

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

In Re: Leadership Learning Partners Charter School:
Appeal from Denial of Charter School :
Application by the School District of : Docket No. CAB 2000-8
Philadelphia :

OPINION AND ORDER

This matter comes before the State Charter School Appeal Board (hereinafter “CAB”) on appeal filed by the Leadership Learning Partners Charter School (hereinafter “LLP”) pursuant to §17-1717-A(g) of the Charter School Law, Act of June 19, 1997, P.S. 225, No. 22 (24 P.S. §17-1717-A(g)) due to the failure of the School District of Philadelphia (hereinafter “School District”) to act on a Charter School Application filed on November 12, 1999. As a result of the School District’s failure to act upon the revised application within the statutory time periods set forth in the Charter School Law, the CAB must review the application under its original jurisdiction and make a decision whether to grant or deny the charter based upon the criteria set forth in 24 P.S. §17-1717-A(e)(2).¹

FINDINGS OF FACT²

1. Petitioner, Leadership Learning Partners Charter School, will operate as a non-profit corporation, with offices at 42 South 15th Street, Robinson Building, Suite 1776, Philadelphia, Pennsylvania 19102.

2. Respondent is the School District of Philadelphia.

¹ On March 22, 2000, 12 days after the date of the appeal, the Directors issued a written decision denying LLP’s application. Since this appeal is being considered under Section 17-1717-A(g), that decision will be taken as advisory only, and CAB’s decision will not address whether it agrees or disagrees with the Directors’ findings, as CAB would have had to have done if the Directors acted to grant or deny the charter prior to LLP’s appeal to CAB.

² LLP and the School District waived the right to a hearing before the hearing officer.

3. On November 12, 1999, by hand delivery, LLP submitted its Application for Grant of Charter to the School District.

4. Pursuant to 24 P.S. §17-1717-A, the Board of School Directors of the School District (the “Directors”) held a public hearing on LLP’s application on December 14, 1999. At or about the same time, LLP furnished the Directors with additional written materials, in response to the District’s request.

5. Representatives of LLP made a supplemental presentation to the Directors on January 10, 2000.

6. The Charter School Law (the “CSL”) provides that the local board of school directors shall grant or deny the application not later than 75 days after the first public hearing on the application. 24 P.S. §17-1717-A(e)(1)

7. By letter dated February 25, 2000, LLP was notified that its charter application would be acted on within ten (10) days of installation of the new Board of School Directors (see Exhibit I attached to the applicant’s submittals to the CAB).

8. The new Directors were appointed by the Mayor of Philadelphia on March 1, 2000, and sworn in on March 3, 2000.

9. As of March 10, 2000, more than eighty-seven (87) days after the initial public hearing on LLP’s application, the Directors had failed to act to either grant or deny the application.

10. On March 10, 2000, LLP filed the instant appeal with CAB based on the Directors’ failure to act on the application within 75 days of the initial public hearing.

11. LLP’s appeal was filed under the original jurisdiction of CAB.

12. On March 13, 2000, the Directors denied LLP’s application.

13. From time to time, during the pendency of its application, LLP furnished additional information to the Directors in support of its application. Those submissions have included: information concerning its principal founder's background; letters of support; lists of supporters and board members; lists of parents expressing interest in or support for the school; and petitions of support.

14. LLP received letters of support from John M. Perzel, Majority Leader of the Pennsylvania House of Representatives, Michael A. Nutter, member of the Philadelphia City Council, James F. Kenney, also a member of the City Council, State Representative Rosita C. Youngblood, City Council member James L. Blackwell, City Council member W. Thacher Longstreth, State Representative Dwight Evans and State Representative John Taylor.

15. LLP also supplied the Directors with a list of individuals who have expressed support of LLP's application for a charter (Exhibit F to LLP's Appeal Application to the CAB). That list included 77 individuals, most of whom are prominent and actively involved members of the Philadelphia community.

16. Also submitted to the Directors by LLP (Exhibit G to the Appeal Application) was a list of 89 parents who have expressed interest in or support for the school.

17. LLP also submitted petitions in support of the charter school, which have been signed by 41 individuals (see Exhibit H to the Appeal Application).

