

SDP's failure to grant or deny the application within 75 days after the first public hearing, as required by Section 1717-A(e)(1) of the Charter Law.

8. The general location of the proposed charter school is the Grays Ferry neighborhood of Philadelphia, which includes all or part of the zip code areas of the Naval Hospital (19145), Schuylkill (19146), Southwark (19147), and Passyunk (19148). (Application, pp. 6, 20).

9. The applicant is a group of seven individuals consisting of five teachers (two live within the Grays Ferry neighborhood), one parent/community resident, and one community leader. (Application, p. 40).

10. The applicants intend to form a non-profit organization but have not yet done so. (Application, p. 55).

11. DOLACS proposes to provide instruction for kindergarten through third grade students in its first year of operation, and kindergarten through fourth grade in succeeding years. (Application, p. 15).

12. DOLACS expects to enroll 300 students in its first year of operation, and 380, 424, and 424 students in the next three succeeding years. (Application, p. 15).

13. DOLACS has not developed detailed procedures for suspension and expulsion of pupils – it intends to develop a parent handbook, student handbook, and parent compact/acknowledgement, which will contain these policies in accordance with the disciplinary philosophies set forth in the application. (Application, pp. 18-19).

14. DOLACS's evidence of community support consists of letters of support from parents, community cultural organizations and other groups, and community leaders. (Application, pp. 50-51, Appendix F).

15. DOLACS has identified at least six potential facilities that could potentially house the school. No particular facility has been identified as the most suitable. (Application, p.53).

II. Conclusions of Law

1. Section 1717-A(e)(1) of the Charter Law requires the SDP to grant or deny DOLACS's charter school application within 75 days of the first public hearing on the application. 24 P.S. §17-1717-A(e)(1).

2. Section 1717-A(g) grants DOLACS the right to appeal to the CAB if, at the time of the appeal, no decision on the application has been made by the SDP and more than 75 days has elapsed since the first public hearing. 24 P.S. §17-1717-A(g).

3. DOLACS properly appealed and is within the CAB's jurisdiction. 24 P.S. §17-1717-A(g).

4. DOLACS has not demonstrated sustainable support for its charter school plan by teachers, parents, other community members, and students, including comments received at public hearing. 24 P.S. §17-1717-A(e)(2)(i).

5. DOLACS has not presented all of the information requested in Section 1719-A of the Charter Law.

III. Discussion

A. DOLACS has not demonstrated sustainable support.

DOLACS must show "sustainable support for the charter school plan by teachers, parents, other community members and students, including comments received at the public hearing held [before the local school board]." 24 P.S. §17-1717-A(e)(2)(i). Sustainable support means support sufficient to sustain and maintain the proposed charter

school as an ongoing entity. It is to be measured in the aggregate, rather than by individual categories. This support must be demonstrated when the application is submitted and considered.¹

DOLACS has provided strong support from educational and community leaders. Several supporters are identified as parents, but none indicate that they intend to enroll their children. The application, in fact, lacks any evidence that DOLACS has broad enough support to fill its desired enrollment of 300 students in the first year. In its application, DOLACS states that during a June 6, 1999 meeting of the Grays Ferry Service Area, “a survey for the needs of the school and support of the community was distributed and collected for documentation.” (Application, p. 50). Although DOLACS claims that “[a]ll attending were in support,” (*Id.*) DOLACS did not include the survey results. Moreover, the application states that members of the Grays Ferry Community Council “are developing a petition in support of the school that will be taken door to door in the community.” (*Id.*) No such petition was provided for consideration.

The attached letters of support are insufficient. Without a more significant showing of community support to evidence that DOLACS can accomplish its mission of attracting students to the charter school, we cannot conclude that there is sustainable support for this charter school.

B. DOLACS has not provided all of the necessary components for a charter application.

DOLACS has considered most of the information requested in Section 1719-A of the Charter Law – it has identified the applicant, the proposed charter school name, the grade levels to be offered, the school’s proposed governance structure, the mission and

¹ The CAB is not required to give “due consideration” to the SDP’s untimely decision, which was issued more than 75 days after the public hearing.

education goals, the admissions policy and criteria, the manner of community involvement, the financial plan, the procedures for complaints by parents, the school calendar and length of school day, any agreements for extracurricular activities, and how it will provide for criminal history records, official clearance statements, and liability and other insurance. 24 P.S. §17-1719-A(1)-(17).

The application, however, has several deficiencies. First, DOLACS is required to provide “[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). While DOLACS need not purchase a facility or enter into a lease, it must show some evidence of the likely availability of a particular facility and provide its address and physical description. Although DOLACS has located at least six potential facilities, none are described sufficiently to determine whether they are suitable. Several are identified as vacant, and there is no description as to whether they are in any kind of condition to house a public school. Also, no identification of ownership is made for any of the proposed locations. Thus, DOLACS has failed to satisfy the facility requirement of the application.

Second, DOLACS must identify “procedures for suspension and expulsion of pupils.” 24 P.S. §17-1719-A(7). DOLACS has not provided these procedures, but instead states that they will be provided later in several handbooks, consistent with the broad disciplinary philosophy stated in the application. We find that this commitment is insufficient to meet the law.

Based on DOLACS’s failure to provide sufficient information about a facility to be used for the charter school, its failure to identify procedures for suspension and

expulsion of pupils, and its failure to evidence sufficient community support, CAB must deny DOLACS's appeal.²

² The grounds discussed herein are sufficient to support CAB's denial of the appeal and this opinion does not represent a determination that matters not discussed either meet or do not meet the Charter School Law's requirements.

ORDER

AND NOW, this _____ day of _____, 2000, based upon the foregoing and the vote of this Board³, the appeal of the Dimensions of Learning Academic Charter School is denied.

For the State Charter School Appeal Board,

Eugene W. Hickok, Jr.
Chairman

³ At the Board's August 22, 2000 meeting, the appeal was denied by a vote of 5-0, with members Bunn, Melnick, Reeves, Shipula and Hickok voting to deny the appeal. Ms. Aliota and Ms. Ford-Williams were not present at the meeting.