COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
STATE CHARTER SCHOOL APPEAL BOARD

Career Connections Charter High School, Petitioner : Docket No. CAB 2012-12
v. Application for Stay
School District of Pittsburgh, Respondent :

OPINION

On October 7, 2013 this Board issued an Opinion and Order denying the Appeal of Career Connections Charter High School ("CCCHS") from the nonrenewal decision of the School District of Pittsburgh ("Pittsburgh"). The Board made its Order effective as of January 25, 2014 in order to allow students at CCCHS to complete the fall term at the school. On October 11, 2013 CCCHS filed an application for stay, and Pittsburgh responded opposing the granting of a stay.

CCCHS relied upon Rule 1781 of the Pennsylvania Rules of Appellate Procedure as the basis for the Board’s jurisdiction. That Rule states, "[a]pplication for a stay or supersedeas of an order or other determination of any government unit pending review in an appellate court on petition for review shall ordinarily be made in the first instance to the government unit.” Pa.R.A.P. 1781. In contrast, Pittsburgh argued that the Board lacks jurisdiction by relying upon the Charter School Law ("CSL") provision which states that in nonrenewal and revocation cases "the charter shall remain in effect until final disposition by the appeal board.” 24 P.S. §17-1729-A (f). However, section 1729-A of the CSL is not about stays, but rather about the causes for nonrenewal and termination and the process for such action. It defines when a nonrenewal or revocation decision becomes effective to extinguish a charter, absent a court appeal. The
granting of a stay is exclusively governed by Rule 1781, and that Rule provides this Board with
jurisdiction to entertain the instant application.

Having established jurisdiction, the next determination to be made is whether the four
criteria for granting a stay have been met. These criteria are: (1) whether irreparable harm will
be suffered by the applicant if the stay is not granted; (2) whether granting a stay will harm the
other party – Pittsburgh; (3) whether granting a stay will harm the public interest; and (4)

In its application CCCHS asserts that it satisfies each of these criteria, which it must do in
order to prevail. First, CCCHS asserts that students and staff will be irreparably harmed if the
school closes in the middle of its school year, and that the students’ educational programming
will be significantly disrupted. Next, because Pittsburgh will incur the expense of educating
resident students whether they continue at CCCHS or move to the school district, CCCHS argues
that Pittsburgh will not be harmed. Third, CCCHS contends that a stay will not harm the public
interest because of the alleged benefits offered by this school of choice. Finally, CCCHS avers
that its appeal will present a substantial case on the merits. See, Witmer v. Dep’t of Transp.,

Pittsburgh’s response does not address these four criteria, nor does it dispute any of the
supportive averments in CCCHS’ application. Rather, Pittsburgh, as discussed above, asserts
procedural bars to the application,\(^1\) which procedural bars do not, in the Board’s view, exist. As
a result, CAB will accept the well-pleaded assertions of CCCHS’ application, as being true.

---
\(^1\) Additional procedural arguments made by Pittsburgh are that the meeting agenda was final and that the General
Rules of Administrative Practice and Procedure (GRAPP) don’t authorize the filing of stay requests with the Board.
Regarding the agenda, it is the Board’s agenda, and the Board controls the content and finality thereof. In this
Thus, because the Board rejects the procedural arguments made by Pittsburgh, and because Pittsburgh did not dispute the factual assertions made by CCCHS substantiating that it met the criteria of granting a stay, we make the following:

case, the Board opted to add this matter to its agenda. Regarding GRAPP, it does not establish the jurisdiction of this Board, that jurisdiction is defined by the CSL and, in this case, by Rule 1781.
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
STATE CHARTER SCHOOL APPEAL BOARD

Career Connections Charter High School,  
Petitioner  

v.  

School District of Pittsburgh,  
Respondent  

Docket No. CAB 2012-12

ORDER

AND NOW, this 18th day of OCTOBER, 2013, based upon the foregoing and the vote of this Board, the application for stay of the Career Connections Charter High School is GRANTED.

For the State Charter School Appeal Board

[Signature]
Chairman

For Petitioner: Ira Weiss, Esquire
THE LAW OFFICES OF IRA WEISS
445 Fort Pitt Blvd., Suite 503
Pittsburgh, PA 15219

For Respondent: Matt Hoffman, Esquire
David J. Mongillo, Esquire
TUCKER ARENSBERG, P.C.
1500 One PPG Place
Pittsburgh, PA 15222

Date of mailing: 10/24/13

2 At the Board’s meeting of October 15, 2013 the Board voted 6-0 to grant the application with members Barker, Dumaresq, Lawrence, Magnotto, Munger and Yanyanin voting.