18. LLP intends to enter into a management agreement with Mosaica Education, Inc. ("Mosaica") to provide educational and administrative services for the school.

19. Mosaica is a for-profit corporation providing educational and administrative services to schools elsewhere in Pennsylvania and the country.

20. LLP proposes to employ the same Paragon curriculum, technology support and management techniques used at Mosaica-managed schools in Bensalem, Pennsylvania and Saginaw, Michigan.

21. Mosaica is able to purchase a location at 1811 Spring Garden Street, Philadelphia and prepare it for occupancy. Mosaica will lease that property to LLP.

22. LLP's stated purpose is to open "portals of opportunity for children and adults in the community through excellence in public education." (Application, p. 1)

23. LLP's stated core philosophy includes combining, "the beneficial rigors of a classical education with the latest technology and the best teaching and learning practices worldwide." (Application, p. 3)

24. The term Leadership Learning Partners arises from a goal to have "students" partner "with each other to develop their weak areas of learning and reinforce concepts." (Application, p. 3)

25. LLP intends to operate at below district spending levels, reallocating saved funds to enhance teacher training, technology, and curriculum materials. (Application, p. 5)

26. The LLP curriculum will include the following features:

- Explicit phonics instruction, in conjunction with content-rich classic and multi-cultural literature in the morning session of core subjects.
- Math and science taught as discrete subjects, in the morning session, to cultivate skills essential to academic success.
- Full-day Kindergarten.
- 1 computer for every 3 students, along with technology applications, including CD-ROMs and Internet sites that are woven into the fabric of the curriculum, rather than being segregated into a separate once-a-week computer class.

- Classroom computers and strategic application of technology develop genuine computer literacy and allow students to experience the value of the computer as an integrated learning tool across the curriculum.
- Interdisciplinary Paragon program in the afternoon, including social science, literature, philosophy, drama, music, art, science, history, math, geography and character development through the hands-on student of “great ideas” in world culture.
- Foreign language for all students beginning in Kindergarten.
- Approximately one hour per day more instructional time than provided by the School District.
- School year increased by twenty days.
- Strong student accountability measured by a national standardized test administered twice each year.
- Individualized personal learning plan for every child.

(Application, p. 6)

27. LLP expects increases in school day and calendar length to result in 3.5 years of additional instruction over the K-12 sequence.

28. Students in LLP will progress through grades K-2 and 3-5 with the same teacher.

(Application, p. 33)

29. Students will be broken up into “houses” of 75 to 100 students within the school.

30. LLP will administer the survey instrument for the Iowa Test of Basic Skills or other nationally recognized assessment test. (Application, p. 27)

31. LLP’s application under §17-1719-A is complete.

32. LLP is capable of and prepared to accommodate special education students and implement any necessary individualized education plan.

33. Teachers will be employed under annual at-will performance-based contracts.

The performance pay plan will be linked to student performance.

CONCLUSIONS OF LAW

1. The Charter Law governs the application and approval processes and operation of charter schools in Pennsylvania.

2. CAB has original jurisdiction over this matter. 24 P.S. §17-1717-A(g)

3. In accordance with §17-1717-A(g), this matter is properly before CAB, which shall review the application and make a decision to grant or deny a charter based on the criteria established in subsection (e)(2) of the Charter Law. (24 P.S. §17-1717-A(g)).

4. In accordance with §17-1717-A(g), CAB will stand in the place of the Directors and render a decision based on the Charter School application as it was submitted to the Directors, together with any supplemental information permitted by CAB pursuant to §17-1717-A(i)(6).

5. LLP has the burden of proving that all of the enumerated requirements for the contents of the charter school application were satisfied, including introducing sufficient evidence of “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)).

6. 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) that the charter school will develop and implement strategies for meaningful parent and community involvement. 24 P.S. §17-1715-A(2).

7. The indicia of demonstrated, sustainable support is to be measured in the aggregate and 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.

8. The LLP Application demonstrates sustainable support for the charter school plan, as required by Section 1717-A(e)(2)(i) of the Charter Law.

9. The LLP Application demonstrates the capability of the proposed charter school, in terms of support and planning, to provide comprehensive learning experiences to students pursuant to the adopted charter, as required by Section 1717-A(e)(2)(ii) of the Charter Law.

