

POLICY GUIDE

POLICY NO. 801 CHARTER SCHOOLS

1. PURPOSE

In order to provide students, parents and community members an opportunity to establish and maintain schools that operate independently from this school district, the Board shall evaluate applications submitted for charter schools located within the district, in accordance with the requirements of Act 22 of 1997, **as amended, and Act 88 of 2002, as amended** and those established by this Board.

The Board shall work cooperatively with individuals and groups submitting proposals and applications for charter schools.

In addition, the District recognizes that the Pennsylvania Department of Education has the responsibility for receiving, reviewing, and acting on applications for cyber charter schools. The District adopts this Policy to set forth the legal obligations relating to District students who are enrolled in cyber charter schools.

2. DEFINITIONS

"Charter School" means an independent, nonsectarian public school established and operated under a charter from the Board of School Directors, and in which students are enrolled or attend. A charter school must be organized as a public, nonprofit corporation; charters will not be granted to any for-profit entity nor to support home schooling programs.

"Cyber Charter School" shall mean an independent public school established and operated under a charter from the Pennsylvania Department of Education, and in which the school uses technology in order to provide a significant portion of its curriculum and to deliver a significant portion of instruction to its students through the internet or other electronic means. A cyber charter school must be organized as a public, non-profit corporation. A charter may not be granted to a for-profit entity.

"Board of School Directors" (the Board) means the Chartiers Houston School District Board of School Directors, with respect to a proposed or approved charter school located within the Township of Chartiers of the Borough of Houston, or the Board of School Directors of another school district, if a proposed or approved charter school is located there.

"Regional Charter School" means an independent public school established and operated under a charter from more than one local Board of School Directors and approved by an affirmative vote of a majority of all Board members of each of the school districts involved.

"Appeal Board" means the State Charter School Appeal Board established by the Charter School Law.

3. AUTHORITY

A. Charter Schools:

1. Applications

The Board shall ensure that each charter school application provides appropriate assurances of compliance with the requirements of the Charter School Law and any additional requirements established by the Board.

Applications for charter schools shall be submitted to the Superintendent or his designee, who shall be responsible for communicating and cooperating with all applicants. For purposes of the review process, the date of receipt of the application shall be the date of the regular school board meeting following receipt of the application by the Superintendent, at which meeting receipt of the application shall be formally acknowledged.

The Superintendent or his designee shall be responsible to assist applicants with plans for technical assistance and contracted services which may be provided by the school district.

Applications for charter schools must contain all the information specified in the Charter Schools Law, and any amendment thereto. Each application must also provide any additional information required by the Board, including but not limited to, the information requested by Exhibit A attached hereto and incorporated herein.

Applications for charter schools shall be submitted to the Board by November 15 of the school year preceding the school year in which the school will be established.

The Board shall evaluate applications submitted for charter schools based on the criteria established by law and any additional criteria determined by the Board. Within forty-five (45) days of receipt of an application, the Board shall hold at least one public hearing on the provisions of the charter application. No sooner than forty-five (45) days and no later than seventy-five (75) days after the first public hearing, the Board shall grant or deny the application.

A charter school application **submitted to the Board** shall be approved or denied by a majority vote of all Board members at a public meeting, in accordance with the provisions of the Sunshine Act. Written notice of the Board's decision shall be sent to the applicant, Department of Education and the Appeal Board. If the application is denied, the notice shall include reasons for denial and a clear description of application deficiencies. The Board shall evaluate, at the first Board meeting occurring at least forty-five (45) days after receipt of the revised application by the Board, denied applications that are revised and resubmitted.

Upon approval of a charter application, designated representatives of the Board, and the charter school's Board of Trustees shall sign the written charter, which shall be binding on both. The charter shall be for a period of three (3) to five (5) years and may be renewed for five-year periods by the Board.

2. Local Requirements relating to Charter Schools

a. Student Assessments

Students enrolled in an approved charter school shall be administered standardized tests approved by the School District for administration to students enrolled in District programs (and exclusive of State-mandated assessments) at the same grade levels and under the same conditions as established for Chartiers Houston School District students.

b. Transportation

The School District shall provide free transportation to its resident students, in order to transport them to a charter school located within the School District, a regional charter school of which the School District is a part or a charter school located outside District boundaries at a distance not exceeding ten (10) miles by the nearest public highway. Such transportation shall be provided on such dates and periods that the charter school is in regular session, regardless of whether or not transportation is provided on such dates and periods to students attending schools with the District. However, transportation is not required for elementary students, including kindergarten students, who reside within one and ½ miles or for secondary students who reside within two miles of the nearest public highway from the charter school in which such students are enrolled, unless the road or traffic conditions are such that walking constitutes a hazard to the safety of the students when so certified by the Pennsylvania Department of Transportation, PROVIDED, HOWEVER, that if the District provides transportation to the public schools of the District for such students, transportation shall also be provided to charter school students under the same conditions.

