

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

<b>DUQUESNE CHARTER SCHOOL</b>	:	
<b>FOUNDING GROUP D/B/A</b>	:	
<b>DUQUESNE CHARTER SCHOOL</b>	:	
	:	<b>Docket No. CAB 2013-01</b>
<b>v.</b>	:	
	:	
<b>DUQUESNE CITY SCHOOL DISTRICT</b>	:	

**OPINION**

This matter is before the Charter School Appeal Board (“CAB”) as a result of the failure of the Duquesne City School District (“District”) to grant or deny a charter school application made by the Duquesne Charter School Founding Group (“Duquesne Charter School”) within the statutorily required time period. As a result of the District’s failure to act, CAB must review the Charter School Application and make a determination to grant or deny the charter based upon the criteria set forth in section 1717-A(e)(2) of the Charter School Law (“CSL”), 24 P.S. § 17-1717-A(e)(2).

**FINDINGS OF FACT**

1. The Duquesne Charter School Founding Group came together to develop a charter school in Duquesne.
2. On September 12, 2012, the Duquesne Charter School Founding Group submitted a charter school application to the Duquesne City School District School Board.  
(Application).
3. Duquesne City School District did not hold a public hearing on the charter school application. (Answer to the Duquesne Charter School’s Petition to Appeal)

4. On November 16, 2012, the Secretary of Education, pursuant to the Financial Recovery Act, 24 P.S. § 6-601-A, issued a declaration that the Duquesne City School District is in severe financial recovery status.
5. On January 14, 2013, CAB received a Petition requesting a review of the application of the Duquesne Charter School Founding Group for a charter school in Duquesne, Pennsylvania.
6. Approximately nineteen (19) businesses submitted letters supporting the creation of the Duquesne Charter School. (Application, Addendum S).
7. Approximately twenty-eight (28) families with approximately forty-seven (47) children submitted letters of intent to enroll their children in Duquesne Charter School. (Application, Addendum S).
8. Duquesne Charter School proposes to serve students in grades K-6. (Application at 2).
9. Several of the families that submitted letters of intent to enroll their children in Duquesne Charter School listed children that would not be of appropriate age for a K-6 charter school. (Application, Addendum S).
10. The age-range of children listed on the letters of intent to enroll their children in Duquesne Charter School ranged from 17 months to 17 years old. (Application, Addendum S).
11. Duquesne Charter School submitted a survey, completed by approximately 52 individuals, asking, in part, whether the individual had school-age children and whether the individual would enroll that child in Duquesne Charter School. (Application, Addendum S).

12. Only approximately twenty (20) of the 52 respondents indicated that the individual had school-age children and that the individual would enroll that child in Duquesne Charter School. (Application, Addendum S).
13. The majority of the twenty (20) respondents to the survey also completed a letter indicating intent to enroll their children in Duquesne Charter School. (Application, Addendum S).
14. Projected enrollment for the first year of Duquesne Charter School is 200 students. (Application at 2).
15. A petition in support of Duquesne students was also submitted in the application. (Application, Addendum S).
16. The petition stated that: "We are confident that the students of Duquesne, when adequately resourced, can perform to the highest academic standards. By signing the petition, we join our elected School Board Directors in their efforts to seek and provide a quality academic environment to the children of Duquesne. We are supporters of the effort or parents of school-aged children." (Application, Addendum S).
17. The petition contained no indication that it was in any way affiliated with Duquesne Charter School or that signers of the petition were supporting the Duquesne Charter School. (Application, Addendum S).
18. Duquesne Charter School's application states that the school will utilize Paragon Vision, which is based on the idea that "we must impart to all children the content knowledge and academic skills that will provide them with the necessary intellectual capital to succeed in mainstream culture and the global economy." (Application at 5).