10. The Charter School Law does not prohibit non-profit charter schools acting through their respective boards from contracting with for-profit entities to provide educational or various other services, so long as the ultimate control of the charter school remains in the hands of the charter school's board of trustees.

11. The LLP Application sufficiently establishes the mission and educational goals of the proposed charter school, the curriculum to be offered and the methods of assessing whether students are meeting educational goals, as required by Section 1719-A(5) of the Charter Law.

12. The LLP Application identifies how the academic curriculum of the proposed charter school will meet the academic requirements for student performance as set forth in 22 Pa. Code, Chapter 4, relating to academic standards and assessment, as required by Section 1715-A(8) of the Charter Law.

13. The proposed educational planning and program of LLP, if followed, sufficiently complies with federal laws and regulations governing children with disabilities, as required by Section 1732-A(c)(2) of the Charter Law.

14. The Charter Law requires an applicant to provide a financial plan for the charter school and the LLP Application demonstrates an adequate financial plan for the proposed charter school and sufficiently sets forth the provisions that will be made for auditing the school under Section 437 of the Public School Code of 1949, as required by Section 1719-A(9) of the Charter Law.

15. The LLP Application establishes how the proposed charter school will provide adequate liability and other appropriate insurance for the charter school, its employees and the board of trustees, as required by Section 1719-A(17) of the Charter Law.

17. One of the goals of the General Assembly in providing for the creation of charter schools, as stated in the Law's expression of legislative intent, was to "[e]ncourage the use of different and innovative teaching methods." 24 P.S. §17-1702-A(3).

18. One of the four specific criteria against which a charter application must be measured is "the extent to which the charter school may serve as a model to other public schools." 24 P.S. §17-1717-A(e)(2)(iv).

19. The LLP Application demonstrates that the proposed charter school has the potential to serve as a model for other public schools, as required by Section 1717-A(e)(2)(iv) of the Charter Law.

20. Concerning finances, the Law requires only that the application contain limited information³, thus, if the application includes this information, it is in this respect proper and approvable. 24 P.S. §17-1719-A(9) & (17).

³The charter school application is to include: (1) the charter school's financial plan, (2) how the accounts of the charter school treasurer will be annually audited according to section 437 of the Public School Code of 1949, as amended, and (3) how the charter school will provide adequate and appropriate insurance coverage for the school, employees and board of trustees.

DISCUSSION

A. DEMONSTRATED SUSTAINABLE SUPPORT UNDER §17-1717-A(e)(2)(i).

Section 17-1717-A(e)(2) sets forth the factors to be considered and analyzed by CAB in its evaluation of the application and in making its determination whether to grant or deny the charter. 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 17-1717-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 17-1719-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 17-1715-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 Law for guidance in its evaluation of the revised 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.

A review of the application materials and LLP’s plan for the Charter School indicate that parents, teachers, and the community will be involved in the ongoing development of the school and

planning for students' education. (Application generally) However, current support must be shown in the application documents or during the public explanation of the application.

In one area of support, it is unquestionable that LLP has demonstrated the type of support required by 17-1717(A)(2)(i); that is in its support from local and statewide community leaders. LLP can boast that several prominent local city council members and state representatives offer their written recommendation and support for the LLP in general and its founder, Dr. Palmer, specifically. (Application, Exhibit E) LLP further lists various other business, education, religious, and community leaders that support LLP. (Application, Exhibit F)

There is some limited evidence in the record about teacher support for LLP. At the public hearing before the Directors, testimony was presented that LLP has had contact with “many” current teachers and part-time college teachers who expressed an interest in teaching at LLP because of the opportunities it presents. (Public Hearing Transcript, pp. 32-33) The record, however, does not translate “many” into a number. No further substantial evidence of teacher support appears in the record.

There is more, yet still limited, evidence of parental support. LLP provided a list of approximately 90 names of parents that LLP had compiled. LLP indicated that the individuals on the list are parents who have shown an interest in participating in LLP. (Application, Exhibit G)⁴ There was also testimony at the public hearing that several parents or grandparents are involved in the organization of LLP. (Public Hearing Transcript, p. 15) Fortunately for LLP, while the Charter Law lists four groups from which valid support can be demonstrated, the CAB has previously held that failure to demonstrate strong support in any one category is not fatal to an application. (*In Re:*

⁴ LLP further submitted a list of approximately 41 signatories to petitions in support of the LLP Charter School. It is not clear how many signatories may be parents, and these petitions should be considered as evidence of community, rather than parental, support.