c. School Calendar

The student calendar of an approved charter school shall encompass the school calendar approved for the Chartiers Houston School District in any given year. Nothing set forth herein, however, shall preclude the school calendar for students of the approved charter school from including

additional student days in the calendar year prior to, or following, the School District's student year.

d. Insurance/ Risk Management

Each approved charter school shall adequately protect against liability and risk through an active risk management program approved by the Board. The program shall include proof of purchase of insurance coverages as required by the Board.

Minimum coverages and levels of appropriate coverages shall be established in the charter.

A charter school shall operate in a manner that minimizes the risk of injury and harm to students, employees and others.

e. Personnel

The Board may approve a leave of absence for up to five (5) years for a District employee to work in a charter school located within the Chartiers Houston School District or in a regional charter school in which the Chartiers Houston School District is a participant. Approval for a leave such shall not be unreasonably withheld. If such approval is granted, the employee shall have the right to return to a comparable position (but not necessarily the same position) within the Chartiers Houston School District at the end of the leave. Nothing set forth herein, however, shall obligate the Board of School Directors to grant another employee's request for a leave of absence to provide service in a charter school, based solely on the fact that another employee was granted leave for that reason. Moreover, an employee granted such a leave of absence shall remain on leave of absence from the Chartiers Houston School District throughout the entire term of the leave. Nothing set forth herein shall obligate the School District to grant an employee's request to return to active service with the School District prior to the conclusion of the leave, nor shall the School District's grant of an employee's request to "early" return from such a leave in any way obligate the School District to permit any other employee to return to active service with the School District prior to the conclusion of the leave.

Any employee granted a leave of absence to work in a charter school in accordance with this policy shall maintain seniority rights relative to other employees of the School District., in accordance with the terms of the Public School Code of 1949, as amended, if applicable and/or the terms of any applicable collective bargaining agreement. To the extent that, by nature of the position occupied at the time of commencement of a leave absence granted under this policy, an employee has no recognized seniority rights within the School District, he or she shall not obtain any during the period of the leave of absence.

Unless otherwise required by an applicable collective bargaining agreement, while on a leave of absence granted under the terms of this policy, an employee working in a charter school shall not be "credited with" salary step advancement or other salary increases.

Temporary professional employees, i.e., non-tenured employees, are advised that the Chartiers Houston School District will NOT grant tenure to the employee based in whole or part on the employee's teaching service in a charter school located within the School District, or in a regional charter school in which the School District participates. Professional employees shall retain their tenure rights in the District while on leave to provide service in a charter school.

Nothing set forth herein shall in any way limit the authority of the Board to initiate proceedings under Article XI of the Public School Code of 1949, as amended, if the Board determines that occurrences at the charter school leading to dismissal of a District employee who is on leave to provide service in the charter school, constitute adequate and independent grounds for discipline of the District employee under Section 1122 of the School Code.

No temporary employee or professional employee who is leaving employment at a charter school shall be returned to a position in the District following a leave of absence, unless and until the District is in receipt of all criminal history record information, including but not limited to, the self report, as required under Section 111 of the School Code, and the Official Clearance Statement regarding child injury or abuse from the Department of Public Welfare as required by 23 Pa. C.S. Chapter 63, Subchapter C.2.

At least 75% of the employees hired by the approved charter school as teachers shall possess a current, valid Pennsylvania teaching certificate which authorizes them to teach in the subject area to which they will be assigned while employed by the approved charter school. With the exception of those individuals hired by the charter school to function as a Business Manager and a Supervisor of Buildings and Grounds, all supervisory and administrative personnel of the approved charter school shall possess current, valid Pennsylvania certificates which authorize them to serve in their respective supervisory or administrative positions.

Each approved charter school shall be required to EMPLOY an appropriately qualified individual or individuals to function as its Business Manager and/or Supervisor of Buildings and Grounds, and to provide written position descriptions for these positions identifying the prerequisite qualifications during the application process. If the charter school is approved, individuals employed in such positions shall possess the identified qualifications.

