

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
STATE CHARTER SCHOOL APPEAL BOARD

In Re: Appeal of Denial of Charter for : Docket No. CAB 2006-03
Career Connections Charter Middle School :

OPINION AND ORDER

I. INTRODUCTION

This matter comes before the State Charter School Appeal Board (hereinafter “CAB”) on appeal filed by the Career Connections Charter Middle School (hereinafter “Charter School”) pursuant to Section 17-1717-A(g) of the Charter School Law, Act of June 19, 1997, P.L. 225, No. 22, (24 P.S. § 17-1717-A(g)) due to the failure of the Pittsburgh School District (hereinafter “School District”) to act on a revised Charter School Application. The Charter School submitted a revised application to the School District on February 28, 2006. The School District did not consider the revised application within the statutory time period required by Section 1717-A(f). This failure to act granted the Charter School the right to appeal directly to the CAB, pursuant to Section 1717-A(g).¹ It was thereafter determined that the appointment of a hearing officer was not necessary. The direct appeal was heard by the CAB on June 27, 2006. The CAB must review the revised application and make a decision to grant or deny the charter based on the criteria set forth in Section 1717-A(e)(2). For the following reasons the CAB will grant the Charter School’s application.

II. FINDINGS OF FACT

Procedure:

¹ The School District conceded by letter, received on June 19, 2006, that the CAB had proper jurisdiction over this appeal.

1. On October 6, 2005, the Boys and Girls Clubs of Western Pennsylvania submitted a Charter School Application to the Pittsburgh School District for a school to be known as the Career Connections Charter Middle School in the Pittsburgh School District.
(Charter School Brief, p. 7).
2. The Boys and Girls Clubs of Western Pennsylvania is seeking a five-year charter.
(Revised Application, p. A1).
3. The Charter School is a Pennsylvania nonprofit corporation. (Charter School Petition for Direct Appeal, ¶ 2).
4. On January 25, 2006, the Board of School Directors (hereinafter “School Board”) of the Pittsburgh School District voted to deny the charter application. (Charter School Brief, p. 7).
5. Section 1717-A(f) of the Charter School Law provides that “[a]t the option of the charter school applicant, a denied application may be revised and resubmitted to the local board of school directors.” 24 P.S. § 17-1717-A(f).
6. On February 28, 2006, the Boys and Girls Clubs of Western Pennsylvania submitted a revised application for the Charter School to the School Board. (Charter School Brief, p. 7).
7. Section 1717-A(f) of the Charter School Law specifies that a school board “shall consider the revised and resubmitted application at the first board meeting occurring at least forty-five (45) days after receipt of the revised application by the board.” 24 P.S. § 17-1717-A(f).
8. Forty-five days after February 28, 2006 was April 14, 2006, and no meetings were held within this time period. The first meeting of the School Board after April 14, 2006,

occurred on April 19, 2006. The Charter School's revised application was not addressed at the meeting. (Charter School's Petition for Direct Appeal, p. 3).

9. Section 1717-A(g) of the Charter School Law provides that "failure by the local board of directors to hold a public hearing and to grant or deny the application for a charter school within the time periods specified in subsections (d), (e) and (f) shall permit the applicant for a charter to file its application as an appeal to the appeal board." 24 P.S. § 17-1717-A(g).
10. On May 1, 2006, the Charter School filed a Petition for Direct Appeal with the CAB, pursuant to section 17-1717A(g). (Charter School Brief, p. 7).
11. On May 5, 2006, the School District filed an answer, which alleged, in part, that the Petition for Direct Appeal was premature. (School District's Answer to Petition of Appeal).
12. In a letter dated June 16, 2006, the School District conceded that the Petition for Direct Appeal to the CAB was proper.
13. The CAB heard the appeal at its June 27, 2006 meeting.

The Charter School:

14. The purported purpose of creating the Charter School is to inspire and enable disadvantaged middle school youth with research-based academic and socially developmental career focused curricula and programs. (Revised Application, p. 2).
15. A Career Connections Charter High School is currently operating. This charter school is located in the Pittsburgh School District and is near the proposed site for the Middle School. (Charter School Brief, p. 15).