Hills Academy, CAB Docket No. 1999-12) Thus, the failure to provide evidence of student support does not doom LLP's application.

However, LLP must still demonstrate a reasonable amount of support in the aggregate. While limited, CAB does find some demonstration of teacher support and some further demonstration of parental support. These general statements of interest are sufficient to count toward the aggregate.

LLP draws the bulk of its demonstrated support from the community at large, expressed by its elected officials and non-elected leadership. CAB finds that the volume and quality of support from these groups is sufficiently large to overcome any perceived deficiencies in demonstrated support in other areas. Overall, CAB finds that the record does demonstrate sufficient sustainable support for LLP in the aggregate and that this criterion is satisfied.

B. THE CAPABILITY OF LLP, IN TERMS OF SUPPORT AND PLANNING, TO PROVIDE COMPREHENSIVE LEARNING EXPERIENCES TO STUDENTS UNDER §17-1717-A(e)(ii).

(1) Curriculum.

LLP's application represents a substantial attempt by experienced and respected educators to establish a comprehensive and effective academic program. CAB is familiar with the Paragon Curriculum, and recognizes that it is designed to prepare students to be creative, intuitive and analytical thinkers with a solid understanding of the history of ideas. The curriculum is intended to combine the pragmatism and rigors of classical education with the best teaching practices worldwide, including technology.

The Paragon curriculum will be worked into a structure using the schoolhouse model, which divides the student body into "houses" within the school to provide for a smaller, more intimate school-within-a-school. The Paragon program will be further integrated into a traditional core

program by providing the traditional core instruction in the morning, followed by the interdisciplinary Paragon program in the afternoon. The school day is also increased by approximately one hour per day to provide more instructional time. The school year is further increased by 20 days.

Technology plays an important role in the future of the LLP curriculum. The LLP application includes, among the technological highlights, one (1) computer for every three (3) students, along with a strategic application of technology throughout the curriculum to develop genuine computer literacy and experience the value of the computer as an integrated learning tool across the curriculum.

The LLP program also features a full-day Kindergarten, phonics for K through 2 students, and Spanish language instruction at all grade levels.

Based upon these findings, we conclude that LLP has established that it can provide comprehensive learning experiences for students.

(2) School Facilities.

When the Charter Application was submitted, LLP had not identified a site for its educational facility. At the public hearing, LLP identified a site at 18th and Spring Garden Streets in Philadelphia, and has submitted a letter from Mosaica, Inc., indicating its intention to purchase that site, prepare it for occupancy, and subsequently lease it to LLP. The School District contends that this evidence is insufficient and that LLP submitted nothing concerning the suitability of the site or regarding what renovations might be necessary or appropriate. In general, the School District complains that information regarding this proposed site is too vague.

We note that in prior decisions we have held that a detailed facility plan is not required under the Charter Law. (*In Re: Environmental Charter School Appeal from Denial of Charter by*

Palisades School District, CAB Docket No. 1999-14). We conclude that, for the approval of a Charter School, the legislature intended this law to be liberally interpreted to encourage the development and growth of such schools, and that the legislature could not have intended that School Districts require, as a condition of approval of a charter, that all necessary elements of the school's physical plant be established. In *Environmental Charter School*, we reiterated that providing specifically detailed plans about a facility is not necessary for issuance of charter, but the charter school applicant must be able to at least identify or acknowledge that work will be required to prepare the building for use as a school. (*Id.*)

In its response to follow-up questions prepared by the School District, LLP provides some further information regarding its proposed facility. It indicates LLP and Mosaica Education, Inc. have been working to secure an appropriate facility for the charter school. In a letter to LLP, Mosaica Education, Inc. has identified a building at 1811 Spring Garden Street as the proposed site and indicates its willingness to purchase and prepare that site for occupancy. In its response to the follow-up questions, LLP had previously indicated that Mosaica Education, Inc. would make any necessary improvements and complete them before August, 2000, and also obtain all necessary certificates and occupancy permits. LLP further indicated that Mosaica Education, Inc. would arrange necessary financing and offered two examples demonstrating Mosaica Education, Inc.'s experience in fast-track opening of public charter schools.

