

**COMMONWEALTH OF PENNSYLVANIA  
STATE CHARTER SCHOOL APPEAL BOARD**

<b>PROPEL CHARTER SCHOOL -</b>	:	
<b>HAZELWOOD</b>	:	
	:	<b>Docket No. CAB 2013-02</b>
v.	:	
	:	
<b>PITTSBURGH SCHOOL DISTRICT</b>	:	

**OPINION**

This matter is before the Charter School Appeal Board (“CAB”) as a result of the appeal of the Propel Charter School - Hazelwood (“Propel”) from the failure of the School District of Pittsburgh (“Pittsburgh”) to grant or deny its charter school application within the statutorily required time period. As a result of Pittsburgh’s failure to act and Propel’s appeal, the Charter School Appeal Board (CAB) must review the Charter School Application and make a determination to grant or deny the charter based upon the criteria set forth in section 1717-A(e)(2) of the Charter School Law (“CSL”). 24 P.S. § 17-1717-A(e)(2).

**FINDINGS OF FACT**

1. Propel Charter School – Hazelwood, Inc., is a Pennsylvania nonprofit corporation with its registered office at 3447 East Carson Street, Suite 200, Pittsburgh, PA 15203.
2. Propel submitted an application to form a charter school to the Pittsburgh Board of Public Education on September 28, 2012 (the “Application”). Direct Appeal, Exhibit A<sup>1</sup>.
3. Propel proposes to open a K-8 school in the Hazelwood community in order to satisfy the interest of the community in having a school of its own and one which will close the

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<sup>1</sup> All of the citations to exhibits are to documents that were included with the Direct Appeal filed by Propel. Thus, they will be cited hereinafter simply as “Exhibit \_\_\_\_.”

socioeconomic and racial achievement gaps between students from Hazelwood and those from other parts of the city. Exhibit A, Appendix at section 5.

4. Pittsburgh held a public hearing regarding the Application on October 22, 2012.
5. A District Review Team met with the Propel founding coalition on December 14, 2012 and requested additional documentation from Propel, which was subsequently provided and reviewed.
6. On January 16, 2013, the Review Team issued a Review and Recommendation Report to the Pittsburgh Board of Public Education indicating that the Application should be approved. Exhibit E.
7. On January 23, 2013 the Pittsburgh Board of Public Education met and voted 4-4-1 on a resolution to approve the Application. Exhibit G.
8. No other motions regarding the Application were made nor did the Pittsburgh Board of Public Education take any further action on the Application. Exhibit G; District's Answer.
9. On January 29, 2013, Propel filed a Direct Appeal Pursuant to Section 17-1717-A(g) of the Charter School Law with CAB, seeking CAB's review of and action on the Application.
10. Testimony produced at the District's public hearing supported approval of Propel's Application.
11. Included within Propel's Application to Pittsburgh were petitions of support for the creation of the charter school containing 240 signatures. Exhibit A, Appendix at section 19.

12. Propel's Application demonstrates that the proposed charter school has sufficient support and has engaged in adequate planning such that it will be able to provide comprehensive learning opportunities to students. Exhibit A.
13. Propel's Application includes all of the required information as specified in the CSL and it constitutes a complete application package. Exhibit A.
14. Included in Propel's Application is a detailed description of the six "Promising Principles" that guide staff selection processes, school policies, professional development activities and student expectations to create a distinctive and positive school climate. Exhibit A, Appendix at section 5.
15. The seamless and consistent use of the "Promising Principles," which are innovations unique to Propel schools, will insure that the charter school serves as a model to other public schools. Exhibit F.

### **CONCLUSIONS OF LAW**

1. CAB has original jurisdiction over this matter because Pittsburgh failed to act on the application. 24 P.S. §17-1717-A(g)
2. This matter is properly before CAB to review the Application and make a decision to grant or deny a charter based on the criteria established in section 1717-A(e)(2) of the CSL. 24 P.S. §17-1717-A(g).
3. Propel has the burden of proving that all of the enumerated requirements for the contents of a charter school application were satisfied, 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).