16. The Charter School would serve grades six and seven in its first year of operation, and grades six, seven and eight in its second and subsequent years of operation. (Revised Application, p. A1).
17. The Charter School purports that grade level teams will offer social and career exploration theme-based interdisciplinary units of study using block scheduling for all grades. The curriculum proposes to feature real-world career applications at each grade level. (Revised Application, p. 1).
18. The Charter School proposes Hybrid Title I instructional teams for language arts and mathematics skills remediation, technology-based language arts and mathematics skills remediation extended service labs, after school tutoring in all subject areas, and year-round academic and social development activities. (Revised Application, p. 1).
19. The Charter School is proposing a curriculum with two main prongs: (1) the Boys and Girls Clubs of America social development program, and (2) the Johns Hopkins Talent Development Middle Schools Program. (N.T. pp. 11-12).
20. The Boys and Girls Club social development curriculum is designed to help disadvantaged children. (N.T. p. 11). The Boys and Girls club will offer programs based around: healthy living, career exploration, entrepreneurship, peer pressure, leadership, study techniques, and others. (Revised Application, pp. 57A-N).
21. In addition, the Charter School students will have access to the after-school and summer academic, social and sports programs offered at the Estelle S. Campbell Boys and Girls Club, located in Pittsburgh. (Charter School Brief, p. 20; Revised Application, pp. 48, 57V149-154).

22. The Charter School has a pending agreement with the Johns Hopkins Center for Social Organizations of Schools to implement its Talent Development Middle Schools Program, a program proven effective in raising achievement in high poverty middle schools. (Revised Application, p. 1).
23. The Talent Development program is a standards-driven curriculum that focuses on four core subject areas: language arts/reading/English, math, science and U.S. history. (Revised Application, pp. 35B-C). In addition, the Johns Hopkins program offers extra help in math and reading in an accelerated learning class and offers a career exploration curriculum. (Revised Application, p. 35E).
24. The Charter School will offer Renzulli and Richards' Model for Academies of Inquiry and Talent for the Middle Years for enrichment opportunities. (Revised Application, pp. 1, 37-46).
25. The Boys and Girls Clubs of Western Pennsylvania has formed a partnership with the Mentoring Partnership of Southwestern PA for all seventh grade students (eighth grade students during year two) to assist students with career exploration and social development. (Revised Application, p. 1).
26. Over twenty-five local business mentors have tentatively agreed to partnering with the Charter School. (Revised Application, p. 1).
27. In year one the Charter School proposes an enrollment of 200 students, and plans to increase enrollment to 300 students in subsequent years. (Revised Application, p. A1).
28. The Charter School will be governed by a nine-member independent School Board appointed by the Boys and Girls Clubs of Western Pennsylvania. (Revised Application, p. 18).

29. Enrollment will be open to all students of the Pittsburgh School District who have attained the appropriate grade level. If there is additional classroom space available nonresidents of Pittsburgh may enroll. If more students apply to the Charter School than the number of attendance spots available, then qualifying students will be selected using a lottery system. (Revised Application, p. 15).
30. The Charter School will comply with the suspension and expulsion statutes listed in the Public School Code. 24 P.S. § 13-1318; 22 Pa. Code § 12.1-12.4. (Revised Application, p. 78).
31. A survey was conducted by Massolutions in June 2005, of 143 parents living in the Pittsburgh area with children between the ages of eight and fifteen years-old. The purpose of the survey was to collect data on the perception of starting a Career Connections Charter Middle School. (Charter School Brief, p. 25; Revised Application, Ex. A, App. C, Parent Survey).
32. Sixteen percent of the parents surveyed thought opening a Career Connections Middle School was an excellent idea, and fifty-two percent thought it was a good idea. (Revised Application, Ex. A, App. C, Parent Survey).
33. Of the parents surveyed by Massolutions, fifteen percent said they are very likely to send their son or daughter to the Charter School, and thirty-four percent said they are somewhat likely. (Revised Application, Ex. A, App. C, Parent Survey).
34. The Charter School included in its revised application a petition containing over 800 signatures in support of the proposed school. (Revised Application, Ex. A, App. B).
35. In one week the Charter School gathered twenty-one pre-enrollment forms. (Charter School Brief, p. 17; Revised Application, Ex. A, App. B;).

