

CHARTER SCHOOLS

Background

The Mt. Lebanon School Board believes that parents, teachers, pupils and community members have a right and responsibility to participate in designing the public school programs that will serve them. The Commonwealth of Pennsylvania has authorized Charter Schools to provide an opportunity for parents, teachers and community members to establish and maintain schools that operate independently from the existing school district structure, as a method of: (i) improving pupil learning; (ii) increasing learning opportunities for all pupils; (iii) encouraging the use of different and innovative teaching methods; (iv) creating new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site; and (v) providing parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system. The Board shall evaluate applications submitted for Charter Schools located within the District in accordance with the requirements of the Charter School Law, Act 22 of 1997, and those established by the Board. The Board shall reasonably cooperate with individuals and groups submitting proposals and applications for Charter Schools.

Definitions

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

"Local Board of School Directors" or "Board" means the Board of Directors of the Mt. Lebanon School District.

"Regional Charter School" means an independent public school established and operated under a charter from more than one Local Board of School Directors. The Board of each District involved must approve such Regional Charter School application by a majority vote of all of its members.

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

The "Board of Trustees" of a Charter School shall be classified as public officials and shall have the authority to decide matters related to the operation of the Charter School including, but not limited to budgeting, curriculum and operating procedures, subject to the school's charter. The Board of Trustees shall consist of not less than five members. No member of the Local Board of Directors or a member of the District's administration may serve on the Board of Trustees of a

Charter School that is located within Mt. Lebanon School District or a Regional Charter School in which the District is involved.

Objectives

The objectives of this policy are to establish and communicate: (i) the School District's procedure for applying for a charter, including the format for such an application; (ii) the information that must be included within such an application; (iii) the procedures to be followed and criteria to be considered by the Board in reviewing and evaluating an application for a charter; (iv) criteria that must be satisfied for a charter to be granted; and (v) the District's role in evaluating the performance of any Charter School approved and holding such school accountable for meeting measurable academic standards.

Policy

It is the policy of the District that all new and/or renewal applications for Charter Schools, including Regional Charter Schools, be consistently and fairly reviewed and considered in accordance with the requirements of the Charter School Law and the requirements set forth below.

Application Process

In order to assure consistency and completeness of Charter School applications received by the District, and to assist the Board in reviewing and evaluating such applications, any application for a Charter School shall be submitted to the Board in a format set forth in a Board-approved application form which shall be available upon request in the Superintendent's Office. Such Charter School applications shall consist of the following components: (i) School Design, (ii) Needs Assessment, (iii) Description of Founding/Management Team, (iv) Finance and Facility, and (v) Implementation and Administration.

Applications for Charter Schools must contain all of the information specified in the Charter School Law and any additional information required by the Board, including but not limited to: (i) identification of the Charter School applicant and proof of its non-profit, non-sectarian status; (ii) name of the proposed Charter School; (iii) age and grade levels to be served by the school; (iv) governance structure and how its trustees will be elected or appointed; (v) its mission and educational goals; (vi) admission policies; (vii) student discipline, suspension and expulsion procedures; (viii) how the community will be involved in the school's planning process; (ix) financial plans; (x) how parental complaints will be reviewed; (xi) physical facility description and ownership or lease information; (xii) calendars; (xiii) proposed faculty; (xiv) extracurricular activities participation; (xv) criminal record checks; (xvi) child abuse clearance statements; and (xvii) how the Charter School will provide adequate liability and other appropriate insurance. The application shall include specific directions to the applicant including what types of information and documentation must be submitted to enable the Board to adequately analyze whether the application complies with the terms of this Policy, the Charter School Law and the requirements of the Board.

Completed Charter School applications and any necessary accompanying documentation shall be submitted to the District Superintendent's Office by not later than November 15 of the year preceding the establishment of the Charter School. The Superintendent and/or their designee(s) shall be responsible for communicating with applicants and shall reasonably cooperate with such applicants to the extent required by the Charter School Law. The applicants, and not the District, will be responsible for accumulating information and completing the application.

The Board shall ensure that each Charter School application provides appropriate assurances of compliance with the requirements of the Charter School Law, applicable provisions of the School Code and any additional requirements established by the Board. In evaluating a Charter School application, the Board may consult with and/or seek the advice of such persons as may be appropriate; however, such advice or input shall not be controlling.