Each approved charter school shall be required to provide each such School District employee during the period employed by the approved charter school, with the same health care coverage, under the same terms and conditions, as otherwise would have been provided to the employee had she been employed by the School District.; this requirement shall apply to School District employees on approved leave of absence to work for the charter school, as well as all other employees as well. The cost of such health care coverage shall be borne solely and exclusively by the approved charter school, except to the same extent, if any, that the employee would have been required to make payments or co-payments to the School District. UNDER NO CIRCUMSTANCES SHALL EMPLOYEES OF THE APPROVED CHARTER SCHOOL BE PERMITTED TO PARTICIPATE IN ANY PLAN ESTABLISHED OR PROVIDED BY THE SCHOOL DISTRICT FOR ITS OWN EMPLOYEES.

f. Liability

The Board of Trustees and the charter school shall be solely liable for any and all damages and costs of any kind resulting from any legal challenges involving the operation of a charter school. Neither the Chartiers Houston School District nor its Board of Directors shall be held liable for any activity or operation related to the program of a charter school.

Each approved charter school shall be required to execute a Hold Harmless and Indemnification Agreement by which it agrees to hold harmless and indemnify the Chartiers Houston School District, its Board of School Directors, officers, employees, successors and assigns, from any and all claims or liabilities of any kind whatsoever, including without limitation, attorneys fees and costs, asserted by or on behalf of any individual or person, resulting from, arising out of, or in any way related to the operation of the charter school.

3. Review/ Renewal/Revocation

The Board shall annually assess whether each charter school is meeting the goals of its charter and shall require each charter school to submit an annual report no later than August 1 of each year.

The Board shall conduct a comprehensive review prior to granting a five-year renewal of the charter.

The Board shall have ongoing access to the records and facilities of the charter school to ensure that the charter school is in compliance with its charter, Board policy and applicable laws, and to ensure that requirements for testing, civil rights and student health and safety are being met. At least monthly, the Charter School shall provide the Superintendent or his/her designee, with such written reports as shall be requested, and on the forms designated by the Superintendent/designee. These forms shall include, but not be limited to, enrollment reports, budgetary information, statistical i.e., personally non-identifiable) disciplinary information. Note: No requirement in statute for monthly report.

Upon reasonable notice, the Superintendent or his/her designee shall have the right to conduct a health/safety inspection of the facilities of the charter school and/or to otherwise ensure that the charter school is in compliance with its charter, Board policy and applicable law. No such notice shall be required, however, when the Superintendent in good faith believes that said facilities present a threat of harm to students/staff members or otherwise present an emergency situation.

In cases where the health or safety of the charter school's students, staff or both is/are at serious risk, the Board may take immediate action to revoke a charter.

During the term of the charter or at its end, the Board may choose to revoke or not to renew the charter based on any of the following:

- one or more material violations of the conditions, standards or procedures contained in the written charter

- failure to meet the requirements for student performance established by the Pennsylvania Department of Education, or any performance standards identified in the written charter

- failure to meet generally acceptable standards of fiscal management or audit requirements

- violation of any applicable law from which the charter school has not been exempted, including but not limited to federal laws and regulations governing children with disabilities

- the charter school's conviction of fraud.

B. Cyber Charter Schools

1. General Obligations

In the case of cyber charter schools, the Pennsylvania Department of Education, and not the District, shall have all powers to receive, review and act on applications for creation of the same, as well as to request further

information from applicants, obtain input from interested persons or entities, hold hearings regarding applications, renew, revoke, or deny renewal of charters. In addition, it shall be the obligation of the Pennsylvania Department of Education, and not of the District, to annually assess whether each cyber charter school is meeting the goals of its charter and is in compliance with the provisions of the charter, to annually review each cyber charter school's performance on PSSAs, standardized tests and other performance indicators, and to conduct a comprehensive review prior to granting a five (5) year renewal of the charter.

The Pennsylvania Department of Education shall be provided with on-going access to all records, instructional materials and facilities of the cyber charter school as necessary for the Department to access the cyber charter school in accordance with the relevant provisions of the School Code.

A cyber charter school shall submit an annual report to the Pennsylvania Department of Education no later than August 1, in a form prescribed by the Pennsylvania Department of Education.

2. Items To be Provided to the District

A cyber charter school shall make available upon request, either in writing or electronically, to the District when any of its students attend the cyber charter school, the following:

- A copy of the charter
- A copy of the cyber charter school application
- A copy of all annual reports prepared by the cyber charter school
- A list of all students from the District enrolled in the cyber charter school

3. Responsibilities of the District

The Superintendent or his designee shall have the following responsibilities with respect to a cyber charter school in which one or more of its resident students is/are enrolled:

- provide the cyber charter school within ten (10) days of receipt of the notice of admission of the student with all records relating to the student, including transcripts, test scores and a copy of any individualized education program for that student.
- provide the cyber charter school with reasonable access to the District's facilities for the administration of standardized tests.
- upon request, provide assistance to the cyber charter school in the delivery of services to a student with disabilities. The District shall not charge the cyber charter school more for a service than it charges a school district.
- make payments to the cyber charter school as required under Section 17-1725-A of the School Code.