36. The Boys and Girls Clubs of Western Pennsylvania held a Parent Task Force Meeting on February 7, 2006, to exchange information on the Charter School with interested parents. (Charter School Brief, p. 25; Revised Application, Ex. A, App. F).
37. Local business leaders were contacted regarding the proposed Charter School and several submitted letters of support. (Charter School Brief, p. 25; Revised Application, Ex. A, App. B).
38. The Charter School has developed a financial plan using PDE Form 2028. (Charter School Brief, p. 26; Revised Application, Ex. A, App. J).
39. The Charter School plans to be audited annually (by the firm of Love, Scherle and Bauer, P.C.) according to the Public School Code, 24 P.S. § 4-437. (Revised Application, p. 71).
40. The Charter School's revised application contains a complaint procedure for parents who may have an issue concerning the operation of the charter school. (Revised Application, p. 24).
41. The Charter School plans to lease a 32,000 square foot building, owned by Catalyst Building, LLC, in downtown Pittsburgh to use as its facility. The building was previously used as a Catholic elementary school. (Revised Application, pp. 72-73, Ex. A, App. K).
42. The revised application indicates that the Charter School will provide instruction for 190 days each school year. (Revised Application, p. A1). Additionally, the revised application includes a calendar that complies with Section 1502 of the Public School Code, 24 P.S. § 1502. (Revised Application, Ex. A, App. G).
43. The Charter School included in its revised application a proposed list of administrative, faculty and support staff positions. (Revised Application, Ex. A, App. H).

44. The Charter School plans to adopt the professional development component of the Johns Hopkins Talent Development Middle Schools Program into its own professional development plan. (Revised Application, Ex. A, App. H).
45. The Charter School students may participate in extracurricular activities offered by the School District. (Revised Application, p. 61) The Charter School has also included a list of proposed extracurricular activities it plans to offer in its revised application. These activities include: basketball, flag football, deck hockey, indoor soccer, softball, Presidential physical fitness, dodgeball, golf, cheerleading, and chorus. (Revised Application, Ex. A, App. I).
46. The Charter School agrees to comply with the statutory requirements regarding the criminal history reports and the Department of Welfare background checks. (Revised Application, p. 75). Additionally, the revised application includes criminal history reports and child abuse clearances for those who were involved in creating the revised application. (Revised Application, Ex. A, App. M).
47. The Charter School has included in its revised application a summary of the insurance to be obtained for the school should the charter be granted. (Revised Application, Ex. A, App. L).

III. CONCLUSIONS OF LAW

1. The Charter School Law, Act of June 19, 1997, P.L. 225, No.22, 24 P.S. § 17-1701-A, *et. seq.*, governs the application, approval processes and operation of charter schools in Pennsylvania.
2. In accordance with Section 1717-A(g) of the Charter School Law, this matter is properly before the CAB, which shall 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 Charter School Law. *See In re: Ronald H. Brown Charter School*, Docket No. CAB 1999-1 at p. 10.

3. In accordance with Section 1717-A(g), the CAB will stand in the place of the School Board and render a decision based on the revised Charter School Application as it was submitted to the School Board on February 28, 2006.

4. The criteria for evaluating a charter school application under Section 1717-A(e)(2) are:

(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.

24 P.S. § 17-1717-A(e)(2).

5. In order to have proper legal authority to deny a charter school application, the school district must demonstrate that the application and other information submitted by the charter school applicant is deficient under at least one of the criteria enumerated in Section 1717-A(e)(2). *In re: Helen Murray Charter School for the Arts*, Docket No. CAB 2005-5 at p. 7.

