & Families Handbook and our Employee Handbook**, both of which are included with our application for information regarding our code of conduct for both students and staff.

3. Will the proposed charter school assume responsibility for students who violate their Student Code of Conduct or will this responsibility be passed back to the school district? (including students expelled or terminated for behavior reasons)

The Charter School has outlined its discipline procedures in the application. The applicant does not understand the use of the word “terminate a student” as an educational term of art. The student is either expelled or withdrawn. As the district is aware, the discipline of students who attend the charter school falls under the authority of the charter school and the district is not a participant in the discipline decisions or proceedings of the charter school. To the extent that a student is expelled from either the district or the charter school, the responsibility for securing a different educational opportunity for the student lies with the parent under compulsory education. The charter school also assumes that the district will likewise not counsel its own students engaged in the district’s disciplinary process to withdrawal and enroll at the charter school.

4. How will parents and community members be involved with the governance of the charter school?

This information can be found in our application under **Section 2. Governance> D. Discuss the nature of parental and student involvement in decision-making matters where appropriate.**

5. Describe procedures established for the review of complaints regarding the operation of the charter school.

This can be found in our application, **Section 5. School Community>C. Describe procedures established to review complaints of parents regarding operation of the charter school.** Please refer to that section for detailed information.

6. What is the proposed school calendar, length of school day and school year?

This information is included in our application in **Section 3. Educational Program> D. Attach the school calendar and identify hours of the School operation, as per Section 1715-A(9).** Please see that section for this information including a copy of our school calendar, submitted with our application.

7. How will the administrative work of the charter school be accomplished?

The applicant is unclear as to the District's meaning of the "administrative work." The charter school intends to hire the requisite professionals to operate the charter school.

## **Guidelines**

### Transportation

The district shall provide transportation to resident students attending a charter school located in the district, a regional charter school of which the district is a member, and a charter school located within ten (10) miles outside district boundaries.[\[6\]](#)

Transportation shall be provided to charter school students on the dates and periods that the charter school is in session, regardless of whether transportation is provided to district students on those days.

### Legal

1. 24 P.S. 1701-A et seq
2. 22 PA Code 4.4
3. 22 PA Code 4.12
5. 24 P.S. 1719-A
6. 24 P.S. 1726-A
7. 24 P.S. 1702-A
8. 22 PA Code 4.13