

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

**In Re: Appeal of Community Service : No. CAB 2010-02**  
**Leadership Development Charter :**   
**School (Pittsburgh School District) :**

**OPINION AND ORDER**

**I. Introduction**

This matter is before the Pennsylvania State Charter School Appeal Board (CAB) on an appeal by the Community Service Leadership Development Charter School (CSLD) from the denial of its charter school application (Application) to the Pittsburgh School District (District).

**II. Findings of Fact**

1. On November 17, 2008, CSLD submitted an application for a charter to the District.
2. That application was denied by the District on February 24, 2009.
3. On November 16, 2009, CSLD submitted a revised application to the District.
4. The revised application consisted of the original application and an additional binder of updates to exhibits.
5. The application indicates that CSLD intends to be a K-8 school, segregated by gender in all grades, with community service and leadership development themes integrated into the curriculum.
6. A District review team conducted an evaluation of the revised application.
7. The District held a public hearing on the revised application on December 7, 2009.

8. The District review team presented its findings and recommendations to the Board on December 9, 2009.
9. The District review team recommended that the District deny the revised and resubmitted charter application.
10. On December 15, 2009, the District voted to deny the revised application.
11. The District's grounds for the denial were set out in a letter dated December 16, 2009.
12. The District's grounds for the denial were the inability to provide comprehensive learning experiences to students, the lack of offering an expanded choice, the lack of a developed curriculum, and a failure to offer innovative programs and serve as a model for public schools.
13. The Court of Common Pleas of Allegheny County issued a decree on March 22, 2010, establishing the sufficiency of CSLD's petition to appeal the charter denial.
14. On April 5, 2010, CSLD filed this appeal.
15. The District filed an Answer to the appeal.
16. At its July 27, 2010 meeting, the CAB heard oral arguments regarding CSLD's appeal of the denial of its application.
17. The curriculum is deficient because it does not integrate community service and leadership development into the curriculum.
18. The curriculum is deficient because it does not articulate how gender-based instruction is integrated into the curriculum.
19. CSLD failed to demonstrate its capability, in terms of support and planning, to provide a comprehensive learning experience to students pursuant to the proposed

charter because the curriculum did not integrate community service and leadership development into the curriculum.

20. CSLD failed to demonstrate its capability, in terms of support and planning, to provide a comprehensive learning experience to students pursuant to the proposed charter because the curriculum did not articulate how gender-based instruction is integrated into the curriculum.

### **III. Conclusions of Law**

1. The present appeal is properly before the CAB, pursuant to the Charter School Law, 24 P.S. §§ 1701-A, *et seq.*
2. The standard that the CAB must apply in making a decision in this case is set forth in 24 P.S. § 1717-A (e)(2).
3. The criteria for evaluating a charter school application under Section 1717-A(e)(2) of the Charter School Law are:
  - a. 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 section (d);
  - b. 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.
  - c. 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; and

- d. The extent to which the charter school may serve as a model for other public schools.
4. Section 17-1747-A incorporates Section 1719-A of the Charter School Law, which requires that the following be included in the application:
- a. The identification of the charter applicant. 24 P.S. § 17-1719-A(1);
  - b. The name of the proposed charter school. 24 P.S. § 17-1719-A(2);
  - c. The grade or age levels served by the school. 24 P.S. § 17-1719- A(3);
  - d. The proposed governance structure of the charter school, including a description and method for the appointment or election of members of the board of trustees. 24 P.S. § 17-1719-A(4);
  - e. The mission and education 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);
  - f. The admission policy and criteria for evaluating the admission of students which shall comply with the requirements of section 1723-A. 24 P.S. § 17-1719-A(6);
  - g. Procedures which will be used regarding the suspension or expulsion of pupils. Said procedures shall comply with section 1318. 24 P.S. § 17-1719-A(7);
  - h. Information on the manner in which community groups will be involved in the charter school planning process. 24 P.S. § 17-1719-A(8);
  - i. The financial plan for the charter school and the provisions which will be made for auditing the school under section 437. 24 P.S. § 17-1719-A(9);

- j. Procedures which shall be established to review complaints of parents regarding the operation of the charter school. 24 P.S. § 17-1719-A(10);
- k. 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 P.S. § 17-1719-A(11);
- l. Information on the proposed school calendar for the charter school, including the length of the school day and school year consistent with the provisions of section 1502. 24 P.S. § 17-1719-A(12);
- m. The proposed faculty and a professional development plan for the faculty of a charter school. 24 P.S. § 17-1719-A(13);
- n. 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.  
  