6. A charter school has the burden of proving that the four requirements in Section 1717-A(e)(2) are satisfied. *In re: Helen Murray Charter School for the Arts*, Docket No. CAB 2005-5 at p. 5.

7. Evidence of support is to be measured in the aggregate, not by individual categories. *In re: Ronald H. Brown Charter School*, Docket No. CAB 1999-1 at p. 11.
8. A charter school applicant must describe a curriculum of some substance, not merely goals and guidelines as to what the curriculum will be when it is created. *In re: Helen Murray Charter School for the Arts*, Docket No. CAB 2005-5 at p. 6.
9. Section 1719-A of the Charter School Law lists seventeen criteria that must be included in a charter school application. 24 P.S. § 17-1719-A.
10. The Pennsylvania General Assembly enacted the Charter School Law to provide school children with additional opportunities to attend public schools that offer diverse and innovative educational techniques, operating independently of the traditional state public school system. *See* 24 P.S. § 17-1702-A; *In re: Bear Creek Community Charter School*, Docket No. CAB 2003-3 at p. 11.
11. “The existence of similar programs in the school district does not prove fatal to a consideration of whether a charter school can serve as a model for other schools.” *Central Dauphin Sch. Dist. v. Founding Coal. of the Infinity Charter Sch.*, 847 A.2d 195, 204-05 (Pa. Commw. Ct. 2004); *See also Montour Sch. Dist. v. Propel Charter Sch.-Montour*, 889 A.2d 682, 688 (Pa. Commw. Ct. 2006).
12. The Charter School’s revised application demonstrates sustainable support by teachers, parents and community members for the opening of the school.
13. The Charter School has described the curriculum in substance in its revised application.
14. The Charter School has sufficiently satisfied the seventeen criteria enumerated in Section 1719-A.

15. The Charter Schools offers an innovative curriculum that will serve as a model for other public schools.

IV. DISCUSSION

A. The Direct Appeal of the Career Connections Middle School is properly before the State Charter School Appeal Board.

This matter comes before the CAB pursuant to the Petition for Direct Appeal filed by the Charter School on May 1, 2006, in accordance with Section 1717-A(g) of the Charter School Law. The School Board failed to consider the revised charter school application within the statutory time period of forty-five (45) days set forth in Section 1717-A(f).² Therefore, as in the case of *In re: Ronald H. Brown Charter School*, the CAB has jurisdiction over this matter. Docket No. CAB 1999-1 at p. 11. Accordingly, the CAB shall review the revised application and make a decision to grant or deny the charter based on the criteria established in Section 1717-A(e)(2) in the place of the School Board.

B. The Revised Charter School Application: Evaluation Criteria

Section 1717-A(e)(2)(i-iv) delineates the criteria used to evaluate charter school applications. The criteria consists of four factors that a charter school application is measured against. In brief, the factors are: (1) whether there is sustainable support for the charter school; (2) whether the charter school can provide a comprehensive learning experience to its students; (3) whether it complies with the legislative intent of the Charter School Law and contains the seventeen criteria listed in Section 1719-A; and (4) whether the charter school will serve as a model for other public schools. 24 P.S. § 17-1717-A(e)(2)(i-iv).

² In *In re: Ronald H. Brown Charter School*, this Board wrote:

If an application is denied, Section 17-1717-A(f) of the Charter School Law specifically provides the Charter School with the option of revising the application and resubmitting it to the board of directors. The resubmission of the application triggers the statutory time period of forty-five (45) days in which the School District must take action.

Docket No. CAB 1999-1 at p. 12. This same rationale applies to the opinion at bar.

In order to have the proper legal authority to deny a charter school application, the school district, or the CAB in this direct appeal, must demonstrate that the application is deficient under at least one of the criteria listed in Section 1717-A(e)(2). *In re: Helen Murray Charter School for the Arts*, Docket No. CAB 2005-5 at p. 7. The CAB concludes that the Charter School has met its burden of satisfying each of the factors. Each factor is analyzed, in detail, below.