4. Notification of Enrollment/Verification of Residency

Within fifteen (15) days of the enrollment of a student who is a District resident in a cyber charter school, the parent or guardian and the cyber charter school shall notify the District of the enrollment using an enrollment notification form promulgated by the Pennsylvania Department of Education. If, after receiving such notice, the District determines that a student is not a resident of the District, the District shall so notify the cyber charter school and the Pennsylvania Department of Education within seven (7) days of receipt of the notice. Such notification by the District shall include the basis for the District's determination that the student is not a resident. Within seven (7) days of notification of non-residency from the District, the cyber charter school shall review the notification, respond to the District and provide a copy of the response to the Department. If the cyber charter school agrees that a student is not a resident

of the District, it shall determine the proper district of residence of the student before requesting funds from another school district.

Within seven (7) days of receipt of such response from the cyber charter school, the District shall notify the cyber charter school as to whether or not it agrees with the cyber charter school's determination of residency. If the District disagrees, in addition to providing such notice to the cyber charter school, it shall also appeal the cyber charter school's determination of residency to the Department for final determination, which shall then be subject to review by the Commonwealth Court. The District shall continue to make payments to a cyber charter school as required under Sections 1725-A and 1748-A during the time in which the residency of the student is in dispute. However, if a final determination is made that the District is not the school district of residence, the cyber charter school shall return all funds provided on behalf of that student to the District within thirty (30) days.

A cyber charter school and the parent or guardian of a District resident student enrolled in a cyber charter school shall provide written notification to the District within fifteen (15) days following the withdrawal of a student from the cyber charter school.

4. GUIDELINES

A. Charter Schools and Cyber Charter Schools

1. Applicable Laws

Each approved charter school and cyber charter school shall be subject to all federal and State laws prohibiting discrimination in admissions, employment and operation on the basis of disability, race, creed, color, gender, national origin, religion, ancestry or need for special education services.

Each approved charter school shall comply with all federal and state laws and regulations covering students with disabilities.

Each approved charter school or cyber charter school shall also be subject to other applicable laws and regulations, including but not limited to:

- *The Pennsylvania Sunshine Act
- *The Pennsylvania Fair Educational Opportunities Act
- *Act 116 of 1995 (eye protective devices for persons engaged in hazardous activities in schools)
- *Section 4 of Act 541 of 1996 (relating to scholarships and providing funds to secure federal funds for qualified students)
- *Act 181 of 1972 (relating to drug and alcohol abuse)
- *Act 175 of 1986 (relating to anti-hazing)
- * Section 1, Act 104 (relating to letting certain contracts for the erection, construction, and alteration of public buildings)
- *The Prevailing Wage Act
- *The Steel Products Procurement Act
- *The Public Works Contractors' Bond Law of 1967
- *The Individual with Disabilities Education Act
- *The Family Education Rights and Privacy Act
- * The Rehabilitation Act of 1973
- *The Americans with Disabilities Act
- *Applicable provisions of the School Code
- *The Pennsylvania Ethics Act (with respect to Trustees of the Board) and Administrators of Charter Schools or cyber charter schools
- *The Right to Know Act

2. Enrollment

All resident children of the Commonwealth qualify for admission to a charter school or cyber charter school, provided that they meet the reasonable criteria established by the charter school or cyber charter school, as outlined in the school's charter, and consistent with Section 17-1723-A of the School Code. The first preference relative to enrollment in a **charter school** approved by the Board shall be given to a student who resides in the District. In addition, a charter school or cyber charter school may give preference in enrollment to a child of a parent who has actively participated in the development of a charter school or cyber charter school and to siblings of students presently enrolled in a charter school or cyber charter school.

In the event that the number of applicants for the approved charter school or cyber charter school exceeds the number of student slots available, the charter school or cyber charter school shall engage in a random and non-discriminatory selection process to determine its student roster.

If available classroom space permits, a **charter school** may enroll non-resident students on a space-available basis, and the student's district of residence shall permit the student to attend the **charter school**.

3. Participation in District Extracurricular Activities

Students enrolled in an approved charter school or cyber charter school shall be permitted to participate in any athletic events, clubs, groups or other extracurricular activities of the Chartiers Houston School District so long as they fulfill all requirements of participation as applicable to students of the District, and the charter school or cyber charter school does not provide the same activity.