4. Regarding community involvement, the law provides as follows: (a) the charter school's application and comments received at the school board hearing(s) on the application shall provide "demonstrated, sustainable support for the charter school plan by teachers, parents, other community members and students", 24 P.S. §17-1717-A(e)(2); (b) the application shall include information on the manner in which community groups will be involved in the charter school planning process, 24 P.S. §1719-A(8); and (c) the charter school will develop and implement strategies for meaningful parent and community involvement. 24 P.S. §17-1715-A(2).
5. The indicia of demonstrated, sustainable support are to be measured in the aggregate not by individual categories from which that support is to be measured. Failure to demonstrate strong support in any one category is not necessarily fatal to a charter application. *Leadership Learning Partners Charter School*, CAB Docket No. 2000-8.
6. Propel, both at hearing and in its Application, demonstrated sustainable support for the charter school plan as required by section 1717-A(e)(2)(i) of the CSL. 24 P.S. § 17-1717-A(e)(2)(i).

7. Propel's Application demonstrated its capability, in terms of support and planning, to provide comprehensive learning experiences to students pursuant to the adopted charter. 24 P.S. § 17-1717-A(e)(2)(ii).
8. The Propel Application included all of the information required in section 1719-A of the CSL and conformed to the legislative intent outlined in section 1702-A. 24 P.S. § 17-1717-A(e)(2)(iii); 24 P.S. § 17-1719-A(1)-(17).
9. Propel also met the fourth and final prong of the criteria against which a charter application must be measured, which is "the extent to which the charter school may serve as a model to other public schools," insofar as its Application demonstrated that Propel has the potential to serve as a model for other public schools, as required by the CSL-A(e)(2)(iv).

## DISCUSSION

Because Pittsburgh failed to grant or deny Propel's charter school Application within the statutorily prescribed time periods<sup>2</sup>, Propel was permitted to appeal directly to CAB. 24 P.S. §17-1717-A(g). CAB, in this case, is to review the Application pursuant to Section 1717-A(e)(2) of the CSL which sets forth the factors to be used in the evaluation of a proposed charter school application by a school district. 24 P.S. §17-1717-A(e)(2). Thus, CAB will consider the following four-pronged statutory criteria:

- (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).

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<sup>2</sup> Pursuant to the CSL, a school district must hold a public hearing on a submitted charter school application within 45 days of submission and must vote to grant or deny the application within 75 days of submission. 24 P.S. §17-1717-A (d)&(e). The latter timeline was not met in this case because no motion to grant or deny the Application was adopted by vote of the Pittsburgh Board of Public Education.

- (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.

24 P.S. §17-1717-A(e)(2).

**A. Demonstrated, sustainable support.**

The first factor addresses the “demonstrated, sustainable support for the charter school plan by teachers, parents and community members and students....” 24 P.S. §17-1717-A(e)(2)(i). Section 1717-A(e)(2)(i) clearly requires that the community support be shown in the application document or by comments received at the public hearings. In addition, section 1719-A sets forth what is to be contained in the application, including information on the manner in which community groups will be involved in the charter school planning process. Section 1715-A(2) provides that a charter school shall develop and implement strategies for meaningful parent and community involvement. While the legislature did not define what it meant by “community” or “community involvement”, CAB can rely upon other provisions of the Charter School Law for guidance in its evaluation of the application.

Furthermore, the indicia of support are to be measured in the aggregate rather than by individual categories. The statutory listing of “teachers, parents, and other community members and students” indicates the groups from which valid support for the charter school plan can be demonstrated. CAB does not find that the General Assembly intended this list to be mutually exclusive or exhaustive. Failure to demonstrate strong support in any one category is not necessarily fatal to an application. Nevertheless, a reasonable amount of support in the aggregate

must be demonstrated. *See e.g. Leadership Learning Partners Charter School*, CAB Docket No. 2000-8.

In this case, a public hearing was held before Pittsburgh's Board of Public Education, at which individuals testified in support of the charter school. In addition, an Appendix to the charter Application includes petitions of support for establishment of the school, signed by 240 individuals. Exhibit A, Appendix at section 19. Of those 240 signatories, approximately 90 expressed the desire to enroll their children in the school, if a charter were granted to it. *Id.* This demonstration of support was considered sufficient by the District review team. Exhibit E. Based upon its review of the record, CAB finds that Propel has established demonstrated and sustainable support for its school and that this prong of the review test has been met.