1. *The Charter School has demonstrated sustainable support.*

The first factor in subsection 1717-A(e)(2)(i) requires “demonstrated, sustainable support for the charter school plan by teachers, parents, other community members and students...” 24 P.S. § 17-1717-A(e)(2)(i). Sustainable support means support sufficient to sustain and maintain the proposed charter school as an on-going entity. *In re: Voyager Charter School of Pennsylvania, Inc.*, Docket No. CAB 2005-9 at p. 12. Indicia of support is to be measured in the aggregate, and not by individual categories. *In re: Ronald H. Brown Charter School*, Docket No. CAB 1999-1 at p. 18. The CAB previously held in *In re: Ronald H. Brown Charter School*:

The statutory listing of “teachers, parents, other community members and students” indicates the groups from which valid support for the charter school plan can be demonstrated. It does not appear 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.

Docket No. CAB 1999-1 at pp. 18-19. Moreover, it is the degree of support for the school that is relevant and not the “vociferousness of the opposition.” *In re: Lehigh Valley Academy Regional Charter School*, Docket No. CAB 2002-12&13 at p. 8. In applying this precedent to the case at hand, it is evident that the Charter School has adequately demonstrated sustainable support in its application. The Charter School has shown support for the school through letters of support

from community organizations, a parent/guardian survey, a teacher survey, a petition, and pre-enrollment forms.

First, besides being sponsored by the Boys and Girls Club, a reputable community organization, the proposed Charter School appears to have the support of several other community groups. The revised applications contains letters of support from: the Rotary Club of Lawrenceville, The Western Pennsylvania Hospital, The Mentoring Partnership of Southwestern Pennsylvania, Goodwill Industries of Pennsylvania, the Foster Grandparent Program, the National Foundation for Teaching Entrepreneurship, and several others. (Revised Application, Ex. A, App. B).

Second, the Charter School has exhibited support for the proposed school through a parent/guardian survey. Telephone interviews were conducted with 143 parents and guardians, who had children eight to fifteen years-old, and were located in zip codes near the proposed school. (Revised Application, Ex. A, App. C, Community Perception Survey, p. 4). The survey measured the perception of the current Career Connections High School, along with the support for the opening of a Career Connections Middle School in the area. (Revised Application, Ex. A, App. C, Community Perception Survey, p. 2). Of those surveyed, sixteen percent thought it was an excellent idea, and fifty-two percent thought it was a good idea. Thus, in the aggregate, sixty-eight percent of the surveyed parents had a favorable opinion of opening the school. (Revised Application, Ex. A, App. C, Community Perception Survey, p. 8).

Furthermore, forty-nine percent of the parents surveyed indicated that they were very likely or somewhat likely to send their son or daughter to the proposed Charter School (fifteen percent very likely, thirty-four percent somewhat likely). (Revised Application, Ex. A, App. C, Community Perception Survey, p. 15). According to the revised application, this data translates

into an estimated 410 to 570 households in the surveyed area that would be very likely or likely to send their children to the proposed Charter School. (Revised Application, p. 5).

The revised application includes additional surveys that illustrate support for the Charter School. Twenty-three parents who currently send their children to the Career Connections High School were surveyed regarding their perception of a proposed Career Connections Middle School. (Revised Application, Ex. A, App. C, Parent Survey). Of those surveyed, ninety-one percent thought opening the proposed Charter School was an excellent idea and nine percent thought it was a good idea. (Revised Application, Ex. A, App. C, Parent Survey, p. 3). Further, thirty-two teachers who currently teach at the Career Connections High School participated in a survey, and eighty-two percent indicated that opening a middle school was an excellent idea and twelve percent thought it was a good idea. (Revised Application, Ex. A, App. C, Teacher Survey).