19. Duquesne Charter School's application further states that "the idea of integrating educational video games into the core curriculum, a researched [sic] based concept being referred to as 'serious gaming' shall be utilized." (Application at 5).
20. Duquesne Charter School's application contains broad statements concerning what the charter school would like to do with its curriculum, but fails to provide details as to how it will be accomplished. (Application at 9-19).
21. Duquesne Charter School's application, in the educational program section, briefly lists required classes for K-6, including, in part, English (spelling, reading, and writing), arithmetic, science, and geography. However, no further explanation of the classes is provided. (Application at 11-12).
22. In the curriculum overview section of the application, the proposed course list does not match the required course list in the educational program section. (*Compare* Application at 11-12; Application, Addendum A at 2).
23. The curriculum overview, similar to the educational program section, simply lists proposed courses of study with no explanation of the courses. (Application, Addendum A at 2-3).
24. The curriculum overview's proposed courses of study include courses such as Swahili, Chinese, and Arabic, as well as trigonometry, physiology, carpentry, electrical, plumbing and heating, masonry. (Application, Addendum A at 2-3). There is no evidence or discussion in the application as to how such courses are appropriate in a K-6 school.
25. Throughout the application, there are references to college readiness, job shadowing/apprenticing, parenting classes, vo-tech, career training, and AP classes.

There is no evidence or discussion in the application as to how such topics are appropriate in a K-6 school.

26. Secondary students are mentioned numerous times throughout the application.
27. While the application states that, at some point, Duquesne Charter School would like to expand to a K-12 school, the application is only for a K-6 school. (Application at 1).
28. Much of the curriculum section of the application is speculative, referencing what the charter school would like to do when creating its curriculum, but the curriculum has not been created at this time.

### **CONCLUSIONS OF LAW**

1. CAB has original jurisdiction over this matter because the District failed to act on the application. 24 P.S. §17-1717-A(g)
2. This matter is properly before CAB to 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 CSL. 24 P.S. §17-1717-A(g).
3. Duquesne Charter School has the burden of proving that all of the enumerated requirements for the contents of the charter school application were satisfied, including:
  - (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 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 1720-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).

4. 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. §17-1719-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).
5. 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. *Leadership Learning Partners Charter School*, CAB Docket No. 2000-8.
6. Duquesne Charter School's application does not demonstrate sustainable support for the charter school plan as required by section 1717-A(e)(2)(i) of the CSL. 24 P.S. § 17-1717-A(e)(2)(i).
7. Duquesne Charter School's application failed to demonstrate 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. 24 P.S. § 17-1717-A(e)(2)(ii).
8. Duquesne Charter School failed to include information required in section 1719-A of the CSL in its application, specifically the manner in which community groups will be involved in the charter school planning process. 24 P.S. § 17-1717-A(e)(2)(iii); 24 P.S. § 17-1719-A(8).

9. One of the goals of the General Assembly in providing for the creation of charter schools, as stated in the CSL's expression of legislative intent, was to "[e]ncourage the use of different and innovative teaching methods." 24 P.S. §17-1702-A(3).
10. 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).
11. 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.
12. Duquesne Charter School's application failed to demonstrate 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 CSL. 24 P.S. § 17-1717-A(e)(2)(iv).

### **DISCUSSION**

Section 1717-A(e)(2) of the Charter School Law sets forth the factors to be used in the evaluation of the proposed charter school application. 24 P.S. §17-1717-A(e)(2). As a result of the District's failure to grant or deny the proposed charter school application within the statutory time period, CAB reviews the charter school application pursuant to the following four-pronged statutory criteria:

- (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 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 1720-A.<sup>1</sup>

(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).