Within forty-five (45) days of receipt of a Charter School application, the Board shall hold at least one public hearing on such application in accordance with the requirements of the Charter School Law and the Sunshine Act.

Charter School applications shall be evaluated by the Board based on criteria established by law and any additional criteria as may be determined by the Board, including, but not limited to: (i) the demonstrated, sustainable support for the Charter School plan by teachers, parents, other community members and students, including comments at the public hearing(s) on such application; (ii) the capability of the Charter School applicant, in terms of support and planning, to provide comprehensive learning experiences to students pursuant to the charter; (iii) the extent to which the application provides the information required by the Charter School Law and the Board approved application; (iv) the extent to which the proposed school will provide opportunities for improved pupil learning, increased learning opportunities, encourage the use of different or innovative teaching methods and provide new opportunities for teachers and expanded choices for parents and students; (v) the potential for the Charter School to serve as a model for other public schools; and (vi) the need for such a school in the Mt. Lebanon community. The Board reserves the right to request from the charter school applicant such additional information and/or documentation as may be necessary and appropriate to assist the Board in evaluating such application.

When evaluating a Charter School application, the Board shall consider the proposed Charter School's apparent capacity and ability to provide an appropriate free education to all students, including special education students. Unless otherwise required by applicable law, the District shall not be responsible to provide special education services to a Charter School.

Consistent with the above stated reasons for approving a Charter School application, the proposed Charter School's education program and facilities will be evaluated against the programs, facilities and standards in place in the Mt. Lebanon School District. An application may be denied if these standards are not met.

In determining whether there is sufficient demonstrated sustainable public support to approve a Charter School application, the Board will consider evidence to that regard prior to the Board's determination, including but not limited to commitments from parents to send their students to the proposed school. The Board will not base its determination on support which is anticipated or projected to develop if a charter is granted.

A Charter School application shall be approved or denied by a majority vote of all Board members at a public meeting, in accordance with the Sunshine Act, to be held at least forty-five (45) but not more than seventy-five (75) days after the first public hearing on such application. A Regional Charter School shall not be approved unless each local Board of Directors of all such Districts involved in such application approves same by a majority vote of each Board.

Written notice of the Board's decision shall be sent to the applicant, the Department of Education and the Appeal Board. If the application is denied, such written notice shall include the reasons for denial and a clear description of application deficiencies.

The Board shall re-evaluate denied applications that are amended/revised and resubmitted. The Board may schedule additional hearings, and shall consider the revised and resubmitted application at the first Board meeting occurring at least forty-five (45) days after receipt of the revised application by the Board.

Issuance and Renewal of Charters

Upon approval of a Charter School application, the Board and the Charter School's Board of Trustees shall issue a charter incorporating by reference the application. Such charter shall set forth the terms and conditions on which the charter is granted and shall be binding on both the District and the Charter School. Such charter shall be for a period of at least three (3) years and not more than five (5) years as determined by the Board and may be renewed for additional five (5)-year terms. The Board shall conduct a comprehensive review and evaluation of the Charter School prior to granting any renewal of the charter. The Board shall have the right to require any information that the Board determines to be relevant in considering whether a charter will be approved or renewed.

A 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. Such Charter School must also follow and comply with applicable Pennsylvania laws and regulations including applicable sections of the School Code as set forth in the Charter School Law.

The Board shall annually assess whether the Charter School is meeting the goals and requirements of its charter. The Charter School shall submit a comprehensive annual report to the Board and the State Secretary of Education, on the form prescribed by the Secretary, by no later than August 1 of each year. The Board shall have ongoing access to the records and facilities of the Charter School to ensure that the Charter School is meeting all the requirements

of its charter, Board policy and applicable laws and to determine whether requirements for testing, civil rights and student health and safety are being met. In cases where the health or safety of the Charter School's students, staff or both is at serious risk, the Board may take immediate action to revoke a charter.

During the term of the charter or after the comprehensive review at the end of the term of the charter, the Board may choose to revoke or not to renew the charter based on any of the following: (i) One or more material violations of any of the conditions, standards or procedures contained in the written charter; (ii) failure to meet the requirements for student performance set forth in 22 Pa. Code Ch. 5 (relating to curriculum) or subsequent regulations promulgated to replace 22 Pa. Code Ch. 5 or failure to meet any performance standard set forth in the charter; (iii) failure to meet generally accepted standards of fiscal management or audit requirements; (iv) violation of provisions of the Charter School Law; (v) violation of any provision of law from which the Charter School has not been exempted, including federal laws and regulations governing children with disabilities; and/or (vi) the Charter School has been convicted of fraud.