Third, the Charter School submitted in its revised application a petition of support with over 800 signatures. (Revised Application, Ex. A, App. B). In the School District's Answer to the Charter School's Petition for Direct Appeal, the District argued that the petitions did not demonstrate that the signatories were over eighteen and it noted that many signatories did not include addresses. (School District's Answer to Petition to Appeal, ¶ 24B). However, there is "no language in the CSL [Charter School Law] preventing an applicant from establishing community support through the use of *unverified* petitions which, thus, may be relied upon by CAB." *Montour Sch. Dist.*, 889 A.2d at 687 (emphasis in original). Thus, the signatures on the Charter School's petitions will be taken into account.

Fourth, the Charter School has demonstrated sustainable support through pre-enrollment forms. In one week the Charter School was able to gather twenty-one pre-enrollment forms.

(Revised Application, Ex. A, App. B). The CAB has previously held that while evidence of pre-enrollment is not required to show sustainable support, it is certainly indicative of support. *In re: Dr. Lorraine K. Monroe Academy Charter School*, Docket No. CAB 2000-16 at p. 13.

The Charter School plans to enroll 200 students in its opening year. In light of the evidence of support outlined above from community members, parents, and teachers, the CAB finds that the Charter School has more than adequately demonstrated sustainable support for the school. From the evidence provided, it appears that the Charter School will not only be able to open with its target enrollment, but will be able to maintain itself as an “on-going entity” in subsequent years.

2. *The Charter School will provide a comprehensive learning experience.*

The second factor an application is analyzed under is, “[t]he capability of the charter school applicant, 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). Often this factor is evaluated in terms of the proposed curriculum submitted in the charter school application. *See In re: Pocono Mountain Mathematics Science and Technology Charter School*, Docket No. CAB 2004-5 at pp. 15-16. Thus, this factor may be considered in conjunction with Section 1719-A(5), which mandates a charter school application to include, “[t]he mission and educational goals of the charter school, the curriculum to be offered and the methods of assessing whether students are meeting educational goals.” 24 P.S. § 17-1719-A(5).

A curriculum needs to be described in substance, not merely in terms of goals and guidelines. *In re: Shenango Valley Regional Charter School*, Docket No. CAB 1999-11 at p.

14. However, a charter school application is not required “to completely describe the content of

its curriculum.” *In re: Pocono Mountain Mathematics Science and Technology Charter School*, Docket No. CAB 2004-5 at p. 14.

Here, the CAB has determined that the Charter School has sufficiently met its burden of describing a curriculum of substance. The curriculum is comprised of the Boys and Girls Clubs of America social development program, the Johns Hopkins Talent Development Middle Schools Program, and Renzulli and Richards’ Model for Academies of Inquiry and Talent for Middle School Years. (Revised Application, p. 33). The Boys and Girls club will offer programs based around: healthy living, career exploration, entrepreneurship, peer pressure, leadership, study techniques, and others. (Revised Application, pp. 57A-N). The Johns Hopkins program is a standards-driven curriculum that focuses on four core subject areas: language arts/reading/English, math, science and U.S. history. (Revised Application, pp. 35B-C). The Charter School will offer Renzulli and Richards’ Model for Academies of Inquiry and Talent for the Middle Years for enrichment opportunities in career exploration. (Revised Application, p. 33).

The revised application contains a detailed chart and list of the courses, interdisciplinary units and enrichment programs the Charter School plans to offer, along with the text books it intends to use. (Revised Application, pp. 48-57). The Charter School has developed a curriculum for grades six through eight, although in its first year it will only contain grades six and seven. The Charter School has also submitted in its revised application proposed instructional hours, a class schedule and a teaming structure. (Revised Application, pp. 57P-UU).

There is an extensive section in the revised application outlining pacing guidelines for the Charter School curriculum to follow in order to meet the Pennsylvania and Federal academic

standards. (Revised Application, pp. 57V1-V147). In fact, the Charter School curriculum is PDE/NCLB standard-based. (Revised Application, p. 63). The Charter school has measurable goals and objectives for assessing students, including giving mock PSSA exams in each grade level. (Revised Application, pp. 64-68). In addition, the application describes the methods the Charter School will use to teach those students in need of special education services and English as a Second Language services. (Revised Application, Ex. A, App. D., App. O).