**A. Demonstrated, sustainable support under Section 1717-A(e)(2)(i).**

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 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 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 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 School Law for guidance in its evaluation of the 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

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<sup>1</sup> Section 1719-A(8) requires “[i]nformation on the manner in which community groups will be involved in the charter school planning process.” 24 P.S. § 17-1719-A(8). However, Duquesne Charter School admitted in its application that it has no community partners at this time. *See* Application at 27. Instead, Duquesne Charter School states that after the application is submitted, it will reach out to community organization that may want to partner with them. Then, the application offers a number of organizations that they would “like to” have as partners. However, there is no evidence that any community groups have any affiliation with the charter school or will be involved in any way in the charter school planning process.



necessarily fatal to an application. Nevertheless, a reasonable amount of support in the aggregate must be demonstrated. *See e.g. Leadership Learning Partners Charter School*, CAB Docket No. 2000-8.

In the present matter, Duquesne Charter School has submitted (1) letters of community support; (2) letters indicating intent to seek enrollment in the charter school; (3) surveys indicating whether there are school-age children in the home and whether they would enroll students in the charter school; and (4) a petition in support of Duquesne students. *See* Application, Addendum S. As for community support, nineteen (19) local businesses submitted form letters indicating support of the charter school. The intent to seek enrollment letters consisted of approximately twenty-eight (28) families with approximately forty-seven (47) children. At least one of the letters appears to be a duplicate. Of the forty-seven (47) children, at least sixteen (16) do not appear to be age-appropriate for a K-6 charter school. Age ranges include children from 17 months to 17 years old. Clearly, a K-6 charter school would not serve all children within this age span. As such, the intent to seek enrollment letters only indicate that approximately thirty-one (31) children would be age-appropriate to enroll in the charter school.

Additionally, surveys were submitted by approximately 52 individuals. However, of the 52 individuals, only twenty (20) indicated that they had school-age children, and no ages were specified. Therefore, there is no way to verify whether the school-age children would be age appropriate for a K-6 school. Notably, many of the surveys were completed by individuals who also completed the intent to seek enrollment letters. Therefore, the surveys add very little support to the application.

Lastly, a petition of support of Duquesne students was included in the application. The petition states:

We are confident that the students of Duquesne, when adequately resourced, can perform to the highest academic standards. By signing the petition, we join our elected School Board Directors in their efforts to seek and provide a quality academic environment to the children of Duquesne. We are supporters of the effort of parents of school-aged children.

Application, Addendum S. While the petition was signed by many individuals, there is no indication that the petition has any affiliation with Duquesne Charter School or that the signer in any way demonstrates support for the creation of a charter school in Duquesne. Therefore, the petition cannot be construed as support for the charter school by those who signed the petition. Additionally, there does not appear to be any evidence of support from teachers in the application.

Failure to demonstrate support in any one category is not fatal to an application, but Duquesne Charter School must still demonstrate a reasonable amount of support in the aggregate. Overall, the record is notably sparse in demonstrating community support, parent, or student support for the Duquesne Charter School. Thus, CAB concludes that Duquesne Charter School failed to demonstrate sustainable support as required by section 1717-A(e)(2)(i) of the CSL. 24 P.S. § 17-1717-A(e)(2)(i).

**B. The capability to provide comprehensive learning experiences & the extent to which the charter school may serve as a model for other public schools in accordance with Section 1717-A(e)(2)(ii&iv).**

In order to provide a comprehensive learning experience to students, a charter applicant must demonstrate adequate support and planning in the charter application. Additionally, one of the goals of the General Assembly in providing for charter schools in the Commonwealth was to “encourage the use of different and innovative teaching methods.” *In Re: Environmental Charter School*, CAB No. 1999-14; *see also* 24 P.S. § 17-1702-A(3). 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. *In Re: Environmental Charter School*, CAB No. 1999-14, at 21.

In the present case, Duquesne Charter School's proposed curriculum was briefly explained in a section entitled "Educational Program" and a "Curriculum Overview"<sup>2</sup> was provided as an addendum to the application. The application states that the school will use Paragon Vision, which is based on the idea that "we must impart to all children the content knowledge and academic skills that will provide them with the necessary intellectual capital to succeed in mainstream culture and the global economy." (Application at 5). However, Paragon Vision is not an entire curriculum, but only a component of a curriculum.<sup>3</sup> Nevertheless, very little information is provided as to what will supplement the rest of the curriculum.