Liability/Insurance/Risk Management

The Board affirms that the Board of Trustees of a Charter School and the Charter School shall be solely liable for any and all damages and costs of any kind, including legal fees, resulting from any legal challenges involving the operation of the Charter School. The Board and/or the District shall not be held liable for any activity or operation related to the program or operation of a Charter School. A Charter School shall execute an indemnification and hold harmless agreement in which it agrees to indemnify, insure and defend the School District in any claims or from any liability related to the operation of said Charter School so that the School District, its Board, employees and agents are protected in any litigation related to the operation of the Charter School.

The Charter School shall adequately protect against liability and risk through an active risk management program. The program shall include proof of purchase of insurance coverage as required by the Board. Minimum coverages and levels of appropriate coverages shall be established in the charter, subject to revision from time to time by the Board in its discretion.

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

Charter School Employee Health Benefits

The Charter School application shall provide that every Charter School employee shall have the same health care benefits as would be provided if they were an employee of the District.

To the extent required by law, Charter School employees may participate in the District's health insurance plans so long as such participation is at no expense to the District.

Employment of District Employees at Charter Schools

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 District or in a Regional Charter School in which the District is a participant. Professional and temporary professional employees shall have the right to return to a comparable position within the District upon expiration of such leave of absence or leaving the employment of such Charter Schools, except for reasons justifying discharge of employment. Professional or temporary professional employees may not be returned to employment until they provide the District with necessary criminal history records and clearance certificates concerning child injury or abuse from the Department of Public Welfare. Temporary professional employees shall not accrue tenure based upon time of service at a Charter School while on leave from the District.

Transportation

The District shall provide transportation to resident students attending a Charter School located in the District, a Regional Charter School of which the district is a member, and a Charter School located within ten (10) miles outside District boundaries, in accordance with distance requirements established for District students. Transportation shall be provided to Charter School students on the dates and periods that the charter school is in session, regardless of whether transportation is provided to district students on those days. Non-resident students shall be provided with transportation only to the extent required by applicable law.

Participation in District Programs

The Board shall approve participation in the District's extracurricular activities and interscholastic athletic programs by a student enrolled in a Charter School who meets all the conditions stated in Board policy and the Charter School does not provide the same extracurricular activity or interscholastic athletic program.

The Board shall not provide individual transportation for students enrolled in Charter Schools who participate in the District's extracurricular activities or interscholastic athletic programs. When the District provides transportation to and from an away competition, game, event or exhibition and requires district students to use District transportation, Charter School students shall be required to use the transportation provided by the district.

The Board may require the Charter School to pay the cost of the expenses for its students' participation in the district's extracurricular activities or interscholastic athletic programs.

A Charter School student may only participate in extracurricular activities and interscholastic athletic programs at the school building closest to the Charter School or at the school building the student would be assigned to if they were enrolled in the District.

The following conditions shall govern participation in the District's extracurricular activities and interscholastic athletic programs by eligible Charter School students, who shall:

1. Be a resident of the school district.
2. Meet the required eligibility criteria.
3. Maintain appropriate insurance coverage, consistent with the coverage requirements for District students.
4. Comply with Board policies and school rules and regulations regarding extracurricular activities, interscholastic athletics, and student discipline.
5. Comply with policies, rules and regulations of the activity's governing organization.
6. Meet attendance and reporting requirements established for all participants of the activity or program.
7. Meet the requirements for physical examinations, physical fitness and any height and/or weight restrictions.
8. Comply with all requirements and directives of the district staff, coaches and administrators involved with the extracurricular activity or interscholastic athletic program.

Students who elect to attend Charter Schools shall not be permitted to participate in District curricular programs.

Administrative Responsibility

It shall be the responsibility of the Administration to:

- (1) Assist the Board of Directors as may be necessary to develop procedures to implement this Policy, to review and evaluate applications for Charter Schools, to conduct reviews/evaluations of Charter Schools and to assist the Board in determining whether to renew charters.
- (2) To monitor the operations of a Charter School or Regional Charter School as may be necessary.

Communication

The Administration shall communicate the policy to all persons, groups or organizations desiring to apply for a Charter School. This policy and the application form shall be available in the District Superintendent's Office upon request.

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