The above constitutes an abbreviated description of the curriculum and methods of assessment the Charter School is proposing. In total, the Charter School has submitted hundreds of pages of information regarding its curriculum. Clearly, the Charter School has submitted more than goals and guidelines. Quite on the contrary, it has provided the CAB with an extensive proposal for its curriculum. Thus, the CAB finds that the Charter School has demonstrated that it will provide a comprehensive learning experience for its students.

3. *The Charter School conforms to the legislative intent of the law, and its revised application satisfies the requirements of Section 1719-A.*

The third factor a charter school application is evaluated under is, “[t]he extent to which the application considers the information requested in section 1719-A and conforms to the legislative intent outlined in section 1702-A.” 24 P.S. § 17-1717-A(e)(2)(iii). Section 1702-A explains the intent of the legislature in enacting the Charter School Law, and Section 1719-A lists seventeen elements that a charter school application must contain. 24 P.S. §§ 17-1702-A, 17-1719-A.

Section 1719-A states, “[a]n application to establish a charter school *shall* include all of the following information...” 24 P.S. §§ 17-1719-A (emphasis added). The section continues to list seventeen elements. The seventeen elements were met in the revised application, and each one is detailed in the “Findings of Fact” section of this opinion. See *supra* Part II.¶¶ 14-48.

The Pennsylvania General Assembly enacted the Charter School Law to provide school children with additional opportunities to attend public schools that offer diverse and innovative techniques, operating independently of the traditional state public school system. *In re: Bear Creek Community Charter School*, Docket No. CAB 2003-3 at p. 11. Specifically, Section 1702-A provides that the intent of the legislature was to ensure charter schools accomplish the following objectives:

- (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.

24 P.S. § 17-1702-A(1)-(6). Portions of the legislative intent requirement, in Section 1702-A, are often indistinguishable from the requirement that a charter school serve as a model for other public schools according to Section 1717-A(e)(2)(iv). *See Central Dauphin Sch. Dist.*, 847 A.2d at 204. Thus, as the Charter School suggests in its brief, objectives two, three, and five of the legislative intent section will be addressed in the next section of this opinion (Part IV.B.4). (Charter School Brief, p. 31). Objectives one, five and six of the legislative intent will be discussed in this section.

The first objective of the legislative intent is to improve pupil learning. The Charter School has included evidence that its proposed curriculum and philosophy will achieve this

objective. It has included several studies demonstrating the effectiveness of Johns Hopkins Talent Development Middle School Program, especially in high poverty middle schools. (Revised Application, pp. 30M-T, 30AA-WW, 30AAA-DDDD, 30FFFF-QQQQ). Schools implementing the Talent Development model have witnessed marked and consistent improvement in their achievement levels.³ (Revised Application, p. 30M). In fact, the trend appears to be that the longer the model has been in place in a school, the greater achievement gains the school realizes. (Revised Application, p. 30M). Furthermore, the Charter School submitted findings from several different studies evaluating programs implemented by the Boys and Girls Clubs of America. (Revised Application, pp. 30B-L). Programs orchestrated by the Boys and Girls Club such as an education enhancement program, a gang prevention program, and a delinquency prevention program, all led to positive results, including, in some cases, improved educational performance. (Revised Application, pp. 30B-L). Based upon the integrated and research-based curriculum and programs the Charter School is proposing, the CAB finds that improved pupil learning is likely to occur.

The fourth objective outlined in the legislative intent section of the Charter School Law is the creation of professional opportunities for teachers. 24 P.S. § 17-1702-A(4). The Charter School has met this goal as it plans to offer the following leadership positions to its teachers: Team Leaders, Johns Hopkins Facilitators, Title I Specialists, Academies of Inquiry and Talent Grade Level Coordinators, Boys and Girls Clubs of Western Pennsylvania Curriculum and Programming Coordinators, and Service Learning Mentorship Coordinators. (Revised Application, p. 58).