Duquesne Charter School's application contains broad statements concerning what the charter school would like to do with its curriculum, but fails to provide details as to how it will be accomplished. (Application at 9-19). Duquesne Charter School's application, in the educational program section, briefly lists required classes for K-6, including English (spelling, reading, and writing), arithmetic, science, geography, etc. However, no further explanation of the classes is provided. (Application at 11-12). In the curriculum overview section of the application, the proposed course list does not match the required course list in the educational program section. (*Compare* Application at 11-12; Application, Addendum A at 2). The curriculum overview, similar to the educational program section, simply lists proposed courses of study with no explanation whatsoever. (Application, Addendum A at 2-3.) Additionally, the

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<sup>2</sup> Notably, the "Curriculum Overview" addendum is listed in the application's Table of Contents as "Curriculum Under Consideration." This further highlights the lack of a concrete curriculum plan offered by Duquesne Charter School by their own admission.

<sup>3</sup> As stated in the application, Duquesne Charter School proposes to use Paragon Vision in the social studies and life skills area. Application at 18.

curriculum overview's proposed courses of study includes courses such as Swahili, Chinese, and Arabic, as well as trigonometry, physiology, carpentry, electrical, plumbing and heating, masonry. (Application, Addendum A at 2-3). There is no evidence or discussion in the application as to how such courses are appropriate in a K-6 school. Similarly, throughout the application, there are references to college readiness, job shadowing/apprenticing, parenting classes, vo-tech, career training, and AP classes. Again, there is no evidence or discussion in the application as to how such topics are appropriate in a K-6 school. While Duquesne Charter School states in the application that it would like to eventually have a K-12 program, there is no delineation in the application between what will be done with the K-6 program versus what the school would like to do in the future with a secondary program. Much of the curriculum section of the application is speculative, referencing what the charter school would like to do when creating its curriculum, but the curriculum has not been created at this time. As such, Duquesne Charter School has failed to provide a sufficient curriculum plan.

Therefore, based upon its inadequate curriculum, Duquesne Charter School has failed to demonstrate its capability, in terms of support and planning, to provide a comprehensive learning experience to students pursuant to the adopted charter. Furthermore, unless the curriculum is more fully developed, CAB cannot find that Duquesne Charter School would be a model for other public schools.<sup>4</sup>

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<sup>4</sup> Duquesne City School District raised the issue of whether the Financial Recovery Act, 24 P.S. § 6-601-A, *et seq.*, in any way restricts the ability to grant a charter. However, given the other clear causes for denial of the charter, CAB declines to reach the issue at this time.

## **CONCLUSION**

For the forgoing reasons, CAB concludes that Duquesne Charter School (1) failed to demonstrate sustainable support for the charter school; (2) failed to demonstrate the capability, in terms of support and planning, to provide a comprehensive learning experience to students; (3) failed to include all contents of the application as required by section 1719-A of the Charter School Law; and (4) failed to establish that it can serve as a model for other public school in accordance with the Charter School Law. Therefore, Duquesne Charter School's application is denied.

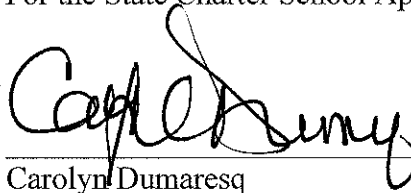
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ORDER

AND NOW, this 19<sup>th</sup> day of December 2013, based upon the foregoing and the vote of this Board,<sup>5</sup> the appeal by the Duquesne Charter School Founding Group is **DENIED**.

For the State Charter School Appeal Board,



Carolyn Dumaesq  
Chair

Date Mailed: 12/19/13

<sup>5</sup> At the Board's December 10, 2013 meeting the Board voted unanimously to deny the appeal by a vote of 5-0 (Member Barker was absent).