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: provided, that the student is able to fulfill all of the requirements of participation in such activity and the charter school does not provide the same extracurricular activity. 24 P.S. § 17-1719-A(14);
- o. A report of criminal history record, pursuant to section 111, for all individuals who shall have direct contact with students. 24 P.S. § 17-1719-A(15);

- p. An official clearance statement regarding child injury or abuse from the department of public welfare as required by 23 PA.C.S. ch. 63 subch. C.2 (relating to background checks for employment in schools) for all individuals who shall have direct contact with students. 24 P.S. § 17-1719-A(16); and
  - q. How the charter school will provide adequate liability and other appropriate insurance for the charter school, its employees and the board of trustees of the charter school. 24 P.S. § 17-1719-A(17).
5. The CAB must give due consideration to the findings of the District.
  6. A charter school has the burden of proving that all of the enumerated requirements for the contents of the charter school application were satisfied.
  7. The applicable standard of review is not the standard used by appellate courts because the CAB has the authority, under the Charter Law, to agree or disagree with the findings of the school district, and to allow the charter school and/or the local board of directors to supplement the record if the supplemental information was previously unavailable.
  8. The Charter School failed to show it is capable of providing a comprehensive learning experience to students pursuant to the charter, as mandated by Section 1717-A(e)(2)(ii) of the Charter Law, 24 P.S. §1717-A(e)(2)(ii).
  9. The Charter School failed to show how it will serve as a model for other public schools as mandated by Section 1717-A(e)(2)(iv) of the Charter Law, 24 P.S. §1717-A(e)(2)(iv).
  10. The School District properly denied the Charter School's Application.

#### **IV. Discussion**

##### **A. Evidentiary Issues**

The Charter School Law provides that the CAB “may allow the department, the cyber charter school applicant or board of trustees of a cyber charter school to supplement the record if the supplemental information was previously unavailable.” 24 P.S. § 17-1746-A.

Both parties in this matter have requested that additional evidence be considered as supplemental information. In the instant case, the CAB will not accept the following information submitted by the parties.

1. 2008 Internal Memorandum authored by the CEO of Imagine Schools. The District has requested that this document be submitted. The District, in its brief, acknowledges that this item first came to light during the District’s preparation of its Review Team’s presentation and was actually relied on as part of the Board’s decision. It was, therefore, obviously available at the time of the Board’s decision and is not now appropriately submitted as supplemental information that was previously unavailable.

2. Philadelphia Controller’s Review of Charter School Oversight: A Fraud Vulnerability Assessment, April 2010. The District has requested that this document be admitted as information not in existence at the time of the application. It is true that the document was not in existence at the time of the application. It is not, however, relevant to the matter before the CAB. The District points to a finding in the report that the District asserts is relevant only because of a sub-lease agreement in the present matter. Other than a conclusory statement by the District that the finding is relevant to this matter, there is nothing in the record to tie this report to the matter before the CAB. It is, therefore, not relevant and will not be considered by the CAB.

3. New York Times news article – For School Company, Issues of Money and Control. This article does not refer to the application before the CAB and is irrelevant to this matter.