³ One middle school implementing the model over the course of eight years saw its average eighth grade PSSA score rise by 325 points. A second middle school implementing the model for seven years saw its average eighth grade PSSA score increase by 255 points. (Revised Application, p. 30M).

The sixth objective of the legislative intent section of the law, is for charter schools to be held accountable for meeting measurable academic standards. 24 P.S. § 17-1702-A(6) This objective was previously discussed in this opinion, and the CAB is satisfied that the Charter School will be accountable for the academic standards imposed by the state and federal government. See *supra* Part IV.B.2.p.18.

4. *The Charter School is innovative and will serve as a model for other public schools.*

The fourth factor in evaluating a charter school application under Section 1717-A(e)(2) is “the extent to which the charter school may serve as a model for other public schools.” 24 P.S. § 17-1717-A(e)(2)(iv). As noted previously, (See *supra* Part IV.B.3.pp.19-20) this factor may be considered in conjunction with some of the legislative intent objectives in Section 1702-A, which are: increased learning opportunities for students, innovative teaching methods, and expanded choices in educational opportunities. 24 P.S. § 17-1702-A(2)(3)(5).

The School District’s largest contention with the Charter School is that it is not innovative. (N.T. pp. 18-19). The School District argues that it offers everything the Charter School is proposing. (N.T. p. 18). Similarities between a proposed charter school and a school district are not grounds alone to deny a charter. *Propel Charter School-Montour*, 889 A.2d at 688; See also *Central Dauphin Sch. Dist.*, 847 A.2d at 204-05 (“the existence of similar programs in the school district does not prove fatal to a consideration of whether a charter school can serve as a model for other public schools.”).

The CAB does not agree with the School District, and instead finds that the Charter School will offer an innovative program with expanded choices to students. Although the School District may offer career development within its curriculum, it is not the main focus of the school on a daily basis for each grade level. (Revised Application, p. 59). On the other hand,

a career oriented curriculum is the main focus of the Charter School. The School District does not have block scheduling and a teaming approach that consists, in part, of interdisciplinary real-life units, ongoing career exploration, development and youth entrepreneurship. (Revised Application, p. 59). At the hearing on June 27, 2006, Dr. Terri Henderson testified for the Charter School that:

The career development programs that we'd like to look at with the students revolve around setting goals, exploring the different interest clusters that may be of interest to them such as health care careers, information technology, etc. It's to give them an opportunity to explore different careers that they may be interested in in their future.

We will be having job shadowing, mentorships, business partners coming into the school; and virtually there is a scope and sequence for that whole experience...and actual real life applications where the students will actually learn what is involved in business, in development of business, character leadership. And they will actually have the opportunity to operate Boys and Girls Clubs' business on a voluntary basis.

(N.T. p. 23, lines 3-10, 12-20).

Further, the School District does not offer the Johns Hopkins Talent Development Middle Schools Program, which has proven successful in impoverished schools. (Revised Application, p. 59). The Charter School will integrate the Boys and Girls Club's social development program and Renzulli and Richards' Model for Academies of Inquiry and Talent into its school curriculum, two programs not offered by the School District. Dr. Henderson testified, "when you have the social programs integrated with the academic programs that are so rigorous such as Johns Hopkins, they have a proven record to increase student scores, student performance, etc." (N.T. p. 26) Moreover, the Charter School has a pending agreement with the Mentoring Partnership of Southwestern Pennsylvania, an arrangement the School District does not share. (Revised Application, p. 59). In sum, the CAB is confident that the Charter School's curriculum and overall philosophy is different enough from the School District to grant the charter.

Although, similarities may be present, the Charter School has provided enough evidence to demonstrate its uniqueness.

V. CONCLUSION

Accordingly, the CAB grants the charter to the Career Connections Middle School because it has adequately met the requirements of the Charter School Law. The Charter School has demonstrated sustainable support for the proposed school, its ability to provide a comprehensive learning experience, an innovative curriculum, and its potential to be a model for other public schools.