Unlike *Environmental Charter School*, where the charter school failed to even acknowledge that work would be required to prepare the building for use as a school, LLP's application does make such acknowledgement and proposes to deal with the problem by contracting with an entity that is prepared to be involved with resolving such difficulties. Nothing on the record indicates that the proposed facility is not amenable to such efforts.

(3) Management.

LLP proposes to enter into a contract with Mosaica Education, Inc. regarding management of the LLP charter school. The School District has expressed concern over this contractual relationship, largely because of the for-profit nature of Mosaica Education, Inc.

The Charter Law provides that a charter may only be granted to a non-profit entity. 24 P.S. §17-1703-A. The Charter Law also provides that a for-profit corporation, association, or partnership may establish a charter school. 24 P.S. §17-1717-A(e). A charter school may also enter into contracts for services, equipment and supplies, and may acquire real property. 24 P.S. §17-1714-A(a)(3), (5). CAB has previously found that nothing in the Charter Law prohibits the involvement of for-profit entities in the establishment and operation of a charter school, so long as the school itself is not for-profit, the charter school's trustees have real and substantial authority and responsibility for the educational decisions, and the teachers are employees of the charter school itself. (See *In Re: Collegium Charter School Appeal from Denial of Charter School Application by West Chester Area School District*, CAB Docket No. 1999-9).

CAB finds nothing in the record to indicate that LLP is anything but a non-profit corporation, or that it is unreasonable for LLP to contract with a commercial educational service provider for the expertise and skills needed to manage and operate a school. CAB finds nothing in the proposed management structure model agreement, which is to be the basis for an agreement negotiated between LLP and Mosaica Education, Inc., which would violate the Charter Law. Thus, we find the proposed management structure of LLP to be consistent with the Charter Law.

C. THE EXTENT TO THE WHICH THE APPLICATION CONSIDERS INFORMATION REQUESTED IN §17-1719-A AND CONFORMS TO THE LEGISLATIVE INTENT OUTLINED IN §17-1702-A.

CAB has carefully reviewed and evaluated LLP's charter school application, and its supplementary and supporting material. CAB further concludes that the LLP application satisfies the criteria set forth in §17-1717-A(e)(2) of the CSL. While there may be *de minimis* deficiencies of an easily correctable or technical nature, such *de minimis* deficiencies do not constitute proper grounds for denying the application.

D. THE EXTENT TO WHICH A CHARTER SCHOOL MAY SERVE AS A MODEL FOR OTHER PUBLIC SCHOOLS.

CAB has previously acknowledged that the features of the Mosaica-Paragon program can be a model for other public schools. (See *In Re: Hills Academy Charter School*, CAB Docket No. 1999-12). In *Hills Academy*, CAB noted that the length in school day, length in school year, teaching Spanish beginning in Kindergarten, and teacher "looping" provide support for the proposition that the Hills Academy Charter School could provide a model for other schools. Those features are likewise present in the proposed LLP program.

The encouragement of different and innovative teaching methods and creation of new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site, were among the goals of the Legislature in passing the Charter Law. 24 P.S. §17-1702-A(4). LLP's emphasis on the schoolhouse approach, computer technology and applications, individual personal learning, and student to teacher accountability further demonstrate LLP's potential to serve as a model. Thus, this last prong is met as well and accordingly, we make the following:

ORDER

AND NOW, this _____ day of July, 2000, based upon the foregoing and the vote of this Board,⁵ the March 10, 2000 appeal of the Leadership Learning Partners Charter School is affirmed and the School District of Philadelphia is hereby directed to grant the Application and sign the Leadership Learning Partners Charter School's charter pursuant to 24 P.S. §17-1720-A.

FOR THE STATE CHARTER SCHOOL
APPEAL BOARD

Eugene W. Hickok
Chairman

⁵ At the Board's June 15, 2000 meeting, the appeal was granted by a vote of 5-0 with members Aliota, Bunn, Hickok, Melnick and Shipula voting to grant the appeal. Member Reeves recused herself from the vote.