**B. The capability to provide comprehensive learning experiences to students.**

In order to provide a comprehensive learning experience to students, a charter applicant must demonstrate adequate support and planning in the charter application. Additionally, one of the goals of the General Assembly in providing for charter schools in the Commonwealth was to "encourage the use of different and innovative teaching methods." *In Re: Environmental Charter School*, CAB No. 1999-14; *see also* 24 P.S. 17-1702-A(3). Propel readily satisfies this prong of the test as well. We have reviewed the thorough curriculum presentation in the Application and find that it demonstrates significant support and planning, and that through its incorporation of the "Promising Principles," it certainly offers opportunities different than those offered by the District. *See*, Appendix A, section 24. The curricular description spans several thousand pages. *Id.* CAB finds that the curriculum is comprehensive and that it is aligned to the state standards. Thus, CAB concludes that this Application shows that Propel will be able to provide comprehensive learning experiences to its students.

**C. The extent to which the application is complete and conforms to the statutory intent.**

The law provides that an application to form a charter school must include numerous specific elements as follows:

1. Identification of the charter applicant,
2. The name of the proposed charter school,
3. The grades or age levels to be served,
4. School governance structure,
5. The school's mission, educational goals, curriculum and assessment methods,
6. The admission policy,
7. Suspension and expulsion procedures,
8. The manner of involving the community in planning activities,
9. Plans for financing and auditing,
10. A parental complaint procedure,
11. Facility details, ownership and lease arrangements,
12. The proposed school calendar,
13. List of proposed faculty and professional development plan,
14. Agreements or plans for student participation in school district extracurricular activities,
15. Criminal history background checks,
16. Child abuse clearances, and
17. Insurance coverages.

24 P.S. §17-1719-A. A careful review of Propel's Application was conducted, and it showed that each and every one of these elements was provided for or included. *See*, Exhibit A. Thus, CAB finds that Propel's Application is complete and that it conforms both to the requirements and intentions of the General Assembly.

**D. The extent to which the charter school may serve as a model for other public schools.**

The final prong of the test of a charter application is whether the application shows that the proposed charter school may serve as a model for other public schools. There is no question that Propel can serve as a model. Propel will use and apply the six "Promising Principles" described in its Application in planning and operating the charter school. These principles are agile instruction, embedded support, a culture of dignity, a fully valued arts program, vibrant

teaching communities and a quest for excellence. As stated in the Application, the implementation and utilization of these principles will:

result in schools where students receive instruction suited for their present ability level; where student motivation is high; where time is used efficiently; where teachers are enthusiastic about helping all their school's children succeed; and where parents are actively involved in furthering their children's academic growth.

Appendix A at section 5. In addition, Propel's classes will be small, its school year is comprised of 190 seven-hour days, and Spanish is offered to students at all grade levels. Taken together, all of these attributes of Propel clearly establish it as a model for other public schools. Based upon this discussion and its review of the record, CAB concludes that Propel will serve as a model.

### **CONCLUSION**

For the foregoing reasons, CAB concludes that Propel: (1) demonstrated sustainable support for the charter school; (2) demonstrated the capability, in terms of support and planning, to provide a comprehensive learning experience to students; (3) included all contents in its Application as required by section 1719-A of the Charter School Law and conformed with the intent of the General Assembly; and (4) established that it can serve as a model for other public schools in accordance with law. Therefore, we make the following:

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF EDUCATION

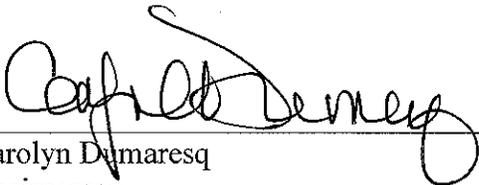
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ORDER

AND NOW, this 18<sup>th</sup> day of OCTOBER, 2013, based upon the foregoing and the vote of this Board<sup>3</sup>, the Appeal of the Propel Charter School - Hazelwood is **GRANTED**; and the School District of Pittsburgh is directed to issue a charter to Propel Charter School – Hazelwood, pursuant to section 1720-A of the Charter School Law. 24 P.S. § 17-1720-A.

For the State Charter School Appeal Board,

  
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Carolyn Dumaresq  
Chairperson

Date Mailed: 10/24/13

<sup>3</sup> At the Board's meeting of October 15, 2013, the appeal was granted by a vote of 6 to 0 with members Barker, Dumaresq, Lawrence, Magnotto, Munger and Yanyanin voting.