4. Offer letter of September 4, 2009; Email exchange with Urban Redevelopment Authority dated November 9, 2009; Email exchange with Counsel for Respondent dated March 17, 2010; Pittsburgh Tribune-Review article dated March 3, 2010. CSLD has requested that these documents be considered by the CAB. These items relate to alleged attempts by the District to sell the Burgwin Elementary School. These items are not relevant to the matter before the CAB. One of the items stated in the Application Review Team’s list of Detailed Concerns was that in CSLD’s original application CSLD listed the Burgwin School building as the location for CSLD; however, there had been no offers or negotiations between CSLD and the District related to that building. Nothing in the exhibits proffered by CSLD shows that CSLD had made an offer for the building or had any negotiations with the District related to the building. In addition, although the concern was expressed by the Application Review Team, the lack of a location for the school was not given as a basis for the denial of the application. Further, we note that the application listed an alternative site and that the application met the CSL requirement regarding identification of a facility. Thus, the proffered evidence is irrelevant.

**B. Reason for Denial**

The Charter School Law requires that a charter application must contain “the curriculum to be offered . . .” 24 P.S. § 17-1719-A(5). CAB has found that the Charter School Law “requires that the charter school describe a curriculum of some substance.” In re: Environmental Charter School, Docket No. CAB 1999-14 at 14. In addition, the CAB has found that the failure to describe how the non-traditional elements of the Charter School will be



integrated into the curriculum renders the curriculum insufficient. In re: David P. Richardson Academy Charter School, Docket No. CAB 2001-8. The failure of a charter school applicant to provide a sufficient curriculum plan has been found to be a basis for the denial of an application, because it is evidence that the proposed charter school could not be a model for other public schools, *see*, In re: Environmental Charter School, Docket No. CAB 1999-14 at 21.

The application indicates that the Charter School will provide education opportunities on the basis of gender. Its curriculum, however, does not indicate any difference in the educational opportunities to be offered to each sex. The curriculum documents do not clearly articulate how gender-based instruction will be applied. As the purpose of CSLD is ostensibly to provide instruction tailored to the gender of the student, it was incumbent on CSLD to articulate how that would be reflected in the curriculum. Although CSLD indicates its intent is to focus on gender-based instruction, it has not presented anything in its application except vague goals and guidelines for how it will integrate that concept throughout the core subject curriculum.

The Commonwealth Court in Carbondale Area School District v. Fell Charter School, 829 A.2d 400 (Pa. Cmwlth. Ct. 2003) agreed with the CAB that it is necessary to have a sufficiently detailed curriculum. The failure to provide a detailed curriculum, which includes a focus on gender-based instruction is sufficient grounds for denial of the charter.

Further, the application indicates that community service and leadership development will be an important aspect of CSLD. The application does not, however, indicate how community service and leadership development will be integrated into the curriculum. As with the gender-based instruction, it was incumbent upon CSLD to fully describe the integration of community service and leadership development into the curriculum.

A charter school cannot be properly evaluated to determine if it is innovative or if it will serve as a model for other public schools if a sufficiently detailed curriculum is not provided. As this Board held in In re: Environmental Charter School, Docket No. CAB 1999-14, “[t]he CAB has agreed with the School Board that the proposed curriculum shows a lack of planning and specificity to assure that students receive comprehensive learning experiences. Therefore, unless and until the curriculum is more fully developed, the CAB cannot find that ECS would be a model for other public schools.” at 21.

### **III. Conclusion**

CSLD has failed to show that it would serve as a model for other public schools. Due to these failures, the decision of the Pittsburgh School District to deny the application of the Community Service Leadership Development Charter School is upheld.

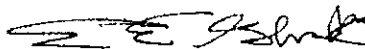
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ORDER

AND NOW, this 5<sup>th</sup> day of October, 2010, based upon the foregoing and the vote<sup>1</sup> of this Board, the On April 5, 2010, appeal of the Community Service Leadership Development Charter School is hereby denied.

FOR THE STATE CHARTER SCHOOL  
APPEAL BOARD



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Thomas E. Gluck  
Chairman

Date Mailed: October 5, 2010

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<sup>1</sup> At its meeting of September 28, 2010 CAB voted to deny the appeal by a vote of 6-0 with members Akers, Barker, Green, Reeves, Shipula and Chairman Gluck voting to deny the appeal.